

CHAPTER III - National Environmental Policy Act (NEPA) DOCUMENTATION

1.0 Overview

An increase in environmental awareness in the 1960s brought about concern for the pressure that people and development were placing on the environment. Due to this concern Congress passed the National Environmental Policy Act of 1969 (NEPA). This Act expressed three major goals:

- Set national environmental policy;
- Established a basis for Environmental Impact Statements (EISs); and
- Created the Council on Environmental Quality (CEQ).

This law also requires that the policies, regulations, and laws of the federal government be interpreted and administered in accordance with the goals of the law to the greatest extent possible. Additionally, it requires that federal agencies use an interdisciplinary approach in planning and decision making for actions that impact the environment. Finally, NEPA requires the preparation of an EIS on all major federal actions significantly affecting the human environment.

The lead federal agency for NEPA on Georgia Department of Transportation (GDOT) project compliance is typically the Federal Highway Administration (FHWA). However, on rare occasions, other federal agencies may take the lead agency role. The lead state agency is the GDOT.

2.0 Mandatory NEPA compliance projects

Compliance with NEPA is mandatory when one of the following conditions is met:

- Federal funds or assistance are used at some phase of the project;
- Federal permit(s) is (are) required;
- Federal approval of an action is required; or
- Federal funding or assistance eligibility must be maintained.

Whenever federal funds are used or when an interstate encroachment occurs, GDOT and FHWA are responsible for the preparation of NEPA documents. For other federal actions, check with the permitting agency to determine responsibility for the NEPA document preparation.

There are two reasons for documenting the NEPA process:

- To provide complete disclosure of the environmental analysis process, and
- To present the results (i.e., the decision).

Transportation projects have varying degrees of severity or potential to affect the environment. There are **three** classes of actions [23 CFR 771.115], defining the way that compliance with NEPA is documented in terms of the action's impacts.

- **Class I, Environmental Impact Statements (EIS)** are prepared for projects whose action will have a significant effect on the environment.
- **Class II, Categorical Exclusions (CE)** are prepared for projects that do not individually or cumulatively have a significant environmental effect.
- **Class III, Environmental Assessments (EA)** are prepared for projects in which the significance of the environmental impact is not clearly defined. All actions that are not Class I or II are Class III. All actions in this class require the preparation of an EA to determine the appropriate environmental document required.

Determining the level of documentation begins with the Early Coordination process (see [Chapter II](#)). Once responses are received and preliminary special studies are performed, an evaluation and consultation with FHWA is undertaken. The FHWA can anticipate a level of documentation; however, a final decision on the level of documentation is not made until the environmental studies (discussed in Chapter V.1 through V.7) are complete.

Section 6002 of the Safe, Accountable, Flexible, Efficient Transportation Equity Act: A Legacy for Users (SAFETEA-LU) establishes an 180-day statute of limitations on claims against the US Department of Transportation (USDOT) and other federal agencies for certain environmental and other approval actions. The FHWA must publish a notice in the Federal Register announcing that the agency has taken an action on a transportation project that is final under the federal law pursuant to which the action was taken. The decision to publish a notice and invoke the statute of limitations will be made by FHWA and GDOT on a project by project basis.

3.0 Environmental Impact Statements (EIS)

3.1 Overview

In accordance with NEPA, an EIS must be prepared for all major federal actions that would significantly affect the quality of the human environment. The EIS process is carried out in two separate phases that result in the preparation of a Draft EIS (DEIS) and a Final EIS (FEIS). The FEIS is followed by a Record of Decision (ROD). Both the DEIS and the FEIS are full disclosure documents that provide a full description of the proposed project, the existing environment, and identification of the anticipated beneficial and adverse environmental effects of all reasonable alternatives.

The SAFETEA-LU established several new requirements for EISs, particularly with regard to agency and public involvement as discussed below. The FHWA's SAFETEA-LU guidance can be found at www.fhwa.dot.gov/hep/section6002.

General guidance for preparing an EIS can be found at <http://environment.fhwa.dot.gov/projdev/docueis.asp>.

A suggested format for an Environmental Impact Statement can be found in the FHWA Technical Advisory T6640.8A (<http://www.environment.fhwa.dot.gov/projdev/impTA6640.asp>).

3.2 Notice of Intent (NOI)

Once it has been determined that an EIS will be completed for the project, it is necessary to notify the public and other affected government agencies of GDOT's intentions. This would be the first step of the NEPA early coordination process, which is initiated with the publication of the Notice of Intent (NOI). A draft NOI is submitted to FHWA or the lead federal agency, which is responsible for publishing it in the Federal Register. The NOI typically will be utilized as a tool to officially begin the EIS process. At a minimum the NOI will briefly describe the proposed project and possible alternatives, provide a brief Purpose & Need (P&N), note any proposed scoping meetings, and provide a contact person with the lead agencies. An example can be found at the following website: <http://environment.fhwa.dot.gov/projdev/impTA6640.htm>.

3.3 Agency involvement

The SAFETEA-LU established roles and responsibilities for three levels of agency involvement during EIS development: lead, cooperating and participating.

3.3.1 Lead Agencies

For transportation projects, USDOT must act as lead federal agency(ies). Established based on funding source, FHWA generally serves as lead federal agency for GDOT projects. Occasionally, the Federal Transit Administration (FTA) will act as a joint lead federal agency. On state-funded projects, the US Army Corps of Engineers (USACE) may serve as the lead federal agency. During the early coordination process, the lead federal agency(ies) must be identified.

The SAFETEA-LU requires that lead agencies provide increased oversight in managing the environmental process and resolving issues. Lead agency responsibilities include:

- Identifying and involving participating agencies (discussed below);
- Developing coordination plans (discussed below);
- Providing opportunities for public and cooperating & participating agency involvement in defining P&N and determining the range of alternatives (discussed below); and
- Collaborating with participating agencies in determining methodologies and level of detail for the alternative analysis.

3.3.2 Cooperating Agencies

A cooperating agency assists the lead federal agency(ies) in developing an EIS. The CEQ regulations implementing NEPA define a cooperating agency as any agency that has jurisdiction by law or special expertise for proposals covered by NEPA (40 CFR 1501.6). Any federal agency, state agency, local government, or tribal government with such qualifications may become a cooperating agency on an EIS by agreement with the lead federal agency. For example, if a county has jurisdiction by law over some aspect of a proposed project or has special expertise, and wishes to assist in analyzing impacts, it may request cooperating agency designation from the lead federal agency.

During the initiation of the NEPA process, the lead federal agency through GDOT may invite state, local or tribal government entities to participate as cooperating agencies, or these same entities may request that the lead federal agency grant them cooperating agency status. The lead federal agency will determine whether the proposed cooperating agency meets the CEQ requirements for cooperating agency status (40 CFR §1501.6, and 2). More than one agency or government entity may be designated as a cooperating agency.

The lead federal agency maintains the responsibility of preparing the EIS; however, a cooperating agency participates in the preparation of EIS. Typical responsibilities of a cooperating agency include the following:

- Assisting in the NEPA analysis at the earliest possible time;
- Participating in the scoping process, which helps define and frame the issues to be addressed in the NEPA document;
- Developing information and preparing environmental analyses (upon request of the lead federal agency) for portions of the EIS over which the cooperating agency has special expertise;
- Contributing staff support and other resources at the lead federal agency's request to enhance the NEPA team's interdisciplinary capability;
- Sharing freely any information and data relevant to the NEPA analysis, thereby facilitating rational, fact-based decision-making; and
- Relying on its own funds to support its participation in the EIS.

The lead federal agency retains the exclusive authority to make decisions on projects for which it has responsibility by law, and similarly a cooperating agency will maintain its authority to make decisions on issues under its legal jurisdiction.

The lead federal agency also retains decision-making authority over issues relating to the completion of the EIS due to it being the federal agency charged with carrying out the NEPA process. If parties find they cannot agree on issues related to the preparation of the EIS, each will be free to proceed independently in order to meet respective schedules for rendering decisions.

Cooperating agencies have similar roles as participating agencies (see below), but have a greater degree of authority, responsibility and involvement in the environmental process.

3.3.3 Participating Agencies

Federal and state agencies and tribal, regional and local governments that may have an interest in the project should be invited to serve as a participating agency. Lead agencies should identify and invite participating agencies early so that concerns can emerge early in the process and issues can be resolved quickly.

Roles and responsibilities include:

- Early participation, particularly in the development of the P&N, range of alternatives, methodologies and level of detail in the alternatives analysis;
- Early identification and resolution of issues; and
- Participation in scoping.

Participating agencies are not afforded any increased oversight or approval authority. Non-governmental organizations and private entities cannot serve as participating agencies.

3.4 Scoping

As stated in 23 CFR 771.123, “[t]he scoping process will be used to identify the range of alternatives and impacts and the significant issues to be addressed in the EIS and to achieve the other objectives of 40 CFR 1501.7.” The scoping process is utilized to invite participation in the NEPA process, determine the scope of the project and the study area, determine both important and minor issues, allocate assignments, determine activities and their timing, and identify other activities (if any). Scoping is the first major public outreach effort inviting public and governmental agency participation and should clearly be defined as part of the project Public Involvement Plan (PIP). While the NOI will be utilized as a method of announcing the scoping meetings, the project team also will solicit comments and input from both the public and governmental agencies. In addition to publication of the NOI, proposed scoping meetings will be announced through the project public outreach process including direct mailings, newsletters and other local publications (see [Chapter IV](#)).

During scoping it is important to clearly define the action proposed as part of the project, define objectives, define scope, identify decisions that need to be made, focus resources, and initiate public participation.

The following are the main components of the scoping process:

- Obtaining input from appropriate federal and state, and local and tribal governments, and from the public;
- Determining all possible alternatives to be evaluated in the DEIS;
- Determining lead agency(ies);
- Determining cooperating agencies;
- Determining participating agencies;
- Determining if existing documents address the proposed action;
- Identifying public involvement needs; and
- Identifying significant environmental issues to be analyzed further and those insignificant issues requiring less evaluation [narrow the scope of analysis, 40 CFR 1501.1(d)].

3.5 Coordination Plans

The SAFETEA-LU requires that the lead agencies establish a plan for coordinating public and agency participation and comment during the environmental process. According to FHWA’s guidance, the Coordination Plan should outline

- How the lead agencies have divided the responsibilities for compliance with the various aspects of the environmental review process, and
- How the lead agencies will provide the opportunities for input from the public and other agencies.

The plan also should identify coordination points, such as

- Publication of the NOI and scoping activities;
- Development of the P&N;
- Identification of the range of alternatives;
- Collaboration on methodologies;
- Completion of the DEIS;
- Identification of the preferred alternative and the level of design detail;
- Completion of the FEIS;
- Completion of the ROD; and
- Completion of permits, licenses, or approvals after the ROD.

The plan also may establish a schedule of regular meetings and may identify the appropriate agencies, organizations or personnel to be included for each coordination point.

3.6 Purpose & Need (P&N) and Alternative Analysis

Increased agency and public input into the development of the project's P&N and the alternatives analysis is required by SAFETEA-LU. These steps may occur concurrently or sequentially (see [Chapter II](#)).

3.6.1 Purpose and Need

The lead agencies are responsible for the project's P&N statement; however, they must provide opportunities for the involvement of participating agencies and the public. After considering their input, the lead agencies will decide on the project's P&N.

3.6.2 Alternatives Analysis

Similarly, the lead agencies are responsible for developing the range of alternatives. Participating agencies and the public must be given the opportunity to provide input. But again, after considering this input, the lead agency(ies) will determine the appropriate range of alternatives for evaluation.

The project's Coordination Plan will establish the timing and form of involvement opportunities as well as the timing of the decision on the range of alternatives.

In accordance with SAFETEA-LU, the lead agency(ies) also must collaborate with participating agencies on the appropriate methodologies to be used and the level of detail required for the evaluation of alternatives. The lead agency(ies) can decide to develop the preferred alternative (after it has been identified in the approved DEIS) to a higher level of detail. However, developing the preferred alternative in greater detail cannot prevent the lead agency(ies) from making an impartial decision.

3.7 Draft Environmental Impact Statement (DEIS) format/procedure

The DEIS documents the results of studies conducted on the social, economic and environmental impacts of all alternatives under consideration. Thus all reasonable alternatives must be identified and analyzed, and compliance with applicable state and local environmental regulations must be demonstrated in accordance with NEPA. The analysis for each of the alternatives should identify the type and severity of environmental impacts anticipated, how adverse impacts have been avoided, and the measures to minimize and/or mitigate unavoidable impacts.

The level of analysis will vary by project and topic, depending on the particulars of each project. Chapter V includes a wide range of environmental studies; some or all of which may apply to a particular project. At a minimum, the analyses for an EIS must include the following:

- Cover Sheet
- Summary
- Table of Contents
- Purpose and Need
- Alternatives Considered
- Affected Environment
- Environmental Consequences
 - Air Quality
 - Noise Quality
 - Conceptual Stage Study
 - Economic Impacts
 - Land Use
 - State and Federal Waters
 - Protected Species
 - Threatened & Endangered
 - Migratory birds
 - Other, e.g., bats
 - Floodplains
 - Water Quality
 - Cultural Resources
 - Historic Properties
 - Archaeological Sites
 - Environmental Justice populations
 - Hazardous Waste sites/Underground Storage Tanks (UST)
 - Indirect & Cumulative Impacts
- List of Preparers
- EIS Distribution
- Comments and Coordination
- Appendices (if any)

Special studies may be warranted to address specific impacts. For topics such as coastal zone, floodplains, and wild and scenic rivers, the project may or may not require detailed analysis. Review of files, secondary data, and other materials will suffice as the basis for describing these sections. For projects with specific impacts to resources such as floodplains or a wild and scenic river, the analysis will be more in-depth. The level of detail of the analysis should be commensurate with the context and intensity of the impacts.

Upon completion of the environmental studies and other research/coordination required, the results need to be compiled into a well-organized document.

3.7.1 Documentation

The documentation for the DEIS needs to be clear and concise. Essentially, the EIS serves dual purposes of informing the public and disclosing the technical analyses and findings. Therefore, the writing style needs to keep a balance between summarizing the findings and providing appropriate details to support the findings in the document. The format of the EIS can be tailored to meet the needs of the project. The project team should work together to determine the most appropriate format.

Where appropriate, tables and graphics will be used to clarify or simplify the discussion. The graphics should be consistent and include a north arrow, scale, project limits, and surrounding land uses. The graphics are typically referred to by exhibit number and also include page numbers and GDOT project numbers.

3.7.2 DEIS processing

Completion and approval of the DEIS occurs through several steps. Correspondence, the interested public, and inter-agency input resulting from early coordination and scoping efforts serve as a background for the EIS preparation. Documentation occurs throughout the subsequent environmental analyses, agency coordination, and public involvement process. The document should include a concise description of the proposed action, other actions and proposals in the area, reasonable alternatives, major environmental impacts, areas of controversy, unresolved issues (if any), and other federal actions (e.g., permits, 106 compliance).

3.7.3 Document submittal/review

Upon completion, the documentation will be submitted in the form of a DEIS. Upon completion of the document review and final revisions, GDOT will submit the document to FHWA for review and approval. Approval of the DEIS by FHWA authorizes the process to move to the public hearing phase.

Copies of the approved DEIS will be submitted to US Environmental Protection Agency's (USEPA) Office of Federal Activities EIS Filing Section. Guidance on filing EIS's with USEPA can be found at <http://www.epa.gov/compliance/nepa/submiteis/index.html>.

Copies of the approved DEIS also will be submitted to the Director of the Office of Environmental Policy and Compliance, Department of the Interior (DOI). Guidance on filing EISs with DOI can be found at http://www.doi.gov/oepc/Environmental_Review_Process.pdf.

3.8 Public Hearing Open House (PHOH)

A formal Notice of Availability (NOA) is published in the Federal Register by USEPA announcing the date(s) and location(s) of the Public Hearing Open House(s) (PHOH) and establishing a deadline for comments. The DEIS is also made available for public review at several locations (e.g., at public libraries, GDOT offices, other government buildings) for a minimum of 45 days. The PHOH(s) will be held during this same period with a minimum of 30 days between the NOA publication and the hearing date(s), and a minimum of 10 days between the last hearing date and the end of the comment period. At the end of the comment period, GDOT and FHWA will review all comments received and prepare responses to all comments. The number of PHOHs for a project is dependent on the scope of the project, the project impacts and degree of community interest or controversy.

Upon completion of the public comment period, the Final Environmental Impact Statement (FEIS) will be prepared.

3.9 Final Environmental Impact Statement (FEIS)

The FEIS, identifies the preferred alternative (if the draft did not) and summarizes all comments received during the DEIS circulation period and public hearing(s). It must demonstrate compliance to the greatest extent possible with all applicable environmental laws and Executive Orders, and identify how regulatory compliance would be met. The document also will note where the EIS was changed in response to comments, and any other changes or corrections.

3.9.1 FEIS processing

The FEIS is processed similar to the DEIS and is submitted to FHWA for approval. Upon approval of the FEIS, a NOA allowing a minimum 30-day public review period is published in the Federal Register. Circulation of the FEIS generally will follow the same standards as those implemented during the DEIS circulation including circulation to USEPA and DOI.

3.10 Record of Decision (ROD)

At the conclusion of the FEIS circulation, the FHWA issues its ROD. The ROD summarizes the impacts and mitigation commitments made in the FEIS and formalizes the FHWA's decision. The ROD must be issued before any project approvals (e.g., for final design, right-of-way acquisition, construction) can be given on the selected course of action. The ROD may not be issued sooner than 30 days after the approved FEIS is distributed, nor 90 days after the DEIS is circulated. It should

- State the basis for the decision;
- Identify all the alternatives considered and specify the "environmentally preferable alternative;" and

- 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 also will be made available to the public in the same way as the DEIS and FEIS. Providing that there are no changes in the scope of the project, the ROD is the conclusion of the NEPA process.

3.11 Supplemental Environmental Impact Statement (SEIS)

If at any time during or after approval of the DEIS, FEIS, or issuance of the ROD there is a substantial change in the proposed project that affects the environmental issues, or there are significant new circumstances or information relevant to environmental concerns that alter the proposed action or its impacts, a SEIS will be prepared. In the event the significance of the new impacts is not clear, the appropriate environmental studies to assess the impacts will be necessary.

Implementation of the SEIS will follow all procedures for preparation of the DEIS, FEIS, and the ROD. This process will include the NOI to file an SEIS and appropriate outreach to ensure public involvement needs are met.

3.12 Re-evaluation of EISs

If an acceptable FEIS is not submitted to FHWA within three years from the date of the DEIS circulation a re-evaluation of the previously completed documentation will be prepared. The purpose of this re-evaluation is to determine whether or not a supplement to the DEIS or a new DEIS is needed.

A re-evaluation may also be required if major steps to advance the action (e.g., authority to undertake final design, authority to acquire a significant portion of the right-of-way, or construction) have not occurred within three years after the approval of the FEIS, FEIS supplement, or the last major federal approval or grant.

See [Chapter VII](#) for a discussion on reevaluations.

3.13 EIS references

The agency rules which define the requirements have been codified in the Code of Federal Regulations (CFR) in two different areas, 23 CFR 771 and also at 40 CFR 1500. The regulations defined in Section 40 are those established by the CEQ, the body established by Congress to ensure that NEPA conformance is followed by all federal agencies; 40 CFR 1500 contains guidelines for implementing NEPA. The following is a list of the sections within the CFR where guidance for each phase of the EIS process can be found:

- Early coordination/Scoping - 23 CFR 771.111 and 40 CFR 1501.7
- Notice of Intent - 40 CFR 1507.3(e)
- Cooperating Agencies - 40 CFR 1501.6, 1503.3, and 1506.2
- Draft EIS - 23 CFR 771.123, and 40 CFR 1502.6-1502.18 and 1506.10
- Public Hearing/Circulation - 23 CFR 1502.19, 1503.1, 1503.4, and 1506.6

- Final EIS - 23 CFR 771.125, and 40 CFR 1502.9, 1503.4, 1506.9, 1506.10
- Supplemental EIS - 23 CFR 771.130, and 40 CFR 1502.9, 1503.4, 1506.9, 1506.10
- Record of Decision - 23 CFR 771.127, and 40 CFR 1505.2, 1506.6 and 1506.9

In addition to the CFR, FHWA's Technical Advisory (T6640.8A) provides detailed guidance on the preparation of the NOI, the scoping process, and the information that should be included in the EIS.

4.0 Categorical Exclusions (CE)

4.1 Overview

The FHWA regulations on Environmental Impact and Related Procedures define CE as “actions which do not induce significant impacts to planned growth or land use for the area; do not require the relocation of significant numbers of people; do not have a significant impact on any natural, cultural, recreational, historic or other resource; do not involve significant air, noise, or water quality impacts; do not have significant impacts on travel patterns; or do not otherwise, either individually or cumulatively, have any significant environmental impacts.” [23 CFR 771.117(a)]

A list of actions generally not requiring NEPA documentation can be found in 23 CFR 771.117(c). These actions have been predetermined to qualify as CEs. Other projects, pursuant to 23 CFR 771.117(d), may qualify as CEs if appropriately documented. These regulations caution that for some projects, a CE may not be appropriate due to unusual circumstances.

The FHWA ultimately decides the appropriate level of documentation. As discussed previously, the level of documentation can be anticipated; however, environmental studies must be completed to determine the appropriate level of documentation. Any action that normally would be classified as a CE but could involve unusual circumstances will require appropriate environmental studies to determine if the CE determination is appropriate. Such unusual circumstances may include

- Significant environmental impacts;
- Substantial controversy on environmental grounds;
- Significant impact on properties protected by Section 4(f) of the US Department of Transportation (USDOT) Act or Section 106 of the National Historic Preservation Act; or
- Inconsistencies with any federal, state, or local laws, requirements or administrative determinations relating to the environmental aspects of the action.

[23 CFR 771.117(b)]

4.2 CE Forms/Procedures

If the proposed project is a CE action, it is a type listed in the June 2008 Programmatic CE (PCE) Agreement, and it meets the thresholds established in the June 2008 PCE Agreement, the CE will be developed utilizing the [PCE Eligibility Determination Form](#). Through an agreement

between FHWA and GDOT, the PCE is not forwarded to FHWA but is approved by the Office of Environmental Services. These CEs do not require an FHWA signature for approval; only the Office of Environmental Services can approve PCEs. The PCE is typically prepared for projects that are very small in scale and have minor to no environmental impacts. Please see the [June 2008 PCE Process Agreement](#).

If the proposed action does not meet the conditions established in the [June 2008 PCE Process Agreement](#), a CE will be prepared. More [guidance](#) can be found in the document library.

The CE is to include in this order:

- [Environmental Commitments Table](#)
 - Commitments made during project development should be characterized as "Pre-construction," "During construction," or "Post-construction" (see [Chapter XI](#))
- A signed [CE Checklist](#)
 - Each entry in Section V should be marked "Involvement" (the resource type is present and will be affected), "No Involvement" (the resource type is present but will not be affected), or "None" (the resource type is not present)
- [Attachment I](#), Effects Evaluation
 - Purpose & Need Statement (see [Chapter II](#))
 - Project Description
 - Location Map including
 - North Arrow
 - Legend (if appropriate)
 - Project No., P.I. Number, County, and Project Title
 - Source
 - Scale
 - Project Termini
 - Effects evaluation discussion for all resource types marked as "Involvement" or "No Involvement."
- [Attachment II](#), Correspondence – all correspondence including but not limited to:
 - All items listed in Section IV, Table A, Actions Requiring Concurrences Prior to CE Approval
 - Practical Alternatives Review (PAR) related correspondence (if an Individual Section [IP] 404 Permit is required)
 - Copy of the Early Coordination letters and a list of recipients
 - Federal Emergency Management Agency (FEMA) early coordination letter (if project encroaches on regulatory floodway)
 - Early coordination letter with USFWS and GDNR (if state species are in the project area)
 - All letters received from others during the early coordination process
- [Attachment III](#), Report Coordination
 - Letters and/or emails transmitting environmental studies to FHWA

- Environmental studies should not be attached to the CE as they will have been transmitted to FHWA prior to completing the CE
- Attachment IV, Concept Report
 - If the concept report is not yet approved, a copy of the draft report should be attached
- Attachment V, Programmatic Section 4(f), if required (see [Chapter VI](#))
- Attachment VI, Conceptual Stage Study, if required (see [Chapter IV](#))
- Attachment VII, Public Information Open House Materials, if applicable
 - Include the synopsis, summary of comments, a copy of all comments received, and the response letters
- Attachment VIII, QCQA Forms, if applicable
 - QCQA forms that have documented the consultant and GDOT's review of the previous submittals of the CE

4.3 CE submittal

The CE cannot be submitted for review and approval until all environmental studies are approved and concurrences are received.

4.3.1 Submit to FHWA

Upon review of the CE, it will be submitted to the FHWA for approval, unless it meets the conditions set out in the PCE agreement.

4.4 CE references

- 40 CFR 1508.4
- 23 CFR 771.117(a)
- 23 CFR 771.117(b)
- 23 CFR 771.117(c)
- 23 CFR 771.117(d)

5.0 Environmental Assessments (EA)

5.1 Overview

An EA is typically prepared when it is uncertain whether there will be significant impacts resulting from a project. The purpose of an EA is to document the analysis of the project and its effects in order to determine if there will be significant impacts resulting from the proposed project. The EA process is carried out in two separate phases that result in the preparation of a Draft EA and a Final EA/Finding of No Significant Impact (FONSI) if it is determined that significant impacts would not occur due to the proposed project. If it is determined that the proposed project would result in significant impacts, the preparation of an EIS is required.

All technical studies must be reviewed and approved prior to submittal of the Draft EA. However, agency consultations (e.g., Section 106 and Section 7) do not need to be complete at this time. However, the environmental team should have a good indication of the effects determination and agency decisions. These decisions may affect an alignment so the team

should have a good degree of certainty that these agency consultations will not substantially change the project alignment or design. The one exception is that the PAR must be complete prior to FHWA approval of the Draft EA.

From a practical perspective, most projects not included in specific Categorical Exclusion listings are processed as EAs. Typical examples in Georgia include highway widening, large-scale safety projects (those requiring additional right-of-way), and roadway projects on new location. Environmental Assessments require two approvals by FHWA. The first is the approval of the Draft EA that allows the project to advance to a PHOH. The second FHWA approval is of the Final EA that concludes with a FONSI or that an EIS should be prepared. Three components of the EA must be completed successfully to assure timely approval;

1. The specific analyses required for the project,
2. The documentation, and
3. The steps to process the documentation.

Following FHWA approval of the Draft EA, the public availability period, and receipt of comments on the Draft EA, the next step is a determination of significance of impacts:

- If, after completing the process, it is evident that there are no significant impacts associated with the project, a Final EA and a FONSI may be prepared; or
- 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 EIS must be prepared.

5.2 Analysis

The level of analysis will vary by project and topic, depending on the particulars of each project. Chapter V of this manual includes a wide range of environmental studies; some or all of which may apply to a particular project. The analyses for an EA must include, at a minimum, the following:

- Purpose and Need
- Alternatives Considered
- Air Quality
- Noise Quality
- Conceptual Stage Study
- Economic Impacts
- Land Use
- State and Federal Waters
- Protected Species
 - Threatened & Endangered
 - Migratory birds
 - Other, e.g., bats
- Floodplains

- Water Quality
- Cultural Resources
 - Historic Properties
 - Archaeological Sites
- Environmental Justice populations
- Hazardous Waste sites/USTs
- Indirect & Cumulative Impacts

Other special studies may be warranted to address specific impacts. For topics such as coastal zone, essential fish habitat, parks and recreation facilities, and wild and scenic rivers, the project may or may not require detailed analysis. Review of files, secondary data, and other materials will suffice as the basis for describing these sections. For projects with specific impacts to resources such as environmental justice or a wild and scenic river, the analysis will be more in-depth. The level of detail of the analyses should be commensurate with the context and intensity of the impacts.

Upon completion of the special studies and other research/coordination required, the results need to be compiled into a well-organized document.

5.3 Documentation

The documentation for the EA needs to be clear and concise. Essentially, the EA serves dual purposes of informing the public and disclosing the technical analyses and findings. Therefore, the writing style needs to keep a balance between summarizing the findings and providing appropriate details to support the findings in the document. An [EA template](#) is provided; the template is flexible and can be customized to best fit the project. The EA should follow this basic outline:

- Cover Sheet (signature page)
- [Environmental Commitments Table](#) (green sheet) (see [Chapter IX](#))
- Table of Contents
- Purpose and Need
- Alternatives Considered
- Environmental Consequences
- Section 4(f) Evaluation (if any)
- Comments and Coordination (Agencies)
- Appendices (if any)
 - Correspondence
 - Project Concept Report
 - Conceptual Stage Study
 - Public involvement meeting materials (Handouts, Summary, Comments, GDOT responses)
- Other Compliance Information

Where appropriate, tables and graphics should be used to clarify or simplify the discussion. The graphics should be consistent and include a north arrow, scale, project limits, and surrounding land uses. The graphics are typically referred to by exhibit number and also include page numbers and GDOT project numbers. While specific characteristics of a project may dictate additional exhibits, the following elements are needed at a minimum:

- Project Location
- Typical Section
- Location(s) of Waters of the US (if present)
- Location(s) of historic resources (if present)
- Floodplains (if present)

5.4 Processing the Draft EA and the Public Hearing Open House (PHOH)

The Draft EA is subject to FHWA approval before it is made available to the public for review and comment. The approved Draft EA must be made available for public inspection; it must be made available at the PHOH. The PHOH advertisement announces the availability of the approved document. The availability period for an approved Draft EA is 15 days; however, state law [OCGA 32-3(f)(5)(A)] requires that PHOHs be advertised no less than 30 days in advance. The approved Draft EA often is sent to other agencies who have expressed an interest in the project.

Once FHWA approves the Draft EA, the project enters Public Hearing phase, where the availability of the EA and the Public Hearing Open House are advertised. At the PHOH and during a subsequent 10-day comment period, the public is invited to ask questions and make comments on the project and the EA. All PHOH comments will be responded to within 60 days of the meeting.

If an Individual Section 4(f) Evaluation (discussed in [Chapter VI](#)) is required, the evaluation is attached to the EA and twelve copies of the approved Draft EA/Section 4(f) Evaluation must be submitted to the Department of the Interior (DOI) and other resource agencies with jurisdiction over the Section 4(f) resource for comment. The transmittal letter comes from FHWA. The resource agency has 45 days to respond. The response letter will be included in the appendix of the Final EA/Section 4(f) Evaluation. Two copies of the document will be submitted to the Department of Housing and Urban Development (HUD).

Courtesy copies of the Draft EA (and if applicable, the Section 4(f) evaluation) should be sent to the City or County Manager for comment. See [Chapter IV](#) for more information about the public involvement process.

5.5 Finalizing/revising the EA

5.5.1 Overview

The Final EA is modified to reflect all applicable comments and responses received at the PHOH. The Final EA must include the identification of a selected alternative.

5.5.2 Analysis and documentation

Subsequent to the availability of the Draft EA and the PHOH comment period, a Final EA is prepared. The Final EA focuses primarily on bringing closure to the alternatives process, summarizing the PHOH, and providing more specific environmental commitments for the project. The following items must be addressed in the Final EA.

- Any changes, such as possible shifts to avoid residential or commercial property, cemeteries, etc., that might result from comments received at the PHOH, must be analyzed and the results must be summarized in the Final EA.
- The selected alternative must be identified in the document (whether or not the draft identified a preferred alternative).
- If not already covered in the Draft EA, include in the Final EA a discussion of all the alternatives no longer under consideration and why they have been rejected. Ensure that the avoidance alternatives for Waters of the US and mitigation discussions are complete.
- Make sure the wetland alternatives and mitigation discussion are complete. If the wetland mitigation has not been determined, ask the Ecologist to make an educated guess about what type of mitigation will be done and where it will take place. More specific details or changes in the mitigation can be covered in future reevaluations. If the wetland section of the document does not already contain a "wetland finding" statement, add it.
- If Section 7 of the ESA and FWCA consultation were incomplete in the Draft EA, include USFWS concurrence letters in Appendix A.
- If the project is in a PM_{2.5} non-attainment area and if multiple alternatives were considered in the Draft EA, PM_{2.5} interagency coordination must be undertaken and documented in the Final EA. The PHOH handout also must include the PM_{2.5} coordination information.
- If the Section 106 coordination was incomplete in the Draft EA, it must be complete for the Final EA and the document must reflect this (i.e., change all statements that say a finding "is anticipated" to "has been determined"). Include the SHPO concurrence letter and ratified MOA, if applicable, in Appendix A.
- If the document includes an Individual Section 4(f) Evaluation, the wording in the alternative section should be finalized to show that each alternative is not feasible or not prudent. One or both of the not feasible and not prudent findings can apply to each alternative. Measures to minimize harm to the Section 4(f) resource should be discussed for all alternatives.
- In the Coordination and Comments section, discuss the PHOH. Include major concerns and discuss what is being done to address them. Add the PHOH handout, summary, comments and responses to the Appendix and include it in the Table of Contents.
- Add a list of recipients of the document. This list may be placed with the early coordination list after the last page of text of the document. This list should not include internal (GDOT) recipients. This list should include:

- Local government officials,
- The Office of Planning and Budget,
- The DOI and HUD if the EA contains an Individual Section 4(f) Evaluation, or
- Other appropriate federal agencies, such as the Corps of Engineers (USACE) or National Park Service (NPS), if right-of-way is required from them.
- Confirm that the remainder of the document is accurate and make any appropriate changes.
- Update the Environmental Commitments Table (green sheet).

5.5.3 Processing

Based on the analysis summarized in the EA, a determination is made whether or not the project would have significant impacts. All minimization and mitigation efforts should be factored into this determination. If it is determined that a project would result in no significant environmental impacts, a FONSI will be prepared to conclude the EA process and document the decision. If it is determined that the project would have significant impacts, an EIS is prepared.

5.6 Finding of No Significant Impact (FONSI)

5.6.1 Overview

A FONSI is issued when environmental analysis and interagency review during the EA process find a project to have no significant impacts on the quality of the environment. A FONSI is a document that briefly presents why an action does not have a significant impact on the environment and is the final decision documentation for an EA (unless significant impacts are determined to require an EIS). The document is made up of a Final EA and [FONSI cover sheet](#).

A sample of the language used for a FONSI can be found in the FHWA Technical Advisory T6640.8A (<http://environment.fhwa.dot.gov/projdev/impTA6640.htm>).

5.6.2 Form/procedure

Because the FONSI serves as a decision document, specific statements and signatures are required. The GDOT State Environmental Administrator signs a [certificate](#) of the project's compliance with applicable laws. This certification states that GDOT has considered the social, economic, and environmental effects of the project and that the project has fulfilled the requirements of 23 USC 128 relating to public hearings. This certification should be placed after the EA title page. After its review and approval of the Final EA, FHWA signs the EA title sheet again. In addition, FHWA signs a finding that the project would have no significant impact on the human environment. Officially, this finding is included as a [FONSI sheet](#) inside the EA title sheet, bearing the signature of the FHWA Division Administrator. After approval, a NOA and copies of the EA/FONSI are submitted to the state clearinghouse.

5.7 EA/FONSI references

- 23 CFR 771.119 Environmental Assessments (EA)
- 23 CFR 117.121 Finding of No Significant Impacts (FONSI)
- 23 USC 128 -- Public Hearings

6.0 Consultant Deliverables

After receiving comments from GDOT or FHWA on any document, a disposition letter (including the comment and how it was responded to) should be attached to the hard copy of the submittal and emailed to the GDOT reviewer for their use in facilitating the review of the document.

For any approved document, consultants will provide a CD (with the requested hard copies of the document) that includes a pdf (or series of pdfs) and a Word copy of the complete approved document.

6.1 EIS deliverables

Draft EISs, Final EISs, RODs, and Supplemental EISs should be not submitted in a three-ring binder.

Product		Number of copies
Draft Notice of Intent		1
Scoping materials		
	Draft for review	1
	For distribution at meeting	Adequate number for participant list
DEIS		
	For GDOT review	1
	For transmittal to FHWA	4
	Approved (w/o 4(f) evaluation)	25
	Approved (w/ 4(f) evaluation)	26
Draft Notice of Availability		1
	PHOH Ad	1
PHOH Handout		
	For review	3
	For distribution at open house	Adequate number for expected attendance
PHOH response letter		
	For review	1
	Signed & mailed copies	2
FEIS		
	For GDOT review	1
	For transmittal to FHWA	4
	Approved (w/o 4(f) evaluation)	25
	Approved (w/ 4(f) evaluation)	26
ROD		
	For review	1
	For publication	3
SEIS		
	For GDOT review	1
	For transmittal to FHWA	4
	Approved (w/o 4(f) evaluation)	24

	Approved (w/ 4(f) evaluation)	25
EIS reevaluation		4

6.2 CE deliverables

One copy of the CE will be submitted for review. Three copies will be submitted for transmittal to FHWA. The CE should not be submitted in a three-ring binder.

6.3 EA/FONSI deliverables

Draft EAs and Final EA/FONSIs should be not submitted in a three-ring binder.

Product		Number of copies
Draft EA		
	For GDOT review	1
	For transmittal to FHWA	4
	Approved (w/o 4(f) evaluation)	11
	Approved (w/ 4(f) evaluation) - check with the GDOT NEPA analyst	15-20
PHOH Ad		1
PHOH Handout		
	For review	3
	For distribution at open house	Adequate number for expected attendance
PHOH response letter		
	For review	1
	Signed & mailed copies	2
Final EA/FONSI		
	For GDOT review	1
	For transmittal to FHWA	4
	Approved (w/o 4(f) evaluation)	11
	Approved (w/ 4(f) evaluation) -	15-20
	Check with GDOT NEPA analyst	