

## **PART 1, CHAPTER 9**

# **FINAL ENVIRONMENTAL IMPACT STATEMENT**

### **TABLE OF CONTENTS**

9.1	OVERVIEW .....	9-1
9.2	PROCEDURE.....	9-2
9.2.1	Preparation of the Final Environmental Impact Statement .....	9-2
9.2.1.1	FEIS Errata Sheets.....	9-2
9.2.1.2	Updating the Draft Environmental Impact Statement .....	9-3
9.2.1.2.1	Final Environmental Impact Statement Cover Page ....	9-4
9.2.1.2.2	Executive Summary .....	9-4
9.2.1.2.3	Updating the Project Description and Purpose and Need and Alternatives Sections .....	9-6
9.2.1.2.4	Updating the Environmental Analysis Section .....	9-6
9.2.1.2.5	Updating the Comments and Coordination Section.....	9-7
9.2.1.2.6	Updating the Commitments Section .....	9-7
9.2.1.2.7	Updating the Distribution List and the Appendix.....	9-7
9.2.2	Preparation of the Record of Decision .....	9-7
9.2.2.1	Combined FEIS and ROD (FEIS/ROD).....	9-8
9.2.2.1.1	Applying Errata Sheets and FEIS/ROD to a Project....	9-9
9.2.2.2	Separate Approval of the ROD .....	9-9
9.2.3	FDOT Document Review Process .....	9-9
9.2.4	Actions Taken After Approval of the FEIS/ROD or FEIS .....	9-10
9.2.4.1	FEIS/ROD.....	9-10
9.2.4.2	FEIS.....	9-11

9.2.5 Guidance on Limitation of Claims Notice .....9-13

9.3 REFERENCES .....9-14

9.4 HISTORY.....9-15

**LIST OF FIGURES**

Figure 9-1 Final Environmental Impact Statement Process .....9-16

Figure 9-2 FEIS/ROD Process .....9-17

Figure 9-3 Final Environmental Impact Statement/Record of Decision Sample Cover  
Page .....9-18

Figure 9-4 Final Environmental Impact Statement/Record of Decision/Section 4(f)  
Approval Sample Cover Page .....9-19

Figure 9-5 Final Environmental Impact Statement/Record of Decision/Section 4(f)  
de minimis Approval Sample Cover Page .....9-20

Figure 9-6 Final Environmental Impact Statement Sample Cover Page.....9-21

Figure 9-7 Final Environmental Impact Statement/Section 4(f) Evaluation Sample  
Cover Page.....9-22

Figure 9-8 Final Environmental Impact Statement/Section 4(f) de minimis Approval  
Sample Cover Page .....9-23

Figure 9-9 Final Supplemental Environmental Impact Statement Sample Cover  
Page .....9-24

Figure 9-10 Record of Decision Sample Cover Page .....9-25

Figure 9-11 Sample Record of Decision.....9-26

Figure 9-12 Sample Transmittal Letter for FEIS Distribution.....9-28

## PART 1, CHAPTER 9

# FINAL ENVIRONMENTAL IMPACT STATEMENT

### 9.1 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).

A Final Environmental Impact Statement (FEIS) is the Environmental Document for actions that significantly affect the environment as defined by the Council on Environmental Quality (CEQ) regulations. It is prepared after a Draft Environmental Impact Statement (DEIS) is published/noticed in the **Federal Register (FR)** and public comments received have been considered. **Executive Order 13807, Establishing Discipline and Accountability in the Environmental Review and Permitting Process for Infrastructure Projects** establishes policy for Environmental Impact Statements (EISs) including the goal of completing federal environmental reviews and authorization decisions within two years from the date of publication of a **Notice of Intent (NOI)** to the issuance of the Record of Decision (ROD).

**Title 23 U.S.C. § 139** and **23 Code of Federal Regulations (CFR) § 771.124** direct the use of a combined FEIS and ROD (FEIS/ROD) as the final project decision to the maximum extent practicable. The FEIS/ROD identifies the selected alternative and the FEIS identifies the preferred alternative. Both document the reasonable alternatives considered, discuss substantive comments received on the DEIS and responses, summarize public involvement, and describe the mitigation measures that are to be incorporated into the proposed action. To the extent practical, the FEIS/ROD or FEIS also documents compliance with all applicable environmental laws and Executive Orders, or provides reasonable assurance (**23 CFR § 771.133**) that their requirements can be met.

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 Federal Permitting Dashboard established under **42 U.S.C. § 4370m-2(b)**. Under **NEPA** Assignment, OEM enters project schedules for Environmental Assessments (EAs) and EISs into the Federal Permitting Dashboard. The District is responsible for providing specific project schedule information to OEM as requested. The Permitting Dashboard is updated quarterly.

## 9.2 PROCEDURE

### 9.2.1 Preparation of the Final Environmental Impact Statement

The public has the opportunity to provide comments to FDOT on a project, before, during and after the public hearing. Federal, state, local agencies, and other stakeholders also have the opportunity to comment. The comments are appended to, and become part of, the public hearing transcript record ([Part 1, Chapter 11, Public Involvement](#)). Comments and issues raised at the public hearing, and other changes occurring since the approval of the DEIS must be considered and documented.

The FEIS is prepared after the 45-day public comment period for the DEIS closes, based on the publication of the **Notice of Availability** in the **FR**. The date comments must be received by is shown at the bottom of the cover page of the approved DEIS (see [Part 1, Chapter 8, Draft Environmental Impact Statement](#)).

The FEIS may be prepared by completing an FEIS Errata Sheet, or updating the DEIS. Errata sheets may be prepared to describe the outcome of the public hearing, issues raised, and FDOT responses, including preliminary design changes since the approval of the DEIS. The document submitted to OEM is a FEIS/ROD ([Section 9.2.2.1](#)) or if conditions warrant, a FEIS ([Section 9.2.2.2](#)). If the District is submitting a FEIS, a Draft Record of Decision (DROD) should be prepared and submitted to OEM with the FEIS. The FEIS process is shown in [Figure 9-1](#) and the FEIS/ROD process in [Figure 9-2](#).

#### 9.2.1.1 FEIS Errata Sheets

**Title 40 CFR § 1503.4(c)** and **Title 23 U.S.C. § 139** allow for the preparation of an FEIS by attaching errata sheets to the DEIS in lieu of rewriting the DEIS if certain conditions are met. The use of errata sheets is appropriate when comments received on a DEIS are minor, and the lead agency's responses to those comments are limited to factual corrections or explanations of why the comments do not warrant further response.

The errata sheets and the information required in an FEIS are attached to the DEIS for submittal to OEM as the FEIS/ROD or FEIS; this documentation will undergo the legal sufficiency review required by **23 CFR § 771.125**.

The errata sheets should include, at a minimum, the following information:

1. A list and explanation of factual corrections made to the DEIS with references to the relevant page numbers in the DEIS, citing the sources, authorities or reasons that support the position of FDOT; and
2. A list and explanation of the DEIS comments and the reasoning why the comments do not warrant additional response by FDOT, citing the sources, authorities, or reasons that support FDOT's position; and

3. If appropriate, an indication of the specific circumstances that would trigger a re-evaluation or a supplemental environmental impact statement; and
4. A web address or other indication of where a copy of the DEIS may be obtained.

In addition, the errata sheets should contain a separate section that includes the following, as referenced in **Section VI(C)** of the **FHWA Technical Advisory T6640.8A** and **U.S. Department of Transportation (USDOT) Guidance on the Use of Combined Final Environmental Impact Statements/Records of Decision and Errata Sheets in National Environmental Policy Act Reviews**:

1. Identification of the preferred alternative and the reasons why it was selected;
2. Final **Section 4(f)** evaluation or *de minimis* finding [**23 U.S.C. § 138/49 U.S.C. § 303 (23 CFR Part 774)**], if applicable;
3. Findings, including any on wetlands, floodplains, and **Section 106** effects, as applicable;
4. List of commitments including mitigation measures for the preferred alternative;
5. Copy or summary of comments received on the DEIS and in the public hearing and related responses. Include any coordination activities that have taken place since issuance of the DEIS; and,
6. Identification of any other findings to comply with applicable environmental laws, regulations, Executive Orders, and related requirements (with associated agency consultation documentation) where there is reasonable assurance that full compliance will occur after issuance of the FEIS.

If using errata sheets a cover page will need to be prepared following instructions in [Section 9.2.1.2.1](#). The errata sheets must be made publicly available to the same extent as the DEIS and the District must ensure continued availability of the DEIS.

### **9.2.1.2 Updating the Draft Environmental Impact Statement**

If the conditions required for preparing errata sheets cannot be met or if the District in coordination with OEM chooses not to use errata sheets, the DEIS is updated to become the FEIS. Appropriate sections of the document are modified to reflect changes in environmental impact(s), cost, design, or other changes since approval of the DEIS.

According to the **Interim Policy on Page Limits for NEPA Documents and Focused Analyses** memorandum, the text of a FEIS should generally be no more than 150 pages for projects with a **NOI** published after August 23, 2019. For proposed actions of unusual scope or complexity the text should be limited to no more than 300 pages. These limits do not include the pages of the executive summary, appendices or materials incorporated by reference. When a FEIS/ROD is prepared, the ROD is not considered part of the

document for page limits purposes. EISs that comply with the One Federal Decision policy may need to exceed these page limits. Before the page limit is exceeded, the District shall coordinate and receive authorization from OEM. The FEIS should be concise while meeting legal sufficiency and contain the information needed for Cooperating Agencies to utilize the document for their environmental review to support their authorization decisions.

### 9.2.1.2.1 Final Environmental Impact Statement Cover Page

FEIS cover pages are only prepared as electronic forms in the StateWide Environmental Project Tracker (SWEPT). Sample cover pages for FEIS/RODs, both with and without **Section 4(f)** approvals are provided as a visual in [Figure 9-3](#) through [Figure 9-5](#) and sample cover pages for FEISs, both with and without **Section 4(f)** evaluations are provided as a visual in [Figure 9-6](#) through [Figure 9-8](#). A sample cover page for a Final Supplemental Environmental Impact Statement is provided as a visual in [Figure 9-9](#). The EIS document number is updated with the new year, if applicable, and “D” is changed to “F”.

### 9.2.1.2.2 Executive Summary

An Executive Summary is prepared for a FEIS **only** when it is not combined with a ROD. For a combined FEIS/ROD, an Executive Summary is not needed. The Executive Summary of a FEIS is different than that of a DEIS, it discusses environmental impacts, alternatives considered, and the preferred alternative. Specific findings are documented, as are commitments made during the course of project development. Standard statements are used to document coordination and findings. These standard statements have been developed to document compliance with the **NEPA**, FHWA policy, **23 CFR Part 771**, and other federal laws and requirements. Standard statements are in italics for easy reference and are found in applicable chapters in [Part 2 of this Manual](#). The Executive Summary should not exceed 15 pages. It should adequately and accurately summarize the FEIS, and highlight the major conclusions, areas of controversy, and the issues to be resolved. Charts, tables, and graphics are an effective and efficient way to summarize alternatives, impacts, and explain mitigation measures. The information in the summary needs to be verifiable and should not present conclusions, ideas, or information that are not included in the full FEIS. The Executive Summary of a FEIS should include the following sections:

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

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

discussed, and any coordination required is referenced. State and federal permits required for the project are identified.

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

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

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

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

**Wetlands Finding:** This section addresses wetland impacts and any proposed wetland mitigation. When there is no practicable alternative to proposed impacts to wetlands, the FEIS must contain the Wetlands Finding required by **Executive Order 11990** and by **USDOT Order 5660.1A**. If there is no wetlands involvement on a project, a finding is still provided. The finding simply states that there is no wetland involvement and cites **Executive Order 11990**. See [Part 2, Chapter 9, Wetlands and Other Surface Waters](#) for guidance on preparing the Wetland Finding and for the applicable standard statement to include in this section.

**Floodplain Finding:** This section addresses project impacts on floodplains as required by **Executive Order 11988** and regulatory floodway involvement as required by **The Federal Aid Policy Guide, 23 CFR § 650A**. If the project has no involvement with or is not located within a floodplain, a finding is still provided. See [Part 2, Chapter 13, Floodplains](#) for guidance on preparing the Floodplain Finding and for the applicable standard statement to include in this section.

**Coastal Zone Consistency (CZC):** This section documents compliance with the **Coastal Zone Management Act of 1972, 15 CFR Part 930**, and the **Coastal Zone Management Plan (CZMP)** for the State of Florida which is called the **Florida Coastal Management Program (FCMP)**. See [Part 2, Chapter 14, Coastal Zone Consistency](#) for the applicable standard statement.

**Cultural Resources:** This section summarizes the analysis under **Section 4(f)**, **Section 106**, and associated findings. Where there is involvement with **Section 4(f)** or **Section 106** resources, the property must be identified and the impact on the resource(s) addressed, all proposed mitigation outlined and referenced, and a conclusion statement provided regarding the project's effect on the resource. Standard statements can be found in [Part 2, Chapter 8, Archaeological and Historical Resources](#) and [Part 2, Chapter 7, Section 4\(f\) Evaluation](#).

**Federally Listed Species and Habitat:** This section summarizes the analysis of the project's involvement with federally threatened and endangered species or their critical habitat protected under the *Endangered Species Act* and associated effect determination(s). If federally listed species are involved then they are identified, and any proposed mitigation is referenced. See [Part 2, Chapter 16, Protected Species and Habitat](#) for the applicable standard statement to include in this section.

**Farmland:** This section documents consultation and coordination with the Natural Resources Conservation Service (NRCS) regarding a project's impact on farmland. See [Part 2, Chapter 6, Farmland](#) for the applicable standard statement to include in this section.

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

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

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

### **9.2.1.2.3 Updating the Project Description and Purpose and Need and Alternatives Sections**

In the Project Description and Purpose and Need section, the applicable planning consistency form should be referenced, and included in the Appendix along with the relevant pages of the Long Range Transportation Plan (LRTP), Transportation Improvement Program (TIP) and State Transportation Improvement Program (STIP). The applicable planning consistency form includes information demonstrating the project's fulfillment of FHWA's planning consistency requirements. Planning consistency should be met prior to requesting LDCA. See [Part 2, Chapter 1, Project Description and Purpose and Need](#) for guidance on updating this section.

In the Alternatives section, the Preferred Alternative subsection is updated. See [Part 2, Chapter 3, Engineering Analysis](#) for more information on updating the Preferred Alternative section of the FEIS. In the ROD, the preferred alternative is identified as the selected alternative.

### **9.2.1.2.4 Updating the Environmental Analysis Section**

The Environmental Analysis section should provide sufficient information to support the conclusions reached regarding the preferred alternative and the project impacts. Each issue/resource subsection should be updated to identify the preferred alternative. This



section should also be updated to include the results of any additional coordination with resource agencies, or project changes since the approval of the DEIS. Mitigation measures should be identified for the preferred alternative, if applicable.

### **9.2.1.2.5 Updating the Comments and Coordination Section**

The Comments and Coordination section is updated to include a summary of comments along with a response to each substantive comment received during the document review period. This includes documentation of additional resource agency coordination and consultation, if applicable.

The Concluding Statement subsection should be deleted, and any new concurrence and coordination letters should be referenced and included in the Appendix.

Environmental issues should be addressed, to the extent possible, prior to the submission of the FEIS/ROD or FEIS, when warranted. Where not possible, this section should clearly identify any remaining unresolved issues and the efforts taken to resolve the issues.

A new subsection titled “Public Hearing” should be added. This new subsection should include the date, time, and place of the hearing; describe the format and include the start and end time; provide a summary of the comments received (written and oral) regarding the proposed action both positive and negative, and the District's response to those comments; and a reference to the comments and responses that are in the Appendix.

### **9.2.1.2.6 Updating the Commitments Section**

The Commitments section is updated to include any commitments made by FDOT since the DEIS was prepared. Any new commitments require internal coordination and once coordinated with the appropriate District offices shall be included in the FEIS and transmitted to the next phase of project development in accordance with [Procedure No. 650-000-003, Project Commitment Tracking](#). See [Part 2, Chapter 22, Commitments](#) for more information.

### **9.2.1.2.7 Updating the Distribution List and the Appendix**

The Distribution List is updated to include those who submitted comments on the DEIS. The Appendix should be updated and separated into pre-hearing and post-hearing sections. Any new materials should be added to the post-hearing section, as applicable.

## **9.2.2 Preparation of the Record of Decision**

The ROD summarizes the findings of the FEIS and documents OEM's final decision. It presents the basis for the selected alternative, identifies the mitigation measures that will be incorporated in the project, and documents any required **Section 4(f)** approvals. When submitting the FEIS separately, the District should prepare a DROD for inclusion as a component of the FEIS. The **Record of Decision Cover Page** should be prepared when

submitting the ROD separate from the FEIS. It is only prepared as an electronic form in SWEPT. A sample cover page is provided as a visual in [Figure 9-10](#).

See [Figure 9-11](#) for a sample ROD. This format is also used for preparing the ROD for an FEIS/ROD.

### 9.2.2.1 Combined FEIS and ROD (FEIS/ROD)

A combined FEIS/ROD must meet the requirements of **23 U.S.C. § 139** and be consistent with FEIS and ROD guidance in the **FHWA Technical Advisory T6640.8A**. For instance, the project must meet planning consistency requirements, and, in air quality nonattainment and maintenance areas, comply with conformity regulations under the **Clean Air Act (CAA)** and Environmental Protection Agency (EPA) requirements [**42 U.S.C. § 7506(c)** and **40 CFR Part 93**].

FDOT must combine the FEIS and ROD, to the maximum extent practicable, unless:

1. The FEIS makes substantial changes to the proposed action that are relevant to environmental or safety concerns; or
2. There are significant new circumstances or information relevant to environmental concerns that have a bearing on the proposed action or the impacts of the proposed action.

More guidance on determining whether combining the FEIS and ROD is practicable is provided in **USDOT Guidance on the Use of Combined Final Environmental Impact Statements/Records of Decision and Errata Sheets in National Environmental Policy Act Reviews**. If OEM determines that a combined FEIS/ROD is not appropriate, the determination must be included in the project file.

When using a combined FEIS/ROD, it is important to consider possible effects on the timing of required coordination under other laws and the need for additional documentation to finalize determinations or findings. Through interagency coordination, agencies should be notified as early as possible that OEM is combining the FEIS and ROD, thereby providing them the opportunity to express their views about the use of a combined FEIS/ROD for the specific proposed action. In situations where FHWA published a notice of availability for the DEIS prior to July 6, 2012, the Districts, in coordination with OEM, should notify agencies, the public, Native American tribes, and other interested parties that FDOT will issue a combined FEIS/ROD unless conditions exist that prevent issuance of a single document. At a minimum, notification should be made prior to publication of a combined FEIS/ROD.

Districts must include the following statement when notifying the parties:

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

When combined, the document must include the content of a FEIS and present the basis for the decision as specified in **40 CFR § 1505.2**, summarize any mitigation measures that will be incorporated in the project, and document any required **Section 4(f)** approval. A legal sufficiency review is required for a combined FEIS/ROD.

The format of the FEIS/ROD should be coordinated with OEM and created as follows:

1. A combined FEIS/ROD document which attaches a ROD to an FEIS, or
2. A combined FEIS/ROD document which includes the ROD in place of the FEIS Executive Summary.

### **9.2.2.1.1 Applying Errata Sheets and FEIS/ROD to a Project**

Errata sheets and the combined FEIS/ROD provisions (**Title 23 U.S.C. § 139**) can be used together, as long as the conditions of both are met. When both provisions are used, the FEIS/ROD will consist of a DEIS, errata sheets, responses to DEIS comments, information required in an FEIS, and a ROD.

### **9.2.2.2 Separate Approval of the ROD**

If a project does not meet the conditions for a combined FEIS/ROD, then the FEIS and ROD are issued and approved separately. The DROD is prepared and generally submitted to OEM for review at the same time the FEIS is sent for approval. In these cases, the FEIS would be approved first and the ROD can only be approved following the 30-day public notice of availability of the FEIS in the **FR**. After the 30-day public notice period, OEM may approve the ROD which constitutes LDCA.

### **9.2.3 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 FEIS/ROD or FEIS, 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 FEIS/ROD or FEIS with DROD into the FDOT's Electronic Review and Comment (ERC) application. The public hearing transcript and new materials incorporated by reference must be uploaded into SWEPT.

The 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 and the Office of General Counsel (OGC) reviewers. The OEM and OGC review team will have 30 days to review the 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 FEIS/ROD or FEIS to the Environmental Screening Tool (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 FEIS/ROD or FEIS for approval, which advances the document for Legal Sufficiency review by OGC. Legal Sufficiency Review is required for all FEIS/RODs and FEISs. The Director of OEM or designee approves the FEIS/ROD or FEIS once the **Legal Sufficiency Finding Memo** is received.

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

## 9.2.4 Actions Taken After Approval of the FEIS/ROD or FEIS

### 9.2.4.1 FEIS/ROD

Once the FEIS/ROD is approved, the District must provide notification that LDCA has been granted concurrently with the approval of the FEIS/ROD. OEM must electronically submit the FEIS/ROD to EPA using its e-NEPA online tool. The **FR** public notice will not establish a waiting period or period of time for the return of comments on a FEIS/ROD. When submitting a FEIS/ROD in e-NEPA, the EIS Comment Due/ Review Period Date should be left blank and the following statement should be included as Supplemental Information:

*Per 23 U.S.C. § 139, FHWA has issued a single FEIS and ROD. Therefore, the 30-day wait/review period under NEPA does not apply to this action.*

See [Section 9.2.4.2](#) for requirements for submitting documents to e-NEPA. When filed with EPA, the FEIS/ROD must be made available at the District Office. A copy should also be made available at institutions such as local government office, libraries, and schools, as appropriate. It is recommended that project websites or other publicly accessible electronic means be used to make the FEIS/ROD available.

### Distribution to Agencies and Stakeholders

Distribution of the FEIS/ROD must occur before OEM sends the e-NEPA request for publication of the **Notice of Availability** in the **FR** to EPA (**23 CFR § 771.125**). The

District should share the approved document with the recipients of the DEIS using the EST. An electronic copy of the document is sent to the Florida State Clearinghouse and the Environmental Technical Advisory Team (ETAT), which includes the Cooperating Agencies and Participating Agencies. The District should also send the document to other interested state and federal agencies, other stakeholders, and those who submitted substantive comments on the DEIS. 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.

### **Public Announcement of LDCA**

The District must publish an Announcement of LDCA in the same local newspaper(s) used for public hearing notification, informing the public that the project has received LDCA and is being advanced. The District ensures the FEIS/ROD is available upon request by the public. The District should coordinate internally to advance the project as appropriate [e.g., inform Directors, Design Office, Right of Way (ROW) Office, Federal-Aid Office, Office of the Work Program].

### **9.2.4.2 FEIS**

#### **Distribution to Agencies and Stakeholders**

After OEM approval of the FEIS, the document is sent through the EST to the Florida State Clearinghouse and the ETAT, which includes the Cooperating Agencies and Participating Agencies. The District should also send the document to other interested state and federal agencies, other stakeholders, and those who submitted substantive comments on the DEIS. 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 needed. A sample transmittal letter is provided in [Figure 9-12](#). Distribution of the FEIS must occur before OEM sends the e-NEPA request for publication of the **Notice of Availability** in the *FR* to EPA (**23 CFR § 771.125**).

#### **Public Notice of Availability**

The District publishes a public notice in the same local newspaper(s) used for public hearing notification before sending an e-NEPA request for the publication of the **Notice of Availability** in the *FR* to EPA (**23 CFR § 771.125**).

All FEISs must be electronically submitted as PDF documents to EPA using its e-NEPA online tool. Only the Environmental Document should be submitted, technical reports are included only by reference.

The PDF documents 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
6. All PDF documents must include the Title, Subject, Author, and Keywords in the Document Properties. The title of the document should be used for both the Title and Subject fields and “Florida Department of Transportation” should be included in the Author field.

More information on preparing the document for submittal to EPA is available on [OEM's website](#). After the District formats the document for e-NEPA, the District sends it to OEM. The District also provides the website link where readers can find the FEIS and supporting technical documents online (project website). OEM submits the document to EPA using the e-NEPA online tool. EPA then publishes the **Notice of Availability** of the FEIS in the **FR** for a 30-day comment period (**23 CFR § 771.125**). The District must monitor the **FR** for publication of the notice and upload it to the project file.

When filed with EPA, the FEIS must be available for public review at the District Office. A copy should also be made available for public review at institutions such as local government offices, libraries, and schools, as appropriate. It is recommended that project websites or other publicly accessible electronic means be used to make the FEIS available.

### **Approval of the ROD**

OEM may approve the ROD 30 days after publication of the notice in the **FR**. The District submits the ROD along with the **Environmental Document Submittal Form** for OEM approval in SWEPT. By approving the ROD, the Director of OEM grants LDCA.

### **Distribution to Agencies and Stakeholders**

The District should share the ROD with the recipients of the FEIS using the EST. An electronic copy of the document is sent to the Florida State Clearinghouse and ETAT, which includes the Cooperating Agencies and Participating Agencies. The District should also send the ROD to other interested state and federal agencies, other stakeholders, and those who submitted substantive comments on the FEIS. 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 needed.



## Public Announcement of LDCA

The District must publish an Announcement of LDCA in the same local newspaper(s) used for public hearing notification, informing the public that the project has received LDCA and is being advanced. The District ensures the ROD is available upon request by the public. It is recommended that project websites or other publicly accessible electronic means be used to make the ROD available. The District should coordinate internally to advance the project as appropriate (e.g., inform Directors, Design Office, ROW Office, Federal-Aid Office, Office of the Work Program).

### 9.2.5 Guidance on Limitation of Claims Notice

**Title 23 U.S.C. § 139(I)**, includes a provision for limiting the time period for filing claims and seeking judicial review of permits, licenses, or approvals issued by federal agencies for a highway or public transportation capital project. The provision establishes a statute of limitations period of 150 days for filing a challenge following publication of the notice in the **FR** of the agency action(s).

Upon submittal of an FEIS/ROD or FEIS to OEM for review, the District should discuss with OEM and OGC the need for publication of a **Limitation of Claims Notice** under **23 U.S.C. § 139(I)**. In most instances, FEIS/ROD and FEIS documents will require preparation of a **Limitations of Claims Notice**.

The District provides the **Limitations of Claims Notice** and a draft cover letter to OEM. See the OEM [Guidance for Processing Limitations of Claims](#) for a sample draft cover letter. OEM then provides FHWA the project information needed to sign the cover letter and **Limitations of Claims Notice**. After obtaining FHWA signatures, OEM then submits the FHWA signed documents to 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**. OEM must submit the FHWA signed cover letter, three FHWA signed, single-sided hard copies of the **Limitations of Claims Notice**, and an electronic copy of the document (in Word format) on a CD exactly as it appears on the hard copy to the **FR**.

There may be occasions when associated federal agency approvals [e.g., U.S. Army Corps of Engineers (USACE) permit, U.S. Coast Guard (USCG) permit] will be received at or around the same time as the final **NEPA** approval. On those occasions, as part of the notice publication discussion, OEM and the District will confer as to whether one combined notice should be published for the **NEPA** document and any associated federal agency actions. If other federal agency permits, licenses, or approvals will be obtained at a later phase of the project, notice of limitation of claims would be published at that time for the subsequent approval.

## 9.3 REFERENCES

Council of Environmental Quality. 1978. Regulation for Implementing the Procedural Provisions of the National Environmental Policy Act (NEPA). 43 CFR §§ 55978-56007 and 40 CFR §§ 1500-1508

Executive Order 13807, Establishing Discipline and Accountability in the Environmental Review and Permitting Process for Infrastructure Projects.  
<https://www.govinfo.gov/content/pkg/FR-2017-08-24/pdf/2017-18134.pdf>

FHWA. Memorandum. INFORMATION Publication of documents in the Federal Register. June 1, 2017

FHWA. 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](https://www.environment.fhwa.dot.gov/legislation/nepa/guidance_preparing_env_documents.aspx)

Federal Permitting Dashboard. <https://www.permits.performance.gov/>

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

Title 23 U.S.C. § 139(l), 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)

USDOT. 2019. Guidance on the Use of Combined Final Environmental Impact Statements/Records of Decision and Errata Sheets in National Environmental Policy Act Reviews.  
<https://www.transportation.gov/sites/dot.gov/files/docs/mission/transportation-policy/permittingcenter/337371/feis-rod-guidance-final-04302019.pdf>

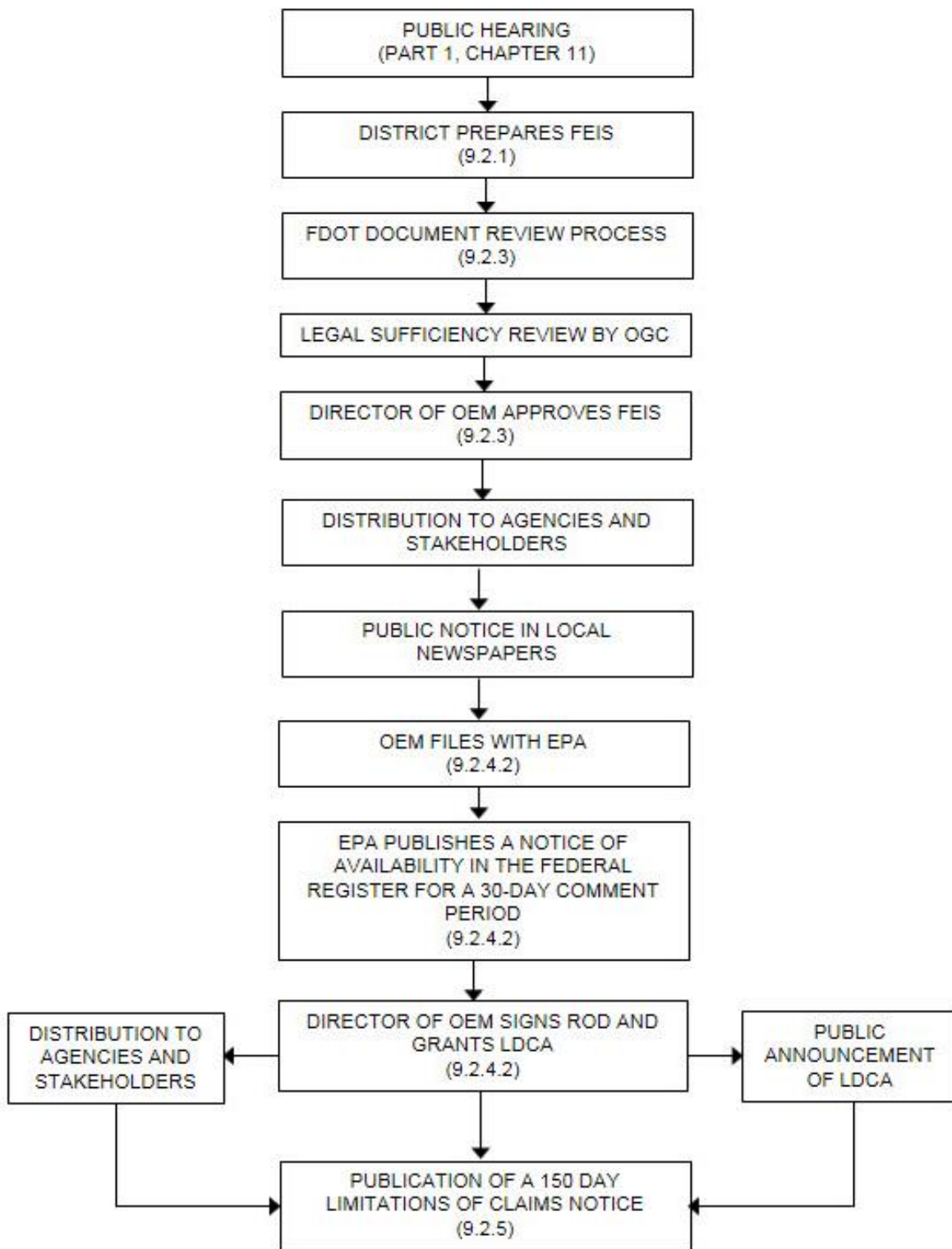


USDOT. Interim Policy on the Page Limits for NEPA Documents and Focused Analysis.  
August 23, 2019.

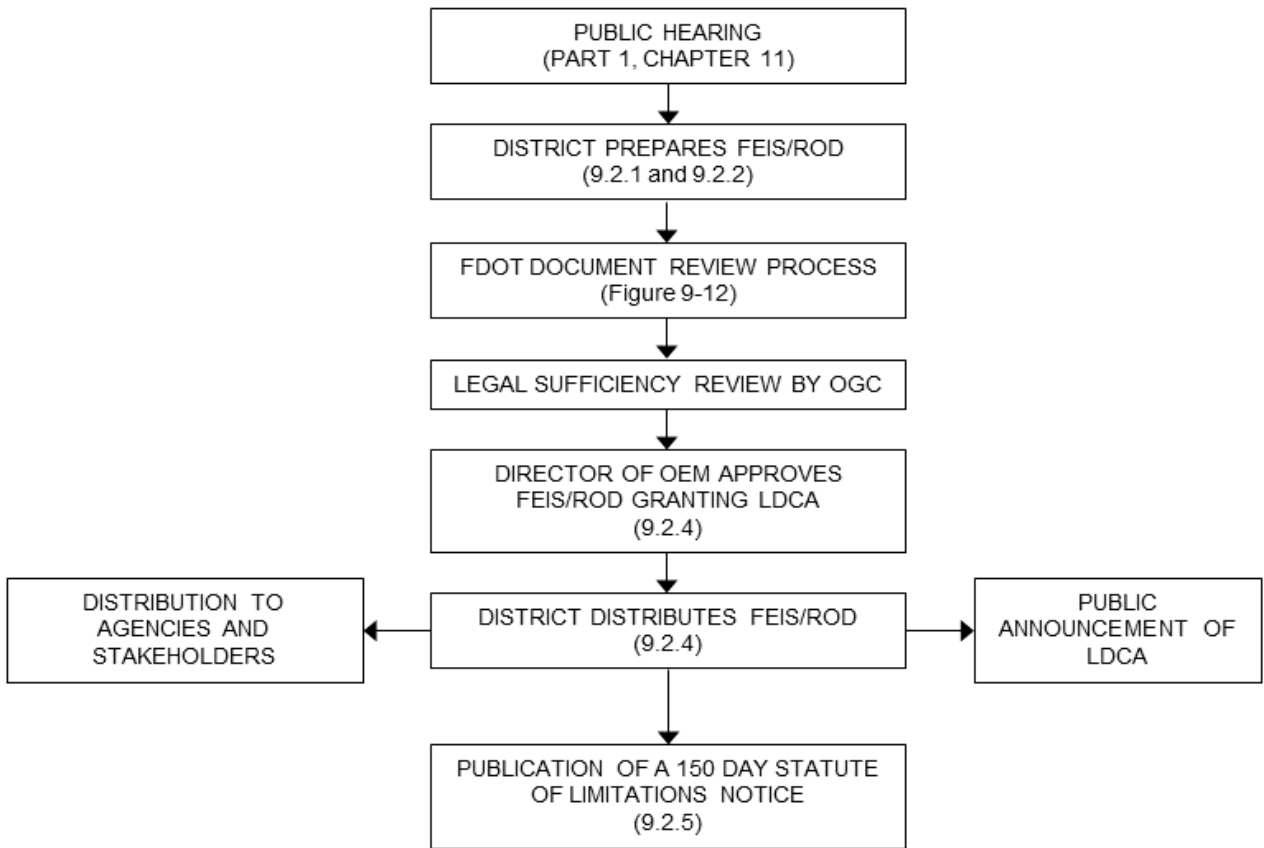
<https://www.transportation.gov/sites/dot.gov/files/docs/mission/transportation-policy/permittingcenter/345206/nepa-page-limits-policy-081919.pdf>

## **9.4 HISTORY**

11/25/2002, 1/31/2007, 1/5/2009, 7/12/2011, 2/3/2014, 7/15/2016, 6/14/2017: NEPA Assignment, 1/14/2019



**Figure 9-1 Final Environmental Impact Statement Process**



**Figure 9-2 FEIS/ROD Process**

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

ADMINISTRATIVE ACTION

FINAL ENVIRONMENTAL IMPACT STATEMENT/RECORD OF DECISION

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

XXXXXXXXXXXXXXXXX (One paragraph abstract of the project) XXXXXXXXXXXXXXXXXXXX

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.

Based upon the information presented in the FEIS and the supporting technical documents, and consideration of all the social, economic, and environmental evaluations contained in the FEIS, with the input received from other agencies, organizations, and the public; the FDOT has determined that the FEIS preferred alternative (\_\_\_\_\_), is hereby the selected alternative. It is the decision of the FDOT to adopt the selected alternative for this project, and grant Location and Design Concept Acceptance.

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

**Figure 9-3 Final Environmental Impact Statement/Record of Decision Sample  
Cover Page**

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

ADMINISTRATIVE ACTION

FINAL ENVIRONMENTAL IMPACT STATEMENT/RECORD OF DECISION  
SECTION 4(f) APPROVAL

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

XXXXXXXXXXXXXXXXXXXX(One paragraph abstract of the project)XXXXXXXXXXXXXXXXXXXX

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.

Based upon considerations herein, it is determined that there is no feasible and prudent alternative to the use of land from the (name of Section 4(f) property), contributing resources to the (name of Section 4(f) property) and that the proposed action includes all possible planning to minimize harm to the Section 4(f) property resulting from such use.

Based upon the information presented in the FEIS and the supporting technical documents, and consideration of all the social, economic, and environmental evaluations contained in the FEIS, with the input received from other agencies, organizations, and the public; the FDOT has determined that the FEIS preferred alternative (\_\_\_\_), is hereby the selected alternative. It is the decision of the FDOT to adopt the selected alternative for this project, and grant Location and Design Concept Acceptance.

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

**Figure 9-4 Final Environmental Impact Statement/Record of Decision/Section 4(f)  
Approval Sample Cover Page**

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

ADMINISTRATIVE ACTION

FINAL ENVIRONMENTAL IMPACT STATEMENT/RECORD OF DECISION  
SECTION 4(f) *de minimis* APPROVAL

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  
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 FDOT pursuant to 23 U.S.C. § 327 and a Memorandum of Understanding dated December 14, 2016 and executed by FHWA and FDOT.

Based upon the information presented in the FEIS and the supporting technical documents, and consideration of all the social, economic, and environmental evaluations contained in the FEIS, with the input received from other agencies, organizations, and the public; the FDOT has determined that the FEIS preferred alternative (\_\_\_\_), is hereby the selected alternative. It is the decision of the FDOT to adopt the selected alternative for this project, and grant Location and Design Concept Acceptance.

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, FL 32399  
Phone: (xxx) xxx-xxxx  
Email address

**Figure 9-5 Final Environmental Impact Statement/Record of Decision/Section 4(f)  
*de minimis* Approval Sample Cover Page**



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

ADMINISTRATIVE ACTION  
FINAL ENVIRONMENTAL IMPACT STATEMENT/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

XXXXXXXXXXXXXXXXXXXX(One paragraph abstract of the project)XXXXXXXXXXXXXXXXXXXX

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.

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 9-7 Final Environmental Impact Statement/Section 4(f) Evaluation Sample  
Cover Page**



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

ADMINISTRATIVE ACTION  
FINAL ENVIRONMENTAL IMPACT STATEMENT/SECTION 4(f) *de minimis*  
APPROVAL

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 FDOT pursuant to 23 U.S.C. § 327 and a Memorandum of Understanding dated December 14, 2016 and executed by FHWA and FDOT.

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 9-8 Final Environmental Impact Statement/Section 4(f) *de minimis*  
Approval Sample Cover Page**

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

ADMINISTRATIVE ACTION  
FINAL SUPPLEMENTAL 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 FDOT pursuant to 23 U.S.C. § 327 and a Memorandum of Understanding dated December 14, 2016 and executed by FHWA and FDOT.

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 9-9 Final Supplemental Environmental Impact Statement Sample Cover Page**

ADMINISTRATIVE ACTION

RECORD OF DECISION

for FHWA-FLA-EIS-YR-##-F

FLORIDA DEPARTMENT OF TRANSPORTATION

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

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.

Based upon the information presented in the FEIS and the supporting technical documents, and consideration of all the social, economic, and environmental evaluations contained in the FEIS, with the input received from other agencies, organizations, and the public; the FDOT has determined that the FEIS preferred alternative (\_\_\_\_), is hereby the selected alternative. It is the decision of the FDOT to adopt the selected alternative for this project, and grant Location and Design Concept Acceptance.

\_\_\_\_ / \_\_\_\_ / \_\_\_\_  
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  
Office of Environmental Management  
Contact Title  
Florida Department of Transportation  
605 Suwannee Street, MS 37  
Tallahassee, Florida 32399  
Phone: (xxx) xxx-xxxx  
Email address

**Figure 9-10 Record of Decision Sample Cover Page**

## **Record of Decision**

### **Name of Project**

State Road No.: \_\_\_\_\_  
Financial Management No.: \_\_\_\_\_  
Federal Aid Project No.: \_\_\_\_\_  
County: \_\_\_\_\_  
Description: \_\_\_\_\_

This is the Record of Decision (ROD) for the above referenced project proposed by the Florida Department of Transportation (FDOT) and further identified in the \_\_\_\_\_ Long Range Transportation Plan (LRTP), as adopted. The purpose and need for this project includes \_\_\_\_\_. This ROD is for the \_\_\_\_\_ Environmental Impact Statement (EIS) which is hereby incorporated by reference (or attached).

### **Decision**

The FDOT in accordance with the National Environmental Policy Act (NEPA) and associated laws, regulations, and orders, proposes the construction of \_\_\_\_\_. The selected alternative is \_\_\_\_\_. The \_\_\_\_\_ mile project will begin at \_\_\_\_\_ and will connect with \_\_\_\_\_. The location map for the selected alternative can be viewed on page \_ of this ROD.

### **Background**

Public Information meetings were held on \_\_\_\_\_  
The public hearing was held on \_\_\_\_\_

### **Alternatives**

All alternatives, including the No-Action, were evaluated. A detailed discussion of the alternatives considered is included in the referenced EIS.

### **No-Action (No-Build) Alternative**

The No-Action alternative was evaluated as a possible alternative to the proposed project...

### **Transportation System Management and Operations Alternative**

Transportation System Management and Operations (TSM&O) alternatives were evaluated as a possible alternative...

### **Build Alternatives**

### **Selected Alternative**

**Figure 9-11 Sample Record of Decision**

## **Section 4(f) (If applicable)**

### **Major Issues Considered**

#### **Measures to Minimize Harm**

This project incorporates all practical measures to avoid or minimize environmental harm. Although some impacts will occur, every effort will be made to minimize impacts through the institution of feasible measures applicable to each situation. Specific commitments have been made regarding...

#### **Monitoring Program (If applicable)**

The FDOT District \_\_\_\_\_ has made commitments to advance the project. These commitments are tracked in accordance with FDOT's Project Commitment Tracking Procedure, Topic No. 650-000-003.

Through the Re-evaluation process the project is kept current, commitments are updated, permits are identified, and project changes are addressed. Required permits may include conditions for mitigation for impacts, monitoring and compliance measures.

### **Comments on Final Environmental Impact Statement (Not for FEIS/ROD documents)**

The FEIS notice of availability was published in the Federal Register on \_\_\_\_\_, with a request that comments be postmarked by \_\_\_\_\_. The FDOT has taken into consideration all pertinent correspondence, documents, and technical reports postmarked through \_\_\_\_\_. FDOT has responded to all substantive comments received from interested parties regarding the content and accuracy of the FEIS and supporting studies for identification of the preferred alternative.

### **Summary of Comments and Responses Concerning the FEIS**

Include a matrix addressing comments

**Figure 9-11 Sample Record of Decision (Page 2 of 2)**

(DATE)

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

Subject: Final 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 Final Environmental Impact Statement as approved by the Office of Environmental Management. The review period for this document closes 30 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 9-12 Sample Transmittal Letter for FEIS Distribution**