

# NEPA Actions after Document Approval



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## Actions after Document Approval or Location Design Concept Acceptance (LDCA)

- ◆ Public Notifications and distribution
- ◆ Project Commitment Tracking
- ◆ Reevaluations
- ◆ Design
- ◆ Environmental Permits/NEPA follow-up actions
- ◆ Construction

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## Public Notification – Type 2 CE and EA



- ◆ District publishes a notice that LDCA has been granted in the local newspaper
- ◆ May include combined agency notices for a single project - e.g., USCG
- ◆ The District forwards a copy of the letter authorizing Location and Design Concept Acceptance to the Department's Federal-Aid Management Office

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**FEIS**




**FEDERAL REGISTER**  
The Daily Journal of the United States Government

**eNEPA**  
Electronic National  
Environmental Impact Statements to EPA

- ◆ Before publication in the FR:
  - The document is distributed to agencies and interested parties
  - Published in a newspaper(s)
  - Make available at those facilities listed in the Public Hearing notice
- ◆ FHWA published a Notice of Availability in the FR via EPA's eNEPA online system
- ◆ [e-NEPA Guide On Registration And Preparing An EIS For Electronic Submission \(PDF\)](#)
- ◆ After 30 days have elapsed since publication of the notice in the FR the FHWA Division Office may sign the Record of Decision (ROD)

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**Combined FEIS and ROD**



- ◆ Section 1319 of MAP-21 states that a combined FEIS/ROD will be prepared unless:
  - The FEIS makes substantial changes to the proposed action
  - There are significant new circumstances or information
- ◆ Lead Agency will provide notification of its intent to combine FEIS and ROD, when applicable, in the Notice of Availability of the DEIS
- ◆ Does NOT alter requirements of environmental laws
- ◆ Legal sufficiency review is required
- ◆ Guidance will be included in the next revision of Part 1, Chapter 9
- ◆ FEIS/ROD then uploaded in the EST – sent to Florida State Clearinghouse, ETAT (including cooperating agencies)

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**Sample notification language on DEIS cover page**

***“FHWA will issue a combined Final Environmental Impact Statement and Record of Decision document pursuant to Pub. L. 112-141, 126 Stat. 405, Section 1319(b), unless FHWA determines certain conditions exist.”***

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### Separate FEIS and ROD



- ◆ If documents cannot be combined due to certain conditions – submit separately
- ◆ Notice of Availability uploaded by FHWA into e-NEPA for Agency – 30 day public availability period
- ◆ Prepare document for e-NEPA submittal
- ◆ FHWA may sign ROD after 30-day period
- ◆ District published LDCA in newspaper
- ◆ Complete Project Commitment Tracking Procedure



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### Limitation of Claims Notice - Title 23 USC 139(1)- EA and EIS/ROD

- ◆ MAP-21 includes a provision for limiting the time period for filing claims and seeking judicial review of permits, licenses, or approvals issued by federal agencies for a highway or public transportation capital project
- ◆ Limits filing a claim to 150 days
- ◆ Prepared by FHWA
- ◆ Published in the Federal Register by FHWA
- ◆ Published in the local newspaper with the LDCA advertisement



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### Non-Federal Projects



- ◆ FDOT or other governmental entity is the Lead Agency
- ◆ SEIRs follow basically the same process, i.e. Reevaluations, Commitment Tracking, Permitting requirements, etc.
- ◆ Continue to next phase
- ◆ Note: For Turnpike Projects - Environmental Feasibility is required (FS 338.223)
  - SEIR along with Draft Public notice is sent to FDEP
  - Within 14 days FDEP approves or modifies Public Notice
  - Public Notice is sent – public has 30 days to respond
  - FDEP has 30 days past end of public comment period to submit a statement of environmental feasibility



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### Reevaluations

- ◆ Reevaluations are necessary:
  - Prior to requesting federal-aid projects prior to advancing to the next phase of project implementation (e.g., Final Design, Right Of Way (ROW) or Construction).
  - Any time the design/project changes
  - Any time the design/project changes during design build project
  - Any time a project changes from the federal process to the state process

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### Reevaluations



- ◆ DEIS – A Written evaluation shall be prepared if an FEIS is not submitted to FHWA within three years from the date of DEIS circulation
- ◆ FEIS - A Written evaluation shall be required if major steps to advance project have not occurred within three years of the approved FEIS

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### Reevaluations

- ◆ Consultation with FHWA that establishes that the existing environmental document is still valid including discussion about any,
  - Phase status
  - Design change
  - Impact status
  - Changes in law
  - Regulations
  - Permitting
  - Commitments

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## Reevaluations

- ◆ Determine Documentation and Signatures needed (Reevaluation Form , Figure 13-2)
- If no changes – District prepares form and files – no FHWA signature required
- If requested, form is sent to FHWA for signature
- If there are changes to impacts, the District and FHWA determine level of analysis and public involvement is required to advance project

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## Reevaluations

Florida Department of Transportation  
REEVALUATION FORM

1. GENERAL INFORMATION (originally approved Environmental Document)

- a. Project Phase \_\_\_\_\_
- b. Document Type and Date of Approval \_\_\_\_\_
- c. Project Number: \_\_\_\_\_ Federal Aid \_\_\_\_\_ Financial Management \_\_\_\_\_ ETGM \_\_\_\_\_
- d. Project Name, Location and Limits (from original document) \_\_\_\_\_
- e. Segments of Highway Being Advanced: \_\_\_\_\_
- f. Project Segment Planning Consistency: If more than one segment is being advanced additional tables should be added.

Currently Approved	Comments				
Y/N	(If Y, list provide detail on how implementation and hour consistent with the attached)				
PHASE	Currently Approved	Currently Approved	TIP/STEP	TIP/STEP	Comments
Identify projects being advanced by the ROW, and/or Construction	Y/N	Y/N	\$	FF	(If phase consistency issues are identified, please detail and explain, needed to advance consistency)

\*Include pages from TIP/STEP/FF

g. Name of FDOT Preparer: \_\_\_\_\_

FIGURE 13.2. Reevaluation Form

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## Reevaluations

2. CHANGES IN IMPACT STATUS OR DOCUMENT COMPLIANCE

	YES / NO	COMMENTS
<b>A. SOCIAL &amp; ECONOMIC</b>		
1. Social		_____
2. Economic		_____
3. Land Use Changes		_____
4. Mobility		_____
5. Aesthetic Effects		_____
6. Recreation Potential		_____
7. Farmlands		_____
<b>B. CULTURAL</b>		
1. Section 4(f)		_____
2. Historic Sites/Districts		_____
3. Archeological Sites		_____
4. Recreation Areas		_____
<b>C. NATURAL</b>		
1. Wetlands and Other		
1. Wetlands		_____
2. Aquatic Resources		_____
3. Wetland Quality		_____
4. Outstanding FL Waters		_____
5. Wetland and Stream Flow		_____
6. Floodplains		_____
7. Coastal Zone Consistency		_____
8. Coastal Barrier Resources		_____
9. Listed Species and Habitat		_____
10. Essential Fish Habitat		_____
<b>D. PHYSICAL</b>		
1. Noise		_____
2. Air Quality		_____
3. Construction		_____
4. Construction		_____
5. Sensitive Highways		_____
6. Bicycles and Pedestrians		_____
7. Utilities and Railroads		_____
8. Navigation		_____

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**Reevaluations**

**3. EVALUATION OF MAJOR DESIGN CHANGES AND REVISED DESIGN CRITERIA** (e.g., typical section changes, alignment shifts, right-of-way changes, bridge to box culvert, drainage requirements, Revised Design Standards)

**4. MITIGATION STATUS AND COMMITMENT COMPLIANCE**

**5. STATUS OF PERMITS**

**6. CONCLUSION**

If no changes affecting the original environmental determination have occurred check the following:

The above Environmental Document has been reevaluated as required by 23 CFR 771 (or this manual for a SEIS). It has been determined that there have been no changes to the project that affect the original environmental determination. Therefore, the Administrative Action remains valid. It is recommended that the project identified herein be advanced to the next phase.

**7. REVIEWER SIGNATURE BLOCK**

Print Name \_\_\_\_\_ / /  
 District approving authority or designee \_\_\_\_\_ Date \_\_\_\_\_

**8. FHWA CONCURRENCE**

FHWA signature required?  Yes  No (Date of consultation) \_\_\_\_\_

Print Name \_\_\_\_\_ / /  
 Federal Highway Administration, Division Administrator \_\_\_\_\_ Date \_\_\_\_\_

**9. ATTACHMENTS**

3-10-14 **FIGURE 13.2. Reevaluation Form** (PART 13 - CONSTRUCTION) 13-12

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**Reevaluations**

Section 13-2

- ◆ Can advance single or multiple segments
- ◆ The entire original project limits must be covered in the reevaluation
- ◆ The project needs to be consistent with the Transportation Plans

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**Reevaluations**

- ◆ Supplemental Environmental Impact Statements
  - Changes to proposed action results in significant environmental impacts
  - New information or circumstances relevant to environmental concerns result in significant impacts not evaluated in EIS

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***Design Phase***

- ◆ Phase I Submittal
  - Preliminary Project Layout
  - Preliminary Drainage
  - Preliminary Profiles
  - Preliminary Landscape Plans

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***Design Phase***

- ◆ Phase II Submittal
  - Complete typical
    - Layout
    - Profile
    - Design Standards
  - Preliminary
    - Traffic Control Plans
    - Ditch Profile
    - Mitigation Plans

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***Design Phase***

- ◆ Phase III
  - All plans complete ready for review
  - Contract Time/Duration is Preliminary
- ◆ Phase IV
  - All changes made and ready for letting

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### Construction

- ◆ Environmental Reevaluation and Certification Form
- ◆ Pre-construction meeting
- ◆ Coordination with Design PM – PCR handoff
- ◆ Public Involvement
- ◆ Plan Revision
- ◆ Adhere to Permit Conditions and Obtain Remaining Permits, e.g. environmental observers
- ◆ Coordination with Maintenance



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### 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

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### Questions?



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***Thank you for attending  
the FDOT Environmental  
Management School***



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