

NEPA Introductory Course Environmental Impact Statement (EIS) Overview and the Draft Environmental Impact Statement (DEIS) Transcript

Welcome

Welcome to the National Environmental Policy Act, also known as NEPA Introductory Course titled Environmental Impact Statement Overview and the Draft Environmental Impact Statement provided by the Florida Department of Transportation's or FDOT's Office of Environmental Management.

Introduction

This training is part of a series of introductory courses that provide guidance on FDOT's process for complying with NEPA, called Project Development and Environment or PD&E. Please see the Environmental Management Academy Course Catalog in the OEM website PD&E Training Track for other computer based trainings in this series. Several of these trainings are referenced throughout this CBT. Links to these sites are included on the resources page.

The environmental review, consultation, and other actions required by applicable federal environmental laws described in this training are carried out by FDOT pursuant to 23 U.S.C. Section 327 and a Memorandum of Understanding dated December 14, 2016, executed by the Federal Highway Administration and FDOT.

The purpose of this course is to provide an overview of Environmental Impact Statements in general and instruction on preparing Draft Environmental Impact Statements as described in Part 1, Chapter 8 of the PD&E Manual. Please note you may pause this training at any time.

Environmental Impact Statement Outline

This course is comprised of five lessons:

- Lesson 1 will provide the basics on Environmental Impact Statements, referred to as EISs in this training.
- Lesson 2 will discuss pre-PD&E Actions for an EIS.
- Lesson 3 will outline typical PD&E Activities for a Draft EIS.
- Lesson 4 will provide guidance on how to prepare the Draft EIS Document, and
- Lesson 5 will provide an overview of the DEIS Review Process.

Lesson 1: Environmental Impact Statement Basics

Our first lesson covers the basics of Environmental Impact Statements. Namely, what is an EIS?

What is an Environmental Impact Statement?

The determination of which Class of Action is appropriate for your project is based on the significance of environmental impacts. Significance is identified by the District, but the final determination is made by the Office of Environmental Management or OEM. Class of Action determination is discussed in detail in Part 1, Chapter 2 of the PD&E Manual and the computer based training NEPA Introductory Course: Class of Action.

Title 23 Code of Federal Regulations §Section 771.115 defines Environmental Impact Statements, or EISs, as Class I Actions, which are actions that that significantly affect the environment.

Examples of federal actions that normally require an EIS include:

- A new controlled access freeway,
- A highway project of four or more lanes on a new location,
- Construction or extension of a fixed rail transit facility that will not be located primarily within an existing transportation right of way, and
- New construction or extension of a separate roadway for buses or high occupancy vehicles not located within an existing transportation right of way.

An EIS is prepared to document significant environmental impacts. These are impacts that require the highest level of analysis.

The Basics

The EIS Class of Action can be determined during any of the following activities. The Statewide Acceleration Transformation, or SWAT team meetings, the Efficient Transportation Decision Making Screening, or during the PD&E phase. We will go into more detail on each of these later in this training.

First, a Draft Environmental Impact Statement, or DEIS, is prepared to determine and document impacts on resources. That information and analysis is shared with the public for consideration and input during a Public Hearing. A Public hearing is required for all EISs.

Final Decision Document

After the Public Hearing, a final document is prepared. The document is called the Final Environmental Impact Statement, or FEIS, which is an update of the DEIS including the input from the public hearing. The FEIS may include a Record of Decision, or ROD, or the ROD may be prepared separately.

The ROD is called the final decision document since it presents the alternative that FDOT has selected for construction. It also summarizes the content of the FEIS. Guidance for preparation of the FEIS and ROD is available in Part 1, Chapter 9 of the PD&E Manual. A separate Computer Based Training entitled NEPA Introductory Course: Final Environmental Impact Statement and Record of Decision is also available.

Tiered EISs

For projects that involve multiple phases and considerable time between those phases there is a Tiered EIS protocol. Rather than preparing a single EIS as the basis for approving the entire project, the responsible agency conducts two or more rounds – or “tiers” – of environmental review.

Tiering is typically adopted to:

- Simplify the management of complex NEPA parameters - for lengthy corridors or large projects
- Pre-authorize corridor preservation, when construction is not anticipated for many years
- Authorize construction for multiple phases over many years
- Prevent EIS document expiration – by stretching out the EIS process into a series of studies.

The challenge in preparing a tiered study is to determine the content and details of each tier.

Lesson 2: Pre-PD&E Actions

In Lesson 2, we learn about the actions related to EISs that take place prior to the PD&E Phase.

Statewide Acceleration Transformation Process

The Statewide Acceleration Transformation, or SWAT, process is a project management approach that streamlines FDOT's project delivery process through early coordination and communication among the different functional offices within the District. The SWAT process includes a Planning Meeting, Strategy Meeting, and a Kick-off Meeting.

The first meeting, a SWAT Planning meeting is held to review candidate projects that may be selected for the Five-Year Work Program. Early SWAT analysis identifies the project description, justification and urgency- and then considers anticipated project challenges, risks, or special studies. At this meeting, it is determined whether a project will be state funded only or if the project will use federal funds. At this point, an anticipated Class of Action may be determined.

During the spring, and after projects have been selected for the Five-Year Work Program: each District holds a SWAT Strategy Meeting to evaluate those projects that are waiting for PD&E to begin. The Strategy Meeting evaluates each project and its unique challenges, and then formulates the best strategic approach to meet the FDOT schedule need. In most cases, certain tasks are identified for each project - which will occur before the start of PD&E. These so-called "pre-PD&E tasks" advance project studies and therefore shorten the PD&E phase duration.

Finally, a SWAT Kick-off Meeting is scheduled for each PD&E project - about a year from the start of the PD&E phase. This meeting considers all project information and known challenges, and then combines staff preparation with managerial overview – to establish a project scope for consultant acquisition. The project schedule is then adjusted, as appropriate to any decisions made.

Guidance on the SWAT process can be found in Part 1, Chapter 4 of the PD&E Manual and the SWAT Training Workbook. A link to the workbook is provided on the resources page of this CBT.

Environmental Scoping Process

The Environmental Scoping Process is a formal process for the early determination of significant issues related to a proposed action. The Environmental Scoping Process is required for EIS projects in accordance with 40 CFR Section 1501.7.

The process begins with the ETDM Screening Events and includes all coordination with agencies and stakeholders prior to initiating the PD&E Study. Concurrence or issue resolution on the purpose and need must be achieved during the Environmental Scoping Process, in accordance with Section 1313 of the Fixing America's Surface Transportation Act.

Results of the Environmental Scoping Process

The results of the Environmental Scoping Process are used to identify the affected environment and focus the environmental analysis in the DEIS on the relevant issues. The Environmental Scoping Process is documented in the Draft Environmental Impact Statement as we will discuss in lesson 4. It is also documented in the Final Environmental Impact Statement and the Project file. The project file is maintained electronically in the Statewide Environmental Project Tracker called SWEPT.

Overview of Efficient Transportation Decision Making (ETDM) Process

Another Pre-PD&E action is the Efficient Transportation Decision Making, or ETDM process, which provides agencies and other stakeholders the opportunity for early input and consideration of the environment in FDOT transportation planning.

This process takes place before the PD&E phase as part of the Environmental Scoping Process for a DEIS.

In the ETDM process, interaction is accomplished through the Environmental Technical Advisory Team, or ETAT. The ETAT members use FDOT's Environmental Screening Tool, or EST, to review project information, review preliminary alternatives, identify potential project effects, and submit comments to FDOT.

The ETDM process includes two ETDM screening events in the EST – the Planning Screen and the Programming Screen. The ETDM Planning Screen is an early review that typically occurs prior to a project being selected to the Five-Year Work Program. Often conducted by planning staff at Metropolitan Planning Organizations, counties, and even District staff - the Planning Screen is a project sponsor's preliminary attempt to address consistency with local plans, while considering the input of agencies and other stakeholders. Refinements to project scope and description may result.

The ETDM Programming Screen is required for all qualifying projects that will be included or are already included in the Five-Year Work Program but have not started the PD&E Study. The screening looks deeper into anticipated project effects and agency coordination, which then assists appropriate project scoping for the PD&E phase. FDOT uses information obtained during the screening events to focus on the issues that should be addressed during the PD&E phase and if there will be significant environmental impacts, an EIS Class of Action may be determined. FDOT's ETDM Manual provides more information on this process. A link to this manual can be found on the resources page.

Information from ETDM Screening

A Final Programming Screen Summary Report is published upon conclusion of the screening and includes preliminary information on the project. As a project moves into the PD&E phase, it is important to review the Final Programming Screen Summary Report to identify the project purpose and need, planning consistency status, environmental issues and concerns, ETAT comments on the project, environmental studies or reports that are needed for the project, the types of permits that may be needed, and relevant issues for analysis.

Advance Notification

Another pre-PD&E activity is the preparation of an Advance Notification, or AN package which is sent to agencies, Tribes, local officials, and other stakeholders to notify them of an upcoming project. The AN is required for EISs to satisfy intergovernmental coordination and review requirements for federal projects. It is a package of documents that is distributed at the initiation of the Programming screen, or later, approximately one year prior to the start of the PD&E Study. The project schedule will determine when an AN is distributed.

The AN process is outlined in Part 1, Chapter 3 of the PD&E Manual. Additionally, FDOT offers a computer based training-NEPA Introductory Course: Preliminary Environmental Discussion and Advance Notification.

PD&E Scope of Services

Generally, consultants conduct the PD&E studies for FDOT. In order to ensure that the appropriate type of studies and supporting documentation are provided, FDOT develops a PD&E scope of service for the consultant effort required.

Development of a preliminary PD&E scope of services begins during the SWAT Kick-off Meeting that occurs about 12 months before PD&E. The Scope of Services may use information from the ETDM Programming Screen. After the project goes through the ETDM programming screen, it can be further developed and refined for the PD&E Study. The scope of services focuses the project activities to issues that have a potential to impact a project and actions needed during the PD&E phase to avoid, minimize or mitigate project's potential impacts.

FDOT has developed Standard Scopes of Services for procuring PD&E services and for estimating and negotiating staff hours. The standard scope of Service template for a DEIS is available using the PD&E Study Standard Scope of Services Development Tool available through the StateWide Environmental Project Tracker, also called SWEPT. A link to SWEPT can be found on the resources page.

More information on preparing a PD&E scope of services can be found in Part 1, Chapter 4 of the PD&E Manual, the SWAT Training Workbook, and the computer based training- NEPA Introductory Course: Project Development Process.

The Notice of Intent

A Notice of Intent, or NOI, is prepared to announce the FDOT's intent to prepare an EIS. This is different than the Advance Notification. This notice is not prepared until the Office of Environmental Management approves the EIS Class of Action Determination and the project schedule as discussed in lesson 5. The NOI formally initiates the PD&E process; meaning it begins the NEPA process for an EIS.

The Notice of Intent Content

This shows the content of a Notice of Intent which must include the following sections:

- AGENCY
- ACTION
- SUMMARY
- FOR FURTHER INFORMATION CONTACT
- And SUPPLEMENTARY PROJECT INFORMATION

Detailed guidance and the standard format to prepare the NOI is provided in Part 1, Chapter 8 of the PD&E Manual.

The NOI must also include the date the document is signed and the signature line.

Publication of the Notice of Intent

The District prepares and submits the NOI to the Office of Environmental Management or OEM. OEM then sends it to the Federal Highway Administration for publication in the Federal Register. Part 1, Chapter 6 of the PD&E Manual includes specifics on submittal to FHWA, as well as a sample cover letter to include with the submittal. A copy of the published NOI is uploaded to the Project file and included in the Appendix of the DEIS.

Scoping Meeting

A formal scoping meeting may be held by the District as part of the Environmental Scoping Process. The District invites relevant government agencies, public interest groups, and others with an interest in or knowledge about the project to the meeting. This meeting is not mandatory. To determine whether a scoping meeting is needed, review the information from the ETDM Screening, consider input from the agencies, and coordinate with OEM.

More detail on scoping meetings can be found in Part 1, Chapter 11 of the PD&E Manual. OEM also offers a public involvement page on its website. A link to this site can be found on the resources page. It is important to note that the Scoping meeting does not complete the Environmental Scoping Process. The Scoping Meeting, if held, is a part of the Environmental Scoping Process.

Project Status Fact Sheet

Once the Notice of Intent is issued and NEPA begins, the project is not required to go back through the ETDM Programming Screen. Instead, the District prepares a project status fact sheet if any of the following events occur:

- Four years pass since distribution of the AN and no project activities have occurred,
- The project termini have changed (expanded), and/or
- The project concepts have changed resulting in a change in anticipated impact(s).

The project status fact sheet is sent to the same recipients of the Programming Screen Notification or Advance Notification, whichever is most recent.

The Project Status Fact Sheet should include the project details, such as the project title, ETDM number, Financial Management Number, and DEIS number, if available. It should also include a brief project description, including the Class of Action, a brief statement regarding the current status of the project, including any changes which have occurred since the original submittal, as well as the current project schedule, and contact information.

Pre-PD&E Actions Quiz

We have now completed the Pre-PD&E Actions lesson, let's do a quick quiz on what you have learned.

1. Environmental Impact Statements are prepared for actions which significantly impact the environment.
 - a. **True**
 - b. False

True, when you know the projects will have significant impacts you will prepare the Environmental Impact Statement.

2. Which of the following is not prepared for an EIS?
 - a. DEIS
 - b. **FONSI**
 - c. FEIS
 - d. NOI

3. The Advance Notification is published in the Federal Register and initiates the PD&E/NEPA process.
 - a. True
 - b. False**

False, it is the Notice of Intent that is published in the Federal Register
4. When is a Project Status Fact Sheet prepared?
 - a. When four years have passed after the distribution of the AN and no project activities occurred**
 - b. At the beginning of ETDM
 - c. When the project concepts have stayed the same
 - d. When the Preferred Alternative is selected

Lesson 3: PD&E Activities and Guidance

We've covered the Pre-PD&E activities for an EIS, now let's discuss the activities that take place during the PD&E phase.

Overview of Activities during PD&E Phase

One of the major components of the PD&E phase is the implementation of a Public Involvement Plan. The purpose of a Public Involvement Plan is to identify the potentially affected people in a community and define the outreach methods and schedule to be used to involve and gain their input. Guidance on this topic can be found in Part 1, Chapter 11 of the PD&E Manual and OEM's Public Involvement web page.

One of the outcomes of the Public Involvement Plan, and a major milestone of an EIS, is the required Public Hearing. A public hearing is required for EISs because they qualify as a major transportation improvement pursuant to Section 339.155 (5) (b) of the Florida Statutes.

Major transportation improvements are identified as projects that will 1) increase the capacity of a facility through the addition of new lanes; 2) provide new access to a limited or controlled access facility; or 3) include construction of a facility in a new location.

A public hearing is conducted to share project information with the public for their consideration and input. Further details on the Public Involvement Plan and public hearing can be found in Part 1, Chapter 11 of the PD&E Manual.

During the PD&E phase for an EIS, project alternatives must be developed and analyzed from both an engineering and environmental standpoint. During this phase project impacts are assessed and consultation with resource agencies take place. Supporting ancillary documents are prepared for the analysis as warranted for the project, for example the Preliminary Engineering Report and Natural Resource Evaluation.

A Draft Environmental Impact Statement and subsequent Final Environmental Impact statement are prepared to tell the project story, and document the results of the engineering and environmental analysis. As with all FDOT projects, all supporting documents must be saved in the Project File. The project file is maintained electronically in SWEPT.

Chapters in Part 2 of the PD&E Manual provide guidance on conducting these analyses. Many of the chapters in Part 2 of the Manual have an associated computer based NEPA Introductory Course. See the Environmental Management Academy Course Catalog for a listing and links to these trainings.

Part 2 of the PD&E Manual

Chapters in Part 2 of the PD&E Manual detail how to conduct environmental and engineering analysis, assess the project impacts, consult with the resource agencies, and complete the technical reports.

Issues/Resources in Part 2 of the PD&E Manual

Part 2 of the PD&E manual includes a separate chapter for each Issue or Resource. They fall under the categories of:

- Social and Economic
- Cultural
- Natural
- And Physical

We will discuss these categories in more detail later in this training.

Lesson 4: Preparing the Draft Environmental Impact Statement

In lesson 4, we will provide guidance on how to prepare the Draft Environmental Impact Statement.

Part 1, Chapter 8 of the PD&E Manual

Lessons 4 and 5 are focused on the preparation and review of Draft EISs. Further guidance is provided in Part 1, Chapter 8 of the PD&E Manual. You may want to have this chapter handy as you go through these lessons.

This chapter is available on FDOT's Office of Environmental Management Office website. This link can also connect you to other chapters of the PD&E Manual that are referenced throughout this training. This link can be found on the resources page.

Draft Environmental Impact Statement Document

Once the engineering analysis and impact assessment have been completed, the DEIS is prepared. The DEIS should provide the actual impact determinations for the project and focus on the issues or resources with significant impacts.

Consider 3 Core Principles when drafting the document:

1. Tell the story of the project so that the reader can easily understand the purpose and need of the project; how each alternative would meet the project goals, and the strengths and weaknesses associated with each alternative.
2. Be brief: Keep the document as brief as possible, using clear concise writing; an easy-to-use format; effective graphics and visual elements; and discussion of issues and impacts in proportion to their significance.
3. Meet the legal requirements: Ensure that the document meets all legal requirements in a way that is easy to follow for regulators and technical reviewers.

With these core principles in mind, the document should rigorously explore and objectively evaluate reasonable alternatives. The DEIS should include a comparison of the reasonable alternatives and, based on the comparison, identify a Preferred Alternative.

The information ETAT members provided during the ETDM process should be utilized to focus the document content and identify any concerns or issues raised. "A picture is worth a thousand words." Use high quality maps and exhibits to support the document text.

The background data and analysis from any technical documents, reports and agency correspondence should be summarized in the DEIS, along with the results or conclusion. The full documents should be referenced.

Assigning an EIS Number

Every EIS is assigned a unique EIS Number. The EIS number format is Agency-STATE-EIS-Year-Document Number-D for Draft. As an example, the first EIS of calendar year 2017 would be FHWA-FLA-EIS-17-01-D. Yes, even after NEPA assignment the agency on the EIS number should be FHWA since it is a federal project.

The document numbers are assigned in numerical order on a Statewide basis, not districtwide. Therefore, you must contact the Office of Environmental Management for assistance in determining the correct EIS number for your project.

Draft Environmental Impact Statement Cover Page

This is the DEIS cover page which is only prepared in the StateWide Environmental Project Tracker, or SWEPT. You can see the EIS Document Number here in the upper left-hand corner and the fifth line clearly states Draft Environmental Impact Statement. The cover page includes basic project information such as the project name and any Cooperating Agencies.

Cooperating Agencies are those agencies that have legal or jurisdiction requirements tied to the preparation of the DEIS. The cover page also includes the project numbers, the project location, and a brief abstract of the project. It should be noted that the cover page includes this NEPA Assignment statement:

"The environmental review, consultation, and other actions required by applicable federal environmental laws for this project are being, or have been, carried out by FDOT pursuant to 23 U.S.C. § 327 and a Memorandum of Understanding dated December 14, 2016, and executed by FHWA and FDOT."

This statement is included on the cover page for all DEISs and is FDOT's certification that the document has been prepared in accordance with NEPA and the NEPA assignment MOU with FHWA. The Director of the Office of Environmental Management signs the cover page in SWEPT when the DEIS is approved for public availability.

Also included is contact information for the project contact persons at the District and OEM at the bottom of the sheet as shown. This cover page is an FDOT form that is prepared in SWEPT. A sample of the form is provided as a visual in Part 1, Chapter 8 of the PD&E Manual.

Draft Environmental Impact Statement/Draft Section 4(f) Evaluation Cover Page

This second example is also for a Draft Environmental Impact Statement, but this document also includes a Draft Section 4(f) Evaluation for any properties protected under 49 USC 303. This cover page is also prepared in SWEPT and a sample of the form is provided as a visual in the chapter.

Table of Contents

Here is a sample Table of Contents. The Executive Summary is the first section, which provides concise summary of the overall document. After the Executive Summary, the content sections are divided out as:

- Project Description and Purpose and Need,
- Alternatives,
- Environmental Analysis,
- Comments and Coordination,
- Commitments,
- List of Preparers,
- Distribution List,
- Index, and
- The Appendix.

The Table of Contents also includes a list of figures and a list of tables.

Executive Summary

Let's go into more detail on each of these sections of a DEIS. The Executive Summary describes the proposed action and the conclusions of issue or resource analysis for a project and identifies avoidance, minimization, and/or mitigation measures.

The sections of an Executive Summary for a DEIS are as follows:

Proposed Action. This section describes the proposed project and includes, at a minimum, project numbers, name of the roadway, the project length and termini, a brief description of the existing facility, the type of proposed project including the number of lanes, any special features, and the name of the city, county, and state in which the project is located.

Other Major Government Actions. This section addresses any major local, state, or federal actions proposed by other government entities in the same geographical area as the project. The Alternatives Considered section contains a brief discussion of the reasonable alternatives considered including the No-Build alternative. Each alternative is discussed including the number of lanes, project limits, and any special features.

A brief overview of the major environmental issues is included in the Major Environmental Impacts Section. This includes beneficial as well as adverse impacts.

Areas of Controversy. This section is included when agencies and/or the public raise issues that are considered controversial. Describe and disclose areas of controversy and the steps taken to resolve them to date. Major unresolved issues should also be discussed.

The List of Other Government Actions Required Section describes a list of federal actions required for the proposed project. This may include federal permits, land transfers, and Section 106 agreements.

The proposed action's irretrievable and irreversible commitment of resources are summarized in the section of the same name. This general discussion should broadly describe that the build alternatives would require a similar commitment of natural, physical, human, and fiscal resources.

The Measures to Avoid or Minimize Potential Adverse Impact section should briefly discuss those measures taken to minimize or avoid adverse impacts to the environment. Appropriate sections of the DEIS are referenced and any mitigation measures proposed for the project are briefly outlined.

And last, but not least, the Short-Term Impacts Versus Long-Term Benefits section addresses the short-term effects of the project on the human environment as weighed against the overall long-term benefits of the project. Again, appropriate sections of the DEIS are referenced.

Project Description and Purpose and Need Section

The Project Description and Purpose and Need is developed early in the planning process, but may evolve over the course of the project until it is finalized during the PD&E Study. The Project Description and Purpose and Need is developed by first reviewing what was included in the ETDM Screenings and refining it as necessary to prepare this section of the DEIS. This final project Description and Purpose and Need is documented in this section of the DEIS.

This section also documents the information reflecting the project's planning consistency. Guidance for developing the Project Description and Purpose and Need and for preparing this section of the DEIS can be found in Part 2, Chapter 1 of the PD&E Manual and the computer based training- NEPA Introductory Course: Project Description and Purpose and Need.

Alternatives Section

The Alternatives section of the DEIS summarizes the results of the engineering analysis, includes a comparison of alternatives, and identifies a preferred alternative. The DEIS should identify the preferred alternative to the extent practicable. If the DEIS does not identify the preferred alternative, FDOT should provide agencies and the public with an opportunity after issuance of the DEIS to review the impacts. Further guidance on this section of the DEIS can be found in Part 2, Chapter 3 of PD&E Manual, and the computer based training- NEPA Introductory Course: Engineering Analysis.

Alternatives Subsections

Subsections which should be included in the Alternatives section include:

- Alternatives Development,
- Alternatives Considered but Eliminated,
- Alternatives Considered for Additional Study,
- Comparative Alternatives Evaluation, and
- Preferred Alternative

Details on preparing each of these subsections are available in Part 2, Chapter 3 of the PD&E Manual.

Environmental Analysis Section

The Environmental Analysis Section is the next section in the DEIS. This section discusses existing conditions of the project area and identifies the impacts of the proposed alternatives, including any enhancements.

This section should include the actual impact determinations for each applicable issue or resource. Direct, Indirect, and Cumulative impacts should be discussed. This should include any known proposed drainage areas and pond sites.

The level of analysis for resources/issues should be sufficient to adequately identify the impacts and address comments provided by the ETAT, other agencies, interested parties, or the public during the Programming Screen and/or the Advance Notification process, or AN. 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.

This section of the DEIS provides sufficient detail to support the conclusions and scientific and analytic basis for the comparison of alternatives. This section should also provide sufficient information on the environmental studies and technical reports, major assumptions made, and supporting information on the validity of the methodology. It should contain sufficient information from the analysis to establish the reasonableness of the conclusions reached regarding the preferred alternative and the project impacts, and a description of mitigation measures where applicable.

Environmental Analysis Subsections

The Subsections within the Environmental Analysis section correspond to the issues or resources affected by the project, and are based on federal laws, regulations, and Executive Orders. Guidance for preparing each of these subsections is provided in the applicable chapter in Part 2 of the PD&E Manual and in computer based NEPA Introductory Course trainings. See the Environmental Management Academy Course Catalog for available CBTs in this series.

Chapter References for Issue/Resources

Here we have a Table from Part 1, Chapter 8 of the PD&E Manual, which provides guidance on where to find information to prepare each Environmental Analysis subsection. This table lists issues and resources and the chapters in Part 2 of the PD&E manual where guidance can be found for each resource or issue. For example, information on how to do the analysis for and prepare the Floodplains sub section is provided in Part 2 Chapter 13.

Issues/Resource Areas in Part 2 of the PD&E Manual

Part 2 of the PD&E Manual provides guidance on the following resource areas and issues:

- Social and Economic
- Cultural
- Natural
- And Physical

Social and Economic issues include Sociocultural Effects, Aesthetics, and Farmlands. Cultural resources include Section 4(f) Resources and Archaeological and Historic Resources.

Natural resources include:

- Wetlands and Other Surface Waters
- Aquatic Preserves and Outstanding Florida Waters
- Water Quality and Stormwater
- Wild and Scenic Rivers
- Floodplains
- Coastal Zone Consistency
- Coastal Barrier Resources
- Protected Species and Habitat
- And, Essential Fish Habitat

Physical resources include:

- Highway traffic noise
- Air quality
- Contamination
- Utilities and Railroads

Environmental Analysis Subsections

If there are potential impacts to an issue or resource, the subsection should include a discussion on the affected environment and a discussion on the environmental consequences. If there is no involvement with, or impact to the issue or resource, the applicable Part 2 chapter often provides standard statements to include in the subsections.

Affected Environment

Each issue or resource subsection should provide a concise description of the affected environment - the existing social, economic, and environmental setting for the area affected by all reasonable alternatives for the project. It should contain a general description for the entire project area rather than a separate description for each proposed alternative.

Discussions in this section should be in proportion to the significance of the impacts. The issues, data, and values which have a bearing on possible impacts, mitigation measures, and alternative selection should be the focus.

The information used to prepare this discussion can come from previous planning, feasibility, or corridor studies; the ETDM Programming Screen, the Advance Notification, local knowledge, the Environmental scoping process, field reviews, technical documents, or public involvement activities. When possible, information on these existing conditions can be collected and drafted before the PD&E Study begins.

Environmental Consequences

Each issue or resource subsection where a potential for impact exists must include a discussion of the environmental consequences - the potential impacts or enhancements to the issue or resource for each reasonable alternative. The environmental consequence discussion should provide sufficient detail to support the conclusions, and provide the scientific and analytic basis for the comparison of project alternatives.

It should use charts, tables, maps, and other graphics illustrating comparisons between the alternatives and their respective impacts. It should also discuss impacts that can be mitigated, reference applicable technical reports for further details, and discuss coordination with resource agencies, if applicable.

Corresponding agency coordination letters should be referenced in the discussion and included in the Appendix of the DEIS, as well as saved in the project file.

Concurrence Letters

It is recommended that the preparer obtain these concurrence letters, as applicable to the project, before the public hearing to ensure the public is informed of agency coordination and input:

- State Historic Preservation Officer determination of eligibility letter,
- US Fish and Wildlife Service informal consultation letter,

- Section 4(f) determination of applicability, and the
- Environmental Protection Agency sole source aquifer letter

Anticipated Permits Subsection

The Environmental Analysis section should include a subsection on anticipated permits. This subsection is not based on a specific issue or resource like the others, instead it basically lists the anticipated environmental permits that through analysis have been determined to be needed for the project.

Coordination with the District Permit Coordinator should occur during the preparation of this subsection. This subsection should list anticipated permits identified during the PD&E Study and include the name of the permit, the name of the permitting agency, and the permit status.

Documentation of coordination with regulatory agencies should be added to the project file. This could be letters, emails, etc. Part 1, Chapter 12 of the PD&E Manual provides guidance on Environmental Permits that may be needed for a project.

Cumulative Impacts Subsection

The final subsection of the Environmental Analysis section is Cumulative Impacts. According to Title 40 CFR §§ 1508.7 and 1508.8: Cumulative impact is the impact on the environment which results from the incremental impact of the action when added to other past, present, and reasonably foreseeable future actions regardless of what agency (federal or non-federal) or person undertakes such other actions.

Because actions requiring a DEIS will have significant environmental impacts, a Cumulative Effects Evaluation, or CEE, is required for resources determined to be of concern based on coordination and context. The Cumulative Impacts subsection of the DEIS should include a summary of the results of the CEE.

Specifically, the subsection should summarize what the effects are, how they were analyzed, why the analysis methodology(s) are reasonable, and what the results of the analysis mean. The process, methodology and conclusions should be understandable by all readers of the document.

For example, cumulative effects may occur if a project increases access to areas suitable for development, or other actions are planned that may impact resources affected by the project. Additional guidance on cumulative effects is available in the FDOT's Cumulative Effects Evaluation Handbook and the Cumulative Effects Evaluation Quick Guide. Both are available on OEM's website. A link to this website can be found on the resources page.

Comments and Coordination Section

After the Environmental Analysis Section comes the Comments and Coordination section. It summarizes the public and interagency comments and coordination involved in developing the EIS. This includes documentation of meetings and coordination with government officials, government agencies, community groups and individual citizens. It also includes documentation of the Environmental Scoping Process for the EIS.

Within the Comments and Coordination section, there should be a subsection for each of the following:

- The Discussion of Efficient Transportation Decision Making Programming Screen and Advance Notification,

- The Discussion of the Environmental Scoping Process,
- Coordination and Consultation, and a
- Concluding Statement.

Discussion of ETDM Programming Screen and Advance Notification Subsection

The comments received by the District during the AN, or if combined, the ETDM Programming Screen, should be referenced, or summarized in a subsection of the Comments and Coordination section of the DEIS. The ETDM Programming Screen Summary Report should not be included in the EIS.

This subsection should include the date of the AN distribution, or if combined with the ETDM Programming Screen, the screening date; a list of federal, state, local agencies and other interested parties that provided comments, and a reference to each agency's comments on the project and District responses. The appropriate section where the agency comments and District responses can be located should also be included.

Discussion of the Environmental Scoping Process Subsection

The Environmental Scoping Process Subsection describes the dates and locations of any EIS scoping meetings, if held, and lists the agencies participating in the Environmental Scoping Process. It includes a summary of meetings, discussions, and correspondence pertinent to the Environmental Scoping Process.

Coordination and Consultation Subsection

The Coordination and Consultation Subsection summarizes the coordination and consultation that occurred with agencies, the public, and other interested parties during preparation of the DEIS. This subsection, should include a chronology of meetings, events, attendees, comments received, and District responses. It is recommended that this information be provided as an easy to read table.

Concluding Statement Subsection

The last subsection is titled "concluding statement" and must include the following statement:

"FDOT will not make a final decision on the proposed action or any alternative until a public hearing has been held on this project and comments received have been taken into consideration."

Commitments Section

A Commitments Section follows the Comments and Coordination Section. This section should contain a list of all commitments made during the PD&E process, including those identified in associated technical reports.

Guidance on preparing and documenting Commitments is available from Part 2, Chapter 22 of the PD&E Manual, and the computer based training -NEPA Introductory Course: Commitments.

List of Preparers Section

After the Commitments Section, we have the List of Preparers Section, which is required in accordance with 40 CFR § 1502.17. This section includes a list of federal, state, or local agency personnel, including consultants, who were primarily responsible for preparing the DEIS or associated technical studies.

It should be organized in order of federal, state, consultant, or other participants and describe the educational and professional experience of each preparer. Individuals listed for each given agency or organization should be listed in alphabetical order. When preparing the list, each person should be contacted to verify their educational and professional experience and the number of years employed in their field.

Distribution List

DEISs are circulated for comment to resource and regulatory agencies, non-governmental organizations, elected officials, and other interested parties in accordance with 40 CFR §§ 1500-1508. A Distribution List section is prepared to document entities which will receive the DEIS. The list of entities is typically based on those that were sent the AN, including those that participated in the Environmental Scoping Process.

Part 1, Chapter 3, of the PD&E Manual provides a transmittal list and contact information for ANs. This same list should be used for distribution of the DEIS. The process of distributing the DEIS is discussed in more detail later in this training.

Here is an example Distribution List section, which lists all recipients divided up by Federal, State, and local agency.

Index

An index is included in all DEISs to provide a detailed listing of major subject areas for the convenience of the reader. The Index is an alphabetical listing focusing on areas which have a significant impact on the surrounding environment and areas of community concern.

Appendix

The Appendix is the last section of the DEIS. Its contents are prescribed by the Council on Environmental Quality or CEQ regulation, 40 CFR Section 1502.18:

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

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

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

The DEIS Appendix should include a divider page that lists documents in the Appendix. Material contained in the Appendix must be numbered, but the organization of documents is up to the preparer. Examples include by organizational, such as federal, state, and county, or chronological order.

The Appendix includes correspondence from agencies, elected or appointed officials, statewide and regional clearinghouses, Cooperating Agencies, citizens and citizen groups, and private interest groups.

Items that should not be in the Appendix include FDOT memos, letters between FDOT and its consultant, comments on draft documents, or ETDM Planning or Programming Screen Summary Reports. Material contained separately, such as Technical Reports, Technical Memorandums and Studies, should be **referenced** in the DEIS and included in the SWEPT project file.

Draft Environmental Impact Statement Quiz

We have now completed the Preparing the Draft Environmental Impact Statement lesson, let's do a quick quiz on what you've learned.

1. Environmental Impact Statements do not require a public hearing.
 - a. True
 - b. False**
2. Which of the following is NOT a main section of the DEIS?
 - a. Project Description and Purpose and Need
 - b. Alternatives
 - c. Commitments
 - d. ETDM Programming Screening Report**
3. The Project Description and Purpose and Need are always inserted into the DEIS verbatim from the ETDM Programming Screening Report.
 - a. True
 - b. False**
4. The Comments and Coordination Section includes comments that OEM made on the Draft DEIS.
 - a. True
 - b. False**
5. Which of the following Statements must be included in the Concluding Statement Subsection?
 - a. FDOT will not make a final decision on the proposed action or any alternative until a public hearing has been held on this project and comments received have been taken into consideration.**
 - b. FDOT will not make a final decision on the proposed action or any alternative until a public hearing has been held.
 - c. FDOT will make a final decision on the proposed action and alternatives prior to the public hearing to ensure the public receives the final project information.
6. A commitments section is optional and may be omitted if the commitments are listed individually within the respective environmental analysis subsections.
 - a. True
 - b. False**

Lesson 5: Draft Environmental Impact Statement Review Process

So we've learned what goes into the DEIS. Now, let's discuss the DEIS Review Process.

Overview of the DEIS Review Process

This diagram shows an overview of the DEIS review process up to document approval. Once the DEIS is prepared and the District has done their quality control review, the District submits the DEIS to OEM, and the Cooperating Agencies for review. OEM will then send it to the legal office for review. The District then updates the document based on comments and resubmits the revised DEIS for OEM and Legal Office approval.

Documents Submitted for Review and Approval

Now let's get into some more detail on this review process. The District completes an Environmental Document Submittal Form in the State-Wide Environmental Project Tracker before submitting the DEIS to OEM. Then the District should submit the Draft Environmental Impact Statement Document using FDOT's Electronic Review Comments or ERC system.

The DEIS must meet electronic filing criteria, such as document size and file type, to be uploaded to e-NEPA. Further guidance on these criteria can be found in Part 1, Chapter 8 of the PD&E Manual. Detailed guidance on the OEM review process, including legal review, for DEISs can also be found in this chapter, as well as the computer based training- NEPA Assignment: Why is NEPA Assignment Important, Part 2.

The District should submit the DEIS to Cooperating Agencies through the EST at the same time it is submitted to OEM, if possible. Remember Cooperating Agencies are those that have legal or jurisdiction requirements tied to the preparation of the DEIS.

Here we show an overview of the process after document approval. Once comments from the submittal are resolved and OEM approves the DEIS, it is distributed to agencies and stakeholders. A notice is published in one or more local newspapers, and a Notice of Availability is published in the Federal Register for a 45-day review period. Then the public hearing is held.

Making the DEIS Available for Review

After OEM approves the DEIS, the District transmits the DEIS to interested parties and agencies, primarily through the EST. The District also publishes a notice in one or more local newspapers. This notice is typically combined with the public hearing notice, and lists where the DEIS is available to the public such as libraries or the District Office. It is recommended that project websites or other publicly accessible electronic means be used to make the DEIS available.

The DEIS must be made available for public review 21 days prior to the public hearing. This review period is included in the 45-day comment period for the DEIS. The District then submits a Notice of public availability to the Environmental Protection Agency or EPA through e-NEPA and it is published in the Federal Register.

Hold Public Hearing: Part 1, Chapter 11

The public hearing is then held. Information on Public Hearing preparation and activities is available in Part 1, Chapter 11 of the PD&E Manual.

Next Steps

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

After the Public Hearing public comment period for the DEIS, the Final Environmental Document is prepared. The Final document may be a combined Final Environmental Impact Statement and Record of Decision or Final EIS with a separate Record of Decision, or ROD. Most often OEM determines that a combined Final Environmental Impact Statement and ROD will be prepared, unless there are substantial changes or significant new circumstances since the DEIS.

Part 1, Chapter 9 of the PD&E Manual provides guidance on the preparation of these documents. Computer Based Training is also available titled NEPA Introductory Course: Final Environmental Impact Statement and Record of Decision.

Resources

The Office of Environmental Management maintains a central library of training materials as well as documents and publications including manuals, handbooks, guidelines and agreements.

Key references pertinent to this training include the Environmental Management Academy Course Catalog which is in the OEM PD&E Training Track.

Other resources include

- FDOT's PD&E Manual - <http://www.fdot.gov/environment/pubs/pdeman/pdeman1.shtm>
- ETDM Manual – <http://www.fdot.gov/environment/pubs/etdm/etdmmanual.shtm>
- Statewide Environmental Project Tracker - <https://www.fla-etat.org/est/swept/>
- OEM Training - <http://www.fdot.gov/environment/sched/train1.shtm>
- SWAT Training Workbook- http://www.fdot.gov/environment/pubs/swat/SWAT%20Training%20Workbook_Final_031618.pdf
- Cumulative Effects Evaluation Handbook- <http://www.fdot.gov/environment/pubs/CEE/CEE-Handbook-2012-1218.pdf>
- OEM Public Involvement Web Page- <http://www.fdot.gov/environment/pubinvolvement.shtm>
- OEM Resources- <http://www.fdot.gov/environment/resources.shtm>

Links to documents listed here are included on the Resources Page.

Conclusion

You have now completed the NEPA Introductory Course titled Environmental Impact Statement Overview and the Draft Environmental Impact Statement. Thank you for your time and attention.