

Department of Transportation
Office of the Secretary
Washington, D.C.

PAGE CHANGE

DOT 5610.1C Chg 1

7-13-82

SUBJECT: PROCEDURES FOR CONSIDERING ENVIRONMENTAL IMPACTS - CHANGE

1. PURPOSE. This Page Change transmits changes to Order DOT 5610.1C, Procedures for Considering Environmental Impacts, of 9-18-79.
2. EXPLANATION OF CHANGE.
 - a. This Page Change revises paragraph 5.c. to eliminate the requirement to provide the Assistant Secretary for Policy and International Affairs (P-I) with copies of certain proposed findings of no significant impact.
 - b. Paragraph 6.c. is eliminated. Paragraphs 6.d. f. are renumbered.
 - c. New Paragraph 6.d. is revised to allow Operating Administrations to consult directly with CEQ on cooperating agency issues.
 - d. Paragraph 10.a. is revised to eliminate the requirement for prior P-I concurrence on EISs involving projects for which a notice of intended referral to CEQ has been received. References to P-20 have been changed to P-30.
 - e. Paragraph 11.c. is revised to eliminate the requirement for legal sufficiency review of nondelegated EIS/section 4(f) statements by the headquarters counsel of the Operating Administration.
 - f. Paragraph 11.d. is revised to provide that final EISs may be approved by the Administrator or Secretarial Officer (or a designee) originating the action. The earlier requirement for prior concurrence by P-I for certain categories of EISs is eliminated.
 - g. Paragraph 11.e., Final Processing, is eliminated because P-I and C-I concurrence is eliminated from paragraph 11.d. Paragraph 11.f. is renumbered as paragraph 11.e.

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- h. Paragraph II.g., Decisions Reserved to the Secretary, is eliminated. Paragraph II.h. is renumbered as paragraph f. Paragraph II.i., Record of Decision, is eliminated. Paragraphs II.j. and k. are renumbered as II.g. and h., and are revised to eliminate the reference to P-I.
- i. Paragraph 12.a. is revised to eliminate concurrence by P-I and C-I in section 4(f) determinations for actions which require concurrence by P-I in the final EIS. (P-I concurrence would no longer be required by paragraph II.d.)
- j. Paragraph 14.f. is revised to refer to P-30 instead of P-20.
- k. Paragraphs 17.b. and c. are revised to delete reference to P-I.
- l. Paragraph 18.b. is revised to correctly reflect the applicable date of the order.

3. FILING INSTRUCTIONS.

- a.

<u>Remove Page</u>	<u>Dated</u>	<u>Insert Page</u>	<u>Dated</u>
5 thru 8	9-18-79	5 thru 8	7-13-82
11 thru 24	9-18-79	11 thru 19	7-13-82
		20 and 21	9-18-79
- b. After filing the attached pages, this transmittal may be discarded.

FOR THE SECRETARY OF TRANSPORTATION:



Robert L. Fairman
 Assistant Secretary
 for Administration

- (4) Operating or maintenance subsidies when the subsidy will not result in a change in the effect on the environment; and
- (5) Other actions identified by the administrations as categorical exclusions pursuant to paragraph 20.

- d. Environmental Assessment. An environmental assessment is a document concisely describing the environmental impacts of a proposed action and its alternatives. If a decision has not been made to prepare an EIS and a proposed action has not been classified as a categorical exclusion, an environmental assessment shall be prepared. The results of an environmental assessment shall be used to determine whether an EIS or FONSI shall be prepared. (See CEQ 1508.9 and 1506.5(b).)
- e. Finding of No Significant Impact (FONSI). If it is determined following preparation of the environmental assessment that the proposed action will not have a significant impact on the environment, a FONSI shall be prepared. (See paragraph 5.)

5. FINDING OF NO SIGNIFICANT IMPACT.

- a. The FONSI may be attached to an environmental assessment or the environmental assessment and FONSI may be combined into a single document.
- b. Except as provided in subparagraph c. below, a FONSI or environmental assessment need not be coordinated outside the originating office, but must be made available to the public upon request. Notice of availability shall be provided (see suggestions for public notice in CEQ 1506.6(b)). In all cases, notice shall be provided to State and areawide clearinghouses.
- c. In the circumstances defined in CEQ 1501.4(e)(2), a copy of the environmental assessment should be made available to the public for a period of not less than 30 days before the finding of no significant impact is made and the action is implemented. Consultation with other Federal agencies concerning section 4(f) of the DOT Act, the Historic Preservation Act, section 404 permits and other Federal requirements should be accomplished prior to or during this period.

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6. LEAD AGENCIES AND COOPERATING AGENCIES.

- a. The appropriate Operating Administration or Secretarial Office shall serve as the lead agency or joint lead agency for preparing and processing environmental documents when that element has the primary Federal responsibility for the action.
- b. An applicant should to the fullest extent possible serve as a joint lead agency if the applicant is a State agency with state-wide jurisdiction, or is a State or local agency, and the proposed action is subject to State requirements comparable to NEPA. (See CEQ 1506.2.)
- c. Coordination with cooperating agencies shall be initiated early in project planning and shall be continued through all stages of development of the appropriate environmental document.
- d. If an agency requested to be a cooperating agency replies that it will not participate, the agency shall be provided a copy of the draft EIS. If the agency makes adverse comments on the draft EIS (including the adequacy of the EIS or consideration of alternatives or of mitigating measures), or if the agency indicates that it may delay or withhold action on some aspect of the proposal, the matter may be discussed with CEQ.
- e. Where a DOT element is requested to be a cooperating agency, it shall make every effort to participate.

7. PREPARATION AND PROCESSING OF DRAFT ENVIRONMENTAL STATEMENTS.

- a. Scope of Statement. The action covered by the statement should have independent significance, and must be broad enough in scope to avoid segmentation of projects and to insure meaningful consideration of alternatives. The scope of the statement should be decided upon during the scoping process. (See also CEQ 1502.20 and paragraph 7.g. below.) A general class of actions may be covered in a single EIS when the environmental impacts of all the actions are similar.

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- b. Timing of Preparation of Draft Statements. Draft statements shall be prepared at the earliest practical time prior to the first significant point of decision in the program or project development process. They should be prepared early enough in the process so that the analysis of the environmental effects and the exploration of alternatives are meaningful inputs to the decision making process. The implementing guidance (see paragraph 20) shall specify the point at which draft statements should be prepared for each type of action.
- c. Interdisciplinary Approach and Responsibilities for EIS Preparation. An interdisciplinary approach should be used throughout planning and preparation of environmental documents to help assure a systematic evaluation of reasonable alternative courses of action and their potential social, economic, and environmental consequences. At a minimum, operating administrations should have staff capabilities adequate to evaluate environmental assessments and environmental documents so that DOT can take responsibility for their content. Secretarial Offices may request assistance from P-30. If the necessary disciplines are not represented on the staff of the administration, the responsible official should obtain professional services from other Federal, State or local agencies, universities, or consulting firms.
- d. Preparation of Draft. Draft EISs shall be prepared concurrently with and integrated with environmental analyses required by other environmental review laws and executive orders. To the maximum extent possible, the EIS process shall be used to coordinate all studies, reviews and consultations. (See CEQ 1502.25.) The draft EIS should reflect the result of the scoping/early consultation process. Further guidance on compliance with the various environmental statutes is included in Attachment 2.
- e. Format and Content. Further guidance on the format and content of EISs is provided in Attachment 2.
- f. Circulation of the Draft Environmental Impact Statement.
 - (l) The originating operating administration or Secretarial Office shall circulate the draft environmental statement or summary to the parties indicated in paragraph 8 below. Copies of the draft EIS should be filed with the Environmental Protection Agency (EPA). (See also CEQ 1506.9 and 1506.10.)

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- (2) If a State agency with statewide jurisdiction is functioning as a joint lead agency and has prepared the draft EIS, the draft statement may be circulated by the State agency after the operating administration has approved it.

- g. Tiering. Tiering of EISs as discussed in CEO 1502.20 is encouraged when it will improve or simplify the environmental processing of proposed DOT actions. Preparation of tiered EISs should be considered for complex transportation proposals (e.g. major urban transportation investments, airport master plans, aid to navigation systems, etc.) or for a number of discrete but closely related Federal actions. The first tier EIS should focus on broad issues such as mode choice, general location and areawide air quality and land use implications of the alternative transportation improvements. System planning activities should encompass environmental studies, as noted in subparagraph 3.a., and the first tier EISs should use information from these system planning studies and appropriate corridor planning and other planning studies. A second tier, site specific EIS should focus on more detailed project impacts and detailed mitigation measures (e.g. addressing detailed location, transit station locations, highway interchange configurations, etc.).

8. INVITING COMMENTS ON THE DRAFT EIS.

The draft EIS shall be circulated with an invitation to comment to (1) all agencies having jurisdiction by law or special expertise with respect to the environmental impact involved; (2) interested parties; (3) EPA Office of Federal Activities; (4) the Assistant Secretary for Policy and International Affairs (P-1); and (5) other elements of DOT, where appropriate. A reasonable number of copies shall be provided to permit agencies and interested parties to comment expeditiously.

a. State and Local Review.

- (1) Review of the proposed action by State and local agencies, when appropriate, shall be obtained as follows:
 - (a) Where review of draft Federal development projects, and of projects assisted under programs listed in Attachment D to revised OMB Circular A-95 (as implemented

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the transportation of hazardous materials or natural gas and liquid-products pipelines should be coordinated with the Research and Special Programs Administration, Materials Transportation Bureau, and water resources projects should be coordinated with the U.S. Coast Guard, Ports and Waterways Planning Staff (G-WS/73).

- f. Copies of comments on another agency's EIS shall be provided to the requesting agency, to P-1, and to the Regional Representative if the comment is prepared by a regional office.

10. PREDECISION REFERRALS TO THE COUNCIL ON ENVIRONMENTAL QUALITY.

The following specific procedures apply to referrals involving DOT elements:

a. DOT Lead Agency Proposals.

- (1) An operating administration or Secretarial Office receiving a notice of intended referral from another agency with respect to a proposed DOT action shall provide P-30 with a copy of the notice. Every effort should be made to resolve the issues raised by the referring agency prior to processing the final EIS. These efforts should be documented in the EIS. P-1 will be available to assist in any such resolution, and should be notified of the results.
- (2) In the event of an actual referral, the lead agency shall obtain P-1's concurrence in the response to CEQ.

b. DOT Referrals to CEQ on other Agencies' Proposals.

- (1) If upon reviewing a draft from another Federal agency, an operating administration or Secretarial Office believes a referral will be necessary, it should so advise P-30. If P-30 agrees, it will advise the lead agency that DOT intends to refer the proposal to CEQ unless the proposal is changed. P-30 will coordinate DOT comments on the draft EIS, including the notice of intended referral.

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- (2) Environmental referrals should be avoided, where possible, through efforts to resolve the issues, after providing notice of intent to refer and prior to the lead agency's filing the final EIS.
- (3) In the event that the issues have not been resolved prior to filing of the final EIS with EPA, P-1 will deliver a referral to CEQ not later than 25 calendar days after the final EIS is made available to EPA, commenting agencies, and the public.
 - (a) Operating administrations and Secretarial Offices should submit proposed referrals to P-1 at least 5 days prior to the 25-day deadline. The proposed referral should include the information specified in section 1504.3(c) of the CEQ regulations.
 - (b) P-1 will inform the lead agency of the referral and the reasons for it, including a copy of the detailed statement developed pursuant to section 1504.3(c).

II. FINAL ENVIRONMENTAL IMPACT STATEMENTS.

- a. Preparation. The final EIS shall identify the preferred alternative, including measures to mitigate adverse impacts. In identifying the preferred alternative, the DOT element should consider the policies stated in paragraph 2 above. Every effort should be made to resolve significant issues raised through circulation of the draft EIS, the community involvement process and consultation with cooperating agencies before the EIS is put into final form for approval by the responsible official. The final statement shall reflect such issues, consultation and efforts to resolve the issues, including an explanation of why any remaining issues have not been resolved.
- b. Compliance with other Requirements. The final EIS should reflect that there has been compliance with the requirements of all applicable environmental laws and orders, e.g. section 4(f) of the DOT Act, section 106 of the Historic Preservation Act, section 404 of the Clean Water Act, section 7 of the Endangered Species Act, the DOT Floodplain Management Order (5650.2) and the DOT Wetlands Order (5660.1A). If such compliance is not possible by the time of final EIS preparation, the EIS should reflect consultation with the appropriate agencies and provide reasonable assurance that the requirements can be met.

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- c. Legal Review. All final environmental statements shall be reviewed for legal sufficiency by the Chief Counsel of the operating administration concerned, or by a designee. Final environmental statements prepared within the Office of the Secretary (OST) shall be reviewed for legal sufficiency by the General Counsel (C-1).
- d. Approval. Final environmental impact statements may be approved by the Administrator or Secretarial Officer (or a designee) originating the action. For highly controversial final EIS's that require approval or concurrence by the headquarters of the operating administration pursuant to Administration procedures for approval, P-1 and C-1 shall be notified that the final EIS is under review and will be provided a copy of the summary section contained in the final EIS. P-1 and C-1 will also be given at least two weeks notice before approval of the final environmental impact statement. For purposes of this paragraph a proposed Federal action is considered highly controversial when the action is opposed on environmental grounds by a Federal, state, or local government agency or by a substantial number of the persons affected by such action.
- e. Availability Pending Approval. Following the initial level of approval by the administration (for example, by the FHWA Division Administrator), proposed final statements should normally be made available for inspection during usual business hours by the public and Federal, State or local agencies. Such statements should carry a notation that the statement is not approved and filed.
- f. Availability of Statements to EPA and the Public. After approval, the originating office shall transmit copies of each final statement to EPA in accordance with instructions from EPA. The originating office shall send copies of the final statement to the applicant, P-1 all Federal, State, and local agencies and private organizations which commented substantively on the draft statement or requested copies of the final statement, and to individuals who requested copies.

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- g. Implementation of Representations in Environmental Statements. The administrations shall assure, through funding agreements and project review procedures, that applicants carry out any actions to minimize adverse environmental effects set forth in the approved statement. Any significant deviation from prescribed action that may reduce protection to the environment must be submitted for concurrence in accordance with Administration procedures for final EIS approval.
- h. Supplemental Statements. The responsible official shall supplement a draft EIS when either: (1) it is determined that a reasonable alternative which is significantly different from alternatives considered in the draft EIS exists and will be considered, or (2) when environmental conditions or data change significantly from those presented in the statement. A final EIS shall be supplemented when substantial changes are made in the proposed action, when conditions or data change significantly from that presented in the statement, or if the responsible official determines that a supplement is necessary for some other reason. (The development of additional data as a proposal moves through the implementation process would not require a supplement if the data does not materially conflict with the data in the EIS.) A supplemental EIS may be prepared to address detailed information which was not available at the time an EIS was prepared and approved, for example, site or project specific impacts which have been discussed only in general terms in a corridor or program EIS. (See also CEQ 1502.20 and paragraph 7.g.) A supplemental statement should be prepared, circulated and approved in accordance with the provisions of the CEQ regulations and paragraphs 7, 8, and 11 of this Order, unless the responsible official believes there are compelling reasons to do otherwise. In such cases, the operating administration or Secretarial Office should consult with CEQ.

12. DETERMINATIONS UNDER SECTION 4(f) OF THE DOT ACT.

- a. Any action having more than a minimal effect on lands protected under section 4(f) of the DOT Act will normally require the preparation of an environmental statement. In these cases, the environmental statement shall include the material required by paragraph 4 of Attachment 2. If in the preparation of the final EIS, it is concluded that there is no feasible and prudent alternative to the use of section 4(f) lands, the final EIS shall support a specific determination to that effect, including evidence that there has been all possible planning to minimize harm to the protected lands.

- b. If an environmental statement is not required, the material called for in paragraph 4 of Attachment 2 shall be set forth in a separate document, accompanied by a FONSI or a determination that the section 4(f) involvement is minimal and that the action is categorically excluded. The section 4(f) determination shall be reviewed for legal sufficiency by the Chief Counsel of the operating administration involved, or by a designee. The document must reflect consultation with the Department of the Interior, and where appropriate, the Departments of Agriculture or Housing and Urban Development.

13. RESPONSIBILITY.

Where an operating administration or Secretarial Office serves as lead agency or joint lead agency, it shall be responsible for the scope, objectivity, accuracy and content of EISs and environmental assessments. The EIS or environmental assessment shall be prepared by the operating administration or secretarial office, by a contractor selected by DOT, or by the applicant, pursuant to the provisions of CEQ 1506.2 and 1506.5. In developing implementing instructions, administrations shall note the distinctions made in the CEQ regulations between State agencies with statewide jurisdiction, State and local agencies which must comply with State or local requirements comparable to NEPA, and other applicants. State and local governments with requirements comparable to NEPA are listed in Attachment 1.

14. CITIZEN INVOLVEMENT PROCEDURES.

- a. Citizen involvement in the environmental assessment of Departmental actions is encouraged at each appropriate stage of development of the proposed action and should be sought as early as possible. Citizen involvement in the environmental process should be integrated with other citizen involvement procedures to the maximum extent possible. Attempts should be made to solicit the views of the public through hearings, personal contact, press releases, advertisements or notices in newspapers, including minority or foreign language papers, if appropriate, and other methods. A summary of citizen involvement and any environmental issues raised should be documented in the EIS.
- b. The administrations' implementing instructions shall provide (1) that interested parties and Federal, State, and local agencies receive early notification of the decision to prepare an environmental

impact statement, including publication of a notice of intent in the Federal Register, and (2) that their comments on the environmental effects of the proposed Federal action are solicited at an early stage in the preparation of the draft impact statement.

- c. Administrations are encouraged to develop lists of interested parties at the national, State and local levels. These would include individuals and community, environmental, conservation, public service, education, labor, or business organizations, who are affected by or known to have an interest in the project, or who can speak knowledgeably on the environmental impact of the proposed action.
- d. Under OMB Circular A-95, (Revised) Evaluation, Review, and Coordination of Federal Assistance Programs and Projects, and DOT 4600.4C, Evaluation, Review and Coordination of DOT Assistance Programs and Projects, of 4-12-76, a grant applicant must notify the clearinghouse of its intention to apply for Federal program assistance. The administrations' implementing instructions should provide for the solicitation of comments from the clearinghouse on the environmental consequences of the proposed action.
- e. Hearings.
 - (1) In several instances, a public hearing is required by statute as a condition to Federal approval of a proposed action. Even where not required by statute, an informational hearing or meeting may serve as a useful forum for public involvement.
 - (2) If a public hearing is to be held, the draft EIS or environmental assessment (or environmental analysis where the hearing is held by an applicant which is not a joint lead agency) should be made available to the public at least 30 days prior to the hearing.
- f. Interested persons can get information on the DOT environmental process and on the status of EISs issued by the Office of the Secretary from: Deputy Director for Environment and Policy Review (P-32), Department of Transportation, Washington, D.C. 20590, telephone 202- 426-4361.

Each administration shall indicate in its implementing instructions where interested persons can get information or status reports on EISs and other elements of the NEPA process.

15. PROPOSALS FOR LEGISLATION.

- a. Preparation. An EIS shall be prepared and circulated for any legislative proposal, or for any favorable report on proposed legislation, for which DOT is primarily responsible and which involves significant environmental impacts. The administration or Secretarial Office originating the legislation or developing the Departmental position on the report shall prepare the EIS.
- b. Processing. The draft EIS shall be cleared with P-1 and submitted by the Assistant General Counsel for Legislation (C-40) to the Office of Management and Budget for circulation in the normal legislative clearance process. The EIS shall be transmitted to Congress no later than 30 days after transmittal of the legislative proposal, and must be available in time for Congressional hearings. Any comments received on the EIS shall be transmitted to Congress. Except as provided by CEQ 1506.8(b)(2), there need not be a final EIS.

16. INTERNATIONAL ACTIONS.

- a. Pursuant to Executive Order 12114, Environmental Effects Abroad of Major Federal Actions, the requirements of this Order apply to:
 - (1) Major Federal actions significantly affecting the environment of the global commons outside the jurisdiction of any nation (e.g. the oceans and Antarctica).
 - (2) Major Federal actions significantly affecting the environment of a foreign nation not participating in the action or otherwise involved in the action.
 - (3) Major Federal actions significantly affecting the environment of a foreign nation which provide a product or a project producing a toxic emission or effluent, which is prohibited or strictly regulated in the U.S. by Federal law.
 - (4) Major Federal actions outside the U.S., its territories and possessions which significantly affect natural resources of global importance designated for protection by the President or by international agreement.
- b. If communication with a foreign government concerning environmental studies or documentation is anticipated, the responsible Federal official shall coordinate such communication with the State Department, through P-1.

17. TIMING OF AGENCY ACTION.

A decision on the proposed action may not be made sooner than the times specified in CEQ 1506.10(b).

- a. Requests for reasonable extensions of the review period for the draft EISs shall be granted whenever possible, and particularly when warranted by the magnitude and complexity of the statement or the extent of citizen interest.
- b. If an administration or Secretarial Office believes it is necessary to reduce the prescribed time periods for EIS processing, it should request such a reduction from EPA. P-32 should be notified of such a request.
- c. Where emergency circumstances make it necessary to take an action with significant environmental impacts without observing the provisions of this Order and the CEQ regulations, the administration or Secretarial Office should consult with CEQ. P-32 should be notified of such consultation.

18. EFFECTIVE DATE.

- a. This Order and attachments apply to all draft statements filed by DOT with EPA after 7-30-79, except as provided in paragraph 1506.12 of the CEQ regulations.
- b. For final statements whose drafts are filed by 7-30-79 (for FHWA, 11-30-79), paragraph 11 of this Order applies after 7-30-81. In the interim, final EISs shall be processed in accordance with the provisions of DOT 5610.1B.

19. TIME IN EFFECT OF STATEMENTS.

- a. The draft EIS may be assumed valid for a period of three years. If the proposed final EIS is not submitted to the approving official within three years from the date of the draft EIS circulation, a written reevaluation of the draft shall be prepared by the responsible Federal official to determine whether the consideration of alternatives, impacts, existing environment and mitigation measures set forth in the draft EIS remain applicable, accurate and valid. If there have been changes in these factors which would be significant in the consideration of the proposed action, a supplement to the draft EIS or a new draft statement shall be prepared and circulated.

- b. If major steps toward implementation of the proposed action (such as the start of construction or substantial acquisition and relocation activities) have not commenced within three years from the date of approval of the final EIS, a written reevaluation of the adequacy, accuracy and validity of the EIS shall be prepared by the responsible Federal official unless tiering of EISs (as discussed in subparagraph 7.g.) is being used. If there have been significant changes in the proposed action, the affected environment, anticipated impacts, or proposed mitigation measures, a new or supplemental EIS shall be prepared and circulated.
- c. If major steps toward implementation of the proposed action have not occurred within five years from the date of approval of the final EIS, or within the time frame set forth in the final EIS, the responsible Federal official shall prepare a written reevaluation of the adequacy, accuracy, and validity of the EIS. This reevaluation shall be processed in accordance with subparagraph 11.d.
- d. If the proposed action is to be implemented in phases or requires successive Federal approvals, a written reevaluation of the continued adequacy, accuracy and validity of the EIS shall be made prior to Federal approval of each major stage which occurs more than three years after approval of the final EIS, and a new or supplemental EIS prepared, if necessary.

20. IMPLEMENTING INSTRUCTIONS.

- a. Operating administrations shall issue instructions implementing this Order using one of the following options:
 - (1) An operating administration may issue detailed instructions or regulations which incorporate the points of this Order and the CEQ regulations and provide guidance on applying the environmental process to the administration's programs; or
 - (2) An operating administration may rely on this Order as its implementing procedures, provided it issues supplementary guidance which at a minimum applies the environmental process to the administration's programs, as described in the following subparagraph.

- b. **Implementing instructions shall include the following information:**
- (1) **A list of actions which normally require preparation of an EIS.**
 - (2) **A list of actions which are not normally major Federal actions significantly affecting the environment and as such do not normally require an environmental assessment or an environmental impact statement (i.e. categorical exclusions). These actions may include, but are not limited to, funding or authorizing: maintenance and modernization of existing facilities; minor safety improvements; equipment purchases; operating expenses; and planning grants which do not imply a project commitment. Instructions should provide for preparation of environmental assessments or EISs, as appropriate, for actions which would otherwise be classified as categorically excluded, but which are likely to involve: (1) significant impacts on the environment; (2) substantial controversy; (3) impacts which are more than minimal on properties protected by section 4(f) and section 106 of the Historic Preservation Act; or (4) inconsistencies with any Federal, State, or local law or administrative determination relating to the environment.**
 - (3) **Identification of the decision making process, including timing for preparation of a draft and final environmental statement or a FONSI and designation of officials responsible for providing information on the administration's preparation, review and approval of environmental documents.**
 - (4) **A description of the public participation process or reference to other administration guidance on the public participation process. (See paragraph 14, public participation.)**
 - (5) **A description of the processes to be used to insure early involvement of DOT, other agencies and the public in the environmental review of actions proposed by nonfederal applicants (CEQ 1501.2(d)).**
 - (6) **A description of the procedures for assuring implementation of mitigation measures identified in the EIS and the record of decision.**

- c. Proposed implementing instructions and any substantial amendments thereto shall be submitted to P-1 for review and concurrence. Consultation with CEO will be assisted by P-1. Proposed and final implementing instructions shall be published in the Federal Register.

FOR THE SECRETARY OF TRANSPORTATION:



Robert L. Fairman
Deputy Assistant Secretary
for Administration

