

# ***The Federal Process In Florida***

*Presented by:*

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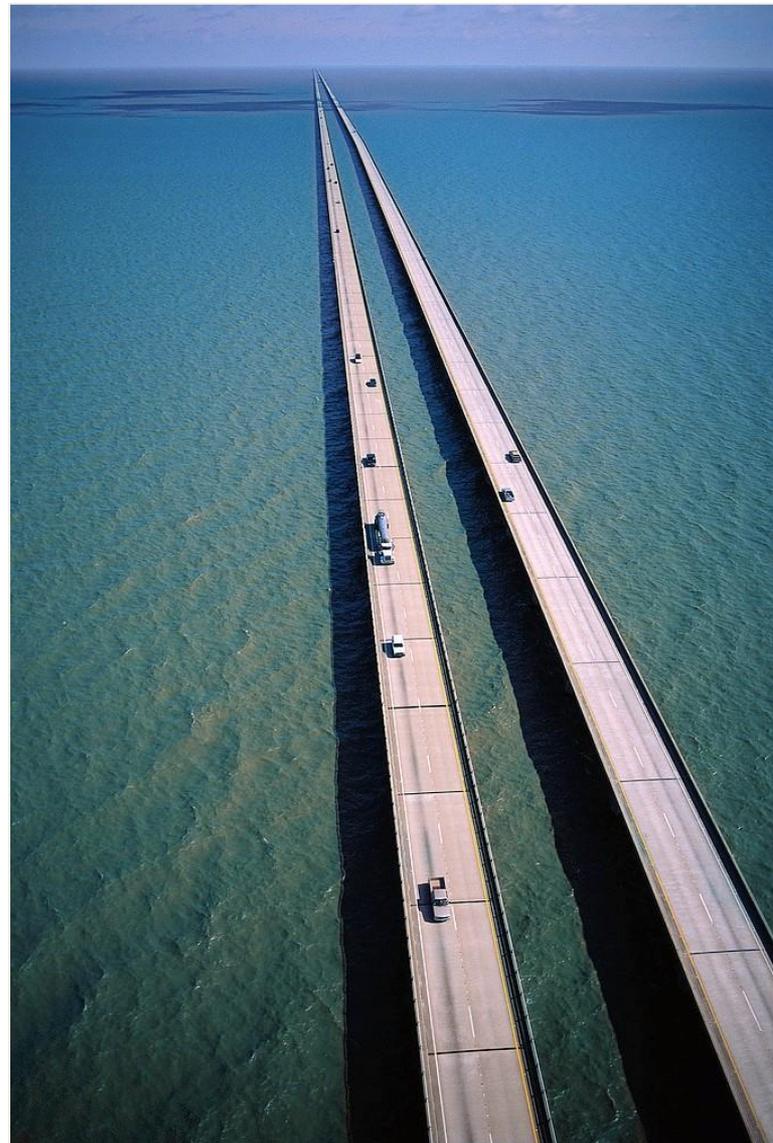
# Outline

## Day 1

- ◆ Class of Action Overview

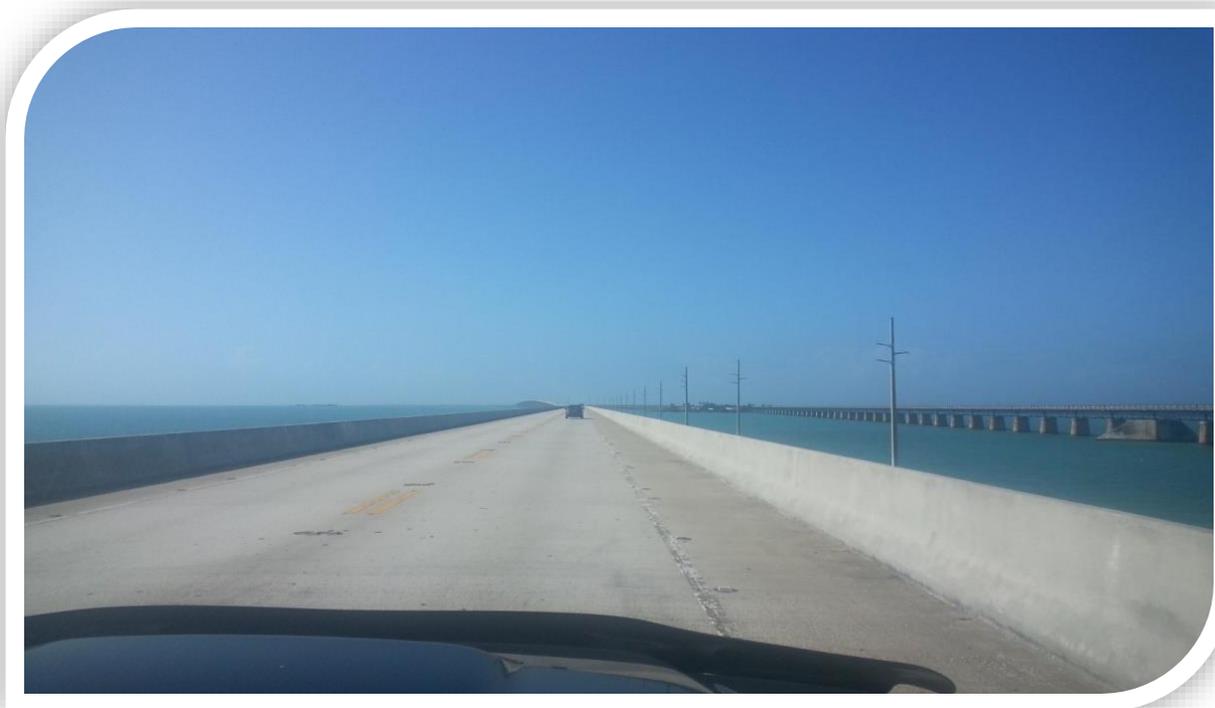
## Day 2

- ◆ Project Examples
- ◆ Project Documentation
- ◆ Practice Exercises



# *Day 1*

# *Class of Action Overview*



# *First Project Step*

- ◆ Determine if your project is a Federal Action
  - Listed in *Part 1, Chapter 2*
    - *Environmental Class of Action Determination*



# ***Federal Actions***

- ◆ Federal funds or assistance is expected to be used during any phase of project development or implementation
- ◆ Federal funding or assistance eligibility is being maintained for subsequent phases
- ◆ Federal permit(s) is (are) required when based on consultation, the federal permitting agency has determined that a NEPA document is required to support the permit
- ◆ Federal approval of an action is required



# ***LAP Projects are Federal Actions***

- ◆ Local Agency Projects (LAP) are federal actions
- ◆ Require FDOT oversight and FHWA approval
- ◆ LAP Agencies cannot recommend a COA to FHWA
- ◆ Funds must already be programmed
- ◆ Must fulfill FHWA's planning consistency requirements as the project advances

# ***Federal Action***

- ◆ If your project is a Federal Action
  - Class of Action will need to be determined
  - No set requirement for exactly when Class of Action needs to be determined (must be before FHWA review)

# ***What is Class of Action?***

- ◆ Type of document or level of documentation that is required for a federal project
- ◆ Determined primarily on past experience, and knowledge of project impacts



# ***Class of Action***

- ◆ Defined by the Council on Environmental Quality
  - Class I: Environmental Impact Statements (EISs)
  - Class II: Categorical Exclusions (CEs)
  - Class III: Environmental Assessments (EAs)
- ◆ FHWA and FTA – 23 CFR 771
- ◆ FRA has separate guidelines

# ***Class of Action***

- ◆ Categorical Exclusion- No significant environmental impact
- ◆ Environmental Assessment - Significance not clear, question of significance
- ◆ Environmental Impact Statement - Significant impact to human/natural/physical environment

# *What is Significance?*

- ◆ No clear cut definition
- ◆ Based on past knowledge and experience
- ◆ Determined in coordination with FHWA
- ◆ Perceived Impact
  - NEPA Regulations
    - 40 CFR Section 1508.27*
      - Context
      - Intensity

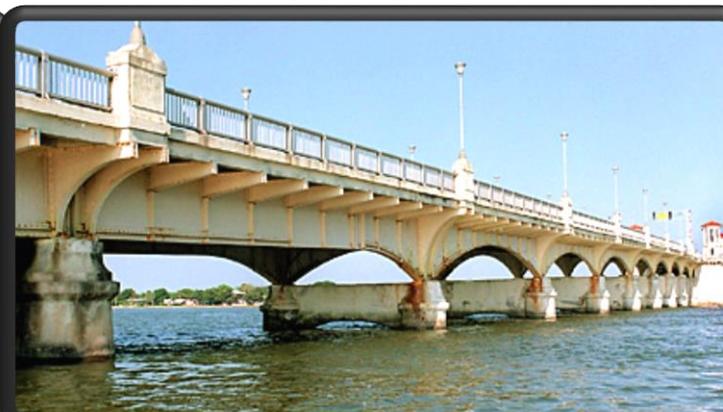
**The determination of significance per NEPA requires considerations of both context and intensity:**

**Context:** Context refers to the geographic, physical, natural, economic, and social settings of the action. The context is both the broader arena (society as a whole or watershed, for example) and the narrower environment (such as a specific neighborhood or stream).

**Intensity:** This refers to the severity of impact. Responsible officials must bear in mind that more than one agency may make a decision about partial aspects of a major action. The severity of the impacts must be viewed in both the larger and smaller contexts applicable to the action.

# *Class of Action*

- ◆ **Categorical Exclusion- No significant environmental impact**
- ◆ Environmental Assessment - Significance not clear, question of significance
- ◆ Environmental Impact Statement - Significant impact to human/natural/physical environment



# ***Categorical Exclusions***

- ◆ Projects, based upon past experience with similar actions, do not individually or cumulatively have a significant environmental effect
- ◆ Are not excluded from NEPA
- ◆ Are excluded from the requirement to prepare an EA or EIS
- ◆ Flexible documents that vary based on level of coordination and documentation needed to support the determination that an EA or EIS is not needed
- ◆ Level of detail required depends on level of impacts and circumstances
- ◆ Do not require consideration of multiple alternatives

# ***To Qualify as a Categorical Exclusion***

- ◆ It must be sufficiently evident that the project will not :
  - Induce significant impacts to planned growth or land use for the area
  - Require the relocation of significant numbers of people
  - Have a significant impact on any natural, cultural, recreational, historic, or other resource
  - Involve significant air, noise, or water quality impacts
- ◆ Listed in *23 CFR 771.117(a)* and *Part 1, Chapter 2*

# ***FHWA Florida Division Categorical Exclusions***

- ◆ **Type 1 Categorical Exclusion**
- ◆ Programmatic Categorical Exclusion (PCE)
- ◆ Type 2 Categorical Exclusion



# ***Type 1 Categorical Exclusions***

- ◆ Actions or Projects determined to be Type 1 Categorical Exclusions listed in:
  - *23 CFR 771.117(c)*
  - *Part 1, Chapter 2*
- ◆ Non construction activities or limited construction activities
- ◆ Must qualify as a CE
  - *23 CFR 771.117(a)*

# Examples of Type 1 Categorical Exclusions



# ***FHWA Florida Division Categorical Exclusions***

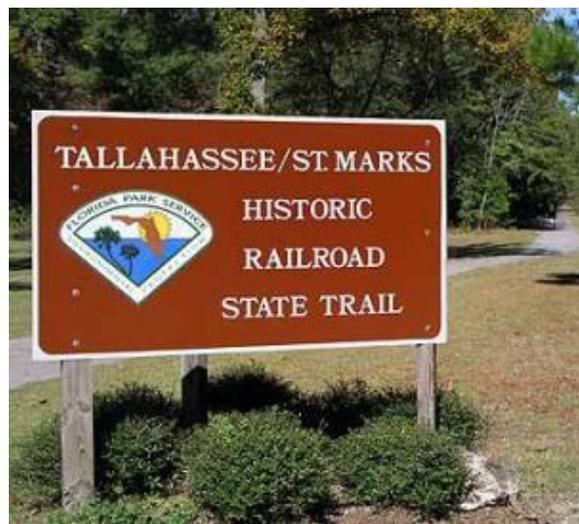
- ◆ Type 1 Categorical Exclusion
- ◆ **Programmatic Categorical Exclusion (PCE)**
- ◆ Type 2 Categorical Exclusion



# ***Programmatic Categorical Exclusions***

- ◆ Actions or Projects determined to be Programmatic Categorical Exclusions
  - Specific to Florida
  - Agency Operating Agreement
    - Florida Division FHWA
    - FDOT
  - Listed in *Part 1, Chapter 2*
- ◆ Must qualify as a CE

# Examples of Programmatic Categorical Exclusions



# *Type 1 and PCE Projects*

- ◆ **Not screened in the EST**
- ◆ May go through the MiCE process
- ◆ Indirect and cumulative impact assessments are generally not warranted
- ◆ Do not require a Public Hearing
- ◆ Prepare a Type 1 and Programmatic Categorical Exclusion Checklist



# ***FHWA Florida Division Categorical Exclusions***

- ◆ Type 1 Categorical Exclusion
- ◆ Programmatic Categorical Exclusion (PCE)
- ◆ **Type 2 Categorical Exclusion**



# *Type 2 Categorical Exclusions*

- ◆ If a project qualifies as a CE and is not on the Type 1 or PCE lists:
  - It may qualify to be screened in the EST or
  - May be developed through the MiCE Process

# ***EST Qualifying Projects***

- ◆ Roadway Projects
  - Additional through lanes which add capacity to an existing road
  - A new roadway, freeway or expressway
  - A highway which provides new access to an area
  - A new or reconstructed arterial highway (e.g., realignment)
  - A new circumferential or belt highway that bypasses a community
  - Addition of interchanges or major interchange modifications to a completed freeway or expressway (based on coordination with FHWA)
  - A new bridge which provides new access to an area, bridge replacements (e.g., non PCE)
- ◆ Qualifications for Public Transportation Projects
- ◆ Part 1, Chapter 2 of the PD&E Manual
- ◆ Chapter 2 of the ETDM Manual

# *Type 2 Categorical Exclusions*

- ◆ Not required to be screened through the EST
- ◆ Do not require screening of multiple alternatives
- ◆ Indirect and cumulative impact assessments are generally not warranted
- ◆ May or may not require a Public Hearing

# *Type 2 Categorical Exclusions*

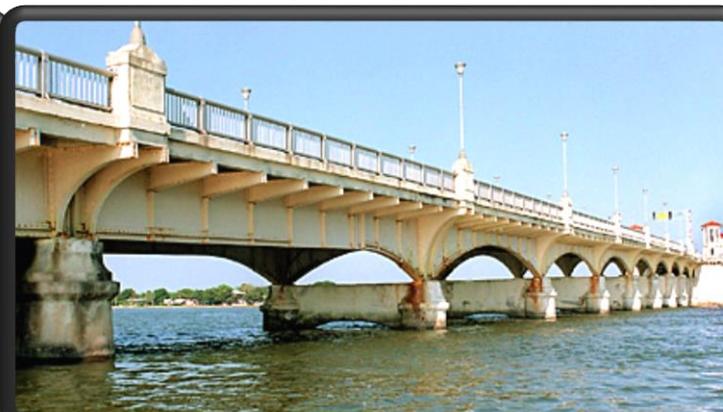
- ◆ Require additional documentation to support the determination that an EA or EIS is not needed
  - The level of detail depends upon the type(s) and level of environmental impacts
- ◆ Prepare a Type 2 Categorical Exclusion Determination Form
  - *Part 1, Chapter 5*

# *Typical Type 2 CE Projects*

- ◆ Projects with NO significant impacts
  - Roadway widening
  - New interchange
  - Bridge replacement (depends on issues)

# *Class of Action*

- ◆ Categorical Exclusion- No significant environmental impact
- ◆ **Environmental Assessment - Significance not clear, question of significance**
- ◆ Environmental Impact Statement - Significant impact to human/natural/physical environment



# ***Environmental Assessment***

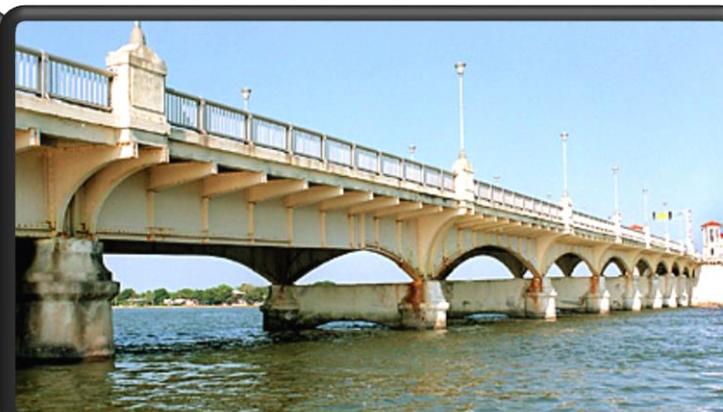
- ◆ Not sure if environmental impacts are significant
- ◆ Class of Action can be determined in Programming Screen
- ◆ Acceptance Required by FHWA
- ◆ Public Hearing is required
- ◆ Prepare Environmental Assessment
  - *Part 1, Chapter 6*
- ◆ Resulting Federal Determination
  - Finding of No Significant Impact
    - *Part 1, Chapter 7* or
  - Need to prepare an Environmental Impact Statement
    - *Part 1, Chapters 8 and 9*

# *Typical EA Projects*

- ◆ Projects with potential for considerable ROW acquisition
  - Roadway widening
  - New water crossings
  - Bridge replacements (depends on issues)

# ***Class of Action***

- ◆ Categorical Exclusion- No significant environmental impact
- ◆ Environmental Assessment - Significance not clear, question of significance
- ◆ **Environmental Impact Statement - Significant impact to human/natural/physical environment**

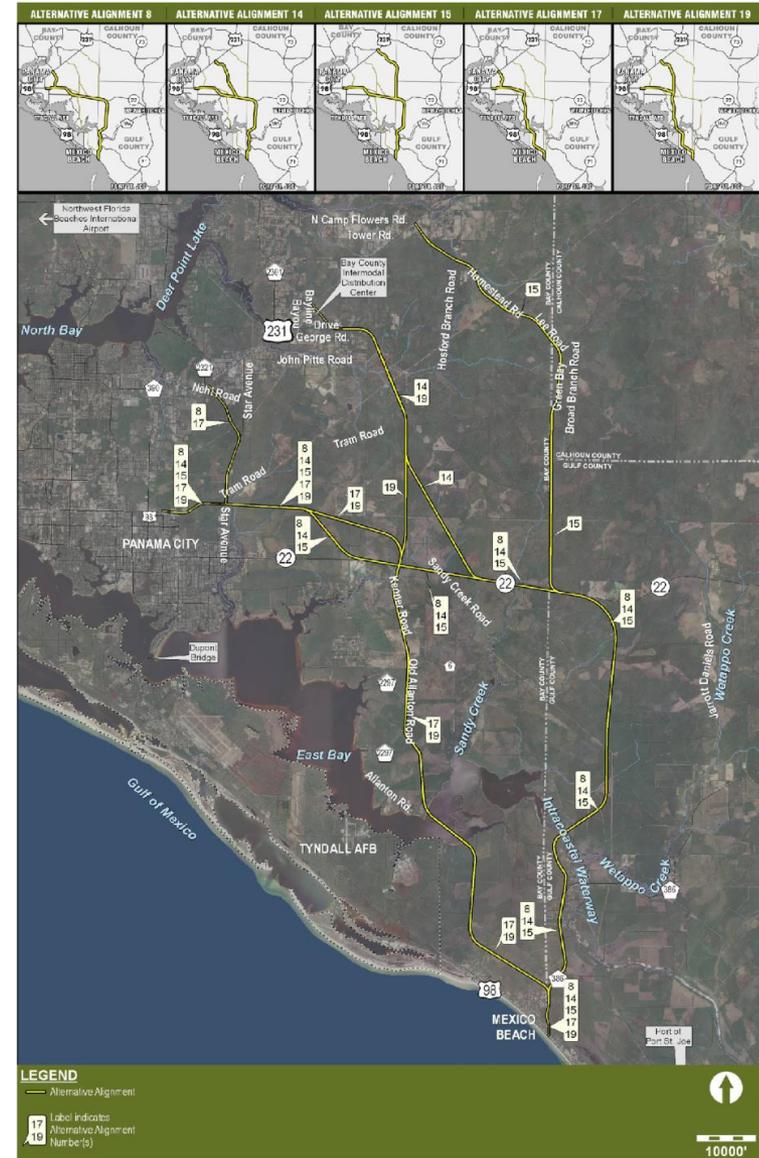


# ***Environmental Impact Statement***

- ◆ Significant impacts to human, natural, and/or physical environment
- ◆ Class of Action can be determined in Programming Screen
- ◆ COA acceptance Required by FHWA
- ◆ Prepare a Draft Environmental Impact Statement
  - *Part 1, Chapter 8*
- ◆ A Public Hearing is required
- ◆ Prepare a Final Environmental Impact Statement
  - *Part 1, Chapter 9*
- ◆ Resulting Federal Determination
  - Record of Decision

# Typical EIS Projects

- ◆ Projects that might be an EIS include:
  - New Controlled-Access Freeway
  - New road, or road extension in a new location

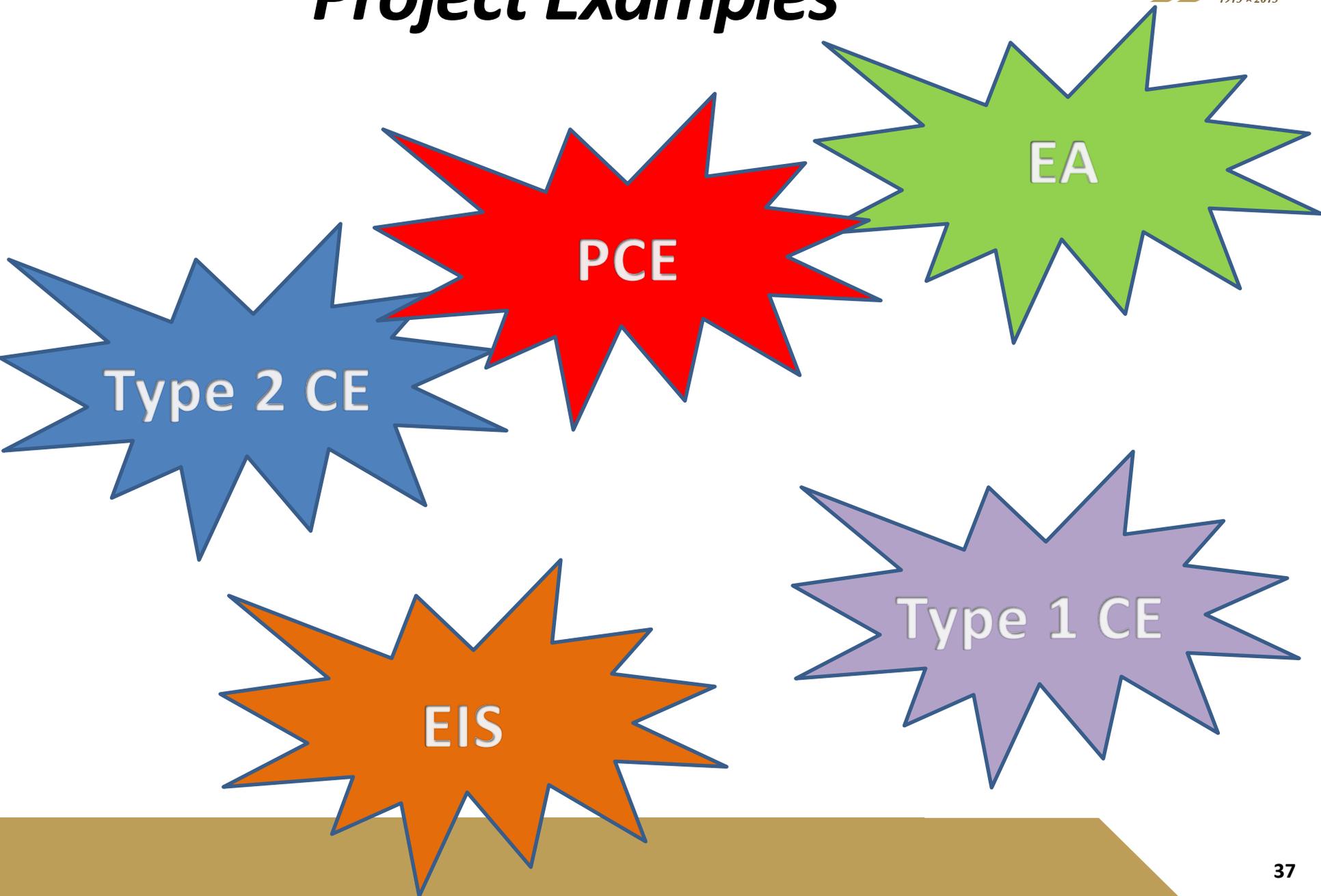


# *Change of Class of Action*

- ◆ District or FHWA may revisit the COA determination
  - Prior to beginning PD&E
  - During PD&E
- ◆ Changes in the COA could arise
  - If there are changes in the project's scope or
  - Changes in impact status of issues/resources

# *Day 2*

# *Project Examples*



Type 2 CE

PCE

EA

EIS

Type 1 CE

# ***Project Example 1- Type 1 CE***

- ◆ New bike path in existing ROW
- ◆ What we know
  - Federal Action
  - Is a project type listed in 23 *CFR* 771.117(c) and Type 1 CE list in *Part 1, Chapter 2*
    - *3. Construction of bicycle and pedestrian lanes, paths, and facilities.*

# *Type 1 Categorical Exclusion*

- ◆ Do not screen it in the EST
- ◆ Evaluate potential environmental impacts.  
May use:
  - GIS tools
  - Field review
  - Local knowledge
- ◆ May require coordination with resource agencies based on impacts

# Project Example 1 Issues

- A wetland is located in the ROW
- Historic properties may be 400 ft.
- Ends at a sidewalk across the street from a park
- No significant impacts- Qualifies as a CE
  - *23 CFR 771.117(a)*
- ◆ Complete the Type 1 and Programmatic Categorical Exclusion Checklist



# Type 1 and Programmatic Categorical Exclusion Checklist (2014)

## TYPE 1 AND PROGRAMMATIC CATEGORICAL EXCLUSION CHECKLIST

Financial Management No. \_\_\_\_\_  
 FAP No. \_\_\_\_\_

Project Description (include project title, limits, and brief description of the proposed scope of work): \_\_\_\_\_

	YES	NO
1. Will the project cause adverse impacts to local traffic patterns, property access, or community cohesiveness, or planned community growth or land use patterns?	___	___
2. Will the project cause adverse impacts to air, noise and water?	___	___
3. Will the project cause adverse impacts to wetlands requiring a federal finding?	___	___
4. Will the project cause adverse impacts to navigation requiring a federal finding or permit?	___	___
5. Will the project cause impacts to floodplains in accordance with Part 2, Chapter 24?	___	___
6. Will the project affect endangered and threatened species or their critical habitats requiring a federal finding?	___	___
7. Will the project require acquisition of a significant amount of right-of-way?	___	___
8. Will the project require relocation of residents or businesses?	___	___
9. Is there any potential involvement with properties protected under Section 4(f) requiring a finding from FHWA in accordance with Part 2, Chapter 13?	___	___
10. Are there any properties protected under Section 106 that may be affected by the project? Coordination with SHPO (or THPO as appropriate) per Part 2, Chapter 12 of this manual should occur if potential adverse impacts to these properties are identified, requiring a federal finding.	___	___
11. Are there any known potential contamination sites which would impact right-of-way, design, or construction activities, or other issues/resources? (see Part 2, Chapter 22 for specifics on contamination impacts)	___	___
12. Will the project require a public hearing or an opportunity for a public hearing?	___	___

**IMPORTANT:** If all answers are **No**, the project is a Type 1 or PCE and this checklist will be the NEPA document. If the answer to any of these questions is **Yes**, follow the Minor Categorical Exclusion Determination Key and coordinate with FHWA as appropriate.

Financial Management No. \_\_\_\_\_  
 FAP No. \_\_\_\_\_

Project Description: (include project title, limits, and brief description of the proposed scope of work) \_\_\_\_\_

**FINDING:**  
 This project has been evaluated and has been determined to meet the conditions as set forth in the PD&E Manual, Part 1, Chapter 2; therefore:

\_\_\_ This project is a Type 1 Categorical Exclusion under [23 CFR 771.117(c)] effective November 27, 1987.

\_\_\_ This project is a Programmatic Categorical Exclusion per FHWA, FTA, and FDOT Agency Operating Agreement executed on February 12, 2003.

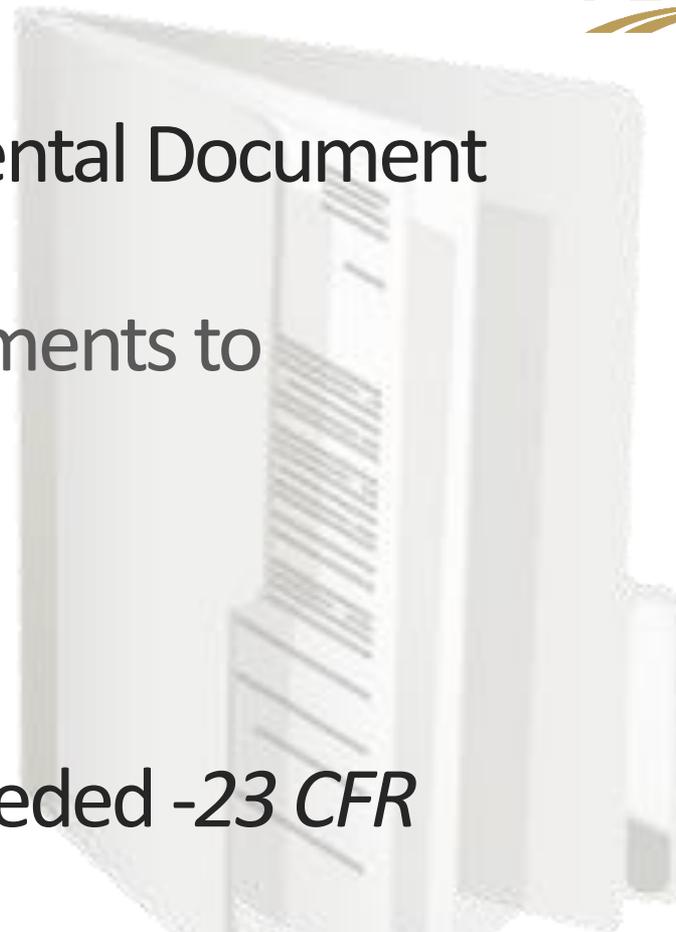
Reviewer: \_\_\_\_\_ Date: \_\_\_\_\_

The following is a list of any supporting activities (e.g., field reviews, as appropriate, etc.), reports, or technical studies that were prepared and are included in the project file that were necessary to support the conclusions reached on the checklist.

- \_\_\_\_\_
- \_\_\_\_\_
- \_\_\_\_\_
- \_\_\_\_\_

# Documentation

- ◆ The checklist is your Environmental Document
- ◆ Maintain a project file
  - Include any supporting documents to substantiate the findings
    - Agency coordination
    - Technical memos
- ◆ Approval is delegated to FDOT
- ◆ No further FHWA approvals needed -23 *CFR* 771.117(c)
- ◆ Prepare a status of Environmental Certification Form



# ***Project Example 2- Programmatic Categorical Exclusion***

- ◆ Extending the acceleration lane of an existing exit ramp
- ◆ What we know
  - Federal Action
  - Is a project type listed as PCE in *Part 1, Chapter 2*
    - *1. Adding or lengthening turning lanes (including continuous turn lanes), intersection improvements, channelization of traffic, dualizing lanes at intersection and interchanges, auxiliary lanes, and reversible lanes...*

# ***Programmatic Categorical Exclusion***

- ◆ Do not screen it in the EST
- ◆ Evaluate potential environmental impacts.  
May use:
  - GIS tools
  - Field review
  - Local knowledge
- ◆ May require coordination with resource agencies

# Project Example 2 Issues

- Contaminated site (gas station) within 50 ft
- Drainage is proposed as French drains
- No significant impacts- Qualifies CE
  - *23 CFR 771.117(a)*
- ◆ Complete the Type 1 and Programmatic Categorical Exclusion Checklist



# Type 1 and Programmatic Categorical Exclusion Checklist (2014)

## TYPE 1 AND PROGRAMMATIC CATEGORICAL EXCLUSION CHECKLIST

Financial Management No. \_\_\_\_\_  
 FAP No. \_\_\_\_\_

Project Description (include project title, limits, and brief description of the proposed scope of work): \_\_\_\_\_

	YES	NO
1. Will the project cause adverse impacts to local traffic patterns, property access, or community cohesiveness, or planned community growth or land use patterns?	___	___
2. Will the project cause adverse impacts to air, noise and water?	___	___
3. Will the project cause adverse impacts to wetlands requiring a federal finding?	___	___
4. Will the project cause adverse impacts to navigation requiring a federal finding or permit?	___	___
5. Will the project cause impacts to floodplains in accordance with Part 2, Chapter 24?	___	___
6. Will the project affect endangered and threatened species or their critical habitats requiring a federal finding?	___	___
7. Will the project require acquisition of a significant amount of right-of-way?	___	___
8. Will the project require relocation of residents or businesses?	___	___
9. Is there any potential involvement with properties protected under Section 4(f) requiring a finding from FHWA in accordance with Part 2, Chapter 13?	___	___
10. Are there any properties protected under Section 106 that may be affected by the project? Coordination with SHPO (or THPO as appropriate) per Part 2, Chapter 12 of this manual should occur if potential adverse impacts to these properties are identified, requiring a federal finding.	___	___
11. Are there any known potential contamination sites which would impact right-of-way, design, or construction activities, or other issues/resources? (see Part 2, Chapter 22 for specifics on contamination impacts)	___	___
12. Will the project require a public hearing or an opportunity for a public hearing?	___	___

**IMPORTANT:** If all answers are **No**, the project is a Type 1 or PCE and this checklist will be the NEPA document. If the answer to any of these questions is **Yes**, follow the Minor Categorical Exclusion Determination Key and coordinate with FHWA as appropriate.

Financial Management No. \_\_\_\_\_  
 FAP No. \_\_\_\_\_

Project Description: (include project title, limits, and brief description of the proposed scope of work) \_\_\_\_\_

**FINDING:**

This project has been evaluated and has been determined to meet the conditions as set forth in the PD&E Manual, Part 1, Chapter 2; therefore:

\_\_\_ This project is a Type 1 Categorical Exclusion under [23 CFR 771.117(c)] effective November 27, 1987.

\_\_\_ This project is a Programmatic Categorical Exclusion per FHWA, FTA, and FDOT Agency Operating Agreement executed on February 12, 2003.

Reviewer: \_\_\_\_\_ Date: \_\_\_\_\_

The following is a list of any supporting activities (e.g., field reviews, as appropriate, etc.), reports, or technical studies that were prepared and are included in the project file that were necessary to support the conclusions reached on the checklist.

- \_\_\_\_\_
- \_\_\_\_\_
- \_\_\_\_\_
- \_\_\_\_\_

# Documentation

- ◆ The checklist is your Environmental Document
- ◆ Maintain a project file
  - Include any supporting documents to substantiate the findings
    - Agency coordination
    - Technical memos
- ◆ Approval is delegated to FDOT
- ◆ Prepare a status of Environmental Certification Form



# ***Project Example 3- Type 1 CE/MiCE***

- ◆ New trail in existing ROW
- ◆ What we know
  - Federal Action
  - Is a project type listed in *23 CFR 771.117(c)* and *Part 1, Chapter 2*
  - **A federal finding may be required**
- ◆ Coordinate with FHWA

# ***Project Example 3 Issues***

- ◆ Wetland impacts less than 2 tenths of an acre
- ◆ Within Core Foraging Area of storks
- ◆ May affect, not likely to adversely affect determination
- ◆ Coordinate with USFWS for coordination letter
- ◆ Anticipate concurrence
- ◆ Use the MiCE process



# *What is the MiCE Process?*



# ***Minor Categorical Exclusion (MiCE) Process***

- ◆ **MiCE is a process, not a Class of Action**
- ◆ Through MiCE you:
  - Incorporate and simplify issue/resource evaluation focusing the level of analysis
  - Clearly identify the relevant issues requiring resolution in the document
  - Focus documentation on the issues requiring resolution

# ***MiCE Process***

- ◆ Assess and document:
  - Existing conditions
  - Potential environmental impacts
    - Section 106, Section 4(f), ESA formal consultation, and tribal issues require federal findings
  - Anticipated/required consultations, permitting need(s)
  - Coordination with FHWA as appropriate

# ***Two Scenarios***

## ◆ Scenario 1

- Type 1 or PCEs, which may involve environmental impacts requiring additional analysis and documentation

## ◆ Scenario 2

- Projects that were screened in the EST or may qualify as a Type 2 CE
- The MiCE process can be used to focus the environmental analysis on the issues which triggered the Type 2 CE COA

# ***MiCE Determination Key***

- ◆ The key is a series of questions to guide you through determining the appropriate CE type and environmental documentation
- ◆ Figure 2.5, *Part 1, Chapter 2*

# Minor Categorical Exclusion Determination Key

## Minor Categorical Exclusion Determination Key

1. Was the project screened in the EST?

**No, go to 2**

Yes, go to 12

2. After analysis are findings needed to advance the project?

**No, go to 3**

**Yes, go to 4**

3. Districts may need to coordinate with agencies to meet regulatory and permit requirements (e.g., SHPO, FWS). Document with **Type 1 and Programmatic Categorical Exclusion Checklist**. Advance the project

4. After coordination with agencies do findings need to be made by FHWA?

**No, go to 5**

**Yes, go to 6**

5. Complete the **Type 1 and Programmatic Categorical Exclusion Checklist**. Attach summary of coordination and the findings to the checklist. Advance the project

6. Coordinate with FHWA on the issues/resources requiring findings. Is a FHWA signature required?

**No, go to 5**

Yes, go to 7

7. Do the impact(s) requiring findings affect other environmental issues/resources?

**No, go to 8**

Yes, go to 9

8. Document as a Type 2 CE focusing on resource/issue(s) that require resolution using the **Type 2 Categorical Exclusion Determination Form**. Summarize the coordination and attach the findings to the form. Submit for FHWA approval and advance appropriately

9. Do these impacts require changes to the preliminary design (coordinate with engineer)?

**No, go to 8**

Yes, go to 10

10. Are other issues/resources impacted by project changes?

**No, go to 8**

Yes, go to 11

11. Document as a Type 2 CE focusing on relevant issues that require resolution using the **Type 2 Categorical Exclusion Determination Form**. Provide supporting environmental and engineering documentation. Summarize the coordination and attach the findings for all affected issues to the form. Submit for FHWA approval and advance appropriately

12. Do impacts require engineering modifications that affect other issues?

**No, go to 11**

Yes, go to 13

13. Do the impacts to the other issues/resources require consideration of additional alternative(s)?

**No, go to 11**

Yes, go to 14

14. Document as a Type 2 CE focusing on relevant issues that require resolution using the **Type 2 Categorical Exclusion Determination Form**. Provide supporting environmental and engineering documentation. Requires alternatives analysis documented in a Preliminary Engineering Report. Summarize the coordination and attach the findings for all affected issues to the form. Submit for FHWA approval and advance appropriately.

# ***Project Example 3 - Stays a Type 1 CE***

- ◆ According to the Key our next steps are to:
  - Complete the Type 1 and Programmatic Categorical Exclusion Checklist
  - Attach a summary of coordination and the findings to the checklist
  - Advance the project

# ***Different Scenario***

- ◆ Let's say things turned out differently
- ◆ Formal consultation is needed with USFWS
- ◆ FHWA requests formal consultation with USFWS

# Minor Categorical Exclusion Determination Key

## Minor Categorical Exclusion Determination Key

1. Was the project screened in the EST?

No, go to 2  
 Yes, go to 12

2. After analysis are findings needed to advance the project?

No, go to 3  
 Yes, go to 4

3. Districts may need to coordinate with agencies to meet regulatory and permit requirements (e.g., SHPO, FWS). Document with **Type 1 and Programmatic Categorical Exclusion Checklist**. Advance the project

4. After coordination with agencies do findings need to be made by FHWA?

No, go to 5  
 Yes, go to 6

5. Complete the **Type 1 and Programmatic Categorical Exclusion Checklist**. Attach summary of coordination and the findings to the checklist. Advance the project

6. Coordinate with FHWA on the issues/resources requiring findings. Is a FHWA signature required?

No, go to 5  
 Yes, go to 7

7. Do the impact(s) requiring findings affect other environmental issues/resources?

No, go to 8  
 Yes, go to 9

8. Document as a Type 2 CE focusing on resource/issue(s) that require resolution using the **Type 2 Categorical Exclusion Determination Form**. Summarize the coordination and attach the findings to the form. Submit for FHWA approval and advance appropriately

9. Do these impacts require changes to the preliminary design (coordinate with engineer)?

No, go to 8  
 Yes, go to 10

10. Are other issues/resources impacted by project changes?

No, go to 8  
 Yes, go to 11

11. Document as a Type 2 CE focusing on relevant issues that require resolution using the **Type 2 Categorical Exclusion Determination Form**. Provide supporting environmental and engineering documentation. Summarize the coordination and attach the findings for all affected issues to the form. Submit for FHWA approval and advance appropriately

12. Do impacts require engineering modifications that affect other issues?

No, go to 11  
 Yes, go to 13

13. Do the impacts to the other issues/resources require consideration of additional alternative(s)?

No, go to 11  
 Yes, go to 14

14. Document as a Type 2 CE focusing on relevant issues that require resolution using the **Type 2 Categorical Exclusion Determination Form**. Provide supporting environmental and engineering documentation. Requires alternatives analysis documented in a Preliminary Engineering Report. Summarize the coordination and attach the findings for all affected issues to the form. Submit for FHWA approval and advance appropriately.

# Type 2 Categorical Exclusion



# ***Project Example 3- Becomes a Type 2 CE***

- ◆ According to the Key our next steps are to:
  - Document as a Type 2 CE- Type 2 Categorical Exclusion Determination Form
  - Focus on resource/issue(s) that require resolution
  - Summarize the coordination and attach the findings to the form
  - Submit for FHWA approval and advance appropriately
- ◆ No need to screen in EST

# *Type 2 CE Determination*

- ◆ Class of Action resulting from:
  - MiCE process
    - *Project Example 3*
  - Environmental Screening Tool-Programming Screen

# ***Project Example 4 -Type 2 CE***

- ◆ Widening of a 2 lane highway with pedestrian enhancements
- ◆ What we know
  - Federal Action
  - Not in the Type 1 or PCE categories
  - Qualifies for screening in the EST- *Part 1, Chapter 2*

# ***EST Qualifying Projects***

- ◆ Roadway Projects
  - **Additional through lanes which add capacity to an existing road**
  - A new roadway, freeway or expressway
  - A highway which provides new access to an area
  - A new or reconstructed arterial highway (e.g., realignment)
  - A new circumferential or belt highway that bypasses a community
  - Addition of interchanges or major interchange modifications to a completed freeway or expressway (based on coordination with FHWA)
  - A new bridge which provides new access to an area, bridge replacements (e.g., non PCE)

# ***COA Determination through EST***

- ◆ During screening may perform analysis to assist in determining the appropriate COA
- ◆ COA proposed by FDOT and approved by FHWA
- ◆ Determination may be included in Programming Screen Summary Report
- ◆ Can move forward to PD&E phase without a designated COA

# ***Project Example 4 Issues***

- Limited ROW acquisition
  - No residential or business relocations
- Noise study needed
- Wetland impacts
- No significant impacts- Qualifies as a CE
  - *23 CFR 771.117(a)*

# *Type 2 CE- PD&E Study*

- ◆ Regardless of whether it was determined through:
  - The MiCE Process- *Project Example 3*
  - The Environmental Screening Tool- *Project Example 4*
- ◆ Requires FHWA approval of the COA
- ◆ Requires additional documentation to show that there are no significant impacts
- ◆ Prepare a Type 2 CE Determination Form
  - *Part 1, Chapter 5*
- ◆ Prepare a Preliminary Engineering Report
  - *Part 1, Chapter 4*



# Type 2 Categorical Exclusion Determination Form

Issues/  
 Resources  
 in Part 2  
 of the  
 PD&E  
 Manual

**6. IMPACT EVALUATION**

Topical Categories	Impact Determination*				Basis for Decision*
	Sig	Not Sig	None	No Inv	
<b>A. SOCIAL &amp; ECONOMIC</b>					
1. Land Use Changes	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	_____
2. Community Cohesion	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	_____
3. Relocation Potential	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	_____
4. Community Services	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	_____
5. Nondiscrimination Considerations	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	_____
6. Controversy Potential	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	_____
7. Scenic Highways	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	_____
8. Farmlands	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	_____
<b>B. CULTURAL</b>					
1. Section 4(f)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	_____
2. Historic Sites/Districts	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	_____
3. Archaeological Sites	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	_____
4. Recreation Areas	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	_____
<b>C. NATURAL</b>					
1. Wetlands	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	_____
2. Aquatic Preserves	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	_____
3. Water Quality	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	_____
4. Outstanding FL Waters	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	_____
5. Wild and Scenic Rivers	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	_____
6. Floodplains	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	_____
7. Coastal Zone Consistency [ ]	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	_____
8. Coastal Barrier Resources	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	_____
9. Wildlife and Habitat	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	_____
10. Essential Fish Habitat	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	_____
<b>D. PHYSICAL</b>					
1. Noise	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	_____
2. Air Quality	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	_____
3. Construction	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	_____
4. Contamination	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	_____
5. Aesthetic Effects	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	_____
6. Bicycles and Pedestrians [ ]	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	_____
7. Utilities and Railroads	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	_____
8. Navigation	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	_____
a. <input type="checkbox"/> FHWA has determined that a USCG Permit IS NOT required in accordance with 23 CFR 650, Subpart H.					
b. <input type="checkbox"/> FHWA has determined that a USCG Permit IS required in accordance with 23 CFR 650, Subpart H.					

\* **Impact Determination:** Sig = Significant; NotSig = Not significant; None = Issue present, no impact; NoInv = Issue absent, no involvement. Basis of decision is documented in the referenced attachment(s).

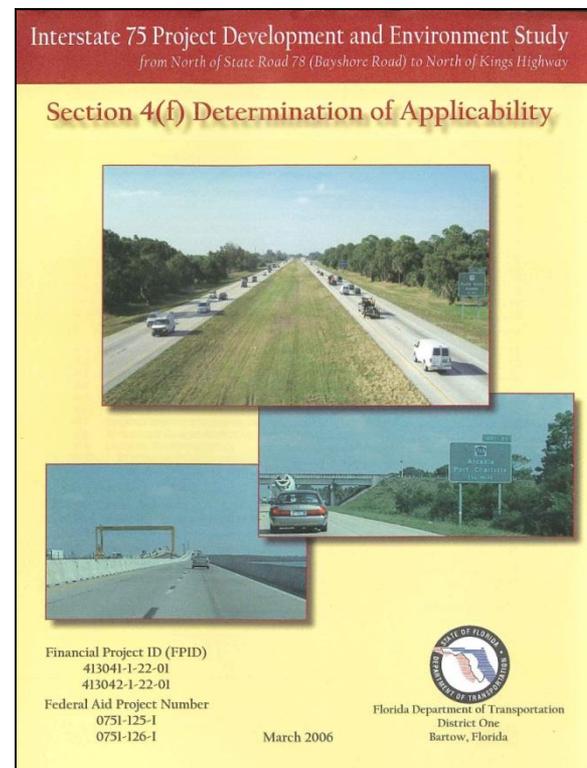
**E. PERMITS REQUIRED**

**7. COMMITMENTS AND RECOMMENDATIONS**

Part 2,  
 Chapter 32

# Part 2 of the PD&E Manual

- ◆ Details how to:
  - Conduct analysis
  - Assess project impacts
  - Consult with resource agencies
  - Complete technical reports
  - Document in:
    - Environmental Document
    - Project Record



# Type 2 CE- PD&E Study

- ◆ Focus on documenting the CE determination
  - Should be concise
- ◆ Ensure you satisfy federal and state laws
- ◆ Implement a Public Involvement Plan
  - *Part 1, Chapter 11*
- ◆ Document Commitments
  - Project Commitment Tracking Procedure No. 700-011-035
  - Project Commitment Form
- ◆ Add technical reports or memos to the Project File
- ◆ Public hearing may or may not be needed
  - *Part 1, Chapter 11* identifies those needing a hearing
  - No lead agency approval of document prior to public hearing

# Submit to FHWA

- ◆ Submit Type 2 Categorical Exclusion documentation to FHWA for review/approval
  - Type 2 CE Determination Form
  - Preliminary Engineering Report (PER)
    - *Part 1, Chapter 4*
  - Public Hearing Transcript (if applicable)
    - *Part 1, Chapter 11*
- ◆ FHWA approval is called Location and Design Concept Acceptance (LDCA)



# ***Project Example 5 - Environmental Assessment***

- ◆ Widening of a 2 lane undivided highway to a 6 lane divided highway
- ◆ What we know
  - Federal Action
  - Significance Not Clear, question of significance
    - ROW impacts
  - Now being considered for limited access
  - Qualifies for screening in the EST - *Part 1, Chapter 2*

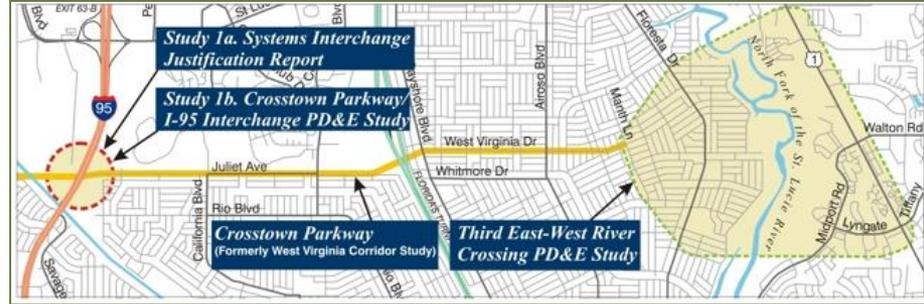
# ***EST Qualifying Projects***

- ◆ Roadway Projects
  - **Additional through lanes which add capacity to an existing road**
  - A new roadway, freeway or expressway
  - A highway which provides new access to an area
  - A new or reconstructed arterial highway (e.g., realignment)
  - A new circumferential or belt highway that bypasses a community
  - Addition of interchanges or major interchange modifications to a completed freeway or expressway (based on coordination with FHWA)
  - A new bridge which provides new access to an area, bridge replacements (e.g., non PCE)

# ***COA Determination through EST***

- ◆ During screening may perform analysis to assist in determining the appropriate COA
- ◆ COA proposed by FDOT and approved by FHWA
- ◆ Determination may be included in Programming Screen Summary Report
- ◆ Can move forward to PD&E phase without a designated COA

# Environmental Assessment (EA)



# ***Before your PD&E Study begins ...***

- ◆ Review Final Programming Screen Summary Report to identify:
  - Project purpose and need
  - Planning consistency status
  - Environmental issues and concerns
  - Agency/ETAT comments
  - Potential environmental studies or reports
  - Anticipated Permit types
  - Relevant issues for analysis
- ◆ Prepare the scope of services – FONSI or EIS are possible outcomes

# ***Environmental Assessment- PD&E Study***

- ◆ Develop Project Alternatives as appropriate
- ◆ Conduct Engineering Analysis
- ◆ Implement a Public Involvement Plan
  - *Part 1, Chapter 11*
- ◆ Prepare Environmental Analysis
- ◆ Document Commitments
- ◆ Document the above in an Environmental Assessment
- ◆ Maintain Project File



# Once Engineering Alternatives are Developed...

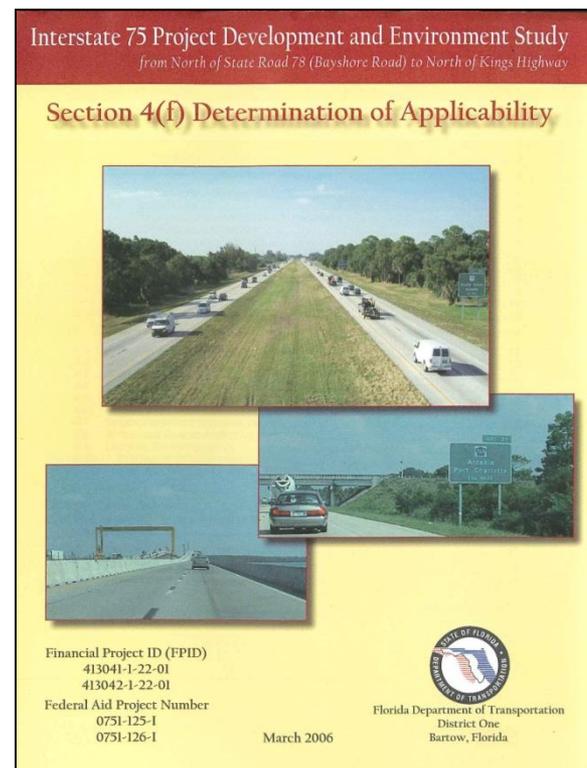
- ◆ Examine environmental impacts
  - Consider agency commentary (ETAT)
  - Identify impacts of proposed alternatives
  - Identify impacts of drainage (ponds)
  - Identify Direct, Indirect and Cumulative Impacts

Figure 7.5 Delineated Wetlands



# Part 2 of the PD&E Manual

- ◆ Details how to:
  - Conduct analysis
  - Assess project impacts
  - Consult with resource agencies
  - Complete technical reports
  - Document in:
    - Environmental Document
    - Project Record



# Issues/Resources in Part 2

- ◆ Social and Economic
  - Sociocultural Effects Evaluation (*Chapter 9*)
    - Social, economic, land use, aesthetics, relocation, mobility
  - Farmlands (*Chapter 28*)
  - Scenic Highways (*Chapter 29*)
- ◆ Cultural
  - Archeological and Historic Resources (*Chapter 12*)
  - Section 4(f) (*Chapter 13*)



# Issues/Resources in Part 2

## ◆ Natural

- Wetlands and Other Surface Waters (*Chapter 18*)
- Aquatic Preserves (*Chapter 19*)
- Water Quality (*Chapter 20*)
- Outstanding FL Waters (*Chapter 21*)
- Wild and Scenic Rivers (*Chapter 23*)
- Floodplains (*Chapter 24*)
- Coastal Zone Consistency (*Chapter 25*)
- Coastal Barrier Resources (*Chapter 26*)
- Wildlife and Habitat (*Chapter 27*)
- Essential Fish Habitat (*Chapter 11*)



# Issues/Resources in Part 2

- ◆ Physical
  - Noise (*Chapter 17*)
  - Air Quality (*Chapter 16*)
  - Construction Impacts (*Chapter 30*)
  - Contamination (*Chapter 22*)
  - Aesthetic Effects (*Chapter 15*)
  - Bicycle & Pedestrian (*Chapter 14*)
  - Utilities & Railroads (*Chapter 10*)



# ***Environmental Assessment***

- ◆ Provide the actual impact determinations for the project
- ◆ If more than one alternative, compare alternatives and identify the FDOT Recommended Alternative
- ◆ A concise document focused on relevant issues or resources where the significance of impacts is in question
- ◆ Should focus on the actual issues ripe for analysis (MAP-21)

# EA Contents

CONTENT ITEMS IN ENVIRONMENTAL ASSESSMENTS			
TOPIC	STANDARD	OPTIONAL	CHAPTER (Part 2 of PD&E Manual)
COVER PAGE .....	X		2
TABLE OF CONTENTS .....	X		1
PROJECT DESCRIPTION AND PURPOSE AND NEED .....	X		4 and 5
ALTERNATIVES CONSIDERED .....	X		6
IMPACTS .....	X		8
<b>Social and Economic</b>			
1. Land Use Changes .....	X		9
2. Community Cohesion .....	X		9
3. Relocation Potential .....	X		9
4. Community Services .....	X		9
5. Nondiscrimination Considerations .....	X		9
6. Controversy Potential .....	X		9
7. Scenic Highways .....		X	29
8. Farmlands .....	X		28
<b>Cultural</b>			
1. Section 4(f) .....	X		13
2. Historic Sites/Districts .....	X		12
3. Archaeological Sites .....	X		12
4. Recreational Areas .....	X		13
<b>Natural</b>			
1. Wetlands .....	X		18
2. Aquatic Preserves .....		X	19
3. Water Quality .....	X		20
4. Outstanding Florida Waters .....		X	21
5. Wild and Scenic Rivers .....	X		23
6. Floodplains .....	X		24
7. Coastal Zone Consistency .....	X		25
8. Coastal Barrier Resources .....		X	26
9. Wildlife and Habitat .....	X		27
10. Essential Fish Habitat .....	X		11
<b>Physical</b>			
1. Noise .....	X		17
2. Air Quality .....	X		16
3. Construction .....	X		30
4. Contamination .....	X		22
5. Aesthetic Effects .....	X		15
6. Bicycles and Pedestrians .....	X		14
7. Utilities and Railroads .....		X	10
8. Navigation .....		X	Part 1, Chapter 2
COMMENTS AND COORDINATION .....	X		31
COMMITMENTS AND RECOMMENDATIONS .....	X		32
APPENDICES .....	X		36

**TABLE 6.1 Content Items in Environmental Assessments**

10-21-13

PART 1, CHAPTER 6

6-9

# ***Before Submittal to FHWA***

- ◆ Perform District Quality Control Review
- ◆ Send to SEMO
  - Submittal sheet (EA/EIS)
  - 30-day review beginning after kickoff meeting with SEMO
  - Submit package (what will be sent to FHWA)
  - Incorporate or address comments
- ◆ SEMO approves document for submittal to FHWA

# SEMO Submittal Sheet

STATE ENVIRONMENTAL MANAGEMENT OFFICE  
SUBMITTAL SHEET FOR ENVIRONMENTAL ASSESSMENT/ENVIRONMENTAL IMPACT STATEMENT

Submittal Date: October 8, 2014

ETDM Number: 8127

FM Number: 229664-2-22-01

Project Title: SR 7 Extension PD&E Study

District: Four LAP (Yes/No): No LAP Agency: n/a

District Project Manager: Beatriz Caicedo-Maddison Phone: (954) 777-4336

District Environmental Lead: Ann Broadwell Phone: (954) 777-4325

Document Type:

Environmental Assessment (EA): \_\_\_\_

EA for public availability: \_\_\_\_

EA with FONSI: X

DRAFT EIS: \_\_\_\_

Final EIS ROD: \_\_\_\_

Final EIS: \_\_\_\_

ROD: \_\_\_\_

Contents of Package (please include a list of the documents and technical reports being submitted):

FONSI, Environmental Assessment, Preliminary Engineering Report, Corridor Report, Design Traffic Technical Memorandum, Pond Siting Report, Location Hydraulics Report, Endangered Species Biological Assessment, Wetlands Evaluation Report, Noise Study Report, Air Quality Memo, Contamination Screening Evaluation Report, Cultural Resources Assessment Survey, Conceptual Mitigation Plan, Section 4(f) Determination of Applicability, Public Hearing Summary, Value Engineering Report.

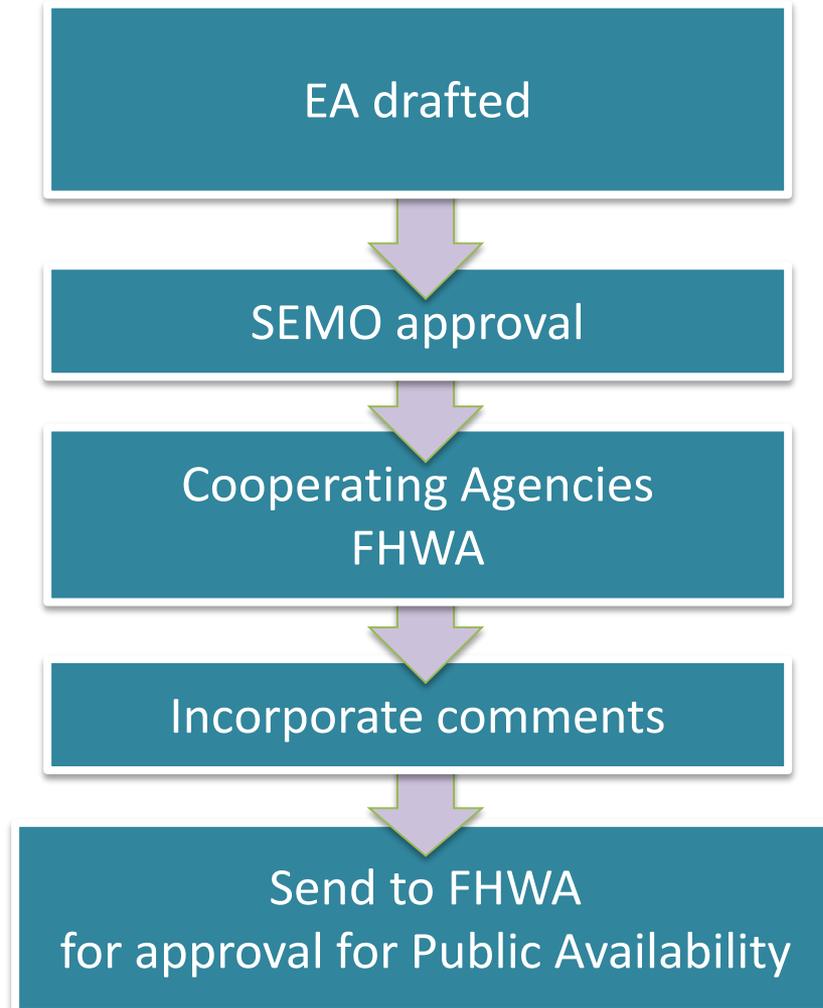
Status of Documents (the expectation is that only complete documents will be submitted for review; however, if for some reason that is not the case, provide a brief discussion of any pending issues, consultation, and/or documents):  
Final document pending Biological Opinion from US Fish and Wildlife Service. Draft ROD received and reports updated accordingly. Pending final issuance of BO.

District Quality Control Completion Date: October 6, 2014

Signature (Environmental Administrator): Ann Broadwell 10/10/14 Phone: (954) 777-4325

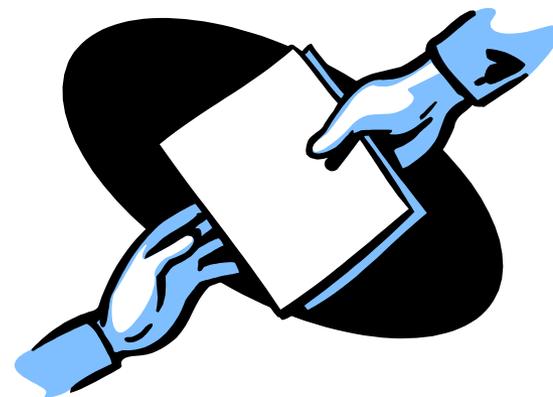
Signature (Project Manager): Beatriz Caicedo Phone: (954) 777-4336

# EA Ready for FHWA



# ***Submit to FHWA***

- ◆ Environmental Assessment (EA) Document
- ◆ Consistency Form
- ◆ Technical Reports



# ***FHWA Approval***



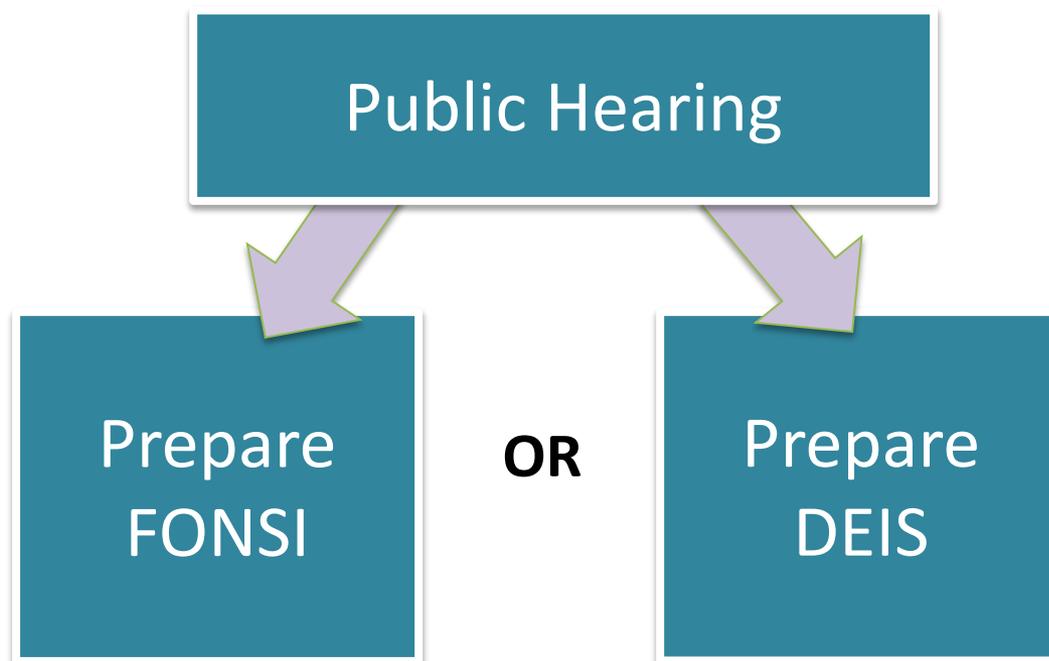
# ***Make the EA Available for Review***

- ◆ Transmit EA to interested parties and agencies
  - May use the EST
- ◆ Publish notice of public availability in local newspaper(s)
  - Can be combined with public hearing notice
- ◆ Make EA available at facilities listed in public hearing notice
- ◆ Make EA available for public review- 21 days prior to Public Hearing
  - Included in 30-day comment period

# *Hold Public Hearing Part 1, Chapter 11*



# After the Public Hearing



# *Project Example 5*

- ◆ No significant impacts to ROW were identified during preparation of the EA
- ◆ Update EA as appropriate
- ◆ Prepare a Finding of No Significant Impact (FONSI)
- ◆ Keep a record of changes/updates to the EA (e.g. track changes, highlighted text, etc.)

# ***Update EA***

- ◆ Update EA information based on
  - Public and Agency comments
  - Coordination with lead agency
  - Public Hearing
- ◆ Update Comments and Coordination section
  - Summary of Meetings, Written & Verbal Responses and Major Issues
- ◆ Finalize Commitments and Recommendations section
  - Describe the FDOT Preferred Alternative

# ***Prepare Finding of No Significant Impact***

- ◆ Document the decisions reached by the Department and FHWA regarding the proposed project
- ◆ Discuss the rationale employed in reaching project decisions
- ◆ Summarize Findings and environmental issues
- ◆ Guidance in *Part 1, Chapter 7 and Part 2, Chapter 3*

# *Typical FONSI Content*

- ◆ Cover Page (may include Limitation of Claims notice)
- ◆ Statement on Finding of No Significant Impact
- ◆ Project Location
- ◆ Purpose and Need
- ◆ Preferred Alternative
- ◆ Relocation and Right-of-Way
- ◆ Environmental Analysis
  - Cultural Resources
  - Air Quality
  - Noise
  - Floodplain Finding
  - Wetlands Finding
  - Water Quality
  - Wildlife and Habitat
  - Essential Fish Habitat
  - Farmlands
  - Coastal Zone Consistency
  - Public Involvement
  - Statement on Public Availability

# ***NW 74<sup>th</sup> St. EA with FONSI***

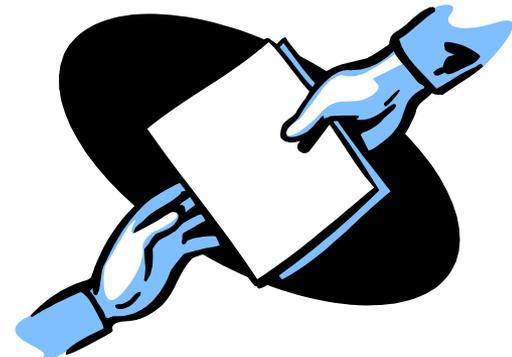
[41473112201 EA FONSI 122006.pdf](#)

# ***Before Submittal to FHWA***

- ◆ Perform District Quality Control Review
- ◆ Send to SEMO
  - Submittal sheet
  - 30-day review
    - Review period can be discussed on a case by case basis
  - Submit package (what will be sent to FHWA)
  - Incorporate or address comments
- ◆ SEMO approves document for submittal to FHWA

# EA with FONSI

- ◆ Submit FONSI with modified EA attached and Public Hearing Transcript to:
  - FHWA
  - Cooperating Agencies
- ◆ FHWA approval of EA with FONSI = LDCA
- ◆ Notify Public of LDCA
- ◆ Prepare Limitations of Claims Notice, if applicable
  - 180 days



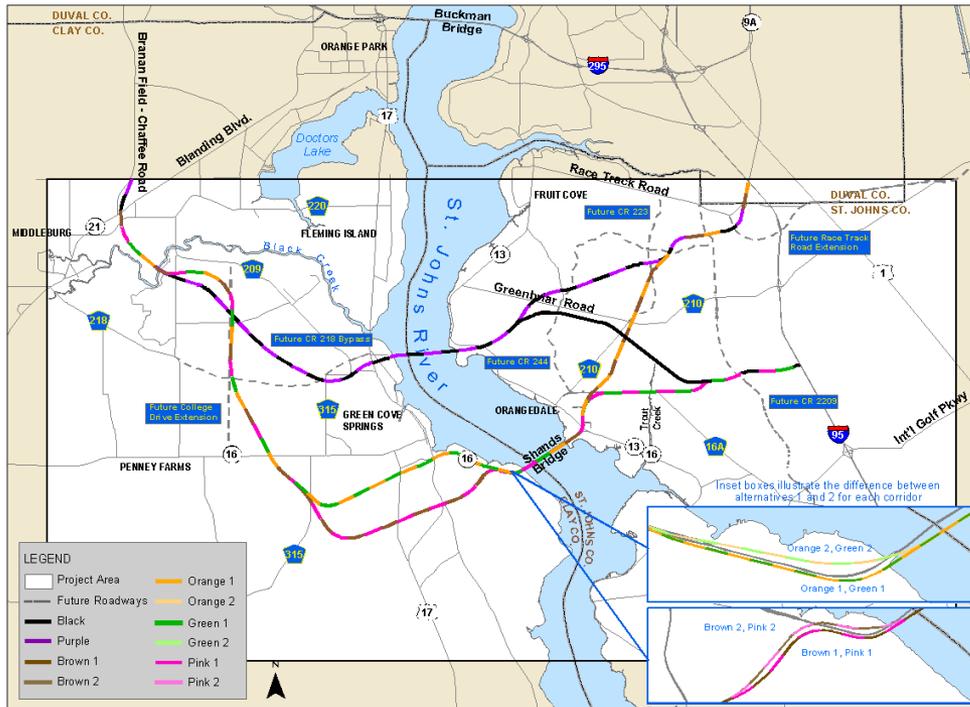
# ***Different Scenario***

- ◆ Lets say things turned out differently when preparing the EA
- ◆ Disproportionate impacts to a minority community were identified during the analysis of the EA
- ◆ Environmental Justice concerns
- ◆ Historic church to be directly impacted with no place to relocate

# ***Project Example 5- Becomes an EIS***

- ◆ Significant Impacts were identified
  - Modify project scope
  - Consider other alternatives
- ◆ Project elevated to an EIS
  - Prepare a Draft Environmental Impact Statement

# Environmental Impact Statement



# ***Project Example 6- Environmental Impact Statement***

- ◆ New alignment through an undeveloped area
- ◆ What we know
  - Federal Action
  - Significant impacts to Human/Natural/Physical Environment
    - Major wetland impacts
  - Qualifies for screening in the EST - *Part 1, Chapter 2*

# ***EST Qualifying Projects***

- ◆ Roadway Projects
  - Additional through lanes which add capacity to an existing road
  - **A new roadway, freeway or expressway**
  - A highway which provides new access to an area
  - A new or reconstructed arterial highway (e.g., realignment)
  - A new circumferential or belt highway that bypasses a community
  - Addition of interchanges or major interchange modifications to a completed freeway or expressway (based on coordination with FHWA)
  - A new bridge which provides new access to an area, bridge replacements (e.g., non PCE)

# ***COA Determination through EST***

- ◆ During screening may perform analysis to assist in determining the appropriate COA
- ◆ COA proposed by FDOT and approved by FHWA
- ◆ Determination may be included in Programming Screen Summary Report
- ◆ Can move forward to PD&E phase without a designated COA

# ***Before your PD&E Study begins ...***

- ◆ Scoping is **required** – begins during ETDM screening
- ◆ Review Final Programming Screen Summary Report to identify:
  - Project purpose and need
  - Planning consistency status
  - Environmental issues and concerns
  - Agency/ETAT comments
  - Potential environmental studies or reports
  - Anticipated Permit types
  - Relevant issues
- ◆ Prepare the scope of services

# ***Environmental Impact Statement- PD&E Study***

- ◆ Prepare Notice of Intent (NOI)
- ◆ Forward to FHWA
  - FHWA to publish NOI in Federal Register
    - PD&E Study begins
- ◆ Develop Engineering Alternatives
- ◆ Conduct Engineering Analysis
- ◆ Public Involvement Plan
- ◆ Conduct Environmental Analysis
- ◆ Document Commitments
- ◆ Document the above in a Draft Environmental Impact Statement
- ◆ Maintain Project File



# Once Engineering Alternatives are Developed...

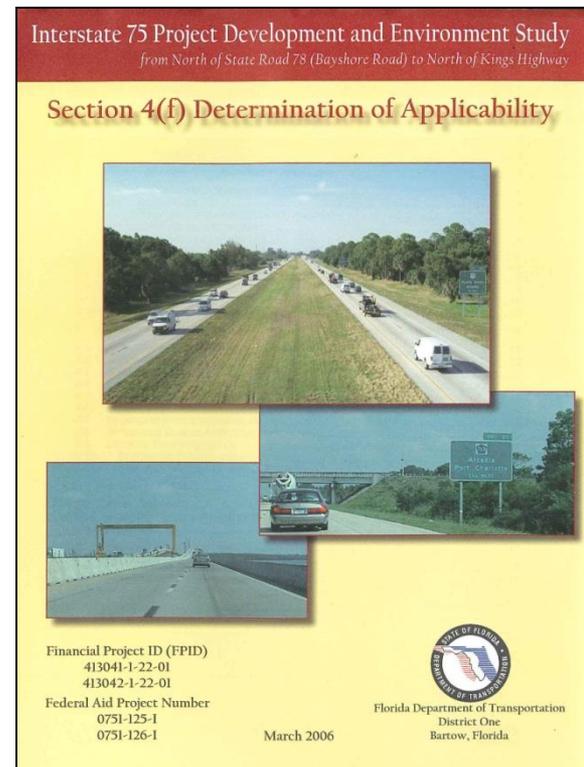
- ◆ Examine environmental impacts
  - Consider agency commentary (ETAT)
  - Identify impacts of proposed alternatives
  - Identify impacts of drainage (ponds)
  - Identify Direct, Indirect and Cumulative Impacts

Figure 7.5 Delineated Wetlands



# Part 2 of the PD&E Manual

- ◆ Details how to:
  - Conduct analysis
  - Assess project impacts
  - Consult with resource agencies
  - Complete technical reports
  - Document in:
    - Environmental Document
    - Project Record



# Issues/Resources in Part 2

- ◆ Social and Economic
  - Sociocultural Effects Evaluation (*Chapter 9*)
    - Social, economic, land use, aesthetics, relocation, mobility
  - Farmlands (*Chapter 28*)
  - Scenic Highways (*Chapter 29*)
- ◆ Cultural
  - Archeological and Historic Resources (*Chapter 12*)
  - Section 4(f) (*Chapter 13*)



# Issues/Resources in Part 2

## ◆ Natural

- Wetlands and Other Surface Waters (*Chapter 18*)
- Aquatic Preserves (*Chapter 19*)
- Water Quality (*Chapter 20*)
- Outstanding FL Waters (*Chapter 21*)
- Wild and Scenic Rivers (*Chapter 23*)
- Floodplains (*Chapter 24*)
- Coastal Zone Consistency (*Chapter 25*)
- Coastal Barrier Resources (*Chapter 26*)
- Wildlife and Habitat (*Chapter 27*)
- Essential Fish Habitat (*Chapter 11*)



# Issues/Resources in Part 2

- ◆ Physical
  - Noise (*Chapter 17*)
  - Air Quality (*Chapter 16*)
  - Construction Impacts (*Chapter 30*)
  - Contamination (*Chapter 22*)
  - Aesthetic Effects (*Chapter 15*)
  - Bicycle & Pedestrian (*Chapter 14*)
  - Utilities & Railroads (*Chapter 10*)



# ***Draft Environmental Impact Statement***

- ◆ Provide the actual impact determinations for the project
- ◆ Focus document on issues/resources with significant impacts
- ◆ Consider 3 Core Principles
  - Tell the story
  - Be brief
  - Meet legal requirements
- ◆ Rigorously explore and objectively evaluate reasonable alternatives
- ◆ Compare alternatives and identify the FDOT Recommended Alternative

# DEIS Contents

## CONTENT ITEMS IN DRAFT ENVIRONMENTAL IMPACT STATEMENTS

TOPIC	STANDARD	OPTIONAL	CHAPTER (Part 2 of PD&E Manual)
COVER PAGE .....	X		2
TABLE OF CONTENTS .....	X		1
SUMMARY .....	X		3
PURPOSE AND NEED FOR ACTION .....	X		5
ALTERNATIVES INCLUDING PROPOSED ACTION .....	X		6
AFFECTED ENVIRONMENT .....	X		7
ENVIRONMENTAL CONSEQUENCES .....	X		8
Social and Economic Impacts .....	X		9
Sociocultural Effects Evaluation .....	X		9
(including social, economic, land use, aesthetics, relocation, and mobility)			
Utilities and Railroads .....		X	10
Cultural and Historical Resources			
Archaeological and Historical .....	X		12
Recreational / Parkland .....	X		13
Natural and Physical Impacts			
Pedestrian / Bicycle Facilities .....	X		14
Visual / Aesthetic .....	X		15
Air .....	X		16
Noise .....	X		17
Wetlands .....	X		18
Aquatic Preserves .....		X	19
Water Quality .....	X		20
Outstanding Florida Waters .....		X	21
Contamination .....	X		22
Wild and Scenic Rivers .....	X		23
Floodplains .....	X		24
Coastal Zone Consistency .....	X		25
Coastal Barrier Island Resources .....		X	26
Wildlife and Habitat .....	X		27
Essential Fish Habitat .....	X		11
Farmlands .....	X		28
Scenic Highways .....		X	29
Construction .....	X		30
Cumulative Impacts			

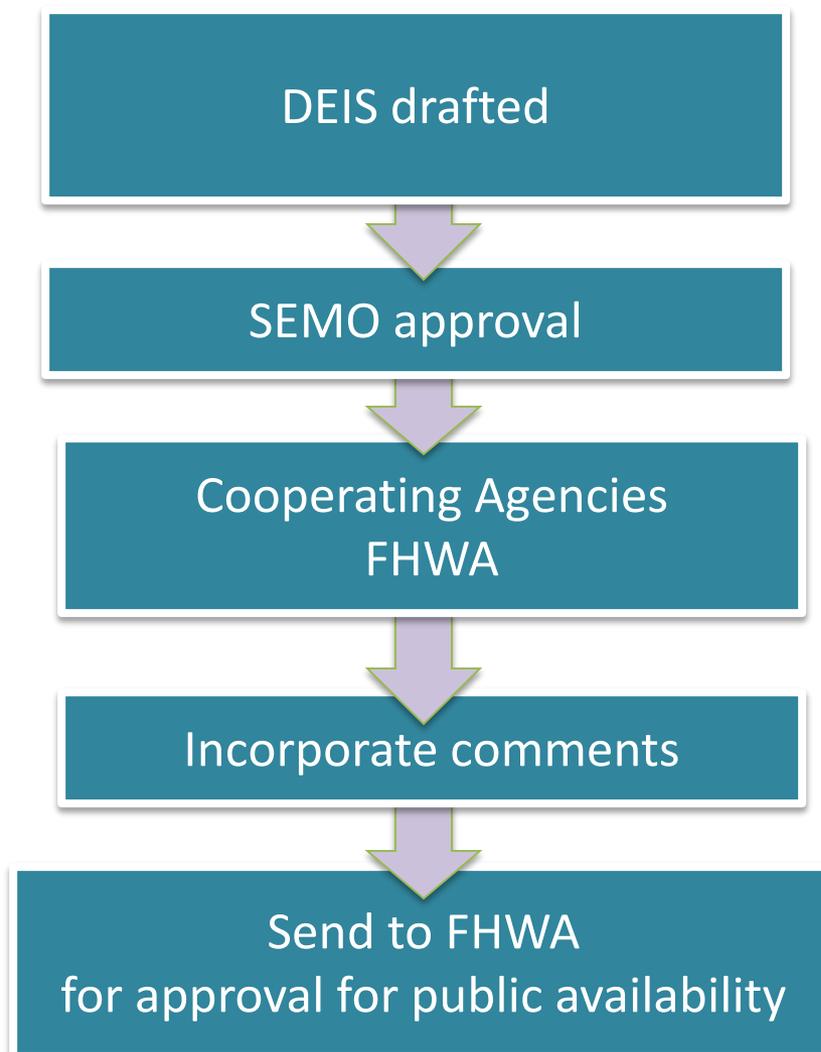
## CONTENT ITEMS IN DRAFT ENVIRONMENTAL IMPACT STATEMENTS

COMMENTS AND COORDINATION .....	X	31
COMMITMENTS AND RECOMENDATIONS .....	X	32
LIST OF PREPARERS .....	X	33
LIST OF AGENCIES, ORGANIZATIONS AND PERSONS TO WHOM COPIES OF THE STATEMENT ARE SENT .....	X	34
INDEX .....	X	35
APPENDICES .....	X	36

# ***Before Submittal to FHWA***

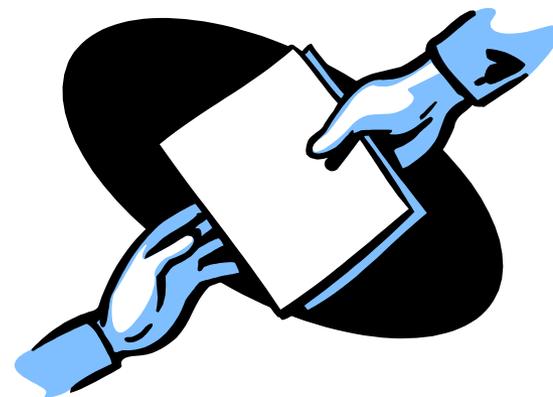
- ◆ Perform District Quality Control Review
- ◆ Send to SEMO
  - Submittal sheet (EA/EIS)
  - 30-day review after project kick off meeting with SEMO
  - Submit package (what will be sent to FHWA)
  - Incorporate or address comments
- ◆ SEMO approves document for submittal to FHWA

# ***DEIS Ready for FHWA***

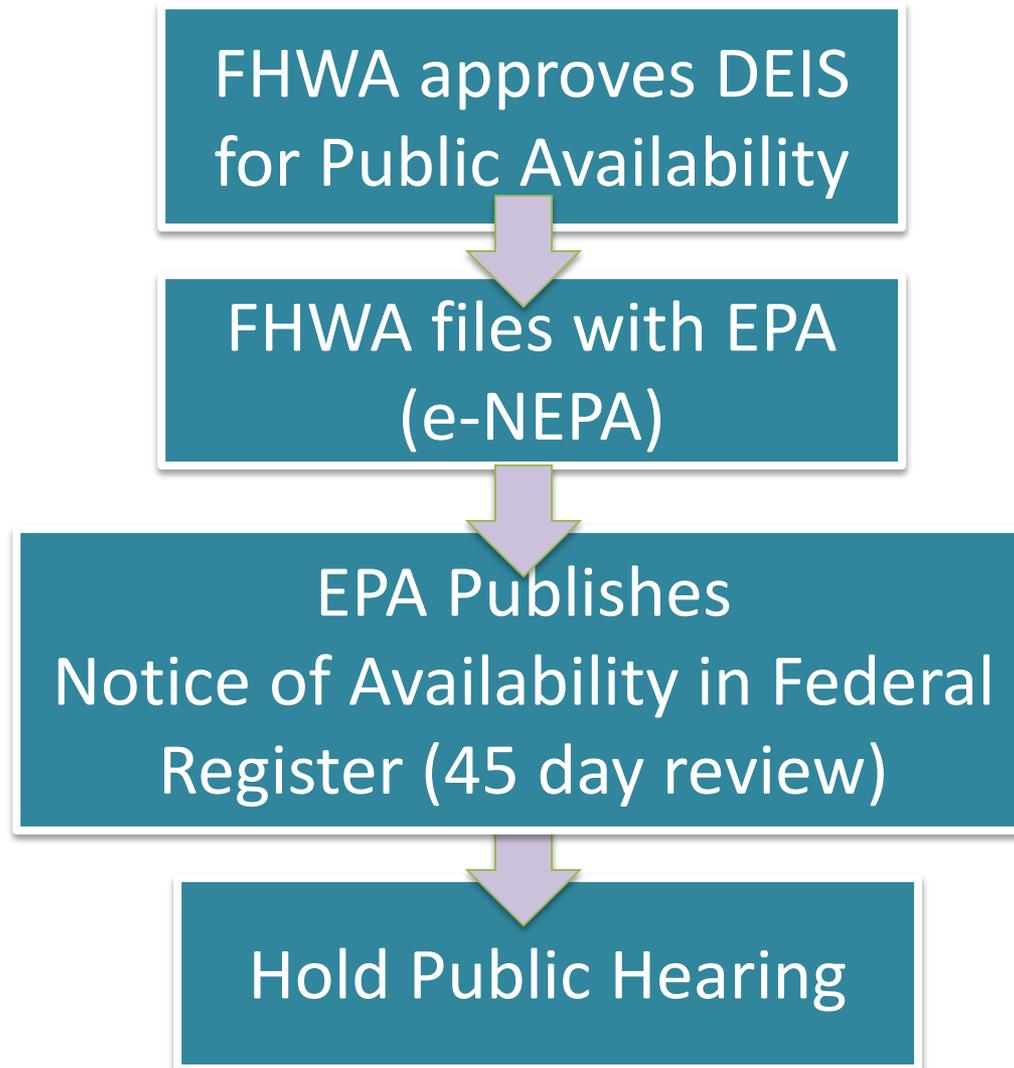


# ***Submit to FHWA***

- ◆ Draft Environmental Impact Statement (DEIS) Document
  - Format to be uploaded to e-NEPA by FHWA
- ◆ Consistency Form
- ◆ Technical Reports



# ***FHWA Approval***



# ***Make the DEIS Available for Review***

- ◆ **Before DEIS is filed with EPA**
  - Transmit DEIS to interested parties and agencies
    - May use EST
  - Publish notice of public availability in local newspaper(s)
    - Can be combined with public hearing notice
  - Make DEIS available at facilities listed in public hearing notice
  - Make DEIS available for public review - 21 days prior to Public Hearing
    - Included in 45-day comment period

# *Hold Public Hearing Part 1, Chapter 11*



# ***After the Public Hearing***

- ◆ Turn the DEIS into a FEIS
- ◆ Update the EIS Document to include:
  - Outcome of public hearing
    - Issues raised
  - Comments from the general public
  - Changes to document
  - FDOT's response
- ◆ Coordinate with FHWA

# ***Turn the DEIS into the FEIS***

- ◆ Modify to reflect changes
- ◆ Revise the summary
- ◆ Update Comments and Coordination section-  
*Part 2, Chapter 31*
  - Summary of meetings
  - Summary of written responses to comments
- ◆ Add or update Commitments and  
Recommendations section- *Part 2, Chapter 32*
  - Address all commitments
  - Describe the FHWA approved Preferred  
Alternative

# I-395 FEIS

- ◆ [I-395 EIS COMPLETE-MODIFIEDDec 09-cah.pdf](#)

# ***Before Submittal to FHWA***

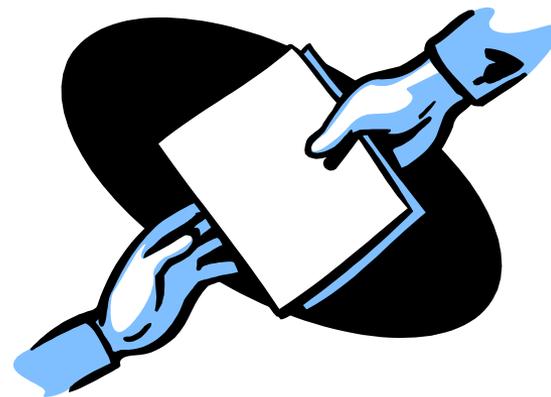
- ◆ Perform District Quality Control Review
- ◆ Send to SEMO
  - Submittal sheet
  - 30-day review
  - Submit package (what will be sent to FHWA)
  - Incorporate or address comments
- ◆ SEMO approves document for submittal to FHWA

# *FEIS Ready for FHWA*

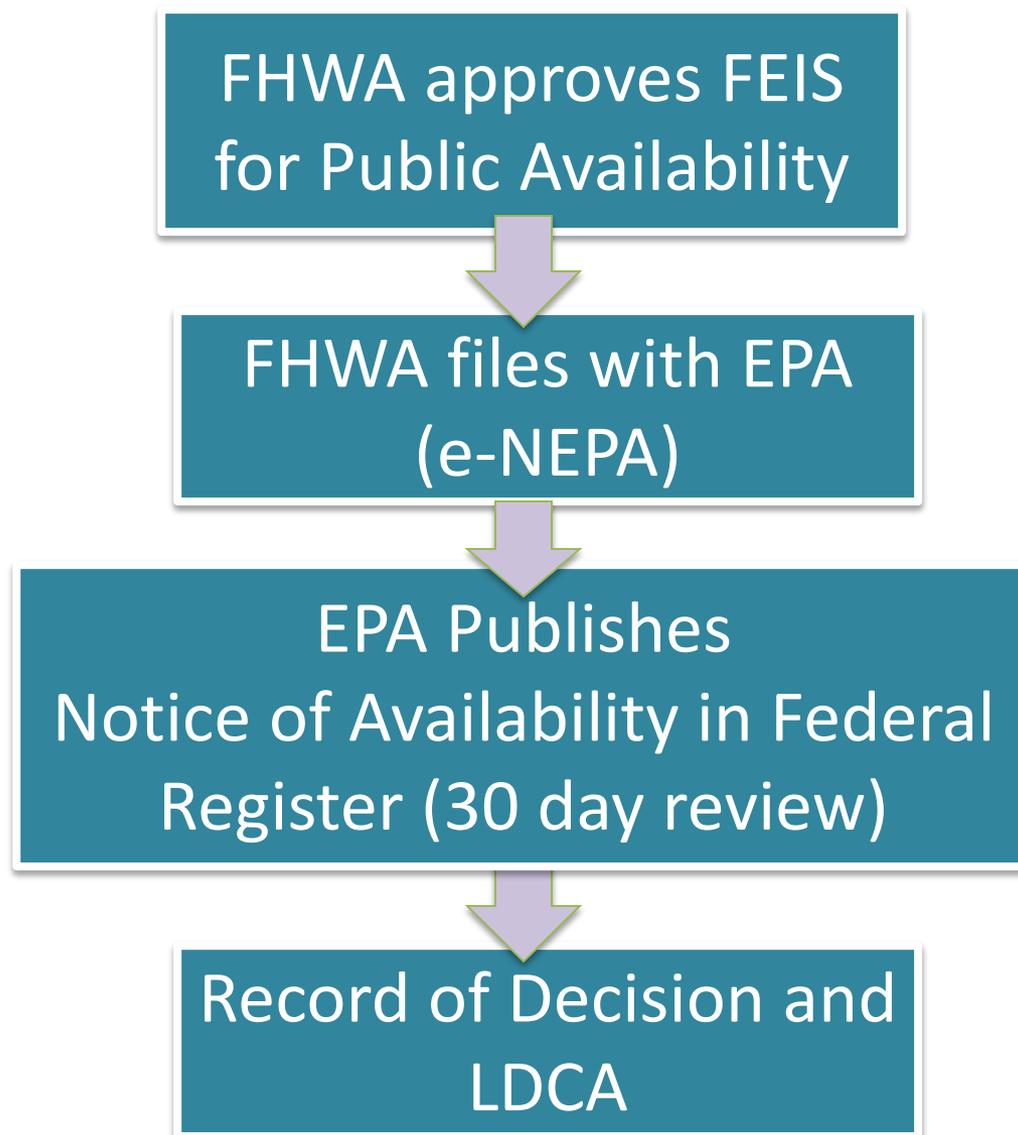


# ***Submit to FHWA***

- ◆ Final Environmental Impact Statement (FEIS) Document
  - Format to be uploaded to e-NEPA by FHWA
- ◆ Consistency Form
- ◆ Updated Technical Reports
- ◆ Public Hearing Transcript
- ◆ Draft Record of Decision
  - Sample in Part 1, Chapter 9 (FEIS)



# ***FHWA Approval***



# *After FHWA Approval*

- ◆ **Before FEIS is filed with EPA**
  - Transmit FEIS to interested parties
    - May use the EST
  - Publish notice of availability in local newspaper(s)
- ◆ Prepare Limitation of Claims Notice, if applicable

# ***Record of Decision***

- ◆ FHWA Division Office signs the ROD
  - Approval grants Location and Design Concept Acceptance (LDCA)
- ◆ Forward the transmittal letter to Federal Aid Office
- ◆ Notify the public of LDCA

# MAP-21 Changes

- ◆ According to *Sec. 1319* - To the maximum extent practicable, a combined FEIS/ROD should be prepared:
  - If no substantive comments on DEIS after Public Hearing
  - No substantive change to the document are needed
  - Can save up to 30 days

# ***FEIS/ROD***

- ◆ The FEIS and ROD should be combined into a single document unless:
  - The FEIS makes substantial changes to the proposed action that are relevant to environmental or safety concerns; or
  - There are significant new circumstances or information relevant to environmental concerns that have bearing on the proposed action or the impacts of the proposed action

# ***When using a combined FEIS/ROD:***

- ◆ FHWA Division is responsible for determining whether it is practical to use the combined FEIS/ROD
- ◆ Consider possible effects on the timing of required coordination under other laws
- ◆ Consider the need for additional documentation to finalize findings or determinations
- ◆ Notify agencies as early as possible that FHWA is considering combining the FEIS and ROD
- ◆ A legal sufficiency review is required

# ***FEIS/ROD Format***

- ◆ The format of the FEIS/ROD should be coordinated with FHWA Division and created as:
  - A combined FEIS/ROD document which attaches a ROD to a FEIS, or
  - A combined FEIS/ROD document which includes the ROD as part of the FEIS Executive Summary
    - The Executive Summary should be titled Executive Summary with ROD

# ***FEIS/ROD Cover Page***

- ◆ [Krome South FEIS ROD.pdf](#)

# Environmental Class of Action Determination

COA	Funding	Screen in EST	Environmental Document	Include Section 4(f), if applicable
Type 1 CE	Federal	No	Type 1 and PCE Checklist	N/A
PCE	Federal	No	Type 1 and PCE Checklist	N/A
Type 2 CE	Federal	Yes/No	Type 2 CE Determination Form	Yes
EA	Federal	Yes	EA with FONSI	Yes
EIS	Federal	Yes	DEIS, FEIS/ROD, FEIS	Yes

# For More Information

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## References :

### ◆ FDOT PD&E Manual

- *Available at:*

<http://www.dot.state.fl.us/emo/pubs/pdeman/pdeman1.shtm>

### ◆ 23 CFR 771

### ◆ FHWA Technical Advisory T6640.8A



# *Questions*