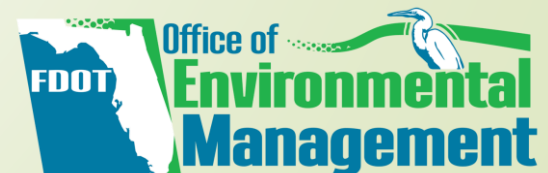


FHWA NEPA Requirements for DEP Recreational Trails

October 20, 2020

Thu-Huong Clark

Environmental Permits Specialist



National Environmental Policy Act (NEPA)

Is an umbrella of other environmental laws, regulations and executive orders

- Native American Graves Protection and Repatriation Act
- Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970
- Americans with Disabilities Act
- Executive Order 12898 (Environmental Justice)
- Section 4(f) of the DOT Act (49 USC 303)
- Clean Air Act
- Clean Water Act
- Safe Drinking Water Act
- Farmland Protection Policy Act
- Endangered Species Act of 1973
- Fish and Wildlife Coordination Act
- Resource Conservation and Recovery Act of 1976
- National Historic Preservation Act of 1966
- Archaeological and Historic Preservation Act
- Archaeological Resources Protection Act
- Comprehensive Environmental Response, Compensation, and Liability Act
- American Indian Religious Freedom Act
- Land and Water Conservation Fund Act
- Executive Order 11988 (floodplains)
- Executive Order 11990 (wetlands)
- Executive Order 13112 (Invasive Species)

Established a national policy for protection of the environment and to raise awareness of the importance of natural resources to the nation.

- *Requires federal agencies, in cooperation with state and local governments, to address the environmental impacts of a federal action.*
- *Applies to project decisions or funding made by all federal agencies*

Federal Agencies to enforce NEPA



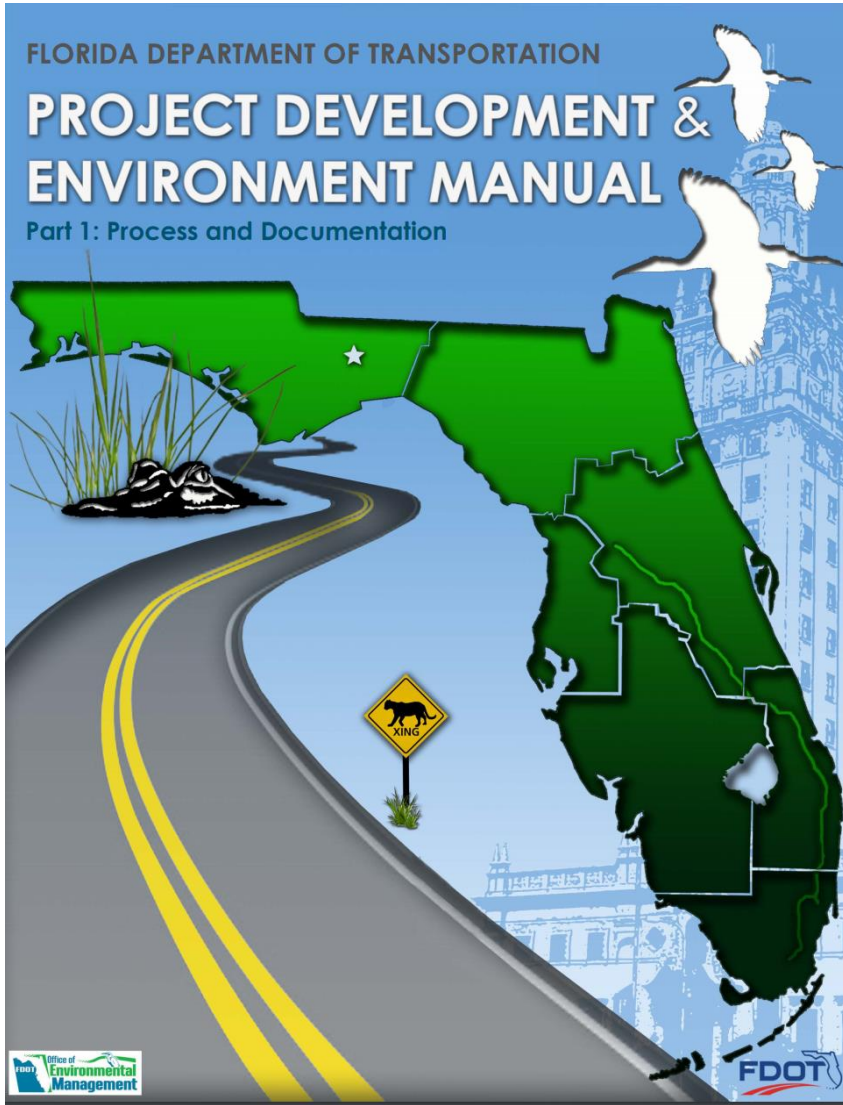
NEPA provides for Federal Agencies to enforce such policies and goals

- All federal agencies are required to comply with NEPA
- CEQ empowered with oversight and collaborative policy development

FLORIDA DEPARTMENT OF TRANSPORTATION

PROJECT DEVELOPMENT & ENVIRONMENT MANUAL

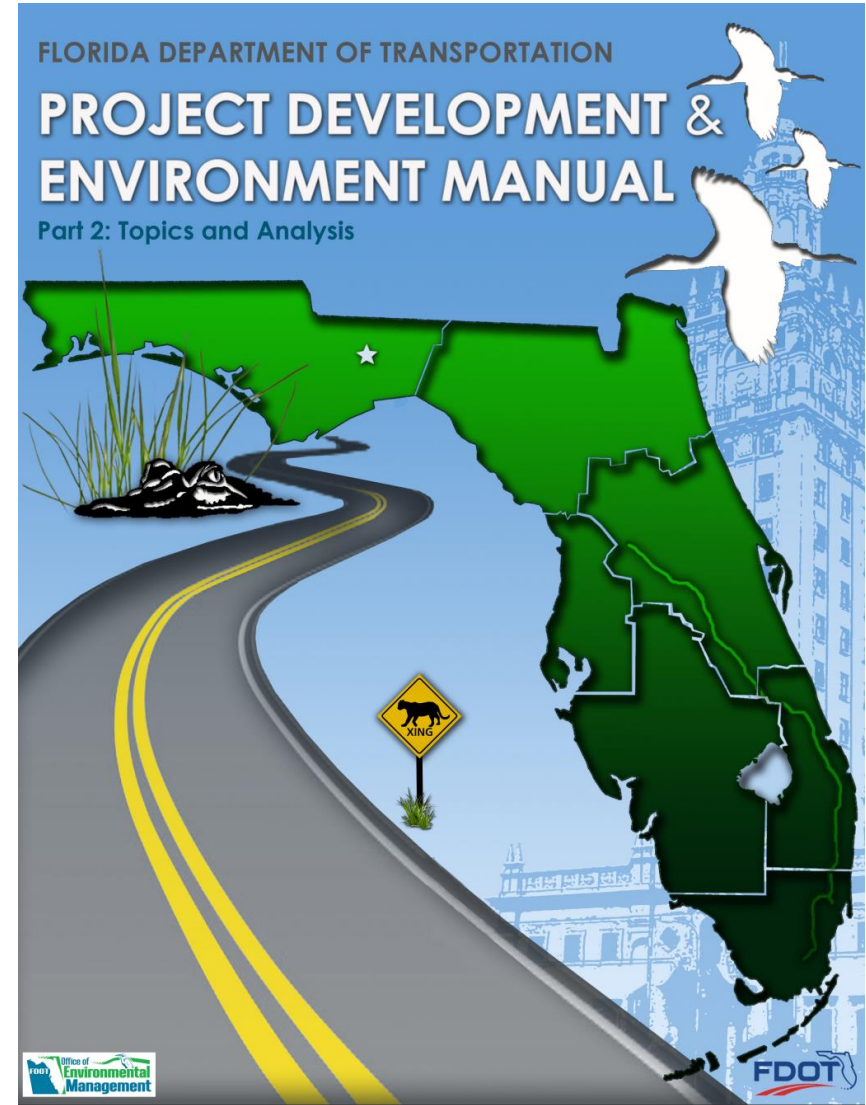
Part 1: Process and Documentation



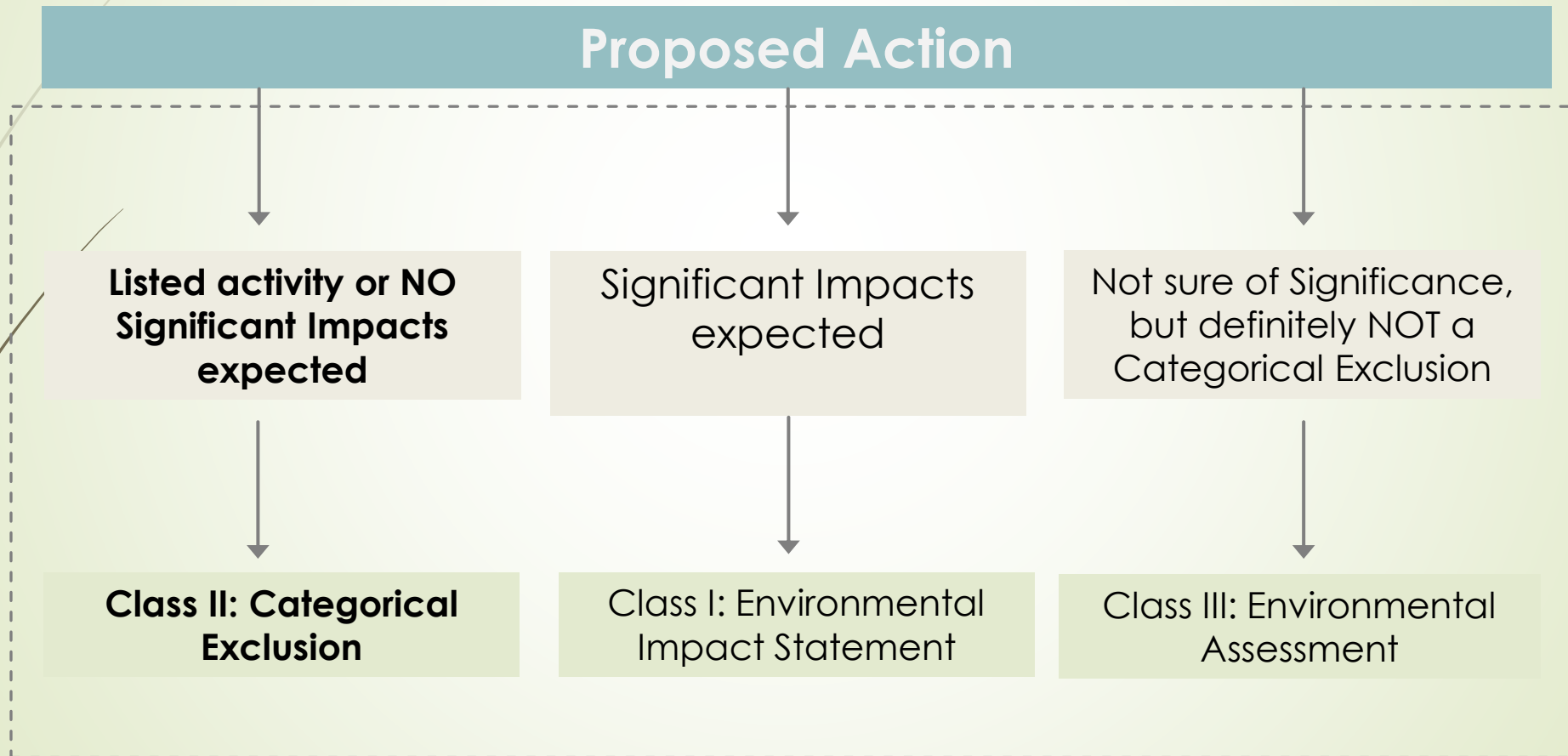
FLORIDA DEPARTMENT OF TRANSPORTATION

PROJECT DEVELOPMENT & ENVIRONMENT MANUAL

Part 2: Topics and Analysis



Determining Class of Action



Topics that are analyzed during PD&E





ONLINE
E-Learning

BLENDED
Learning

CLASSROOM

Face to Face



Categorical Exclusion

- A CE is a project which, based upon past experience with similar actions, does not individually or cumulatively have a significant environmental effect, and is excluded from the requirement to prepare an EA or an EIS.
- The definition of CE in **40 CFR § 1508.4** and **23 CFR § 771.117** provides further guidance for projects where FDOT has assumed responsibilities from FHWA.



23 CFR 771.117(b): It must be sufficiently evident that projects:

1. Do not involve significant environmental impacts;
2. Do not induce significant impacts to planned growth or land use for the area;
3. Do not require the relocation of significant numbers of people;
4. Do not have a significant impact on any natural, cultural, recreational, historic, or other resource;
5. Do not involve significant air, noise, or water quality impacts;
6. Do not have significant impacts on travel patterns; or
7. Do not otherwise, either individually or cumulatively, have any significant environmental impacts.

Type 1 CE Checklist

- ▶ A Type 1 CE determination is made using a **Type 1 Categorical Exclusion Checklist, Form No. 650-050-12** in the StateWide Environmental Project Tracker (SWEPT) (see **Figure 2-4** and **Section 2.2.2.1.4**).
- ▶ The checklist is completed to determine if the project meets the criteria of **23 CFR § 771.117(c)** or **(d)**.
- ▶ If the project meets the criteria, the project is a Type 1 CE and this checklist will be the **NEPA** document.



C List Categorical Exclusions

- There are 30 “c” listed Categorical Exclusions in 23 CFR 771.117
- (c)(3) Construction of bicycle and pedestrian lanes, paths, and facilities.
 - **This should be used for DEP Recreational Trail projects**

Type 1 Categorical Exclusion Checklist

FM Number Enter at least the first seven digits and click **Load** to continue.

In 2018, the FM # for DEP Rec Trail projects was 404189-1-A8-25.

The last 2 digits increase each year. So, the 2019 FM # will be 404189-1-A8-26.

Identifier Name

Identifier Value

Leon County

Trails Project ×

Remove

Add More Identifiers

Federal-Aid Program (FAP) Number If this value is incorrect, please correct it in the Work Program. Updates will be reflected here within one day.

0003-098-Y

Work Program Project Description (Name) If this description is incorrect, please correct it in the Work Program. Updates will be reflected here within one day.

TRANSFER TO DEP FED FUNDS

Work Mix If this description is incorrect, please correct it in the Work Program. Updates will be reflected here within one day.

FUNDING ACTION

County Name If the county name is incorrect, please correct it in the Work Program. Updates will be reflected here within one day.

Florida

Local Agency Program (LAP) To be considered a LAP project, federal dollars must be programmed into the adopted Work Program.

No

CE Type and Project Description

CE Type (c) (d)

(3) Construction of bicycle and pedestrian lanes, paths, and facilities.

Project Description Enter a brief description of the proposed scope of work.



The Spring to Spring Trail Phase 3A, is located within the City of Debary. Phase 3A is from Donald Smith Blvd. to Detroit Terrace, approximately 1.21 miles in length. Project scope includes the installation of a 12' wide asphalt trail (stabilization, base, and asphalt), minor drainage improvements to include pipe installation and construction of mitered end sections, rubble rip rap installation, minor concrete work (sidewalk and driveways), Type B fencing with barb wire attachment, detectable warning surfaces, signage and thermoplastic striping. In addition, mobilization, maintenance of traffic, erosion control, clearing and grubbing, and sodding are also included as part of this project.



Verification that the project meets the constraints of 23 CFR 771.117

Note: The items below consider the requirements described in 23 CFR § 771.117 (c) and (d) for listed Categorical Exclusions (CEs). The constraints of 23 CFR § 771.117(e) are addressed in this form for CEs identified as 23 CFR § 771.117 (c) (26), (27) and (28) or (d) list projects.

Directions for bulleted verifications below: District should consider if the project has any of the significant impacts described. If project does not meet the criteria, STOP, this form does not apply. If the project does meet the criteria, check "verified" and proceed through the rest of the form.

- This action **will not** induce significant impacts to planned growth or land use for the area; travel patterns; involve significant air or water quality impacts; or cause substantial controversy on environmental grounds.



Right of Way

1. Right of Way (ROW)

- Within existing ROW
- Minor acquisition without relocation and/or displacement
- Any acquisitions with relocations and/or displacements [Contact the Office of Environmental Management (OEM)]
- State-owned conservation lands being acquired in the project area subject to review and approval by the Acquisition and Restoration Council

General Comments

General Comments and attachments are **optional**.

B <i>I</i> <u>U</u>    

Wetland Impacts

2. Wetland impacts that would require a permit from the U.S. Army Corps of Engineers (USACE) under the Clean Water Act, Section 404, 33 U.S.C. § 1344 and/or section 10 of the Rivers and Harbors Act:

- No Wetland(s) Present/ No Impacts
- Nationwide permit
- Standard Permit [Contact the Office of Environmental Management (OEM)]

General Comments

General Comments and attachments are **optional**.



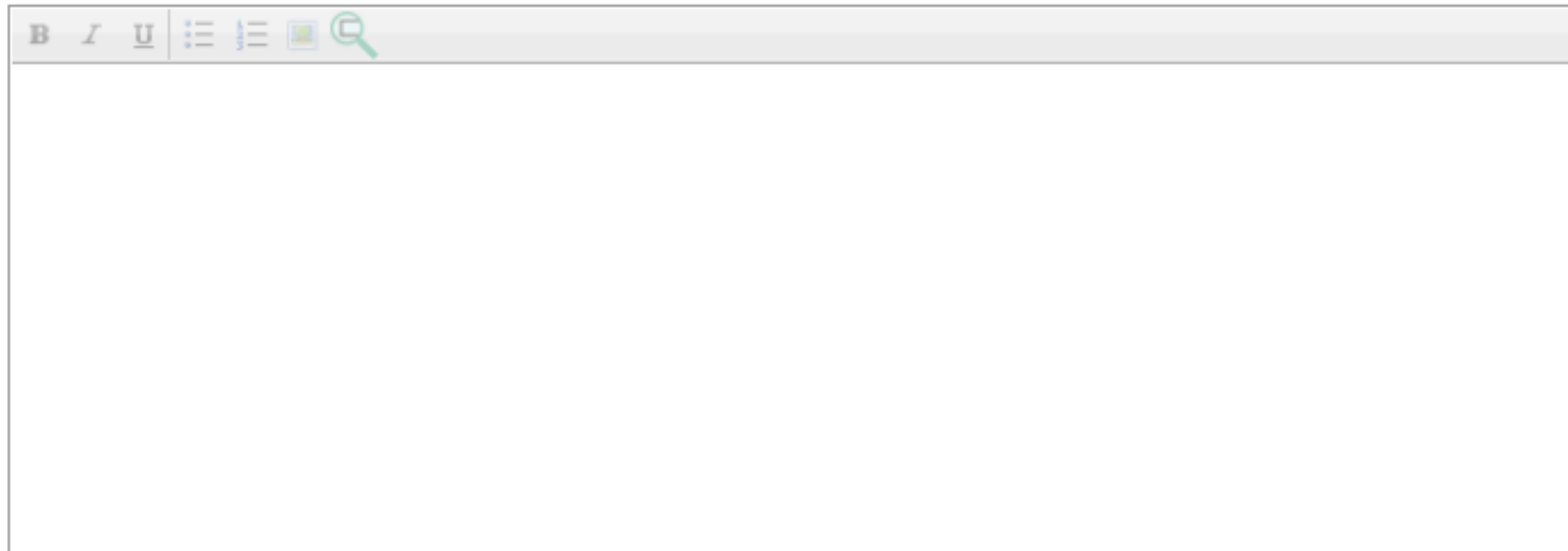
USCG – Bridge Permit Required?

3. Bridge permits required from the United States Coast Guard (USCG):

- No Waterway Crossing
- No USCG Bridge permit required
- USCG Bridge permit [Contact the Office of Environmental Management (OEM)]

General Comments

General Comments and attachments are **optional**.



Floodplains

4. The project involves a floodplain encroachment other than functionally dependent uses (e.g., bridges, wetlands) or actions that facilitate open space use (e.g., recreational trails, bicycle and pedestrian paths):

- No Floodplain Present / No Floodplain Impact
- Functionally Dependent Use or Facilitate Open Space Use
- Other Encroachment [Contact the Office of Environmental Management (OEM)]

General Comments

General Comments and attachments are **optional**.

Has Re...

B *I* U |    

Wild and Scenic River or Study River

5a. Does the project involve a Wild and Scenic River or Study River ? There is involvement with a Wild and Scenic River or Study River if project activities are located within the river corridor (within one-quarter mile of the banks), across, or adjacent to (upstream, downstream, or on a tributary) the designated river segment.

- No, the project does not involve a river designated as a Wild and Scenic, or Study River
- Yes, Northwest Fork of the Loxahatchee River in D4 (See PD&E manual Chapter for limits) [Contact OEM and add the date of consultation]
- Yes, Wekiva River in D5 (See PD&E manual Chapter of limits) [Contact OEM and add the date of consultation]
- Yes, St. Marys River in D2 (See PD&E manual Chapter of limits) [Contact OEM and add the date of consultation]
- Yes, Myakka River in D1, located in Manatee, Sarasota, and Charlotte Counties [Contact OEM and add the date of consultation]

General Comments

General Comments and attachments are **optional**.

B *I* U | ☰ ☷ 🖼️ 🔍

Nationwide Rivers Inventory (NRI)

5b. Will the action involve a river on the Nationwide Rivers Inventory (NRI)? This information can be found in the Environmental Screening Tool or the [NRI interactive map](#)

- No, the project will not involve a river on the NRI
- Yes, the project will involve, but will not affect a river segment on the NRI [Include details to support this determination. Any correspondence with NPS should be added to the project file in SWEPT]
- Yes, the project will affect a river segment on the NRI, but will not have an adverse effect on the natural, cultural, or recreational values of the NRI River segment [See [Part 2, Chapter 12 of the PD&E manual](#) to determine if there is an adverse effect] [Include details to support this determination. Any correspondence with NPS should be added to the project file in SWEPT.]

General Comments

General Comments and attachments are **optional**.

B *I* U    

Protected Species and Essential Fish Habitat

Evaluate and describe specific aspects of the project (including proposed drainage) that may have an effect on the species or critical habitat (includes direct, indirect and cumulative impacts).

Consider impacts based on these criteria:

- 1) Scope of the project,
- 2) Ecological importance and distribution of affected species, and
- 3) Intensity of potential impacts of the project. If it is determined that no aspects of the project would have an effect on the species or critical habitat, then specific reasoning must be described.

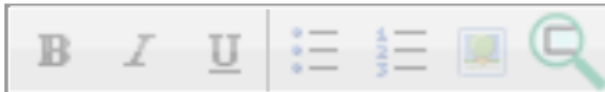
Protected Species and Essential Fish Habitat

6. Section 7 of the Endangered Species Act (ESA) of 1973, as amended, or Magnuson-Stevens Fishery Conservation and Management Act (MSFCMA):

- No ESA listed species and/or Essential Fish Habitat (EFH) present
- ESA listed species and/or Essential Fish Habitat (EFH) present
- Consultation with the US Fish and Wildlife Service or National Marine Fisheries Service, results

General Comments

General Comments and attachments are **optional**.



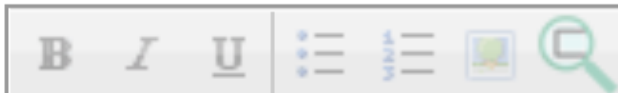
Protected Species and Essential Fish Habitat

6. Section 7 of the Endangered Species Act (ESA) of 1973, as amended, or Magnuson-Stevens Fishery Conservation and Management Act (MSFCMA):

- No ESA listed species and/or Essential Fish Habitat (EFH) present
- ESA listed species and/or Essential Fish Habitat (EFH) present
 - Determination of No Effect
 - Used key, no consultation required
- Consultation with the US Fish and Wildlife Service or National Marine Fisheries Service, results in

General Comments

General Comments and attachments are **optional**.



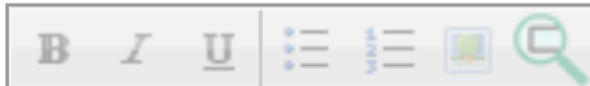
Protected Species and Essential Fish Habitat

6. Section 7 of the Endangered Species Act (ESA) of 1973, as amended, or Magnuson-Stevens Fishery Conservation and Management Act (MSFCMA):

- No ESA listed species and/or Essential Fish Habitat (EFH) present
- ESA listed species and/or Essential Fish Habitat (EFH) present
- Consultation with the US Fish and Wildlife Service or National Marine Fisheries Service, results in
 - May Affect, Not Likely to Adversely Affect (attach concurrence letter)
 - May Affect, Likely to Adversely Affect [Contact the Office of Environmental Management (OEM)]

General Comments

General Comments and attachments are **optional**.





Essential Fish Habitat

- For projects located in areas where the **MSFCMA** could apply, but the project will have no involvement with EFH or no adverse effect on EFH, include supporting information in the project file (i.e., GIS data analysis, technical memo, site visit, knowledge of the area).



Section 4(f)

7. Will the action impact any properties protected by Section 4(f) pursuant to [23 CFR § 774](#)?

i Standard Statement (automatically included in the PDF): This project qualifies for an exception to the requirement for Section 4(f) approval in accordance with 23 CFR § 774.13 (f)(1).

Historic and/or Archaeological Resources

8. Historic and/or Archaeological Resources protected under Section 106 of the National Historic Preservation Act

No Historic or Archaeological resources present within the APE

Pursuant to [Section 106 Programmatic Agreement](#) (include appropriate documentation):

Determination of No Involvement

Determination of "No Effect"

Determination of "No Adverse Effect"

Determination of "Adverse Effect" [Contact the Office of Environmental Management (OEM)]

 **Appropriate Documentation**

Upload

General Comments


General Comments and attachments are **optional**.



Noise Considerations

9. Noise considerations

- The project does not require a Noise Analysis
- The project does require Noise Analysis

 Appropriate Documentation

General Comments

General Comments and attachments are **optional**.

B *I* U |    

The proposed project is a Type III Project and does not require a noise analysis or consideration of abatement measures.

Contamination

10. Contamination considerations

The project was evaluated (provide brief summary in text box and attach appropriate documentation)

 **Appropriate Documentation**

Upload

General Comments

General Comments are **required**.



Planning Consistency

11. Planning Consistency

This Project was reviewed for fiscal constraint and determined to have committed, available or reasonably available funds for the implementation of all the phase(s) of the Project within the time period anticipated for completion of the Project. [23 CFR Part 450]

Use the TIP/STIP link next to the work program number to navigate to the project specific page within the adopted or amended STIP. Make a PDF of that page and upload it in the location below. Additionally, the upload button allows multiple files where you can upload TIP and/or L RTP pages as well.

 L RTP/TIP/STIP Pages

Upload

Upload the Project Priority List with the subject project name highlighted



Submit for Approval

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

This project has been reviewed and has been verified to meet the conditions of a Type 1 CE.

Save Draft

Send for Approval

Use the **Save Draft** button to save a draft version of this document. Use the **Send for Approval** button to save the final version and submit it to the Environmental Manager.

Financial Management No. 439039-2-54-01

FAP No.

CE Number: (c) (3) or (d)

Title: W HIGHBANKS RD W OF ROB SULLIVAN PARK TO DETROIT TERRACE

Work Mix: BIKE PATH/TRAIL

District: FDOT District 5

County: Volusia County

Project Description:

The Spring to Spring Trail Phase 3A, is located within the City of Debarry. Phase 3A is from Donald Smith Blvd. to Detroit Terrace, approximately 1.21 miles in length. Project scope includes the installation of a 12' wide asphalt trail (stabilization, base, and asphalt), minor drainage improvements to include pipe installation and construction of mitered end sections, rubble rip rap installation, minor concrete work (sidewalk and driveways), Type B fencing with barb wire attachment, detectable warning surfaces, signage and thermoplastic striping. In addition, mobilization, maintenance of traffic, erosion control, clearing and grubbing, and sodding are also included as part of this project.

Note: The items below consider the requirements described in 23 CFR § 771.117 (c) and (d) for listed Categorical Exclusions (CEs). The constraints of 23 CFR § 771.117(e) are addressed in this form for CEs identified as 23 CFR § 771.117 (c) (26), (27) and (28) or (d) list projects.

- This action will not induce significant impacts to planned growth or land use for the area; travel patterns; air or water quality; or cause substantial controversy on environmental grounds

Verified

1. Right of Way (ROW)

Minor acquisition without relocation and/or displacement

Comments:

The County has secured agreements with FDEP, Duke Energy, and FPL for the use of their property for the trail. All other portions are within the ROW.

[\[Attachment 5\]](#)

2. Wetland impacts that would require a permit from the U.S. Army Corps of Engineers (USACE) under the Clean Water Act, Section 404, 33 U.S.C. § 1344 and/or section 10 of the Rivers and Harbors Act:

No Wetland(s) Present/ No Impacts

Comments:

N/A

[\[Attachment 5\]](#)

3. Bridge permits required from the United States Coast Guard (USCG):

Type 1 CE Checklist



Environmental Management

Office Manager
Jason Watts
*Director, Office of
Environmental
Management*

605 Suwannee Street
Tallahassee, FL 32399

Tel: 850-414-4447
Fax: 850-414-4443
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Additional Contacts
[Staff Directory](#)



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- [P D & E Manual](#)
- [ETDM Manual](#)
- [Native Americans](#)
- [NEPA Assignment](#)
- [Public Involvement](#)
- [SCE Program](#)

Welcome

The role of the FDOT Office of Environmental Management (OEM) is to develop and ensure the implementation of quality environmental policies, procedures and practices in the development of transportation improvements through each of the Department's core processes: plan, produce, deliver and maintain. Establish policy and procedures to ensure implementation of environmental programs and initiatives of the Department. Coordinate with federal and state environmental resource and regulatory agencies in the development and implementation of environmental processes and procedures consistent with environmental laws and regulations to assist the Department in achieving its mission.

News

Please select the following link to view current FDOT News:
<http://www.fdot.gov/info/CO/news/newsreleases/default.shtm>

Resources:
OEM website