

PART 2, CHAPTER 3

EIS EXECUTIVE SUMMARY/FONSI

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PART 2, CHAPTER 3

EIS EXECUTIVE SUMMARY/FONSI

3.1 OVERVIEW AND PROCEDURE

This chapter describes the content and format of the Executive Summary section of Draft Environmental Impact Statement and Final Environmental Impact Statements (DEISs and FEISs). The Executive Summary describes the proposed action and documents the conclusions of issue/resource analysis for a project and identifies avoidance, minimization, and/or mitigation measures. For the FEIS the Executive Summary will identify the preferred alternative.

This chapter also describes the content and format of a Finding of No Significant Impact (FONSI). The FONSI is a separate document attached to the Environmental Assessment (EA), which serves as the decision-making document for the project and identifies the preferred alternative. The FONSI is based on FHWA's independent review of the analysis and technical documentation in the EA and is FHWA's determination that the impacts for the proposed project are not significant.

Standard statements are used to document coordination and findings. These standard statements have been developed through consultation with the Federal Highway Administration (FHWA) to comply with the *National Environmental Policy Act (NEPA)*, FHWA policy, *23 Code of Federal Regulations (CFR) Part 771*, and other federal laws and requirements. Standard statements are in italics for easy reference.

3.2 DRAFT ENVIRONMENTAL IMPACT STATEMENT EXECUTIVE SUMMARY

The sections of an Executive Summary for a DEIS are provided below.

Proposed Action: This section describes the proposed project and includes, at a minimum, the Efficient Transportation Decision Making (ETDM) number, Financial Management number, name of the roadway, the project length and termini, a brief description of the existing facility, the type of proposed project including the number of lanes, any special features, and the name of the city, county, and state in which the project is located.

Other Major Government Actions: This section addresses any major local, state, or federal actions proposed by other government entities in the same geographical area as the project. If such actions exist then the authorizing agency is identified, the project described, and the potential for coordination or conflict discussed. Any related correspondence or documentation is referenced.

Alternatives Considered: This section contains a brief discussion of the reasonable alternatives considered including the No-Build alternative. Each alternative is discussed including the number of lanes, project limits, and any special features.

Major Environmental Impacts: This section provides a brief overview of the major environmental issues addressed in the DEIS. This includes beneficial as well as adverse impacts. Appropriate sections of the DEIS are referenced where additional information is required.

Areas of Controversy: This section is included when agencies and/or the public raise issues that are considered controversial. Describe and disclose areas of controversy and the steps taken to resolve them to date. Major unresolved issues should also be discussed.

List of Other Government Actions Required: This section describes a list of federal actions required for the proposed project. This may include federal permits, land transfers, and **Section 106** agreements.

Irretrievable and Irreversible Commitment of Resources: This section briefly discusses the proposed action's irretrievable and irreversible commitment of resources. This general discussion should broadly describe that the build alternatives would require a similar commitment of natural, physical, human, and fiscal resources.

Measures to Avoid or Minimize Potential Adverse Impact: This section briefly discusses those measures taken to minimize or avoid adverse impacts to the environment. Appropriate sections of the DEIS are referenced and any mitigation measures proposed for the project are briefly outlined.

Short-Term Impacts Versus Long-Term Benefits: This section addresses the short-term effects of the project on the human environment as weighed against the overall long-term benefits of the project. Appropriate sections of the DEIS are referenced.

3.3 FINAL ENVIRONMENTAL IMPACT STATEMENT EXECUTIVE SUMMARY

An Executive Summary is prepared for a FEIS only when it is not combined with a Record of Decision (ROD). For a combined FEIS/ROD, an Executive summary is not needed (see [Part 1, Chapter 9, Final Environmental Impact Statement](#)). The Executive Summary of a FEIS discusses environmental impacts, alternatives considered, and the preferred alternative. Specific findings are documented, as are commitments made during the course of project development. The Executive Summary of a FEIS should include the following sections:

Proposed Action: This section describes the proposed project and includes, at a minimum, the project's ETDM number, Financial Management number, name of the roadway, the project length and termini, a brief description of the existing facility, the type

of proposed project including the number of lanes, any special features, and the name of the city, county, and state in which the project is located.

Other Government Actions and Permits Required: This section describes any local, state, or federal action proposed by other government entities in the same geographical area as the proposed project. The potential for conflict between those actions is discussed, and any coordination required is referenced. State and federal permits required for the project are identified.

Alternatives Considered: This section contains a brief discussion of the alternatives studied for the project including the No-Build alternative.

Unresolved Issues and Areas of Controversy: This section should only be included if there are major unresolved issues or areas of controversy. Describe and disclose unresolved issues and areas of controversy and the steps taken to resolve it/them to date.

Preferred Alternative: This section identifies the preferred alternative of FHWA for Location and Design Concept Acceptance (LDCA) and also summarizes the rationale for the decision.

Environmental Impacts: This section summarizes both beneficial and adverse impacts that may result from the project. For example, air quality, noise, relocations, or cultural resources.

Wetlands Finding: This section addresses wetland impacts and any proposed wetland mitigation. When there is no practicable alternative to proposed impacts to wetlands, the FEIS must contain the Finding required by **Executive Order 11990** and by **USDOT Order 5660.1A**. The finding must be contained in a section or paragraph titled "Wetlands Finding." This section must briefly discuss the following and reference the detailed discussion in the FEIS as appropriate:

1. Reference **Executive Order 11990**.
2. A discussion of the basis for the determination that there are no practicable alternatives to the proposed action (involving wetlands).
3. A discussion of the basis of the determination that the proposed action includes all practicable measures to minimize harm to wetlands.
4. A concluding statement as follows:

Based upon the above consideration, it is determined that there is no practicable alternative to the proposed construction in wetlands and the proposed action includes all practicable measures to minimize harm to wetlands which may result from such use.

If there is no wetlands involvement on a project, a finding is still provided. The finding simply states that there is no wetland involvement and cites **Executive Order 11990**, as provided below:

The proposed improvements do not take any wetlands, and, therefore, Executive Order 11990 does not apply.

Floodplain Finding: This section addresses project impacts on floodplains as required by **Executive Order 11988** and regulatory floodway involvement as required by **The Federal Aid Policy Guide, 23 CFR § 650A**. The first portion of the section discusses the extent of floodplain involvement, the significance of the project's encroachments, any proposed mitigation efforts, and the fact that there exists no practicable alternative to the involvement. At a minimum, the following information must be substantiated by the finding:

1. The reasons why the proposed action must be located in the floodplain.
2. The alternatives considered and why they were not practicable.
3. A statement indicating whether or not the action conforms to applicable state and local floodplain protection standards.

If mitigation is required then the appropriate section of the FEIS is referenced. See [Part 2, Chapter 24, Drainage and Floodplains](#) for applicable standard statements. If the project has no involvement with or is not located within a floodplain, a finding is still provided.

Coastal Zone Consistency (CZC): This section documents compliance with the **Coastal Zone Management Act of 1972, 15 CFR Part 930**, and the **Coastal Zone Management Plan (CZMP)** for the State of Florida which is called the **Florida Coastal Management Program (FCMP)**.

The following standard statement is used to demonstrate compliance when the project has undergone interagency review and has been determined by the Department of Environmental Protection to be consistent with the **FCMP**.

The State of Florida has determined that this project is consistent with the Florida Coastal Zone Management Plan.

Cultural Resources: This section summarizes the analysis under **Section 4(f), Section 106**, and associated findings. Where there is involvement with **Section 4(f)** or **Section 106** resources, the property must be identified and the impact on the resource(s) addressed, all proposed mitigation outlined and referenced, and a conclusion statement provided regarding the project's effect on the resource. Standard statements can be found in [Part 2, Chapter 12, Archaeological and Historical Resources](#) and [Part 2, Chapter 13, Section 4\(f\) Evaluation](#).

Federally Listed Species and Habitat: This section summarizes the analysis of the project's involvement with federally threatened and endangered species or their critical habitat protected under the *Endangered Species Act* and associated effect determination(s). If federally listed species are involved then they are identified, and any proposed mitigation is referenced.

Where a "no effect" determination is applicable, the following standard statement must be used:

It has been determined by FHWA, that the project, as proposed, will have no effect on any threatened or endangered species.

Farmland: This section documents consultation and coordination with the Natural Resources Conservation Service (NRCS) regarding a project's impact on farmland. The following standard statements are used to document coordination on projects:

1. For Urbanized Areas With No Farmland Involvement

Through coordination with the Natural Resources Conservation Service, it has been determined that the project area which is located in the urbanized area of (NAME OF URBAN AREA) does not meet the definition of farmland as defined in 7 CFR Part 658. Therefore, the provisions of the Farmland Protection Policy Act of 1981 do not apply to this project.

2. For Non-Urbanized Areas With No Farmland Involvement

Through coordination with the Natural Resources Conservation Service, it has been determined that no farmlands as defined in 7 CFR Part 658 are located in the project vicinity.

When there is farmland involvement on a project, this section must summarize the extent of farmland involvement, reference consultation documentation and coordination efforts with the NRCS, and discuss whether or not mitigation is proposed. Appropriate text references should be provided.

Irretrievable and Irreversible Commitment of Resources: This section briefly discusses the preferred alternative's irretrievable and irreversible commitment of resources including natural, physical, human, and fiscal resources.

Measures to Avoid or Minimize Potential Adverse Impact: This section briefly discusses measures taken to minimize or avoid adverse impacts on the environment. Appropriate sections of the document are referenced and any mitigation measures proposed for the project are briefly outlined.

Short-Term Impacts Versus Long-Term Benefits: This section addresses the short-term effects of the project on the human environment as weighed against the overall long-term benefits of the project. Appropriate sections of the FEIS are referenced.

3.4 FINDING OF NO SIGNIFICANT IMPACT

This section of this Chapter discusses the development of a FONSI, which is a decision-making document supported by the EA. The FONSI is a separate document that is attached to an EA. The FONSI determines that no significant impacts will occur as a result of the project and provides the rationale behind the decision.

3.4.1 Cover Page

The cover page of a FONSI contains the same information as the cover page of an EA with two exceptions: the signature block is for document approval, and the cover page contains narrative on the finding (see [Part 2, Chapter 2, Cover Page](#)). A divider page (in lieu of the EA cover page) containing only the words "Environmental Assessment" in the center of the page is placed between the FONSI and the EA (see [Part 1, Chapter 1, Document Format and Table of Contents](#)).

3.4.2 Finding of No Significant Impact Content

The FONSI documents the decisions reached by FHWA regarding the proposed project and includes discussion of only those issues for which significance was in question and determination that impacts were not significant. The FONSI briefly describes the preferred alternative and references the appropriate sections of the EA.

The FONSI determination is made by FHWA and set out in the opening paragraph of the FONSI. FHWA, in its findings, takes full responsibility for the accuracy, scope, and contents of the Environmental Document. The following standard statement, which is the FHWA finding, must be included in all FONSI:

FHWA has determined that this project will not have any significant impact on the human environment. The Finding of No Significant Impact is based on the attached Environmental Assessment which has been independently evaluated by FHWA and determined to adequately and accurately discuss the environmental issues and impacts of the proposed project. It provides sufficient evidence and analysis for determining that an Environmental Impact Statement is not required. The FHWA takes full responsibility for the accuracy, scope, and contents of the attached Environmental Assessment.

3.5 REFERENCES

Chapter 335, Florida Statutes. State Highway System. <http://www.leg.state.fl.us/Statutes/>

Clean Water Act of 1972, as amended. <http://www.fws.gov/laws/lawsdigest/fwatrpo.html>

Council on Environmental Quality. 1997. Environmental Justice Guidance under NEPA

Federal Highway Administration (FHWA). 1987. Technical Advisory T6640.8A.

<http://environment.fhwa.dot.gov/projdev/impta6640.asp>

FHWA. 2011. Guidance on Environmental Justice and NEPA

Title 15 Code of Federal Regulations (CFR) § 930. Federal Consistency with Approved Coastal Management Programs

Title 23 CFR § 771. Environmental Impact and Related Procedures. 1987.

<http://www.ecfr.gov>

Title 40 CFR §§ 1500-1508. Regulations for Implementing the Procedural Provisions of the National Environmental Policy Act. 1978. <http://www.ecfr.gov>

3.6 HISTORY

1/12/2004, 7/28/2008