

PART 1, CHAPTER 7

FINDING OF NO SIGNIFICANT IMPACT

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PART 1, CHAPTER 7

FINDING OF NO SIGNIFICANT IMPACT

7.1 OVERVIEW

This chapter provides guidance on preparation and review of a Finding of No Significant Impact (FONSI) and updating the accompanying Environmental Assessment (EA). A FONSI is the **National Environmental Policy Act (NEPA)** decision document which states that the project will not have any significant environmental effect, and therefore does not require an Environmental Impact Statement (EIS). This determination is based on the analysis contained in an EA ([Part 1, Chapter 6, Environmental Assessment](#)).

Since a FONSI is attached to an updated EA, the term “EA with FONSI” is used for the Environmental Document throughout this [Manual](#). The EA with FONSI should document compliance with **NEPA** and other applicable environmental laws, Executive Orders, and related requirements [**23 Code of Federal Regulations (CFR) § 771.133**]. If full compliance is not possible by the time the FONSI is prepared, the FONSI should reflect consultation with the appropriate agencies and provide reasonable assurance that the requirements will be met.

The EA with FONSI documents the decisions reached by the Florida Department of Transportation (FDOT) regarding a project and details the rationale behind the decision and the selection of the preferred alternative.

7.2 PROCEDURE

7.2.1 Preparation of the Environmental Assessment with Finding of No Significant Impact

After the public hearing (if held) and the end of the 30-day public inspection period for an EA, the District updates the EA (keeping within the 75 page limit) to address any changes that have occurred since the document became publicly available ([Section 7.2.1.2](#)) and prepares a FONSI (see [Section 7.2.1.1](#)). This process is shown in [Figure 7-1](#).

7.2.1.1 Preparation of the Finding of No Significant Impact

The FONSI is prepared by the District and briefly identifies the preferred alternative, incorporates the updated EA by reference, and identifies any other related environmental documents, if applicable. The FONSI states that an EIS is not required, thus concluding the **NEPA** process for that action.

See [Guidance for Part 1, Chapter 7](#) for a FONSI template. If applicable, the FONSI also includes the final **Section 4(f)** approval.

7.2.1.2 Updating the Environmental Assessment

Appropriate sections of the EA are modified to reflect changes in environmental impact(s), cost, design, or other changes since approval of the EA. It incorporates any new coordination and comments submitted on the EA.

7.2.1.2.1 Updating the Planning Consistency and the Alternatives Sections

In the Planning Consistency section, the applicable Planning Consistency Table should be updated as necessary and include information demonstrating the project's fulfillment of planning consistency requirements in **23 CFR § 450**. The relevant pages of the Cost Feasible Plan of the Long Range Transportation Plan (CFP LRTP), Transportation Improvement Program (TIP), and Current State Transportation Improvement Program (STIP) should be included in the Appendix of the EA with FONSI if not already included in the Appendix of the EA . Documentation of snapshots of the Work Program are not adequate documentation to demonstrate planning consistency. Planning consistency should be met prior to Location and Design Concept Acceptance (LDCA). See [Part 2, Chapter 1, Project Description, Purpose and Need, and Planning Consistency](#) for guidance on updating this section and the [FDOT/FHWA Consistency Guidance](#) and [Planning Consistency for NEPA Practitioners](#) for additional planning consistency guidance.

In the Alternatives section, the Preferred Alternative subsection is updated if needed. See [Part 2, Chapter 3, Engineering Analysis](#) and [Part 2, Chapter 3A, Alternatives Analysis](#) for more information on updating the Preferred Alternative subsection of the EA.

7.2.1.2.2 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. This section should be updated to include the results of any additional coordination with resource agencies or project changes since the EA was signed. Mitigation measures should be identified for the preferred alternative, if applicable.

7.2.1.2.3 Updating the Comments and Coordination Section

The Comments and Coordination section of the EA is updated to incorporate comments received or coordination that occurred since the EA was approved for public availability. This section should include a summary of comments received during the 30-day public inspection period along with a response to each substantive comment.

The Agency Coordination and Consultation subsection is updated to include any new coordination/consultation or comments from agencies. Concurrence and/or coordination letters should be referenced and added to the Appendix of the EA with FONSI.

The Concluding Statement subsection should be deleted.

A new subsection should be added titled “Public Hearing”, if a public hearing was held. This new subsection should include the date, time, and place of the hearing, describe the format of the public hearing and include the start and end time. It should also provide a summary of the comments received at public hearing (written and oral) as well as written comments received during the public hearing comment period. This includes summarizing both positive and negative comments, the District's response to those comments, and including a reference to the comments and responses that are included in the updated ***Summary of Public Involvement (SPI)***.

7.2.1.2.4 Updating the Commitments Section

The Commitments section is updated to include new commitments made by FDOT since the EA was signed. Any new commitments require internal coordination and once coordinated with the appropriate District offices are updated in the EA 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.

7.2.1.2.5 Preparing the Appendix of the EA with FONSI

A new Appendix of the EA with FONSI is created and is added after the Appendix of the EA. This Appendix should include only new materials since the EA was approved.

7.2.1.3 Combining the Environmental Assessment and Finding of No Significant Impact

The EA and FONSI are combined into an EA with FONSI. The EA cover page is removed and replaced with a divider page between the FONSI and the updated EA, which contains the words "Environmental Assessment" in the center of the page. It also includes “and Individual Section 4(f) Evaluation” if applicable.

7.2.2 FDOT Document Review Process

A diagram of the FDOT Document Review Process is available on the [Office of Environmental Management \(OEM\) Website](#). The timeframes identified in this process are calendar days. After preparing the EA with FONSI, the District conducts a quality control review and uses the StateWide Environmental Project Tracker (SWEPT) application to complete the ***Environmental Document Submittal Form*** for Initial OEM review. The District uploads the EA with FONSI into the FDOT's Electronic Review and Comment (ERC) application. The District ensures the ***Public Hearing Transcript*** and ***Public Hearing Certification*** (if applicable) and new materials are incorporated by reference and uploaded into SWEPT. Districts should maintain the project file according to [Part 1, Chapter 15, Project File and Records Management](#).

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 have 30 days to review the documents. OEM provides comments in the ERC.

The District addresses OEM comments and provides responses in the ERC. The OEM project review team has 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 schedules a meeting with the project review team to discuss comments.

If there are Cooperating Agencies, the District uploads the EA with FONSI 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 EA with FONSI along with the **Environmental Document Submittal Form** for Final review and 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 Administrators' review.

The OEM Environmental Administrators have 25 days to recommend the EA with FONSI for approval. The Director of OEM, or designee, then has five days to approve the EA with FONSI, granting LDCA using SWEPT. When a project requires a legal sufficiency review for an **Individual Section 4(f)**, OGC will review the EA with FONSI after the Environmental Administrators recommend the document for approval prior to OEM Director approval.

7.2.3 Actions Taken After Approval

Once the EA with FONSI is approved, the District must provide notification that LDCA has been granted. For projects with a **Noise Study Report (NSR)**, see [Part 2, Chapter 18, Highway Traffic Noise](#) on how to coordinate the **NSR** with the local government after LDCA.

Distribution to Agencies and Stakeholders

The District shares the approved document with the recipients of the EA. An electronic copy of the document is sent to the Florida State Clearinghouse and the Environmental Technical Advisory Team (ETAT) agencies, which includes the Cooperating Agencies and Participating Agencies through the EST. The District should also send the document to other interested state and federal agencies, other stakeholders, and those who submitted substantive comments on the EA. The document should be sent to Federally Recognized Native American Tribes according to their requested method of

communication as established on FDOT's [Native American Tribal Consultation Website](#). Others should be sent an electronic link to the document, unless a paper copy is requested.

Making the EA with FONSI Available to the Public

The EA with FONSI is made available:

- Upon request by the public
- On project websites or other publicly accessible electronic means

Public Announcement of LDCA

In accordance with *U.S. Department of Transportation (USDOT) Order 5610.1D*, FDOT must notify the public of the availability of an EA and accompanying FONSI, therefore the District publishes an Announcement of LDCA in the same local newspaper(s) used to provide notice of the availability of the original EA, informing the public that the project has received LDCA and is being advanced. Proof of publication or an *Affidavit of Publication* is included in the *Final Notifications Package*. Other recommended notifications and information on the *Final Notifications Package* is included in [Part 1, Chapter 11, Public Involvement](#).

Re-evaluations may be needed as the project progresses per [Part 1, Chapter 13, Re-evaluations](#).

Limitations on Claims Notice

Title 23 United States Code (U.S.C.) § 139(l) 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 *Federal Register (FR)* of the agency action(s). See [Part 1, Chapter 11, Public Involvement](#) for guidance on preparing a *Limitations on Claims Notice*. A copy of the notice is included in the *Final Notifications Package*.

7.3 REFERENCES

FDOT, Project Commitment Tracking, Procedure No. 650-000-003. <https://pdl.fdot.gov/>

NEPA of 1969, as amended (42 U.S.C. § 4321 et seq.).
<https://www.govinfo.gov/content/pkg/COMPS-10352/pdf/COMPS-10352.pdf>
http://energy.gov/sites/prod/files/nepapub/nepa_documents/RedDont/Req-NEPA.pdf

Title 23 CFR Part 771, Environmental Impact and Related Procedures.

<http://www.ecfr.gov/cgi-bin/retrieveECFR?gp=&SID=3f0e8ae65ee76fc13c0bc7a240e9fc59&mc=true&r=PART&n=pt23.1.771>

Title 23 U.S.C. § 139(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=%7CKHRpdGxIOjIzIHNIY3Rpb246MTM3IGVkaXRpb246cHJlIGltKQ%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, Order 5610.1D, Procedures for Considering Environmental Impacts.

<https://www.transportation.gov/mission/dots-procedures-considering-environmental-impacts>

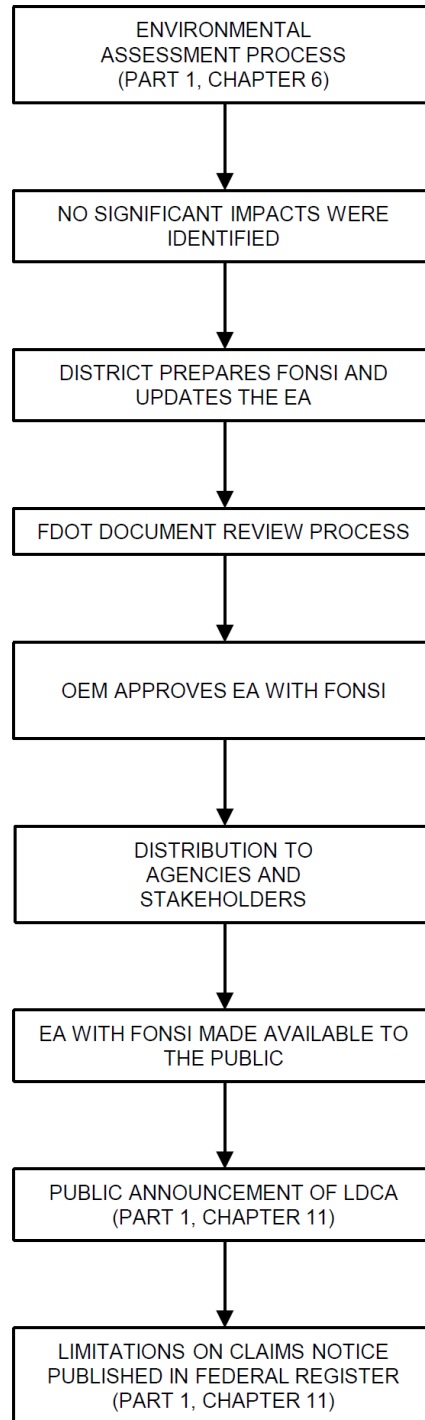


Figure 7-1 Finding of No Significant Impact Process