

PART 1, CHAPTER 10

STATE, LOCAL, OR PRIVATELY FUNDED PROJECT DELIVERY

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PART 1 CHAPTER 10

STATE, LOCAL, OR PRIVATELY FUNDED PROJECT DELIVERY

10.1 OVERVIEW

Pursuant to **23 United States Code (U.S.C.) § 327** and the implementing Memorandum of Understanding (MOU) executed on December 14, 2016, the Florida Department of Transportation (FDOT) has assumed Federal Highway Administration (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 describes the environmental evaluation process for the development of state, local, or privately funded projects. State funded projects are those advanced through the FDOT Work Program using only state transportation allocations, and for purposes of this chapter, do not require FHWA funding or OEM action pursuant to **23 U.S.C. § 327** described above. Proposed projects on the interstate, using interstate right of way (ROW) or using FHWA funds, as well as LAP projects, require preparation of a federal **NEPA** document as described in [Part 1, Chapter 4, Project Development Process](#) and other related chapters of this *Manual*. See [Part III - Chapter 24, Work Program Instructions](#), for additional information.

This chapter focuses on FDOT projects; however, projects on state facilities may also be conducted by a local agency (e.g., county, city), Expressway Authority, or private entity (e.g., developer). The term "lead agency" is used throughout this chapter to mean the agency that is responsible for the project and thus has signature authority on the Environmental Document. The lead agency is not necessarily the funding agency. When a local agency or private entity is the lead agency, FDOT involvement may be required under certain conditions (see [Section 10.2.2](#)).

Environmental evaluations are required for all state funded projects to comply with state and federal laws and FDOT policy. The level of assessment and documentation depends on the nature of the project, the potential for impacts, and the level of FDOT involvement. The type of environmental documentation for state funded projects depends upon the lead agency and the actions being taken.

This chapter directs the **State Environmental Impact Report Form, Form No. 650-050-43** for State Environmental Impact Reports (SEIRs) and the **Non-Major State Action Checklist** for Non-Major State Actions (NMSAs) serve as documentation for projects

when FDOT is the lead agency. For other entities, the preparation of a Project Environmental Impact Report (PEIR) may serve as the environmental documentation as described in [Section 10.2.2](#).

10.2 PROCEDURE

10.2.1 Florida Department of Transportation Projects

When FDOT is the lead agency on a project, the District has responsibility for the preparation, review, and approval. See [Figure 10-1](#) for a flowchart of the FDOT State, Local, or Privately Funded Project Delivery Process discussed throughout this chapter.

State funded Project Development and Environment (PD&E) studies for highway projects are documented in the form of a SEIR rather than a federal *NEPA* document. Identification of projects to advance as a SEIR rather than a *NEPA* document may be an outcome of the Statewide Acceleration Transformation (SWAT) process ([Section 10.2.1.2](#)). State funding should be used on projects whenever appropriate (*Part III- Chapter 24, Work Program Instructions*). If it is determined that the project will be state funded only, it is assigned a work program identifier of "State Funds Only (SFO)". The SWAT approach to project delivery is provided in [Part 1, Chapter 4, Project Development Process](#).

10.2.1.1 Efficient Transportation Decision Making Screenings

The Efficient Transportation Decision Making (ETDM) Coordinator is provided a list of projects which should complete an ETDM Screening, generally as a result of the SWAT Planning meeting conducted during the annual five year Work Program development cycle. The District decides whether to initiate project screening with either an ETDM Planning Screen or Programming Screen event, based upon project complexity, timing, and whether or not an ETDM Planning Screen had already been completed. ETDM Planning Screen events may have been previously completed when considering projects during Long Range Transportation Plan updates. Minimally, the ETDM Programming Screen should be completed one year before the year in which PD&E phase funds are programmed. When entering information into the Environmental Screening Tool (EST), there is an option to select state or federal funding, see *Part III - Chapter 24, Work Program Instructions* and [Part 1, Chapter 4, Project Development Process](#).

The analysis and documentation completed for a state funded PD&E project is typically a SEIR. Information available from the ETDM Planning Screen may facilitate SWAT Planning Meetings during development of the Tentative Work Program. Information available from the ETDM Programming Screen may facilitate SWAT Kick-Off Meetings prior to the PD&E Study scope of services development. In this way, the ETDM Screening event results may be used to inform further project planning, project scoping and other SWAT activities prior to initiation of PD&E.

An Advance Notification is circulated for qualifying state funded projects prior to PD&E study initiation either with or subsequent to the ETDM Programming Screen event. The project does not require a Federal Consistency Review with the State Clearinghouse as

part of the Advance Notification ([Part 2, Chapter 14, Coastal Zone Consistency](#)). If a federal permit is needed for the project, Coastal Zone Consistency is typically provided as part of the Environmental Resource Permitting process.

10.2.1.2 Statewide Acceleration Transformation Team and State Funded Projects

The SWAT process is a project management approach that streamlines FDOT's project delivery process through early coordination and communication among the different functional disciplines within the District when identifying projects for funding and scoping in the planning process. All state and federally funded projects should be evaluated through the SWAT process to determine project parameters for funding, scope of work, programming, and scheduling. The SWAT process promotes and enhances communication and collaboration within District offices when projects are evaluated for inclusion in the Tentative Work Program. The Districts can adapt the SWAT process to their planning, programming and project scoping processes. See the [FDOT SWAT Training Workbook](#) and other SWAT materials on [OEM's website](#), as well as [Part 1, Chapter 4, Project Development Process](#) for more guidance.

10.2.1.3 Documentation of Non-Major State Actions

NMSAs are only required when FDOT is the lead agency and the project does not require a PD&E Study. Projects that are to proceed as NMSA's are typically identified during the SWAT Planning meeting. NMSAs require an environmental evaluation and completion of the **Non-Major State Action Checklist** through the StateWide Environmental Project Tracker (SWEPT). A sample form is provided as a visual in [Figure 10-2](#). See [Section 10.2.1.3.1](#) for instructions on preparing the **Non-Major State Action Checklist**. This checklist documents consideration of environmental impacts in the NMSA and the environmental evaluation is generally done concurrent with the Design phase.

Environmental evaluations are required for all state funded projects to comply with state and federal laws and FDOT procedure. If there is a state law that mirrors a federal law and if the NMSA project needs a federal permit/action from an agency such as the U.S. Army Corps of Engineers (USACE), U.S. Coast Guard (USCG), U.S. Fish and Wildlife Service (USFWS), or National Marine Fisheries Service (NMFS), follow the federal provisions ([Section 10.2.1.6](#)). For example, if the project affects any historic or archaeological resources, then the project has to comply with **Section 106** of the **National Historic Preservation Act (NHPA)**. However, if no federal permit/action is required, consultation with the Florida Division of Historical Resources (DHR) is required (see [Part 2, Chapter 8, Archaeological and Historical Resources](#)).

A NMSA does not generally require a public hearing, but may necessitate public involvement activities in accordance with [Part 1, Chapter 11, Public Involvement](#).

The District Environmental Manager or designee should sign and date the **Non-Major State Action Checklist**. The signed **Non-Major State Action Checklist** should be added to the project file.

If an **Non-Major State Action Checklist** was previously completed, at the conclusion of the Design phase the District will re-evaluate the NMSA by updating the **Non-Major State Action Checklist** and signing it. After signing it, the District Environmental Manager or designee must complete, sign and date the **Environmental Certification for State Funded Project, Form No. 650-050-14**, as provided in [Figure 10-3](#).

10.2.1.3.1 Completing the Non-Major State Action Checklist

The **Non-Major State Action Checklist** ([Figure 10-2](#)) should contain the following information:

1. GENERAL INFORMATION: identifies the name of the project, its limits, county, and financial management number(s).
2. PROJECT DESCRIPTION: includes a brief description of the existing conditions, purpose and need if known, and the proposed improvements (i.e., number of lanes, structure, median, and ROW).
3. EVALUATION: provides a checklist to evaluate the potential impacts of the project. If any item is marked "Yes", then it is discussed and determined by the District whether additional evaluation or a SEIR will be necessary. Consideration should be given to potential permitting requirements and needs. If all answers are "No" and the project type is not defined in **Section 339.155(5)(b), Florida Statutes (F.S.)**, as a major transportation improvement, the project is a NMSA.

A place is provided for the District Environmental Manager or designee to sign and date the form.

10.2.1.4 Documentation of a State Environmental Impact Report

The **State Environmental Impact Report Form, Form No. 650-050-43** ([Figure 10-4](#)) should be a concise, targeted document based on the results of engineering and environmental analysis and coordination.

The SEIR documents the social and economic, cultural, natural, and physical issues/resources evaluated as part of the project. Additional information for each category is included in attachments, as needed. Technical reports or memorandums should be summarized in each section with reference to the corresponding document for more details.

Other considerations for completing a SEIR are as follows:

1. If no federal permit/action is required, consultation with the DHR is required per **Chapter 267, F.S.**, to address historic or archaeological resources. However, if a federal permit will be required then the project must comply with **Section 106** of the **NHPA**. Additionally, if the project requires consultation with USFWS regarding federally listed species, consultation occurs under **Section 10** of the **Endangered Species Act (ESA)**. See [Part 2, Chapter 8, Historic and Archeological](#)

[Resources](#) and [Part 2, Chapter 16, Protected Species and Habitat](#) for guidance on these issues/resources. Also see [Section 10.2.1.6](#) for additional guidance.

2. Under the state funded project delivery process, **Section 4(f)** does not apply since there is no United States Department of Transportation (USDOT) action; however, coordination with the public entity of jurisdiction of the public recreation area should still occur ([Part 2, Chapter 7, Section 4\(f\) Resources](#)). For example, coordination with the Florida Department of Environmental Protection (FDEP) is necessary on projects affecting state owned parks or other program areas such as the Florida Forever land acquisition program [see [Part 2, Chapter 23, Acquisition and Restoration Council \(ARC\) Coordination](#)].
3. SEIRs are not subject to Environmental Protection Agency (EPA) review since they do not receive federal financial assistance ([Part 2, Chapter 11, Water Resources](#)).
4. Farmland and Coastal Barrier Resources are not analyzed for SEIR projects since analysis of these resources is only required for federal projects.
5. Planning consistency information is included in the SEIR, however; it is intended as an information tool and not required for the approval of the document. This information is used to inform planning and programming activities to assist in the timely advancement of project funds for the next phase of the project. A description of actions required for completion of the planning consistency information should be provided if not available at the time of document approval.
6. There is no requirement for multiple alternatives, although there may be multiple alternatives if warranted by specific project considerations. There can be just one build alternative in addition to the no-action alternative, if determined appropriate.

The public hearing process outlined in [Part 1, Chapter 11, Public Involvement](#) is followed when preparing a SEIR. Regardless of whether a project is state or federally funded, state law (**Section 339.155, F.S.**) requires a public hearing for the following types of projects: 1) increasing capacity through the addition of new lanes; 2) providing new access to a limited or controlled access facility (new interchanges); and 3) construction of a facility in a new location. It is FDOT's policy to promote public involvement opportunities and information exchange activities in all functional areas using various techniques adapted to local area condition and project requirements ([Public Involvement, Policy No. 000-525-050](#)). For a project which does not require a public hearing, an opportunity for a public hearing may still be provided.

In most cases, a public hearing will be held for a SEIR project. The SEIR should be made available to the public a minimum of 15 days prior to the public hearing. Before the public hearing, the **State Environmental Impact Report Form, Form No. 650-050-43** must be approved for public availability by the District Environmental Office Manager, Environmental Manager, or Project Development Manager. Notice of the public hearing will be published in the local newspaper of general circulation and posted on the agency's website and the **Florida Administrative Register**.

OEM may review the SEIR at the District's request. The District Secretary or designee signs and approves the SEIR and the District circulates it to relevant resource agencies and to offices responsible for the next phase of the project.

The District Environmental Office will also complete and provide the date of the approval on the ***Environmental Certification for State Funded Project, Form No. 650-050-14*** form, as shown in [Figure 10-3](#).

Project commitment coordination is accomplished for state funded projects prior to and during the PD&E phase consistent with [Part 2, Chapter 22, Commitments](#) and [Procedure No. 650-000-003, Project Commitment Tracking](#). Project commitments must be documented in the same way as federally funded projects. Commitments are coordinated and agreed upon by appropriate FDOT functional area representatives.

Project files will be maintained within FDOT's SWEPT application.

10.2.1.4.1 Completing the State Environmental Impact Report Form

The ***State Environmental Impact Report Form, Form No. 650-050-43*** is completed to produce the SEIR document. A sample form is provided as a visual in [Figure 10-4](#). Results are described in the ***State Environmental Impact Report Form, Form No. 650-050-43*** to create a document which completely and concisely describes anticipated environmental impacts, coordination and consultation with resource agencies, public involvement, engineering analysis, permit status, commitments and resulting decisions. SEIR public availability and public hearing requirements are to be followed as described in [Section 10.2.1.4](#).

1. PROJECT DESCRIPTION AND PURPOSE AND NEED: Complete project information as indicated on the form. Briefly describe proposed improvements and purpose and need. Planning consistency information is updated. This information is intended to inform planning and programming activities in order to assist in the timely advancement of project funds and the next phase of the project. Both completed and pending planning and programming activities should be identified in the table provided and described in the text of the document. Actions to be taken to complete pending items should also be described in this section.
2. ENVIRONMENTAL ANALYSIS: The results of the environmental evaluation, knowledge of the project area, and input received through agencies and the public, is used to complete the form. Using information provided through scoping efforts, the issues/resources are evaluated using the guidance from chapters in ***Part 2*** of the [PD&E Manual, Topic No. 650-000-001](#). This section must take into consideration and address, as appropriate, the issues/resources listed in ***Section 2. A-D*** of [Figure 10-4](#).

The items on the form that were checked during the SWAT project kickoff meeting should be revisited after analysis to ensure they are still appropriate.

- a. If the impact is substantial, mark the column "Yes" with an "X".

- b. If the impact is not substantial, mark the column “No” with an “X”. Not substantial means the issue/resource is present and considered as potentially involved with the project. The project impact may range from none to substantial. The form should include a reference to the attachment containing supporting information.
 - c. If the impact is enhanced, mark the column “Enhance” with an “X”. Enhance means the project has enhancements or benefits to the issue/resource. The form should include a reference to the attachment containing supporting information.
 - d. If the issue/resource is not involved, mark the column “NoInv” with an “X”. No involvement means the environmental issue/resource in question is not part of or in any way involved with the project. If an issue /resource is marked in the "NoInv" column, no supporting documentation is needed.
3. **ANTICIPATED PERMITS:** This section identifies permits that are anticipated for the project. Sufficient information for permitting agencies should be provided under the applicable issue/resource of **Section C**. For example, if a USACE permit is anticipated, supporting information should be included in **Section 2.C.1**. (Wetlands and Other Surface Waters), **Section 2.C.7**. (Protected Species and Habitat), and **Section 2.C.8** (Essential Fish Habitat), if applicable.
4. **ENGINEERING ANALYSIS:** This section should state that the engineering analysis is contained in the ***Preliminary Engineering Report (PER)***. Engineering analysis is prepared according to [Part 1, Chapter 4, Project Development Process](#) and [Part 2, Chapter 3, Engineering Analysis](#).
5. **COMMITMENTS:** This section discusses all commitments made on the project prior to and during the PD&E phase per [Part 2, Chapter 22, Commitments](#).
6. **FDOT SELECTED ALTERNATIVE:** A brief discussion of the FDOT Selected Alternative is included in this section. This is based upon the engineering and environmental analysis. When only one build alternative is evaluated, reference consideration of build and no-build alternatives with resulting recommendation.
7. **APPROVED FOR PUBLIC AVAILABILITY (Before public hearing when a public hearing is required):** This section contains a box to check to confirm the document has gone through a quality assurance/quality control (QA/QC) review and is approved for public availability, as well as a line for the signature of the Environmental Manager or Project Development Manager and date the project was accepted for public review.
8. **PUBLIC INVOLVEMENT:** The appropriate box regarding the status of public involvement is marked in this section.

9. APPROVAL OF FINAL DOCUMENT: The nondiscrimination standard statement and a signature block are provided for District approval of the SEIR. The SEIR is approved by the District Secretary or designee.
10. SUPPORTING INFORMATION: Documents referenced in the Supporting Information column of the form are included as attachments. Attachments may include coordination letters, memos, maps and summaries of the environmental analysis. The standard statements required for **NEPA** projects, provided in other chapters, may be used or modified as appropriate. Keep in mind, for state funded projects, regulatory and resource agencies and issues under their jurisdiction are the same as for federal projects, and using standard statements may save time. Environmental analysis material should be summarized and attached to the form in the order listed. Larger documents, such as technical reports, should be referenced and uploaded to the project file. The project file should contain the analytical documentation to support the project decisions. See [Part 1, Chapter 15, Project File and Records Management](#) for more guidance.

10.2.1.5 Re-evaluation

Re-evaluations should be conducted when a major design change occurs and prior to construction advertisement. Re-evaluations should also be conducted when there are changes in impacts that would require additional consultation with an agency or coordination with the public. Re-evaluation is used to update status of commitments, coordination, permits, and other relevant information. Re-evaluation of a SEIR is prepared by using the **State Environmental Impact Report Re-evaluation Form, Form No. 650-050-44**. This form may be prepared in SWEPT. If prepared in SWEPT, see instructions for preparing a **Re-evaluation Form** in [Part 1, Chapter 13, Re-evaluations](#). Approval will be granted by the District Environmental Manager or designee electronically.

Instructions on how to prepare the form outside of SWEPT are provided in [Section 10.2.1.5.1](#). A sample form is provided as a visual in [Figure 10-5](#).

The approved Re-evaluation is maintained in the project file and distributed to Design, ROW, and Construction Offices, or others as appropriate.

10.2.1.5.1 State Environmental Impact Report Re-evaluation Form

The **State Environmental Impact Report Re-evaluation Form, Form No. 650-050-44** ([Figure 10-5](#)) includes the following sections:

Section 1 - GENERAL PROJECT INFORMATION

This section contains information about the originally approved SEIR and the segment(s) being advanced. Information provided includes:

1. The change in project phase(s) for which the project segment(s) is (are) being re-evaluated (i.e., Preliminary Engineering, ROW, and Construction Advertisement)

2. SEIR date of approval.
3. Project number(s): Financial Management and ETDM number(s) of the original approved document
4. Project name, location, and limits covered under the originally approved SEIR
5. Segment of highway being advanced: Financial Management number(s), location, and limits and identify as state-funded
6. Prior Re-evaluations: A list of Re-evaluations previously prepared for the project, the type, and the date they were approved by the District.
7. Planning consistency information is updated. This information is intended to inform planning and programming activities in order to assist in the timely advancement of project funds and the next phase of the project. Both completed and pending planning and programming activities should be identified in the table provided and described in the text of the document. Actions to be taken to complete pending items should also be described in this section.
8. Name and title of the FDOT District preparer.

Section 2 – EVALUATION OF CHANGES IN IMPACTS

This section is used to document the evaluation of changes in impacts to affected issues/resources. This should also include an evaluation of impacts to new issues/resources, which may have been identified.

If a change has occurred for a given issue/resource, then the analyst marks an "X" in the YES box. An explanation is then referenced in the Supporting Information column and provided as an attachment to discuss the nature of the change or updated information. This column should also include the title of the attachment and the page number (e.g., Attachment A, Page 10). If any new issues/resources are identified, they should be added to the form and addressed accordingly. If no change has occurred, the analyst marks an "X" in the NO box.

Section 3 - EVALUATION OF MAJOR DESIGN CHANGES AND REVISED DESIGN CRITERIA

This section includes design changes that have occurred since approval of the original SEIR or most recent Re-evaluation. The extent of the design change(s) and modification of impacts on the project area must be documented.

Examples of design changes include, but are not limited to:

1. Changes in typical section

2. Shifts in roadway alignment
3. Changes in ROW needs
4. Changes due to revised design control or criteria
5. New Design Variations or Design Exceptions
6. Changing a bridge to a box culvert
7. Changes in drainage design and/or requirements

If no major design changes have occurred, then it should be stated.

Section 4 - COMMITMENT STATUS

Section 4 includes a list of commitments and mitigation measures established in the approved SEIR along with their current status (completed, modified, added, or no longer applicable). Any changes in or to commitments require an explanation. New environmental commitments can arise from a variety of sources, such as subsequent agency negotiations or from public involvement. These commitments must be documented, i.e., listed, updated, and discussed. The Districts must review, verify, and update the **Project Commitment Record (PCR)** and attach the updated **PCR** to the Re-evaluation. Commitments must be tracked throughout the project, and satisfied at the appropriate phase of the project per [Procedure No. 650-000-003, Project Commitment Tracking](#) and [Part 2, Chapter 22, Commitments](#). It is important that commitments made by FDOT are documented.

Section 5 - STATUS OF PERMITS

This section identifies permits required for the project, provides a summary of their status, and documents any modifications since the SEIR approval or last Re-evaluation. The status of the permit(s) should be commensurate with the phase of the project and the type of Re-evaluation. For example, if the permit has been applied for, state the name of the permit, agency, date of application and number; if the permit has been issued, state the name of the permit, agency, date of issuance, and permit number. The preparer of the Re-evaluation coordinates with the District Permit Coordinator to ensure complete documentation and timely permit issuance. If the permit has not been issued, construction activities cannot begin.

Section 6 - CONCLUSION

This section contains a statement about the Re-evaluation of the project, the validity of the findings in the SEIR, new findings (if necessary), and a recommendation for project advancement.

If no changes affecting the original environmental determination have occurred, mark the box that states the following with an X:

The above SEIR has been re-evaluated. It has been determined that there have been no changes to the project that affect the original SEIR. Therefore, the SEIR determination remains valid. It is recommended that the project identified herein be advanced to the next phase.

Section 7 – DISTRICT APPROVAL

The District Environmental Manager or designee will sign the signature line and upload any consultation documentation.

Section 8 - ATTACHMENTS

Other supporting information such as summaries of reports and documentation of coordination may be attached.

10.2.1.6 State Funded Projects with Federal Actions

Federal permits, such as those from USCG or USACE, may be required for state funded projects and may require a **NEPA** document be prepared for one of those agencies. In such cases, consultation with the appropriate federal agency(ies) should be performed early. OEM can assist with this consultation.

Projects that are state funded, may still have to follow the federal **NEPA** process if a federal permit is required. Federal permits/actions may be required by the USACE, USCG, or the USFWS. The permitting agency may become the Lead Federal Agency. They may adopt or modify the FDOT Environmental Document to use as their **NEPA** document or may request that FDOT prepare their **NEPA** document, depending on the results of coordination.

If a federal permit/action is required, **Section 106** of the **NHPA** is followed to address historic or archaeological resources (see [Part 2, Chapter 8, Archaeological and Historical Resources](#)) and **Section 7** of the **ESA** is followed for federally listed species involvement (see [Part 2, Chapter 16, Protected Species and Habitat](#)).

10.2.2 Local or Privately Funded Projects

Section 334.30(3), F.S., provides “[e]ach private transportation facility constructed pursuant to this section shall comply with all requirements of federal, state, and local laws; state, regional and local comprehensive plans; department rules, policies, procedures and standards for transportation facilities; and any other conditions which the department determines to be in the public’s best interest.” Unsolicited public-private transportation projects must also comply with **Chapter 14-107, Florida Administrative Code (F.A.C.)**.

Construction of permanent features in FDOT ROW, performed and funded by others, and without FHWA funds, requires execution of an **FDOT Construction Agreement, Form No. 850-040-89**. The local or private entity must apply for a **FDOT Construction Agreement, Form No. 850-040-89** through FDOT’s District Maintenance Office. The

Construction Agreement application package should include evidence of acquisition of all applicable federal and state environmental permits. For local agency or private entity projects, the role of the District's Environmental Office is to provide support in an advisory capacity as necessary to assist in advancing the project. Completion of environmental analysis and documentation, by the applicant, prior to environmental permit application, may follow the same process and format as a NMSA or SEIR; however, the local agency or private entity should recognize that these document types are reserved for FDOT funded projects. Instead, the supporting environmental documentation for local and privately funded projects constructed on FDOT ROW, necessary to acquire environmental permits and subsequently an **FDOT Construction Agreement, Form No. 850-040-89**, may be referred to as a PEIR. The PEIR project analysis includes, both environmental and engineering analyses as described in the [PD&E Manual, Topic No. 650-000-001](#), as applicable. Although the PEIR is not an FDOT document, it is prepared following the same procedures and requirements as the SEIR, [Section 10.2.1.4.1. Figure 10-6](#) provides a PEIR outline.

In cases where a privately or locally funded project is developed under **Chapter 14-107, F.A.C.** and, where jurisdiction will be transferred to FDOT at any time during project development, the District should work with the local agency or private entity to determine whether a PEIR or SEIR is required. If the project is to be transferred to the FDOT, a SEIR is likely the appropriate document. In such cases, the FDOT may coordinate, review and approve a document prepared by a local or private entity as a SEIR. The District should coordinate with the local agency or private entity to determine the level of analysis to satisfy documentation requirements. Prior to commencement of the study, the project sponsor should consult with the District to consider the following:

1. How the PEIR (or SEIR) will be processed
2. How it will be coordinated with FDOT
3. Project schedule
4. How public involvement and public hearing activities will be conducted
5. How the project Re-evaluation will be coordinated with FDOT (see [Section 10.2.1.5](#))

These decisions should be documented in the project file.

A local agency may advance a project through any one of several state funding programs described in **Chapter 339, F.S.**, and FDOT's Work Program Instructions; examples include: County Incentive Grant Program (CIGP), Small County Outreach Program (SCOP), Small County Outreach for Municipalities and Communities (SCOE Municipalities), Transportation Regional Incentive Program (TRIP), and Small County Road Assistance Program (SCRAP). For these projects, if state funds only are being used, the local agency may prepare a PEIR to support its acquisition of appropriate environmental permits and satisfy other agreements with the FDOT. The local agency should follow the procedures outlined in this chapter and [Figure 10-6](#) to prepare a PEIR.

There may be instances when a local agency seeks to advance a project with FHWA funds in addition to state program funds and/or local funds. In such cases a federal Environmental Document would generally be prepared by the local agency with FDOT support as deemed appropriate through early project coordination (per [FDOT Local Agency Program Manual, Topic No. 525-010-300](#)).

A thorough understanding of funding sources, system designation, proposed work activity and existing or proposed agreements, such as a Joint Participation Agreement (JPA) or Memorandum of Agreement (MOA), assists in determining if the project should advance as a PEIR, a SEIR or a federal Environmental Document. A private or local entity may not provide FDOT Environmental Certification to advance a project in the FDOT Work Program. At the option of the local agency or private entity, a PEIR project can be screened in the EST, if it satisfies qualifying project type ([Part 1, Chapter 2, Class of Action Determination for Federal Projects](#)) and the conditions of the [ETDM Screening Matrix for Qualifying Projects](#) in [Chapter 2](#), of the [ETDM Manual, Topic No. 650-000-002](#). The requesting entity should contact the District Environmental Office if they anticipate screening it in the EST.

10.3 REFERENCES

Chapter 267, Florida Statutes (F.S.), Historical Resources.

<http://www.leg.state.fl.us/Statutes/>

FDOT, Efficient Transportation Decision Making (ETDM) Manual, Topic No. 650-000-002. <http://www.fdot.gov/environment/pubs/etdm/etdmmanual.shtm>

FDOT, Local Agency Program Manual, Topic No. 525-010-300

http://www.fdot.gov/programmanagement/LAP/LAP_TOC.shtm

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

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

FDOT, 2015. Tentative Work Program- FY25/16-19-20, Chapter 24, Work Program Instructions

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>

Rule 14-107, F.A.C. Public-Private Transportation Facilities

Section 334.30, F.S., Public-private Transportation Facilities.

<http://www.leg.state.fl.us/Statutes/>

Section 338.223, F.S., Proposed Turnpike Projects. <http://www.leg.state.fl.us/Statutes/>

Section 339.125, F.S., Covenants to complete on revenue-producing projects.

<http://www.leg.state.fl.us/Statutes/>

Section 339.155(5), F.S., Procedures for Public Participation in Planning.

<http://www.leg.state.fl.us/Statutes/>

Section 339.61, F.S., Florida Strategic Intermodal System (SIS); legislative findings, declaration, and intent. <http://www.leg.state.fl.us/Statutes/>

10.4 FORMS

[FDOT Construction Agreement, Form No. 850-040-89](#)

[State Environmental Impact Report Form, Form No. 650-050-43](#)

[State Environmental Impact Report Re-evaluation Form, Form No. 650-050-44](#)

10.5 HISTORY

1/10/2001, 5/26/2011, 8/4/2016, 6/14/2017: NEPA Assignment, 1/14/2019

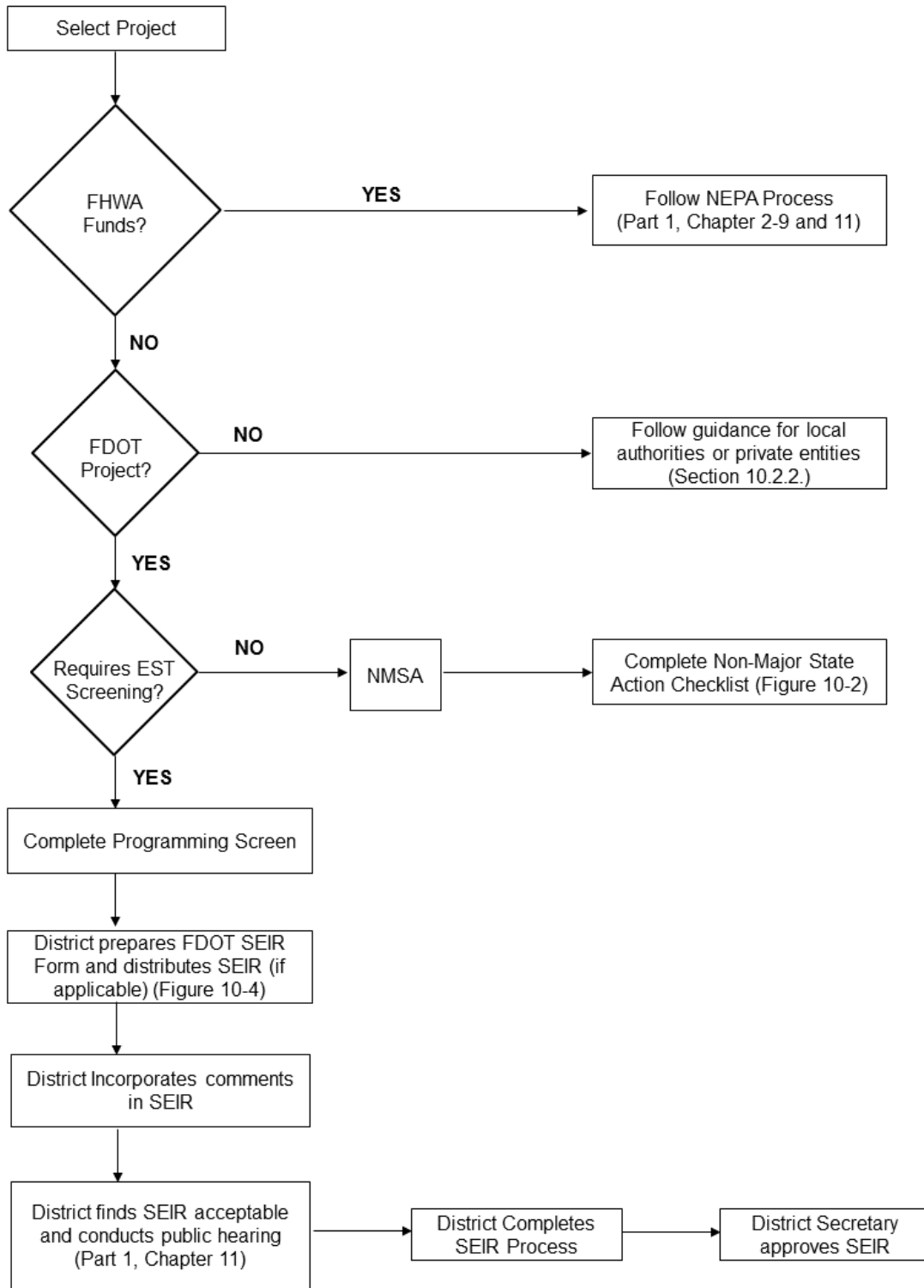


Figure 10-1 FDOT State, Local, or Privately Funded Project Delivery Process

NON-MAJOR STATE ACTION CHECKLIST

1. GENERAL INFORMATION:

Project Name: _____

Project Limits: _____

County: _____

Financial Management Number: _____

2. PROJECT DESCRIPTION:

3. EVALUATION:

YES NO

___ ___ Is this a transportation project qualifying for ETDM EST screening? (See Part 1, Chapter 2, Class of Action Determination For Federal Projects, of the PD&E Manual)

___ ___ Will the project cause adverse impacts to local traffic patterns, property access, community cohesiveness, or planned community growth or land use patterns?

___ ___ Will the project cause adverse impacts to air, noise, or water?

___ ___ Will the project cause adverse impacts to wetlands requiring a federal permit?

___ ___ Will the project cause adverse impacts to navigation requiring a federal permit?

___ ___ Will the project cause impacts to floodplains in accordance with Part 2, Chapter 13 of the PD&E Manual?

___ ___ Will the project affect federally endangered or threatened species or their critical habitat?

___ ___ Will the project require more than minor amounts of right of way and result in any residential or non-residential displacements?

Figure 10-2 Non-Major State Action Checklist

YES NO

____ Are there state-owned conservation lands being acquired in the project area subject to review and approval by the Acquisition and Restoration Council?

____ Are properties protected under Chapter 267, F.S., adversely affected as determined in consultation with the Florida Division of Historical Resources?

____ Does the action have known contamination sites which would have more than a minimal impact to design, right of way, or construction activities once assessed as described in Part 2, Chapter 20, Contamination of the PD&E Manual, and can't be avoided or remediated?

____ Will the project have substantial controversy on environmental grounds?

____ Is a public hearing needed in accordance with Part 1, Chapter 11 of the PD&E Manual and Section 339.155(5)(b), F.S.?

IF ALL ANSWERS ARE NO, THE PROJECT IS A NON-MAJOR STATE ACTION (SIGN BELOW)

IF ANY ITEM IS MARKED YES, EVALUATE WHETHER A STATE ENVIRONMENTAL IMPACT REPORT (SEIR) WILL BE NECESSARY.

This Checklist is the Environmental Document for a Non-Major State Action. Supporting documents are included in the project file.

The project is not defined in Section 339.155(5)(b) of the Florida Statutes as a major transportation improvement (increasing the capacity of a facility through the addition of new lanes or providing new access to a limited or controlled access facility or construction of a facility in a new location) and based upon this project evaluation, it has been determined that the project is a Non-Major State Action.

District Environmental Manager or designee:

Date: ____/____/____

Figure 10-2 Non-Major State Action Checklist (Page 2 of 2)

ENVIRONMENTAL CERTIFICATION FOR STATE FUNDED PROJECT

FINANCIAL MANAGEMENT NUMBER: _____

ETDM NUMBER (If applicable): _____

PROJECT DESCRIPTION: _____

This project is a Non-Major State Action. It was verified on _____ and the action remains valid.

This project is a State Environmental Impact Report (SEIR). The SEIR was approved on _____.

A re-evaluation in accordance with the FDOT Project Development and Environment Manual Part 1, Chapter 10 was approved on _____.

SIGNATURE:

District Environmental Manager or designee

DATE: _____

Figure 10-3 Environmental Certification for State Funded Project Form

STATE ENVIRONMENTAL IMPACT REPORT FORM

1. PROJECT DESCRIPTION AND PURPOSE AND NEED:

a. Project Information:

Project Name:

Project Limits:

County:

ETDM Number (If applicable):

Financial Management Number:

Project Manager:

b. Proposed Improvements

c. Purpose and Need:

d. Project Planning Consistency: disregard providing historical details, instead focus on future phases of segments being advanced. If more than one segment is being advanced additional tables should be added.

Currently Adopted CFP-LRTP	COMMENTS				
Y/N	(If N, then provide detail on how implementation and fiscal constraint will be achieved)				
PHASE	Currently Approved TIP	Currently Approved STIP	TIP/STIP \$	TIP/STIP FY	COMMENTS
PE (Final Design)	Y/N	Y/N	\$		(If phase completed, note as such otherwise provide comments describing status and activities needed to achieve consistency)
R/W	Y/N	Y/N	\$		(If phase completed, note as such otherwise provide comments describing status and activities needed to achieve consistency)
Construction	Y/N	Y/N	\$		(provide comments as appropriate describing status and activities needed to achieve consistency)

****Include pages from current TIP/STIP/LRTP***

Figure 10-4 State Environmental Impact Report Form

2. ENVIRONMENTAL ANALYSIS

Issues/Resources	*Substantial Impacts?				**Supporting Information
	Yes	No	Enhance	NoInv	
A. SOCIAL and ECONOMIC					
1. Social	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	_____
2. Economic	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	_____
3. Land Use Changes	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	_____
4. Mobility	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	_____
5. Aesthetic Effects	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	_____
6. Relocation Potential	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	_____
B. CULTURAL					
1. Historic Sites/Districts	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	_____
2. Archaeological Sites	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	_____
3. Recreational Areas and Protected Lands	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	_____
C. NATURAL					
1. Wetlands and Other Surface Waters	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	_____
2. Aquatic Preserves and Outstanding FL Waters	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	_____
3. Water Resources	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	_____
4. Wild and Scenic Rivers	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	_____
5. Floodplains	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	_____
6. Coastal Barrier Resources	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<i>(unless federal funds sought in the future)</i>
7. Protected Species and Habitat	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	_____
8. Essential Fish Habitat	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	_____
D. PHYSICAL					
1. Highway Traffic Noise	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	_____
2. Air Quality	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	_____
3. Contamination	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	_____
4. Utilities and Railroads	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	_____
5. Construction	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	_____
6. Bicycles and Pedestrians	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	_____
7. Navigation	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	_____

* Substantial Impacts?: Yes = Substantial Impact; No = No Substantial Impact; Enhance = Enhancement; NoInv = Issue absent, no involvement.

**Supporting information is documented in the referenced attachment(s).

Figure 10-4 State Environmental Impact Report Form (Page 2 of 3)

3. ANTICIPATED PERMITS

- Individual Dredge and Fill Permit- USACE
- Nationwide Permit- USACE
- Bridge Permit- USCG
- Environmental Resource Permit _____ (*FDEP or WMD*)
- _____

For guidance on ensuring sufficient information for permitting agencies is included see Section 10.2.1.4.1 of Part 1, Chapter 10 of the PD&E Manual

4. ENGINEERING ANALYSIS

5. COMMITMENTS

6. FDOT SELECTED ALTERNATIVE

7. **APPROVED FOR PUBLIC AVAILABILITY (Before public hearing when a public hearing is required)**

**Environmental or Project Development
Manager or Administrator**

_____/_____/_____
Date

8. PUBLIC INVOLVEMENT:

1. A public hearing is not required.
2. A public hearing will be held (insert date). This draft document is publicly available and comments can be submitted to FDOT until (insert date)
District Contact Information: District Contact Name
District Contact Title
Florida Department of Transportation
Street Address
City, Florida, zip code
Phone: (xxx) xxx-xxxx
Email Address
3. A public hearing was held on (insert date) and the transcript is available.
4. An opportunity for a public hearing was afforded and was documented (insert date).

9. APPROVAL OF FINAL DOCUMENT

This project has been developed without regard to race, color, national origin, age, sex, religion, disability, or family status.

The final SEIR reflects consideration of the PD&E Study and the public hearing.

District Secretary or Designee

_____/_____/_____
Date

10. SUPPORTING INFORMATION

Figure 10-4 State Environmental Impact Report Form (Page 3 of 3)

State Environmental Impact Report Re-evaluation Form

1. GENERAL INFORMATION (originally approved SEIR)

a. Project Phase: _____

b. SEIR Date of Approval: _____

c. Project Numbers: _____
Financial Management ETDM

d. Project Name, Location and Limits (from original SEIR):

e. Segments of Highway Being Advanced:

f. Prior Re-evaluations:

g. Project Segment Planning Consistency. If more than one segment is being advanced additional tables should be added. Table does not need to include past/completed phases.

Currently Adopted CFP-LRTP	COMMENTS				
Y/N	(If N, then provide detail on how implementation and fiscal constraint will be achieved)				
PHASE	Currently Approved TIP	Currently Approved STIP	TIP/STIP \$	TIP/STIP FY	COMMENTS
Identify phase(s) being authorized (e.g., PE, ROW, and/or Construction)	Y/N	Y/N	\$		(If phase completed, note as such otherwise provide comments describing status and activities needed to achieve consistency)

****Include pages from current TIP/STIP/LRTP***

h. Name and title of FDOT Preparer: _____

Figure 10-5 State Environmental Impact Report Re-evaluation Form

2. EVALUATION OF CHANGES IN IMPACTS

	YES / NO		SUPPORTING INFORMATION
A. SOCIAL & ECONOMIC			
1. Social	<input type="checkbox"/>	<input type="checkbox"/>	_____
2. Economic	<input type="checkbox"/>	<input type="checkbox"/>	_____
3. Land Use Changes	<input type="checkbox"/>	<input type="checkbox"/>	_____
4. Mobility	<input type="checkbox"/>	<input type="checkbox"/>	_____
5. Aesthetic Effects	<input type="checkbox"/>	<input type="checkbox"/>	_____
6. Relocation Potential	<input type="checkbox"/>	<input type="checkbox"/>	_____
B. CULTURAL			
1. Historic Sites/Districts	<input type="checkbox"/>	<input type="checkbox"/>	_____
2. Archaeological Sites	<input type="checkbox"/>	<input type="checkbox"/>	_____
3. Recreational Areas and Protected Lands	<input type="checkbox"/>	<input type="checkbox"/>	_____
C. NATURAL			
1. Wetlands and Other Surface Waters	<input type="checkbox"/>	<input type="checkbox"/>	_____
2. Aquatic Preserves and Outstanding FL Waters	<input type="checkbox"/>	<input type="checkbox"/>	_____
3. Water Resources	<input type="checkbox"/>	<input type="checkbox"/>	_____
4. Wild and Scenic Rivers	<input type="checkbox"/>	<input type="checkbox"/>	_____
5. Floodplains	<input type="checkbox"/>	<input type="checkbox"/>	_____
6. Coastal Barrier Resources	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<i>(unless federal funds sought in the future)</i>
7. Protected Species and Habitat	<input type="checkbox"/>	<input type="checkbox"/>	_____
8. Essential Fish Habitat	<input type="checkbox"/>	<input type="checkbox"/>	_____
D. PHYSICAL			
1. Highway Traffic Noise	<input type="checkbox"/>	<input type="checkbox"/>	_____
2. Air Quality	<input type="checkbox"/>	<input type="checkbox"/>	_____
3. Contamination	<input type="checkbox"/>	<input type="checkbox"/>	_____
4. Utilities and Railroads	<input type="checkbox"/>	<input type="checkbox"/>	_____
5. Construction	<input type="checkbox"/>	<input type="checkbox"/>	_____
6. Bicycles and Pedestrians	<input type="checkbox"/>	<input type="checkbox"/>	_____
7. Navigation	<input type="checkbox"/>	<input type="checkbox"/>	_____

Figure 10-5 State Environmental Impact Report Re-evaluation Form (Page 2 of 3)

3. EVALUATION OF MAJOR DESIGN CHANGES AND REVISED DESIGN CRITERIA (e.g., Typical Section Changes, Alignment Shifts, Right of Way Changes, Bridge to Box Culvert, Drainage Requirements, Revised Design Standards)

4. COMMITMENT STATUS

5. STATUS OF PERMITS

6. CONCLUSION

If no changes affecting the original SEIR have occurred check the following:

[] The above SEIR has been re-evaluated. It has been determined that there have been no changes to the project that affect the original SEIR. Therefore, the SEIR determination remains valid. It is recommended that the project identified herein be advanced to the next phase.

7. DISTRICT APPROVAL

Print Name

District Environmental Manager or designee

____ / ____ / ____
Date

8. ATTACHMENTS

Figure 10-5 State Environmental Impact Report Re-evaluation Form (Page 3 of 3)

PROJECT ENVIRONMENTAL IMPACT REPORT

1. PROJECT DESCRIPTION AND PURPOSE AND NEED:

a. Project Information:

Project Name: _____

Project Limits: _____

County: _____

ETDM Number (If applicable): _____

Financial Management Number: _____

Project Manager: _____

b. Proposed Improvements:

c. Purpose and Need:

2. ENVIRONMENTAL ANALYSIS

*Issues/Resources	*Substantial Impacts?				**Supporting Information
	Yes	No	Enhance	NoInv	
A. SOCIAL and ECONOMIC					
1. Social	[]	[]	[]	[]	_____
2. Economic	[]	[]	[]	[]	_____
3. Land Use Changes	[]	[]	[]	[]	_____
4. Mobility	[]	[]	[]	[]	_____
5. Aesthetic Effects	[]	[]	[]	[]	_____
6. Relocation Potential	[]	[]	[]	[]	_____
B. CULTURAL					
1. Historic Sites/Districts	[]	[]	[]	[]	_____
2. Archaeological Sites	[]	[]	[]	[]	_____
3. Recreational Areas and Protected Lands	[]	[]	[]	[]	_____
C. NATURAL					
1. Wetlands and Other Surface Waters	[]	[]	[]	[]	_____
2. Aquatic Preserves and Outstanding FL Waters	[]	[]	[]	[]	_____
3. Water Resources	[]	[]	[]	[]	_____
4. Wild and Scenic Rivers	[]	[]	[]	[]	_____
5. Floodplains	[]	[]	[]	[]	_____

Figure 10-6 Project Environmental Impact Report

	*Issues/Resources	Substantial Impacts?				**Supporting Information
		Yes	No	Enhance	NoInv	
6.	Coastal Barrier Resources	[]	[X]	[]	[]	<i>(unless federal funds sought in the future)</i>
7.	Protected Species and Habitat	[]	[]	[]	[]	_____
8.	Essential Fish Habitat	[]	[]	[]	[]	_____

D. PHYSICAL

1.	Highway Traffic Noise	[]	[]	[]	[]	_____
2.	Air Quality	[]	[]	[]	[]	_____
3.	Contamination	[]	[]	[]	[]	_____
4.	Utilities and Railroads	[]	[]	[]	[]	_____
5.	Construction	[]	[]	[]	[]	_____
6.	Bicycles and Pedestrians	[]	[]	[]	[]	_____
7.	Navigation	[]	[]	[]	[]	_____

* Substantial Impacts?: Yes = Substantial Impact; No = No Substantial Impact; Enhance = Enhancement; NoInv = Issue absent, no involvement.

**Supporting information is documented in the referenced attachment(s).

3. ANTICIPATED PERMITS

- Individual Dredge and Fill Permit- USACE
- Nationwide Permit- USACE
- Bridge Permit- USCG
- Environmental Resource Permit _____ (FDEP or WMD)
- _____

For guidance on ensuring sufficient information for permitting agencies is included see Section 10.2.1.4.1 of Part 1, Chapter 10 of FDOT's PD&E Manual

4. ENGINEERING ANALYSIS

5. COMMITMENTS

6. SELECTED ALTERNATIVE

7. **APPROVED FOR PUBLIC AVAILABILITY (Before public hearing when a public hearing is required)**

Date / /

Figure 10-6 Project Environmental Impact Report (Page 2 of 3)

8. PUBLIC INVOLVEMENT:

1. A public hearing is not required.
2. A public hearing will be held (insert date). This draft document is publicly available and comments can be submitted to (insert entity) until (insert date)

Contact Information: Contact Name
 Contact Title
 Entity
 Street Address
 City, Florida, zip code
 Phone: (xxx) xxx-xxxx
 Email Address

3. A public hearing was held on (insert date) and the transcript is available.
4. An opportunity for a public hearing was afforded and was documented (insert date).

9. APPROVAL OF FINAL DOCUMENT

This project has been developed without regard to race, color, national origin, age, sex, religion, disability, or family status.

The final PEIR reflects consideration of the PD&E Study and the Public Hearing.

Signing Authority

— / / —
Date