

## **PART 1, CHAPTER 9**

# **FINAL ENVIRONMENTAL IMPACT STATEMENT**

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## PART 1, CHAPTER 9

# FINAL ENVIRONMENTAL IMPACT STATEMENT

### 9.1 OVERVIEW

A Final Environmental Impact Statement (FEIS) is the Environmental Document for actions that significantly affect the environment as defined by the Council on Environmental Quality (CEQ) regulations. It is prepared after a Draft Environmental Impact Statement (DEIS) is published/noticed in the *Federal Register (FR)* and public comments received have been considered. **Title 23 U.S.C. § 139** directs the use of a combined FEIS and Record of Decision (FEIS/ROD) as the final project decision to the maximum extent practicable. The FEIS/ROD or FEIS identifies the preferred alternative and documents the reasonable alternatives considered, discusses substantive comments received on the DEIS and responses, summarizes public involvement, and describes the mitigation measures that are to be incorporated into the proposed action. To the extent practical, the FEIS/ROD or FEIS also documents compliance with all applicable environmental laws and Executive Orders, or provides reasonable assurance (**23 CFR § 771.133**) that their requirements can be met.

Preparation of a FEIS may begin after the 45-day public comment period for the DEIS published in the *Federal Register Notice of Availability* closes. The FEIS may be prepared by completing an FEIS Errata Sheet, or updating the DEIS and submitting a FEIS/ROD or if conditions warrant, a FEIS (**Section 9.2.2**). If the District is submitting a FEIS, a Draft Record of Decision (DROD) should be prepared and submitted to the Federal Highway Administration (FHWA) with the FEIS. The FEIS process is shown in **Figure 9-1** and the FEIS/ROD process in **Figure 9-2**. The FEIS/ROD or FEIS is submitted only after the District has completed a quality control review, and the State Environmental Management Office (SEMO) has provided a technical and procedural review. SEMO coordinates its 30-day review with the District and upon SEMO approval the District submits the FEIS/ROD or FEIS to FHWA. The District should also send a copy of the FEIS/ROD or FEIS to cooperating agencies.

The FEIS/ROD or FEIS must include information demonstrating the project's fulfillment of FHWA's planning consistency requirements [Long Range Transportation Plan (LRTP), Transportation Improvement Program (TIP), and State Transportation Improvement Program (STIP)]. This information is prepared using the *Planning Requirements for Environmental Document Approvals Form* located in [Part 1, Chapter 4, Project Development Process](#). Planning consistency must be met prior to requesting Location and Design Concept Acceptance (LDCA).

Once approved, the FHWA Division Office sends the signed cover page of the FEIS/ROD or FEIS to the District. The District sends the FEIS/ROD or FEIS to the Florida State Clearinghouse and all interested state and federal agencies. Since the FEIS has a 30-day comment period, supporting technical documents may be provided at the same time.

These may be sent using the Efficient Transportation Decision Making (ETDM) Environmental Screening Tool (EST) or via email.

If the document is an FEIS, it must be published in the **FR**. FHWA files the FEIS electronically with the U.S. Environmental Protection Agency (EPA) via e-NEPA. FHWA's Division Administrator may sign the ROD thirty (30) days after EPA publishes the **Notice of Availability** in the **FR**. The signing of the ROD provides LDCA.

The signing of a combined FEIS/ROD provides LDCA.

After receipt of LDCA, a notice is published in a local newspaper(s) by the District stating that LDCA has been granted for the project. This should be the same newspaper in which the public hearing ad was published.

## 9.2 PROCEDURE

### 9.2.1 Preparation of the Final Environmental Impact Statement

The FEIS is prepared after the DEIS public hearing. The public has the opportunity to provide comments to the Florida Department of Transportation (FDOT) on a project, both before and during the public hearing and a minimum of 10 days following the public hearing. Federal, state, local agencies, and other stakeholders also have the opportunity to comment. The comments are appended to, and become part of, the public hearing transcript record ([Part 1, Chapter 11, Public Involvement](#)). Comments and issues raised at the public hearing, transcript record, and any design, cost, environmental, or other changes occurring since the approval of the DEIS must be considered and documented.

The FEIS is prepared after the 45-day public comment period for the DEIS as published in the **Federal Register (FR) Notice of Availability** has ended. The date comments must be received by is shown at the bottom of the cover page of the approved DEIS (see [Part 1, Chapter 8, Draft Environmental Impact Statement](#)). The District may revise the DEIS or prepare errata sheets to describe the outcome of the public hearing, issues raised, and FDOT responses, including design changes since the approval of the DEIS.

#### 9.2.1.1 FEIS Errata Sheets

**Title 40 CFR § 1503.4(c)** and **Title 23 U.S.C. § 139** allow for the preparation of an FEIS by attaching errata sheets to the DEIS if certain conditions are met. The use of errata sheets is appropriate when comments received on a DEIS are minor, and the lead agency's responses to those comments are limited to factual corrections or explanations of why the comments do not warrant further response.

The errata sheets and the information required in an FEIS are attached to the DEIS for submittal to FHWA as the FEIS; this documentation will undergo the legal sufficiency review required by **23 CFR § 771.125**.

The errata sheets should include, at a minimum, the following information:

1. A list of factual corrections made to the DEIS with references to the relevant page numbers in the DEIS;
2. A list and explanation of why the DEIS comments do not warrant further response in the FEIS, citing the sources, authorities, or reasons that support the explanation; and
3. If appropriate, an indication of the circumstances that would trigger reappraisal or further response.

In addition, the errata sheets should contain a section that includes the following, as referenced in **23 CFR § 771.133** and in **Section VI(C)** of **FHWA Technical Advisory T6640.8A**:

1. Identification of the preferred alternative and the reasons why it was selected;
2. Final **Section 4(f)** evaluation or *de minimis* finding [**23 U.S.C. § 138/49 U.S.C. § 303 (23 CFR Part 774)**], if applicable;
3. Findings, including wetlands, floodplains, and **Section 106** effects, as applicable;
4. List of commitments including mitigation measures for the preferred alternative;
5. Copy or summary of comments received on the DEIS and in the public hearing and related responses. Include any coordination activities that have taken place since issuance of the DEIS; and
6. Identification of any other findings to comply with applicable environmental laws, regulations, Executive Orders, and related requirements (with associated agency consultation documentation) where there is reasonable assurance that full compliance will occur after issuance of the FEIS.

### 9.2.1.2 Updating the Draft Environmental Impact Statement

If the conditions required for preparing errata sheets cannot be met or if the District in coordination with FHWA determines not to use errata sheets, the DEIS is updated to become the FEIS. Updates should be made in accordance with [Part 2 of this Manual](#) as referenced below:

1. Update the EIS document number, with new year, if applicable and change D to F.
2. Update the Commitments section ([Part 2, Chapter 32, Commitments](#)) containing:

- a. A list of commitments made by FDOT, including but not limited to mitigation measures, design commitments, and pollution control measures; and
  - b. The commitments identified in the DEIS. These should have been documented in accordance with [Procedure No. 700-011-035, Project Commitment Tracking](#). Any new commitments require internal coordination and once approved by the appropriate District authority shall be included in the FEIS and [Project Commitment Record \(PCR\), Form 700-011-35](#) by the appropriate project manager.
3. Update the Comments and Coordination section ([Part 2, Chapter 31, Comments and Coordination](#)) to include:
    - a. A summary of the public hearing(s), identifying place(s), time(s), participants, and comments received; and
    - b. Responses to comments after notice of the DEIS and the public hearing(s) as applicable.
  4. Modify appropriate sections of the document to reflect changes in environmental impact(s), cost, design, or other changes since approval of the DEIS.
  5. Revise the Executive Summary in the DEIS according to [Part 2, Chapter 3, EIS Executive Summary/FONSI](#).

The updated DEIS is then submitted by the District as a FEIS/ROD or FEIS to FHWA according to **Section 9.2.3**.

## 9.2.2 Preparation of the Record of Decision

The ROD summarizes the findings of the FEIS and documents FHWA's final decision. It presents the basis for the preferred alternative, identifies the mitigation measures that will be incorporated in the project, and documents any required **Section 4(f)** approvals. When submitting the FEIS separately, the District should prepare a DROD for inclusion as a component of the FEIS. See **Figure 9-6** for a sample format. This format is also used for preparing the ROD for an FEIS/ROD.

### 9.2.2.1 Combined FEIS and ROD (FEIS/ROD)

A combined FEIS/ROD should include on the cover page a notice stating that a combined FEIS/ROD will be prepared pursuant to **Title 23 U.S.C. § 139**. This does not alter requirements under other environmental laws. At a minimum, a combined FEIS/ROD must meet the requirements of **Title 23 U.S.C. § 139** and be consistent with FEIS and ROD guidance in the **FHWA Technical Advisory T6640.8A**. For instance, the project must be in the fiscally constrained Metropolitan Planning Organization LRTP and TIP, or STIP (**23 CFR Part 450**), and, in air quality nonattainment and maintenance areas,

comply with conformity regulations under the **Clean Air Act** and EPA requirements [**42 U.S.C. § 7506(c)** and **40 CFR Part 93**].

The FEIS and ROD should be combined into a single document unless:

1. The FEIS makes substantial changes to the proposed action that are relevant to environmental or safety concerns; or
2. There are significant new circumstances or information relevant to environmental concerns that have a bearing on the proposed action or the impacts of the proposed action.

When using a combined FEIS/ROD, it is important to consider possible effects on the timing of required coordination under other laws and the need for additional documentation to finalize determinations or findings. Through interagency coordination, agencies should be notified as early as possible that FHWA is combining the FEIS and ROD. In situations where FHWA published a notice of availability for the DEIS prior to October 1, 2012, FHWA should provide notification as early as possible to all project sponsors and participating agencies that FHWA will issue a combined FEIS/ROD unless conditions exist that prevent issuance of a combined document. At a minimum, notification should be made prior to publication of a combined FEIS/ROD.

The notice may use language such as:

FHWA will issue a combined Final Environmental Impact Statement and Record of Decision document pursuant to **Title 23 U.S.C. § 139**.

A legal sufficiency review is required for a combined FEIS/ROD. If FHWA determines that a combined FEIS/ROD is not appropriate, the determination must be included in the administrative record.

The format of the FEIS/ROD should be coordinated with FHWA Division and created as follows:

1. A combined FEIS/ROD document which attaches a ROD to an FEIS, or
2. A combined FEIS/ROD document which includes the ROD as part of the FEIS Executive Summary. In the table of contents, the Executive Summary should be titled **Executive Summary with ROD**.

### **9.2.2.1.1 Applying Errata Sheets and FEIS/ROD to a Project**

Errata sheets and the combined FEIS/ROD provisions (**Title 23 U.S.C. § 139**) can be used together, as long as the conditions of both are met. When both provisions are used, the FEIS/ROD will consist of a DEIS, errata sheets, responses to DEIS comments, information required in a FEIS, and ROD.

### 9.2.2.2 Separate Approval of the ROD

If a project does not meet the conditions for a combined FEIS/ROD, then the FEIS and ROD are issued and approved separately. The DROD is prepared and submitted to FHWA for review at the same time the FEIS is sent for approval. In these cases, the FEIS would be approved first and the ROD can only be approved following the 30-day public notice of availability of the FEIS in the **FR**. After the 30-day public notice period, FHWA Division may approve the ROD which constitutes LDCA.

### 9.2.3 Intradepartment and FHWA Review Process

After preparing the FEIS/ROD or FEIS, the District conducts a quality control review and sends the document, including any technical support documents and the DROD, if applicable, to SEMO. Upon receipt, SEMO will coordinate its 30-day review schedule with the District. SEMO will provide a technical and procedural review of the documents and transmit its comments to the District. The District should allow sufficient time in their schedules to address SEMO comments and allow for any additional review or coordination.

After SEMO has completed its review and comments have been satisfactorily incorporated or addressed by the District, SEMO will email its approval for submittal to FHWA to the District. The FEIS/ROD or FEIS with DROD, two (2) copies each of supporting reports and one (1) copy of the public hearing transcript are then submitted by the District to FHWA. The Districts must contact FHWA's Division Office to determine the number of FEIS/ROD or FEIS copies needed. A transmittal letter from the District to FHWA should accompany the FEIS/ROD or FEIS and related reports. Sample letters are provided in **Figure 9-3** and **Figure 9-4**.

The District must also send FHWA a completed **Planning Requirements for Environmental Document Approvals Form** ([Part 1, Chapter 4, Project Development Process](#)). LRTP, TIP, and current STIP pages should also be attached to the form and submitted to FHWA. If the project is segmented for future phases, it must be identified in the form and associated discussion. A map showing each segment should also be included with the form and described in the FEIS/ROD or FEIS. All consistency requirements must be met prior to requesting LDCA. The District is responsible for submitting all materials to FHWA.

FHWA's Atlanta Regional Office provides a legal sufficiency review of the FEIS and depending on the scope of the project, the Division may also ask for review by FHWA's office in Washington DC. These additional reviews may impact the project schedule.

If there are cooperating agencies, the District submits two (2) copies of the FEIS/ROD or FEIS to each agency for their review and comment. The cooperating agencies are sent only the technical documents that pertain to their jurisdiction.

Within thirty (30) days of receipt of the FEIS/ROD or FEIS, FHWA and the cooperating agencies should review and provide comments to the District. FHWA's Division Office will:

1. Review the document and provide comments
2. Provide a statement that the document is not ready for review, or
3. Submit the final document for legal sufficiency review.

If FHWA or a cooperating agency submits comments, the District must address the comments and make any necessary revisions to the document.

## **9.2.4 Actions Taken After FHWA Approval of the FEIS/ROD or FEIS**

### **9.2.4.1 FEIS/ROD**

When the District receives the signed cover page of a combined FEIS/ROD from FHWA, the District must publish an Announcement of LDCA. The announcement should be published in the same local newspaper(s) used for public hearing notification, informing the public that the project is being advanced. The District needs to coordinate internally to advance the project as appropriate (e.g., inform Directors, Design Office, Federal-Aid Office, Office of the Work Program). One hard copy and one electronic copy of the signed FEIS/ROD must be sent to SEMO.

The District should upload the approved FEIS/ROD to the EST. Once uploaded, the District can use the EST or email to send an electronic copy of the document to the Florida State Clearinghouse and ETAT which includes the Cooperating Agencies [e.g., U.S. Coast Guard (USCG), U.S. Army Corps of Engineers (USACE)]. The District should also send the document to other interested state and federal agencies, other stakeholders, and those who submitted substantive comments on the DEIS. Paper copies should be printed and mailed to Native American tribes. Others should be sent an electronic link to the document, unless a paper copy is needed. A sample transmittal letter is provided in **Figure 9-5**.

### **9.2.4.2 FEIS**

When the District receives the signed cover page of an FEIS from FHWA, the District should transmit the approved document to recipients of the DEIS, including cooperating agencies, and those who submitted substantive comments on the DEIS. The District may provide alternative circulation processes in accordance with **40 CFR § 1502.19**. The District should upload the approved FEIS to the EST. Once uploaded, the District can use the EST to send an electronic copy of the document to the Florida State Clearinghouse and ETAT which includes the Cooperating Agencies (e.g., USCG, USACE). The District should also send the document to other interested state and federal agencies, other stakeholders, and those who submitted substantive comments on the DEIS. Paper copies should be printed out and mailed to Native American tribes. Others

should be sent an electronic link to the document, unless a paper copy is needed. A sample transmittal letter is provided in **Figure 9-5**. Distribution of the document and publication of where the document is available for review should be in the same local newspaper(s) used for public hearing notification and must occur before FHWA sends the e-NEPA request for the publication of the **Notice of Availability** in the **FR** to EPA (**23 CFR § 771.125**). The formal review period will close 30 days after posting on the e-NEPA website.

The **Notice of Availability** is initiated when FHWA files the FEIS with EPA. All FEISs must be electronically submitted to EPA using their e-NEPA online tool.

The scanned document must meet the following requirements for submittal:

1. PDF files must be no greater than 50MB. If the document is larger, divide it into chapters or subchapters.
2. Format the filenames with the chapter or subchapter number first, followed by its name. Example: Chapter 1- Purpose and Need
3. If submitting a single file, use the full EIS title as the filename.
4. All PDF documents must be formatted to be searchable.
5. All PDF files should have chapters and subchapters bookmarked and the bookmark view should be displayed upon opening the file.

After formatting the document for e-NEPA, the District sends it to FHWA, identifying the Title, Subject, Author, and Keywords for use as metadata for the submittal. EPA then publishes the **Notice of Availability** of the FEIS in the **FR** for a 30-day comment period (**23 CFR § 771.125**). The District must monitor the **FR** for publication of the notice and place a copy in the project file.

FHWA's Division may sign the ROD 30 days after publication of the notice in the **FR**. By signing the ROD, FHWA's Division Administrator grants LDCA.

Upon LDCA, the District should coordinate internally to advance the project as appropriate (e.g., inform Directors, Design Office, Federal-Aid Office, Office of the Work Program). One hard copy and one electronic copy of both the FEIS and ROD must be sent to SEMO. The District must also publish a notice of LDCA in the same local newspaper(s) used for the public hearing notice. The LDCA notice informs the public that the FHWA is advancing the project to the next phase ([Part 1, Chapter 11, Public Involvement](#)).

### 9.2.4.3 Project Commitment Tracking

Upon LDCA the Districts shall follow [Procedure No. 700-011-035, Project Commitment Tracking](#), requiring use of the **PCR** to document commitments. The completed **PCR** is then transmitted to the appropriate project manager.

### 9.2.5 Guidance on Limitation of Claims Notice

**Title 23 U.S.C. § 139(I)**, 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. The provision establishes a statute of limitations period of 150 days for filing a challenge following publication of the notice in the **FR** of the agency action(s).

Upon submittal of an FEIS/ROD or FEIS to FHWA for review, the District must discuss with FDOT's Office of General Counsel and FHWA's Division Office the need for publication of a **Limitation of Claims Notice** under **23 U.S.C. § 139 (I)**. In considering whether to publish a **Limitation of Claims Notice**, the determining factors include the class of action, degree of controversy surrounding the project, the likelihood of litigation, and the anticipated time frames for advancing the project to maintain project schedules. In most instances, FEIS/ROD and FEIS documents will require preparation of a **Limitations of Claims Notice**.

Regardless of whether a decision is made to publish a **Limitations of Claims Notice**, the District, upon approval of an FEIS/ROD or ROD for an FEIS, will publish a notice in the local newspaper(s) used for public hearing notification stating that LDCA has been approved by FHWA. At the same time, the District will submit to FHWA the project information needed to publish the **Limitations of Claims Notice** in the **FR**. FHWA will then submit the notice to the **FR**. The 150-day limitations period begins upon date of publication of the notice in the **FR**.

There may be occasions when associated federal agency approvals (e.g., USACE permit, USCG permit) will be received at or around the same time as final **NEPA** approval. On those occasions, as part of the notice publication discussion, FHWA and FDOT will confer as to whether one combined notice should be published for the **NEPA** document and any associated federal agency actions. If other federal agency actions (e.g., permits, licenses, or approvals) will be obtained at a later phase of the project, notice of limitation of claims would be published at that time for the subsequent approval, if agreed to between FHWA and FDOT.

## 9.3 REFERENCES

23 Code of Federal Regulations (CFR) Part 771 - Environmental Impact and Related Procedures.

23 United States Code (U.S.C.) § 139.

Council of Environmental Quality. 1978. Regulation for Implementing the Procedural Provisions of the National Environmental Policy Act (NEPA). 43 CFR §§ 55978-56007 and 40 CFR §§ 1500-1508.

Federal Highway Administration (FHWA). Technical Advisory T6640.8A. Guidance for Preparing and Processing Environmental and Section 4(f) Documents. October 30, 1987.

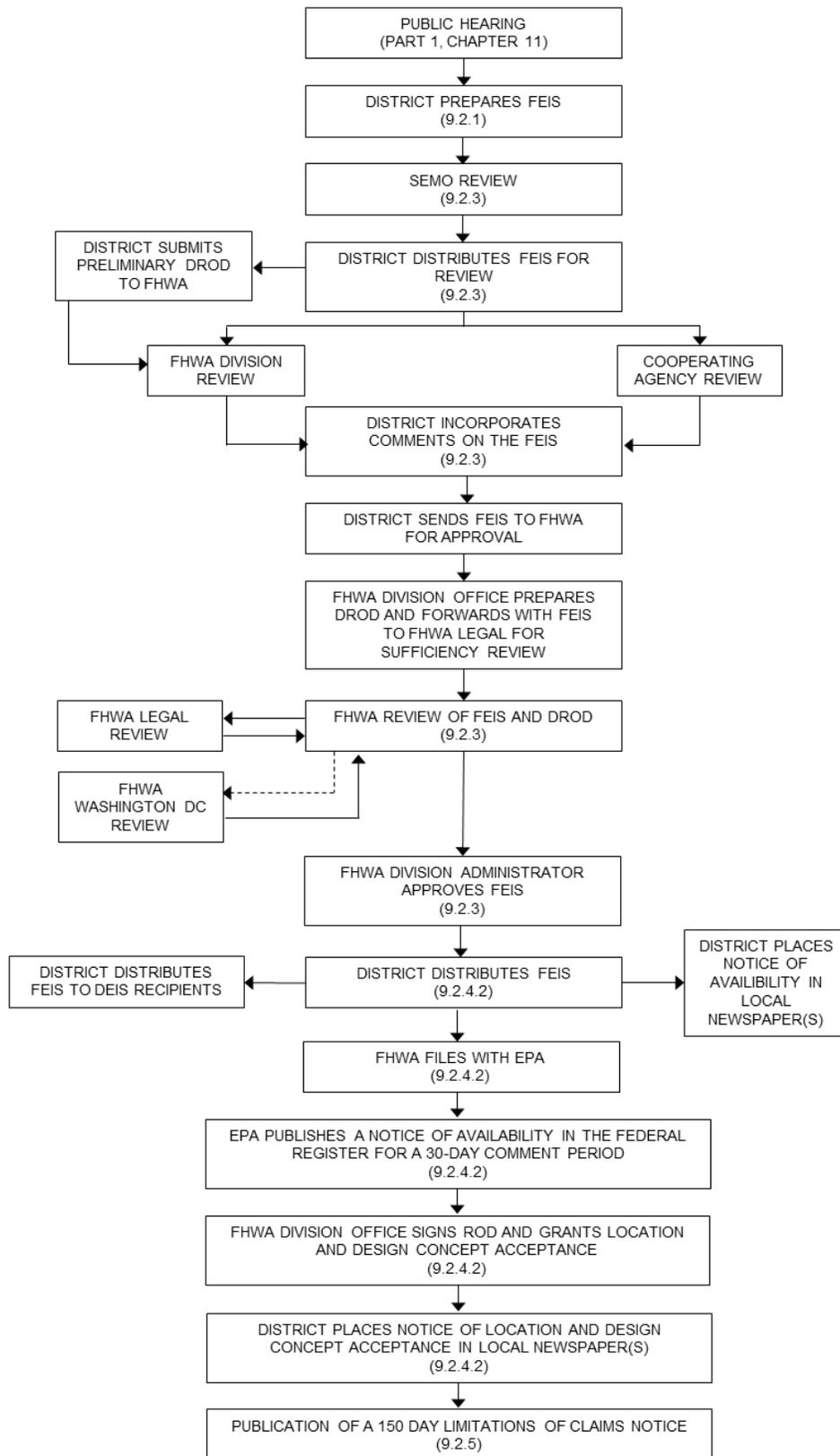
Federal Register (FR). Environmental Impact and Related Procedures. FR Vol. 52, No. 167.

Florida Department of Transportation (FDOT), [Project Commitment Tracking, Procedure No. 700-011-035](#).

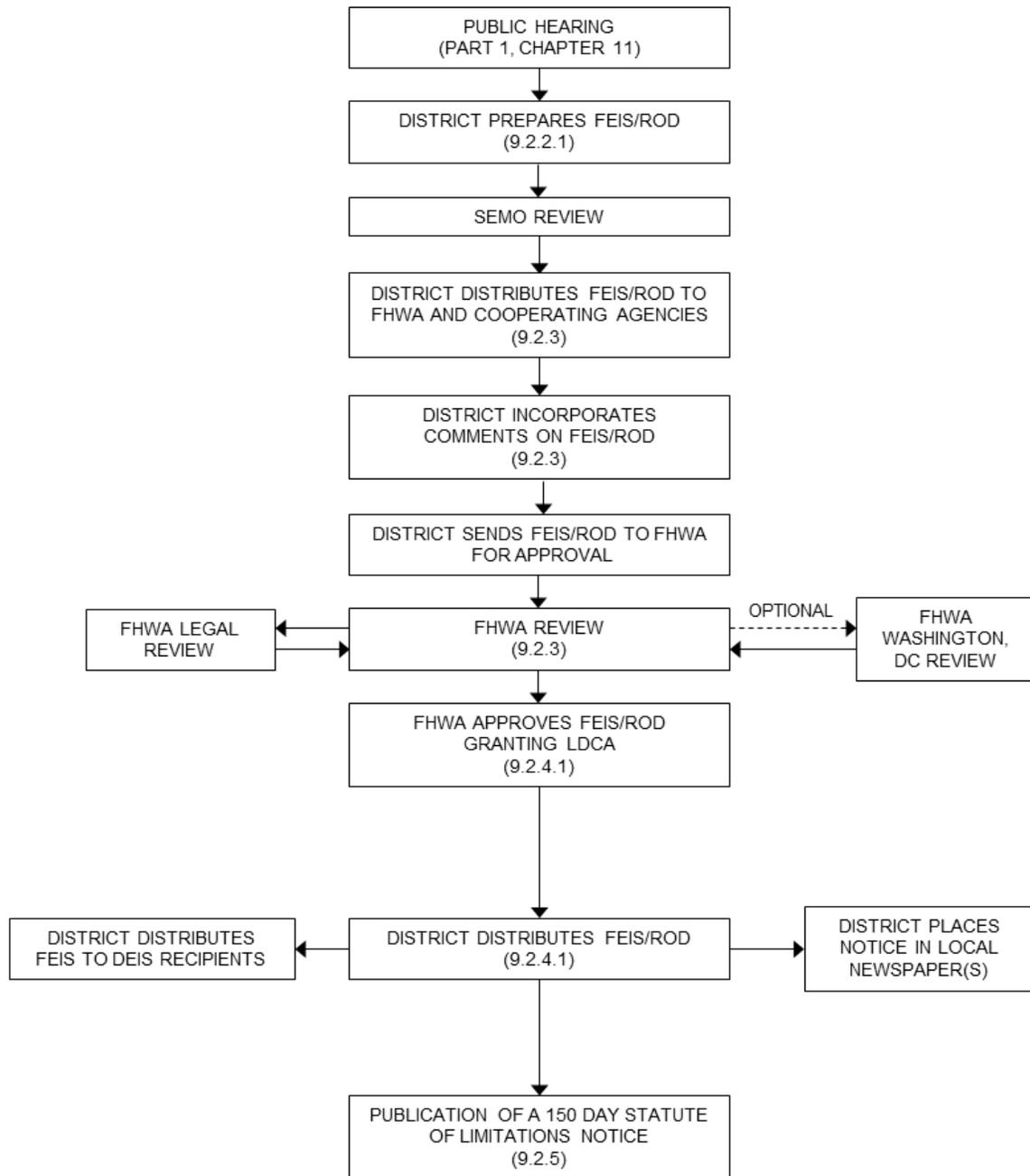
Memorandum titled, "Interim Guidance on the use of 23 U.S.C. § 139(l) Limitation on Claims Notices" from FHWA Acting Chief Counsel to FHWA Directors of Field Services, Division Administrators, and Federal Lands Highway Division Engineers, December 1, 2005.

## **9.4 HISTORY**

11/25/2002, 1/31/2007, 1/5/2009, 7/12/2011, 2/03/2014



**Figure 9-1 Final Environmental Impact Statement Process**



**Figure 9-2 FEIS/ROD Process**

(DATE)

Division Administrator  
Federal Highway Administration  
3500 Financial Plaza, Suite 400  
Tallahassee, Florida 32312

Subject: Final Environmental Impact Statement/Record Of Decision  
Financial Management Number XXXXX-XXXX  
Federal-Aid Project No. X-XXX(X)-X  
Any County, Florida

Dear Mr./Ms.:

Enclosed are \_\_\_\_\_ copies of the Final Environmental Impact Statement/Record of Decision for the project as required by the National Environmental Policy Act of 1969 and submitted in compliance with 23 CFR Part 771.

In addition, copies of the Preliminary Engineering Report, Natural Resources Evaluation, and the Noise Study Report are enclosed as reference material. The Planning Requirements for Environmental Document Approvals Form is also included for planning consistency determination.

Finally, a copy of the certified public hearing transcript from the public hearing held on \_\_\_\_\_, is enclosed.

Please advise if the document is approved, or if there are comments that must be addressed.

Sincerely,

District Environmental Office

Enclosures

cc: District Federal-Aid Coordinator

**Figure 9-3 Sample Transmittal Letter to FHWA for FEIS/ROD, Associated Reports,  
and Public Hearing Transcript**

(DATE)

Division Administrator  
Federal Highway Administration  
3500 Financial Plaza, Suite 400  
Tallahassee, Florida 32312

Subject: Final Environmental Impact Statement  
Financial Management Number XXXXX-XXXX  
Federal-Aid Project No. X-XXX(X)-X  
Any County, Florida

Dear Mr./Ms.:

Enclosed are \_\_\_\_\_ copies of the Final Environmental Impact Statement for the project as required by the National Environmental Policy Act of 1969 and submitted in compliance with 23 CFR Part 771.

In addition, copies of the Preliminary Engineering Report, Natural Resources Evaluation, and the Noise Study Report are enclosed as reference material. The Planning Requirements for Environmental Document Approvals Form is also included for planning consistency determination.

Also included is the initial Draft Record of Decision and a copy of the certified public hearing transcript. The public hearing was held on \_\_\_\_\_.

Please advise if the document is approved, or if there are comments that must be addressed.

Sincerely,

District Environmental Office

Enclosures

cc: District Federal-Aid Coordinator

**Figure 9-4 Sample Transmittal Letter to FHWA for FEIS, DROD, Associated Reports, and Public Hearing Transcript**

1 (DATE)  
2  
3  
4

5 (FEDERAL, STATE, TRIBE, OR LOCAL AGENCY)  
6 (ADDRESS)  
7  
8

9 Subject: Final Environmental Impact Statement  
10 (PROJECT NAME)  
11 Financial Management Number XXXXX-XXXX  
12 Federal-Aid Project No. X-XXX(X)-X  
13 (NAME OF COUNTY), Florida  
14

15 Dear Mr./Ms.:

16  
17 Pursuant to the National Environmental Policy Act of 1969, the Florida Department of  
18 Transportation in coordination with the Federal Highway Administration is transmitting the  
19 Final Environmental Impact Statement as approved by FHWA. The review period for this  
20 document closes 30 days from posting on the Federal Register through e-NEPA  
21 (<http://www.epa.gov/compliance/nepa/eisdata.html>).  
22

23  
24 Sincerely,  
25  
26

27  
28 District Environmental Office  
29  
30

31 Enclosures  
32 cc: FHWA / without enclosure  
33  
34  
35  
36

37  
38  
39  
40  
41  
42 **Figure 9-5 Sample Transmittal Letter for FEIS Distribution**

## **Record of Decision**

### **Name of Project**

State Road No.: \_\_\_\_\_  
Financial Management No.: \_\_\_\_\_  
Federal Aid Project No.: \_\_\_\_\_  
County: \_\_\_\_\_  
Description: \_\_\_\_\_

This is the *Record of Decision (ROD)* for the above referenced project proposed by the Florida Department of Transportation (FDOT) and as further identified in the \_\_\_\_\_ *Long Range Transportation Plan (LRTP)*, as adopted. The purpose and need for this project includes \_\_\_\_\_. This *ROD* is for the \_\_\_\_\_ Environmental Impact Statement (EIS) which is hereby incorporated by reference or attached

### **Decision**

The Federal Highway Administration (FHWA) Florida Division, in coordination with the FDOT and in accordance with the National Environmental Policy Act (NEPA) and associated laws, regulations, and orders, proposes the construction of \_\_\_\_\_. The selected alternative is \_\_\_\_\_. The \_\_\_\_\_ mile project will begin at \_\_\_\_\_ and will connect with \_\_\_\_\_. The location map for the selected alternative can be viewed on page \_ of this *ROD*.

### **Background**

Public Information meetings were held on \_\_\_\_\_  
The Public Hearing was held on \_\_\_\_\_

### **Alternatives Considered**

All alternatives, including the No-Action, were evaluated. A detailed discussion of the alternatives considered is included in the referenced EIS.

### **No-Action Alternative**

The No-Action alternative was evaluated as a possible alternative to the proposed project...

### **Transportation System Management and Operations Alternative**

Transportation System Management and Operations (TSM&O) alternatives were evaluated as a possible alternative...

### **Build Alternatives**

### **Alternative Selected**

## **Figure 9-6 Record of Decision**

## Section 4(f) (If applicable)

### Major Issues Considered

#### Measures to Minimize Harm

This project incorporates all practical measures to avoid or minimize environmental harm. Although some impacts will occur, every effort will be made to minimize impacts through the institution of feasible measures applicable to each situation. Specific commitments have been made regarding...

#### Monitoring Program (If applicable)

The FDOT District \_\_\_\_\_ has committed to implement mitigation measures to minimize project impacts. These commitments are tracked in accordance with FDOT's Project Commitment Tracking Procedure, Topic No. 700-011-035.

Through the Reevaluation process the project is kept current with laws and regulations, commitments are identified and updated, permits are identified, and project changes are addressed. Required permits may include conditions for monitoring and compliance measures.

### Comments on Final Environmental Impact Statement (Not for FEIS/ROD documents)

The *FEIS* notice of availability was published in the Federal Register on \_\_\_\_\_, with a request that comments be postmarked by \_\_\_\_\_. The FHWA, in coordination with the FDOT, has taken into consideration all pertinent correspondence, documents, and technical reports postmarked through \_\_\_\_\_. FDOT has adequately responded to all substantive comments received from interested parties regarding the content and accuracy of the *FEIS* and supporting studies for selection of the preferred alternative.

### Summary of Comments and Responses Concerning the FEIS

Include a matrix addressing comments

### Conclusion

For the foregoing reasons, and based upon consideration of all the social, economic, and environmental evaluations contained in the *Final Environmental Impact Statement*, with the input received from other agencies, organizations, and the public; the Federal Highway Administration has determined that the *FEIS* preferred alternative (\_\_\_\_\_), namely \_\_\_\_\_ is hereby the selected alternative. It is the decision of the FHWA to adopt this alternative as the selected alternative for this project, and grant the Florida Department of Transportation Location and Design Concept Acceptance.

\_\_\_\_\_  
Name  
Florida Division Administrator

\_\_\_\_\_  
Date

## Figure 9-6 Record of Decision (Page 2 of 2)