Effective: June 14, 2017

PART 1, CHAPTER 6 ENVIRONMENTAL ASSESSMENT

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PART 1 CHAPTER 6 ENVIRONMENTAL ASSESSMENT

6.1 OVERVIEW

Pursuant to 23 United States Code (U.S.C.) § 327 and the implementing Memorandum of Understanding (MOU) executed on December 14, 2016, the Florida Department of Transportation (FDOT) has assumed Federal Highway Administration's (FHWA's) responsibilities under the National Environmental Policy Act (NEPA) for highway projects on the State Highway System (SHS) and Local Agency Program (LAP) projects off the SHS. In general, FDOT's assumption includes all highway projects in Florida whose source of federal funding comes from FHWA or which constitute a federal action through FHWA. This includes responsibilities for environmental review, interagency consultation and other activities pertaining to the review or approval of NEPA actions. Consistent with law and the MOU, FDOT will be the Lead Federal Agency for highway projects with approval authority resting in the Office of Environmental Management (OEM).

This chapter provides guidance for the development of an Environmental Assessment (EA). An EA is a concise public document prepared when the significance of environmental impacts associated with a project are unknown, **40 CFR 1508.9**.

The EA should:

- 1. Provide sufficient information and analysis for determining whether to prepare a Finding of No Significant Impact (FONSI) or an Environmental Impact Statement (EIS)
- 2. Aid in complying with **NEPA** and other applicable federal environmental laws, regulations, and Executive Orders when an EIS is not necessary
- 3. Facilitate preparation of an EIS when one is necessary

The EA is prepared by the District in consultation with OEM and includes agency and public coordination. It is important for the Project Development and Environment (PD&E) scope of services to recognize the result of the study could be either a FONSI or an EIS. If after completing the EA, it is determined there are no significant impacts resulting from the project, a FONSI is prepared. However, if it is determined that the project will result in significant impacts, an EIS must be prepared. See Part 1, Chapter 2, Class of Action Determination for Highway Projects for guidance on significance. Significance is identified by the District, but the final determination is made by OEM.

6.2 PROCEDURE

An EA is prepared by following the procedures in this chapter. A Public Involvement Plan (PIP) is developed and administered in accordance with procedures in <u>Part 1, Chapter 11, Public Involvement</u>. <u>Figure 6-1</u> shows the EA process.

6.2.1 Environmental Assessment Preparation

Although the regulations do not set page limits, the Council on Environmental Quality (CEQ) recommends that the length of EAs usually be less than 15 pages (40 Most Asked Questions Concerning CEQ's NEPA Regulations). This implies that the document should be concise and focused on the relevant issues or resources where the significance of the impacts is in question. Comments submitted from the Environmental Technical Advisory Team (ETAT) during the Environmental Screening Tool (EST) screening should be used to focus the content of the EA.

6.2.1.1 Cover Page and Table of Contents

Sample cover pages for EAs, both with and without a **Section 4(f)** evaluation, are provided in <u>Figure 6-2</u> and <u>Figure 6-3</u>. These cover pages are available as electronic forms, see <u>Section 6.4</u> for form numbers and hyperlinks.

The layout of the Table of Contents is provided in *Figure 6-4*.

6.2.1.2 Project Description and Purpose and Need

This section of an EA should be developed in accordance with <u>Part 2, Chapter 1, Project Description and Purpose and Need</u>. The EA document must include information reflecting the status of planning consistency [Long Range Transportation Plan (LRTP), State Transportation Improvement Plan (STIP), and Transportation Improvement Plan (TIP)]. Guidance on planning consistency is in <u>Guidance for Meeting Planning Requirements for NEPA Approval</u> and <u>Part 2, Chapter 1, Project Description and Purpose and Need</u>. Planning consistency must be met prior to requesting Location and Design Concept Acceptance (LDCA).

6.2.1.3 Alternatives

The EA must describe the alternatives in accordance with <u>Part 2, Chapter 3, Engineering Analysis</u>. This section provides guidance on engineering analysis and considerations concerning evaluation of existing conditions, selection of design parameters, development of alternatives, analysis of alternatives, selection of a recommended alternative, and documentation.

An EA must evaluate at least one Build Alternative and a No-Action (No-Build) Alternative. The EA does not need to evaluate in detail all reasonable alternatives for the project, and may be prepared for one or more viable build alternatives. Additionally, any alternative

considered but eliminated prior to preparation of the EA should be discussed and the reasons for its elimination documented in the EA according to <u>Part 2, Chapter 3, Engineering Analysis.</u>

6.2.1.4 Environmental Analysis

The Environmental Analysis section includes discussion of existing conditions of the project area and potential impacts and/or enhancements the project may have on applicable issues/resources. The Table of Contents in <u>Figure 6-4</u> provides a layout of subsections that should be included in the Environmental Analysis section. <u>Table 6-1</u> provides references to chapters in <u>Part 2 of this Manual</u> which provide guidance on addressing each issue/resource. Recall, the primary purpose of the EA is to determine whether an EIS is needed and thus the EA should focus on those resources which have a likelihood of being significantly impacted. If there is no involvement with, or impact to the issue/resource, the chapters listed in <u>Table 6-1</u> provide standard statements to include in these subsections.

The level of analysis for resources at issue should be sufficient to adequately identify the impacts and address comments provided by the ETAT, other agencies, interested parties, or the public during the Programming screen and/or the Advance Notification (AN) process. The analysis should also fulfill the resource agency consultative processes, address opportunities and approaches to mitigation when needed, and aid in coordination with the public or other interested stakeholders.

In general, this section should provide sufficient detail to support the conclusions and provide the scientific and analytic basis for the comparison of project alternatives. Each issue/resource subheading must describe the potential impacts of the proposed project and the alternatives evaluated. It should also include discussion of enhancements and identify potential benefits to the issue/resource. The document should make full use of charts, tables, maps, and other graphics illustrating comparisons between the alternatives and their respective impacts (i.e., costs, residential displacements, noise impacts). Impacts that can be mitigated should be discussed.

6.2.1.4.1 Anticipated Permits

The Environmental Analysis section should include a subsection on anticipated permits, listing permits identified during the PD&E Study. This list should include the name of the permit, the name of the permitting agency, and the permit status. Documentation of regulatory agency coordination should be added to the project file. Coordination with the District Permit Coordinator should occur when preparing this section of the document.

6.2.1.5 Comments and Coordination

A Comments and Coordination section is included in an EA to summarize the public and agency comments and coordination involved in developing the project and the EA. This includes early comments received by the District during the AN, or if combined, the ETDM

Programming Screen, as well as documentation of meetings and coordination with government leaders, government agencies, community groups and individual citizens. This also includes documentation of the early coordination process.

This section is divided up into three subsections:

- 1. Discussion of ETDM Programming Screen and Advance Notification
- 2. Coordination and Consultation
- 3. Concluding Statement

6.2.1.5.1 Discussion of Efficient Transportation Decision Making Programming Screen and Advance Notification

The comments received by the District during the AN, or if combined, the ETDM Programming Screen, should be referenced, or summarized in a subsection of the Comments and Coordination section of the EA. This subsection must include the following information:

- 1. The date of the AN distribution, or if combined with the ETDM Programming Screen, the screening date;
- 2. A list of federal, state, local agencies and other interested parties that provided comments;
- 3. A reference to relevant comments on the project and District responses. Reference the appropriate section where comments/District responses can be located.

6.2.1.5.2 Coordination and Consultation

This subsection summarizes the coordination and consultation which occurred with agencies, the public, and other interested parties during preparation of the EA. This should include a chronology of meetings, events, attendees, comments received, and District responses. This information can be exhibited as a table.

6.2.1.5.3 Concluding Statement

Since the draft document is subject to modification, place the following statement as the concluding statement for the Comments and Coordination section.

FDOT will not make a final decision on the proposed action or any alternative until a public hearing or the opportunity for a public hearing has been provided for this project and comments received have been taken into consideration.

6.2.1.6 Commitments

This section, should contain all commitments made during the PD&E process and identified in associated technical reports (<u>Part 2, Chapter 22, Commitments</u>). In addition, commitments are transferred verbatim to the **Project Commitment Record, Form No. 700-011-35**. Appropriate sections of the EA should be referenced in the Commitments section to provide context.

6.2.1.7 Appendix

The Appendix is the final section of an EA. The Appendix contains documents which are necessary to the significance finding. This may include concurrence letters, determinations of effect, Memorandums of Understanding, and Referendums.

6.2.1.7.1 Appendix Divider Page

The Appendix divider page, should include a list of the documents provided. Material contained in the Appendix must be numbered for ease in referencing. The organization of material, into federal, state, and local groupings, or by chronological order, or some other category, is up to the preparer. A sample of the type of listing generally found on the divider page is provide in *Figure 6-5*.

6.2.1.7.2 Correspondence Contained in the Appendix

The following is a list of correspondence that is generally found in the Appendix:

- 1. Letters from state agencies
- 2. Letters from elected or appointed state officials
- 3. Letters from local agencies and officials
- 4. Letters from statewide and regional clearinghouses
- 5. Letters from federal agencies
- 6. Letters from elected or appointed federal officials
- 7. Letters from cooperating agencies
- Letters from citizens or citizens groups
- 9. Letters from private interest groups

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6.2.1.7.3 Types of Support Material Usually Found in the Appendix

The following is a list of the types of support data usually incorporated into the Appendix of an EA. The preparer should note that this list is not all inclusive.

- 1. Lists (i.e., meeting attendees)
- 2. Resolutions
- 3. Letters of Agreement
- 4. Memoranda of Agreement (i.e., **Section 106 Historic Preservation Act**)
- 5. Special Reports
 - Material prepared in connection with the Environmental Document which substantiates an analysis and is not contained under separate cover;
 - b. Material which is analytical and is relevant to the decision to be made and is not contained under separate cover; and
 - c. Material which, due to its nature, should be circulated with the EA.

Items 5a through 5c are rarely used since most, if not all, of the support data and analysis developed for an EA is contained under separate cover and incorporated in the document by reference.

Note, the Appendix should not contain materials that do not support the significance finding such as internal FDOT memos or letters between FDOT and its consultant, comments on draft documents, or ETDM Planning or Programming Screen Summary Reports.

6.2.1.7.4 Material Incorporated by Reference

Material contained under separate cover should be referenced in the EA and included in the project file. This includes technical reports (e.g., *Traffic Report*, *Conceptual Stage Relocation Plan*, *Natural Resource Evaluation*), technical memorandums, and studies. For a complete list of technical reports see Part 1, Chapter 4, Project Development Process. The documents referred to in the EA must be readily available for public review at the District office. An exception to this is during the public availability period of the document, when the document and support documentation are placed in other locations for public availability (Part 1, Chapter 11, Public Involvement).

6.2.2 FDOT Document Review Process

The FDOT Document Review Process is provided in <u>Figure 6-6</u>. After preparing the EA, the District conducts a quality control review and uses the StateWide Environmental Project Tracker (SWEPT) application to complete the **Environmental Document Submittal Form, Form No. 650-050-15** for initial OEM review. The District uploads the EA into the FDOT's Electronic Review and Comment (ERC) application.

The OEM Project Delivery Coordinator (PDC) confirms the document is complete and ready for review. If necessary, the District schedules a project briefing for OEM reviewers and the Office of General Counsel (OGC) reviewers, as needed. The OEM and OGC review team will have 30 calendar days to review the draft documents. OEM will provide comments in the ERC. The District will address OEM comments and provide responses in the ERC. If necessary, the District will schedule a meeting with the project review team to discuss comments.

If there are Cooperating Agencies, the District uploads the EA to the EST and initiates the Cooperating Agency review concurrent with OEM review. The District will address Cooperating Agency comments in the EST.

Once comments have been addressed, the District submits the revised document along with the *Environmental Document Submittal Form, Form No.650-050-15* for approval. The form is completed in SWEPT and the revised documents are uploaded in SWEPT. The OEM project review team has a 15-day period to confirm that comments have been addressed. Following confirmation from the PDC the document can advance to OEM Environmental Process Administrator review.

The OEM Environmental Process Administrators recommend the EA for approval. The Director of OEM, or designee, then approves the EA.

Districts should maintain the project file according to <u>Part 1, Chapter 15, Project File</u> and Records Management.

6.2.3 Actions Taken After Approval of the Environmental Assessment

Distribution to Agencies and Stakeholders

The approved EA is sent electronically to the Florida State Clearinghouse (SCH) and ETAT agencies, which includes Cooperating Agencies (e.g. USCG, USACE) and Participating Agencies, through the EST. The District should also send the document to other interested state and federal agencies and other stakeholders listed in Part 1, Chapter 3, Part 1, including contacts to which the AN was originally sent. The document should be sent to Native American tribes according to their requested method of communication as established on the OEM Native American Coordination website. Others should be sent

an electronic link to the document, unless a paper copy is requested. See <u>Figure 6-7</u> for a sample transmittal letter.

Public Notice and Public Hearing

The District places a notice in the local newspaper(s) which advertises the public hearing, announces that the approved document is available for public review, and provides the locations where the approved document can be inspected by the public, **23 CFR** § **771.119** (**Part 1, Chapter 11, Public Involvement**).

The public hearing is held a minimum of twenty-one (21) days after the notice is placed in the local newspaper(s), 23 CFR § 771.119. Notice should also be placed on the agency website and in the Florida Administrative Register (FAR).

Decision of FONSI or DEIS

After the public hearing has been held, the comment period has closed, and comments have been addressed and determined to not be significant, the District prepares a FONSI according to procedures in <u>Part 1, Chapter 7, Finding of No Significant Impact</u>. If significant impacts are determined, a DEIS is prepared in accordance with <u>Part 1, Chapter 8, Draft Environmental Impact Statement</u>.

6.3 REFERENCES

- CEQ, 40 Most Asked Questions Concerning CEQ's NEPA Regulations, March 16, 1981
- CEQ, 1978. Regulations for Implementing the Procedural Provisions of the National Environmental Policy Act, 43 FR 55978-56007 and 40 CFR Parts 1500-1508
- FHWA, 1987. Guidance for Preparing and Processing Environmental and Section 4(f) Documents. http://environment.fhwa.dot.gov/projdev/impta6640.asp
- FHWA guidance on NEPA documentation. http://environment.fhwa.dot.gov/projdev/docuea.asp
- FDOT. Efficient Transportation Decision Making (ETDM) Manual, Topic No. 650-000-002. http://www.fdot.gov/environment/pubs/etdm/etdmmanual.shtm
- Memorandum of Agreement Between FHWA and FDOT Concerning the State of Florida's Participation in the Surface Transportation Project Delivery Program Pursuant to 23 U.S.C. 327, December 14, 2016.

 http://www.fdot.gov/environment/pubs/Executed-FDOT-NEPA-Assignment-MOU-2016-1214.pdf

Title 23 CFR Part 771, Environmental Impact and Related Procedures.

http://www.ecfr.gov/cgi-

<u>bin/retrieveECFR?gp=&SID=3f0e8ae65ee76fc13c0bc7a240e9fc59&mc=true&r=PART&n=pt23.1.771</u>

Effective: June 14, 2017

Title 23 U.S.C. § 327. Surface Transportation Project Delivery Program.

http://uscode.house.gov/view.xhtml?req=(title:23%20section:327%20edition:prelim)%20OR%20(granuleid:USC-prelim-title23-section327)&f=treesort&edition=prelim&num=0&jumpTo=true

6.4 FORMS

Environmental Assessment Cover Page, Form No. 650-050-31*

Environmental Assessment/Draft Section 4(f) Evaluation Cover Page, Form No. 650-050-32*

Environmental Document Submittal Form, Form No. 650-050-15*

Project Commitment Record Form, Form No. 700-011-35

*To be completed in SWEPT

Note: Hyperlinks are only for those with FDOT Intranet access only. Those without Intranet access may view or download forms at: http://www.fdot.gov/procedures/. Sign in is required.

6.5 HISTORY

11/1/2002, 1/31/2007, 8/27/2012, 10/21/2013: Pen and Ink to Section 6-2.3, 05/30/2014: Mandatory inclusion of OEM approval, 5/30/2014, 8/15/2016

Table 6-1 Chapter References for Issue/Resources

Issue/Resource	Part	Chapter
Social and Economic		
Social	2	4
Economic	2	4
Land Use Changes	2	4
Mobility	2	4
Aesthetic Effects	2	5
Relocation Potential	2	4
Farmland	2	6
Cultural		
Section 4 (f)	2	7
Historic Sites/Districts	2	8
Archaeological Sites	2	8
Recreational Areas	2	7
Natural		
Wetlands and Other Surface Waters	2	9
Aquatic Preserves and Outstanding Florida Waters	2	10
Water Quality and Water Quantity	2	11
Wild and Scenic Rivers	2	12
Floodplains	2	13
Coastal Zone Consistency	2	14
Coastal Barrier Resources	2	15
Protected Species and Habitat	2	16
Essential Fish Habitat	2	17
Physical		
Highway Traffic Noise	2	18
Air Quality	2	19
Contamination	2	20
Utilities and Railroads	2	21
Construction	2	3
Bicycles and Pedestrians	2	3
Navigation	1	12
Anticipated Permits	1	12

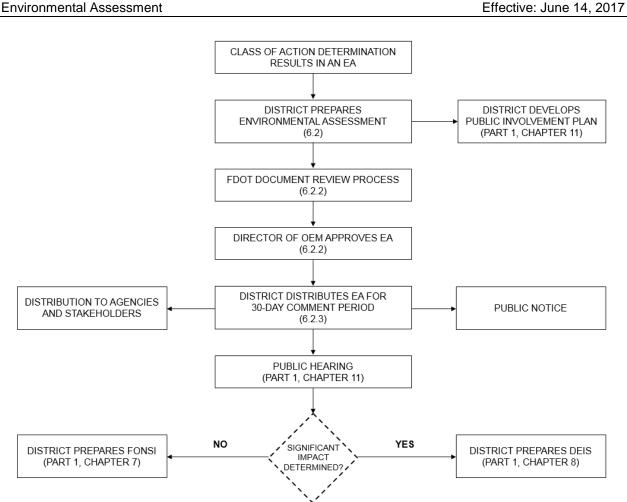


Figure 6-1 Environmental Assessment Process

ADMINISTRATIVE ACTION ENVIRONMENTAL ASSESSMENT

Florida Department of Transportation In cooperation with the (list cooperating agencies)

Financial Management Number: xxxxx-xxxx Federal Project Number: xxx-xxx-x(xx) route, limits, County, Florida

Effective: June 14, 2017

The environmental review, consultation, and other actions required by applicable federal environmental laws for this project are being, or have been, carried out by the Florida Department of Transportation (FDOT) pursuant to 23 U.S.C. § 327 and a Memorandum of Understanding dated December 14, 2016 and executed by the Federal Highway Administration and FDOT.

Approved For Public Notice _ / ___ / ___ Director of the Office of Environmental Management Florida Department of Transportation For additional information, contact: Name Name District Contact Title OEM Contact Title Florida Department of Transportation Florida Department of Transportation 605 Suwannee Street, MS 37 Street Address Tallahassee, Florida 32399 City, Florida, zip code Phone: (xxx) xxx-xxxx Phone: (xxx) xxx-xxxx

Email address

Figure 6-2 Environmental Assessment Sample Cover Page

Email address

ADMINISTRATIVE ACTION ENVIRONMENTAL ASSESSMENT/DRAFT SECTION 4(f) EVALUATION

Florida Department of Transportation In cooperation with the (list cooperating agencies)

Financial Management Number: xxxxx-xxxx Federal Project Number: xxx-xxx-x(xx) route, limits, County, Florida

Effective: June 14, 2017

The environmental review, consultation, and other actions required by applicable federal environmental laws for this project are being, or have been, carried out by the Florida Department of Transportation (FDOT) pursuant to 23 U.S.C. § 327 and a Memorandum of Understanding dated December 14, 2016 and executed by the Federal Highway Administration and FDOT.

Submitted pursuant 49 U.S.C. § 303.

Approved For Public Notice	
/ / Date	Director of the Office of Environmental Management Florida Department of Transportation

For additional information, contact:

Name Name

District Contact Title OEM Contact Title

Florida Department of Transportation Florida Department of Transportation

Street address 605 Suwannee Street, MS 37
City, Florida, zip code Tallahassee, Florida 32399
Phone: (xxx) xxx-xxxx Phone: (xxx) xxx-xxxx

Email address Email address

Figure 6-3 Environmental Assessment/Draft Section 4(f) Evaluation Sample Cover Page

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Figure 6-5 Sample Appendix

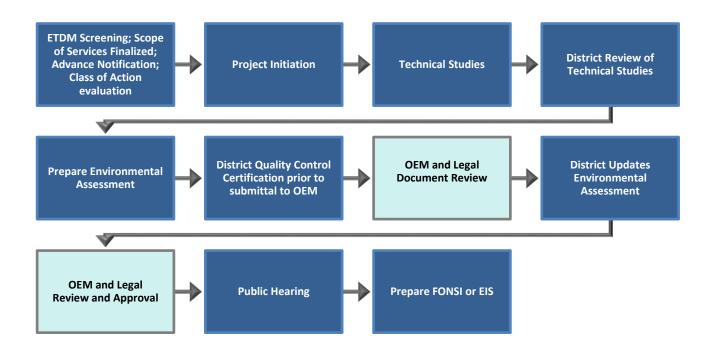


Figure 6-6 FDOT Document Review Process for EAs

(DATE)

(FEDERAL, STATE, TRIBE, OR LOCAL AGENCY) (ADDRESS)

Subject: Environmental Assessment

(PROJECT NAME)

Financial Management Number XXXXX-XXXX

Federal-Aid Project No. X-XXX(X)-X (NAME OF COUNTY), Florida

Dear Mr./Ms.:

Pursuant to the National Environmental Policy Act of 1969, the Florida Department of Transportation is transmitting the Environmental Assessment as approved by the Office of Environmental Management. The comment period for this document closes 30 days from publication in (insert name of newspaper). The document may be found at (insert link to website).

Sincerely,

District Environmental Office

Enclosures

cc: OEM / without enclosure

Figure 6-7 Sample Transmittal Letter for EA Distribution