CHAPTER 5
MANAGING THE NEPA PROCESS

A primary responsibility of the Project Manager from the Office of Engineering, Environmental Section (PMOE) is to successfully lead the Project Team through the Stage 1 Environmental process. At the conclusion of the Stage 0 Feasibility Stage, a determination was made as to the project's financial feasibility and the funding sources. For projects that are Federally funded, or otherwise require a federal action or permit in order to be implemented, a determination was also made, and concurred with by the lead federal agency, as how the proposed NEPA action would be documented; as a Categorical Exclusion (CE); an Environmental Assessment with the anticipation of a Finding of No Significant Impact (EA/FONSI); or an Environmental Impact Statement / Record of Decision (EIS/ROD).

DOTD has adopted a policy that projects that may not initially be considered for federal funding and do not require a federal action or permit will be developed following a process closely adhering to the NEPA process. As a result, such projects may be eligible for future federal funding at subsequent stages of project development, thereby maximizing funding options and minimizing delays. These projects would be documented as an Environmental Exclusion (EE), an Environmental Assessment / Environmental Finding (EA/EF), or an Environmental Impact Statement / Environmental Record (EIS/ER), documents similar to a CE, EA/FONSI, or EIS/ROD, respectively. A comparison of the environmental document types is presented in Chapter 2.

This Chapter provides the Project Manager with an overview of an EA and EIS project development process that complies with all NEPA requirements and embraces DOTD's mission in developing environmentally responsible transportation solutions for Louisiana.

DOTD's NEPA compliance process consists of three primary phases of work:

- Scoping and Purpose and Need Assessment
- Alternatives Development and Analysis
- Environmental Documentation

USER'S TIP
Unfold the Merged EA/EIS Flowchart at the end of this Chapter to see an overview of the Stage 1 Environmental Process.

These phases are illustrated in the Merged EA/EIS Flowchart on the following page and at the end of this chapter, as being discussed below. The blue highlighted text corresponds to the various flowchart boxes and the bolded text corresponds to the flowchart bulleted items. Certain steps of this process are EIS-specific and are so designated in the flowchart and the following discussions.

HOW TO READ THIS CHAPTER
- **Blue highlighted text** corresponds to the flowchart boxes
- **Bolded text** corresponds to the flowchart bulleted items

Projects requiring an EA/EF or EIS/ER will also follow this NEPA process. The primary difference in the preparation of these documents is that the actions normally taken by the lead federal agency under NEPA will be the responsibility of the DOTD Chief Engineer, and may be delegated at the Chief Engineer's discretion to other individuals such as DOTD's Environmental Engineer Administrator. For these projects, references throughout this Chapter to the lead federal agency shall mean the DOTD Chief Engineer or the Chief Engineer's delegate.

MERGED EA / EIS FLOWCHART

PHASE I: Scoping / Purpose and Need

Project Identification / Project Development Activities

- Project Initiation and NOI (EIS/ROD Projects Only)
- Define Study Area
- Develop Public Involvement Plan
- Prepare SOV
- Identify Stakeholders
  - Cooperating & Participating Agencies
- Coordination Plan
- Agency Scoping Meeting
- Local Officials Scoping Meeting
- Public Scoping Meeting (optional)

Develop Purpose and Need / Preliminary Environmental Issues

- Develop Purpose and Need Statement
- Identify Preliminary Environmental Issues
- Lead Federal Agency Defines Purpose and Need

Stakeholder Comment on Purpose and Need

PHASE II: Alternatives Study

Project Mapping / Environmental Inventory / Preliminary Alternatives Development and Screening

- Geographic Information System Technology
- Project Mapping
- Environmental Inventory
- Lead Federal Agency Determines Range of Alternatives
- Preliminary Alternatives Analysis and Screening

Stakeholder Comment on Alternatives Development and Screening

- Agency Review Meeting
- Local Officials Meeting
- Public Involvement Meeting

Refine Alternatives - Identify Preferred Alternative

- Refine Alternatives
- Lead Federal Agency Identifies Preferred Alternative

Stakeholder Comment on Preferred Alternative

PHASE III: Documentation

Prepare Draft Environmental Documents

- Prepare Draft EIS
  - Draft EIS Concurrent Review / Revisions
  - Distribute Draft EIS
  - Draft EIS Public Hearing
  - Initiate Development of Technical Reports
- Prepare Draft EA
  - Lead Federal Agency Review / Revisions
  - Distribute EA
  - Draft EA Public Hearing (if requested)
  - Initiate Development of Technical Reports

Address Comments – Identify Selected Alternative

- Address Draft Document Comments
- Identify Selected Alternative

Prepare Final Environmental Document

- Prepare Final EIS
  - Final EIS Concurrent Review / Revisions
  - Distribute Final EIS
  - Submit Final Technical Reports
- Prepare Final EA
  - Submit Final EA and Request for FONSI or EF
  - Submit Final Technical Reports

Address Comments on FEIS (EIS Only)

- Address Comments
- Prepare ROD for Lead Federal Agency or ER for DOTD

Issue Decision Document (FONSI, EF, ROD, ER)

ENVIRONMENTAL CLOSURE

PHASE I – SCOPING & PURPOSE AND NEED ASSESSMENT

One of the primary objectives of Phase I is to determine the scope of project issues to be addressed in the environmental document and to identify any significant issues related to the proposed action. Many of these initial project activities fall under what is generally termed as Scoping or the Scoping Process. Scoping is intended to ensure that problems are identified early and properly studied, that resources focus on issues of importance, that the environmental document is thorough and balanced, and that delays are avoided to the extent practicable. The scoping process should:

- Solicit views of the public, local officials, and federal and state resource agencies to identify concerns
- Clearly define the environmental issues and alternatives to be examined in the environmental document including the elimination of unimportant issues
- Identify related issues that originate from separate legislation, regulation, or Executive Order
- Identify state and local agency requirements that must be addressed.

An effective scoping process can help reduce unnecessary paperwork and time delays in preparing and processing the environmental document by clearly identifying all relevant procedural requirements. The results of the scoping process should be well documented in the project record.

PROJECT IDENTIFICATION / PROJECT DEVELOPMENT ACTIVITIES

Project Identification / Project Development Activities

PROJECT INITIATION AND NOTICE OF INTENT – (EIS/ROD PROJECT ONLY)

Project Initiation

SAFETEA-LU requires the project sponsor to notify the Secretary of the US Department of Transportation that the environmental review process is being initiated. For most transportation projects, the project sponsor is usually the DOTD, but may be other transportation agencies, such as the MPO. The notification is to include:

- Description of work, termini, length and general location
- Anticipated federal approvals and permits required

Coordinate with the lead federal agency on the format and content of the notification. The notification can include the information being prepared for the Notice of Intent and Solicitation of Views, discussed herein.

Prepare the notification for submittal by the DOTD Environmental Engineer Administrator.

Refer to SAFETEA-LU Section 6002, included in the Appendix, for further details.

Notice of Intent

The lead federal agency is required to publish a Notice of Intent (NOI) in the Federal Register when preparing an Environmental Impact Statement (EIS). The NOI is the first notification that an environmental document is being prepared and from a regulatory perspective, is the "official" start of the NEPA process.

For transportation projects, the lead federal agency is usually the Federal Highway Administration – Louisiana Division. Depending on the project's characteristics, permitting requirements, or funding sources, other lead federal agencies could be the US Army Corps of Engineers or the US Coast Guard. Typically, these agencies would be the lead federal agency only if 1) Federal Highway Administration funds were not utilized, and 2) by agreement with the other federal agencies based upon involvement and jurisdiction.

The NOI advises the public that an environmental document is being prepared for a proposed transportation project. Coordinate with the lead federal agency on the format and preparation of a *Draft* NOI for lead federal agency review. The latest requirements for the preparation and contents of an NOI can be found in the Federal Register Document Drafting Handbook (www.archives.gov/federal-register/write/handbook). When the FHWA is the lead federal agency, FHWA's Technical Advisory (T6640.8A) provides guidance on the preparation and processing of the NOI. The NOI typically contains the following information:

- Short description of the project including the logical termini
- Alternatives being considered, including the No-Action alternative
- Scoping process and public outreach initiatives

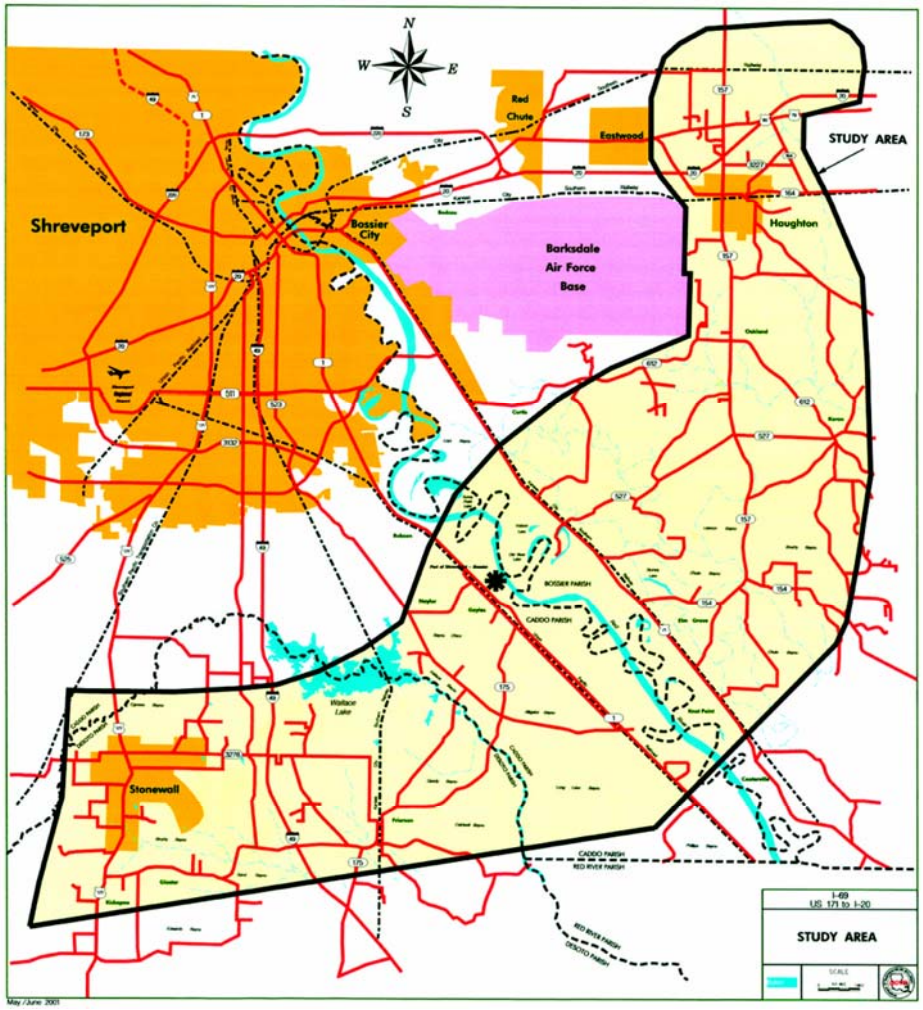
- Upcoming stakeholder meetings
- Lead federal agency contact person name, address and phone number.

The lead federal agency will publish the Notice of Intent in the Federal Register. A Notice of Intent is not required for projects being documented as an Environmental Impact Statement / Environmental Record (EIS/ER).

DEFINE STUDY AREA

Coordinate with the lead federal agency to define the Study Area. The Study Area should be based on the logical termini and be large enough to both encompass the full range of potential alternatives that satisfy the Purpose and Need and, address environmental issues, including potential indirect and cumulative impacts. The Study Area will be reviewed with regulatory and resource agencies during scoping. Prepare a Study Area map for inclusion in the Solicitation of Views, Purpose and Need, and other project documents.

EXAMPLE STUDY AREA MAP



DEVELOP PUBLIC INVOLVEMENT PLAN

Public involvement provides the people of Louisiana the opportunity to participate in the DOTD's transportation improvements program. A well planned and executed Public Involvement Plan facilitates a greater public understanding of the transportation decision-making process, affords DOTD better opportunities to understand the needs and concerns of the people in developing context-sensitive transportation solutions, and ensures that the communication needs of the entire public are satisfied. The Executive Order on Environmental Justice

emphasizes that the traditionally under-represented (e.g. minorities, low-income) should be an integral part of public outreach activities.

The four most frequently used methods of public involvement are solicitation of views, public meetings, requests for public comment on environmental documents, and public hearings. Other methods include design charettes, mailing lists, newsletters, telephone hotlines, and Internet websites. The magnitude of the project often dictates the extent of the public involvement plan.

Coordinate the public involvement effort with public outreach recommendations developed during Stage 0, if any.

PREPARE SOLICITATION OF VIEWS

The purpose of the Solicitation of Views (SOV) is to inform interested persons and agencies of the proposed project and to allow them 30 days to comment. The SOV is made up of three parts: 1) the SOV letter, 2) the preliminary project description, and 3) the Study Area map. Examples can be found in the Appendix.

The SOV mailing is comprised of a State list and a Parish list. These lists are maintained by and available from the DOTD Environmental Section. The SOV should be sent to every agency and person on the lists. Responses will not be received from every contacted party, but written responses are required from the following agencies:

- US Army Corps of Engineers
- US Fish and Wildlife Service
- State Historic Preservation Officer
- Parish Floodplain Administrator as designated by the Federal Emergency Management Agency (FEMA)

Additional responses from other parties may also be necessary to demonstrate coordination and obtain clearances.

IDENTIFY STAKEHOLDERS

Identify Cooperating Agencies

The preparation of an EIS requires the participation of the lead federal agency in identifying the appropriate cooperating agencies for the project. The Council on Environmental Quality (CEQ) defines cooperating agencies as those Federal agencies with special expertise, jurisdiction by law, or Federal agencies where a land transfer from that agency is required. Cooperating agencies are project specific, and may include the following federal agencies:

- US Fish and Wildlife Service, for projects that would potentially impact Federal-trust resources (e.g., National Parks or Wildlife Refuges, threatened or endangered species and/or their habitats, designated Critical Habitat, and migratory birds, etc.
- National Marine Fisheries Service, for coastal projects or projects potentially impacting Essential Fish Habitat
- US Army Corps of Engineers, for projects requiring Section 404 permits, Rivers and Harbors Act Section 10 permits, and potentially impacting waters of the United States, including wetlands. Louisiana lies within four COE Districts: New Orleans, Vicksburg, Galveston, and Fort Worth.
- US Coast Guard – Eighth Coast Guard District, for projects that cross waterways determined to be navigable by prior consultation requiring permit action under the Rivers and Harbors Act, Section 9 permit amendments or a new permit under the General Bridge Act of 1946.

- Federal Highway Administration – The FHWA is responsible for the Federal-Aid Highway Program system and route continuity. They may be a cooperating agency for non-surface transportation projects such as Airport projects advanced by the Federal Aviation Administration (FAA).
- Federal Aviation Administration, for projects involving an airport.
- US Environmental Protection Agency, for projects involving sole-source aquifers.

The lead federal agency will formally request the identified agencies to participate as cooperating agencies. If not asked, a federal agency can request the lead federal agency to designate it as a cooperating agency. Also, a federal agency does not have to be a cooperating agency to participate in the project.

There are no cooperating agencies for projects being documented as an Environmental Impact Statement / Environmental Record (EIS/ER).

Identify Resource Agencies

Develop and maintain contact lists of other federal and state resource agencies that will be solicited to participate in the project. For an EA/FONSI, EA/EF, or EIS/ER, this will include the above-listed Cooperating Agencies. Initial agency interest may have been established during the Stage 0 process.

Federal Resource Agencies may include:

- National Park Service
- National Forest Service
- National Resource Conservation Service
- Federal Emergency Management Agency

State Resource Agencies may include:

- Department of Culture, Recreation & Tourism, Division of Archaeology
- Department of Culture, Recreation & Tourism, Office of State Parks
- Department of Environmental Quality, Hazardous Waste Division
- Department of Environmental Quality, Inactive and Abandoned Sites Division
- Department of Environmental Quality, Water Quality Division
- Department of Natural Resources, Coastal Management Division
- Department of Natural Resources, Office of Conservation
- Department of Wildlife & Fisheries, Natural Heritage Program

Identify Native American Tribes

A number of Federally- and State-recognized Native American Tribes occupied the lands of Louisiana. Coordinate with the Governor's Office of Indian Affairs to identify Native American tribal interests in the Study Area.

Federally Recognized Native American Tribes may include:

- Chitimacha Tribe of Louisiana
- Coushatta Tribe of Louisiana
- Jena Band of Choctaw Indians
- Tunica-Biloxi Indians of Louisiana
- Caddo Nation of Oklahoma
- Mississippi Band of Choctaw Indians
- Quapaw Tribe of Oklahoma
- Alabama Coushatta Tribe of Texas

State Recognized Native American Tribes may include:

- Caddo Adai Indians of Louisiana
- Choctaw-Apache Tribe of Ebarb
- Clifton Choctaw Tribe of Louisiana
- Four-Winds Cherokee
- United Houma Nation

Other Native American Tribal Agencies may include:

- Apalachee Tribe of Louisiana
- Governor's Office of Indian Affairs
- Inter-Tribal Council of Louisiana, Inc.

Federally recognized Native American tribes are considered sovereign nations, and government-to-government coordination is typically handled by the lead federal agency.

Identify Local Officials and Other Stakeholders

Develop and maintain contact lists of local officials and other key stakeholders. These may include Federal and State Legislators, Parish and other local elected officials, metropolitan planning organizations, floodplain administrators, police juries, levee districts, business or civic leaders, or other individuals who would be considered community leaders.

Identify Participating Agencies

Participating agencies are project specific, and can be comprised of federal resource agencies (including cooperating agencies); state resource agencies, such as the Department of Culture, Recreation & Tourism, Division of Archaeology, and Division of Historic Preservation;

local officials, such as Metropolitan Planning Organizations (MPOs); and tribal governments with interests in the Study Area. Because these entities have jurisdictional authority or specialized expertise essential for project development, closer coordination is warranted. The lead federal agency will formally invite the identified agencies to become participating agencies. The invitations shall set a deadline for agency response.

For projects requiring an EA/EF or EIS/ER, the DOTD Chief Engineer, or the Chief Engineer's delegate, will formally invite the identified agencies to become participating agencies.

COORDINATION PLAN

SAFETEA-LU requires the lead federal agency to establish a plan for coordinating public and agency participation in and comment on the environmental review process. Coordination plans can be project specific or can apply to categories of projects if included in memorandums of understanding between the DOTD and the participating agencies. Coordinate with the Environmental Section to determine the need for a project specific Coordination Plan.

If a project specific Coordination Plan is required, coordinate with the lead federal agency on comment periods, review times, and overall project schedule. The Coordination Plan should include the Public Involvement Plan. The schedule should consider:

- Responsibilities of the participating agencies under applicable laws
- Resources available to the federal cooperating agencies
- Size and complexity of the project
- Sensitivity of the natural and historic resources that could be affected.

Review the Coordination Plan during the Agency Scoping Meeting, and once finalized, provide a copy of the Coordination Plan to each of the federal cooperating agencies and participating agencies, and also make the plan available to the public.

Refer to SAFETEA-LU Section 6002, included in the Appendix, for further details.

AGENCY SCOPING MEETING

Send letters to the cooperating agencies, participating agencies, and other resource agencies soliciting their participation in an agency scoping meeting. The letters should include the preliminary project information and Study Area map included with the SOV.

Native American Tribal participation is an important component of the scoping process. Prepare a draft letter for the lead federal agency to send to the identified Native American Tribes soliciting their participation at the agency scoping meeting. The draft letter should offer to reimburse the tribal representative's travel expenses or, if requested, to meet separately at a date and location more convenient with the tribal representative.

Conduct the agency scoping meeting. Consider using conference calls or video conferencing to facilitate agency participation in this process. Make presentations concerning the project need; scope and study approaches; issues identified in the SOV responses; and Coordination Plan including planned stakeholder outreach, comment periods, and schedule. Comment periods are as follows unless different periods are established by agreement of the lead federal agency, DOTD, and all participating agencies:

- The comment period on the Draft EIS shall be a minimum of 45 days, but no more than 60 days after publication in the Federal Register of notice of availability
- All other comments periods in the environmental review process, a period of no more than 30 days.

Provide handouts of the materials prepared above in advance if a conference call is utilized. Encourage agency discussions regarding the Study Area, environmental issues of concern, particularly regarding areas of jurisdiction, procedural issues, study approaches, etc. Prepare and distribute minutes to all agencies, including those agencies not in attendance.

LOCAL OFFICIALS SCOPING MEETING

Send letters to the identified local officials and other stakeholders soliciting their participation in a local officials scoping meeting. The letters should include the preliminary project information and Study Area map.

Conduct the local officials meeting. Make presentations concerning the project need, scope and study approaches, issues identified in the SOV responses, planned stakeholder outreach, and schedule. Provide handouts of the materials prepared above. Encourage discussions regarding local purpose and need issues and other areas of public concern. If a public meeting will be held, brief the local officials on the meeting content and format, provide them with copies of the meeting handouts, and encourage their attendance and active participation.

Prepare and distribute minutes to all local officials and other stakeholders, including those officials not in attendance.

PUBLIC SCOPING MEETING (OPTIONAL)

Coordinate with the Environmental Section to determine the need for a public Scoping Meeting. Often the complexity of the project and range of potential project issues will dictate the need for public involvement at this stage of the project development process. If a meeting is required, advertise the public meeting in local newspapers consistent with established DOTD policy, which is included in the Appendix. The advertisement should include the meeting date, time, location and project contact for additional information. Include citations regarding compliance with applicable meeting regulatory requirements such as Americans with Disabilities Act, Environmental Justice, and the National Historic Preservation Act, as applicable.

DOTD public meetings generally follow one of two general formats, a formal format or an informal format. The formal public meeting format is a structured meeting process with the meeting following a defined schedule. The informal public meeting format is a self-paced meeting process where the participant views what they want, in the order they want. The appropriate format is project specific and depends on the information being presented, the degree of public controversy, and other factors. Coordinate the public meeting format with the Environmental Section.

Public meetings can follow either a formal or informal format.

Formal Public Meeting Format

Arrange for a public address system if the meeting facilities do not have one. Also arrange to have the meeting recorded and transcribed.

The formal public meeting initially follows an open forum format that allows the public time to review project exhibits and talk informally with representatives of the Project Team. This open forum format precedes a formal technical presentation. Following a short recess, there is to be

a formal question and answer session. Individuals wishing to ask a question should be encouraged to complete a question card and present it to a representative of the Project Team prior to beginning the formal question and answer session.

Maintain separate sign-in sheets for the public, local elected officials, and DOTD/agency attendees at the Welcome Table. Encourage all attendees to complete the sign-in so they can be added to project mailing lists and provide them with meeting handouts, including public comment forms. Present the best possible professional image for DOTD.

Following the public meeting, prepare a bound public involvement summary containing the following:

- Cover and Title Page identifying the project name, state and federal project number, meeting location, date, and time
- Sign-in sheets
- Handout materials, including the comment form
- Cards from individuals requesting to ask a question
- Transcript of the technical presentation and question and answer session
- Comment forms received

Prepare a separate summary for each public meeting held. Distribute copies of the public involvement summary to federal and state agencies, and public institutions such as libraries. Coordinate with the Environmental Section for the distribution.

Informal Public Meeting Format

This informal, or "open house" public meeting format shares many of the same aspects of the formal public meeting, but is conducted in a more relaxed, self-paced atmosphere. The formal public meeting follows a consecutive schedule, whereas the informal meeting utilizes "information stations" that run concurrently. The stations are described below. The same information is presented, but unlike the formal public meeting, the public can arrive when they choose; view the information stations of their choosing; spend as much or as little time as they need, and leave when they're ready. This format is generally preferred by the public.

Like the formal public meeting, the informal public meeting also follows an open forum format that allows the public time to review project exhibits and talk informally with representatives of the Project Team.

Presentation Station

Prerecord the formal presentation in advance of the public meeting. A PowerPoint presentation with pictures, video and exhibits/maps with a voice-over narrative is especially effective. The presentation should also indicate how the public can comment both during and after the public meeting and the audience should be encouraged to comment on the project. Run the PowerPoint presentation on a continuous loop throughout the meeting so the public can view the technical presentation at their convenience.

Comment Station

The comment station provides the public the opportunity to make oral or written comments about the project. Arrange to have the oral public comments recorded and transcribed. The primary difference between formal and informal meeting formats is the oral public comment. During

the formal public meeting question and answer period, responses are provided to questions asked.

Sign-in and documentation are identical to the formal public meeting format. Maintain separate sign-in sheets for the public, local elected officials, and DOTD/agency attendees at the Welcome Table. Encourage all attendees to complete the sign-in so they can be added to project mailing lists and provide them with meeting handouts, including public comment forms. Present the best possible professional image for DOTD.

Following the public meeting, prepare a bound public involvement summary containing the following:

- Cover and Title Page identifying the project name, state and federal project number, meeting location, date, and time
- Sign-in sheets
- Handout materials, including the comment form
- Transcript of the technical presentation
- Cards from individuals making a recorded comment
- Transcript of recorded comments
- Summary of issues/questions raised during informal discussions
- Comment forms received

Prepare a separate summary for each public meeting held. Distribute copies of the public involvement summary to federal and state agencies, and public institutions such as libraries. Coordinate with the Environmental Section for the distribution.

DEVELOP PURPOSE AND NEED / PRELIMINARY ENVIRONMENTAL ISSUES

Develop Purpose and Need / Preliminary Environmental Issues

DEVELOP PURPOSE AND NEED STATEMENT

The Purpose and Need Statement (P&N) is, perhaps, the most important part of an environmental document. The P&N must clearly demonstrate that a "need" exists and explain how the project will be developed to meet that need.

A clear, well-defined P&N should:

- Define the transportation need that the project is intended to address
- Establish the logical termini and any intermediate control points
- Demonstrate that the project has independent utility
- Define transportation controls such as design speed and safety constraints

The P&N explains why the project is necessary. The statement allows decision-makers and other stakeholders to weigh the project's merits against the anticipated impacts and arrive at a logical conclusion as to which alternative course of action is the most prudent.

The P&N drives the process for alternatives consideration, in-depth analysis, and ultimately selection of the preferred alternative. Without a well-defined, well-established and well-justified P&N, it is difficult to determine which alternatives are reasonable, prudent and practicable, and it may be impossible to justify and support the dismissal of some alternatives and the advancement of others for further development. A well-justified P&N is vital to meeting the requirements of various regulations, statutes, Executive Orders, and guidance.

The following are examples of items that may assist in justifying the project "need". It is not all-inclusive or applicable in every situation. The P&N should only contain relevant information specifically supporting project "need".

- Project Studies or Actions to Date (e.g. Stage 0 Feasibility Studies)
- System Linkage and Connectivity
- Capacity Issues
- Transportation Demand Issues
- Legislative Mandates
- Social or Economic Development
- Modal Interrelationships
- Safety Issues
- Roadway Deficiencies

The P&N should be as comprehensive and specific as possible, and should provide tangible, quantifiable data to support the need for the project. The P&N should discuss deficiencies of the existing transportation facility in sufficient detail, providing a basis for an evaluation of the effectiveness of various alternatives addressing the

P&N. The Draft P&N statement should expand on the preliminary P&N initiated during Stage 0 and should include local purpose and need issues identified during the local officials (and public if held) scoping meeting.

IDENTIFY PRELIMINARY ENVIRONMENTAL ISSUES

Develop a matrix of preliminary environmental issues to be considered during project development based on responses to the Solicitation of Views and the Scoping meetings. Identify the environmental data source, at what step in project development the data will be considered, and possible measures to mitigate potential impacts. This matrix will be discussed and expanded upon during the scoping process.

LEAD FEDERAL AGENCY DEFINES PURPOSE AND NEED

The lead federal agency has the authority and responsibility to define the project's purpose and need. Submit the Purpose and Need Statement for lead federal agency review.

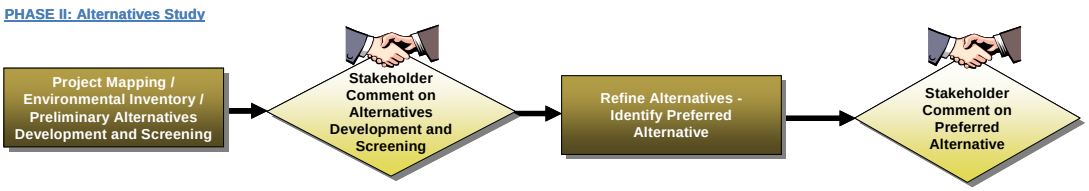
STAKEHOLDER COMMENT ON PURPOSE AND NEED

After addressing all lead federal agency comments, submit the Purpose and Need Statement to the federal cooperating and participating agencies for their review and comment. The Purpose and Need Statement is the first of three points where agency involvement is

essential. Refer to SAFETEA-LU Section 6002, included in the Appendix, for further details.

At the lead federal agency's direction, either submit the P&N Statement, on the lead federal agency's behalf, directly to all Native American tribal interests, or provide copies to the lead federal agency for distribution.

PHASE II: ALTERNATIVES STUDY



Identifying and studying project alternatives is the key to the NEPA process' objective of finding transportation solutions that help preserve and protect the value of environmental and community resources.

Develop preliminary alternatives considering the "whole" or integrated project. The alternatives should satisfy the identified need and consider the context of the local area socioeconomics and topography, future travel demand, and other infrastructure improvements in the area. This is often referred to as Context Sensitive Solutions (CSS). CSS considers the total context within which a transportation improvement project will exist. It is a collaborative, interdisciplinary approach that involves *all stakeholders* in developing a transportation facility that fits its physical setting and preserves scenic, aesthetic, historic, and environmental resources, while maintaining safety and mobility. CSS places preservation of historic, scenic, natural environment, and other community values on an equal basis with mobility, safety, and

economics. DOTD's policy on Achieving Context Sensitive Solutions is included in the Appendix.

Consult with the lead federal agency regarding the tools and CSS techniques (e.g. design charettes, focus group meetings) to be employed in developing the preliminary alternatives.

PROJECT MAPPING / ENVIRONMENTAL INVENTORY / PRELIMINARY ALTERNATIVES DEVELOPMENT AND SCREENING

Project Mapping / Environmental Inventory / Preliminary Alternatives Development and Screening

GEOGRAPHIC INFORMATION SYSTEM TECHNOLOGY

A key component of the alternatives development process is the use of Geographic Information System (GIS) technology and the development of a project-specific GIS. The GIS is an effective tool for managing environmental data in a cost and time efficient manner. The benefits of GIS include:

- Consolidation of all environmental and engineering data, regardless of source or scale, onto one common base map
- Consideration of key environmental issues *before* alternatives are developed, reducing environmental risk to sensitive areas
- Instills confidence in the public and the resource agencies through a "seeing is believing" approach that allows visual confirmation of particular issues of concern (location of endangered species habitat, sensitive wetland areas, etc.)
- Promotes comprehensive and consistent analyzes. "What if" scenarios can be examined quickly and accurately to evaluate

possible alternative revisions with a minimum amount of time and effort

- Speeds regulatory compliance and permitting
- Facilitates an effective and defensible decision-making process.

The potential of GIS extends beyond impact analysis and exhibit preparation (e.g. maps). GIS can be used for more advanced imaging analysis possibilities such as remote sensing, orthophotography, and terrain modeling and also as a vehicle for importing from and exporting to other GIS platforms, CADD and roadway design packages such as MicroStation and INROADS, respectively.

Develop and maintain the project GIS in an ESRI ArcGIS or ArcView environment consistent with the Geospatial Data Standards established for DOTD projects.

PROJECT MAPPING

The geo-canvas upon which the project GIS is developed is the project base map. The project base map can be obtained or developed from a number of sources, including:

- DOTD Parish Maps
- USGS Topographic Maps
- USGS Digital Orthophoto Quarter Quads (DOQQs)
- Planimetric mapping or orthophotography developed from project-specific aerial photography.

The type of mapping and its relative and absolute accuracy can vary depending on the project. Consult with the lead federal agency on the type of project base mapping proposed.

ENVIRONMENTAL INVENTORY

Conduct an inventory of known environmental, social, and cultural resources within the Study Area. The Study Area was defined during Phase I and reviewed during agency scoping. The inventory should include the environmental resources of concern identified at the agency scoping meeting, and the Stage 0 Environmental Checklist which includes:

- Adjacent land use and ownership
- Wetland Reserve Program areas
- Community facilities such as churches, cemeteries, schools, fire stations, etc.
- Section 4(f) properties
- National Register of Historic Places properties, historic districts or national landmark districts
- Threatened or endangered species or their critical habitat
- Streams protected by the Louisiana Scenic Streams Act
- Navigable waterways
- Hazardous materials
- Sensitive community issues including potential low income and minority impacts.

The FHWA Technical Advisory T6640.8A also contains a list of environmental resources most commonly encountered by highway projects. Base the inventory on secondary source data, primary source data, or a combination of the two depending on the project, issues of concern and data availability. The data source(s) should be discussed and agree to by the lead federal agency and the resource agencies.

Secondary source data is data obtained from other agencies or entities and includes, but is not limited to:

- 100-year Floodplains and Floodways - Federal Emergency Management Agency (FEMA) Flood Insurance Rate Maps
- Wetlands – US Fish and Wildlife Service National Wetlands Inventory maps, photointerpretation of color infrared photography, or information of soil types and characteristics
- Protected Species – federally- and state-listed species and habitat locations from the Louisiana Department of Wildlife and Fisheries, Natural Heritage Program
- Hazardous Materials - information on landfills, open dumps, Resource Conservation and Recovery Act (RCRA), Comprehensive Environmental Response and Compensation Liability Act (CERCLA), Underground Storage Tank (UST), and Leaking Underground Storage Tank (LUST) sites from the Louisiana Department of Environmental Quality
- Groundwater Resources – wellhead protection areas from the Louisiana Department of Environmental Quality Aquifer Evaluation and Protection Section. The Environmental Protection Agency was contacted to identify the location of principle or sole source aquifers (SSA) within the Study Area.
- Cultural Resources – known archaeological sites and historic structures from the Louisiana Division of Archaeology and Division of Historic Preservation.
- Oil & Gas Wells – oil and gas well information from the Louisiana Geographic Information Center or the Louisiana Department of Natural Resources SONRIS website.

- Wetland Reserve Program Areas – information on Wetland Reserve Program and Conservation Reserve Program areas from the Natural Resources Conservation Service
- Community Facilities – schools, churches, hospitals, parks, cemeteries, and public facilities from USGS topographic maps

Primary source data is data that is field collected specifically for the project and can include:

- Potential hazardous waste site surveys
- Cultural resources surveys
- Protected Species surveys
- Field delineated wetlands
- Streams and other water body information
- Standing structures surveys as necessary to reflect recent and ongoing construction
- Preliminary property information collected from Parish courthouses.

EXAMPLE ENVIRONMENTAL INVENTORY MAP

LEAD FEDERAL AGENCY DETERMINES RANGE OF ALTERNATIVES

The lead federal agency has the authority and responsibility to define the range of alternatives for consideration in any document which the lead federal agency is responsible for preparing. In consultation with the lead federal agency, identify the range of alternatives to be considered. The alternatives considered should satisfy the Purpose and Need, and address environmental issues, including potential indirect and cumulative impacts.

PRELIMINARY ALTERNATIVES ANALYSIS AND SCREENING

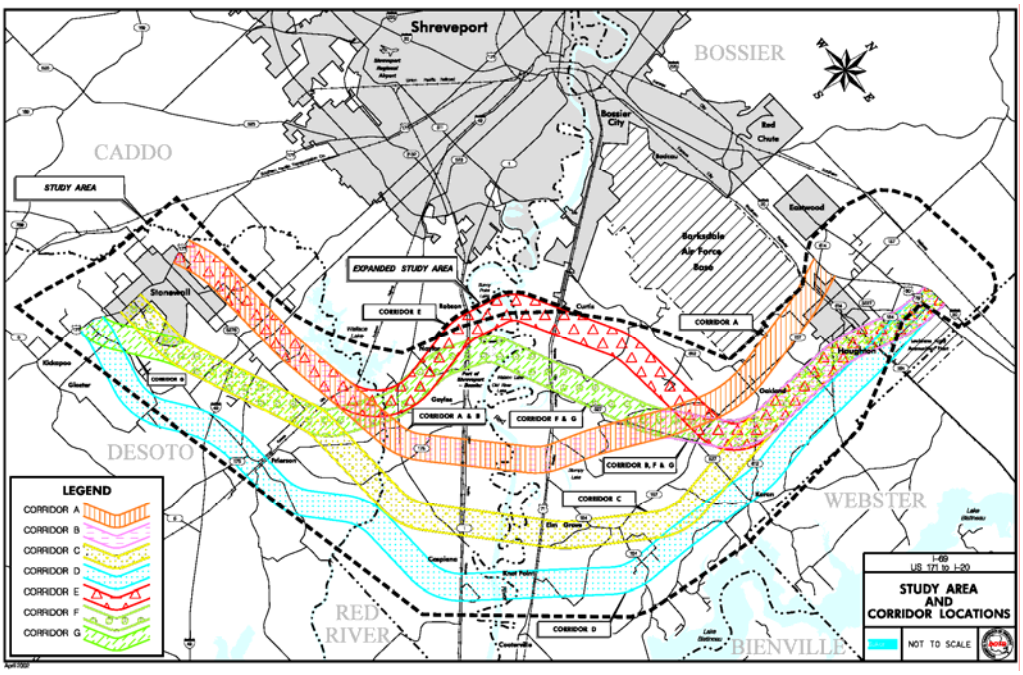
The preliminary alternatives analysis presents all the alternatives in comparative form, defines the issues, and provides a clear basis for choice among the options.

Prepare a Preliminary Alternatives Summary for lead federal agency review. The summary should objectively evaluate all reasonable alternatives and include estimated project cost and a quantitative analysis of potential environmental impacts based on the project GIS. Briefly discuss alternatives eliminated from detailed study, and the reasons for their elimination. Also discuss the CSS techniques used and the public outreach process. The summary should also include the following exhibits:

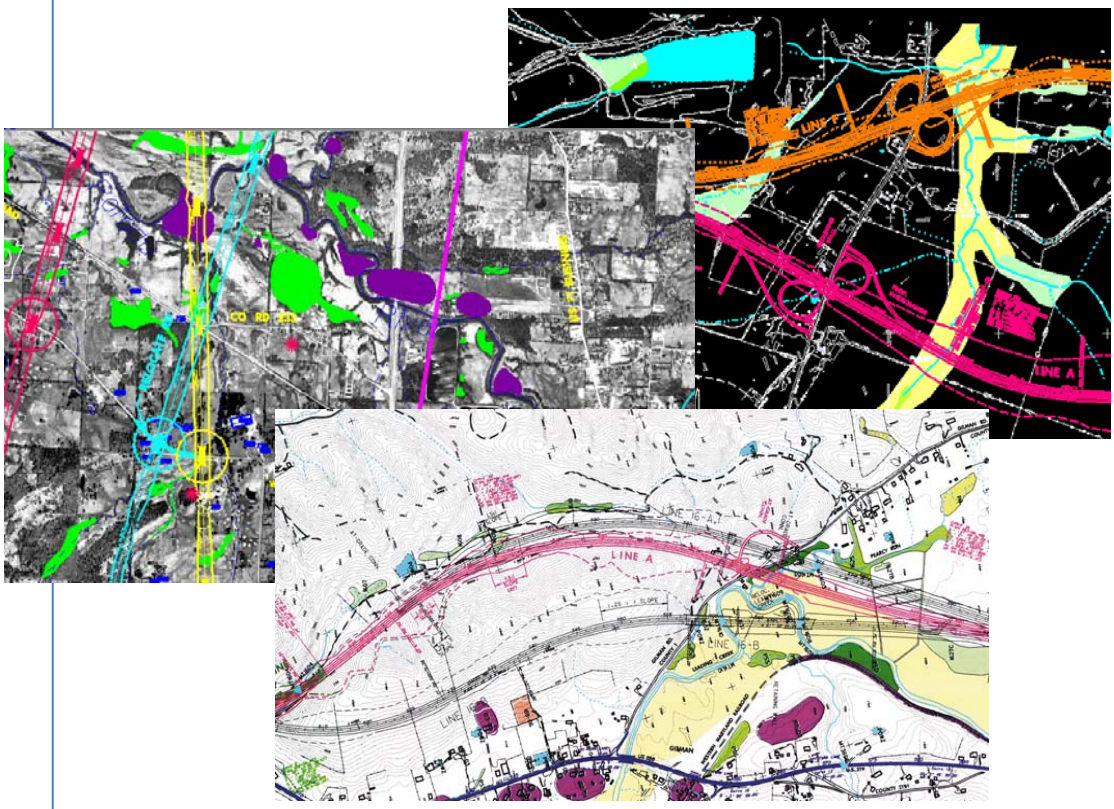
- Updated Study Area Map showing the preliminary alternatives
- Typical Section(s)
- Location and Environmental Resources maps. Display the preliminary alternatives and all environmental, social, and cultural resources identified within the Study Area on the project base map. Select an appropriate scale to clearly illustrate the alternatives and their relationship to the resources. Color maps are preferred because they assist in visualizing the resources and clarifying the area of potential effect.
- Preliminary Alternatives Impact Summary showing the comparative impacts for each of the preliminary alternatives developed
- Cost Estimates including administration, design, right-of-way acquisition, utilities relocations, construction and mitigation. These should be compared to the Stage 0 estimates. Provide the preliminary estimated costs to the Project Finance Committee.

A field review with the lead federal agency to review the preliminary alternatives and critical environmental resources may be warranted.

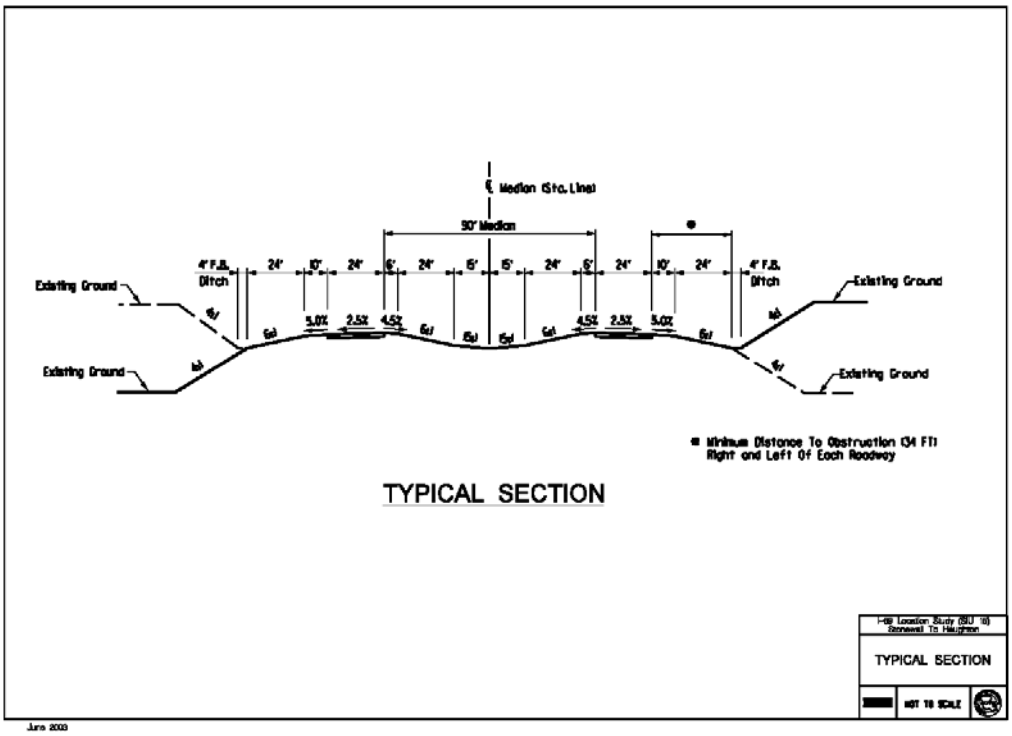
EXAMPLE UPDATED STUDY AREA MAP



EXAMPLE LOCATION AND ENVIRONMENTAL RESOURCES MAP



EXAMPLE TYPICAL SECTION



STAKEHOLDER COMMENT ON ALTERNATIVES DEVELOPMENT AND SCREENING

In advance of the preliminary alternatives outreach meetings, update materials prepared for the scoping meeting(s) and preliminary alternative summary, expanding upon the information previously

presented. The information, in both exhibit and handout formats, should include:

- Updated Study Area Map showing the preliminary alternatives
- Updated Study Process Flowchart showing the current point in the Stage 1 project development process
- Location and Environmental Resources maps showing the preliminary alternatives and environmental, social, and cultural resources identified within the Study Area. If the exhibits become too cluttered, limit the resources to those of most importance. Exhibits and handouts prepared for the agencies should include sensitive environmental features such as known threatened and endangered species locations and habitats or identified archaeological sites. Sensitive environmental information shall not be presented to the local officials or the public.
- Preliminary Alternatives Impact Summary and estimated project costs
- Sign-in sheets
- Comment forms.

Agency Review Meeting

Send letters to the federal cooperating agencies, participating agencies, and other resource agencies soliciting their participation in a preliminary alternatives review meeting. The letters should include the Updated Study Area Map and Preliminary Alternatives Impact Summary so each agency can evaluate its need to attend.

Prepare a draft letter for the lead federal agency to send to the identified Native American Tribes soliciting their participation at the

preliminary alternatives review meeting. The draft letter should offer to reimburse the tribal representative's travel expenses or, if requested, to meet separately at a date and location more convenient with the tribal representative.

Conduct the preliminary alternatives review meeting. Consider using conference calls or video conferencing to facilitate agency participation in this process. Make presentations explaining the preliminary alternatives development process including the engineering challenges/issues as they relate to the potential environmental resources impacts, especially with regard to minimizing impacts to wetland systems or other areas of environmental concern identified during scoping. Present all of the alternatives in comparative form, define the issues associated with each alternative, and provide a clear basis for evaluating the relative merits of each alternative. Provide handouts of the materials prepared above in advance if a conference call is utilized. Encourage agency discussions regarding environmental issues of concern, preliminary impacts and potential mitigation.

Solicit federal cooperating agency and participating agency comment on the alternatives development and impact assessment rationale, and the preliminary alternatives developed. Alternatives Development and Screening is the second of three points where agency involvement is essential. Refer to SAFETEA-LU Section 6002, included in the Appendix, for further details.

Prepare and distribute minutes to all agencies, including those agencies not in attendance.

Local Officials Review Meeting

Send letters to the identified local officials and other stakeholders soliciting their participation in a local officials preliminary alternatives review meeting. Depending on the project's sensitivity, it may be advisable to NOT include handouts of the preliminary alternatives under consideration in order to avoid premature circulation of the information. If possible, schedule the meeting the day of, and preceding the public involvement meeting(s).

Conduct the local officials meeting. Make presentations explaining the preliminary alternatives development process including the engineering challenges/issues as they relate to the potential environmental resources impacts and areas of public concern. Encourage discussions regarding how well the preliminary alternatives address local purpose and need issues and other areas of public concern. Brief the local officials on the meeting content and format of the public meeting(s), provide them with copies of the meeting handouts, and encourage their attendance and active participation.

Prepare and distribute minutes to all local officials and other stakeholders, including those officials not in attendance.

Public Involvement Meeting

Advertise the public meeting in local newspapers consistent with established DOTD policy, which is included in the Appendix. The advertisement should include the meeting date, time, location and project contact for additional information. Include citations regarding compliance with applicable meeting regulatory requirements such as Americans with Disabilities Act, Environmental Justice, and the National Historic Preservation Act, as applicable.

DOTD public meetings generally follow one of two general formats, a formal format or an informal format. The formal public meeting format is a structured meeting process with the meeting following a defined schedule. The informal public meeting format is a self-paced meeting process where the participant views what they want, in the order they want. The appropriate format is project specific and depends on the information being presented, the degree of public controversy, and other factors. Coordinate the public meeting format with the Environmental Section.

Public meetings can follow either a formal or informal format.

Formal Public Meeting Format

Arrange for a public address system if the meeting facilities do not have one. Also arrange to have the meeting recorded and transcribed.

The formal public meeting initially follows an open forum format that allows the public time to review project exhibits and talk informally with representatives of the Project Team. This open forum format precedes a formal technical presentation. Following a short recess, there is to be a formal question and answer session. Individuals wishing to ask a question should be encouraged to complete a question card and present it to a representative of the Project Team prior to beginning the formal question and answer session.

Maintain separate sign-in sheets for the public, local elected officials, and DOTD/lead federal agency attendees at the Welcome Table. Encourage all attendees to complete the sign-in so they can be added to project mailing lists and provide them with meeting handouts, including public comment forms. Present the best possible professional image for DOTD.

Following the public meeting, prepare a bound public involvement summary containing the following:

- Cover and Title Page identifying the project name, state and federal project number, meeting location, date, and time
- Sign-in sheets
- Handout materials, including the comment form
- Cards from individuals requesting to ask a question
- Transcript of the technical presentation and question and answer session
- Comment forms received

Prepare a separate summary for each public meeting held. Distribute copies of the public outreach summary to federal and state agencies, and public institutions such as libraries. Coordinate with the Environmental Section for the distribution.

Informal Public Meeting Format

This informal, or "open house" public meeting format shares many of the same aspects of the formal public meeting, but is conducted in a more relaxed, self-paced atmosphere. The formal public meeting follows a consecutive schedule, whereas the informal meeting utilizes "information stations" that run concurrently. The stations are described below. The same information is presented, but unlike the formal public meeting, the public can arrive when they choose; view the information stations of their choosing; spend as much or as little time as they need, and leave when they're ready. This format is generally preferred by the public.

Like the formal public meeting, the informal public meeting also follows an open forum format that allows the public time to review project exhibits and talk informally with representatives of the Project Team.

Presentation Station

Prerecord the formal presentation in advance of the public meeting. A PowerPoint presentation with pictures, video and exhibits/maps with a voice-over narrative is especially effective. The presentation should also indicate how the public can comment both during and after the public meeting and the audience should be encouraged to comment on the project. Run the PowerPoint presentation on a continuous loop throughout the meeting so the public can view the technical presentation at their convenience.

Comment Station

The comment station provides the public the opportunity to make oral or written comments about the project. Arrange to have the oral public comments recorded and transcribed. The primary difference between formal and informal meeting formats is the oral public comment. During the formal public meeting question and answer period, responses are provided to questions asked.

Sign-in and documentation are identical to the formal public meeting format. Maintain separate sign-in sheets for the public, local elected officials, and DOTD/agency attendees at the Welcome Table. Encourage all attendees to complete the sign-in so they can be added to project mailing lists and provide them with meeting handouts, including public comment forms. Present the best possible professional image for DOTD.

Following the public meeting, prepare a bound public involvement summary containing the following:

- Cover and Title Page identifying the project name, state and federal project number, meeting location, date, and time
- Sign-in sheets
- Handout materials, including the comment form
- Transcript of the technical presentation
- Cards from individuals making a recorded comment
- Transcript of recorded comments
- Summary of issues/questions raised during informal discussions
- Comment forms received

Prepare a separate summary for each public meeting held. Distribute copies of the public involvement summary to federal and state agencies, and public institutions such as libraries. Coordinate with the Environmental Section for the distribution.

REFINE ALTERNATIVES / IDENTIFY PREFERRED ALTERNATIVE

Refine Alternatives - Identify Preferred Alternative

REFINE ALTERNATIVES

Prepare an Action Plan, for lead federal agency review, recommending revisions to the preliminary alternatives, if any, based on comments received from the agencies, local officials, and the public.

Consult with the lead federal agency regarding the tools and CSS techniques (e.g. design charettes, focus group meetings) to be employed in refining the preliminary alternatives.

Upon lead federal agency concurrence with the Action Plan, revise the preliminary alternatives as appropriate. Expand the previously prepared Preliminary Alternatives Summary to reflect the stakeholder outreach efforts, including the CSS techniques used and the revisions made. The expanded summary discussions should present the revisions made and why, objectively evaluate the revised alternatives and include an updated estimated project cost and a quantitative analysis of potential environmental impacts based on the project GIS. The expanded summary should also include the following additional exhibits, if applicable:

- Updated Study Area Map showing the revised preliminary alternatives
- Revised Typical Section(s)
- Revised Location and Environmental Resources maps. Display the revised preliminary alternatives and all environmental, social, and cultural resources identified within the Study Area on the project base map. Select an appropriate scale to clearly illustrate the alternatives and their relationship to the resources. Color maps are preferred because they assist in visualizing the resources and clarifying the area of potential effect.
- Revised Preliminary Alternatives Impact Summary showing the comparative impacts for each of the revised preliminary alternatives developed
- Revised Cost Estimates including administration, design, right-of-way acquisition, utilities relocations, construction and mitigation.

Provide the revised estimated costs to the Project Finance Committee.

This expanded preliminary alternatives analysis forms the basis for the Alternatives Section of the Environmental Document.

LEAD FEDERAL AGENCY IDENTIFIES PREFERRED ALTERNATIVE

The lead federal agency has the authority and responsibility to define the preferred alternative in any document which the lead federal agency is responsible for preparing. In consultation with the lead federal agency, using a balanced transportation decision-making approach, identify a Preferred Alternative that takes into account the potential impacts on the human and natural resources; the public's need for safe and efficient transportation improvements; and is the least environmentally damaging practicable alternative as require by NEPA and the Section 404(b)(1) guidelines. Identification of a Preferred Alternative is based on the accumulated data from all field studies, agency reviews and public comments. The advantages of identifying a Preferred Alternative at this point in the project development process include:

- Stakeholder coordination and involvement, which is required by SAFETEA-LU.
- Broader public disclosure. The public wants to know which alternative is preferred by the DOTD and the public hearing on the Draft EIS or the Draft EA is often the last opportunity for the public to interact directly with representatives of the Project Team.

- Obtaining permits sooner. Permit applications can be started and discussions with permitting agencies can begin once a Preferred Alternative is identified.
- Completing environmental studies sooner. Depending on the project, DOTD may conduct certain detailed environmental studies, such as a Phase I Archaeological Survey or Phase 1 Environmental Site Assessment only on the Preferred Alternative. Early identification of a Preferred Alternative expedites the overall project schedule.

It is recommended that a Preferred Alternative be chosen at this phase; however, it is possible that no single preferred alternative can be identified at this point.

For an EIS, submit the *Draft* Expanded Preliminary Alternatives Summary and Preferred Alternative Recommendation, for lead federal agency review.

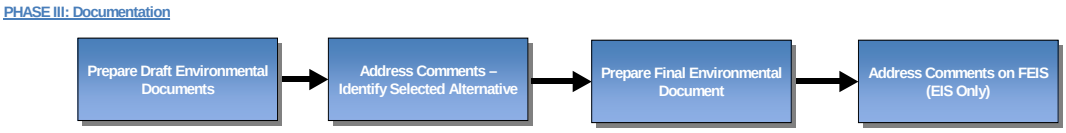
STAKEHOLDER COMMENT ON PREFERRED ALTERNATIVE

After addressing all lead federal agency comments, submit the Preliminary Alternatives Summary and Preferred Alternative

Recommendation for federal cooperating agency and participating agency comment. Unless a different deadline was established, allow 30 days for review and comment. The Preferred Alternative recommendation is the third of three points where agency involvement is essential. Refer to SAFETEA-LU Section 6002, included in the Appendix, for further details.

At the lead federal agency's direction, either submit the Preferred Alternatives Summary and Preferred Alternative Recommendation, on the lead federal agency's behalf, directly to all Native American tribal interests, or provide copies to the lead federal agency for distribution.

PHASE III: DOCUMENTATION



PREPARE DRAFT ENVIRONMENTAL DOCUMENTS

PREPARE DRAFT EIS

When a proposed transportation improvement will have a significant impact on the environment, an Environmental Impact Statement (EIS) is required. When the FHWA is the lead federal agency, FHWA's Technical Advisory (T6640.8A) provides guidance on the required

format and the type of information that should be developed in an Environmental Impact Statement (EIS). The following is a brief summary of the major EIS sections for a FHWA document. Refer to T6640.8A for detailed content. For lead federal agencies other than FHWA, coordinate with the lead federal agency on the required content and format.

Purpose and Need

The previously developed Purpose and Need Statement that was submitted for federal cooperating agency and participating agency review and comment forms the basis for the Purpose and Need section.

This section is one of the most important elements of a project and should be well documented in the EIS. The discussion should be clear and specific, and support the need for the project. The Purpose and Need section drives the selection of the range of alternatives. For example, if there is a capacity problem, it should be stated in this section and then referenced in later traffic discussions. Some of the common "needs" often presented in ElSs include: transportation demand, safety, legislative direction, urban transportation plan consistency, modal interrelationships, system linkage, and the condition of existing facilities. Exhibits and tables are helpful in clarifying the discussion.

Alternatives

The previously developed Preliminary Alternatives Summary forms the basis for the Alternatives section.

The Alternatives section describes the process that was used to develop, evaluate, and eliminate potential alternatives related to the purpose and need of the project. The discussion should include how

alternatives were selected for detailed study, the reason others were eliminated from consideration, and a clear basis for choice among the options related to the need. The alternatives must comply with the requirements of 23 CFR 771.111(f), which states that projects must connect logical termini, have independent utility, and not restrict consideration of future transportation alternatives.

In the Draft EIS (DEIS), all reasonable alternatives should be discussed at a comparable level of detail. In the DEIS there is no requirement to have a "preferred" alternative, however, if an official position has been taken on one of the alternatives, it should be so stated in the document. At this stage in the process, no final decision can be made. The Final EIS (FEIS) must identify and describe the preferred alternative and the basis for the decision.

The "no-build" alternative must always be included. In addition to fulfilling a requirement, discussion of this alternative can serve two purposes. First, it may be a reasonable alternative, especially where the impacts are high and the need is relatively minor. More often, the no-build alternative serves as a benchmark against which the impacts of the other alternatives can be compared. As part of this alternative, short-term minor reconstruction, such as safety upgrading and maintenance projects, can be considered. Transportation System Management must be included as an alternative or design option where applicable. This can include high-occupancy vehicle lanes, ridesharing, signal synchronization, and other actions. Also, where appropriate, mass transit options should be considered.

Exhibits should include the location of the alternatives in relation to each other and the Study Area, alternative termini points and design features, such as the number of lanes and location of interchanges.

Affected Environment

This section provides a concise description of the existing social, economic, and environmental setting of the Study Area. It should focus on the important issues and be no longer than needed to provide an understanding of the area and the impacts of the alternatives. The section presents the total context within which a transportation improvement project will exist. It also should identify environmentally sensitive features. The use of exhibits and/or photographs for this purpose is especially effective.

Environmental Consequences

This section describes the probable beneficial and adverse social, economic, and environmental effects of alternatives under consideration, the methodologies used in the evaluation, and the measures proposed to mitigate adverse impacts. The impacts should be discussed and considered in terms of their context and intensity and have sufficient scientific and analytical substance to provide a basis for evaluating the comparative benefits merits of the alternatives. This section should also describe the potential measures that could be taken to mitigate the impact. Mitigation must be considered for all impacts, regardless of their significance. Additional consideration should be given to using enhancement measures to help better fit the project into the environment.

Indirect and cumulative impacts should also be discussed. Indirect (sometimes referred to as secondary) impacts are those reasonably foreseeable effects that are expected to be "caused" by the proposed action but occur later in time. Cumulative impacts are those that result from the incremental consequences of an action when added to other past and reasonably foreseeable future actions.

Listed below are potential impacts most commonly encountered by highway projects. This list is not all-inclusive and on specific projects there may be other impacts that should be discussed.

- Land Use Impacts
- Farmland Impacts
- Social Impacts
- Relocation Impacts
- Economic Impacts
- Joint Development
- Considerations Relating to Pedestrians and Bicyclists
- Air Quality Impacts
- Noise Impacts
- Water Quality Impacts, including non-point source pollution runoff
- Permits
- Wetland Impacts
- Water Body Modification and Wildlife Impacts
- Floodplain Impacts
- Wild and Scenic Rivers (Federal) and Louisiana's Scenic Streams (State)
- Coastal Barriers
- Coastal Zone Impacts
- Threatened and Endangered Species
- Historic Properties and Archaeological Sites
- Hazardous Waste Sites
- Visual Impacts
- Energy

- Construction Impacts
- Relationship between Local Short-Term Uses and Long-Term Productivity
- Irreversible and Irretrievable Commitment of Resources

The discussion of the proposed project impacts should not use the term "*significant*" in describing the level of impacts. There is no benefit to be gained from its use.

Comments and Coordination

The EIS must summarize the scoping process, the results of any meetings that have been held, and any comments received during preliminary coordination. Between the Draft and Final EIS, the DOTD and the lead federal agency must consider and prepare responses to all substantive comments received on the Draft EIS, including those from the public hearing.

Ideally, all necessary regulatory consultation (e.g. Endangered Species Act, Magnuson-Stevens Fishery Conservation and Management Act, Louisiana Coastal Resources Program, etc) should be completed and summarized in the DEIS. In no case, should a Record of Decision be issued prior to completing such consultation or concurring on commitments to complete such consultation.

List of Preparers

This section includes a list of the individuals primarily responsible for preparing the EIS or technical reports, including lead federal agency representatives, DOTD personnel, and consultants. This list should include the individual's name and qualifications including his/her education, expertise, experience, and professional discipline.

Distribution of Statement

Copies of all EISs must be made available to the public and circulated for comment. This section identifies all entities receiving a copy of the DEIS and from which comments are being requested. The entities typically include:

- Federal cooperating agencies
- Participating agencies
- Federal, State, and local government agencies expected to have jurisdiction, responsibility, interest, or expertise in the project
- Office of the Governor
- Federal Senators and Congressmen
- State Senators and Representatives
- Federal and State land management entities that may be affected by the project
- Native American Tribes and Tribal Interests
- Public Officials including the Parish Floodplain Administrator
- Private groups known to have an interest in the project
- Local and State Libraries.

Index

The index should include important subjects and areas of major impacts so that a reviewer need not read the entire EIS to obtain information on a specific subject or impact.

Draft EIS Concurrent Review and Revisions

Submit a *Preliminary* Draft EIS to the lead federal agency, federal cooperating agencies, and participating agencies for concurrent review. Unless a different deadline was established, allow 30 days for review and comment.

Revise the *Preliminary* Draft EIS based on the comments received. Coordinate with the lead federal agency as appropriate. Prepare responses to comments received from the lead federal agency and each of the federal cooperating agencies. Submit the *revised* *Preliminary* Draft EIS and responses to comments to the lead federal agency for review.

Distribute Draft EIS

Upon lead federal agency approval of the *revised* document; obtain an EIS number from the lead federal agency. Include the EIS number and the due date for comments on the Cover Sheet and submit the Cover Sheet first to the DOTD Environmental Engineer Administrator and then to the lead federal agency for signature. For DEISs, the due date for comments must allow for a minimum 45-day review period from the date the Environmental Protection Agency's Notice of Availability appears in the Federal Register. The review period shall not exceed 60 days unless a different deadline was established by agreement of the lead agency, the project sponsor, and all participating agencies. The EPA Office of Federal Activities, EIS Filing Section will publish the Notice of Availability in the Federal Register. The Notice of Availability

will appear on the Friday of the week following EPAs receipt of the DEIS.

Distribute the DEIS to all entities identified in the Distribution of Statement. Coordinate with the lead federal agency on the number of copies provided to each entity. Distribution must be made no later than the time the document is filed with the EPA for Federal Register publication.

A Notice of Availability is not published in the Federal Register for projects being documented as an Environmental Impact Statement / Environmental Record (EIS/ER). For these projects, a Notice of Availability must be published in all newspapers having substantial general circulation in the Study Area.

Draft EIS Public Hearing

A public hearing(s) is required for a DEIS, and is usually held by day 15 to allow for a 30-day period following the hearing before the comment period closes. Advertise the public hearing(s) in local newspapers consistent with established DOTD policy, which is included in the Appendix. The advertisement should include the hearing date, time, location and project contact for additional information. Include citations regarding compliance with applicable regulatory requirements such as Americans with Disabilities Act, Environmental Justice, and the National Historic Preservation Act, as applicable.

Public hearings can follow either a formal or informal format.

The public hearing can follow either the formal or informal public meeting format presented in Phase II, except that the formal public hearing does not include a formal question and answer session. At the public hearing, there is only a formal comment session. No answers or responses to comments are provided, except for general information or

simple technical clarifications. Individuals wishing to make a comment for the record should be encouraged to complete a comment card and present it to a representative of the Project Team prior to beginning the formal comment session.

Maintain separate sign-in sheets for the public, local elected officials, and DOTD/lead federal agency attendees at the Welcome Table. Encourage all attendees to complete the sign-in so they can be added to project mailing lists and provide them with hearing handouts, including public comment forms. Present the best possible professional image for DOTD.

Following the public hearing, prepare a bound public hearing summary containing the following:

- Cover and Title Page identifying the project name, state and federal project number, meeting location, date, and time
- Sign-in sheets
- Handout materials, including the comment form
- Cards from individuals making a verbal comment
- Transcript of the technical presentation and verbal comments
- Comment forms received

Prepare a separate summary for each public hearing held. Distribute copies of the public hearing summary to federal and state agencies, and public institutions such as libraries. Coordinate with the Environmental Section for the distribution.

Initiate Development of Technical Reports

DOTD requires that technical reports be prepared to supplement information provided in the EIS. Technical report requirements are

project specific and may provide additional information on wetlands, cultural resources, air quality, traffic noise, hazardous materials, or threatened and endangered species. Coordinate with the Environmental Section for the Technical Report requirements of each project.

PREPARE DRAFT ENVIRONMENTAL ASSESSMENT (EA)

When it is uncertain whether there will be significant impacts resulting from a transportation project, an Environmental Assessment (EA) is often prepared to help answer that question and to document the analysis of the project and its effects. Therefore, the EA should address only those resources that have the potential for being significantly impacted. If, at any point in the process of preparing or processing an EA, it is discovered that the project would result in any significant impacts to the environment, then an environmental impact statement (EIS) must be prepared.

An EA is not a mini-EIS. The EA should be a concise document and should not contain long descriptions or detailed information that may have been gathered or analyses that may have been conducted for the project. Although the regulations do not set page limits, the Council on Environmental Quality (CEQ) recommends that EAs should be only 10 to 15 pages in length. It is often not possible to stay within these page limits, especially if information related to a permit is included. The EA should use exhibits and tables and incorporate by reference and summarize background data and technical analyses to support the concise discussions of the alternatives and their potential impacts.

The CEQ regulations do not require a standard format to be used for an EA. When the FHWA is the lead federal agency, FHWA's Technical

Advisory (T6640.8A) provides guidance on the format and content. Briefly, the subject areas addressed include:

- Project Description
- Purpose and Need
- Alternatives
- Impacts
- Comments and Coordination.

For lead federal agencies other than FHWA, coordinate with the lead federal agency on the required content and format.

Lead Federal Agency Review and Revisions

Submit a Draft EA to the lead federal agency for review. The review period is usually 30 days but should be agreed upon with the lead federal agency prior to submitting the document.

Revise the Draft EA based on the comments received. Coordinate with the lead federal agency as appropriate and prepare responses to comments received. Submit the *revised* Draft EA and responses to comments to the lead federal agency for review.

Distribute Draft EA

Coordinate with the lead federal agency on the distribution of the Draft EA. At a minimum, the Draft EA must be made available for public inspection at public libraries and DOTD district offices near the proposed project. A Notice of Availability must be published in all newspapers having substantial general circulation in the Study Area. For Draft EAs, the due date for comments is usually a minimum of 40 days after the first publishing of the Notice of Availability, but may be less under rare circumstances.

Draft EA Public Hearing

DOTD will either hold a public hearing or offer to hold a public hearing if requested to do so. Advertise the public hearing(s) in local newspapers consistent with established DOTD policy. The advertisement should include the hearing date, time, location and project contact for additional information. Include citations regarding compliance with applicable regulatory requirements such as Americans with Disabilities Act, Environmental Justice, and the National Historic Preservation Act, as applicable.

Arrange for a public address system if the hearing facilities do not have one. Also arrange to have the hearing recorded and transcribed.

The public hearing shall follow the format used for public meetings except for the formal question and answer session. At the public hearing, there is a formal comment session. No answers or responses to comments are provided. Individuals wishing to make a formal comment for the record should be encouraged to complete a comment card and present it to a representative of the Project Team prior to beginning the formal comment session.

Maintain separate sign-in sheets for the public, local elected officials, and DOTD/lead federal agency attendees at the Welcome Table. Encourage the attendees to complete the sign-in so they can be added to project mailing lists, and provide them with hearing handouts, including public comment forms. Present the best possible professional image for DOTD.

Following the public hearing, prepare a bound public hearing summary containing the following:

- Cover and Title Page identifying the project name, state and federal project number, meeting location, date, and time
- Sign-in sheets
- Handout materials, including the comment form
- Cards from individuals making a verbal comment
- Transcript of technical presentation and verbal comments
- Comment forms received

Prepare a separate summary for each public hearing held. Distribute copies of the public hearing summary to federal and state agencies, and public institutions such as libraries. Coordinate with the Environmental Section for the distribution.

INITIATE DEVELOPMENT OF TECHNICAL REPORTS

DOTD requires that technical reports be prepared to supplement information provided in the EA. Technical report requirements are project specific and may provide additional information on wetlands, cultural resources, air quality, traffic noise, hazardous materials, or threatened and endangered species. Coordinate with the Environmental Section for the Technical Report requirements of each project.

ADDRESS COMMENTS / IDENTIFY SELECTED ALTERNATIVE

Address Comments – Identify Selected Alternative

ADDRESS DRAFT DOCUMENT COMMENTS

After the close of the draft document comment period, all written and oral comments will become part of the official project record. All substantive comments from agencies and the public must be addressed in the final environmental documents either individually or collectively. It is often beneficial to group like comments together to streamline the comment response process.

Submit a draft version of the response to comments to the lead federal agency for review. The review period should be coordinated with the lead federal agency prior to submittal of the responses. Revise the responses based on the comments received. Coordinate with the lead federal agency as appropriate.

IDENTIFY SELECTED ALTERNATIVE

Coordinate with the lead federal agency to discuss any proposed changes or modifications to the original Preferred Alternative due to the received comments. A Selected Alternative will be determined in cooperation with the lead federal agency only after all substantive comments to the Draft document are adequately addressed.

PREPARE FINAL ENVIRONMENTAL DOCUMENTS

Prepare Final Environmental Document

PREPARE FINAL EIS

The Final EIS is prepared following the Draft EIS Public Hearing and close of the Draft EIS comment period. In addition to providing all Draft EIS material, the Final EIS should include:

- An updated comments and coordination section to include a consideration and discussion of all substantive comments received on the Draft EIS (from both agencies and the public) and to include any comments received at the public hearing. If the EIS was changed in response to these comments, these changes should be noted in this section
- Identification and description of the Selected Alternative and the basis for the decision
- Identification and discussion of project Environmental Commitments, including but not limited to, mitigation measures, design commitments, and pollution control measures
- A Wetlands Finding statement as required by Executive Order 11990, if the Selected Alternative is located in wetlands
- A complete Biological Assessment or Evaluation and the US Fish and Wildlife Service's Biological Opinion or letter of concurrence
- A Floodplains Finding as required by 23 CFR 650, Subpart A and Executive Order 11988 if the Selected Alternative includes a floodplain encroachment.

Final EIS Concurrent Review and Revisions

Final EIS production follows the steps outlined for production of the Draft EIS. A *Preliminary* Final EIS is submitted to the lead federal agency and federal cooperating agencies and participating agencies for concurrent review. The review period is usually 30 days but may be longer when FHWA is the lead federal agency due to legal sufficiency review. The review period should be agreed upon with the lead federal agency and included in the Coordination Plan required by SAFETEA-LU.

Revise the *Preliminary* Final EIS based on the comments received. Coordinate with the lead federal agency as appropriate. Prepare responses to comments received from the lead federal agency and each of the federal cooperating agencies. Submit the ***revised*** *Preliminary* Final EIS and responses to comments to the lead federal agency for review.

Distribute Final EIS

Distribution of the Final EIS is similar to the Draft EIS. Upon DOTD and lead federal agency approval of the ***revised*** document, revise the EIS number from the lead federal agency and include the due date for comments on the Cover Sheet. Submit the Cover Sheet first to the DOTD Environmental Engineer Administrator and then to the lead federal agency for signature. For Final EISs, the due date for comments must allow for a 30-day review period from the date the Notice of Availability appears in the Federal Register, unless a different period was established.

Distribute the FEIS to all entities identified in the Distribution of Statement. Coordinate with the lead federal agency on the number of copies provided to each entity. Distribution must be completed no later

than the time the document is filed with the EPA for Federal Register publication.

A Notice of Availability will not be published in the Federal Register for projects being documented as an Environmental Impact Statement / Environmental Record (EIS/ER). For these projects, a Notice of Availability must be published in all newspapers having substantial general circulation in the Study Area.

Inter-Agency Disagreement Process

One of the duties and functions of the CEQ is to review and appraise the various programs and activities of the Federal Government as they pertain to NEPA. CEQ Regulations (40 CFR Part 1504) outline a CEQ referral process that permits federal agencies to bring to CEQ interagency disagreements concerning proposed major federal actions that might cause unsatisfactory environmental effects. The regulations specify the timeframes for filing disagreements and responses.

SAFETEA-LU also outlines processes to resolve any issues that could substantially delay or prevent an agency from granting a permit or other approval that is needed for the project. Refer to the SAFETEA-LU legislation included in the Appendix.

Early, continual, and meaningful agency coordination, and a context-sensitive approach to project development should ensure that such actions need not be taken.

Submit Final Technical Reports

Submit final technical reports to lead federal agency for review and approval. Coordinate with the Environmental Section to determine the need for resource agency distribution.

PREPARE FINAL ENVIRONMENTAL ASSESSMENT (EA)

The Final EA is prepared following the Draft EA Public Hearing and close of the Draft EA comment period. In addition to providing all Draft EA material, the Final EA should include:

- An updated comments and coordination section to include a consideration and discussion of all substantive comments received on the Draft EA (from both agencies and the public) and to include any comments received at the public hearing. If the EA was changed in response these comments, these changes should be noted in this section
- Identification and description of the Selected Alternative and the basis for the decision
- Identification and discussion of project Environmental Commitments, including but not limited to, mitigation measures, design commitments, and pollution control measures
- A Wetlands Finding statement as required by Executive Order 11990, if the Selected Alternative is located in wetlands
- A complete Biological Assessment or Evaluation and the US Fish and Wildlife Service's Biological Opinion or letter of concurrence
- A Floodplains Finding as required by 23 CFR 650, Subpart A and Executive Order 11988 if the Selected Alternative includes a floodplain encroachment.

Submit a *Preliminary* Final EA to the lead federal agency for review. The review period is usually 30 days but should be agreed upon with the lead federal agency prior to submitting the document. Revise the *Preliminary* Final EA based on the comments received. Coordinate with the lead federal agency as appropriate to address all comments.

Submit Final EA and Request for FONSI or EF

Once the Final EA has been approved by the lead federal agency, a Finding of No Significant Impact (FONSI) is recommended when the project record demonstrates that the proposed action will have no significant impact on the natural and human environment. Concurrently submit the Final EA and a request for the FONSI to the lead federal agency. The FONSI is typically bound into the Final EA.

For projects that are not federally funded and do not require a federal action or permit, prepare an Environmental Finding (EF) when the project record demonstrates that the proposed action will have no significant impact on the natural and human environment. An EF is similar to a FONSI, but is issued by the DOTD. Concurrently submit the Final EA and EF to the DOTD Chief Engineer or the Chief Engineers's delegate for execution.

If at any point in the process of preparing or processing an EA, it is discovered that the project would result in any significant impacts to the environment, an environmental impact statement (EIS) must be prepared.

Submit Final Technical Reports

Submit final technical reports to lead federal agency for review and approval. Coordinate with the Environmental Section to determine the need for resource agency distribution.

ADDRESS COMMENTS ON FINAL EIS

Address Comments on FEIS (EIS Only)

ADDRESS COMMENTS

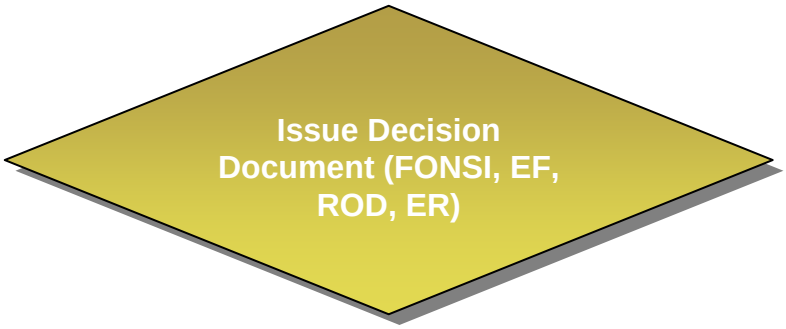
After the close of the Final EIS comment period, all written and oral comments will become part of the official project record. All substantive comments must be addressed in the ROD or ER. Prepare a *draft* version of the response to comments to the lead federal agency for review and submit with the ROD as detailed below.

PREPARE RECORD OF DECISION OR ENVIRONMENTAL RECORD

Prepare and submit a draft ROD for lead federal agency review. The ROD should: (1) state the basis for the decision, (2) identify all the alternatives considered and specify the "environmentally preferable alternative," and (3) state whether all practicable means to avoid or minimize environmental harm from the alternative selected have been adopted and, if not, why they were not. The ROD should also include the responses to all substantive comments on the Final EIS and summarize any mitigation measures or other environmental commitments. The review period should be coordinated with the lead federal agency prior to submittal of the ROD. Revise the ROD based on the comments received and submit a final version.

Prepare and submit an Environmental Record (ER) for projects that may are not federal funding and do not require a federal action or permit. An ER is similar to a ROD, but is issued by the DOTD.

ISSUE DECISION DOCUMENT



RECORD OF DECISION OR ENVIRONMENTAL RECORD

The lead federal agency must issue a Record of Decision (ROD) before any project approvals (e.g. for design, right-of-way acquisition, construction) can be given on the selected course of action.

However, it does not commit an agency to action, guarantee FHWA funding, or permit an agency to proceed to further actions (such as final design or construction).

The ROD may not be issued sooner than 30 days after the approved Final EIS is distributed, nor 90 days after the Draft EIS is circulated. Coordinate with the Environmental Section and the lead federal agency for ROD distribution and availability requirements.

There is a 180-day statue of limitations for lawsuits challenging a ROD provided that the decision is published in the Federal Register.

SAFETEA-LU established a 180-day statute of limitations for lawsuits challenging lead federal agency approvals provided that the decision is published in the Federal Register. FHWA is drafting implementing regulations and guidance in response to the SAFETEA-LU legislation. There is no statute of limitations if the decision is not published in the Federal Register.

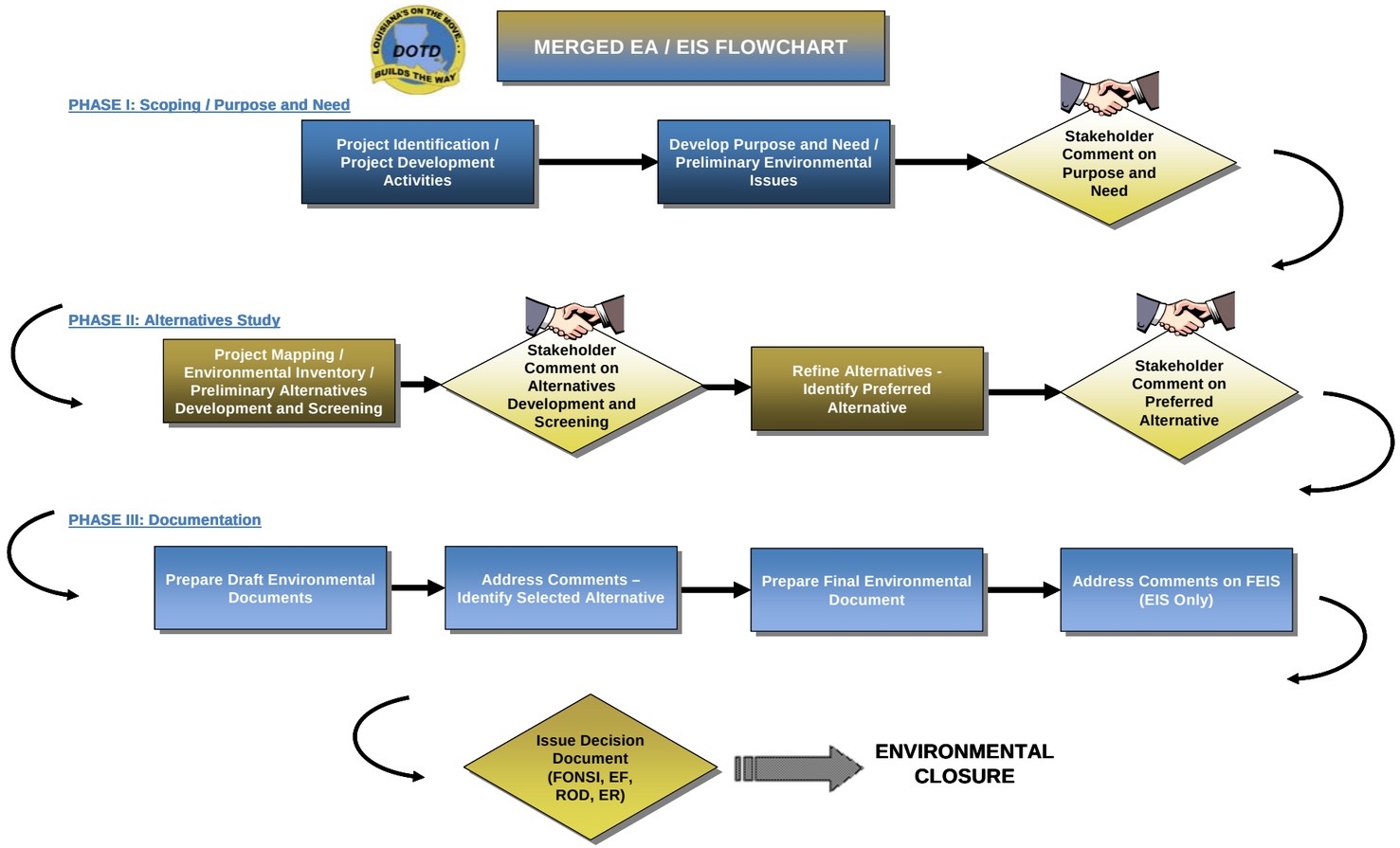
An Environmental Record (ER), its commitments and execution is similar to a ROD, but is issued by the DOTD Chief Engineer or the Chief Engineer's delegate.

FINDING OF NO SIGNIFICANT IMPACT OR ENVIRONMENTAL FINDING

Similar to a ROD, a Finding of No Significant Impact (FONSI) provides the environmental closure for the proposed project and allows other project related activities to move forward. Coordinate with the Environmental Section and the lead federal agency for FONSI distribution and availability requirements.

An Environmental Finding (EF) is similar to a FONSI, but is issued by the DOTD Chief Engineer or the Chief Engineer's delegate. Coordinate with the Environmental Section for EF distribution and availability requirements.

ENVIRONMENTAL CLOSURE


MERGED EA / EIS FLOWCHART
PHASE I: Scoping / Purpose and Need
Project Identification / Project Development Activities
Develop Purpose and Need / Preliminary Environmental Issues
Stakeholder Comment on Purpose and Need
PHASE II: Alternatives Study
Project Mapping / Environmental Inventory / Preliminary Alternatives Development and Screening
Stakeholder Comment on Alternatives Development and Screening
Refine Alternatives - Identify Preferred Alternative
Stakeholder Comment on Preferred Alternative
PHASE III: Documentation
Prepare Draft Environmental Documents
Address Comments – Identify Selected Alternative
Prepare Final Environmental Document
Address Comments on FEIS (EIS Only)
Issue Decision Document (FONSI, EF, ROD, ER)
ENVIRONMENTAL CLOSURE