

NEPA Introductory Course Final Environmental Impact Statement (FEIS) and Record of Decision (ROD) Transcript

Welcome

Welcome to the National Environmental Policy Act, also known as NEPA, Introductory Course on the Final Environmental Impact Statement and Record of Decision provided by the Florida Department of Transportation's, or FDOT's Office of Environmental Management. To begin, select the start button or press Shift+N on your computer.

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 FDOT Learning Curve or the OEM website PD&E Training Track for other computer based trainings in this series. Several of these trainings are referenced throughout this CBT. A link to these sites are included on the resources page, accessed by selecting the resource button below this CBT.

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 NEPA Introductory Course: Environmental Impact Statement Overview and the Draft Environmental Impact Statement, was a pre-requisite for this training course. During the course, we learned that the Environmental Impact Statement, or EIS process is guided by Part 1, Chapters 8 and 9 of the PD&E Manual. We went over the preparation of a Draft Environmental Impact Statement, or DEIS, and learned that a DEIS, is prepared when impacts are significant. This course is a continuation of the EIS process.

The purpose of this course is to provide instruction on preparing a Final Environmental Impact Statement and Record of Decision as described in Part 1, Chapter 9 of the PD&E Manual. Please note you may pause this training at any time.

Lesson Outline

This training will have five lessons:

- Lesson 1 will cover preparation of the Final Environmental Impact Statement referred to as FEISs throughout this training.
- Lesson 2 will discuss the Record of Decision, referred to as a ROD.
- Lesson 3 will discuss the Combined FEIS/ROD.
- Lesson 4 will discuss the preparation and submittal of a FEIS separate from the ROD
- And Lesson 5 will cover the actions that happen after Document Approval.

Lesson 1: Preparing the Final Environmental Impact Statement

First, in Lesson 1 we will go over how to prepare the Final Environmental Impact Statement.

Environmental Impact Statement (EIS) Process

The pre-requisite course ended with discussion of the public hearing, so we will pick up where we left off with this training. After the public hearing and the 45-day public review period, the Final EIS or FEIS is prepared. The FEIS may be prepared shortly after the DEIS, or there may be months or years in between the preparation of these two documents. Therefore, there may be new information that needs to be included in the FEIS. In addition, a document called a Record of Decision is prepared to document FDOT's final decision on the selected alternative to move into the Design phase.

Part 1, Chapter 9 of the PD&E Manual

This training is focused on the preparation of the FEIS and ROD after the public hearing is held. Further guidance is available in Part 1 Chapter 9 of the PD&E Manual. You may want to have this chapter handy as you go through this training. This chapter is available on FDOT's Office of Environmental Management or OEM's website. A link can be found on the resources page. This link can also connect you to other chapters of the PD&E Manual that are referenced throughout this training.

Preparing the Final Environmental Impact Statement

The FEIS can be prepared after the 45-day comment period for the DEIS closes. The FEIS may be prepared by 1) creating errata sheets or 2) by updating the DEIS, thus converting it into an FEIS.

Errata Sheets

Errata sheets are a summary of the corrections needed to the DEIS, that are attached to the existing DEIS. A combination of the errata sheets and the existing DEIS will then serve as the FEIS.

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 that do not warrant further response.

Errata Sheets Contents

The errata sheets should include a FEIS cover page. We will go over the cover page format a little later in this training. The errata sheets consist of a list of the factual corrections made to the DEIS with references to the relevant page numbers in the DEIS. It should list and explain why comments do not require further response in the FEIS, and if appropriate discuss circumstances that may trigger further response.

The errata sheets should identify the preferred project alternative and explain why the alternative was selected. They should document the final Section 4(f) Evaluation or de minimis finding, if applicable, as well as any other project findings, such as for wetlands, floodplains, or Section 106 effects.

Also, included on the errata sheets is a list of the project commitments including mitigation measures for the Preferred Alternative. Comments received on the DEIS and during the public hearing are copied or summarized, as well as the related responses. A summary of coordination activities that have taken place since issuance of the DEIS are also included.

Other findings required to comply with applicable environmental laws, regulations, Executive Orders and related requirements where there is a reasonable assurance that full compliance will occur after issuance of the FEIS are included as well as the associated agency consultation documentation.

Converting the DEIS to a FEIS

The DEIS is converted to a FEIS when the conditions we just discussed for preparing errata sheets cannot be met. However, the District has the option of not using errata sheets, even if the criteria are met, and may instead choose to modify the DEIS to become a FEIS. This should be discussed with the Office of Environmental Management, or OEM.

The FEIS is prepared by modifying the appropriate sections of the DEIS to reflect changes in environmental impact(s), cost, design, or other changes since approval of the DEIS.

Cover Pages and Updating the EIS Number

A new cover page will be completed in the StateWide Environmental Project Tracker, also call SWEPT, whether the FEIS is submitted alone or completed with a ROD.

The first item to be updated is the EIS Number. Update the year, which is represented by the first two numbers in the EIS number. Also, the last character – the “D” which was used for the “Draft” EIS – must be changed to an “F” for Final. The District should contact OEM for assistance with the EIS Number update.

Contents of a FEIS

Here we see the contents of a FEIS which we will be going through section by section.

Revising the Executive Summary

An Executive Summary is only prepared when the FEIS is not combined with a Record of Decision or ROD. The FEIS Executive Summary discusses the environmental impacts, alternatives considered, and the Preferred Alternative and documents the specific findings and commitments made. Standard statements are used to document coordination and findings.

Sections of the Executive Summary

The FEIS Executive Summary has different sections than the Executive Summary of the DEIS. This shows the sections to include in a FEIS Executive Summary. The Sections underlined are unique to the FEIS Executive Summary; meaning they were not required in the DEIS.

The sections include:

- Proposed Action,
- Other Government Actions and Permits Required,
- Alternatives Considered,
- Unresolved Issues and Areas of Controversy,
- Preferred Alternative,
- Environmental Impacts,
- Wetland Finding,
- Floodplain Finding,
- Coastal Zone Consistency,
- Cultural Resources,
- Federally Listed Species and Habitat,
- Farmland,

- Irretrievable and Irreversible Commitment of Resources,
- Measures to Avoid or Minimize Potential Adverse Impact,
- and Short-Term Impacts Versus Long-Term Benefits.

Let's discuss those sections that are different, in more detail.

Sections of the Executive Summary

Other Government Actions and Permits Required - This section from the DEIS Executive Summary is updated with any new actions occurring since preparation of the DEIS. A list of state and federal permits required for the project should also be added.

Unresolved Issues and Areas of Controversy - This section is only 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 them to date.

Preferred Alternative - This section identifies the Preferred Alternative and summarizes the rationale for the decision.

Wetlands Finding - This section addresses wetland impacts and any proposed wetland mitigation and must include a wetland finding, even if there is no wetlands involvement. Information on what to include for the wetlands finding can be found in Part 2, Chapter 9 of the PD&E Manual.

Floodplain Finding - This section addresses project impacts on floodplains and regulatory floodway involvement and must include a floodplain finding, even if there is no floodplain involvement. Information on what to include in the floodplain finding can be found in Part 2, Chapter 13 of the PD&E Manual.

Coastal Zone Consistency - This section documents compliance with the Coastal Zone Management Act of 1972, 15 CFR Part 930, and the Coastal Zone Management Plan for the State of Florida. Part 2, Chapter 14 of the PD&E Manual includes the applicable standard statement for this section.

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, and Part 2, Chapter 7, of the PD&E Manual.

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, of the PD&E Manual for the applicable standard statement to include in this section.

Farmland - This section documents consultation and coordination with the Natural Resources Conservation Service regarding a project's impact on farmland. See Part 2, Chapter 6 of the PD&E Manual for the applicable standard statement to include in this section.

The remaining sections of the Executive Summary are updated only if there are project changes, but in most instances, will remain the same as what was included in the DEIS.

Updating Sections of the EIS

After the Executive Summary, the next section is the Project Description and Purpose and Need Section. The District should update the applicable planning consistency form and ensure that it and current consistency pages are included in the Appendix and referenced in this section of the FEIS. This information is needed to demonstrate the project's fulfillment of Federal Highway Administrations, or FHWA's, planning consistency requirements as Planning Consistency should be met prior to requesting Location and Design Concept Acceptance. Refer to Part 2, Chapter 1 of the PD&E Manual for guidance on updating this section when preparing the FEIS.

The next section, the Alternatives Section, should also be updated. Part 2, Chapter 3 of the PD&E Manual provides additional guidance on preparing this section.

Update the Environmental Analysis Section with sufficient information to support the conclusions reached regarding the Preferred Alternative and the project impacts. Update each issue or resource subsection to identify the impacts of the Preferred Alternative. Include the results of coordination with resource agencies or project changes since approval of the DEIS and identify mitigation measures for the Preferred Alternative, if applicable.

Next, update the Comments and Coordination Section to include a summary of comments along with a response to each substantive comment received during the document review period. This should include documentation of additional resource agency coordination and consultation. The District should add new concurrence and coordination letters to the Appendix and reference them in the applicable sections of the FEIS. The Concluding Statement subsection from the DEIS should be deleted as it is no longer applicable.

It is stressed that 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 them. Then a new subsection titled Public Hearing is added.

New Public Hearing Subsection

The new Public Hearing subsection should include the date, time, and place of the hearing, the format of the hearing, and the start and end time. It should include the comments received (both written and oral) on the proposed actions, and the District response to those comments. It should reference comments and responses that are in the Appendix.

Updating Sections of the EIS

After the comments and coordination section, comes the Commitments Section. It is important to ensure this section of the FEIS is updated to include any environmental commitments made by FDOT since the DEIS was prepared. Any new commitments require internal coordination and once coordinated with the appropriate District offices, should be included in the FEIS and transmitted to the next phase of project development in accordance with FDOT's Project Commitment Tracking Procedure. A link to this procedure can be found on the resources page. Guidance on preparing and documenting environmental commitments is provided in Part 2, Chapter 22 of the PD&E Manual.

Next, update the Distribution List to include those who submitted comments on the DEIS.

Lastly, the District should organize the Appendix into pre-hearing and post-hearing sections, adding to the post-hearing section as applicable.

Lesson 2: The Record of Decision

Lesson 2 will cover preparation of a Record of Decision or ROD.

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. If needed, a Section 4(f) Approval is made with the signing of the ROD.

Typical ROD Content

This Screen shows the typical ROD content, which includes the Project Identification information and description, followed by the following sections:

- Standard ROD statement, with Planning Consistency information
- Decision
- Background
- Alternatives
- No-Action or No-Build Alternative
- Transportation System Management and Operations Alternative,
- Build Alternatives
- Selected Alternative
- Section 4(f), if applicable
- Major Issues Considered
- Measures to Minimize Harm
- Monitoring Program, if applicable
- Comments on Final Environmental Impact Statement (if applicable)
- Summary of Comments and Responses Concerning the FEIS (if applicable)
- Conclusion, and
- Signature/Date line

Please note this example ROD is a figure in Part 1, Chapter 9 of the PD&E Manual. More information on preparing the ROD can be found in this chapter.

Lesson 3: Combined FEIS/ROD (FEIS/ROD)

Lesson 3 will discuss preparation of a combined FEIS/ROD.

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 bearing on the proposed action or the impacts of the proposed action. This combined document is referred to as an FEIS/ROD. When combined, the document must include the content of a FEIS and present the basis for the decision, summarize any mitigation measures that will be incorporated in the project, and document any required Section 4(f) approval.

Notification of FEIS/ROD Preparation

When using a combined FEIS/ROD, it is important to consider possible effects on the timing of coordination required by other laws and the need for additional documentation to finalize determinations or findings.

Agencies, as well as the public, native American Tribes, and other interested parties, should be notified that FDOT intends to issue a combined FEIS/ROD. This notification, when applicable, will be included on the DEIS cover page or in the Notice of Availability of the DEIS. 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 United States Code Section 139.”

FEIS/ROD Format

The FEIS/ROD format should be coordinated with OEM. The combined document either includes attaching the ROD to the FEIS and deleting the Executive Summary of the DEIS, or the including the ROD as a section in the document that replaces the DEIS Executive Summary.

Errata sheets can be used with a combined FEIS/ROD, as long as the conditions of both are met. In this case, the FEIS/ROD would consist of a DEIS, errata sheets, responses to DEIS comments, and a ROD.

FEIS/ROD Cover Page

Shown here is the FEIS/ROD cover page which is prepared only in the StateWide Environmental Project Tracker, or SWEPT. The EIS Document Number here in the upper left hand corner includes the new year and F instead of D for Final. 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 FEIS. The cover page also includes the project numbers, the project location, and a one paragraph abstract of the project.

It should be noted that the cover page includes the following required 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 FEISs and is FDOT’s certification that 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 FEIS 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 cover sheet as shown.

This cover page is an FDOT form that must be prepared in SWEPT. A sample of the form is provided as a visual in Part 1, Chapter 9 of the PD&E Manual.

FEIS / Section 4(f) Evaluation Cover Page

If the project has Section 4(f) Involvement, a different cover page is used to include the Final Section 4(f) Approval (shown as number 1) or Final Section 4(f) de minimis Approval, which is shown as number 2. These cover pages are also prepared in SWEPT and sample forms are provided in the PD&E Manual.

FEIS/ROD Review Process

Shown here is an overview of the FEIS/ROD Review Process, which begins by drafting the FEIS/ROD. The District does a quality control review, then submits the FEIS/ROD to OEM (who submits it to Legal). The District also sends it to Cooperating Agencies separately for review. After this review, the District updates the document, incorporating any needed additions or revisions, and re-submits it to OEM for approval and to Legal for Legal Sufficiency Review.

Documents Submitted for Review and Approval

Now let's get into more detail on this review process. The District should begin by completing the Environmental Document Submittal Form in SWEPT before submitting the FEIS/ROD to OEM.

The District should then submit the FEIS/ROD using FDOT's Electronic Review and Comment, or ERC, application. The Public Hearing Transcript and new materials incorporated by reference must be uploaded in SWEPT.

The FEIS/ROD should also be submitted to Cooperating Agencies through the Environmental Screening Tool, or EST, at the same time it is submitted to OEM, if possible. Remember Cooperating Agencies are those that have legal or jurisdictional requirements tied to the preparation of the document.

FEIS/ROD Review and Approval

Detailed guidance on the OEM review process, including legal review, can be found in Part 1, Chapter 9 of the PD&E Manual, as well as the computer based training- NEPA Assignment: Why is NEPA Assignment Important- Part 2.

The FEIS/ROD will undergo a legal sufficiency review by FDOT's Office of General Counsel in which they will prepare a Legal Sufficiency Finding Memo. The Director of OEM or delegate will approve the FEIS/ROD once the Legal Sufficiency Finding Memo is received.

Once OEM issues approval of the FEIS/ROD, the project has received Location and Design Concept Acceptance, or LDCA. This is the final approval of the ROD, allowing the project to be advanced to the next phase of project development.

After approval, the FEIS/ROD must be electronically submitted to EPA using its e-NEPA online tool. The Federal Register public notice will not establish a waiting period or period of time for the return of comments on a FEIS/ROD. Therefore, 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."

Part 1, Chapter 9 of the PD&E Manual provides the 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 offices, libraries, and schools, as appropriate.

Lesson 4: Separate FEIS and ROD

Lesson 4 discusses preparation and review of a separate FEIS and ROD.

If a project does not meet the conditions for a combined FEIS/ROD, then the FEIS and ROD are issued and approved separately. So, if there are substantial changes to the proposed action that are relevant to environmental or safety concerns; or there are significant new circumstances or information relevant to environmental concerns that have bearing on the proposed action or the impacts of the proposed action, then a FEIS and ROD are issued separately. If OEM determines that a combined FEIS/ROD is not appropriate, the determination must be included in the project file.

When preparing a separate FEIS, the Cover Page will be the same as the FEIS/ROD cover page we saw earlier, except that it will state FEIS in the title instead of FEIS/ROD. The ROD will have its own cover page.

ROD Cover Page

A cover page is prepared for a ROD only when the FEIS and ROD are separate. The ROD cover page is only prepared in SWEPT and a sample form is provided as a visual in the PD&E Manual.

FEIS and Draft ROD Review Process

As shown here, the document review process is the same as the FEIS/ROD Review Process, except it will include a Draft ROD.

This overview shows that the process begins with the District drafting the FEIS and Draft ROD. After the District does a quality control review, they submit the FEIS and Draft ROD to OEM, who also submits it to Legal. The District also submits the FEIS to Cooperating Agencies separately. After this review, the District updates the documents, incorporating any revisions, and re-submits them to OEM for approval and the Office of General Counsel for Legal Sufficiency Review.

Documents Submitted for Review and Approval

As with the combined FEIS/ROD, the District should begin by completing the Environmental Document Submittal Form in SWEPT. The District should then submit the FEIS and the Draft Record of Decision, using FDOT's Electronic Review and Comment application or ERC. The FEIS 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 9 of the PD&E Manual. The Public Hearing Transcript and new materials incorporated by reference must be uploaded into SWEPT.

Detailed guidance on the OEM review process (including legal review) can be found in Part 1, Chapter 9 of the PD&E Manual, as well as the computer based training- NEPA Assignment: Why is NEPA Assignment Important- Part 2. The FEIS should also be submitted to Cooperating Agencies through the EST at the same time it is submitted to OEM, if possible.

Actions Taken After Approval of the FEIS

This diagram shows an overview of the activities after approval of the FEIS which lead to the final approval of the ROD.

After comments on the submittal are resolved and OEM approves the FEIS for public availability, the District makes the FEIS available for review and places a notice in local newspapers. OEM submits it to the Environmental Protection Agency or EPA who publishes a Notice of Availability in the Federal Register. Following a 30-day public review period, OEM may approve the Record of Decision.

Making the FEIS Available for Review

Now let's get into more detail on this review process. Before the FEIS is filed with the EPA, the District transmits the FEIS to interested parties and agencies, using the EST.

Then, the District publishes a public notice in the same local newspapers used for the Public Hearing notification. The Public Notice announces the 30-day public review period for the FEIS. After the FEIS is available for public review, OEM submits the notice of public availability to the EPA through e-NEPA and it is published in the Federal Register. 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.

Location and Design Concept Acceptance

30 Days after publication of the notice in the Federal Register, the District may request OEM approval using the Environmental Document Submittal Form in SWEPT.

Once OEM issues approval of the ROD, the project has received Location and Design Concept Acceptance. Remember, this is the final approval allowing the project to be advanced to the next phase of project delivery.

FEIS and ROD Quiz

We have now completed the first four lessons of the NEPA Introductory Course: Final Environmental Impact Statement and Record of Decision. Now we'll proceed to the FEIS and ROD Quiz to complete this segment of the training.

1. The Final Environmental Impact Statement may be prepared by:

- a. Preparing Errata Sheets
- b. Converting the DEIS into an FEIS
- c. Appending a ROD to the DEIS
- d. Both a and b**

2. Errata sheets cannot be used if significant comments are received on the DEIS.

- a. True**
- b. False

True, if there are significant comments on the DEIS, the DEIS will need to be modified as a FEIS.

3. The DEIS is converted to an FEIS when:

- a. The conditions required for preparing errata sheets cannot be met**
- b. Requested by the ETAT agencies
- c. Both a and b
- d. None of the above

4. The Record of Decision, or ROD, does the following:

- a. Summarizes the findings of the FEIS and documents OEM's final decision
- b. Presents the basis for the selected alternative and identifies the mitigation measures that will be incorporated in the project
- c. Serves as LDCA upon OEM's signature
- d. **All of the above**

5. The FEIS and ROD should not be combined into one document IF:

- a. There are substantial changes that are relevant to environmental or safety concerns
- b. There are significant new circumstances or information relevant to environmental concerns that have bearing on the proposed action or the impacts of the proposed action
- c. There are significant environmental impacts associated with the Preferred Alternative
- d. **Both a and b**

6. All FEIS/RODs and FEISs will undergo a legal Sufficiency Review by FDOT's Office of General Council.

- a. **True**
- b. False

True, all FEIS/RODs and FEISs must undergo legal sufficiency review.

7. The FEIS and ROD are prepared separately when there have been no major changes to the project or the project's environmental impacts.

- a. True
- b. **False**

False, a combined FEIS/ROD is prepared when there have been no major changes.

Lesson 5: Actions after Document Approval

Lesson 5 will discuss the actions which take place after document approval.

Some of the actions that typically occur after approval of the FEIS/ROD or FEIS and separate ROD are:

- Public notification of project LDCA
- Re-evaluations between each federal funding phase
- Hand-off meetings prior to design
- Project Design
- Environmental permitting and any NEPA follow-up actions and
- Commitment compliance documentation

Public Notification

After document approval, the District publishes an announcement in local newspapers informing the public that LDCA has been granted for the project and the project is being advanced. This announcement is made in the same local newspaper or papers originally used for the public hearing notification. It is recommended that project websites or other publicly accessible electronic means be used to make the FEIS/ROD or ROD available.

The FEIS/ROD or ROD is then sent to agencies, stakeholders, and recipients of the DEIS or FEIS, other interested state and federal agencies and other stakeholders, and those who submitted substantive comments on the DEIS, typically through the EST. The District may also prepare a Limitation of Claims Notice.

Limitation of Claims Notice - 23 U.S.C. 139(I)

The Limitation of Claims is described in Title 23, Part 139(I) of the United States Code. It includes a provision for limiting the timeframe for filing claims and seeking judicial review of permits, licenses, or approvals issued by federal agencies, for a highway or public transportation capital project. This federal code limits filing a claim to 150 days from notice.

The District should coordinate with OEM and the Office of General Counsel to confirm whether a Limitations of Claims Notice is warranted. The Limitation of Claims Notice is prepared by the District and then submitted to OEM to submit to the Federal Highway Administration, or the FHWA. The Notice is then published in the Federal Register by FHWA.

Re-evaluation

A Re-evaluation documents whether changes have occurred since approval of the FEIS/ROD or separate ROD.

Re-evaluation is a requirement under Title 23 of the Code of Federal Regulations, Section 771.129(c), to ensure there has not been a significant change in the project design, project limits, scope, or environmental impacts.

A Re-evaluation Form is prepared in SWEPT. Guidance on Re-evaluations are provided in Part 1, Chapter 13 of the PD&E Manual as well as the computer based training- NEPA Introductory Course: Re-evaluations.

Design – Sharing of Information

It's important to share project information documented during the PD&E Study and any subsequent Re-evaluations, prior to designing the project. This is because NEPA compliance must be tracked and maintained throughout the life of a project, not just during a PD&E Study or Re-evaluation.

Hand-off meetings are an efficient and effective way to share information between and among Project Managers and teams for different project phases. They help maintain NEPA compliance from one project phase to the next.

After the PD&E phase ends, the Design team should review the FEIS/ROD or separate FEIS and ROD (referred to as the Environmental Document). The PD&E project manager, environmental staff, and other members of the PD&E team with specialized knowledge of the project, should meet with the design project manager and Design team to discuss the project conditions, conceptual design, and commitments. The logistics and schedule of any additional required assessments or analyses could also be coordinated at this time. A hand-off meeting should also be conducted between Design and Construction.

The Design team should also review the Preliminary Engineering Report to ensure all necessary actions are implemented and documented at the appropriate times. The Preliminary Engineering Report is a technical document that is summarized and referenced in the Environmental Document.

It is important that any pending environmental analysis is considered during the development of the scope of services for project design.

Design – Environmental Office Involvement

During the Design phase, the District Environmental Office conducts any required Re-evaluations (as we discussed earlier) and plan reviews.

Typically, the Environmental Office reviews the 30%, 60%, 90% and Plans, Specifications, and Estimates, or PS&E plans submittals. Generally, permit applications are prepared and submitted based on 60% plans. Right of Way needs are also determined at the 60% plans stage.

During these plans review, the environmental specialist compares the project design to the Project Commitment Record and approved Environmental Document, or last Re-evaluation to identify major design changes or new Right of Way needs, and to ensure commitment fulfillment.

Staff from the Environmental Office should attend phase review meetings if held by the District, to share information and coordinate any necessary supplemental assessments or permitting requirements. Any comments related to the project design, or considerations for the designer, will be entered into the Electronic Review and Comments, or ERC system.

Design – Environmental Permitting

As discussed previously, permits are typically applied for during the Design phase and coordination initiated with agencies earlier in project development, continues in Design. Also, the project mitigation plan is refined and finalized based on agency coordination and the final impacts resulting from the project footprint.

Types of Permits

There are several types of commonly required permits for transportation projects. The State Environmental Resource Permit, and the Federal Section 404 permit for dredge and fill of wetlands are required for projects that have involvement with wetlands.

For projects that involve navigable waterways, a United States Coast Guard Bridge Permit and United States Army Corps of Engineers Navigable Waters permit are needed. Further detail on environmental permits that may be needed for FDOT projects can be found in Part 1, Chapter 12 of the PD&E Manual.

Other NEPA Actions During Design

Other NEPA Actions that commonly occur during the Design phase may include:

- Finalization of Section 7 Endangered Species Act consultation with the US Fish and Wildlife Service
- Wetland jurisdictional determination
- Quantification of wetland impacts using the Uniform Mitigation Assessment Method, or UMAM
- Coordination with permitting agencies regarding mitigation
- Noise wall surveys and preparation of the Noise Study Addendum
- and Level II Contamination Assessment

Actions after Document Approval Quiz

You have now completed the NEPA Introductory Course: Final Environmental Impact Statement and Record of Decision. Now we'll proceed to the Actions After Document Approval Quiz to complete the training.

1. The District must publish an announcement of LDCA in the same local newspapers used for the public hearing notification, informing the public that:

- a. The project has received LDCA
- b. The project is being advanced
- c. Both a and b**
- d. None of the above

2. The District re-evaluates the project at each project phase to:

- a. Provide assurance there has not been a significant change in the project**
- b. Modify the project limits
- c. Document the scope
- d. Remove unnecessary commitments

3. During the Design phase, the District Environmental Office conducts any required Re-evaluations and plan reviews.

- a. True**
- b. False

True, during Design the District Environmental Office will do a Re-evaluation as well as review Plans.

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:

- Environmental Management Academy Course Catalog - <https://www.fdot.gov/environment/sched/track3.shtm>
- PD&E Manual - <http://www.fdot.gov/environment/pubs/pdeman/pdeman1.shtm>
- StateWide Environmental Project Tracker - <https://www.fl-a-etat.org/est/swept/>
- FDOT's Project Commitment Tracking Procedure

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

You have now completed the NEPA Introductory Course titled Final Environmental Impact Statement and Record of Decision. Thank you for your time and attention.