

(Original Signed 10/01/96)

ACTION: Streamlined Environmental Impact Statement (EIS) Review and Approval Process

Rodney E. Slater
Administrator

HEP-30

Regional Administrators
Federal Lands Highway Program Administrator

I am pleased to announce measures to streamline the EIS review and approval process. Effective immediately, Headquarters' routine review of draft EISs is eliminated and Regional Administrators and the Federal Lands Highway Program Administrator are delegated the authority to make determinations concerning which final EISs require the prior concurrence of FHWA Headquarters.

This effort stems from the National Performance Review (NPR), in which the Vice President challenged us to rethink how we do business, so that we can get better results through a more effective process. In this case, better results mean projects that do a better job of responsively solving transportation problems in an environmentally sensitive manner. A more effective process is one that uses FHWA resources more prudently to add real value to the work of the State departments of transportation.

A major theme of the NPR was empowerment with accountability. As we further decentralize FHWA's EIS oversight functions, you are now empowered to fully manage how FHWA's expertise will be brought to bear on all EIS projects. This is a weighty responsibility that carries with it accountability for doing it well.

Even before the NPR, we had begun to reevaluate the effectiveness of FHWA's current role in the development of EIS projects. We found that while FHWA is effective in assuring that appropriate treatment is given to environmental issues, the process we used had four major weaknesses. First, in too many cases, substantial rework was needed between the draft EIS and the final EIS--the quality of the project and/or document at the draft EIS stage was not as good as we should expect. Second, the lessons learned from one project were not being used to improve the quality of future projects. Third, FHWA's Headquarters interdisciplinary expertise was not being used in the most effective way--commenting on a draft EIS was not nearly as important as assisting in the early scoping of issues leading to the development of the draft EIS. Finally, the draft EIS review process relied too heavily on redundant reviews at the regional and Headquarters levels--even though the reviews were done concurrently, they posed a staffing burden.

In January 1995, we approved a pilot project for Region 9 that eliminated the routine Headquarters review of draft EISs. In its place, the regional and division offices restructured their work processes to assure enhanced FHWA involvement in the project development process. This included getting Headquarters involved early at key steps on projects that required specific interdisciplinary technical expertise or a national perspective on the issues. A summary of the Region 9 effort is attached (Attachment 1). While it is too early to completely evaluate the long term efficacy of the pilot, we have enough positive results to conclude that the effort should be immediately expanded nationwide.

In order to implement a similar approach for EIS projects under your jurisdiction, each region (or the Federal Lands Highway Office (FLHO)) should develop an operations plan that describes how the FHWA Headquarters, regional (or FLHO HQ as appropriate), and division offices will be involved in the development of EIS projects, and how quality will be ensured. Guidelines for developing this plan are attached (Attachment 2).

This effort is not just about operating more efficiently with our available staff; it is fundamentally about maintaining and enhancing the quality of our major projects from an environmental perspective. It was this desire for environmental quality in transportation decisionmaking that motivated me to mandate that you and your key managers attend the Environmental Leadership Seminar. Therefore, your plans should address how the quality of the process will be improved with better decisions on our projects, not just focused on time savings. In order to focus appropriate attention on the issue of quality, we have developed draft quality standards that attempt to capture FHWA's expectation concerning EIS projects. A copy is attached (Attachment 3). We will work with you to further refine FHWA's quality measures and on staffing and training issues to ensure that we have the organizational capacity to do a first-rate job.

One critical issue in this overall effort is the involvement of Headquarters in projects which are highly controversial or involve issues of national significance. Our environmental regulation requires Headquarters prior concurrence of final EISs on such projects. Since our Headquarters staff will not routinely review draft EISs, we will rely on you to notify us of those projects that might require prior concurrence and to confer with Headquarters on the need for Headquarters' involvement. Indeed, I expect that on such projects, these discussions would occur at the earliest possible stage, long before a draft EIS has been released to the public.

Please submit copies of your completed operations plan to the Environmental Operations Division. Questions about this effort can be discussed with Mr. Eugene W. Cleckley at (202) 366-0106.

I am relying on FHWA to develop effective new ways of showing our environmental leadership through proactive involvement in EIS projects. Our Agency's reputation and the vitality of our program depends on our environmental performance on these projects, the most visible part of our program. I know that I can count on each of you to craft a process that will clearly demonstrate FHWA's continuing commitment to environmental protection and enhancement.

3 Attachments

FHWA:FSKAER:HEP-30:bejs:62065:9/12/96

Copies to: HOA-2, HOA-3, HEP-1, HPD-1,
HEP-30(Reader File), HEP-40, HEP-41, HEP-41

(ATTACHMENT 1)

THE REGION 9 PILOT FOR STREAMLINING FHWA'S EIS REVIEW AND APPROVAL PROCESS

I. INTRODUCTION

Region Nine requested and received approval in January 1995 to pilot a streamlined EIS review and approval process by seeking a delegation from Headquarters for authority to review environmental impact statements. The pilot was approved under specific conditions as follows:

- ** Interdisciplinary review is required to maintain a broad perspective on all interrelated issues affecting the project decision and there must be an assurance that one of the Region office environmental specialists be responsible for reviewing the entire document in the predraft stage (prior to approval for circulation by the Division office).
- ** Review by Headquarters technical specialists to supplement the multidisciplinary review will be solicited, as needed, and coordinated directly with the technical specialist.
- ** Prior concurrence is needed from Headquarters on high profile projects which may involve nationally significant environmental issues. The Regional Administrator will decide which projects need Headquarters involvement.
- ** Ongoing, nonduplicative involvement by the Headquarters Project Development Specialist will be provided for informational purposes.

In the past, comments on the EIS's were made solely by Headquarters and Region staff. The Region requested this EIS delegation acknowledging that eliminating the Headquarters' involvement would obligate the Division staff to become more responsible and accountable for working early and collaboratively with the State to assure the quality, completeness and timeliness of draft and final EIS's. Thus, the Division feels more involved in the process and decisions are made at the lowest level possible.

II. DESCRIPTION OF REGION 9 OPERATING PROCEDURES

Region 9 has taken two steps to assure that issues will be identified and addressed early internally. The first step is the region and division will review draft-EIS (see Pre-draft EIS Review below). The second step is to use a checklist. The checklist is designed to identify issues while the document is being reviewed internally.

Notice of Intent

The Division office is responsible for filing this document with the Federal Register and sending a copy to the Region.

Scoping

An environmental project team is established where the Environmental Checklist is presented and any necessary environmental training/guidance is provided to ensure a good, complete and timely EIS will be prepared. All environmental issues are discussed and field review conducted, if possible.

Predraft EIS Review

The area/transportation engineer/environmental coordinator works with the state (and consultants) in preparing the predraft EIS using the Environmental Checklist as a guide. Any glaring Afatal flaws≡ in the predraft EIS must be corrected prior to submittal to the Region. The Assigned checklist≡ along with any comments are sent forth to Region for their review. Region conducts an interdisciplinary review including the legal counsel office and provides comments back to the Division. The Division office consolidates all comments and transmits them to project sponsor.

The pre-draft EIS review is the focus of FHWA's EIS review effort. It *will* be a complete review. A partial review with an intent to finish the full review during subsequent EIS review stages is not acceptable. The extent of FHWA's pre-final review will be limited as outlined below under pre-final EIS review.

Any cooperating agency pre-draft EIS review may be accomplished prior to, concurrent with, or after the FHWA pre-draft EIS review.

Draft EIS Approval

The area/transportation engineer/environmental coordinator assures that all previous comments have been adequately addressed and recommends to the Division Administrator that the draft EIS be approved for circulation. The Division office files the draft EIS with EPA/Federal Register.

Prefinal EIS Review

The area/transportation engineer/environmental coordinator reviews the prefinal and provides the Assigned checklist≡ along with any comments onto the Region. Since a full document review was accomplished at the pre-draft EIS stage, the pre-final EIS review will focus on:

- Π responses to draft EIS comments from the public and other agencies,
- Π issues associated with any project revisions or refinements,
- Π final documentation of compliance with applicable environmental requirements, and

II resolution of any interagency disagreements.

Comments are provided to the Division who in turn sends the comments onto the project sponsor. However, any important, "show-stopping" omissions in the EIS will need to be addressed.

Final EIS Approval

The Division and the Region work closely with the State (and consultant) in addressing the necessary document revisions for legal sufficiency and final EIS approval. The Regional Deputy Administrator/Director, Office of Transportation Programs signs and approves the final EIS based on recommendation from the project Environmental Specialist.

Record of Decision

The Region issues the Record of Decision with assistance from the project sponsors. A legal recommendation is acquired prior to the Regional Deputy Administrator/Director, Office of Transportation Programs approval of the ROD.

III. EVALUATION

The preparation and review of NEPA environmental impact statements in Region Nine has improved under the delegation pilot:

, Region Nine environmental staff working with the Divisions prepared EIS checklists for draft EIS's and final EIS's. While the checklists have only been in use since April 1995 and refinements are underway, they have improved initial document quality and have allowed Region staff to shift their NEPA involvement from EIS format and recurring comment matters to the real environmental and social issues specific to a project.

< The checklists combine the information and evaluations outlined in the FHWA Technical Advisory and the many U.S. DOT and FHWA Headquarters and Region Nine policy memoranda, guidance papers, and MOU's into a single, easy-to-use document. They provide a reference of all the various requirements scattered among the many documents for FHWA Division EIS reviewers and State/local agency EIS preparers.

< The Region Nine checklists have served to get the Divisions to take greater ownership of EIS document content and quality than in the past.

< The checklists have also provided EIS preparers a single reference

outlining the topics and evaluations FHWA expects to see in EIS documents.

Region Nine is able to serve its customers in a more timely and productive fashion.

< Responsiveness and accommodations in the spirit of customer service is improved with the project teams.

< EIS comments at the Regional level can be physically consolidated more quickly with one less set of comments (Headquarters) to reconcile and combine with the others received.

< With Headquarters freed from EIS reviews, Headquarters staff is more able to respond to Region Nine requests for assistance with specific project or program issues. For example, assist the Region conduct training for Division and State staff on NEPA document preparation or other specific environmental subjects.

EIS quality has been maintained under the pilot delegation.

< The Region Nine EIS development process includes Region and Division staff involvement during the preparation of a preliminary draft EIS (pre-draft EIS) which is then completely reviewed by the Region Office interdisciplinary review team. Issues raised during this pre-draft EIS review are resolved prior to Division Office approval of the draft EIS.

< With Headquarters no longer involved in the EIS review process, project issues remain covered by the Region Office interdisciplinary review team. Prior to the pilot delegation, Headquarters and Region EIS review comments were parallel as the Region and Headquarters reviews essentially duplicated each other.

< If a difficult issue surfaces during EIS preparation or review, Region staff contact the appropriate Headquarters specialist for assistance. This has occurred on a number of projects in which unique situations or issues of nationwide significance have arisen.

IV. CONCLUSION

Based on 20 months of experience, the pilot for streamlining the EIS review has proven to be an overall success. Although, initially the process needed a better definition of the roles for Headquarters, Region and Division, through time these responsibilities have become more clear. As a result of the pilot, it is recommended that this streamlining

option be made available to all of the regions following the model of Region 9.

**FEDERAL HIGHWAY ADMINISTRATION
REGION 9 ENVIRONMENTAL CHECKLIST
"DRAFT" ENVIRONMENTAL IMPACT STATEMENT**

THIS CHECKLIST IS A DYNAMIC WORKING DOCUMENT TO BE USED AS A TOOL TO DEVELOP AN ADEQUATE DOCUMENT FOR APPROVAL. IT IS NOT AN ALL INCLUSIVE CHECKLIST AND SHOULD BE MODIFIED AS APPROPRIATE. THIS IS NOT INTENDED TO ADDRESS THE REQUIREMENTS OF STATE AND LOCAL LAWS.

For each of the following potentially significant impacts, circle Y (yes) or N (no) if these factors are applicable and need to be evaluated for this project. At a minimum, the following factors must be evaluated prior to the approval for circulation of this document by FHWA, unless otherwise noted. This includes the requirements of various Federal environmental laws, Statutes or Executive Orders (e.g., Clean Air Act Amendments, Section 106 (Historic Preservation), Section 7 (Threatened & Endangered Species), etc.).

(See FHWA Technical Advisory (TA) T6640.8A October 30, 1987 Attachment, pages as referenced) [r.c. means recurring comments made on environmental documents]

**STATE: DISTRICT: COUNTY: ROUTE:
POSTMILE: FEDERAL-AID PROJECT NO:
PROJECT DESCRIPTION:**

1. COVER SHEET

1. Includes information on page 11 in TA.

(r.c.) Only federal agencies that have formally accepted cooperating agency status are listed (letters from agencies in appendix).
(r.c.) Abstract includes listing of important social, economic, and environmental impacts expected.
(r.c.) Citations referenced are correct.
(r.c.) End of comment date listed is a minimum of 45 days from the date of the Federal Register availability.
(r.c.) The FHWA signature block on the title page reads:

Division Administrator
Federal Highway Administration

*Reviewed by (Name(s)/phone number) for adequacy:
COMMENTS:*

2. SUMMARY

1. Addresses all items on pages 12-13 in TA.

(r.c.) Identifies and discusses areas of controversy and any major unresolved issues.

Reviewed by (Name(s)/phone number) for adequacy:

COMMENTS:

3. TABLE OF CONTENTS

1. Includes all headings on page 13 in TA.
2. Lists Section 4(f) Evaluation, if appropriate.

(r.c.) Includes listing of figures and tables.

4. PURPOSE AND NEED OF PROJECT

(Refer to Purpose and Need Policy Paper, pages 13-14 of FHWA Technical Advisory T 6640.8A, the NEPA/404 Integration Memorandum of Understanding [MOU] and Guidance Papers)

1. Identifies the transportation problem with supporting data and the proposed solutions to solve the problem.
2. Establishes Level of Service (LOS) objective, if any.

(r.c.) Includes a summary of how the project purpose and need was identified in the planning process and a summary of relevant studies.

(r.c.) Includes a statement "this project is included in the current approved federally required State Transportation Improvement Program [STIP]" (and, if in an urbanized area with a Metropolitan Planning Organization [MPO], is included in the current Regional Transportation Plan [RTP] and Transportation Improvement Program [TIP]).

Reviewed by (Name(s)/phone number) for adequacy:

COMMENTS:

5. ALTERNATIVES

(Alternatives Guidance Papers, pages 14-17 of TA, the NEPA/404 Integration MOU)

1. Includes discussion and description of all reasonable alternatives and the "no action" alternative including estimated costs information.
2. Includes discussion on mass transit alternatives if in urbanized areas over 200,000 population.
3. Demonstrates that Single Occupant Vehicle capacity increasing projects

Revised August 9, 1996

come from or are consistent with the State Congestion Management Plan and that all reasonably available travel demand reduction and operational management strategies have been adopted for the proposed project and project corridor.

4. Considers Transportation System Management (TSM) alternatives.
5. Summarizes and references Major Investment Study (MIS) if developed separately (reference 23 CFR 450.318 and August 25, 1994 FHWA Questions and Answers on MIS Paper).
6. Explains in detail "other alternatives" previously considered in project development and why they were eliminated or rejected.
7. Evaluates all reasonable alternatives including the "no action" to a comparable level of detail.
8. Includes supporting information if a "preferred alternative" is identified.

(r.c.) Includes a summary of the screening process for eliminating the alternatives rejected during transportation planning.

(r.c.) Includes a statement that indicates the final selection of an alternative will not be made until after the consideration of impacts and the public hearing comments and following approval of the final EIS.

(r.c.) Includes pictorial of six Levels Of Service (LOS).

(r.c.) Includes 20-year traffic projection based upon anticipated Project Specifications and Estimates' (PS&Es) approval date.

(r.c.) Discusses analysis of all alternatives including full and non-standard approved design. Also, discusses any non-standard features.

Reviewed by (Name(s)/phone number) for adequacy:

COMMENTS:

6. AFFECTED ENVIRONMENT

The following list should address what are the **existing conditions** in the study area affected by all reasonable alternatives. The outline format is used only for ease of referencing and follows the TA format. Discussion of the information is not restricted to the listed checklist headings but may be contained under the broader or narrower subheadings. Also, a statement that an issue listed below is not pertinent within the project study area should be included when appropriate.

1. **LAND USE (page 19 of TA)**
1. Includes a Regional summary.
2. Identifies the study area.

(r.c.) Includes map showing existing and planned land use (farmland, parks, community and recreational facilities, etc., by type).

Reviewed by (Technical Specialist Name(s)/phone number) for adequacy:

COMMENTS:

- 2. FARMLAND (pages 19-20 of TA) Required for this project? Y or N**
 1. Describes existing farmlands.
 2. Summarizes the Soil and Conservation Service (SCS) form AD 1006 farmland determination (includes form in appendix).

Reviewed by (Technical Specialist Name(s)/phone number) for adequacy:

COMMENTS:

- 3. SOCIAL AND ECONOMIC (pages 20-22 of TA)**
 1. Includes demographic data (i.e. age, ethnicity, and income) from most recent census.
 2. Discusses locations and sense of neighborhood and community cohesion relative to alternatives.
 3. Identifies community resources (parks, churches, shopping, schools, emergency services, libraries, etc.).
 4. Discusses existing travel patterns.
 5. Discusses existing types of housing and businesses.
 6. Discusses employment and tax base.

Reviewed by (Technical Specialist Name(s)/phone number) for adequacy:

COMMENTS:

- 4. PEDESTRIAN AND BICYCLE FACILITIES Required for this project? Y or N (page 23 of TA)**
 1. Identifies any existing facilities and their use (recreation-4(f) or transportation).

Reviewed by (Technical Specialist Name(s)/phone number) for adequacy:

COMMENTS:

- 5. AIR QUALITY (pages 23-24 of TA) Required for this project? Y or N**
 1. Identifies relevant pollutants and their National Ambient Air Quality Standards (NAAQS) in existing air quality.
 2. Discusses regional compliance with NAAQS (TIP & RTP conformity to SIP).
 3. Indicates attainment/non-attainment status of the area for CO, Ozone, PM10, and NOx.

Reviewed by (Technical Specialist Name(s)/phone number) for adequacy:
COMMENTS:

6. **WATER RESOURCES (pages 25-28 of TA) Required for this project? Y or N**
1. Identifies public water sources, sole source aquifers, watersheds, and wellhead protection areas.

(r.c.) Identifies beneficial uses of surface waters.

Reviewed by (Technical Specialist Name(s)/phone number) for adequacy:
COMMENTS:

7. **WETLANDS/WATERS OF THE U.S. Required for this project? Y or N (Including agricultural wetlands) --(page 17 of TA)**

The text needs to indicate whether waters of the U.S. are in the project area.

1. If waters of the U.S. are not in the project area
(1) Includes and references the location(s) of a copy of a Corps letter concurring that waters of the U.S. are not in the project area.
(2) Provides the basis for and concludes that waters of the U.S. are not in the project area.
2. If waters of the U.S. are in the project area
(1) Includes and references the location(s) of a copy of a Corps letter concurring in the delineation on the waters of the U.S.
(2) Includes an exhibit or exhibits depicting the waters of the U.S. in the project area relative to the alternatives under consideration, including identification of the location(s) of any associated sensitive species habitat or special aquatic sites.
(2) Provides a concise description of the waters of the U.S. in the project area;
(3) Briefly describes all sensitive resources associated with the waters of the U.S. in the project area; and
(4) Refers to the location(s) for the exhibits depicting the waters of the U.S., special aquatic sites, and associated sensitive species habitat.

Reviewed by (Technical Specialist Name(s)/phone number) for adequacy:
COMMENTS:

8. **WILDLIFE (pages 28-29 of TA) Required for this project? Y or N**

Revised August 9, 1996

1. Discusses ecosystems (wildlife and vegetation) and any sensitive species.
2. Discusses wildlife migration patterns.

Reviewed by (Technical Specialist Name(s)/phone number) for adequacy:

COMMENTS:

9. **FLOODPLAIN (pages 29-30 of TA) Required for this project? Y or N**
 1. Identifies base flood plains (100 year) using National Flood Insurance Program (NFIP) maps or other maps developed by the highway agency. If the NFIP maps do not exist, the agency must develop the needed maps so that the floodplain can be identified.
 2. Identifies natural and beneficial floodplain values.

Reviewed by (Technical Specialist Name(s)/phone number) for adequacy:

COMMENTS:

10. **WILD AND SCENIC RIVERS (page 29 of TA) Required for this project? Y or N**
 1. Summarizes the coordination with Federal Land agency to determine presence of river on or under study for inclusion on the National Wild and Scenic Rivers System (possible Section 4(f)).

Reviewed by (Technical Specialist Name(s)/phone number) for adequacy:

COMMENTS:

11. **COASTAL BARRIERS (pages 30-31 of TA) Required for this project? Y or N**
 Note: There are no designated coastal barriers in Region 9 as of February 1995.
12. **COASTAL ZONE (page 31 of TA) Required for this project? Y or N**
 1. Identifies Coastal Zone Management Program (CZMP) area.

Reviewed by (Technical Specialist Name(s)/phone number) for adequacy:

COMMENTS:

13. **THREATENED AND ENDANGERED SPECIES (pages 31-33 of TA) Required for this project? Y or N**
 1. Includes a summary of the biological studies specific to threatened and endangered species.
 2. Refers to and includes in the appendix, recent Fish and Wildlife Service (FWS) and/or National Marine Fisheries Service (NMFS) letter identifying species and critical habitat.

Reviewed by (Technical Specialist Name(s)/phone number) for adequacy:

COMMENTS:

14. HISTORIC AND ARCHAEOLOGICAL PRESERVATION (pages 33-34 of TA) Required for this project? Y or N

1. Includes identification and description of National Register of Historic Places (NRHP) listed and eligible historic and archeological resources for each reasonable alternative.
2. Refers to and includes in the appendix a concurrence in eligibility letter from State Historic Preservation Officer (SHPO) for property affected by each reasonable alternative.

Reviewed by (Technical Specialist Name(s)/phone number) for adequacy:

COMMENTS:

15. HAZARDOUS WASTE SITES (page 34 of TA) Required for this project? Y or N

1. Identifies known and potential sites.
2. Coordinates with the EPA and the state agency to help identify sites, as appropriate.

Reviewed by (Technical Specialist Name(s)/phone number) for adequacy:

COMMENTS:

16. VISUAL (page 34-35 of TA) Required for this project? Y or N

1. Identifies sensitive visual resources.
2. Indicates if project is in a visually sensitive urban or rural setting.

Reviewed by (Technical Specialist Name(s)/phone number) for adequacy:

COMMENTS:

7. ENVIRONMENT CONSEQUENCES (avoid, minimize, mitigate)

The document must fully describe the probable impacts in the study area affected by all reasonable alternatives. All measures proposed to mitigate any adverse impacts identified must be included or an explanation as to why the mitigation would not be a reasonable, feasible or prudent expenditure of public funds. *A statement that a given subject area listed below is not applicable for the particular project study area is recommended when appropriate.*

1. **LAND USE IMPACTS (page 19 of TA)**
1. Discusses consistency with land use plans.
2. Discusses growth inducement:
 - (1) current development trends and land use planning efforts.
 - (2) indirect effects of the project on land use patterns, population density and growth rate.
 - c. identify any development prohibited from proceeding unless the project is approved.

(r.c.) Includes a statement, if applicable, that "(T)he proposed transportation project is intended to meet the existing and/or projected traffic demand based upon the local land use plans."

*Reviewed by (Technical Specialist Name(s)/phone number) for adequacy:
COMMENTS:*

2. **FARMLAND IMPACTS (pages 19-20 of TA) Required for this project? Y or N**
1. Discusses impacts to farmland in the project area.
2. Summarizes results of coordination with SCS.

(r.c.) Provides alternatives to avoid farmland impacts if feasible on scores of 160 points or greater on SCS form AD 1006.

*Reviewed by (Technical Specialist Name(s)/phone number) for adequacy:
COMMENTS:*

3. **SOCIAL AND ECONOMIC IMPACTS Required for this project? Y or N (pages 20-22 of TA)**
1. Discusses neighborhood and community cohesion.

2. Addresses impacts on travel patterns, accessibility, community facilities, overall public safety.
3. Discusses impacts on economic vitality in project area and on established business districts, including employment effects, if any.
4. Identifies any contacts with community, city or county leaders.
5. Complies with Executive Order 12898, DOT Environmental Justice guidance.

Reviewed by (Technical Specialist Name(s)/phone number) for adequacy:

COMMENTS:

4. **RELOCATION IMPACTS (pages ~~22-23~~ ~~22-23~~) this project? Y or N**
 1. Identifies and describes residential (number and type of dwelling and price range, tenants and owners) and non-residential (types of businesses) displacees for all reasonable alternatives.
 2. Refers to or summarizes the preliminary relocation study including right-of-way cost estimates.
 3. Discusses available replacement dwellings and business sites based on current market data.
 4. Discusses and refers to the Relocation Assistance Program including the types of benefits available to residential and business displacees (including Last Resort Housing, if applicable) and Title VI of the Civil Rights Act of 1964. A detailed summary of the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970, as amended, should be included in the appendix, if appropriate.

(r.c.) Includes a statement, if applicable, that "(T)he acquisition and relocation program will be conducted in accordance with the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970, as amended."

Reviewed by (Technical Specialist Name(s)/phone number) for adequacy:

COMMENTS:

5. **JOINT DEVELOPMENT (pages ~~22-23~~ ~~22-23~~) this project? Y or N**

Reviewed by (Technical Specialist Name(s)/phone number) for adequacy:

COMMENTS:

6. **PEDESTRIAN AND BICYCLE FACILITIES this project? Y or N**

(See page 23 of TA)

1. Describes any measures to avoid or reduce adverse impacts to the facilities.
2. Discusses where new facilities are part of the project, basis for providing such facilities.

Reviewed by (Technical Specialist Name(s)/phone number) for adequacy:

COMMENTS:

7. **AIR QUALITY IMPACTS (pages 24-25 of TA)** *Required for this project? Y or N*
 1. Air quality conformity (for projects in areas that are in non-attainment for one or more of the transportation related pollutants)
 - (1) States that the project is included in a conforming regional transportation plan (RTP) and TIP and that there have been no substantial changes in the design concept and scope as used in the TIP.
 - (2) Contains a statement that includes a specific reference to the particular RTP and TIP conformity finding, and dates of the MPO and FHWA conformity determinations.
 - (3) States that the conformity determination is based on the latest planning assumptions.
 - d. Summarizes results of hot spot analysis.
 - e. Demonstrates that the project does not cause or contribute to any new localized CO or PM-10 violations or increase the frequency or severity of any existing CO or PM-10 nonattainment and maintenance areas.
 - f. States that the project complies with PM-10 control measures in the PM-10 air quality plan.
 - g. States that the "hot-spot" analysis assumptions are consistent with those in the regional emissions analysis for those inputs which are required for both analyses.
 2. Discusses possible mitigation to avoid exceeding the federal standard.

Reviewed by (Technical Specialist Name(s)/phone number) for adequacy:

COMMENTS:

8. **NOISE IMPACTS** *Required for this project? Y or N*
(pages 24-25 of TA and 23 CFR 772)
 1. Identifies land use categories and sensitive noise receptors.
 2. Uses A-weighted decibels (dbA), expressed as an equivalent steady-state sound level, Leq(h), to compare existing with predicted noise levels.
 3. Describes noise abatement measures such as range of wall heights, decibel reductions.
 4. Describes what are considered reasonable and feasible abatement

measures that would likely be incorporated into the project including wall lengths, and associated costs.

(r.c.) Traffic noise impacts occur and consideration of noise abatement measures is required when the predicted traffic noise levels approach or exceed and/or substantial increase. Uses FHWA Noise Abatement Criteria (NAC) and includes the 23 CFR 772 reference.

(r.c.) States that a final decision on the installation of abatement measure(s) will be made upon completion of the project design and the public involvement process. Explains factors that will be used later in determining whether to abate noise in a given location.

Reviewed by (Technical Specialist Name(s)/phone number) for adequacy:

COMMENTS:

**9. WATER QUALITY IMPACTS Required for this project? Y or N
(pages 25-26 of TA)**

1. Discusses roadway runoff and/or nonpoint source pollution impacting water resources.
 - (1) National Pollution Discharge Elimination System permit required?
2. Coordinates with EPA, as appropriate.
3. Discusses water quality analysis and impacts.
4. Contains evidence of consultation with the State and/or local agency responsible for water quality. See NEPA/404 Questions and Answers.
5. If project has impacts on any sole source aquifer(s), document must contain evidence of coordination with the EPA
6. Discusses any impacts on wellhead protection area(s).
7. Identifies Section 402 or Section 404 permit requirements.

Reviewed by (Technical Specialist Name(s)/phone number) for adequacy:

COMMENTS:

**10. WETLANDS/WATERS OF THE U.S. IMPACTS This project? Y or N
(23 CFR Part 777, pages 26 of TA, NEPA-404 MOU Guidance Papers)**

The text needs to indicate whether waters of the U.S. are in the project area, and if so, whether any of the alternatives affect waters of the U.S.

1. If waters of the U.S. are not in the project area
 - (1) States that waters of the U.S. are not in the project area;
 - (2) Refers to the Affected Environment discussion for detail; and
 - (3) Refers to the location of the Corps letter in the draft EIS.
2. If waters of the U.S. are in the project area but are not affected by

- any of the project alternatives
- (1) Includes a copy of a Corps letter concurring that, based on the information provided, none of the project alternatives under consideration affect waters of the U.S. and/or that a section 404 will not be required for the project.
 - (2) Provides the basis for and concludes none of the project alternatives under consideration affect waters of the U.S.;
 - (3) States a section 404 permit will not be required for the project; and
 - (4) Refers to the draft EIS locations of the Corps letter and the exhibit(s) depicting the waters of the U.S., special aquatic sites, and associated sensitive species habitat in the project area.
3. If all project alternative involvements with waters of the U.S. are nationwide 404 permit situations
- (1) Resource description.
 - (1) Describes the location, extent, and quality of waters of the U.S. and special aquatic sites in the project area;
 - (2) Includes a copy of a Corps letter or letters (a) verifying the delineations of the waters of the U.S. and the special aquatic sites, and (b) concurring, based on the information provided, that all project alternative involvements with waters of the U.S. are likely to meet the conditions for nationwide 404 permits and also appear to require a nationwide permit.
4. If any of the alternatives affect or could affect special aquatic sites, includes a delineation of each involved special aquatic site at a 1:1200 scale relative to the alternative(s).
- (1) Resource Description
 - (1) Refers to exhibit(s) depicting the waters of the U.S., special aquatic sites, and associated sensitive species habitat; and
 - (2) Includes a description of the functions and values of the affected waters of the U.S. and special aquatic sites, identifying which functions are performed and the value of those functions.
 - (3) In conjunction with the associated EIS evaluations of upland wildlife habitat and vegetative communities, the exhibits of waters of the U.S., special aquatic sites, and associated sensitive species habitat, and the text, use mapping units of a recognized classification system or systems, and cite the source(s);
 - (2) Impact evaluation.
 - (1) Identifies the location(s) and extent of modifications to waters of the U.S. and special aquatic sites for each alternative under consideration;
 - (2) Includes an assessment of the project impacts, including

Revised August 9, 1996

the type of impact (e.g., habitat removal, fragmentation, introduction of exotic species), its magnitude, and how the project will affect the continued performance of the identified functions;

- (3) Provides the basis for and concludes that all project alternative involvements with waters of the U.S. are nationwide 404 permit situations; includes a letter from the Corps.
- (4) If a wetland assessment methodology was utilized as part of the wetland impact evaluation, it is identified;
- (3) **Compensatory mitigation.**
 - (1) A summary of the pertinent factors from the feasibility study of candidate mitigation sites which demonstrate that sites under consideration would make a successful mitigation effort likely--particularly groundwater, hazardous wastes, historic/archaeological resources, and easements/land ownership (see NEPA 404 MOU Guidance Papers page 27 for the feasibility study factors); and
 - (2) Summarizes the general mitigation plan concepts developed to date:
 - (1) habitat types and approximate hectares of impact
 - (2) plant communities and habitat to be replaced
 - (3) functions and values to be enhanced or created by the mitigation
 - (4) plant species to be used
 - (5) cost estimate
 - (6) mitigation success criteria
 - (7) monitoring criteria for evaluation of the mitigation
 - (4) **Agency Concurrence.** If any of the alternatives will likely impact special aquatic sites or impact more than two hectares (five acres) of waters of the U.S., the draft EIS text documents coordination with the EPA, FWS, and (when marine or anadromous fish resources are involved) NMFS during scoping regarding the appropriateness of processing the section 404 permit(s) as nationwide permit(s).

5. **If any of the project alternative involvements with waters of the U.S. are individual 404 permit situations**

- (1) **Resource description.**
 - (1) Describes the location, extent, and quality of waters of the U.S. and special aquatic sites in the project area;
 - (2) Refers to a copy of a Corps letter included in the EIS which verifies the delineations of the waters of the U.S. and the special aquatic sites.
 - (3) If any of the alternatives affect or could affect special

- aquatic sites, includes a delineation of each involved special aquatic site at a 1:1200 scale relative to the alternative(s).
- (4) Refers to exhibit(s) depicting the waters of the U.S., special aquatic sites, and associated sensitive species habitat; and
 - (5) Includes a description of the functions and values of the affected waters of the U.S. and special aquatic sites, identifying which functions are performed and the value of those functions.
 - (6) In conjunction with the associated EIS evaluations of upland wildlife habitat and vegetative communities, the text and the exhibits of waters of the U.S., special aquatic sites, and associated sensitive species habitat utilize mapping units of a recognized classification system or systems, and cite the source(s);
 - (7) The draft EIS includes descriptive information for each exhibit mapping unit that provides:
 - (1) the distribution of the unit within the study area,
 - (2) an estimate of the total number of hectares present,
 - (3) the dominant plant species, and
 - (4) the relative sensitivity of the vegetation.
 - (8) All plant and animal taxa encountered during site visits are listed by vegetation type in an appendix to the draft EIS, and this listing is referred to in the draft EIS text.
- (2) Impact evaluation.
- (1) Identifies the location(s) and extent of modifications to waters of the U.S. and special aquatic sites for each alternative under consideration;
 - (2) Includes an assessment of the project impacts, including the type of impact (e.g., habitat removal, fragmentation, introduction of exotic species), its magnitude, and how the project will affect the continued performance of the identified functions;
 - (3) Impacts are evaluated in a regional and, if appropriate, a local context; and
 - (4) If a wetland assessment methodology was utilized as part of the wetland impact evaluation, it is identified.
- (3) Compensatory mitigation.
- (1) Summarizes the pertinent factors from the feasibility study of candidate mitigation sites which demonstrate that conditions at mitigation sites under consideration would make a successful mitigation effort likely-- particularly groundwater, hazardous wastes, historic/ archaeological resources, and easements/land ownership

- (see NEPA-404 MOU Guidance Papers page 27 for the feasibility study factors); and
- (2) Summarizes the description of the general mitigation plan concepts developed to date, including:
 - (1) habitat types and approximate hectares of impact;
 - (2) plant communities and habitat to be replaced;
 - (3) functions and values to be enhanced or created by the mitigation;
 - (4) plant species to be used;
 - (5) cost estimate;
 - (6) mitigation success criteria;
 - (7) monitoring criteria for evaluation of the mitigation.
 - (4) A draft 404 Alternatives Analysis is contained in a separate section of the draft EIS (e.g., an EIS Appendix) and is referred to in the draft EIS 404 discussion. (The content of a draft 404 Alternatives Analysis is outlined in the NEPA-404 MOU Guidance Papers, pages 21 to 23.)
 - (5) Agency Concurrence.
 - (1) Includes written documentation from the Corps, EPA, FWS, and (when marine or anadromous fish resources are involved) NMFS stating their agreement on:
 - þ the project purpose and need,
 - þ the project alternatives to be evaluated in draft EIS,
 - þ the preliminary preferred alternative (if known), and
 - þ any involvement as a cooperating agency.
 - (2) Refers to this documentation in the discussion of waters of the U.S./Section 404 .

Reviewed by (Technical Specialist Name(s)/phone number) for adequacy:
COMMENTS:

11. **WILDLIFE IMPACTS (pages 28-29) ~~Refiled~~ for this project? Y or N**
 1. Discusses impacts to fish and wildlife including any sensitive species resulting from the loss of degradation or modification of aquatic or terrestrial habitat.
 2. Documents coordination with state, local agencies and FWS under the Fish and Wildlife Coordination Act of 1958.

Reviewed by (Technical Specialist Name(s)/phone number) for adequacy:
COMMENTS:

Revised August 9, 1996

12. FLOODPLAIN IMPACTS Required for this project? Y or N
(pages 29-30 of TA and 23 CFR 650 Subpart A)

1. Identifies and evaluates longitudinal/transverse encroachments of project alternatives on flood plains.
2. Includes summary of the "Location Hydraulic Study".
3. Reflects coordination with the Federal Emergency Management Agency (FEMA) and appropriate State and Local government agencies for each floodway encroachment.
4. Includes a discussion of the consistency of the project with the Regulatory floodway.
5. Evaluates and discusses practicable alternatives if it has been determined that there is a significant encroachment.

Reviewed by (Technical Specialist Name(s)/phone number) for adequacy:
COMMENTS:

13. WILD AND SCENIC RIVERS (pages 29-30 of TA) Required for this project? Y or N

1. Indicates that the "National Inventory of Wild and Scenic Rivers" has been reviewed.
2. Summarizes the coordination between the highway agency and the National Park Service, if appropriate.

Reviewed by (Technical Specialist Name(s)/phone number) for adequacy:
COMMENTS:

14. COASTAL BARRIERS (pages 30-31 of TA) Required for this project? Y or N

Note: There are no designated coastal barriers in Region 9 as of February 1995.

15. COASTAL ZONE IMPACTS (pages 31-33 of TA) Required for this project? Y or N

1. Indicates whether the proposed project is within, or is likely to affect land or water uses within the area covered by a State Coastal Zone Management Program (CZMP).
2. Documents coordination between the highway agency and the State CZM agency.

Reviewed by (Technical Specialist Name(s)/phone number) for adequacy:
COMMENTS:

16. THREATENED OR ENDANGERED SPECIES Required for this project? Y or N
(pages 31-33 of TA and 50 CFR Part 402)

Revised August 9, 1996

1. Documents coordination with FWS and/or NMFS.
2. Identifies whether any threatened or endangered species and/or designated or proposed critical habitat may be impacted in the project area; includes exhibits depicting habitat and avoidance alternatives.
3. Discusses biological assessment and documented FWS coordination of Section 7 consultation.

(r.c.) Ensures that only the FHWA or the State DOT made the written request to the FWS for listed or proposed species and/or critical habitat in the project area. Include the FWS written response in the appendix and refer to it in both the "affected" and "consequences" sections of the endangered species discussion.

Reviewed by (Technical Specialist Name(s)/phone number) for adequacy:

COMMENTS:

17. HISTORIC AND ARCHEOLOGICAL PRESERVATION (pages 33-34 of TA) Required for this project? Y or N

1. Refers to the Historic Property Survey Report (HPSR) as necessary.
2. Describes in qualitative and quantitative detail the potential effects of each alternative on each NRHP property.
3. Discusses and documents all Section 106 coordination efforts with the SHPO regarding eligibility and effects under each alternative. Refers to a copy of the SHPO letter which is included in the appendix.

(r.c.) Indicates whether archaeological sites warrant preservation in place or are only significant for their data. If preservation is warranted, then Section 4(f) applies.

Reviewed by (Technical Specialist Name(s)/phone number) for adequacy:

COMMENTS:

18. HAZARDOUS WASTE SITES (page 24 of TA) this project? Y or N

1. Includes a map identifying the location of the site(s) in relation to the alternatives.
2. Discusses results of coordination with resource agency, state and local agencies including description of clean-up plans.
3. Includes information on the number and types of sites/structures, extent of contamination, and alternative treatment/disposal measures with relative costs.
4. Includes justification for not avoiding waste sites, if warranted.
5. Includes statement on how hazardous wastes will be handled if encountered during construction activities.

*Reviewed by (Technical Specialist Name(s)/phone number) for adequacy:
COMMENTS:*

- 19. VISUAL IMPACTS (pages 34-35 of TA) Required for this project? Y or N**
1. Discusses impacts to potential viewers of and from the project.
 2. Uses a federally accepted visual assessment methodology.

*Reviewed by (Technical Specialist Name(s)/phone number) for adequacy:
COMMENTS:*

- 20. ENERGY (page 35 of TA) Required for this project? Y or N**
1. Discusses cost/benefit analysis of reasonable alternatives for major projects

*Reviewed by (Technical Specialist Name(s)/phone number) for adequacy:
COMMENTS:*

- 21. CONSTRUCTION IMPACTS (pages 35-36 of TA)**
1. Discusses related adverse impacts on safety, air, noise, water, traffic congestion, access to businesses, schools, community facilities and potential detours for each alternative.
 2. Discusses appropriate mitigation measures.
 3. Includes impacts of borrow or disposal of waste material and appropriate mitigation.

*Reviewed by (Technical Specialist Name(s)/phone number) for adequacy:
COMMENTS:*

8. THE RELATIONSHIP BETWEEN LOCAL SHORT-TERM USES OF MAN'S ENVIRONMENT AND THE MAINTENANCE AND ENHANCEMENT OF LONG-TERM PRODUCTIVITY (page 36 of TA)

*Reviewed by (Technical Specialist Name(s)/phone number) for adequacy:
COMMENTS:*

9. ANY IRREVERSIBLE AND IRRETRIEVABLE COMMITMENTS OF RESOURCES WHICH WOULD BE INVOLVED IN THE PROPOSED ACTION (pages 36-37 of TA)

Reviewed by (Technical Specialist Name(s)/phone number) for adequacy:

COMMENTS:

10. **LIST OF PREPARERS (page 37 of TA)**
1. Summarizes the credentials of all preparers.
11. **LIST OF AGENCIES, ORGANIZATIONS, AND PERSONS TO WHOM COPIES OF THE EIS ARE SENT (page 37 of TA)**
(r.c.) Check for correct mailing addresses and phone numbers for Federal/State agencies.
(r.c.) Ensure FHWA and the state DOT are not on the mailing list.
12. **COMMENTS AND COORDINATION (pages 37-38 of TA)**
1. Discusses scoping meetings and other meetings.
2. Includes copies of pertinent correspondence with other agencies and the public.

(r.c.) Summarizes key issues from the public and government.
(r.c.) References and includes copy of Notice of Intent and letters inviting cooperating agency status.
(r.c.) Removes FHWA from the mailing list and any letters from FHWA and the State DOT.

Reviewed by (FHWA Area/Transportation Engineer Name(s)) for adequacy:

COMMENTS:

13. **INDEX (page 38 of TA)**
(r.c.) Includes accurate page numbers.
14. **APPENDICES (page 38 of TA)**
1. Consists of various material prepared specifically for this EIS to substantiate information in the EIS. Lengthy technical discussions are part of a technical report and are made available for review at specified locations.

(r.c.) Includes plan and profile drawings or aerial photographs.

COMMENTS:

15. **DRAFT SECTION 4(F) EVALUATION** *Required for this project? Y or N*
(pages 44-46 of TA, 23 CFR 771.135, FHWA Section 4(f) Policy Paper)
1. Cites the Section 4(f) Regulation and explains the requirements of 4(f).
 2. Identifies and depicts on map, all 4(f) or 6(f) resources in project corridor to show relationship of resource to project.
 3. Discusses actual use on each 4(f) resource for each alternative. Includes discussion on the types of activities affected.
 4. Discusses avoidance alternative(s) which avoid each and all 4(f) properties.
 5. Discusses any proximity impacts on each 4(f) resource not actually used under

each alternative.

1. Includes detailed discussion with maps and photographs of any proximity impacts such as noise, visual and access.
2. Ensures that proper noise abatement criteria are applied depending on types of activities impacted.
6. If there are no feasible and prudent avoidance alternatives, the discussion is clear.
7. Discusses all possible mitigation measures to minimize harm.
8. Discusses results of coordination efforts with jurisdictional parties over the 4(f) properties and with National Park Service (NPS) for 6(f) properties.

(r.c.) Includes citation: "submitted pursuant to 42 U.S.C. 4332(2)(c) and 49 U.S.C. 303" on the title page or in the introductory paragraph.

(r.c.) Need to clearly indicate whether a property is a 4(f) resource or it is not. "Potential" 4(f) resources has no meaning.

(r.c.) Any planned parks and recreation trails are subject to Section 4(f) evaluation and must be identified.

(r.c.) For potential constructive use issues, ensure that regulations at 23 CFR §771.135(p) are complied with and any compliance with Section 4(f) based on joint planning must be carefully documented.

Reviewed by (FHWA Area/Transportation Engineer Name(s)) for adequacy:

COMMENTS:

16. GENERAL COMMENTS

(r.c.) Avoids using the term "Significant" except to describe 4(f) resources, 106 properties, or floodplain impacts.

(r.c.) Satisfies "State only" requirements with a separate section or appendix in the document.

(r.c.) Provides information and data to thoroughly describe each impact to support conclusions made.

(r.c.) Refers to specific technical reports and summarizes contents as appropriate.

(r.c.) Uses photographs, illustrations, and other graphics as appropriate.

(r.c.) Includes a key for figures and tables that is easily understandable.

(r.c.) Includes a statement that the project will conform with the American Disabilities Act (ADA) of 1990, as appropriate.

(r.c.) Discusses cumulative impacts: substantial, foreseeable, induced secondary impacts for each alternative - in particular to air, water quality, and wetlands.

(r.c.) Uses a table summarizing total project mitigation.

(r.c.) Ensures that the consultants' names do not appear on the binding, cover, and title page of the EIS except under the List of Preparers.

(r.c.) Checks that names of the preparers of technical reports are not in the narrative of the subject discussions but listed under List of Preparers.

N *(r.c.) Refers to verbal communications with date, complete name and title of individuals involved in conversation with documentation in the project file.*

COMMENTS:

The **State DOT** ensures that this environmental document has been reviewed for completeness.

REVIEWED BY: _____ DATE: _____
State DOT

The FHWA Division Office Project Manager (i.e., Area/Transportation Engineer) and the division interdisciplinary team have completed their review of this environmental document.

REVIEWED BY: _____ DATE: _____
FHWA Division Project Manager