

NEPA Introductory Course: Preliminary Environmental Discussion and Advance Notification

Welcome

Welcome to the National Environmental Policy Act, also known as NEPA, Introductory Course on the Preliminary Environmental Discussion and Advance Notification provided by the Florida Department of Transportation's Office of Environmental Management.

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 can be found 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 instruction on preparing Preliminary Environmental Discussions, or PEDs, and Advance Notifications, or ANs, as described in Part 1, Chapter 3 of the PD&E Manual.

Outline and Overview

This training will have four lessons.

Lesson 1 will provide an Overview of Requirements.

Lesson 2 will discuss the Preliminary Environmental Discussion, or PED

Lesson 3 will provide guidance on the Advance Notification or AN.

And, Lesson 4 will outline Agency Roles.

Introduction to PED and AN

The Preliminary Environmental Discussion is a report that includes the District's initial examination of a project's potential involvement with environmental issues or resources and the District's plans to address these issues as the project advances to further study.

The Advance Notification is a package of information FDOT prepares to inform agencies, tribal representatives, elected officials, and other interested stakeholders of a proposed transportation action. The PED is included as a section of the AN package. The AN package also includes the project's purpose and need, project description, and a list of anticipated permits and technical studies.

The PED and AN are discussed in further detail in this training.

Part 1, Chapter 3 of the PD&E Manual

Guidance on the preparation of the Preliminary Environmental Discussion and the Advance Notification is provided in Part 1, Chapter 3 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 or OEM's website.

A link to this site can be found on the resources page. It can also connect you to other chapters of the PD&E Manual that are referenced throughout this training.

Lesson 1: Overview of Requirements

Lesson 1 is an Overview of the requirements for both the Preliminary Environmental Discussion and the Advance Notification.

Overview of Requirements

FDOT develops the PED and the AN package to comply with the following regulations and requirements:

- Title 23 of the United States Code, or U.S.C., mandates and outlines the efficient environmental review for the project decision making process. Section 139 of Title 23 U.S.C. requires notification that a project's environmental review process should be initiated, as well as early coordination with participating agencies and the public.
- Presidential Executive Order 12372 of the 1982 Federal Register promotes intergovernmental participation and requires lead agencies to communicate with state and local elected officials as early in the program planning cycle as is reasonably feasible.
- Florida Governor's Executive Order 95-359 requires a federal consistency review by the Florida State Clearinghouse of all projects requesting federal funding or involving direct federal activities or permitting.
- Federal consistency is a provision in the Coastal Zone Management Act that requires the federal government to comply with a state's Coastal Management Program when taking actions that are likely to affect coastal resources.
- The AN also provides notice of FDOT's intent to apply for federal aid on a project by including the Application for Federal Aid in the AN package.

Lesson 2: The Preliminary Environmental Discussion

In Lesson 2, we will discuss the Preliminary Environmental Discussion or PED.

What is a Preliminary Environmental Discussion?

What is a PED? The PED is a report that informs reviewing agencies and the public of FDOT's understanding of potential environmental issues on a proposed project. Basically, the PED is FDOT's method of providing context. It communicates what we know relative to the specific project, and various alternatives being considered, as related to environmental resources or issues within those corridors.

The PED provides the opportunity for the FDOT to identify the environmental resources within the project area. For example, the PED may identify wetlands and/or protected species that may be present in the project area, and communities in the project area.

The PED also identifies future coordination needs and technical studies that may be needed for a project. For example, the PED may state that a technical study titled "Natural Resources Evaluation" may be needed if wetland or protected species involvement is anticipated.

What is the Purpose of the Preliminary Environmental Discussion?

The purpose of the PED is to share information and communicate project details with the public and commenting agencies. Because a PED is a preliminary environmental discussion, findings are not included.

The PED discusses the potential involvement with issues or resources and documents FDOT's intent to address or evaluate effects as the project advances. FDOT submits the PED to the reviewing agencies to provide them with the context they need to review the proposed project and aid them in providing actionable comments.

When is a Preliminary Environmental Discussion Prepared?

When is a PED prepared? A PED is prepared for every project screened in the Efficient Transportation Decision Making, or ETDM, process during the planning and programming screens. Guidance on the ETDM process is provided in the ETDM Manual and ETDM Training available on OEM's website. A link to this website is provided on the resources page.

The PED is presented to the Environmental Technical Advisory Team members during the Planning or Programming Screen. It is prepared prior to or in conjunction with the Advance Notification Package and is distributed as part of the AN Fact Sheet. The AN and AN fact sheet will be discussed in more detail in Lesson 3.

How is the Preliminary Environmental Discussion Prepared?

How is the PED Prepared? The PED is prepared as a report in the ETDM EST by the ETDM Coordinator, PD&E Project Manager, or environmental specialists. When developing the information for a PED, subject area specialists, such as the Environmental Manager, District Project Development Engineer, or District Permits Coordinator, should be consulted and given the opportunity to review the information.

Preliminary Environmental Discussion Content

The content for the PED is obtained from a variety of sources. A GIS analysis of the project corridor is conducted using the ETDM EST and other available GIS databases. The GIS review provides extensive information regarding the existing conditions of the project area, specifically what features are within or may be within the project area, such as archaeological resources or a low income neighborhood, and their locations relative to the corridor.

When preparing the PED, we also review any previous studies that were conducted in the project area to see whether those studies contain information that may be pertinent to the subject project. GIS databases and prior reports may not contain all the pertinent information about the project area. So we tap into local resources, including local agencies, community representatives, and the public to obtain local knowledge about the project area.

We may conduct a field review of the project area to verify the results of the desktop review and to identify any additional resources which were not detected during the desktop review. After identifying the potential resources within the project area, we analyze and interpret the information to provide a clear understanding of potential resource/issue involvement within the context of the project.

The PED also includes the information from the Sociocultural Data Report which is a report that can be run in the EST, and other data sources. As an example, maybe a park or a regulatory agency conducts an annual study of a listed species within the project area.

The PED conveys the District's initial understanding of the natural, physical, cultural, and community issues or resources in a project study area. Chapters in Part 2 of the PD&E Manual can assist with the preparation of these sections. Most of these issues and/or resources have a corresponding PD&E Manual Chapter.

The following screenshots are from the ETDM EST and show each issue and resource area that is discussed in the PED.

This first screenshot shows the Social and Economic tab, which includes the following individual topic areas. •The first topic is Land Use Changes. We look at the existing and future land uses in the project area and evaluate how the project may affect these uses.

We consider the Social make up of the project area. What are the community demographics of the project area, such as age, income, and minority populations? Are there any underserved populations or environmental justice concerns? How is the existing community cohesion? Are there any safety or emergency response concerns? What is the community character and what are the community goals? How will the project affect the social components of the project area?

The next topic area under Social and Economic is Relocation Potential. Will the project require right of way acquisition? If so, how much is anticipated? Will any residential or business relocations be needed?

The corridor is reviewed for the presence of Farmlands. If Farmlands are present in the corridor, we evaluate if and how they may be affected by the project.

We also consider the Aesthetic Effects of the project. What are the project area's existing aesthetic features and how might they be involved in the project?

What are the project area's existing economic conditions? Are any economic development efforts planned?

And finally, we take a look at Mobility. What are the existing traffic conditions, travel modes, and existing and planned transit routes in the area? What is the project's involvement with the movement of people, goods or freight, and services?

This next screen shot shows the Cultural issues covered in the PED. We review the project area for any properties that may be protected by Section 4(f) of the U.S. Department of Transportation Act. Such properties may include properties listed in or eligible for listing in the National Register of Historic Places, public parks, publicly-owned recreation areas, or wildlife or waterfowl refuges. We examine how the project might involve these resources and what level of evaluation will be required during PD&E. Note that the resources in the following two topic areas may also qualify as Section 4f resources.

The next Cultural topic area is Historic and Archaeological Sites. Are there any known historic districts, historic properties, historic structures or archaeological remains listed or eligible for listing on the National Register of Historic Places within the project area? If so, how might they be involved with the project and how will the cultural resources be evaluated?

Finally, we identify Recreation Areas and evaluate how they might they be involved in the project.

What else does the PED include? It includes a summary of all natural features in the project area, as well as an explanation of how they may be affected or enhanced by the proposed Project.

- Are there any wetlands or surface waters in the project area? What type of wetlands might be affected? Are they high quality forested wetlands? Mangroves? Maybe there are only previously disturbed, lower quality wetlands along portions of the corridor.
- We consider Water Quality and Quantity. How will storm water be treated? Is the project within a Sole Source Aquifer?
- Is the project within the base floodplain or a regulated floodway?
- Is the project subject to a Coastal Zone Consistency review?
- What listed species may inhabit or migrate through the project corridor? Is there any designated critical habitat or other wildlife habitat within the project area?
- Is there any Essential Fish Habitat within the project vicinity? How about Habitat Areas of Particular Concern? Is the project within a Coastal Barrier Resource?

The PED also includes discussions of the project's potential involvement with physical attributes.

- Are there any noise sensitive receptors, such as houses or parks, within the project area? Is a noise study likely?
- What is the air quality conformity designation of the project area and is a Carbon Monoxide analysis needed?
- Are there any potentially contaminated sites or hazardous material generators in the project area? How will the project be evaluated for contamination?

- Are there any existing utilities, railroads, transit, etc.?
- Does the project intersect a potentially navigable waterway? Will there be U.S. Coast Guard involvement?

This last PED Content screen shot lists the Special Designations that are included in the PED.

The analyst should consider the potential involvement with:

- Outstanding Florida Waters
- Aquatic Preserves
- Scenic Highways
- and Wild and Scenic Rivers

The PED also includes sections where anticipated permits and technical studies should also be identified.

OEM Pre-screening Review

District Environmental Office staff is responsible for checking the data for completeness and accuracy before submitting to the Office of Environmental Management, or OEM, for the pre-screening review. Coordination and review by other District representatives prior to PED release and/or response is strongly encouraged. Other District representatives may include the Environmental Manager, District Project Development Engineer, and District Permits Coordinator.

Once submitted to OEM, the OEM Project Delivery Coordinator and Engineering Lead review and provide comments on the PED, Project Description, and Purpose and Need before the screening event notification is distributed. OEM Project Delivery Coordinators have up to 14 days to provide comments and may also include subject matter experts. OEM must provide an approval in order to proceed with the release of the AN.

OEM Pre-Screening Review of PED

This screenshot shows how the PED is reviewed by OEM in the EST.

As you scroll down to the end of the PED, a text box is available for OEM to input review comments.

Environmental Technical Advisory Team Response

Once the screening is initiated, the Environmental Technical Advisory Team, or the ETAT, provide comments through the Environmental Screening Tool. They are requested to confirm FDOT's understanding of resources and possible effects of the project alternatives, refine FDOT's understanding, and/or tell FDOT what is missing.

District Responsibilities

What are the District's responsibilities? The District must review and respond to ETAT comments; identify potential issues, studies, or analyses that will be needed; identify coordination requirements; and use the information to develop the scope of services for the PD&E Study.

Actionable ETDM Comments- Cultural

Here's an example of an actionable ETAT Comment in the ETDM EST on potential cultural effects of the project.

The ETAT comment states: "Since the environmental conditions in the area are favorable for these kinds of resources [archaeological and historic], it is our request that the project area be subjected to a professional cultural resources assessment survey. The resultant survey report must conform to the provisions of Chapter 1A-46, Florida Administrative Code, and should be forwarded to the Division of Historical Resources to complete the review process. In addition, the report will assist this office in determining if further measures are necessary to avoid, minimize, or mitigate adverse effects to significant archaeological and historic properties."

So in this ETDM comment, the Florida Department of State is telling the District that a Cultural Resources Assessment Survey must be completed for the project. This is good information since it will be utilized in the preparation of the Scope of Services for the PD&E Study.

Actionable ETDM Comments- Natural

Here's a similar example for Natural Resources. In this case, under Coordination Document Comments, the South Florida Water Management District has indicated that an Environmental Resource Permit, or ERP, will be required and they requested to review any future wetland studies for the project.

Under Recommended Avoidance, Minimization, and Mitigation Opportunities, it states that the South Florida Water Management District field staff should be contacted to verify the jurisdictional wetland line after delineation. This reviewer goes on to suggest widening to the east to reduce wetland impacts and reminds us that mitigation will be required to offset any wetland impacts that cannot be avoided.

So what all can we glean from this ETAT Member's comments? There are wetlands in the project area, which we would have already known when doing our initial review. We now know that a wetland evaluation will be needed as part of the Natural Resources Evaluation and that this report should be submitted to the Water Management District for review. An ERP will be required for the project. A wetland delineation will be required, as well as a field meeting with the Water Management District to verify the wetland delineation.

We should also consider evaluating an alternative which widens to the east, instead of the west. Actionable ETAT comments such as these are helpful in focusing efforts in later phases of the project. Each of these items will need to be considered when developing the PD&E Scope of Services.

Project Example

Let's look at an example project. In the upper left-hand corner of the ETDM screen you can see that the Active Project is SR 951 which is proposed for Widening from 4 to 6 lanes. The north-south project limits are shown in red in the middle of the screen.

Let's look at some aerials and photos of this site to see what kind of project information we can gather to prepare the PED. What can we tell just by looking at this aerial?

- The project crosses a waterway
- There are natural areas in the vicinity which could contain wetlands, critical habitat, habitat for listed species, archaeological sites, or be protected by Section 4(f).
- There are also residential neighborhoods nearby

As we delve a little deeper into our evaluation, what do we find? We see that the project is close to Rookery Bay National Estuarine Research Reserve. What do you think are the implications? The project may have involvement with:

- Mangroves and seagrass
- Essential Fish Habitat
- Threatened and endangered species
- Section 4(f)
- Special designations – It could be adjacent to an outstanding Florida water or an Aquatic Preserve.

What does this next picture show at the street level? A Waterway? Are those mangroves growing along the waterway? We can see the Research Reserves building in the background. Is it possible it is also a visitor's center? Does the waterway look like it is navigable? Will we need a bridge permit? If we add two more lanes of traffic to this roadway, do you think there may be a noise concern? Could bridge widening result in wetland impacts?

This photo is of the same project, but looking in another direction. What do we see here? •We can see existing access and travel movements. •We see some trees in the middle. Could there be an archaeological site in there? The area looks a little depressed – it may be wet in there. Or maybe the trees provide a vegetative screen?

•A little further back and to the right, it looks like there is some commercial or industrial land use. That area could be a potential concern for contamination.

•We can also see utilities in the area – overhead and a marker in the ground.

These issues we observed may be documented in the Preliminary Environmental Discussion for this project. We may need to look into some of the issues more closely, maybe by looking at the GIS data, previous studies in the area, or by visiting the site.

A review of GIS data and previous studies may help confirm whether our observations have been previously vetted. For instance, perhaps a GIS layer shows us that there is a previously documented archaeological site within the project area, but a previous study shows that the site has been disturbed and is not eligible for listing in the National Register of Historic Places. A field visit may tell us that the trees have been cleared, the area has been filled, and a billboard has been erected on this corner. Gathering all of the readily available information for the PED will help focus the scope of the future PD&E phase for the project.

Preliminary Environmental Discussion Quiz

We have now completed the lesson on the Preliminary Environmental Discussion. The following Knowledge Check will complete this segment of the training.

Which of the following is NOT a purpose of the Preliminary Environmental Discussion?

Share information

b. Indicate a finding

c. Assess potential environmental effects

d. Provide context

e. Solicit ETAT comments

Preliminary Environmental Discussion Quiz

When does a PED need to be prepared?

At the end of PD&E

b. During ETAT Review

c. After the Advance Notification

d. For every project screened in the ETDM process

Preliminary Environmental Discussion Quiz

What is included in the PED?

Identification of existing features

b. Discussion of potential involvement with resources and special designations.

c. Impact analysis results

d. Both a. and b.

Lesson 3: The Advance Notification

In Lesson 3 we'll discuss the Advance Notification.

What is the Advance Notification?

What is the Advance Notification? The AN is a notification document. It is the means by which FDOT notifies agencies and other interested parties of a proposed transportation action.

The AN can be initiated with the ETDM Programming Screen or initiated separately- approximately one year prior to the start of the PD&E phase. The AN promotes awareness of the project to stakeholders, provides project context, and provides opportunities to capture project comments. The AN preparation and procedure is provided in Part 1, Chapter 3 of the PD&E Manual.

What is the purpose of the AN?

What is the purpose of the AN? The AN fulfills project initiation notification requirements stipulated in Title 23 U.S.C. and Presidential Executive Orders. The AN also initiates the Florida Coastal Management Program Consistency Review, confirms compatibility with local government comprehensive plans, provides notice of federal or state funding, and assists with the Environmental Scoping Process.

Consistency with the Florida Coastal Management Program

Let's discuss the role of the Federal Consistency Review within the AN. The AN is used to seek consistency with the Florida Coastal Management Program, which is required by Section 380.25 of the Florida Statutes, and 15 CFR Part 930.

A consistency review is required for federal projects and is coordinated by the Florida Department of Environmental Protection's State Clearinghouse. Consistency reviewers from state and local agencies perform the consistency review. Through agreement, FDOT and the State Clearinghouse have incorporated this review into the AN process. The AN is thus the initiation of the consistency review. We will discuss this further when we go over the review of the AN later in this lesson.

More information on the Federal Consistency Review can be found in Part 1, Chapter 3 of the PD&E Manual. Part 2, Chapter 14 of the PD&E Manual provides guidance on documenting this review during the PD&E phase.

When is the AN prepared?

When is an AN prepared? If a project qualifies for screening in the ETDM Environmental Screening Tool, or EST, an Advance Notification is required. Please note this includes Local Agency Program, or LAP, projects. The AN is normally initiated with the ETDM Programming Screen. It is created at the beginning of the Programming Screen and distributed with Programming Screen Notification. However, the AN can be initiated later, separate from the Programming Screen, prior to starting the PD&E Study.

How is the AN prepared?

The AN is prepared by the ETDM Coordinator, PD&E Project Manager, and/or environmental specialists. It is prepared using the ETDM EST. Guidance on using the EST to prepare the AN is included in the ETDM Manual, EST User Handbook, and ETDM Trainings available on OEM's training website. A link to these documents and training website is provided on the resources page.

Sections of the Advance Notification

The Advance Notification consists of the following Sections:

the Cover Letter; Location Maps; the Fact Sheet; the Application for Federal Assistance; and the Transmittal list

Cover Letter

The first section of the AN is the cover letter.

Details of Cover Letter

Part 1, Chapter 3 of the PD&E Manual provides a template that should be used when preparing the AN Cover letter. This letter is addressed to the State Clearinghouse. It provides the identifying project details in the subject line.

The opening paragraph explains the purpose of the letter, which is for a consistency review in accordance with the Coastal Zone Management Act and Presidential Executive Order 12372, and requests a review. The letter continues, providing a timeframe for review, standard statements to include as applicable, instructions on how to submit comments, and is signed by the appropriate District representative.

Location Maps

The next section of the AN package contains the Project Location Maps.

As shown here, this section of the AN typically has two maps. The first map shows the project alternative or alternatives on an aerial, while the second is over a simple base or street map. These maps are generated using the ETDM EST.

The Fact Sheet

Now let's go over the Fact Sheet. The Fact Sheet is developed using project knowledge from a variety of sources and provides an overview of the project.

Details of Fact Sheet

Here's the table of contents of an AN showing each of the sections of the Fact Sheet.

The Fact Sheet includes the:

- Purpose and Need,
- Project Description,
- Preliminary Environmental Discussion, as we discussed in Lesson 2,
- as well as Anticipated Permits,
- and Anticipated Technical Studies.

Note that during preparation of the AN all anticipated permits and technical study sections may not be known since the ETAT agencies have not yet reviewed and commented on the project. However, if any permits have been identified and are known to be required for the project, they can be listed in the AN Fact Sheet.

Application for Federal Assistance

The next section of the AN package is the Application for Federal Assistance.

Details of Application for Federal Assistance

The Application for Federal Assistance, form SF-424, is a four-page form completed and signed by the District. The form asks for mostly basic information about the project and the FDOT. Detailed instructions for completing the form are available at [Grants.gov](https://www.grants.gov).

Transmittal List

The final section of the AN package is the Transmittal list.

Details of Transmittal List

This is a list of all the contacts which will receive a copy of the AN. Recipients include: ETAT members, Federal Consistency Reviewers, elected officials, federally-recognized Tribes, and other local, state, and federal agencies that need, or have requested, to be notified. OEM maintains contact information in the EST database for mandatory AN contacts. The responsibility for adding local or project-specific contacts falls to the District project team. Guidance on adding and managing contacts is in the EST User Handbook.

OEM Review of the AN Package

Once prepared, the District performs a final quality review of the project data, then the AN package is transmitted to OEM for review using the EST. Project Delivery Coordinators have 14-days to provide comments. They may respond by approving to screen without edits, approve to screen with edits, or may request the District revise the AN Package and re-submit. Once OEM approves the AN, the District may distribute it to stakeholders.

Distribution of the Advance Notification

The AN is distributed to stakeholders through the EST either with the Programming Screen initiation or separately, prior to the start of the PD&E Study. The decision to join or separate the Programming Screen or AN is made at the District's discretion based on when PD&E is scheduled in the Work Program to start. The AN process should be completed early enough to inform PD&E Scope of Services development, and near enough to the beginning of PD&E to provide timely notification to relevant public officials, and other stakeholders.

The AN is distributed through the EST to:

- The ETAT members;
- The FDOT Community Liaison Coordinator;
- The State Clearinghouse Consistency Reviewers;
- Interested parties who may set up notification preference through the ETDM Public Access site;
- Agencies on the State Clearinghouse contact list when the ETAT member is not the same person

as the agencies' consistency reviewer;

□ Others such as regional planning council and local government officials, some tribal representatives, or local agencies.

A list of contacts that may not be represented by an ETAT member or a consistency reviewer, but are required to receive a copy of the AN package is included in Part 1, Chapter 3 of the PD&E Manual, as well as in the EST. This list is maintained by OEM. The PD&E Manual Chapter also includes a sample Transmittal List.

Native American Coordination

The District may mail hardcopies of the AN package to other recipients, as requested. For instance, the Miccosukee Tribe of Indians regularly requests hardcopies.

Mailing information for Native American Tribes, such as details, addresses, and tribal preferences can be found on OEM's Native American Coordination website. The website includes a list of the Tribal Chief or Chairperson as well as the tribal historic preservation official(s). A link to this website is found on the resources page of this CBT.

Notification to Preservation Officials

The Tribal Chief or Chairperson should be sent an AN package when applicable. An additional letter should be distributed with the AN to preservation officials to inform these officials that FDOT is initiating its cultural resources identification and evaluation process for the project.

Review of the Advance Notification

The AN recipients review the AN and provide comments through the EST, which provides a record of Coordination and Comments. Recipients have 45 days from the date of the transmittal of the AN to provide comments either electronically, or as a hard copy to the District.

A 15 Day Time extension can be granted upon request by the reviewer. After the review period, the State Clearinghouse has an additional 15 days to review the consistency reviewers' comments and provide a federal consistency determination. Consistency reviewers are responsible for providing comments in the EST to ensure that the project complies with the statutes and requirements within their jurisdiction.

Federal Consistency Review

The State Clearinghouse uses the Consistency Reviewer's comments as the basis for its determination that the project is either consistent or inconsistent with the Florida Coastal Zone Management Program. If the determination is "consistent" it is documented in the EST.

If the State Clearinghouse determines the project is inconsistent, the Florida Department of Environmental Protection, or FDEP, must cite the section of the relevant statute under the agency's authority with which the project is inconsistent and must identify actions that can be taken to resolve the inconsistency. Then issue resolution is initiated.

Issue Resolution

When an inconsistency determination is issued, the project enters the ETDM Issue Resolution Process. This process seeks to find solutions to complex issues among agencies by identifying mutually agreeable activities or conditions that will address a concern. The resolution process is documented in the EST and Environmental Document. Additional guidance on the issue resolution process is detailed in the ETDM Manual, ETDM Training in the EST, and the EST User Handbook.

District Responsibility

After the ETDM screening or initiation of the AN on its own, it is the District's responsibility to review comments on the AN and address them by responding in the EST. The District is responsible for checking the Consistency Determination and initiating the ETDM Issue Resolution process, if warranted.

Agencies failing to respond by the end of the review period, but which have jurisdiction by law or are anticipated to have an interest in the proposed action, may be contacted at the District's discretion to solicit their comments. The District may also need to coordinate with the agency sponsor on responses, and/or coordinate with OEM as well.

Project Status Update

Recipients of the programming screen notification and/or AN must be notified when:

project activities resume after a break of 4 years or more and no project activities took place after the distribution of the AN;

there is a change in project termini, specifically if the termini are expanded;

and/or there is a change in project concepts, such as a new or revised alignment, the addition of a new interchange, or the addition of express lanes.

Project Status Update- Before PD&E

If the project has not entered the PD&E phase, this notification is in the form of an updated or re-processed AN. The updated AN will include an updated Programming Screen. For federal highway projects, coordination with OEM is needed when updating the AN. The Project Manager in coordination with the ETDM coordinator updates project information in the AN package in the EST and sends the updated package to the recipients of the original AN.

Project Status Update – During PD&E

If the project has entered the PD&E phase, instead of being reprocessed and sent back through the Programming screen, this notification is in the form of a project status fact sheet. This fact sheet is prepared by the District and includes details about the project, a brief project description including the Class of Action, if available, a brief statement regarding the current status of the project, the current

schedule of the project, and contact information. The status fact sheet is sent to the same recipients of the Programming Screen notification and/or AN.

How do you use Advance Notification information?

Now that the AN process is complete, how can we use the information that was collected? First of all, it can assist in determining the Class of Action for the project. It will help advance or focus the analysis prior to commencement of the PD&E Study. Maybe additional studies will need to be done before the PD&E phase begins.

The AN information and feedback will also facilitate the Environmental Scoping Process, project scoping process, and preparation of the PD&E scope of services. Through these processes this information will help focus the analysis during the PD&E phase.

Advance Notification Quiz

This AN training covered a lot of material. The following Knowledge Check will determine your understanding.

With which program does the AN seek federal consistency?

Efficient Transportation Decision Making Program

b. Florida Coastal Zone Management Program

c. Local Agency Program

d. none of the above

Which of the following is not a section of the AN?

Cover Letter

b. Summary report

c. Location Maps

d. Fact Sheet

e. Transmittal List

True or False: The PED is included in the AN Fact Sheet.

True

b. False

Advance Notification Quiz(ppt70)

Who is the AN distributed to?

ETAT members

- b. State Clearinghouse Consistency Reviewers
- c. Federal, state, and local agencies
- d. Elected officials
- e. all of the above**

True or False, The AN is distributed after the OEM review and before the Programming Screen?

True

b. False.

How do we use the AN information?

assist with Class of Action determination,

- b. advance or focus the analysis,
- c. facilitate the Environmental Scoping Process,
- d. prepare the PD&E scope of services,
- e. all of the above**

Lesson 4: Agency Roles

Moving on to Lesson 4: Agency Roles. The assignment of a Lead Agency, Cooperating Agency or a Participating Agency to a project is not tied to the PED or AN, but guidance is provided in Part 1, Chapter 3 of the PD&E Manual.

Overview of Agency Roles

Lesson 4 provides an overview of the agency roles including:

1. The Lead Agency,
2. The Cooperating Agency,
3. and The Participating Agency.

These designations describe various levels of involvement in the environmental review process and must be designated and approved by the Lead Agency prior to determining the Class of Action. FDOT's Office of Environmental Management has assumed the role as Lead Agency from FHWA on federal highway projects.

Lead Agency

The Lead Agency has the primary responsibility for preparing the NEPA Environmental Document, determining the preferred alternative in the PD&E phase, and inviting Cooperating and Participating Agencies.

FDOT's OEM is the Lead Agency for all federal highway projects. When another federal Lead Agency is involved, such as the Federal Transit Administration, FDOT assumes FHWA's role and serves as the joint lead agency. Potential Lead Agencies are identified during the Programming Screen to expedite the Class of Action process.

Cooperating Agency

A Cooperating Agency is a federal agency that has jurisdiction by law or special expertise with respect to any environmental impact involved in a proposed project, or project alternative. The U.S Army Corps of Engineers or the National Park Service, are examples of agencies that typically serve as a Cooperating Agency. A cooperating agency could also be a state or local agency of similar qualifications or a Native American Tribe. However, Cooperating agencies are assigned to a project by agreement with the Lead Agency or agencies.

Cooperating Agency Determination

The Lead Agency is responsible for officially inviting and approving Cooperating Agencies. Cooperating Agencies may be determined during the Programming Screen or during the PD&E Study, but must be determined before the Class of Action is determined.

During the Programming Screen, an agency can request to be a Cooperating Agency and/or the District can recommend Cooperating Agencies. But again, the ultimate responsibility for inviting/approving Cooperating Agencies lies with the Lead Agency. For federal highway projects, this would be OEM.

Responsibilities of Cooperating Agency

What are the responsibilities of a Cooperating Agency? Cooperating agencies have a higher degree of authority, responsibility, and involvement in the environmental review process than Participating Agencies. They have legal/jurisdiction requirements tied to the preparation of the Environmental Document. They may, on a case-by-case basis, review the pre-circulated Environmental Document, as determined by the lead agency and must be included when establishing the schedule.

Cooperating Agencies may assume responsibility for developing information and preparing analyses in which they have special expertise, and they may adopt the Environmental Impact Statement of a Lead Agency when they conclude that their comments and suggestions have been satisfied. Due to a programmatic approach, the United States Coast Guard should be designated as a Cooperating Agency for projects involving a bridge permit when FDOT is the Lead Agency. The U.S Army Corps of Engineers, or Corps, becomes a Cooperating Agency when a Corps permit is required for the project. The Corps has developed Best Practices to provide guidance on when they should be invited as a Cooperating Agency.

Participating Agency

Lastly, let's discuss the Participating Agency. Participating Agencies are other agencies with expertise or jurisdiction relevant to the project that are invited by the Lead Agency to respond to

requests for technical assistance, attend environmental scoping and coordination meetings, and attend joint field reviews. Their responsibilities also include providing substantive and early input on issues of concern and reviewing Lead Agency-approved draft or final Environmental Documents.

Participating Agency Determination

Like with Cooperating Agencies, the Lead Agency is responsible for inviting and approving Participating Agencies in the NEPA process. The Lead Agency may invite agencies that are not ETAT members. Like with Cooperating Agencies, an agency may request to serve as a participating agency, but it is up to the Lead Agency to invite and approve them. It is not necessary for the Lead Agency to invite agencies that have only a tangential, speculative, or remote interest in the project.

Participating Agency

Designation as a participating agency does not indicate project support or provide an agency with increased oversight or approval authority above its statutory limits. Participating Agencies may include federal, state, tribal, regional, and local government agencies. Nongovernmental organizations and private entities cannot serve as Participating Agencies.

Responsibilities of Participating Agency

What is the role of the participating agency? They participate in the Environmental Scoping Process, and the NEPA process. They should participate at the earliest possible time, especially with regard to the development of purpose and need, range of alternatives, methodologies, and the level of detail for the analysis of alternatives. They may also participate in the issue resolution process, if necessary.

Participating agencies' responsibilities also include identifying issues of concern, and providing input on unresolved issues. They review the ancillary project documentation and provide commentary or concurrence as appropriate. They also may review the Environmental Document before it is approved for public availability at the discretion of the Lead Agency.

Agency Roles Quiz

Now that we've completed the Lesson on Agency Roles, the following Knowledge Check will determine your understanding.

Which agency role is responsible for inviting and approving other agencies?

- a) Cooperating Agency
- b) Lead Agency**
- c) Participating Agency
- d) Reviewing Agency

Which of the following is not a responsibility of the Lead Agency?

Respond to requests for technical assistance

- b. Preparing the Environmental Document
- c. Determining the preferred alternative in the PD&E phase
- d. Inviting Cooperating and Participating Agencies

FDOT is the Lead Agency for which types of projects?

- a) Federal Transit Administration projects
- b) Federal highway projects**
- c) Federal Aviation Administration
- d) All of the above
- e) None of the above

Which agency role has jurisdiction by law or special expertise to an environmental impact involved with the project?

- a) Cooperating Agency**
- b) Participating Agency
- c) Lead Agency
- d) Reviewing Agency

True or False, A Participating Agency may adopt the Environmental Impact Statement of a Lead Agency.

True

b. False, Only a Cooperating Agency can adopt the Environmental Impact Statement.

True or False, An agency must support the project in order to be designated as a Participating Agency.

True

b. False

True or False, Nongovernmental organizations and private entities cannot serve as Participating Agencies.

True

b. False

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, the OEM website PD&E Training Track, the PD&E Manual, the ETDM Manual, the EST Users Handbook, OEM's Training website, the Application for Federal Assistance, Form SF-424, OEM's Native American Coordination website, and OEM's Resources page.

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

Conclusion

You have now completed the NEPA Introductory Course on the Preliminary Environmental Discussion and Advance Notification. Thank you for your time and attention.