

PART 1, CHAPTER 6

ENVIRONMENTAL ASSESSMENT

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PART 1 CHAPTER 6

ENVIRONMENTAL ASSESSMENT

6.1 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 an Environmental Assessment (EA). An EA, as defined in **40 Code of Federal Regulations (CFR) §1508.9**, is a concise public document prepared when the significance of environmental impacts associated with a project are unknown.

The EA should:

1. Provide sufficient information and analysis for determining whether to prepare a Finding of No Significant Impact (FONSI) or an Environmental Impact Statement (EIS)
2. Aid in complying with **NEPA** and other applicable federal environmental laws, regulations, and Executive Orders when an EIS is not necessary
3. Facilitate preparation of an EIS when one is necessary

The EA is prepared by the District in consultation with OEM and includes agency and public coordination. The **NEPA** process for an EA begins with the Notice to Proceed for the Project Development and Environment (PD&E) Study and ends with either approval of a FONSI or a Record of Decision (ROD). It is important for the PD&E scope of services to recognize the result of the study could be either a FONSI or an EIS. If after completing the EA it is determined there are no significant impacts resulting from the project, a FONSI is prepared; however, if it is determined that the project will result in significant impacts, an EIS must be prepared. See [Part 1, Chapter 2, Class of Action Determination for](#)

Federal Projects for guidance on significance. Significance is identified by the District, but the final determination is made by OEM.

All projects subject to **23 U.S.C. § 139** and “covered projects” under **42 U.S.C. § 4370m** are required to be tracked on the Permitting Dashboard established under **42 U.S.C. § 4370m-2(b)**. Under **NEPA** Assignment, OEM enters project schedules for EAs and EISs into the Permitting Dashboard. The District is responsible for providing specific project schedule information to OEM as requested. The Permitting Dashboard is updated quarterly.

6.2 PROCEDURE

An EA is prepared by following the procedures in this chapter. A Public Involvement Plan (PIP) is developed and administered in accordance with procedures in **Part 1, Chapter 11, Public Involvement**. **Figure 6-1** shows the EA process.

6.2.1 Environmental Assessment Preparation

The EA should be clear, concise, and focused on the relevant issues or resources where the significance of the impacts is in question. To support the concise discussion of relevant issues or resources, the EA may incorporate technical reports by reference. Comments submitted from the Environmental Technical Advisory Team (ETAT) during the Environmental Screening Tool (EST) screening should be used to focus the content of the EA.

According to the U.S. Department of Transportation (USDOT) ***Interim Policy on Page Limits for NEPA Documents and Focused Analyses*** memorandum, the text of an EA should generally be no more than 75 pages for EAs initiated after August 23, 2019. This limit does not include the pages of the appendices or materials incorporated by reference. Before the page limit is exceeded, the District shall coordinate and receive authorization from OEM.

6.2.1.1 Cover Page and Table of Contents

EA cover pages are only prepared as electronic forms in the StateWide Environmental Project Tracker (SWEPT). Sample cover pages for EAs, both with and without a Draft ***Section 4(f)*** Evaluation, are provided as a visual in **Figure 6-2** and **Figure 6-3**. Remove the draft cover page prior to the final submittal of the EA in SWEPT.

The layout of the Table of Contents is provided in **Figure 6-4**.

6.2.1.2 Project Description and Purpose and Need

This section of an EA should be developed in accordance with **Part 2, Chapter 1, Project Description and Purpose and Need**. The EA must include information reflecting the status of planning consistency [Long Range Transportation Plan (LRTP), State

Transportation Improvement Program (STIP), and Transportation Improvement Program (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).

6.2.1.3 Alternatives

The EA must describe the alternatives in accordance with [Part 2, Chapter 3, Engineering Analysis](#). This section provides guidance on engineering analysis and considerations concerning evaluation of existing conditions, selection of design parameters, development of alternatives, analysis of alternatives, selection of a preferred alternative, and documentation.

An EA must evaluate at least one Build Alternative and a No-Action (No-Build) Alternative. The EA does not need to evaluate in detail all reasonable alternatives for the project, and may be prepared for one or more viable build alternatives. Additionally, any alternative considered but eliminated prior to preparation of the EA should be discussed and the reasons for its elimination documented in the EA according to [Part 2, Chapter 3, Engineering Analysis](#).

6.2.1.4 Environmental Analysis

The Environmental Analysis section includes discussion of 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 6-4](#) provides a layout of subsections that should be included in the Environmental Analysis section. [Table 6-1](#) provides references to chapters in [Part 2 of this Manual](#) which provide guidance on addressing each issue/resource. Recall, the primary purpose of the EA is to determine whether an EIS is needed and thus the EA should focus on those resources which have a likelihood of being significantly impacted. If there is no involvement with, or impact to the issue/resource, the chapters listed in [Table 6-1](#) 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 Efficient Transportation Decision Making (ETDM) Programming Screen and/or the Advance Notification (AN) process. The analysis should also fulfill the resource agency consultative processes, address opportunities and approaches to mitigation when needed, and aid in coordination with the public or other interested stakeholders.

In general, this 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 potential 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.

6.2.1.4.1 Anticipated Permits

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

6.2.1.5 Comments and Coordination

A Comments and Coordination section is included in an EA to summarize the public and agency comments and coordination involved in developing the project and the EA. This includes early comments received by the District during the AN, or if combined, the ETDM Programming Screen, as well as documentation of meetings and coordination with government officials, government agencies, community groups and individual citizens. This also includes documentation of the early coordination process.

This section is divided up into three subsections:

1. Discussion of ETDM Programming Screen and Advance Notification
2. Coordination and Consultation
3. Concluding Statement

6.2.1.5.1 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 EA. 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.

6.2.1.5.2 Coordination and Consultation

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

6.2.1.5.3 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 or the opportunity for a public hearing has been provided for this project and comments received have been taken into consideration.

6.2.1.6 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](#).

6.2.1.7 Appendix

The Appendix is the final section of an EA. The Appendix contains documents which support the significance findings of the document. This may include concurrence letters, determinations of effect, MOUs, and Referendums.

6.2.1.7.1 Appendix Divider Page

The Appendix divider page should include a list of the documents provided. Material contained in the Appendix must be numbered for ease in referencing. The organization of material, into federal, state, and local groupings, or by chronological order, or some other category, is up to the preparer. A sample of the type of listing generally found on the divider page is provide in [Figure 6-5](#).

6.2.1.7.2 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 citizens groups
9. Letters from private interest groups

6.2.1.7.3 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 an EA. 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 EA.

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

Note, the Appendix should not contain materials that do not support the significance finding such as internal FDOT memos or letters between FDOT and its consultant,

comments on draft documents, or ETDM Planning or Programming Screen Summary Reports.

6.2.1.7.4 Material Incorporated by Reference

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

6.2.2 FDOT Document Review Process

A diagram of the FDOT Document Review Process is available on the [OEM website](#). The timeframes identified in this process are calendar days. After preparing the EA, the District conducts a quality control review and uses the SWEPT application to complete the **Environmental Document Submittal Form** for initial OEM review. The District uploads the EA into the FDOT's Electronic Review and Comment (ERC) application.

The OEM Project Delivery Coordinator (PDC) receives email notification and acknowledges the document is complete and ready for review by confirming the **Environmental Document Submittal Form** in SWEPT. If necessary, the District schedules a project briefing for OEM reviewers and the Office of General Counsel (OGC) reviewers, as needed. The OEM and OGC review team will have 30 days to review the draft documents. OEM will provide 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 the comments have not been addressed, additional comment resolution time may be needed. 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 EA 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** for approval in SWEPT. The PDC receives email notification and 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 EA for approval. The Director of OEM, or designee, then has 5 days to approve the EA.

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

6.2.3 Actions Taken After Approval of the Environmental Assessment

Distribution to Agencies and Stakeholders

The approved EA is sent electronically to the Florida State Clearinghouse (SCH) and ETAT agencies, 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 contacts to which the AN was originally sent. 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 6-6](#) for a sample transmittal letter.

Public Notice and Public Hearing

The District places a notice in the local newspaper(s) which advertises the public hearing, announces that the approved document is available for public inspection for 30 days, and provides the locations where the approved document can be inspected by the public, **23 CFR § 771.119** ([Part 1, Chapter 11, Public Involvement](#)). It is recommended that project websites or other publicly accessible electronic means be used to make the EA available.

The public hearing is held a minimum of twenty-one (21) days after the notice is placed in the local newspaper(s), **23 CFR § 771.119**. Notice should also be placed in the **Florida Administrative Register (FAR)**.

Decision of FONSI or Draft Environmental Impact Statement (DEIS)

After the public hearing has been held, the comment period has closed, and comments have been addressed and determined to not be significant, the District prepares a FONSI according to procedures in [Part 1, Chapter 7, Finding of No Significant Impact](#). If significant impacts are anticipated at any point, consult with OEM to determine if a DEIS should be prepared in accordance with [Part 1, Chapter 8, Draft Environmental Impact Statement](#).

6.3 REFERENCES

CEQ, 40 Most Asked Questions Concerning CEQ's NEPA Regulations, March 16, 1981

CEQ, 1978. Regulations for Implementing the Procedural Provisions of the National Environmental Policy Act, 43 FR 55978-56007 and 40 CFR Parts 1500-1508

FHWA, 1987. Technical Advisory T6640.8A. Guidance for Preparing and Processing Environmental and Section 4(f) Documents.
<http://environment.fhwa.dot.gov/projdev/impta6640.asp>

FHWA guidance on NEPA documentation.
<http://environment.fhwa.dot.gov/projdev/docuea.asp>

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.
<http://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. § 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)

USDOT. Interim Policy on the Page Limits for NEPA Documents and Focused Analysis. August 23, 2019.
<https://www.transportation.gov/sites/dot.gov/files/docs/mission/transportation-policy/permittingcenter/345206/nepa-page-limits-policy-081919.pdf>

6.4 HISTORY

11/1/2002, 1/31/2007, 8/27/2012, 10/21/2013: Pen and Ink to Section 6-2.3, 5/30/2014: Mandatory inclusion of OEM approval, 5/30/2014, 8/15/2016, 6/14/2017: NEPA Assignment, 1/14/2019

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 and Protected Lands	2	7 and 23
Natural		
Wetlands and Other Surface Waters	2	9
Aquatic Preserves and Outstanding Florida Waters	2	11
Water Resources	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	16
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Table 6-1 Chapter References for Issue/Resources

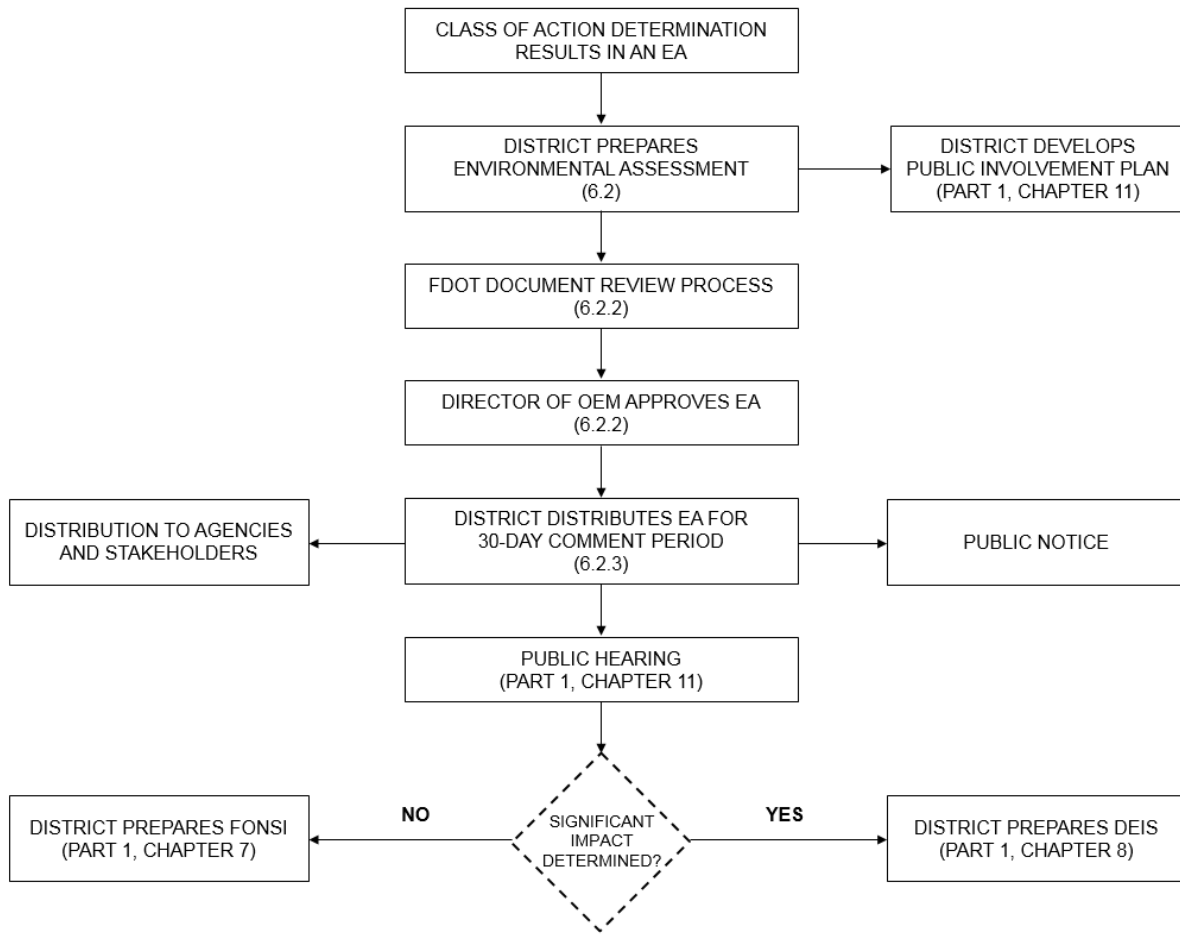


Figure 6-1 Environmental Assessment Process

ADMINISTRATIVE ACTION
ENVIRONMENTAL ASSESSMENT

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

(Brief description of the project)

XXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXX
XXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXX

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.

Approved For Public Notice

___ / ___ / ___
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

Figure 6-2 Environmental Assessment Sample Cover Page

ADMINISTRATIVE ACTION
ENVIRONMENTAL ASSESSMENT/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

(Brief description of the project)

XXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXX
XXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXX
XXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXX

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.

Submitted pursuant 49 U.S.C. § 303.

Approved For Public Notice

___ / ___ / ___
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

Figure 6-3 Environmental Assessment/Draft Section 4(f) Evaluation Sample Cover Page

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Figure 6-5 Sample Appendix

(DATE)

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

Subject: Environmental Assessment
(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 Environmental Assessment as approved by the Office of Environmental Management. The comment period for this document closes 30 days from publication in *(insert name of newspaper)*. The document may be found at *(insert link to website)*.

Sincerely,

District Environmental Office

Enclosures

cc: OEM / without enclosure

Figure 6-6 Sample Transmittal Letter for EA Distribution