

PART 1, CHAPTER 8

DRAFT ENVIRONMENTAL IMPACT STATEMENT

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PART 1, CHAPTER 8

DRAFT ENVIRONMENTAL IMPACT STATEMENT

8.1 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 and Federal Highway Administration (FHWA) has assigned its 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 (**NEPA** Assignment). In general, FDOT's assumption includes all highway projects in Florida which source of federal funding comes from FHWA or which constitute a federal action through FHWA. **NEPA** Assignment includes responsibility 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 a Draft Environmental Impact Statement (DEIS). A DEIS is prepared when a proposed project is anticipated to have a significant impact on issues and/or resources. Council on Environmental Quality (CEQ) regulations [**40 Code of Federal Regulations (CFR) §§ 1500-1508**] require lead agencies to “rigorously explore and objectively evaluate all reasonable alternatives” for a transportation project. Each alternative should be considered in an unbiased manner so related benefits and impacts can be evaluated and compared across alternatives. When applicable, reasonable alternatives should be developed through the Alternative Corridor Evaluation (ACE) process ([Part 2, Chapter 3, Engineering Analysis](#)). For Environmental Impact Statements (EISs), the regulations dictate that the study “shall provide full and fair discussion of significant environmental impacts and shall inform decision-makers and the public of the reasonable alternatives which would avoid or minimize adverse impacts or enhance the quality of the human environment.”

8.2 PROCEDURE

The DEIS is prepared following the procedures in this chapter. After the Class of Action (COA) determination is approved by OEM, the District prepares a **Notice of Intent (NOI)** for OEM, and FHWA Division Office publishes the **NOI** in the **Federal Register (FR)**. A Public Involvement Plan (PIP) is developed and administered in accordance with procedures in [Part 1, Chapter 11, Public Involvement](#). [Figure 8-1](#) shows the DEIS process.

The following activities should be carried out by the District for EIS projects during project screening through the Environmental Screening Tool (EST) or before the initiation of the Project Development and Environment (PD&E) phase.

1. Initiate the Programming Screen and/or prepare the Advance Notification (AN).
 - a. Begins the coordination process and provides notification to agencies that the project is beginning.
 - b. Provides status of project as it relates to inclusion in the Cost Feasible Plan of the Long Range Transportation Plan (LRTP), Transportation Improvement Program (TIP), and State Transportation Improvement Program (STIP).
 - c. Provides opportunity for public and agency input.
2. Identify Participating and Cooperating agencies.
3. Develop the PD&E Scope of Services based on Environmental Technical Advisory Team (ETAT) commentary and Environmental Scoping.
4. Identify purpose and need.
5. Identify Range of Reasonable Alternatives.
6. Development of Coordination Plan.
 - a. Fulfilled by Efficient Transportation Decision Making (ETDM) process through agency agreements, project screening, preparation of preliminary project schedule, and by preparation of the PIP.
7. Develop Project Schedule.
 - a. Developed in consultation with OEM, Cooperating and Participating Agencies with concurrence no later than 90 days after publication of the **NOI**.
8. Prepare draft **NOI**.

8.2.1 Environmental Scoping Process

The Environmental Scoping Process is a formal process for projects requiring an EIS (**23 CFR Part 771**). It is an early and open process for determining the significant issues related to a proposed action and is required by **40 CFR § 1501.7**. The Environmental Scoping Process begins with ETAT reviews during the ETDM EST screening events. Pursuant to **Section 1313** of the **Fixing America's Surface Transportation (FAST) Act**, concurrence, or issue resolution (between the Lead Agency and Cooperating Agencies) on the purpose and need must be achieved during the Environmental Scoping Process of an EIS.

In addition to project screening and the AN, a District may hold a formal scoping meeting early in the project development process as a part of the Environmental Scoping Process.

To determine whether a formal scoping meeting should be held, the District should consider information from the ETDM screening process and input from the agencies, as well as coordinate with OEM. Details on how to conduct a scoping meeting are included in [Part 1, Chapter 11, Public Involvement](#).

The results of the ETDM Programming Screen and Environmental Scoping Process should be used to identify the affected environment and to focus the environmental analysis in the EIS on the relevant issues. The information gathered is used to develop the Scope of Services for the PD&E Study. The Scope of Services is not the same as the Environmental Scoping Process. See [Part 1, Chapter 4, Project Development Process](#) for guidance on developing a project's Scope of Services.

The EIS must discuss the Environmental Scoping Process, including all meetings held, coordination with participating and cooperating agencies, issues raised, and the District's response and, as appropriate, any commitments. The Environmental Scoping Process is summarized in the Comments and Coordination section of the DEIS ([Section 8.2.4.6](#)).

8.2.1.1 Prior Concurrence

For selected projects, "prior concurrence" pursuant to **23 C.F.R. § 771.125(c)** is necessary before proceeding with key approvals under **NEPA**. This process is initiated when either a District or OEM identifies a particular project as being appropriate for prior concurrence to ensure that the project and Environmental Document in question are acceptable from a policy and program perspective. Prior concurrence may apply to FDOT approvals of a DEIS, Final Environmental Impact Statement (FEIS), or a FEIS/Record of Decision (FEIS/ROD). Projects that require prior concurrence will be decided on a case-by-case basis with the prior concurrence determination being made by the Assistant Secretary for Engineering and Operations or designee, after consulting with the Office of General Counsel (OGC), OEM and the District. Projects appropriate for prior concurrence consideration must meet one or more of the following criteria:

- Impacts of unusual magnitude
- High levels of controversy
- Emerging or national policy issues under development
- Issues for which the District seeks assistance

This identification should occur at the earliest possible time in the project development process, but always before OEM makes its final **NEPA** decision. When the need for prior concurrence is determined, it will be documented through an e-mail initiated by either the District or OEM. The e-mail should identify:

1. The key issues that are involved in the project
2. Any project-specific coordination needs that are to be addressed

3. OEM's role in the pending **NEPA**/project development approvals
4. General time frames for communications between and needed actions by the District and OEM

8.2.2 Preparation of the Notice of Intent

A **NOI** is published in the **FR** after OEM approves the COA and project schedule. The **NOI** informs stakeholders that an EIS is being prepared for the proposed project (A sample **NOI** is shown in [Figure 8-2](#)). Based on federal guidelines, the **NEPA** process for an EIS begins with the **NOI** and ends with the FEIS/ROD or ROD.

After the District drafts the **NOI**, it is forwarded by OEM to the FHWA Division Office for publication in the **FR**. A copy of the published notice must be included in the project file and included in the Appendix of the DEIS. FHWA will not publish the **NOI** in the **FR** until the project schedule has been approved by OEM.

8.2.2.1 Notice of Intent Format

The **NOI** must be prepared on 8 ½" X 11" white paper and typed in black ink. The margins must be 1 ½" for the left and 1" for all other margins. The text must be double-spaced (except heading title), and the heading must contain the following items:

1. Billing Code No. 4910-22 (typed in brackets or parentheses)
2. DEPARTMENT OF TRANSPORTATION (all in upper case letters)
3. Federal Highway Administration
4. ENVIRONMENTAL IMPACT STATEMENT; COUNTY OR CITY, STATE (all in upper case letters and single spaced)

The body of the **NOI** must contain five (5) sections: AGENCY, ACTION, SUMMARY, FOR FURTHER INFORMATION CONTACT, and SUPPLEMENTARY PROJECT INFORMATION (Each section title is in upper case letters followed by a colon).

Following these sections, the **NOI** must specify:

1. Issued on: (indent 5 spaces and enter the date the document is signed).
2. Signature line: [begin in the middle of the page; enter name and title of the Director of OEM, or designee, Tallahassee, Florida under the signature].

8.2.2.2 Notice of Intent Content

The following information must be contained in a **NOI**:

1. AGENCY: Federal Highway Administration (FHWA), DOT

2. ACTION: Notice of Intent
3. SUMMARY: Begin this section with the following statement:

The FHWA, on behalf of the Florida Department of Transportation (FDOT) is issuing this notice to advise the public that an Environmental Impact Statement will be prepared for a proposed project in _____ County, FL.

4. FOR FURTHER INFORMATION CONTACT: This section should name the FDOT contacts who can answer questions about the proposed project and the EIS as it is being developed.
5. SUPPLEMENTARY PROJECT INFORMATION:

Begin this section with the following statement:

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 section should also contain the following project information:

- a. A brief description including location and termini, length, purpose and need;
- b. A brief description of the reasonable alternatives to accomplish the purpose and need. The no action alternative should always be listed;
- c. A statement disclosing that the agencies intend to prepare a single Environmental Document (FEIS/ROD) for the proposed project. The following statement must be included:

The FDOT intends to issue a single Final Environmental Impact Statement and Record of Decision document pursuant to Title 23 U.S.C. Section 139(n)(2).

- d. A brief description of the proposed Environmental Scoping Process. If a scoping meeting is scheduled, provide meeting information including time and location;
- e. The project website address if available; and
- f. Place the following statement in parentheses directly above the signature and date of issuance:

(Catalog of Federal Domestic Assistance Program Number 20.205, Highway Research, Planning and Construction. The regulations implementing Executive Order 12372 regarding intergovernmental consultation on Federal programs and activities apply to this program.)

The **NOI** is transmitted by OEM to FHWA for publication in the **FR**. Documents submitted to the **FR** must follow guidance from the **June 1, 2017 FHWA Memo, INFORMATION Publication of Documents in the Federal Register**. FDOT must send FHWA three single-sided hard copies of the **NOI** for FHWA signature. The submittal should also include an electronic copy of the document (in Word format) on a CD exactly as it appears on the hard copy, and a draft cover letter for FHWA use. See [Figure 8-3](#) for a sample draft cover letter to include with these documents. Publication of the **NOI** begins the **NEPA** process for an EIS.

8.2.3 Project Status Fact Sheet

Once the **NOI** is published and **NEPA** has begun (EIS start), the project **is not** required to go back through the Programming Screen. Instead, the District will prepare a project status fact sheet, if any of the following events have occurred:

1. Four years have passed after the project has been initiated and no EIS has been approved for public availability; or
2. The project termini have changed (expanded); or
3. The project concepts have changed resulting in a change in anticipated impact(s).

The project status fact sheet is sent to the same recipients as the Programming Screen Notification and/or AN (whichever is most recent) and includes:

1. Details about the project (project title, ETDM number, Financial Management Number, DEIS number if available)
2. Brief project description including the COA
3. Brief statement regarding current status of the project, including any changes which have occurred since the original submittal
4. Current project schedule
5. Contact Information

8.2.4 Draft Environmental Impact Statement Preparation

8.2.4.1 Cover Page and Table of Contents

DEIS cover pages are only prepared as electronic forms in the StateWide Environmental Project Tracker (SWEPT), see [Section 8.5](#) for form numbers and a link to SWEPT. Sample cover pages for DEISs, both with and without a Draft **Section 4(f)** Evaluation, are provided as a visual in [Figure 8-4](#) and [Figure 8-5](#). A sample cover page for a Supplemental DEIS is provided as a visual in [Figure 8-6](#).

An EIS number is assigned to the proposed project and included on the DEIS cover page. It is simply a combination of Agency-State-EIS-Year-Document Number-D (for Draft) for example: FHWA-FLA-EIS-17-01-D would be the first DEIS in Florida for the calendar year 2017. Contact OEM for assistance when assigning the document number. The document number is updated with the submittal of the FEIS document (see [Part 1, Chapter 9, Final Environmental Impact Statement](#)).

The layout for the Table of Contents is provided in [Figure 8-7](#).

8.2.4.2 Executive Summary

The Executive Summary describes the proposed action and the conclusions of issue/resource analysis for a project and identifies avoidance, minimization, and/or mitigation measures. The sections of an Executive Summary for a DEIS include:

Proposed Action: This section describes the proposed project and includes, at a minimum, the 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.

8.2.4.3 Project Description and Purpose and Need

This section of a DEIS should be developed in accordance with [Part 2, Chapter 1, Project Description and Purpose and Need](#). The DEIS must include information reflecting the status of planning consistency (LRTP, STIP, and TIP). Guidance on planning consistency is also in [FDOT/FHWA Consistency Guidance](#). Planning consistency should be met prior to requesting Location and Design Concept Acceptance (LDCA).

8.2.4.4 Alternatives

The DEIS must discuss impacts on the environment from the preferred alternative and other alternatives in a comparative form. The DEIS should identify the preferred alternative to the extent practicable. If the DEIS does not identify the preferred alternative, FDOT should provide agencies and the public with an opportunity after issuance of the DEIS to review the impacts. The Alternatives section must meet the requirements of **40 CFR § 1502.14**, as discussed in [Part 2, Chapter 3, Engineering Analysis](#). The same chapter also provides guidance on preparing this section of the DEIS using the following subsections, as applicable:

1. Alternatives Development;
2. Alternatives Considered but Eliminated;
3. Alternatives Considered for Additional Study;
4. Comparative Alternatives Evaluation; and
5. Preferred Alternative.

The preferred alternative (or portion thereof) for a project, after being identified, may be developed to a higher level of detail than other alternatives in order to facilitate the development of mitigation measures or compliance with requirements for permitting. The development of such higher level of detail must not prevent FDOT from making an impartial decision as to whether to accept another alternative that is being considered in

the environmental review process. Coordinate with the State Environmental Engineer prior to developing a preferred alternative to a higher level of detail than other alternatives.

8.2.4.5 Environmental Analysis

The Environmental Analysis section discusses 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 [Figure 8-7](#) provides a layout of subsections that should be included in the Environmental Analysis section. [Table 8-1](#) provides references to chapters in [Part 2 of this Manual](#) which provide guidance on addressing each issue/resource. If there are potential impacts, each subsection should include 1) a discussion on the affected environment and 2) a discussion on the environmental consequences for the issue/resource. If there is no involvement with, or impact to the issue/resource, the chapters listed in [Table 8-1](#) provide standard statements to include in these subsections.

The level of analysis for resources/issues 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 AN process. The analysis should also fulfill the resource agency consultative process, address opportunities and approaches to mitigation when needed, and aid in coordination with the public or other interested stakeholders.

8.2.4.5.1 Affected Environment

Each issue/resource subsection should provide a concise description of the existing social, economic, and environmental setting for the area affected by all reasonable alternatives for the project. It should contain a general description for the entire project area rather than a separate description for each proposed alternative. Discussion in this section should be in proportion to the significance of the impacts.

Socially, economically, and environmentally sensitive locations or features in the proposed project impact area (e.g., neighborhoods, parks, hazardous material sites, historic resources, wetlands) should be identified on exhibits and briefly described in the text. Certain sensitive resource locations should be protected from being specifically identified (e.g., archeological sites, threatened or endangered species locations).

The discussion should be focused on issues, data, and values which will have a bearing on possible impacts, mitigation measures, and on the selection of an alternative. Photographs, illustrations, and other graphics should be used with text to provide a clear understanding of the area and the important issues. Information can come from various sources including but not limited to previous studies (planning, feasibility, or corridor studies), ETDM Programming Screen, AN, local knowledge, the Environmental Scoping Process, field reviews, technical documents, and public involvement. When possible, some of the information for this section can be collected and drafted before the PD&E Study begins.

8.2.4.5.2 Environmental Consequences

The Environmental Analysis section must include a discussion of potential impacts and/or enhancements to issues/resources for each reasonable alternative where a potential for impact exists (***FHWA Technical Advisory T6640.8A***). Guidance to address specific issues/resources is provided in [Part 2 of this Manual](#).

In general, the Environmental Analysis 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 any 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.

It is recommended that this section of the DEIS ensures that:

1. The document provides sufficient information on the environmental studies and technical reports, major assumptions made, and supporting information on the validity of the methodology;
2. The document provides sufficient information (results of analysis) to establish the reasonableness of the conclusions reached regarding the preferred alternative and the project impacts;
3. The document provides a description of mitigation measures, where applicable. Associated commitments may be needed to address mitigation. This should be done for each reasonable alternative.

Pursuant to **40 CFR § 1502.16**, this section includes the environmental impacts of the alternatives including the proposed action, any adverse environmental effects which cannot be avoided should the proposal be implemented, the relationship between short-term uses of man's environment and the maintenance and enhancement of long-term productivity, and any irreversible or irretrievable commitments or resources which would be involved in the proposal should it be implemented.

Pursuant to **40 CFR § 1502.16**, this section must include discussions of:

1. Direct effects and their significance;
2. Indirect effects and their significance;
3. Possible conflicts between the proposed action and the objectives of federal, regional, state, and local (and in the case of a reservation, Indian tribe) land use plans, policies, and controls for the area concerned;

4. The environmental effects of alternatives including the proposed action;
5. Energy requirements and conservation potential of various alternatives and mitigation measures;
6. Natural or depletable resource requirements and conservation potential of various alternatives and mitigation measures;
7. Urban quality, historic and cultural resources, and the design of the built environment, including the reuse and conservation potential of various alternatives and mitigation measures;
8. Means to mitigate adverse environmental impacts.

Once the analysis is completed, a determination of significance is made for relevant issues/resources in coordination with OEM.

8.2.4.5.3 Anticipated Permits

The Environmental Analysis section should include a subsection on anticipated permits. Permits identified during the PD&E Study must be listed in this subsection. 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 during the preparation of this section of the document. See [Part 1, Chapter 12, Environmental Permits](#) for more information on documenting permits in the DEIS.

8.2.4.5.4 Cumulative Impacts

Because actions requiring a DEIS will have significant environmental impacts, a Cumulative Effects Evaluation (CEE) may be required for resources determined to be of concern based on coordination and context. The CEE should describe the context and intensity of the impacts. Guidance on preparing this evaluation is provided in the [Cumulative Effects Evaluation Handbook](#). This subsection should include a summary of the results of the CEE.

8.2.4.6 Comments and Coordination

A Comments and Coordination section is included in a DEIS in order to summarize the public and interagency comments and coordination involved in developing the project and the EIS. This includes documentation of meetings and coordination with government officials, government agencies, community groups and individual citizens. This also includes documentation of the Environmental Scoping Process for the EIS.

This section is divided up into four subsections:

1. Discussion of ETDM Programing Screen and Advance Notification

2. Discussion of the Environmental Scoping Process
3. Coordination and Consultation
4. Concluding Statement

8.2.4.6.1 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 DEIS. 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.

8.2.4.6.2 Discussion of the Environmental Scoping Process

This subsection describes the Environmental Scoping Process for the EIS and includes the following information:

1. Dates and locations of EIS scoping meetings (if held);
2. Agencies participating in the Environmental Scoping Process;
3. A summary of meetings, discussions, and correspondence pertinent to the Environmental Scoping Process.

8.2.4.6.3 Coordination and Consultation

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

The final statement should be that a public hearing will be taking place, include the date and location if known.

8.2.4.6.4 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 has been held on this project and comments received have been taken into consideration.

8.2.4.7 Commitments

This section should contain all commitments made during the PD&E process, including those identified in associated technical reports ([Part 2, Chapter 22, Commitments](#)). All commitments should be transmitted to the next phase of project development in accordance with [Procedure No. 650-000-003, Project Commitment Tracking](#).

8.2.4.8 List of Preparers

A list of preparers is required for EISs in accordance with **40 CFR § 1502.17**. The list includes federal, state, or local agency personnel, including consultants, who were primarily responsible for preparing the EIS or associated technical studies. To make it easy to locate a specific individual, the list should be organized in order of federal, state, consultant, or other participants and describe the educational and professional experience of each preparer. It is also suggested that individuals listed for each organization be listed in alphabetical order.

In preparing the list of preparers each person should be contacted to verify educational and professional experience and the number of years employed in their field. An example list of preparers is shown in [Figure 8-8](#).

8.2.4.9 Distribution List

DEISs are circulated for comment to resource and regulatory agencies, non-governmental organizations, elected officials, and other interested parties. Circulation is in accordance with **40 CFR § 1502.19** (see [Section 8.2.6](#)). The DEIS must include a section providing a list of entities which will receive the DEIS. The list of entities is typically based on those that were sent the AN, including those that participated in the Environmental Scoping Process. [Part 1, Chapter 3, Preliminary Environmental Discussion and Advance Notification](#), provides a transmittal list and contact information for ANs.

8.2.4.10 Index

An index is included in all EISs to provide a detailed listing of major subject areas for the convenience of the reader. It is an alphabetical listing focusing on areas which have a significant impact on the surrounding environment and areas of community concern. An illustration of the typical content of an index is provided in [Figure 8-9](#).

8.2.4.11 Appendix

The Appendix is the final section of a DEIS and its contents are prescribed by CEQ regulation, **40 CFR § 1502.18**, which provides:

If an agency prepares an Appendix to an EIS the Appendix shall:

- (a) Consist of material prepared in connection with an Environmental Impact Statement [as distinct from material which is not so prepared and which is incorporated by reference (**§1502.21**)].
- (b) Normally consist of material which substantiates any analysis fundamental to the impact statement.
- (c) Normally be analytic and relevant to the decision to be made.
- (d) Be circulated with the environmental impact statement or be readily available on request.

Further, consistent with CEQ's direction to reduce paperwork and the length of EISs, to focus the EIS on significant environmental issues and allow for incorporation by reference per **40 CFR § 1500.4**, the Appendix should be limited to materials necessary to support FDOT's analysis and decision-making (**40 CFR § 1502.21**).

8.2.4.11.1 Appendix Divider Page

On the Appendix divider page, a listing should be provided of each document contained within. Material contained in the Appendix must be numbered for ease of reference. Document organization is at the discretion of the analyst. Examples include by organizational (federal/state/county) or chronological order. A sample of the type of listing generally found on the divider page is provide in [Figure 8-10](#).

8.2.4.11.2 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
8. Letters from citizens or citizen groups
9. Letters from private interest groups

8.2.4.11.3 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 a DEIS. The preparer should note that this list is not all inclusive.

1. Lists (i.e., meetings)
2. Resolutions
3. Letters of Agreement
4. Memoranda of Agreement (i.e., **Section 106 - Historic Preservation Act**)
5. Special Reports
 - a. 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 DEIS.

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

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

8.2.4.11.4 Material Incorporated by Reference

Material contained under separate cover should be referenced in the DEIS and included in the project file in SWEPT. This includes technical reports (e.g., **Project Traffic Report Analysis, Conceptual Stage Relocation Plan, Natural Resource Evaluation**), technical memorandums, and studies. For a complete list of technical documents see [Part 1, Chapter 4, Project Development Process](#). The documents referred to in the DEIS must be readily available for public review at the District office. During the public

availability period, the document and support documentation are also placed in other locations for public availability ([Part 1, Chapter 11, Public Involvement](#)).

8.2.5 FDOT Document Review Process

The FDOT Document Review Process is provided in [Figure 8-11](#). After preparing the DEIS, the District conducts a quality control review and uses the SWEPT application to complete the **Environmental Document Submittal Form, Form No. 650-050-15** for initial OEM and OGC review. The District uploads the DEIS into FDOT's Electronic Review and Comment (ERC) application.

The Project Delivery Coordinator (PDC) acknowledges the document is complete and ready for review by confirming the **Environmental Document Submittal Form, Form No. 650-050-15** in SWEPT. If necessary, the District schedules a project briefing for OEM and OGC reviewers. The OEM and OGC review team will have 30 calendar days to review the draft documents. OEM submits comments in the ERC. The District will address OEM comments and provide responses in the ERC. The OEM project review team will have a 15-day period to confirm that comments have been addressed. 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 DEIS to the EST and initiates the Cooperating Agency review. This review may be concurrent with OEM review. The District may 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 in SWEPT. The PDC has 14 days to confirm that the submittal is complete. Following confirmation from the PDC the document can advance to OEM Environmental Process Administrator review.

The OEM Environmental Process Administrators have 25 days to recommend the DEIS for approval. The Director of OEM, or designee, then has 5 days to approve the DEIS.

Districts should maintain the project file according to [Part 1, Chapter 15, Project File and Records Management](#).

8.2.6 Actions After Approval of the DEIS

When the DEIS is approved by OEM for public availability, OEM enters the deadline for formal comment submittal on the cover page established by calculating 45 calendar days after posting on the Environmental Protection Agency (EPA's) e-NEPA website indicating publication of the **Notice of Availability** in the **FR**.

Pursuant to **23 CFR 771.123(c)**, the range of alternatives considered for further study must be used for all federal environmental reviews and permit processes, to the maximum extent practicable and consistent with federal law, unless the lead and participating agencies agree to modify the alternatives in order to address significant new information and circumstances or to fulfil **NEPA** responsibilities in a timely manner. If the range of alternatives is modified after the DEIS is advanced, coordination with cooperating and participating agencies is required.

Distribution to Agencies and Stakeholders

Distribution of the DEIS must occur before OEM sends the e-NEPA request for publication of the **Notice of Availability** in the **FR** to EPA (**23 CFR § 771.123**). The approved document is sent electronically to the State Clearinghouse (SCH) and the ETAT, which includes Cooperating Agencies 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, Preliminary Environmental Discussion and Advance Notification](#), including those who received the AN. 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 [Figure 8-12](#) for a sample transmittal letter.

Public Notice of Availability and Public Hearing

The DEIS must be available to the public and transmitted to agencies for comment before OEM files the document with EPA (**23 CFR § 771.123**). 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 location(s) where the approved document can be inspected by the public ([Part 1, Chapter 11, Public Involvement](#)). It is recommended that project websites or other publicly accessible electronic means be used to make the DEIS available.

The public hearing is held a minimum of 21 days after the notice is placed in the local newspaper(s), **40 CFR § 1506.6**. Notice should also be placed in the **Florida Administrative Register (FAR)**.

The **Notice of Availability** is initiated when OEM files the DEIS with EPA. All DEISs 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- Project Description and 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 the District formats the document for e-NEPA, the District sends it to OEM, identifying the Title, Subject, Author, and Keywords for use as metadata for the submittal. OEM submits it to EPA using the e-NEPA online tool. EPA then publishes the **Notice of Availability** of the FEIS in the **FR** for a 45-day comment period (**23 CFR § 771.123**). **Figure 8-13** is an example of a **Notice of Availability** in the **FR**. The District must monitor the **FR** for publication of the notice and upload it to the project file.

After the public hearing has been held, the comment period closes, and all issues are addressed, the District prepares a FEIS/ROD or FEIS according to procedures in **Part 1, Chapter 9, Final Environmental Impact Statement**.

8.3 REFERENCES

- American Association of State Highway and Transportation Officials (AASHTO). May 2006. Improving the Quality of Environmental Documents: A Report of the Joint AASHTO/ACEC Committee in Cooperation with the Federal Highway Administration
- Council on Environmental Quality. 1978. Regulation for Implementing the Procedural Provisions of the National Environmental Policy Act. 43 CFR 55978-56007 and 40 CFR 1500-1508
- FHWA. Memorandum. INFORMATION Publication of documents in the Federal Register. June 1, 2017
- FHWA. 1987. Technical Advisory T6640.8A. Guidance for Preparing and Processing Environmental and Section 4(f) Documents. October 30, 1987. https://www.environment.fhwa.dot.gov/legislation/nepa/guidance_preparing_env_documents.aspx
- FAST Act
- FDOT. 2003. Federal Highway Administration and Federal Transit Administration Agency Operating Agreement Florida Department of Transportation
- FDOT. Efficient Transportation Decision Making (ETDM) Manual, Topic No. 650-000-002. <http://www.fdot.gov/environment/pubs/etdm/etdmmanual.shtm>

FDOT. Project Commitment Tracking, Procedure No. 650-000-003.

<https://fdotwp1.dot.state.fl.us/ProceduresInformationManagementSystemInternet/FormsAndProcedures/ViewDocument?topicNum=650-000-003>

Memorandum of Understanding 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-bin/retrieveECFR?gp=&SID=3f0e8ae65ee76fc13c0bc7a240e9fc59&mc=true&r=PART&n=pt23.1.771>

Title 23 U.S.C. § 139. Efficient Environmental Reviews for Project Decision Making.

<http://uscode.house.gov/view.xhtml?hl=false&edition=prelim&req=granuleid%3AUSC-prelim-title23-section139&num=0&saved=%7CKHRpdGxIOjIzIHNIY3Rpb246MTM3IGVkaXRpb246cHJlbGltKQ%3D%3D%7C%7C%7C0%7Cfalse%7Cprelim>

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](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)

8.4 FORMS

Draft Environmental Impact Statement Cover Page, Form 650-050-18*

Draft Environmental Impact Statement/Draft Section 4(f) Evaluation Cover Page, Form 650-050-19*

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

[Planning Requirements for Environmental Document Approvals Form, Form 650-050-41](#)

Supplemental Draft Environmental Impact Statement Cover Page, Form 650-050-20*

*To be completed in [SWEPT](#)

8.5 HISTORY

11/25/2002, 1/31/2007, 4/22/2011, 2/3/2014, 8/3/2016, 6/14/2017: NEPA Assignment

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 Stormwater	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
Cumulative Impacts		Cumulative Effects Evaluation Handbook

Table 8-1 Chapter References for Issue/Resources

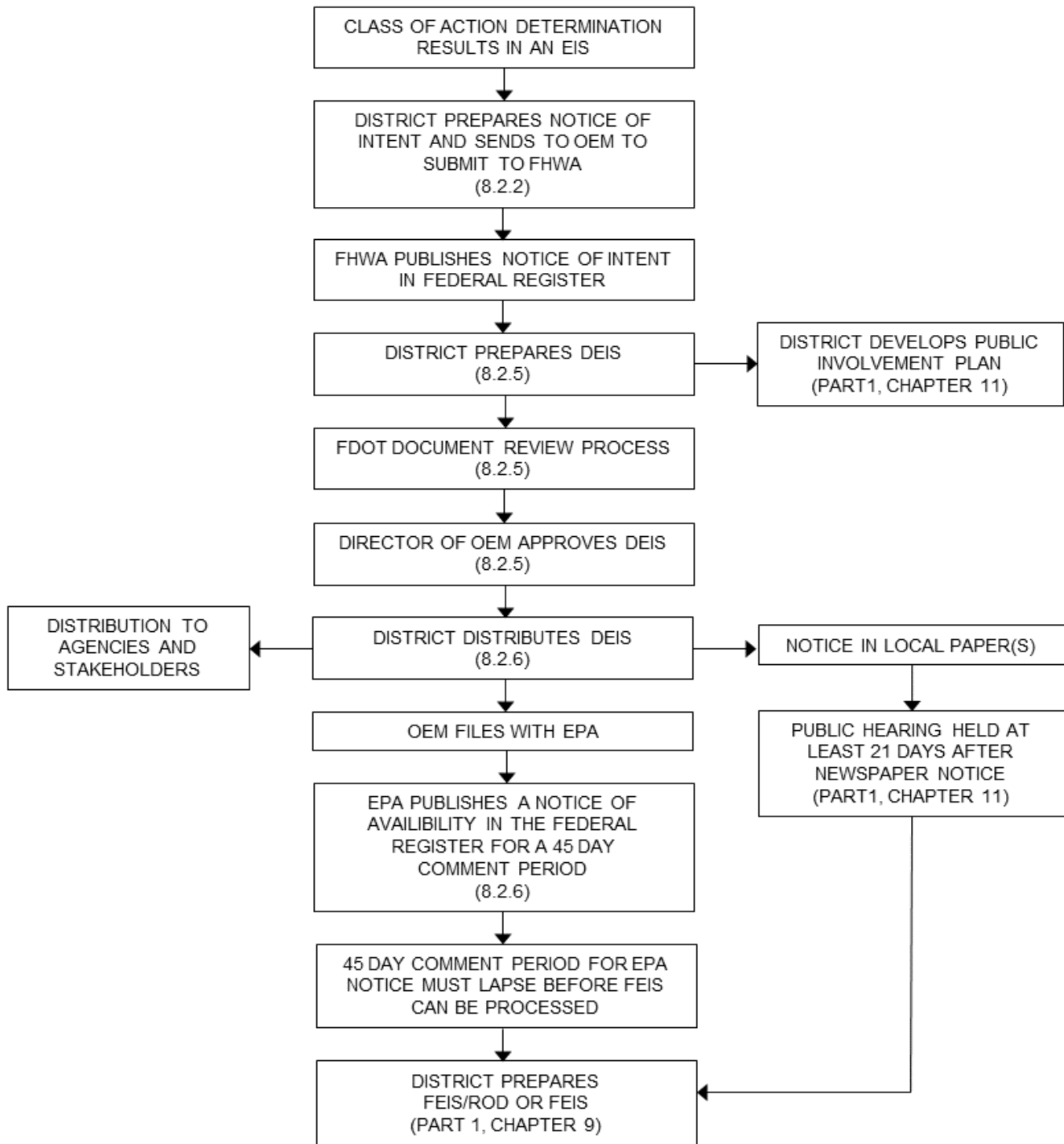


Figure 8-1 Draft Environmental Impact Statement Process

(4910-22)

DEPARTMENT OF TRANSPORTATION

Federal Highway Administration

ENVIRONMENTAL IMPACT STATEMENT; _____ COUNTY, FLORIDA

AGENCY: Federal Highway Administration (FHWA), DOT

ACTION: Notice of Intent

SUMMARY: The FHWA, on behalf of the Florida Department of Transportation (FDOT) is issuing this notice to advise the public that an Environmental Impact Statement (EIS) will be prepared for a proposed highway project in _____ County, Florida.

FOR FURTHER INFORMATION CONTACT: (Name of District Contact), (Title), Florida Department of Transportation, (District Address), (City) Florida (Zip Code)

SUPPLEMENTARY PROJECT INFORMATION:

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.

The Florida Department of Transportation will prepare an EIS for a proposal to improve SR XX in _____ County, Florida. The FDOT intends to issue a single Final Environmental Impact Statement and Record of Decision document pursuant to Title 23 U.S.C. Section 139(n)(2). FDOT intends to recommend the preferred alternative in the DEIS.

(Sample information:)

The proposed improvement would involve the reconstruction of SR XX from Interstate Route XX to SR XX, a distance of X miles. Improvements to the corridor are considered necessary to provide for the existing and projected traffic demand.

Alternatives under consideration include (1) taking no action; (2) widening to a six or eight lane divided roadway; (3) widening to a six lane plus frontage roads on the portion of the project west of SR XX; and (4) alternate corridors.

Letters describing the proposed action and soliciting comments will be sent to appropriate federal, state, and local agencies, and to private organizations and citizens who have expressed interest in this proposal.

Figure 8-2 Sample Notice of Intent

A series of public meetings will be held in _____ City, _____ County between (month) and (month), (year). In addition a public hearing will be held. Notice will be provided of the time and place of the meetings and hearing. The Draft EIS will be made available for public and agency review and comment. A formal scoping meeting is planned at the project site during the early part of (year). Additional project information can be found at the following web address: _____

To ensure that the full range of issues related to the proposed action are addressed and all significant issues identified, comments and suggestions are invited from all interested persons. Comments or questions concerning this proposed action and the EIS should be directed to the FDOT at the address provided above.

(Catalog of Federal Domestic Assistance Program Number 20.205, Highway Research, Planning and Construction. The regulations implementing Executive Order 12372 regarding inter-governmental consultation on Federal programs and activities apply to this program.)

Issued On: (Month Date, Year)

Director of the Office of Environmental
Management, or designee
Tallahassee, Florida

Figure 8-2 Sample Notice of Intent (Page 2 of 2)



U.S. Department
of Transportation

1200 New Jersey Ave S.E.
Washington, D.C. 20590

**Federal Highway
Administration**

(Insert Date)

(insert Director name)
Director, Office of the Federal Register
7 G Street NW
Suite A-734
Washington, DC 20401

Dear *(insert Director name)*:

I hereby certify that the enclosed CD-ROM contains a true and accurate copy of the three signed paper copies of the Notice of Intent in Florida.

We ask that you file for public inspection this Notice on (insert month, day, year), and publish it in the Federal Register on (insert month, day, year).

Please call me at (insert phone number) to confirm the publication date and if you have any questions or concerns.

Sincerely yours,

(Insert Name)
(Insert Title)
FHWA-Florida Division

Enclosures

bc: (insert initials), file

Figure 8-3 Sample Notice of Intent Cover Letter

FHWA-FLA-EIS-YR-##-D
Florida Department of Transportation
Office of Environmental Management

ADMINISTRATIVE ACTION
DRAFT ENVIRONMENTAL IMPACT STATEMENT

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

Financial Management Number: xxxxx-xxxx
Federal Project Number: xxx-xxx-x(xx)
FDOT Efficient Transportation Decision Making Number: xxxxx
route, limits, County, Florida

(One paragraph abstract of the project)

XX

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.

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

Submitted pursuant to 42 U.S.C. § 4332(2)(c).

___ / ___ / ___
Date

Director, Office of Environmental Management
Florida Department of Transportation

For additional information, contact:

Name
District Contact Title
Florida Department of Transportation
Street address
City, Florida, zip code
Phone: (xxx) xxx-xxxx
Email address

Name
OEM Contact Title
Florida Department of Transportation
605 Suwannee Street, MS 37
Tallahassee, Florida 32399
Phone: (xxx) xxx-xxxx
Email address

Comments must be received by the District contact person

By: _____(date)_____

Figure 8-4 Draft Environmental Impact Statement Sample Cover Page

FHWA-FLA-EIS-YR-##-D
Florida Department of Transportation
Office of Environmental Management

ADMINISTRATIVE ACTION
DRAFT ENVIRONMENTAL IMPACT STATEMENT/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)
FDOT Efficient Transportation Decision Making Number: xxxxx
route, limits, County, Florida

(One paragraph abstract of the project)

XX

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.

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

Submitted pursuant to 42 U.S.C. § 4332(2)(c) and 49 U.S.C. § 303.

___ / ___ / ___
Date

Director, Office of Environmental Management
Florida Department of Transportation

For additional information, contact:

Name
District Contact Title
Florida Department of Transportation
Street address
City, Florida, zip code
Phone: (xxx) xxx-xxxx
Email address

Name
OEM Contact Title
Florida Department of Transportation
605 Suwannee Street, MS 37
Tallahassee, Florida 32399
Phone: (xxx) xxx-xxxx
Email address

Comments must be received by the District contact person

By: ___(date)_____

**Figure 8-5 Draft Environmental Impact Statement/Draft Section 4(f) Evaluation
Sample Cover Page**

FHWA-FLA-EIS-YR-##-DS
Florida Department of Transportation
Office of Environmental Management

ADMINISTRATIVE ACTION
SUPPLEMENTAL DRAFT ENVIRONMENTAL IMPACT STATEMENT

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

Financial Management Number: xxxxx-xxxx
Federal Project Number: xxx-xxx-x(xx)
FDOT Efficient Transportation Decision Making Number: xxxxx
route, limits, County, Florida

(One paragraph abstract of the project)

XX

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.

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

Submitted pursuant to 42 U.S.C. § 4332(2)(c).

___ / ___ / ___
Date

Director, Office of Environmental Management
Florida Department of Transportation

For additional information, contact:

Name
District Contact Title
Florida Department of Transportation
Street address
City, Florida, zip code
Phone: (xxx) xxx-xxxx
Email address

Name
OEM Contact Title
Florida Department of Transportation
605 Suwannee Street, MS 37
Tallahassee, Florida 32399
Phone: (xxx) xxx-xxxx
Email address

Comments must be received by the District contact person

By: _____(date)_____

Figure 8-6 Supplemental Draft Environmental Impact Statement Sample Cover Page

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SECTION 7. LIST OF PREPARERS

FLORIDA DEPARTMENT OF TRANSPORTATION

Mr./Ms. (Name) Transportation Policy Analyst	B.S. degree in Geography and ____ years experience in environmental analysis and environmental document preparation.
Mr./Ms. (Name) Archaeologist	M.S. degree in Anthropology and ____ years experience in site surveys, analysis and documentation.
Mr./Ms. (Name) Historian	M.S. degree in History and ____ years experience in site surveys, analysis and documentation.
Mr./Ms. (Name) Air Quality	B.S. degree in Public Air Quality Health with ____ years experience in environmental and air quality analysis and environmental document preparation.
Mr./Ms. (Name) Noise	M.S. in Environmental Science with years experience in environmental analysis and environmental document preparation.
Mr./Ms. (Name) Natural Resources Administrator	M.S. degree in Systems Ecology with ____ years experience in environmental analysis and environmental document preparation.

(CONSULTING FIRM)

Mr./Ms. (Name) B.S. Degree in

Figure 8-8 Sample List of Preparers

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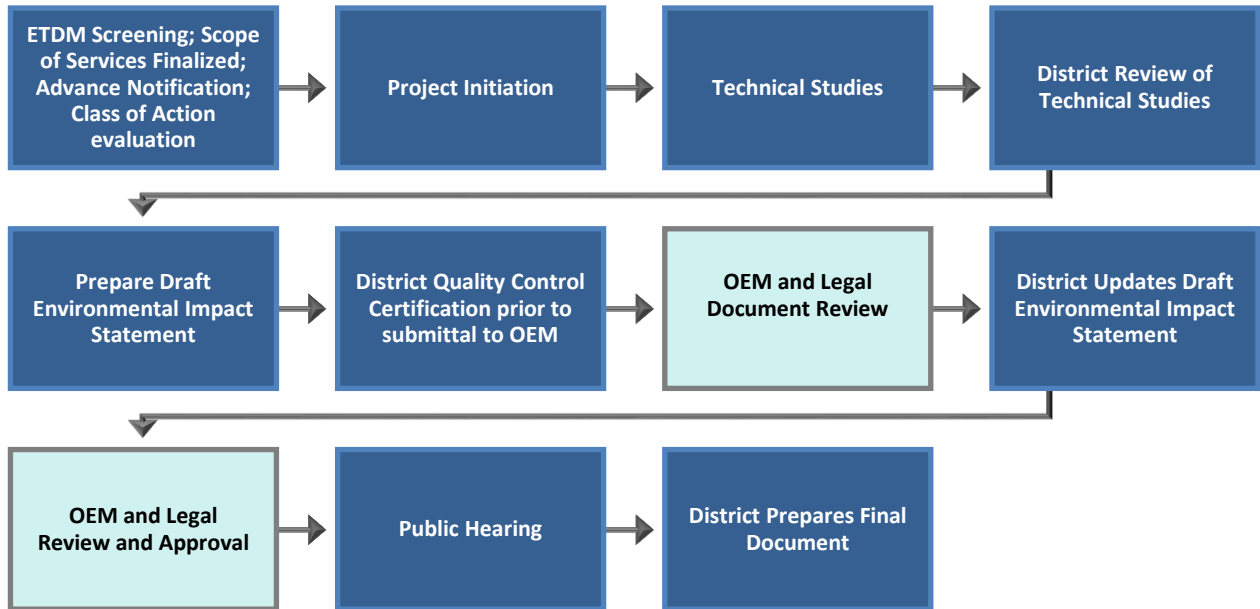


Figure 8-11 FDOT Document Review Process for DEISs

(DATE)

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

Subject: Draft Environmental Impact Statement
(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 Draft Environmental Impact Statement which has been approved for public availability. The review period for this document closes 45 days from posting on the Federal Register through e-NEPA (<http://www.epa.gov/compliance/nepa/eisdata.html>).

Sincerely,

District Environmental Office

Enclosures
cc: OEM / without enclosure

Figure 8-12 Sample Transmittal Letter for DEIS Distribution

33722 Federal Register / Vol. 49. No. 166 / Friday, August 24, 2005 / Notices

[ER-FRL-2659-1]

**Availability of Environmental Impact
Statements Filed August 13, 2015
Through August 17, 2015**

Responsible Agency: Office of Federal Activities.
General Information (202) 382-5073 or
(202) 382-5075

EIS No. 840363. Draft. FS. WY.
Bighorn National Forest Land and
Resource Management Plan.
Bighorn. Sheridan Cos. Due: November 26, 2015.
Contact Elana Green (702) 447-4710.



**EIS No. 840384. Draft.
FHWA. FL.FL-44 Upgrading.
CR 581 to Eastern Intersection of
FL 44/45 (US-41). Citrus County.
Due: October 9, 2015.
Contact: Director of the Office of
Environmental Management
(904) 681-7223**

EIS No. 840385. Dsuppl. COE.
NC. Manteo Bay
Project. Navigation Improvement
Dare County. Due: October 9, 2015.
Contact Richard Jackson (919) 343-4745.

Figure 8-13 Sample Notice of Availability Published by EPA in the Federal Register