

Chapter Twenty-two

GENERAL ENVIRONMENTAL PROCEDURES

BUREAU OF DESIGN AND ENVIRONMENT MANUAL

Chapter Twenty-two
GENERAL ENVIRONMENTAL PROCEDURES

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Chapter Twenty-two

GENERAL ENVIRONMENTAL PROCEDURES

All projects administered by IDOT must meet applicable Federal and State laws and regulations requiring identification and evaluation of the project's environmental impacts. In aggregate, Part III of the *BDE Manual* describes the applicable environmental procedures for State highway projects. Chapter 22 presents information which has a general application to all IDOT projects. This includes environmental documentation, coordination, and general NEPA compliance procedures. The subsequent chapters in Part III discuss more specific applications of the environmental procedures (e.g., preparation of an EIS).

Appendix B presents acronyms and definitions which apply to environmental procedures. Appendix C presents descriptions of legal authorities for key environmental requirements and descriptions of functional responsibilities of governmental agencies responsible for implementing environmental requirements.

22-1 COORDINATION BETWEEN *BDE MANUAL* AND KEY ENVIRONMENTAL DIRECTIVES AND GUIDANCE

The literature on environmental procedures is too voluminous to reproduce in its entirety. Appendix A for Part III duplicates the following selected environmental documents:

- the *CEQ Regulations*;
- 23 CFR 771 "Environmental Impact and Related Procedures";
- 23 CFR 774 "Parks, Recreation Areas, Wildlife and Waterfowl Refuges, and Historic Sites (Section 4(f))";
- FHWA Technical Advisory T6640.8A *Guidance for Preparing and Processing Environmental and Section 4(f) Documents*;
- CEQ Questions and Answers (CEQ Q&A);
- FHWA *SAFETEA-LU Environmental Review Process Final Guidance*;
- *FHWA Section 4(f) Policy Paper*, March 1, 2005;
- Programmatic Section 4(f) Evaluations;
- IDOT Interagency Coordination Agreements; and
- IDOT/FHWA Memoranda of Understanding.

IDOT has developed criteria and information for its specific application of the environmental procedures which supplements the national documents duplicated in Appendix A. The IDOT-specific information is presented in *Part III, "Environmental Procedures"*. Where applicable, a reference is provided to allow the user of the *BDE Manual* to coordinate the IDOT-specific information with the duplicated documents in Appendix A.

The *CEQ Regulations* are intended to apply to Federal agencies. For Federally funded or regulated IDOT projects, the provisions of the regulations constitute policy guidance for IDOT and should be viewed accordingly.

22-2 ENVIRONMENTAL DOCUMENTATION

References: 23 USC 139 “Efficient Environmental Reviews for Project Decision Making”
40 CFR 1500-1508 “CEQ Regulations for Implementing NEPA”
23 CFR 771 “Environmental Impact and Related Procedures”
FHWA Technical Advisory T 6640.8A “Guidance for Preparing and Processing
Environmental and Section 4(f) Documents”
FHWA *SAFETEA-LU Environmental Review Process Final Guidance*

22-2.01 Introduction

The primary purpose of environmental documentation is to ensure that the policies and goals defined in NEPA are incorporated into the ongoing programs and actions of the Illinois Department of Transportation. Environmental documentation is intended to accomplish more than mere disclosure; it will be used in conjunction with other relevant material to plan actions and to make decisions.

Environmental documentation is also required to reflect compliance with other applicable Federal and State laws, regulations, and Executive Orders (e.g., addressing protection of threatened and endangered species, farmland protection, historic preservation, protection of bald eagles and golden eagles, environmental justice, protection of flood plains and protection of wetlands).

22-2.02 Policy

References: 40 CFR 1502.1 “Early application of NEPA”
CEQ Q&A, Question 17 “Consultants and Conflict of Interest”
CEQ Q&A, Question 27a “Identifying Consultants in List of Preparers”

All environmental documentation shall provide full and fair discussion of significant environmental impacts and shall inform decision-makers and the public of the reasonable alternatives that would avoid or minimize adverse impacts or enhance the quality of the human environment. Preparers of environmental documentation shall focus on the significant environmental issues and alternatives and shall reduce paperwork and the accumulation of extraneous background data. Documentation shall be concise, clear, and to the point and shall be supported by evidence that the necessary environmental analyses have been performed. Use of metric values in environmental documents is optional. Where dual units are used, they may be shown in either order provided the selected approach is consistently applied in the documents for a particular project. The preferred method will be to show US Customary values first with metric values in parentheses.

Consultants may be employed to prepare all types of environmental documentation; however, the responsibility for all conclusions and determinations involved in environmental decisions remains with IDOT and FHWA. Environmental work by consultants leading to a project decision

shall be carefully reviewed to ensure that complete and objective consideration has been provided to all relevant project impacts and alternatives.

22-2.03 Selection of Environmental Documentation Type

Reference: 23 CFR 771.115 “Classes of Action”

The term “environmental documentation,” as used in this *Manual*, refers to the information prepared to analyze the potential environmental impacts of project alternatives. Depending upon the specific circumstances involved, the environmental documentation for a project will be one of the following three types:

- documentation included in Phase I Engineering Report,
- Environmental Assessment (EA) Document, or
- Environmental Impact Statement (EIS) Document.

The selection of the appropriate environmental documentation type for a project is based upon the following two factors:

- the project’s potential for significant environmental impacts, and
- the involvement of Federal funding participation or Federal approvals.

Figure 22-2.A illustrates the decision-making process for selecting the appropriate environmental documentation format. The determinations in the selection process must be supported by the appropriate environmental studies.

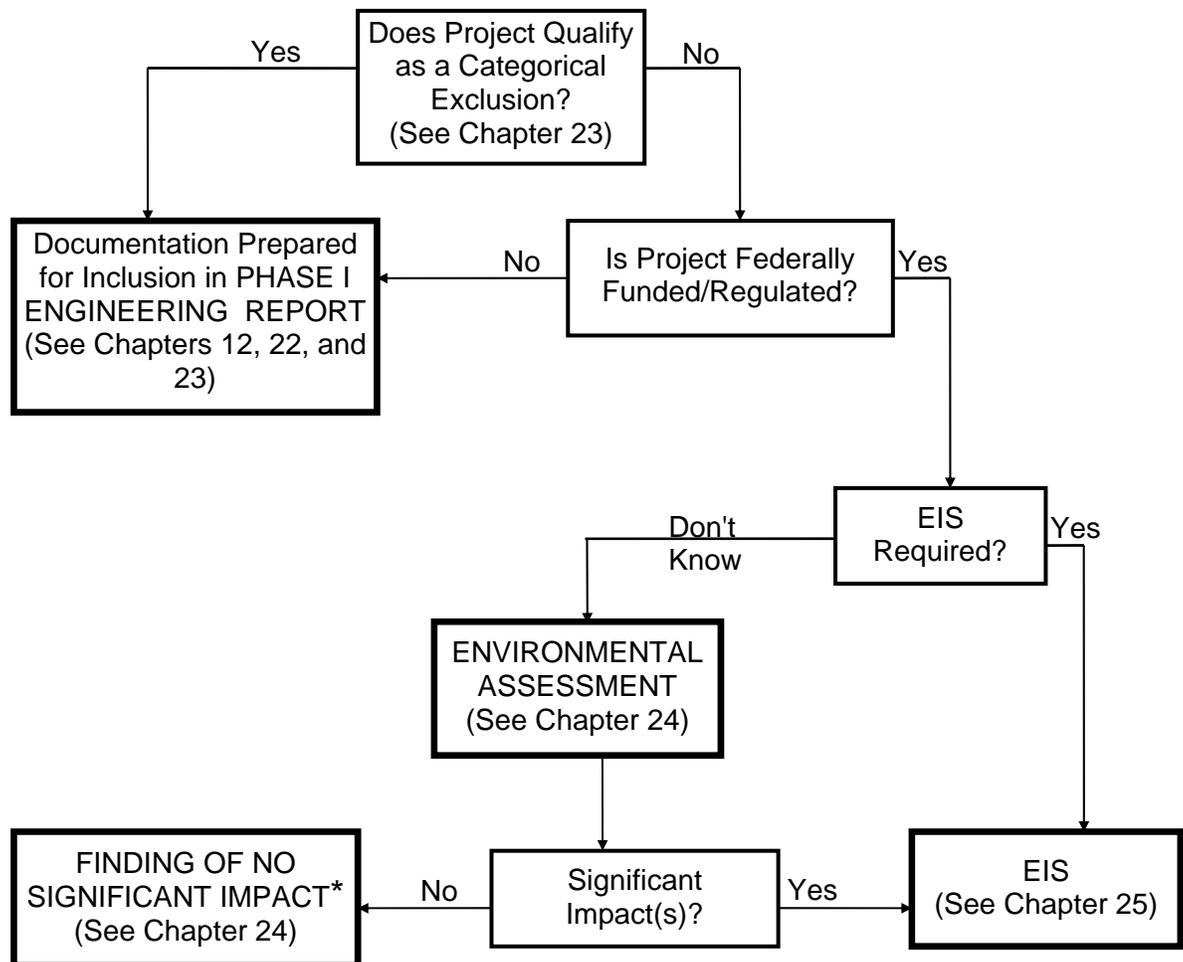
22-2.04 Environmental Documentation for Federally Funded/Regulated Actions

The requirements for preparing specific types of environmental documentation for Federal-aid actions are described in Chapter 12 “Phase I Engineering Reports,” Chapter 23 “Categorical Exclusions,” Chapter 24 “Environmental Assessments,” and Chapter 25 “Environmental Impact Statements.”

22-2.05 Environmental Documentation for Non-Federal Actions

22-2.05(a) “Categorical Exclusion” Projects

For actions that do not involve Federal funding or approvals and which qualify as Categorical Exclusions in accordance with Section 23-1, the environmental documentation for the project shall be a part of the Phase I Engineering Report and shall be prepared in accordance with Sections 23-2 and 12-3.



* A Finding of No Significant Impact (FONSI) is a separate document from the EA. It summarizes the basis for FHWA's determination that a project will not cause significant impacts that would require preparation of an EIS.

SELECTION OF ENVIRONMENTAL DOCUMENTATION TYPE

Figure 22-2.A

22-2.05(b) Non “Categorical Exclusion” Projects

For projects that do not involve Federal funding or approvals and which do not qualify as Categorical Exclusions in accordance with Section 23-1, the environmental documentation shall be a part of the Phase I Engineering Report and shall be prepared in accordance with the following guidance:

1. Coordination. Coordination with affected agencies and other interested parties should be diligently pursued during the preparation of the environmental documentation to identify and address all relevant environmental issues as necessary to make sound judgments among project alternatives. Early coordination with the Illinois Department of Natural Resources (IDNR) and Illinois Historic Preservation Agency (IHPA) will be accomplished through the Environmental Survey Process (see Chapter 27). The district pursues further coordination with IDNR, if needed. The district is responsible for coordination activities with the following additional agencies, as required or appropriate:
 - Illinois Department of Agriculture;
 - governmental land management agencies whose properties are affected; and
 - other governmental agencies which have jurisdiction by law or special expertise on a project issue (e.g., drainage district, US Coast Guard for construction over navigable waters).

2. Format and Content. For non-Federal-aid projects that do not qualify as Categorical Exclusions, the range of environmental issues to be addressed will be generally comparable to those discussed in an Environmental Assessment or Environmental Impact Statement for a Federal-aid project, commensurate with the particular action and impacts involved. The environmental documentation should cover the following subject areas:
 - Affected Environment;
 - Environmental Consequences;
 - Coordination;
 - Measures to Minimize Harm, Mitigation, and Commitments, as applicable; and
 - Technical Reports, as applicable.

The Phase I Engineering Report also will include information regarding project Purpose and Need, Alternatives, etc. See Chapter 12 for further information regarding the format and content of Phase I Engineering Reports. The discussion of alternatives should address consideration of options for avoiding and minimizing impacts to sensitive environmental resources as required by applicable laws and regulations (e.g., for wetlands). The environmental documentation must contain sufficient discussion of environmental issues to demonstrate thorough analysis and evaluation of all potential environmental effects, especially significant effects, of the proposed action as follows:

- a. Affected Environment. The Affected Environment discussion should provide a concise, general description (e.g., predominant land uses or cover types, as appropriate) of the area that may be likely to experience some change as a result of the proposed undertaking. In determining the extent of this area, consideration should be given to the potential effects of all alternatives under study. In addition, any sensitive resources (e.g., wetlands, cultural resources) in this area should be depicted on a map relative to the project alternatives. Numbered symbols, keyed to an explanatory table, should be used to denote these resources. A clear photograph(s) also should be provided for the sensitive resources when it will enhance the description of the resource (e.g., for historic buildings).
- b. Environmental Consequences. The Environmental Consequences discussion should briefly summarize the results of analyses in each of the following areas:
- social/economic,
 - agricultural,
 - cultural,
 - air quality,
 - noise,
 - energy,
 - natural resources,
 - water quality/resources,
 - floodplains,
 - wetlands,
 - special waste,
 - special lands,
 - permits/certifications, and
 - other issues.

Each subsection should be addressed and all potential adverse environmental impacts should be identified and discussed. See Section 24-3.07 for guidance on the type of information that may be appropriate for discussion, commensurate with the scope of the project and level of involvement with the subject areas listed. If there are no potential adverse impacts for a particular issue, the basis for that conclusion should be stated.

- c. Coordination. The Coordination discussion should identify the contacts, meetings, correspondence, etc., with agencies, organizations, or persons with special expertise or jurisdiction by law for any of the environmental issues, and the discussion should briefly summarize the recommendations or comments obtained from such coordination. Copies of letters, memoranda, meeting minutes, etc., may be included to document the coordination.
- d. Measures to Minimize Harm, Mitigation, and Commitments. The alternatives discussion in the Phase I Engineering Report should reflect options for avoiding

and minimizing impacts to sensitive environmental resources. In addition, the discussion in this section should briefly summarize specific mitigation measures which have been provided for the alternative selected and should identify any specific environmental commitments that have been made and to whom they were made.

- e. Technical Reports. The Technical Reports discussion should briefly summarize the circumstances and findings of each technical report prepared for the project and the status of the report. Chapter 26 discusses technical reports in more detail. A copy of each special report prepared for the project should be appended to the Phase I Engineering Report.

22-3 GENERAL NEPA REQUIREMENTS

This section discusses general requirements which IDOT projects must follow to satisfy NEPA, if the project is Federally funded or regulated.

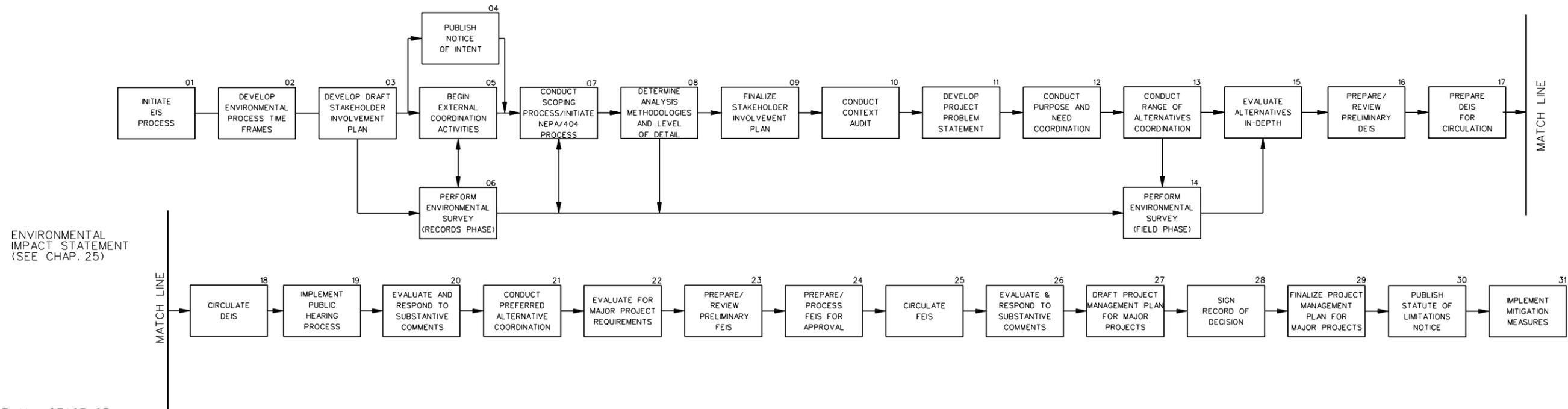
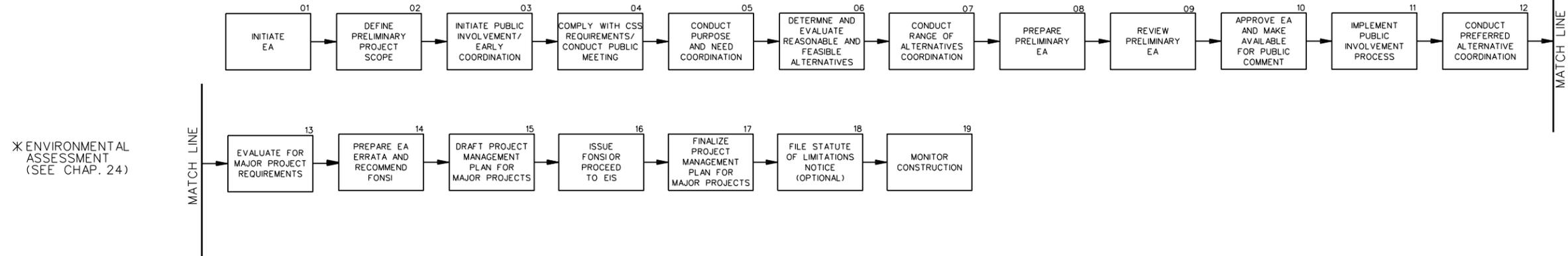
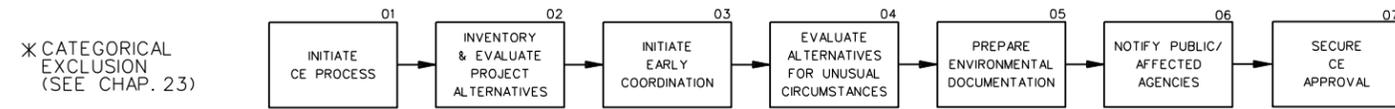
22-3.01 NEPA Processing Options

Reference: 23 CFR 771.115 "Classes of Actions"

To satisfy NEPA requirements, all IDOT Federally funded/regulated projects will be processed with one of the following options:

1. Categorical Exclusion (CE). Chapter 23 presents procedures for CE projects.
2. Environmental Assessment (EA). Chapter 24 presents procedures for EA projects.
3. Environmental Impact Statement (EIS). Chapter 25 presents procedures for EIS projects.

Figure 22-3.A presents a network for each of the three NEPA processing options. Chapters 23, 24, and 25 present a brief description of each activity within each network.



*IF AT ANY STAGE OF PROJECT DEVELOPMENT SIGNIFICANT IMPACTS ARE IDENTIFIED, PREPARE AN EIS.

NEPA PROCESSING ALTERNATIVES (FHWA LEAD AGENCY)

Figure 22-3.A

22-3.02 Purpose/Policy

References: 40 CFR 1500.1 "Purpose of NEPA"
40 CFR 1500.2 "NEPA Policy"

40 CFR 1500.1 defines the purpose of the *National Environmental Policy Act* of 1969. The following excerpts highlight some of its key provisions:

- *NEPA establishes policy, sets goals, and provides means for carrying out the policy.*
- *NEPA procedures must insure that environmental information is available to public officials and citizens before decisions are made and before actions are taken.*
- *NEPA documents must concentrate on the issues that are truly significant to the action in question, rather than amassing needless detail.*
- *The NEPA process is intended to help public officials make decisions that are based on understanding of environmental consequences, and take actions that protect, restore, and enhance the environment.*

40 CFR 1500.2 sets forth the policy for compliance with NEPA. The policy provides that Federal agencies shall to the fullest extent possible:

- *Implement procedures to make the NEPA process more useful to decision makers and the public; to reduce paperwork and the accumulation of extraneous background data; and to emphasize real environmental issues and alternatives.*
- *Use the NEPA process to identify and assess the reasonable alternatives to proposed actions that will avoid or minimize adverse effects of these actions upon the quality of the human environment.*
- *Encourage and facilitate public involvement in decisions which affect the quality of the human environment.*
- *Use all practicable means ... to restore and enhance the quality of the human environment and avoid or minimize any possible adverse effects of their actions upon the quality of the human environment.*

22-3.03 Application

References: 40 CFR 1500.1(a) "Application of NEPA"
23 CFR 771.109(a) "Application of 23 CFR 771"

The NEPA procedures apply to all Federally regulated and Federally funded projects; e.g., a State-only funded project which requires an individual Section 404 permit also might require an

Environmental Impact Statement to comply with NEPA for the Federal action (granting the permit). In this example, the Federal Highway Administration may not be involved in the project; therefore, the flow of information and activities will be modified to suit the Federal agency involved (i.e., the US Army Corps of Engineers).

Section 22-7 presents the environmental process for non-Federal projects.

22-3.04 Integration of NEPA and Planning

References: 23 USC 134 "Metropolitan Transportation Planning"
23 USC 135 "Statewide Transportation Planning"
23 CFR 450.212 "Transportation Planning Studies and Project Development (Statewide Transportation Planning and Programming)"
23 CFR 450.318 "Transportation Planning Studies and Project Development (Metropolitan Transportation Planning and Programming)"
Appendix A to Part 450 "Linking the Transportation Planning and NEPA Processes"
40 CFR 1501 "NEPA and Agency Planning"
Chapter 2 "Project Development Network (New Alignment)"
Part II, Project Development

The *CEQ Regulations* issued to implement the *National Environmental Policy Act* (NEPA) include provisions that address the relationship between NEPA and planning. 40 CFR 1501.2 states, in part, that:

Agencies shall integrate the NEPA process with other planning at the earliest possible time to ensure that planning and decisions reflect environmental values, to avoid delays later in the process, and to head off potential conflicts.

The *Safe, Accountable, Flexible, Efficient Transportation Equity Act: A Legacy for Users* (SAFETEA-LU) implemented several changes in parts 134 and 135 of the US Code intended to enhance consideration of environmental issues and impacts within the transportation planning process and encourage the use of the products from planning in the NEPA process.

In 23 USC 134(h) "Scope of Planning Process," paragraph (1)(E) requires the metropolitan planning process to provide for consideration of projects and strategies that will "...protect and enhance the environment..." The same requirement is included in paragraph (1)(E) of 23 USC 135(d) "Scope of Planning Process" for statewide planning.

In 23 USC 134(i) "Development of Transportation Plan," paragraph (4)(A) requires metropolitan planning organizations "...to consult, as appropriate, with State and local agencies responsible for land use management, natural resources, environmental protection, conservation, and historic preservation concerning the development of a long-range transportation plan." The same requirement is included in paragraph (2)(D)(i) of 23 USC 135(f) "Long-Range Statewide Transportation Plan."

Also in 23 USC 135(f), paragraph (4) "Mitigation Activities" includes a provision requiring long-range transportation plans to "...include discussion of potential environmental mitigation activities and potential areas to carry out these activities, including activities that may have the greatest potential to restore and maintain the environmental functions affected by the plan." This paragraph also includes a requirement that the discussion of mitigation activities "...be developed in consultation with Federal, State, and tribal wildlife, land management, and regulatory agencies."

The changes in the referenced sections of the *US Code* are reflected in the provisions of the current planning regulations in 23 CFR 450.212 and 450.318. Appendix A to Part 450 provides additional information to explain the linkage between the transportation planning and project development/National Environmental Policy Act (NEPA) processes.

Chapter 2 and *Part II, "Project Development"* of the *BDE Manual*, referenced above, include discussion of IDOT procedures for integrating the NEPA process with other Department planning activities.

22-3.05 Lead/Cooperating/Participating Agencies

References: 23 USC 139 "Efficient Environmental Reviews for Project Decision Making"
40 CFR 1501.5 "Responsibilities of, and Procedures for, Determining Lead Agencies"
40 CFR 1501.6 "Cooperating Agency's Responsibilities"
40 CFR 1508.5 "Definition of Cooperating Agency"
40 CFR 1508.16 "Definition of Lead Agency"
23 CFR 771.109(c) "Role of Federal Funding Applicant; Local Public Agencies as Cooperating Agencies"
23 CFR 771.111(d) "Requesting Involvement of Cooperating Agencies"
CEQ Q&A, Question 14 "Coordination Between Lead and Cooperating Agencies"
CEQ Q&A, Question 22 "State and Federal Agencies as Joint Lead Agencies"
FHWA SAETEA-LU Final Guidance, Questions 14-20 "Lead Agencies"
FHWA SAETEA-LU Final Guidance, Questions 21-29 "Participating Agencies"
FHWA SAETEA-LU Final Guidance, Questions 30 and 31 "Cooperating Agencies"

FHWA will be the Federal lead agency for most IDOT projects subject to the NEPA process, although FHWA and IDOT typically act as joint lead agencies. See 23 CFR 771.109(c)(2). The cited references from 40 CFR 1500 discuss the responsibilities of the lead agency and cooperating agencies. The cited questions from the FHWA *SAFETEA-LU Environmental Review Process Final Guidance* provide additional guidance regarding lead and cooperating agencies and discuss procedural requirements, roles, and responsibilities associated with participating agencies. The environmental process flowchart in Chapter 24 illustrates when, in the NEPA process, the FHWA and district will identify and notify cooperating agencies of the proposed action. The environmental process flowchart in Chapter 25 indicates the point where FHWA and the district identify and invite participating and cooperating agencies to become

involved in the NEPA process for the proposed action. The Chapter 25 process flowchart also identifies the following points regarding participating agency involvement, as required by 23 USC 139:

- Participating agencies and the public must be afforded an opportunity for involvement in defining the project purpose and need.
- Participating agencies and the public must be afforded an opportunity for involvement in defining the range of alternatives.
- Lead agencies must work cooperatively and interactively with the relevant participating agencies in determining the methodology and level of detail to be used in a particular analysis of the project alternatives.

In addition, participating agencies may be afforded an opportunity for involvement in the development of the Coordination Plan or Stakeholder Involvement Plan (Activity 03 and Activity 09 in the Chapter 25 environmental process flowchart). The Coordination Plan or Stakeholder Involvement Plan must be shared with participating agencies and the public.

22-3.06 Proposed Action

References: 40 CFR 1502.4(a) "Scope of Proposal(s) Covered in Environmental Document"
40 CFR 1508.23 "Definition of Proposal"
23 CFR 771.107(b) "Definition of Action"
23 CFR 771.111(f) "Logical Termini, Independent Utility, Effect on Other Projects"
Section 22-6.04 "Logical Termini"

IDOT must properly define the proposed action to ensure a meaningful evaluation of alternatives and to avoid commitments to transportation improvements before they are fully evaluated. This should occur as part of the planning process for the development of the Department's annual, multi-year, and long-range programs of projects. For reference, 23 CFR 771.107(b) defines "action" as:

A highway or transit project proposed for FHWA or UMTA funding. It also includes activities such as joint and multiple-use permits, changes in access control, etc., which may or may not involve a commitment of Federal funds.

Section 22-6.04 discusses the determination of logical project termini for the proposed action.

The proposed action may include completed and/or incomplete portions of a highway section and one or more future highway projects. Avoid piecemealing a proposed improvement in separate environmental reports. The proposed action should include the total length of highway between logical termini, even if only a short length is proposed for construction within the multi-year and long-range program. The environmental report should clearly identify the length of the proposed action and furnish any available information on long-range possibilities of future improvements for the proposed action.

22-3.07 Environmental Studies

References: 23 USC 139 "Efficient Environmental Reviews for Project Decision Making"
40 CFR Part 1502.24 "Methodology and Scientific Accuracy"
23 CFR 771.107(a) "Definition of Environmental Studies"
Chapter 26 "Special Environmental Analyses"
Chapter 27 "Environmental Surveys"
FHWA SAFETEA-LU Final Guidance, Question 38 "Developing the Methodologies for the Analysis of Alternatives"

Environmental studies provide the technical data and information necessary to identify and evaluate the nature and extent of environmental impacts of a proposed action (and associated mitigation measures that may be appropriate). Chapters 26 and 27 and the IDOT environmental technical manuals (see Section 22-8) discuss the procedural and technical aspects of the environmental studies. These include, for example, air quality analyses, water quality analyses, Section 4(f), noise analyses, cultural impact analyses, wetland technical reports, and biological assessments. 40 CFR 1502.24 identifies the basic objective of the environmental studies:

Agencies shall insure the professional integrity, including scientific integrity, of the discussions...

The environmental studies typically will be conducted in conjunction with actions for which an EIS will be prepared. They also will be performed for actions processed as an EA or a Categorical Exclusion, if necessary, to address specific substantive issues. To maximize benefits, the district should initiate these studies as early as practical and continue the studies throughout project development. Some studies will be initiated by BDE upon receipt of an Environmental Survey Request from the district (e.g., wetlands, biological, cultural resources) and others will be prepared by the district (e.g., socio-economic, agriculture, water quality). The evolution of the environmental studies should be commensurate with the decisions which are being made during project development. The environmental studies will be used:

- to determine the type of environmental processing (i.e., EIS, EA, CE) for a specific project (including determination of the presence of unusual circumstances for proposed CE projects);
- as the basis for scoping decisions;
- to determine the significance of project impacts; and
- as the basis for discussions in reports.

The discussions of the study results should indicate whether resources are present that could be affected, how those resources would be affected, what attempts were made to avoid or minimize the impact, and what mitigation measures are proposed to address the unavoidable impacts. Generic descriptions of impacts that "may" occur as a result of highway projects (e.g.,

highway projects may result in the conversion of farmland) should be avoided in favor of descriptions of the specific effects anticipated to result from the project alternatives under study.

22-3.08 Significance of Environmental Impacts

Reference: 40 CFR 1508.27 "Definition of 'Significantly' (Affecting) as Used in NEPA"

In evaluating the significance of impacts, the district shall consider the nature of the changes which may be caused by the action and the magnitude and importance of those changes. It is important to contact agencies which have special expertise or jurisdiction by law and individuals and organizations directly affected by the proposal to fully assess project impacts. Documentation of such contacts and those concerning the resolution of identified problems shall be included in the appropriate environmental document.

22-3.09 Evaluation of Alternatives and Selection of Preferred Alternative

References: 23 USC 139 "Efficient Environmental Reviews for Project Decision Making"
40 CFR 1502.14 "Alternatives Including the Proposed Action"
23 CFR 771.125(a)(1) "Identification of Preferred Alternative in FEIS"
Paragraph II.C of FHWA Technical Advisory T6640.8A "Alternatives Discussion in EAs"
Paragraph V.E of FHWA Technical Advisory T6640.8A "Alternatives Discussion in EISs"
FHWA SAFETEA-LU Final Guidance, Questions 36-38 "Alternatives Analysis"
FHWA SAFETEA-LU Final Guidance, Questions 39-46 "Preferred Alternative"
CEQ Q&A, Questions 1 through 3 "Evaluation of Alternatives"
CEQ Q&A, Questions 4 through 6 "Identification of Preferred Alternative and Environmentally Preferable Alternative"

When a proposed project may adversely affect resources, such as wetlands, floodplains, Section 4(f) properties, or Federal threatened and endangered species, districts must ensure that the evaluation of alternatives appropriately addresses avoidance, minimization, and mitigation options as required by regulations applicable to these resources. In addition, if the preferred alternative will affect such resources, districts must ensure that adequate justification is provided to explain why avoidance alternatives were not selected, in accordance with the regulations applicable to the resource(s) involved.

In selecting the preferred alternative for implementation, all of the social, economic, environmental, and engineering factors involved must be carefully weighed. Input from environmental agencies with relevant expertise and from the public should be sought at each step when narrowing the choices among alternatives to ensure, to the maximum extent practical, that the decision-making process fully and fairly considers all relevant information.

All alternatives considered in the selection process, the alternative(s) considered to be environmentally preferable, and the preferred alternative shall be identified in the decision statement for the action.

22-3.10 Public Access to Preliminary Environmental Documents

Federal environmental directives, including NEPA and 23 CFR 771, encourage an open process which fully involves the public. In addition, the Federal Freedom of Information Act (FOIA) directs that information be made available to the public to the greatest extent practical. However, although public involvement is strongly encouraged, there is a need to ensure that no segment of the public obtains an unfair advantage through premature access to project information.

This principle applies to preliminary environmental documents; e.g., a preliminary FEIS may be distributed to governmental agencies (e.g., cooperating agencies) for review and comment, but it is not ready for widespread distribution. The general public should not have access to these preliminary environmental documents. Such access not only provides individuals or groups involved with an unfair advantage over the remaining public, it also may promote attempts by such entities to influence decision making at inappropriate times in project development.

The FOIA and the implementing regulation of the US Department of Transportation (49 CFR 7.71) provide an exemption to address these cases. These directives provide that, where material is intended for public release at a specified time in the future and premature disclosure would be detrimental to the orderly processing of a Federal project, this material can be withheld during the development of the environmental document. Such material must be released after the environmental action is taken.

Whenever IDOT provides a preliminary environmental document (EIS or EA) to a cooperating agency, the letter of transmittal shall include a statement such as the following:

The Federal Highway Administration has determined that this preliminary document is an intergovernmental exchange that may be withheld under the Freedom of Information Act. Premature release of this material to any segment of the public could give some sectors an unfair advantage and would have a detrimental effect on intergovernmental coordination and the success of the cooperating agency concept. For these reasons, we respectfully request that the public not be given access to this preliminary document.

This procedure is applicable to all State highway projects involving Federal funding, authorization, or approvals for which an Environmental Impact Statement or Environmental Assessment is being prepared.

22-3.11 Time Limits

References: 23 USC 139 "Efficient Environmental Reviews for Project Decision Making"
40 CFR 1501.8 "Time Limits"
CEQ Q&A, Question 35 "Time Required for NEPA Process"
23 CFR 771.119(d), (e), and (h) "Time Limits in EA/FONSI Processing"
23 CFR 771.123(h) and (i) "Time Limits in DEIS Processing"
23 CFR 771.127(a) "Time Limits for Record of Decision"
FHWA SAFETEA-LU Final Guidance, Questions 47-57 "Coordination and Schedule"
FHWA/IDOT Statewide Implementation Agreement for Establishment of Timeframes for Environmental Impact Statements and Environmental Assessments

The *CEQ Regulations* include provisions for establishing time limits on various steps in the NEPA process. These time limit provisions are not mandatory. Section 1309 of the *Transportation Equity Act for the 21st Century (TEA-21)* mandated "Environmental Streamlining" for transportation projects and imposed requirements for cooperatively determining time frames for development of EISs and EAs. IDOT and FHWA have executed a Statewide Implementation Agreement (SIA) for establishing time frames for EISs and EAs for IDOT projects. This SIA is included in Appendix A. It applies to all EIS and EA documents initiated after October 1, 2003. Pursuant to the SIA, time frame negotiations should typically occur in conjunction with FHWA/IDOT coordination meetings. The meeting minutes will document the approval of the time frame for the project by the appropriate FHWA and IDOT district personnel. FHWA will monitor all milestone dates. FHWA and IDOT will provide a copy of the time frames to the involved environmental review and permitting agencies.

For EIS projects, 23 USC 139 requires development of a coordination plan for public and agency participation and imposes deadlines on certain aspects of the environmental process. Provisions in 23 USC 139(g) encourage, but do not require lead agencies to include a schedule in the coordination plan. Questions 47 through 57 in the FHWA *SAFETEA-LU Environmental Review Process Final Guidance* provide direction on these topics.

22-3.12 Limitations on Actions

References: 23 USC 139 "Efficient Environmental Reviews for Project Decision Making"
40 CFR 1506.1 "Limitations on Actions During NEPA Process"
23 CFR 771.113 "Timing of Administration Activities"
CEQ Q&A, Question 10 Limitations on Actions

The cited references for 40 CFR 1506, 23 CFR 771 and the CEQ Questions and Answers discuss limitations on actions that IDOT and FHWA can take during the NEPA process.

22-3.13 Other Agency Adoption

References: 40 CFR 1506.3 "Adoption of EIS
CEQ Q&A, Question 30 "Adoption of EIS by Cooperating Agency"

As discussed in the cited references, agencies other than FHWA and IDOT may adopt environmental documents prepared by IDOT.

22-3.14 Ensuring Validity of Environmental and Design Documents

References: 23 CFR 771.129 "Re-evaluations of Environmental Documents"
Section XI of FHWA Technical Advisory T6640.8A "Re-evaluations
CEQ Q&A, Question 32 EIS Validity"

IDOT districts and BDE have a primary responsibility to ensure that singular or cumulative changes in projects under development or the affected environment do not impair the validity of environmental and design documents and mitigation commitments. This responsibility is operative at all times, irrespective of the stage of environmental and engineering documents, through construction and maintenance. If circumstances arise which may affect the validity of project documents and commitments, the BDE should be contacted for specific guidance.

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22-4 CONCURRENT NEPA/404 PROCESSES

22-4.01 Background

A Statewide Implementation Agreement (SIA) (see Appendix A) is in effect that provides for concurrent *National Environmental Policy Act* (NEPA) and Section 404 processes on Federal-aid highway projects in Illinois. The purpose of the SIA is to ensure appropriate consideration of the concerns of the US Army Corps of Engineers (Corps), the US Environmental Protection Agency (USEPA), the US Coast Guard (USCG), and the US Fish and Wildlife Service (USFWS), especially regarding compliance with the Section 404(b)(1) Guidelines, as early as practical in highway project development. The USCG is involved in the SIA for those projects over navigable waters.

The intent is also to involve the State agencies, including the Illinois Environmental Protection Agency (IEPA), Illinois Historic Preservation Agency (IHPA), Illinois Department of Agriculture (IDOA), and Illinois Department of Natural Resources (IDNR), at key decision points early in the process to minimize the potential for unforeseen issues during the Section 404 permit review.

22-4.02 Applicability

All State highway projects needing Federal Highway Administration (FHWA) action under NEPA and an individual permit from the Corps under Section 404 of the *Clean Water Act* are eligible for processing under the NEPA/404 SIA. Decisions on whether to process specific eligible projects under the concurrent NEPA/404 procedures will be made in accordance with Part III of the SIA. The procedures that follow shall apply to all projects processed under the concurrent NEPA/404 process described in the SIA.

22-4.03 Procedures

22-4.03(a) General

As reflected in the executed SIA, Section 404 permit issues (i.e., relating to possible discharges of dredge and fill material into waters of the United States, including wetlands) should be considered throughout the highway planning and development process. Careful consideration should be given to comments provided by the Corps and the natural resource agencies relative to Section 404 issues, whether received during the systems planning phase, the scoping and NEPA compliance activities for individual projects, or the design-phase Section 404 permit application process.

The normal scoping and environmental coordination with the Corps, USEPA, USCG, and USFWS will continue for applicable projects, as reflected in the executed SIA. In addition, concurrence will be specifically requested from these agencies regarding the Purpose and Need, Alternatives To Be Carried Forward, and the Selected Alternative for applicable projects as described in the executed SIA and the following subsections of these procedures.

22-4.03(b) Concurrence Point Meetings

The SIA provides that the concurrence reviews for Purpose and Need, Alternatives To Be Carried Forward, and the Selected Alternative normally will be addressed at joint meetings of the SIA signatories and the State agencies.. The intent is to promote efficient use of staff resources and time by consolidating reviews of a number of projects at these periodic meetings. The number and location of projects to be addressed will be key considerations in determining where meetings will occur.

The FHWA/BDE will develop schedules and agendas for these meetings in consultation with the IDOT districts. BDE will contact each district to request information concerning projects that have been developed sufficiently to enable preparation of the information necessary to support a request for concurrence on one or more of the three points specified. These contacts by BDE will be accomplished two to three months prior to the tentative range of dates being considered for the joint meeting(s). This should allow the districts sufficient time to prepare information for the regulatory and natural resource agencies regarding the projects and concurrence points to be addressed. It also should afford time for review of the information by BDE and FHWA and for incorporation of any necessary changes. In addition, it will accommodate the 30-day period that the regulatory and natural resource agencies will have to review the information in advance of the meetings, as provided in the SIA.

After receiving information from the districts on the number and locations of projects for discussion, BDE will confer with the FHWA on arrangements for the meetings. FHWA will transmit to BDE and to other involved Federal and State agency offices a final meeting schedule, indicating the date(s), time(s), and location(s) of the meetings plus a list of projects to be discussed. FHWA also will disseminate the written project concurrence point information to the regulatory and natural resource agencies after it has been reviewed and revised as necessary.

At the concurrence point meetings, each district will be responsible for presenting its projects to the outside agencies. The presentation should be less than 30 minutes and should summarize the key points from the information package for the project. Each district also will be responsible for keeping minutes of the proceedings at the meeting pertaining to its projects (e.g., key issues raised, responses to issues, and action on concurrence point requests). Written information and exhibits prepared to describe the projects presented at the meeting should be attached to and incorporated into the minutes by reference to eliminate the need for repeating the information. Meeting minutes should be concise and should cover only what occurred at the meeting. They should not include actions, discussions, or decisions that were not covered in the meeting. Where issues are raised that cannot be resolved at the concurrence point meeting (e.g., because additional information is needed), the minutes should note the issue(s) and indicate how the matter will be addressed. Either the minutes of a subsequent meeting or an exchange of correspondence should document the follow-up on the issue(s). FHWA will consolidate and distribute the various project-specific minutes as a package for each concurrence point meeting.

If a regulatory or natural resource agency does not concur regarding one or more of the concurrence points, the district and BDE will jointly determine the appropriate course of action to respond to the dispute after discussion as necessary with the regulatory or natural resource agency involved and FHWA.

22-4.03(c) Concurrence Point Information

The advance information package for each project should include general project identification information (route designation(s), location/termini, city or county(ies)) and the information for the specific concurrence point(s) to be addressed. The concurrence point information should present essentially the same content as will be in the section of the project environmental documentation corresponding to the concurrence point(s) (i.e., the “Purpose and Need” concurrence point information should be similar to the information which will be in the “Purpose and Need” section of the environmental document). To the fullest extent practical, the information should address the items necessary for determining compliance with the Section 404(b)(1) “Guidelines for Specification of Disposal Sites For Dredged or Fill Material” (see Section 22-4.05). If districts wish to obtain preliminary comments from the regulatory and natural resource agencies, BDE, and FHWA regarding information being developed to support concurrence point requests, it is recommended this be accomplished through the district’s regularly scheduled coordination meetings, where possible. As a project proceeds through the three concurrence points, the information package should be cumulative (i.e., the information prepared for the first point should be a part of the package for the second, and the information for the first two should be in the submittal for the third).

22-4.03(d) Special Concurrence Point Meetings

In most instances, concurrence points should be addressed at the regularly scheduled meetings. If a district cannot attend a regularly scheduled meeting, for major or complex actions, or those on expedited schedules, separate NEPA/404 concurrence meetings may be scheduled in lieu of the regularly scheduled concurrence meetings. FHWA and IDOT may also request signatory agency concurrence via e-mail. As with the other joint concurrence point meetings, the district will be responsible for preparing the necessary concurrence point information and making it available in advance of the anticipated meeting date for necessary reviews by BDE, FHWA, and the regulatory and natural resource agencies, as described above.

22-4.03(e) Prevention, Minimization, and Mitigation of Adverse Effects to Aquatic Resources

Options for preventing, minimizing, and mitigating adverse effects to aquatic and wetland resources should be considered as an integral part of the merger process. As project details are refined, the potential for adverse impacts on the aquatic resources must be discussed with the regulatory and resource agencies. The discussions should focus on identification and evaluation of practicable alternatives for preventing, minimizing, and mitigating the adverse

effects. These considerations generally will be addressed as a part of the concurrence point discussions on Alternatives to be Carried Forward and the Preferred Alternative.

22-4.04 Section 404(b)(1) Compliance Information Outline

This subsection presents an outline that should be used for determining the appropriate level of information needed for compliance with the 404(b)(1) "Guidelines for Specification of Disposal Sites for Dredged or Fill Material" in the Section 404 permit process.

22-4.04(a) Discussion of Alternatives

The 404(b)(1) "Guidelines for Specification of Disposal Sites for Dredged or Fill Material" (40 CFR Part 230) provide that "...no discharge of dredged or fill material shall be permitted if there is a practicable alternative to the proposed discharge which would have less adverse impact on the aquatic ecosystem, so long as the alternative does not have other significant adverse environmental consequences." Furthermore, the Guidelines provide that "Where the activity associated with a discharge which is proposed for a special aquatic site...[sanctuaries and refuges, wetlands, mud flats, vegetated shallows, riffle and pool complexes]...does not require access or proximity to or siting within the special aquatic site in question to fulfill its basic purpose (i.e., is not 'water dependent'), practicable alternatives that do not involve special aquatic sites are presumed to be available, unless clearly demonstrated otherwise. In addition, where a discharge is proposed for a special aquatic site, all practicable alternatives to the proposed discharge which do not involve a discharge into a special aquatic site are presumed to have less adverse impact on the aquatic ecosystem, unless clearly demonstrated otherwise."

When the recommended or selected project alternative will involve a discharge of dredged or fill material into waters of the United States, the environmental documentation must include exhibits delineating aquatic habitat and any special aquatic sites in the project area. In addition, sufficient information must be provided to demonstrate why alternatives that would have less impact on the aquatic ecosystem either are not practicable or that such alternatives would have other significant adverse environmental consequences. Furthermore, when the recommended or selected project alternative will involve a discharge of dredged or fill material into a special aquatic site, information must be provided to clearly explain why practicable alternatives that do not involve special aquatic sites are not available.

22-4.04(b) Items for 404(b)(1) Compliance Evaluation

To the fullest extent practicable, project environmental studies for projects anticipated to require an individual Section 404 permit should address the information the Corps and the USEPA will need for evaluating compliance with the Section 404(b)(1) Guidelines. The following is an outline of the information evaluated under the 404(b)(1) Guidelines. Districts should contact the BDE Location and Environment Section, as necessary, for guidance on responding to these items:

1. Information for determining that the activity will not violate applicable State water quality standards or effluent standards prohibited under Section 307 of the CWA or jeopardize the existence of Federally listed endangered or threatened species or their habitat.
2. Information to establish that the activity will not cause or contribute to significant degradation of waters of the United States, including adverse effects on human health, life stages of organisms dependent upon aquatic ecosystems, ecosystem diversity, productivity and stability and recreational, aesthetic, and economic values.
3. Information to demonstrate that appropriate and practicable steps have been taken to avoid and minimize potential adverse impacts of the discharge on the aquatic ecosystem (i.e., description of measures considered and measures to be implemented), including the following, as applicable:
 - actions concerning the location of the discharge,
 - actions concerning the material to be discharged,
 - actions controlling the material after discharge,
 - actions affecting the method of dispersion,
 - actions related to technology,
 - actions affecting plant and animal populations, and
 - actions affecting human use.
4. Information addressing the potential of the proposed discharge to cause short-term or long-term environmental effects related to any of the following:
 - physical substrate;
 - water circulation and fluctuation:
 - + alteration of current patterns of water circulation, and
 - + alteration of normal water fluctuations/hydroperiod;
 - suspended particulates/turbidity;
 - contaminant availability;
 - aquatic ecosystem structure and function (including both secondary and cumulative impacts);
 - water column impacts;
 - alteration of salinity gradients;
 - Federally listed threatened or endangered species and their habitat;
 - other wildlife (e.g., mammals, birds, reptiles, amphibians);
 - special aquatic sites:

- + sanctuaries and refuges,
 - + wetlands,
 - + mud flats,
 - + vegetated shallows, and
 - + riffle and pool complexes;
- municipal and private water supplies;
 - recreational and commercial fisheries;
 - water-related recreation;
 - aesthetics; and
 - parks, national and historical monuments, wilderness areas, research sites, and similar preserves.
5. Information to support determination that the proposed dredged or fill material is not a carrier of contaminants or that levels of contaminants are substantively similar at extraction and disposal sites and not likely to result in degradation of the disposal site. Factors to consider include the following:
- physical characteristics of material;
 - hydrography in relation to known or anticipated sources of contaminants;
 - results from previous testing of the material or similar material in the vicinity of the project;
 - known significant sources of persistent pesticides from land runoff or percolation;
 - spill records for petroleum products or designated hazardous substances;
 - other public records of significant introduction of contaminants from industries, municipalities, or other sources; and
 - known existence of substantial material deposits of substances which could be released in harmful quantities to the aquatic environment by the proposed discharge activities.
6. Information regarding the following factors for the proposed dredged or fill material disposal site:
- depth of water at disposal site;
 - current velocity, direction, and variability at disposal site;
 - degree of turbulence;

- water column stratification;
- discharge vessel speed and direction;
- rate of discharge;
- dredged material characteristics (constituents, amount and type of material, settling velocities);
- number of discharges per unit of time; and
- other factors affecting rates and patterns of mixing.

See Section 26-18 "Aquatic Resources" for guidance on obtaining and analyzing the information on aquatic resources in the project's area of potential effect.

22-5 COORDINATION

References: 23 USC 139 “Efficient Environmental Reviews for Project Decision Making”
40 CFR 1500.2(d) “Policy Encouraging Public Involvement”
40 CFR 1500.5(b) “Interagency Cooperation”
40 CFR 1501.1(b) “Early Coordination”
40 CFR 1501.6 “Cooperating Agencies”
40 CFR 1503.4 “Response to Comments”
40 CFR 1506.6 “Public Involvement”
23 CFR 771.111 “Early Coordination and Public Involvement”
23 CFR 771.119(b) “Early Coordination in Development of EA”
CEQ Q&A, Question 9 “Coordination of NEPA with Other Applicable Requirements”
FHWA SAFETEA-LU Final Guidance, Questions 21-29 “Participating Agencies”
FHWA SAFETEA-LU Final Guidance, Questions 30 and 31 “Cooperating Agencies”
Chapter 19 “Public Involvement Guidelines”
Chapter 26 “Special Environmental Analyses”

The primary objective of coordination is to emphasize cooperative consultations among agencies, organizations, and persons before the final environmental report (or discussion) is prepared. This is intended to avoid the submission of adverse comments on a completed document. This section discusses policies and practices on coordination for all State highway projects. The necessary coordination for a specific environmental process (e.g., an EIS) is discussed in the applicable chapter (e.g., Chapter 25 for an EIS).

22-5.01 General

During the development of a proposed highway project, the Department often must coordinate with a variety of agencies external to the Illinois Department of Transportation. Many of these contacts occur as a part of the Environmental Survey Process and address compliance issues pursuant to Federal and State requirements. Others are informal and are only intended to discuss certain aspects of upcoming highway projects such as potential effects of the project on specific resources or cost participation by local agencies for improvements associated with or necessitated by a State highway project that affects local-system facilities. (Cost participation issues should be addressed with the affected local agencies as early as practical in project development. See Chapter 5.) Some agencies also have opportunities to review packages of information that are circulated for comment as described in Section 22-4. In addition, notices of upcoming public involvement activities afford another mechanism for agencies to obtain information on proposed projects. All of these actions contribute to interagency coordination.

22-5.01(a) Policy

Every reasonable effort shall be made in project development to inform and solicit the aid of agencies, organizations, and persons who have an interest in the project or who have

information or expertise on environmental factors relevant to the project. Special efforts shall be made to begin such coordination as early as practicable in project development and to use procedures which will encourage and allow public participation in constructing the value judgments necessary to select wisely among project alternatives.

22-5.01(b) Procedures

To achieve proper coordination, IDOT has adopted the following general procedures which apply to all projects:

1. Determination of Impact Significance. Because the significance of an impact often depends on the frame of reference for existing conditions, its determination is not always clear. Therefore, it is important to contact agencies which have special expertise in the areas of identified impacts and to contact individuals and organizations directly affected by the proposed action. Documentation of these contacts and of coordination on the resolution of identified problems should be included in the project's environmental report or Phase I Engineering Report.
2. Timing for Identification of Impacts. Those entities which will provide input into the project require accurate, substantive information to conduct a meaningful assessment. Therefore, the identification and evaluation of the social, economic, and environmental effects (Item #1 above) of a highway improvement (or other Federal action) and the identification of all reasonable measures to mitigate adverse impacts shall be initiated early in project planning. These aspects shall be considered in addition to the engineering and safety factors throughout the development of a highway improvement.
3. Early Coordination. Early coordination with appropriate local, State, and Federal agencies shall be accomplished to assist in the identification of all reasonable alternatives and in the evaluation of the social, economic, and environmental impacts of any proposed action. The early coordination is also intended to identify measures to mitigate adverse impacts which result from that action.
4. Communication. In most cases, early coordination can be effectively accomplished through correspondence, meetings, etc. Formal scoping meetings may be appropriate for complex projects which involve several Federal agencies. See Section 22-5.01(c).
5. Public Involvement. The most significant area of project coordination is the public involvement process. Chapter 19 discusses the details of public involvement. Procedures for inviting, responding to, and incorporating public comments in the development of environmental reports are presented in the applicable chapter (e.g., Chapter 25 for an EIS).

In addition, for projects requiring an EIS and that, therefore, are subject to the provisions of 23 USC 139, specific requirements apply for involving participating agencies and the public at key decision points; see Chapter 25.

22-5.01(c) Communication

The IDOT districts are typically the primary points of contact for coordination with other entities. The following applies to the means of communication:

1. District Meetings. IDOT districts should encourage agencies, organizations, and persons who have special expertise or jurisdiction by law for any environmental impact of a proposed project to attend the regularly scheduled coordination meetings held by the districts. This will allow these entities to receive early notification and firsthand information on undertakings and to provide firsthand knowledge on environmental issues relevant to these undertakings. Other coordination-type meetings should be scheduled and undertaken, as needed, to resolve potential environmental problems as early as practical in project development. Information provided and received at all such meetings should be documented for potential use in decision making and in environmental reports or Phase I Engineering Reports.
2. Scoping Meetings. If practical, the regularly scheduled district meetings discussed in Item #1 should also serve as scoping meetings, where appropriate. Formal scoping meetings may be appropriate for complex projects that involve several Federal agencies. Where scoping occurs, either at the regular district coordination meetings or in a specially convened meeting, these should be especially well documented, including who participated, what information was provided and received, what decisions were made, and who agreed and who dissented with specific determinations.
3. Public Involvement. Chapter 19 discusses this in detail.
4. Correspondence. Correspondence is a key element in coordination activities. Correspondence received on an environmental issue should be acknowledged. If the correspondence responds to a request for comments on a public involvement activity or an environmental document, the correspondence should be acknowledged as described in the procedures for public involvement (see Chapter 19) or as described in 40 CFR 1503.4. For other correspondence on environmental matters, the appropriate form of written acknowledgment may be an individual response letter. Substantive comments should be addressed in sufficient detail to allow the commentor to obtain a clear understanding of the status of the issue and its disposition.

22-5.01(d) Commitments

References: 40 CFR 1505.3 "Responsibility for Implementing Mitigation"
23 CFR 771.109(b) "Responsibility for Implementing Mitigation"
CEQ Q&A, Question 34d "Enforceability of ROD"
CEQ Q&A Question 39 "Imposing Enforceable Mitigation for EA and FONSI"
IDOT Departmental Policy D&E-19 "Follow-Through on Project Commitments"

Often the end result of coordination activities is IDOT commitments to, for example, provide measures to mitigate the adverse impact of a project. No other single factor is as significant in

IDOT's ability to interact effectively with other entities as the Department's record and credibility for fulfilling its past commitments. It is important that commitments be honored, for the follow through on one project may affect negotiations, approvals, and processing for many other projects.

It is sometimes difficult to ensure that a commitment made at the planning stage of project development will be implemented at a later stage (e.g., design, construction, or maintenance). To ensure that a commitment is not neglected, special efforts should be made to identify and emphasize commitments in environmental reports or Phase I Engineering Reports. Commitments must be identified in the decision statement and/or a special subsection of each report. Decision statements could serve as an appropriate mechanism for transmitting important information among bureaus within the IDOT district offices.

The flowcharts for environmental processing in Chapters 24 and 25 discuss the implementation of mitigation measures in more detail.

22-5.02 Coordination with Federal and State Regulatory and Resource Agencies

Coordination with Federal and State regulatory and natural resource agencies is dependent on the nature and severity of project impacts. Specific coordination requirements are identified in Chapter 26 "Special Environmental Analyses." The following sections provide an overview of agency involvement and their areas of interest.

Section 22-5.01 discusses policy and procedures for accomplishing effective coordination on all State highway projects. A key component of the coordination process is the interactions with agencies that have jurisdiction or expertise regarding resources and/or issues a proposed project may affect. These agencies may be requested to serve as cooperating agencies and/or, for projects involving an EIS, may be invited to serve as participating agencies in accordance with 23 USC 139; see Chapter 25.

When it is determined an agency should be a cooperating agency for a specific project, the request to the agency should be made as early as practical in project development and should include the best available information on the proposed undertaking (e.g., project scope, alternatives, pertinent issues that have been identified).

To facilitate early identification and coordination with appropriate agencies based on the resources and issues associated with particular projects, the following sections provide brief descriptions of the respective areas of jurisdiction and/or expertise for key Federal and State agencies that are most often involved with proposed IDOT projects. Refer to the websites for the respective agencies for information on programs and responsibilities, regulations, resources, and contacts.

The lists provided are not intended to cover all potential agency involvements; only those that occur most often. Districts must be alert to the potential for project issues that may require involvement of additional agencies not addressed in the following sections.

22-5.02(a) Federal Agencies

Agency	Jurisdiction/Expertise
US Department of the Interior (USDOI)	<ul style="list-style-type: none"> • <u>Distribution of Environmental Documents to USDOI Agencies for Formal Comment</u> When transmitting draft and final Environmental Impact Statements (EIS) to DOI during formal comment periods direct the transmittals to the following office: Natural Resources Management Team Office of Environmental Policy and Compliance Office of the Secretary U.S. Department of the Interior MS-2462-MIB 1849 C Street Washington DC, NW 20240 Provide __ copies for a draft EIS and __ copies for a final EIS; see Chapter 25. • <u>Individual Section 4(f) Evaluations</u> In accordance with 23 CFR 774.5(a), prior to Section 4(f) approval, all individual Section 4(f) Evaluations must be provided to USDOI for coordination and comment.
US Fish and Wildlife Service (USFWS), USDOI	<ul style="list-style-type: none"> • <u>Endangered Species Act</u> Projects that may affect Federally-listed threatened or endangered species or designated critical habitat and/or that require an “incidental take” permit for impacts to listed species; see Section 26-9. • <u>Bald and Golden Eagle Protection Act</u> Projects that may affect eagle nesting sites and/or winter night roost sites and/or if an “eagle permit” or migratory bird permit is required (e.g., for destruction/”take” of an active nest); see Section 26-14. • <u>Migratory Bird Treaty Act</u> Projects that may affect migratory birds during their nesting season and/or if a migratory bird permit is required (e.g., for destruction/”take” of an active nest); see Section 26-14. • <u>Fish and Wildlife Coordination Act</u> Projects involving modification of a water body (e.g., stream channelization); see Section 26-18.

Agency	Jurisdiction/Expertise
	<ul style="list-style-type: none"> • <u>Wild and Scenic Rivers Act</u> Projects that may affect a designated Wild and Scenic River segment under the jurisdiction of USFWS. • <u>Concurrent NEPA/404 Processes</u> Projects subject to the Statewide Implementation Agreement for “Concurrent NEPA/404 Processes for Transportation Projects in Illinois” in Appendix A; see Section 22-4. • <u>Project Effects on Federal Wildlife and Waterfowl Refuges</u> Projects that may affect Federally owned/managed wildlife and waterfowl refuges; see Section 26-2. • <u>Project Effects on Federal Lands</u> Projects involving use of any Federal lands (e.g., Shawnee National Forest). • <u>Wetland Impacts Requiring an Individual 404 Permit</u> Projects involving wetland impacts that are sufficient to trigger the requirement for an individual Section 404 permit.
National Park Service (NPS), USDOJ	<ul style="list-style-type: none"> • <u>Wild and Scenic Rivers Act</u> Projects that may affect a designated Wild and Scenic River segment under the jurisdiction of NPS or a river included in the Nationwide Rivers Inventory; see Section 26-19. • <u>Land and Water Conservation Fund Act (LAWCON)</u> Projects involving conversion of land acquired or improved with LAWCON funds to other than public outdoor recreation use; see Section 26-3.
US Army Corps of Engineers	<ul style="list-style-type: none"> • <u>Concurrent NEPA/404 Processes</u> Projects subject to the Statewide Implementation Agreement for “Concurrent NEPA/404 Processes for Transportation Projects in Illinois” in Appendix A; see Section 22-4. • <u>Rivers and Harbors Act - Section 10 Permits</u> Projects involving structures or work (other than bridges and causeways) affecting the navigable waters of the United States; see Section 28-2.

Agency	Jurisdiction/Expertise
<p>US Environmental Protection Agency (USEPA)</p>	<ul style="list-style-type: none"> <li data-bbox="597 317 1427 499"> <p>• <u>Concurrent NEPA/404 Processes</u> Projects subject to the Statewide Implementation Agreement for “Concurrent NEPA/404 Processes for Transportation Projects in Illinois” in Appendix A; see Section 22-4.</p> <li data-bbox="597 520 1427 703"> <p>• <u>National Environmental Policy Act</u> USEPA has developed a set of criteria for rating draft EISs. The rating system provides a basis upon which USEPA makes recommendations to the lead agency for improving the draft EIS.</p> <li data-bbox="597 724 1427 1039"> <p>• <u>Clean Air Act, Section 309</u> This Section authorizes USEPA to review other Federal-agency projects requiring an EIS and to make those reviews public. It also provides that if the agency responsible for the project does not make sufficient revisions in response to the review, and the project remains environmentally unsatisfactory, USEPA may refer the matter to the Council on Environmental Quality for mediation.</p> <li data-bbox="597 1060 1427 1375"> <p>• <u>Clean Air Act</u> USEPA administers implementation of the provisions of this Act for regulating air emissions from stationary and mobile sources. The agency establishes National Ambient Air Quality Standards (NAAQS) to protect public health and public welfare and to regulate emissions of hazardous air pollutants. It also administers regulations for achieving conformity with the NAAQS. See Sections 26-11, 26-12 and 26-13.</p> <li data-bbox="597 1396 1427 1795"> <p>• <u>Clean Water Act, Section 401</u> USEPA administers the regulations for implementing the Section 401 Water Quality Certification provisions. For any Federal permit or license to conduct any activity which may result in any discharge into waters of the US, the regulations require certification or a waiver of certification that the activity will not cause a violation of applicable water quality standards. For actions in Illinois, Illinois Environmental Protection Agency is the certifying agency for Section 401; see Sections 22-5.02(b) and 28-2.</p>

Agency	Jurisdiction/Expertise
	<ul style="list-style-type: none"> • <u>Clean Water Act, Section 404(b)(1) Analysis</u> Projects involving discharge of dredged or fill material requiring an individual Section 404 permit and compliance with the Section 404(b)(1) "Guidelines for Specification of Disposal Sites for Dredged or Fill Material"; see Section 28-2. • <u>Comprehensive Environmental Response, Compensation and Liability Act (CERCLA)/Resource Conservation and Recovery Act (RCRA)</u> USEPA administers Federal regulations and programs for addressing the control and management of hazardous waste and other regulated substance contamination. Illinois Environmental Protection Agency administers State regulations under the Illinois <i>Environmental Protection Act</i> that apply in lieu of the Federal regulations for actions in this State; see Section 22-5.02(b).
US Forest Service (USFS), US Department of Agriculture (USDA)	<ul style="list-style-type: none"> • <u>Wild and Scenic Rivers Act</u> Projects that may affect a designated Wild and Scenic River segment under the jurisdiction of USFS. • <u>National Forest</u> Projects that affect the Shawnee National Forest.
Natural Resources Conservation Service, USDA	<ul style="list-style-type: none"> • <u>Farmland Preservation Policy Act</u> Projects requiring additional right-of-way outside any corporate limits, subject to certain specified exemptions; see Section 26-10.04.
Federal Emergency Management Agency, Department of Homeland Security (DHS)	<ul style="list-style-type: none"> • <u>National Flood Insurance Act</u> Projects involving encroachments in floodways; see Section 26-7.
US Coast Guard, DHS	<ul style="list-style-type: none"> • <u>Concurrent NEPA/404 Processes</u> Projects subject to the Statewide Implementation Agreement for "Concurrent NEPA/404 Processes for Transportation Projects in Illinois" in Appendix A; see Section 22-4.

Agency	Jurisdiction/Expertise
	<ul style="list-style-type: none"> • <u>Rivers and Harbors Act - Section 9 Permits</u> Projects involving construction of bridges or causeways over navigable waters of the US; see Section 28-2.
US Department of Housing and Urban Development (HUD)	<ul style="list-style-type: none"> • <u>Housing and Community Development Act</u> Projects involving use of land acquired with HUD Open Space Lands funds; see Section 26-2.
Advisory Council on Historic Preservation	<ul style="list-style-type: none"> • <u>National Historic Preservation Act</u> Projects having an adverse affect on a property included on, or eligible for inclusion on, the National Register of Historic Places; see Section 26-5.04.

22-5.02(b) State Agencies

Agency	Jurisdiction/Expertise
Illinois Department of Natural Resources (IDNR)	<ul style="list-style-type: none"> • <u>Illinois Endangered Species Protection Act</u> Projects determined to be in the vicinity of a State-listed threatened or endangered species, in accordance with the “Memorandum of Understanding By and Between IDNR and IDOT” in Appendix A; see Section 26-9. • <u>Interagency Wetland Policy Act of 1989</u> Projects involving unavoidable adverse wetland impacts, in accordance with the IDOT Wetlands Action Plan and the “Memorandum of Understanding By and Between IDNR and IDOT” in Appendix A; see Section 26-8. • <u>Illinois Natural Area Inventory (INAI) Sites</u> Projects determined to be in the vicinity of a site listed on the INAI, including Illinois Natural Area Inventory sites, dedicated Illinois Nature Preserves and registered Land and Water Reserves, in accordance with the IDOT Wetlands Action Plan and the “Memorandum of Understanding By and Between IDNR and IDOT” in Appendix A; see Section 26-9. • <u>Impacts to Natural Resources</u> Projects that could adversely affect streams, forest/trees, prairie/savanna areas, or properties owned, leased or managed by IDNR, in accordance with the “Memorandum

Agency	Jurisdiction/Expertise
	<p>of Understanding By and between IDNR and IDOT” in Appendix A; see Section 27-1.</p> <ul style="list-style-type: none"> • <u>Land and Water Conservation Fund Act (LAWCON)</u> Projects involving conversion of land acquired or improved with LAWCON funds to other than public outdoor recreation use; see Section 26-3. • <u>Open Space Lands Acquisition and Development Act (OSLAD)</u> Projects involving conversion of land acquired or improved with OSLAD funds to other than public outdoor recreation use; see Section 26-4. • <u>Rivers, Lakes and Streams Act</u> Projects involving: <ul style="list-style-type: none"> + construction in floodways of rivers, lakes and streams under the jurisdiction of the IDNR Office of Water Resources (OWR); + construction in those rivers, lakes, streams, and waterways considered “public waters”; or + new construction within the regulatory floodways of rivers, lakes, and streams in Cook, DuPage, Kane, Lake, McHenry, and Will counties excluding the City of Chicago. <p>See Section 28-3.</p>
<p>Illinois Environmental Protection Agency</p>	<ul style="list-style-type: none"> • <u>Clean Water Act, 401 Water Quality Certification</u> Projects involving work that may result in any discharge into waters of the US and that is subject to a Federal permit requiring an individual 401 water quality certification (i.e., for which IEPA has neither waived certification nor issued blanket certification); see Section 28-2. • <u>Clean Water Act, 303(d) Impaired Waters</u> Projects that may affect a water resource included in the IEPA list of “impaired” waters; see Section 26-20. • <u>Clean Water Act, National Pollutant Discharge Elimination System (NPDES) Permits</u> Projects that: <ul style="list-style-type: none"> + will require a point-source NPDES permit; + will involve clearing, grading, and/or excavation

Agency	Jurisdiction/Expertise
	<p>activities disturbing one acre (4047 m²) or more of land area; or</p> <p>+ occur in an area covered by an NPDES Metropolitan Separate Storm Sewer System (MS4) permit.</p> <p>See Section 28-2.</p> <ul style="list-style-type: none"> • <u>Illinois Environmental Protection Act</u> Projects determined, through the IDOT special waste screening process, to have potential for involvement with special wastes or other regulated substance contamination; see Section 27-3.
Illinois Department of Agriculture	<ul style="list-style-type: none"> • <u>Illinois Farmland Preservation Act</u> Projects requiring additional right-of-way, subject to certain specified exemptions, as defined in the IDOT Agricultural Land Preservation Policy Statement and Cooperative Working Agreement in Appendix A; see Section 26-10.05.
Illinois Historic Preservation Agency	<ul style="list-style-type: none"> • <u>National Historic Preservation Act</u> Projects involving Federal funding, approvals, permits or licenses that have the potential to cause effects on properties included on, or eligible for inclusion on, the National Register of Historic Places; see Section 26-5.04. • <u>Illinois Historic Preservation Act</u> Projects that do not involve Federal funding, approvals, permits or licenses, do not otherwise comply with the National Historic Preservation Act and have the potential to cause effects on properties included on, or eligible for inclusion on the Illinois Register of Historic Places; see Section 26-5.06.

22-5.03 District Coordination Meetings

The district conducts periodic coordination meetings, which involve personnel from the central offices, FHWA, and other agencies, as appropriate. These meetings provide a forum for discussing various project-related issues (e.g., scope of the project, exceptions to design criteria, meeting ADA standards to the maximum extent practicable, Federal funding participation, progress of environmental clearances, and level of environmental processing).

22-5.03(a) Scheduling Coordination Meetings

BDE will develop an annual coordination meeting schedule in cooperation with districts and FHWA to eliminate meeting conflicts among districts and to allow appropriate central office personnel to be available. The district should distribute a tentative agenda and associated project information, draft reports, exhibits, etc., approximately two weeks in advance of each meeting.

22-5.03(b) Appropriate Representation

Invite persons to the meetings who have a role in project development and decision making, such as central office environmental specialists, district specialists and, if applicable, the consultant's project manager, environment leads, and specialists.

If projects to be discussed significantly affect other agencies or require special expertise or coordination, the district should invite the applicable agencies to the coordination meeting. Highlight in the invitations and agendas the projects and issues requiring the expertise of the other agencies. State agencies (e.g., Illinois Department of Natural Resources, Illinois Historic Preservation Agency, Illinois Department of Agriculture, Illinois Environmental Protection Agency) and Federal agencies (e.g., Department of the Interior, Army Corps of Engineers) may be involved frequently. Consultant environmental staff should attend coordination meetings if environmental issues on their projects are an agenda topic.

22-5.03(c) Topics for Discussion

Coordination meetings should address such topics as the need for and adequacy of environmental reports, need for special reports, typical sections, intersection design studies, design exceptions, meeting ADA standards to the maximum extent practicable, etc. The scoping of environmental reports (see 40 CFR 1501.7, 23 CFR 771.119(b) and 771.123(b)) is also an appropriate topic for coordination meetings. When other agencies are present, the coordination meeting may serve as the scoping meeting as discussed in Section 25-2.04.

Submit an agenda to the intended participants at least two weeks prior to the meeting. Include the following items in the agenda for each project to be discussed:

- a short description of the project, its location, and the desired action or reason for including the project on the agenda, including environmental issues, as appropriate;
- the route designation and transportation system (e.g., NHS), funding, and anticipated construction year;
- design policy to be used;
- status of environmental surveys;
- measures for minimizing and mitigating adverse socio-economic and environmental impacts; and

- measures for minimizing and mitigating adverse socio-economic and environmental impacts; and
- district contact person for the project and, as appropriate, the project consultant.

Also indicate on the agenda projects to be advertised in the Professional Transportation Bulletin and include in the agenda any topics of general concern intended for discussion. Include documentation with the agenda, as necessary, to support the desired action for specific projects.

22-5.03(d) Information Presented

The information presented at a coordination meeting usually depends on:

- the project development stage,
- coverage at previous coordination meetings, and
- the scope of the project.

A complex project on new alignment may involve many topics and presentations at numerous meetings over the duration of the study. If a minor project requires discussion, a brief presentation may be sufficient.

Because several projects may be discussed at each coordination meeting, information that has been previously presented and discussed need not be repeated. However, the meeting should include a brief summary of important points previously discussed and any decisions reached on each project.

If design exceptions, or maximum extent practicable (MEP) determinations for ADA will be requested, the district must provide supporting documentation/ justification. The supporting documentation/justification for design exceptions and MEP's ultimately will be included in the Phase I report.

The district should also make available appropriate information on the mitigation of impacts, effects on sensitive areas, detours, and stream crossings. Explain any channel work proposed in stream crossings so that the degree of impact can be determined.

22-5.03(e) Documentation

At all coordination meetings, the district must maintain a record on who attended and what transpired. Although a verbatim transcript is not necessary for coordination meetings, a recording may be useful to the district if questions arise on the accuracy of typed minutes. Prepare minutes promptly and send to each agency that was represented at the meeting. The transmittal letter should describe the process for correction of the minutes and set a time limit for submitting any corrections.

The suggested format for the minutes is shown in Figure 22-5.A. Identify each project discussed in the minutes, and provide special attention to any scoping actions because documentation may be required later. Each project should be covered on a separate page(s).

22-5.03(f) Recommended Practices

The following practices are recommended for coordination meetings to improve their effectiveness:

- Use video-teleconference, where practical.
- Schedule meetings for projects eligible for field approval prior to or after the regular meeting. Indicate the schedule for these meetings in the agenda and provide appropriate information for action in advance of the meeting.
- Schedule separate meetings for large or complex project issues, including the review of report comments.
- Avoid getting bogged down on minor issues that can be resolved over the phone or within the district.
- Keep the discussion focused on the desired action.
- Use slides, photographs, aerial photos, and other visual exhibits to clarify issues.
- Provide appropriate handouts such as location maps, ADT/DHV schematics, typical section drawings, crash history information, synopsis of environmental issues, and critical path items.
- Submit completed forms for Nationwide Section 404 Permit 23 to BDE prior to the coordination meeting.
- Provide meeting minutes to participants within two weeks following the meeting.

MINUTES OF COORDINATION MEETING

DISTRICT 1

May 9, 2009

ATTENDANCE

- Federal Agencies
- State Agencies
- Local Agencies
- FHWA
- IDOT Central Office
- District

PROJECT #1

- Project location, identification information
- Description of existing conditions, traffic data, and any high-crash locations
- Description of proposed work and status of development
- Information presented (e.g., on environmental surveys, impacts, mitigation)
- Comments and input received, including scoping actions/information (see Section 22-5.01(c))
- Design exceptions presented and action taken
- Environmental report concurrence

MINUTES OF COORDINATION MEETING FORMAT

Figure 22-5.A

22-6 GUIDANCE ON SPECIAL TOPICS

22-6.01 Purpose and Need

References: 23 USC 139 "Efficient Environmental Reviews for Project Decision Making"
40 CFR 1502.13 "Purpose and Need"
Paragraph II.B of FHWA Technical Advisory T6640.8A "Purpose and Need for EAs"
Paragraph V.D. of FHWA Technical Advisory T6640.8A "Purpose and Need for EISs"
FHWA SAFETEA-LU Final Guidance, Questions 32-35 "Purpose and Need"
July 23, 2003 Memorandum from Federal Highway Administrator, Guidance on "Purpose and Need"

This discussion provides guidance for the "Purpose and Need" section of environmental documents. This guidance was prepared by the Federal Highway Administration's Washington Office of Environmental Policy and issued on September 18, 1990. It has been edited to be consistent with the format of the *BDE Manual*. The guidance emphasizes the importance of the "Purpose and Need" discussion in establishing a sound basis for evaluating alternatives and environmental impacts. The district should carefully consider this guidance when preparing environmental documents for highway projects.

Although the FHWA guidance is within the context of an EIS, the information also applies to an EA as appropriate for the project.

22-6.01(a) Introduction

The Purpose and Need section is in many ways the most important chapter of an environmental impact statement (EIS). It establishes why the agency is proposing to spend large amounts of taxpayers' money while at the same time precipitating significant environmental impacts. A clear, well-justified Purpose and Need section explains to the public and decision makers that the expenditure of funds is necessary and worthwhile and that the priority the project is receiving relative to other needed highway projects is warranted. In addition, although significant environmental impacts are expected to result from the project, the Purpose and Need section should justify why impacts are acceptable based on the project's importance.

As importantly, the project purpose and need drives the process for consideration of alternatives, in-depth analyses, and ultimate selection. The *Council on Environmental Quality (CEQ) Regulations* require that the EIS address the "no-action" alternative and "rigorously explore and objectively evaluate all reasonable alternatives." Furthermore, a well-justified purpose and need is vital to meeting the requirements of Section 4(f) (49 USC 303) and the Executive Orders on Wetlands (E.O. 11990) and Floodplains (E.O. 11988) and the Section 404(b)(1) Guidelines. Without a well-defined, well-established, and well-justified purpose and need, it will be difficult to determine which alternatives are reasonable, prudent, and practical, and it may be impossible to dismiss the no-action alternative.

The transportation planning process, which includes regional, subarea, and corridor planning, can serve as the primary source of information for establishing purpose and need as well as evaluating alternatives. Information and forecasts of vehicular miles of travel, travel demand, highway and travel speeds, traffic diversion, time of day characteristics, and traffic crash rates can be provided by the planning process. This information can be used to evaluate congestion, air quality, safety, and other environmental issues for various transportation alternatives including the no-action alternative. Planning can also estimate the benefits and costs associated with highway and transit projects that can be used in the development of project Purpose and Need.

22-6.01(b) Safety Considerations

As mentioned previously, a clear, well-written Purpose and Need section in an EA or EIS explains why the expenditure of funds is necessary and worthwhile and why the project is warranted. In addition, the Purpose and Need section should justify why expected environmental impacts are acceptable based on the project's importance. The Purpose and Need drives consideration of alternatives and is vital to meeting the requirements of Section 4(f) (49 USC 303), Executive Orders on Wetlands (E.O. 11990) and Floodplains (E.O. 11988), and the Section 404(b)(1) Guidelines in determining which alternatives are reasonable, prudent, and practical.

If safety problems are recognized as one of the reasons for proposing a project then an identification of these issues is a key consideration in developing a well-defined, well-established, and well-justified Purpose and Need. Safety issues will be a factor in the development of alternatives to be considered and in the determination of which alternatives are reasonable, prudent, and practical.

Per the Safety Analyses PM, each Phase I Study is required to contain a safety analysis of the section of the facility on which the improvement is being proposed. This safety analysis is a very important tool which will help to identify the level of safety issues/problems that are involved in the project and to what extent safety is an element of the project Purpose and Need. As such, a safety analysis is required to be completed for all EAs and EISs prior to finalization of the project Purpose and Need.

The safety analysis completed per the Safety Analyses PM should be summarized in the Purpose and Need Section of all EAs and EISs. The summary should provide sufficient data and information to justify all conclusions derived from the safety analysis. The types of data and information used in the safety analysis will vary based on the complexity and characteristics of the project. However, examples of typical types of data and information that might be included in the summary are as follows:

- the number, type, location and severity of crashes through tables and maps;
- locations of 5% Selected Sections;
- identification of trends;

- identification of the safety problems;
- identification of possible low costs countermeasures that can be implemented immediately; and
- identification of the proposed project's potential to address identified safety problems and to eliminate 5% Sections.

22-6.01(c) Consideration of Alternatives

In urbanized areas, the urban transportation planning process required by Section 134 of Title 23 should result in plans and programs that are consistent with the comprehensively planned development of an area and that integrate transportation, land use, and environmental considerations. Comprehensive planning, which includes transportation, should establish the basic purpose and need for specific projects and the system-wide consequences of operational improvements and the no-action alternative. For example, the planning process should identify the need for a transportation improvement between points “x” and “y” at some future date. Further, in a high percentage of cases, a decision on the appropriate mode (highway or transit) and the basic project concept (e.g., freeway on new location, upgrade of existing facility, light rail transit, bus/high occupancy vehicle lanes, approximate travel demand) can be determined. In other cases, it may not be possible to resolve these issues until the conclusion of the project development process. Scoping meetings early in the environmental process are an excellent means to reach agreement with the participants on the basic purpose and need for the project, the consequences of the no-action alternative, operational improvements and, where possible, the mode and project concept.

After the basic purpose and need for the project are established, a number of lines can theoretically still be drawn to connect points “x” and “y.” If the project's purpose and need are so vague as to only stipulate that a transportation improvement between “x” and “y” is needed, then reasonable alternatives would cover a wide range and must be evaluated to comply with the *CEQ Regulations*. As the project's purpose and need are refined, a number of alternatives will drop out, thereby permitting a more focused analysis of those alternatives that truly address the problem to be solved. As alternatives are eliminated from consideration, it is recommended that the concurrence of those cooperating agencies with jurisdiction by law be sought in that decision.

Similarly, the type of improvement to be considered, even after the planning process, may be wide ranging — from upgrading an existing facility to a multilane freeway on new location. The traffic demands, safety concerns, system continuity considerations, etc., will help define reasonable alternatives, and products from the transportation planning process should serve as a primary source for this information.

Beyond the *CEQ Regulations'* requirement of evaluating all alternatives (or a reasonable number representative of the full spectrum of reasonable alternatives), there are other more action-limiting requirements for alternatives under Section 4(f), the Executive Orders on Wetlands and Floodplains, and the Section 404(b)(1) guidelines. To address these

requirements and conclusively demonstrate that some alternatives are not prudent or practical, a well-justified purpose and need are vital.

The use of land from a Section 4(f) protected property (i.e., significant publicly owned public park, recreational area, or wildlife and waterfowl refuge, or any significant historic site) may not be approved unless a determination is made that there is no feasible and prudent alternative to such use or FHWA determines the impact qualifies as *de minimis*. There are numerous factors that could render an alternative “not prudent” because of unique problems, including cost and environmental impacts. If an alternative does not meet the project’s purpose or satisfy the needs, then the alternative is not prudent provided the Purpose and Need section can substantiate that unique problems will result by not building the project.

If a proposed action is to be located in a wetland or if it entails a floodplain encroachment with significant impacts, a finding must be made that there is no practicable alternative to the wetland taking or floodplain encroachment. Any alternative which does not meet the need for the project is not practicable. If the project’s purpose and need are not adequately addressed, specifically delineated, and properly justified, resource agencies, interest groups, the public, or others will be able to generate one or possibly several alternatives which avoid or limit the impact and “appear” practicable. Sometimes long, protracted negotiations or additional analyses are needed to demonstrate that an alternative is not practicable, whereas a well-described justification of the project’s purpose and need would have clearly established that finding.

If an alternative does not satisfy the purpose and need for the project, as a rule, it should not be included in the analysis as an apparent reasonable alternative. There are times when an alternative that is not reasonable is included based on the request of another agency or due to public expectation. In such cases, it should be clearly explained why the alternative is not reasonable (or prudent or practicable), why it is being analyzed in detail and, that because it is not reasonable, it will not be selected.

22-6.01(d) Basic Ingredients of Purpose and Need

The purpose and need should be as comprehensive and specific as possible. For example, rather than simply stating that additional capacity is needed between two points, information on the adequacy of current facilities to handle the present and projected traffic (e.g., what capacity is needed and the level of service for the existing and proposed facilities) should be discussed. Other information on factors (e.g., safety, system linkage, social demands, economic development, and modal interrelationships) that the proposed project will attempt to address, should be described as fully as possible. This will assist in pinpointing and refining the alternatives that should be analyzed. If the purpose of and need for the proposed project are rigorously defined, the number of “solutions” that will satisfy the conditions can be more readily identified and narrowly limited.

The Purpose and Need section of the project may, and probably should, evolve as information is developed and more is learned about the project and the corridor. For example, assume that the only known information regarding purpose and need is that additional capacity is needed between points “x” and “y.” At the outset, it may appear that commuter traffic to a downtown

area is the problem, and only this traffic needs to be served. A wide range of alternatives may meet this need. As the studies progress, it may be learned that a shopping center, university, major suburban employer, and other traffic generators contribute substantially to the problem and require transportation service. In this case, the need is further refined so that not only commuter trips but also student, shopping, and other trips will be accommodated. These refinements would clearly reduce and limit the number of alternatives that could satisfy the project's purpose and need, thereby reducing the number and range of reasonable, prudent, and practical alternatives. If an alternative is suggested that does not serve the university or other traffic generator, and such service is a vital element of the project, the alternative may be eliminated from future study because it does not meet the need for the project.

In the example above, it should be noted that products of the urban transportation planning process should identify many of the elements which contribute to the transportation problems. To the extent that the planning process develops these products and these products are used in project development, it may not be necessary to prepare additional studies.

Some of the elements that may assist in explaining a project's purpose and need (e.g., capacity, safety, system linkage), are described on page 14 of FHWA Technical Advisory T6640.8A "Guidance for Preparing and Processing Environmental and Section 4(f) Documents." (See Appendix A of Part III of the *BDE Manual*.) This discussion is included here as additional information. All of the elements which are relevant should be as fully developed as possible and utilize as specific data as possible to compare the present, future no-action, and future build conditions. Data should be presented on such factors as reduction in vehicular hours of travel; improvements in travel speeds on the system; reduction in traffic crashes; injuries and fatalities; savings in cost to the traveling public; enhanced economic development potential; increased tax base; improved access to public facilities; etc. It is not sufficient to state that the project is needed to provide increased capacity and improve safety. Supporting data must be provided.

22-6.01(e) Using Purpose and Need in Decision Making

As noted above, the purpose and need define what can be considered reasonable, prudent, and practical alternatives. The decision-making process should first consider those alternatives that meet the purpose and need for the project at an acceptable cost and level of environmental impact relative to the benefits which will be derived from the project.

At times, it is possible that no alternative meets all aspects of the project's purpose and need. In such a case, it must be determined if the alternatives are acceptable and worth pursuing considering the cost, environmental impact, and less than optimal transportation solution. To properly assess this, it is important to determine the elements of the purpose and need that are critical to the project, as opposed to those that may be desirable or simply support it. The critical elements are those that, if not met at least to some minimal level, would lead to a "no-action" decision. Determining critical needs could include policy decisions as well as technical considerations.

Other times, the cost or level of environmental impact are not acceptable and an alternative that only partially meets the purpose and need or the no-action alternative must be considered. If

the costs are justified relative to the transportation benefits, then a less than full-build alternative may be acceptable.

In the vast majority of cases, however, at least one alternative will fully meet the purpose and need at an acceptable cost and level of impact. In cases where more than one alternative fully meets the purpose and need, a number of factors including cost, traffic service, safety, public support, environmental impact, etc., will be considerations in reaching the decision on which is the preferred alternative. The requirements of Section 4(f), the Wetland and Floodplain Executive Orders, and the Section 404(b)(1) Guidelines, of course, play an important role in this process.

22-6.01(f) Key Points to Remember

In summary, the Purpose and Need section in an environmental document presents why the proposed action, with its inherent costs and environmental impacts, is being pursued. If properly described, it also limits the range of alternatives that may be considered reasonable, prudent, and practicable in compliance with the *CEQ Regulations*, Section 4(f), the Executive Orders on Wetlands and Floodplains, and the Section 404(b)(1) guidelines. Further, it demonstrates the problems that will result if the project is not implemented.

There are three key points to remember on the Purpose and Need section of environmental documents. The section should be:

- a justification of why the improvement must be implemented,
- as comprehensive and specific as possible, and
- re-examined and updated as appropriate throughout the project development process.

22-6.01(g) Additional Information

Reference: Paragraph V.D. of FHWA Technical Advisory T6640.8A "Purpose of and Need for Action"

The cited reference provides additional information which applies to defining the purpose and need for the proposed action.

22-6.02 Indirect and Cumulative Environmental Impacts

References: 40 CFR 1502.16(b) "Discussion within Environment Consequences Section"
40 CFR 1508.7 "Definition of Cumulative Impact"
40 CFR 1508.8 "Definition of Direct and Indirect Effects"
CEQ Q&A, Question 18 "Uncertainties on Indirect Effects"
Considering Cumulative Effects under the National Environmental Policy Act (NEPA), CEQ, January 1997
FHWA Interim Guidance: Indirect and Cumulative Impacts in NEPA

22-6.02(a) Background

Indirect and cumulative environmental impacts will be considered and addressed as a normal component of environmental analyses for highway projects. The primary focus of the IDOT approach will be to ensure that the Department is conducting a good-faith effort to identify and disclose potential indirect and cumulative impacts that may occur. This will be demonstrated if the environmental document discloses all information of which the Department could reasonably have been expected to have knowledge.

22-6.02(b) Applicability

The procedures in this section are applicable to the following types of highway projects initiated by the Department:

- constructing highways on new alignment,
- adding lanes to an existing highway, and
- constructing a new interchange on an existing freeway or adding ramps to an existing interchange that will increase access to an area.

22-6.02(c) Definitions

The following definitions apply:

1. Reasonably Foreseeable. Deemed likely to occur in the future based on the best available planning information for the project area (e.g., formal planning documents, information from community officials, local land-use/zoning/permitting processes). The term is not intended to imply that district project development personnel or local officials are expected or encouraged to speculate on anticipated development in lieu of or beyond the scope of formal planning processes. To the extent that community officials are willing to provide their views on anticipated development in their locale, the information should be summarized in the project environmental document and appropriately analyzed and discussed according to these procedures. The sources of the information also should be cited in the environmental document.
2. Indirect Impacts. Those environmental impacts, such as conversion of agricultural land or habitat, that will result from reasonably foreseeable non-highway actions (e.g., land-use changes such as residential or business development) that will accompany or occur after completion of a highway project and that are assumed to be induced by the highway project.
3. Cumulative Impacts. The total impacts on specific environmental resources anticipated to result from the proposed highway project and other highway and non-highway development in the project area. In determining cumulative impacts, the district should

consider both development that the project will induce and development that is unrelated to the project but which will affect the same resources.

22-6.02(d) Identifying and Disclosing Reasonably Foreseeable Indirect and Cumulative Environmental Impacts

In evaluating cumulative impacts, districts should apply the guidance in the CEQ publication *Considering Cumulative Effects Under the National Environmental Policy Act*. The publication is available on the CEQ website and also can be accessed through the FHWA website. In the early planning phase of project development, districts should contact local community officials and planning and zoning authorities to determine the existence of land-use plans, planning information, and permitting processes that will identify anticipated development in the project area. These contacts also should explore the extent to which the development has been determined to be, or is perceived to be, related to or induced by the highway project. Districts should advise local officials that the information they provide will be incorporated in the project environmental documentation as part of the discussion of indirect and cumulative impacts. Where development has preceded the proposed highway project, the district should nonetheless evaluate whether planning information for the area indicates the highway may prompt further development. The influence of the development in “inducing” the highway project should be reflected in the discussion of the improvement’s purpose and need.

The spatial extent of analysis for potential indirect and cumulative impacts generally should correspond to the area over which the highway project is anticipated to affect traffic patterns and volumes based on traffic forecasts for the highway system with and without the improvement. The temporal extent of such analyses should correspond to the time frame reflected in current planning documents for the area or, in their absence, the time frame for which local officials will project planning information. The following provides specific direction on how indirect and cumulative impacts should be addressed for different levels and types of planning information available for the project area:

1. No Formal Planning Process Nor Current Planning Document for Project Area. If there is no local or regional planning process for the project area or if there is such a process but no current planning document, the district should contact community officials to determine if they will provide information regarding anticipated development in the project area. If local officials do not provide such information, disclose in the coordination section of the environmental document that there is no formal local planning process nor current planning document, as appropriate, and that contacts with local officials did not elicit information on anticipated development for the project area. The district should evaluate whether the current approved highway program includes any other current or anticipated improvements which could result in cumulative impacts when combined with the project under development. Any such cumulative impacts should be discussed in the environmental consequences section of the environmental document. Indirect and cumulative impacts need not be discussed further except to respond to comments or concerns of review agencies and the public.

If local officials do provide information regarding anticipated development in the project area, summarize the information in the coordination section of the environmental document. Also note the source of the information and that there is no formal planning process nor current planning document available for the area. Analyze the information to identify development which the highway project could induce (i.e., for which the highway project would be a necessary condition) or which would involve cumulative impacts on resources which the highway project would affect. Discuss the anticipated indirect and cumulative impacts of the development in the environmental consequences section of the environmental document and any cumulative impacts that would result from other highway projects indicated in the current approved IDOT highway program.

2. Current Planning Document in Place for Project Area. If there is a current planning document in place for the project area, disclose the existence of the document in the coordination section of the project environmental document. Analyze the information to identify development which the highway project could induce (i.e., for which the highway project would be a necessary condition) or which would involve cumulative impacts on resources which the highway project would affect. Discuss the anticipated indirect and cumulative impacts of the development in the environmental consequences section of the environmental document and any cumulative impacts that would result from other highway projects indicated in the current approved IDOT highway program.

If the district determines that the information in the current planning document is not consistent with actual land-use decisions in the area, this finding should be disclosed in the coordination section of the environmental document. The district should consider and discuss in the environmental consequences section potential indirect and cumulative impacts relative to the development projected in the planning document and relative to the patterns of development that actually are occurring.

22-6.02(e) Compatibility with Comprehensive Resource Plans

The district should confirm whether comprehensive resource plans (e.g., watershed or basin plans) have been prepared for the project area. Where such plans exist, the district should determine and disclose in the environmental document the compatibility of the reasonably foreseeable indirect and cumulative impacts relating to the project with the basic assumptions and objectives of the resource plan(s). The district also should determine and discuss in the environmental document, the compatibility of the reasonably foreseeable indirect and cumulative impacts relating to the project with statewide comprehensive resource plans (e.g., Illinois Wildlife Action Plan, Illinois Statewide Comprehensive Outdoor Recreation Plan).

22-6.02(f) Mitigation

The district must disclose indirect and cumulative environmental impacts in the environmental documents for highway projects subject to these procedures. However, the document must not necessarily include a discussion of mitigation for indirect or cumulative non-highway impacts. The document should include information describing any mitigation proposed for the direct

impacts of the highway project. In addition, when the district has knowledge of mitigation proposals or commitments by others (e.g., developers or resource agencies) relating to indirect or cumulative impacts associated with a proposed highway project, the environmental document for the highway project should disclose this information.

The district also should confirm and disclose in the environmental document whether local governments with jurisdiction in the project area have ordinances in place for protection of environmental resources, particularly those affected by the anticipated indirect and cumulative impacts associated with the project.

22-6.02(g) Format for Documentation in Environmental Reports

There is no prescribed format for discussing indirect and cumulative impacts in project environmental documents. These impacts may be incorporated, as appropriate, in the discussion of each environmental resource issue area or consolidated in a separate “indirect and cumulative impacts” topic in the environmental consequences section. BDE recommends use of the first option in most cases. It allows reviewers to more conveniently identify the total anticipated impacts for each environmental issue area, which may be desirable for review agencies interested in selected areas. The second option may be preferred where concerns have been expressed regarding indirect and cumulative impacts. In these instances, it may be helpful to consolidate the discussion of indirect and cumulative impacts in a separate section to clearly demonstrate that they have been addressed.

22-6.03 Logical Termini

References: 23 CFR 771.111(f) “Logical Termini, Independent Utility, Effect on Other Projects”
Section 22-3.06 “Proposed Action”

This discussion provides guidance in determining logical project termini for proposed actions. This guidance was prepared by the FHWA’s Office of Environment and Planning and issued on November 5, 1993. It has been edited to be consistent with the format of the *BDE Manual*. This guidance provides several working examples to illustrate the factors involved in choosing termini. These factors are then applied to issues such as project purpose and need, environmental impacts, and avoidance of segmentation.

22-6.03(a) Introduction

In developing a project concept which can be advanced through the stages of planning, environment, design, and construction, the project sponsor must consider a “whole” or integrated project. This project should satisfy an identified need, such as safety, rehabilitation, economic development, or capacity improvements, and should be considered in the context of the local area socioeconomics and topography, the future travel demand, and other infrastructure improvements in the area. Without framing a project in this way, proposed improvements may miss the mark by only peripherally satisfying the need or by causing

unexpected side effects which require additional corrective action. A problem of “segmentation” may also occur where a transportation need extends throughout an entire corridor, but environmental issues and transportation need are inappropriately discussed for only a segment of the corridor.

The Federal Highway Administration (FHWA) regulations outline three general principles in 23 CFR 771.111(f) that are used to frame a highway project:

In order to ensure meaningful evaluation of alternatives and to avoid commitments to transportation improvements before they are fully evaluated, the action evaluated in each Environmental Impact Statement (EIS) or finding of no significant impact (FONSI) shall:

- (1) Connect logical termini and be of sufficient length to address environmental matters on a broad scope;*
- (2) Have independent utility or independent significance, i.e., be usable and be a reasonable expenditure even if no additional transportation improvements in the area are made; and*
- (3) Not restrict consideration of alternatives for other reasonably foreseeable transportation improvements.*

The aim of this guidance is to discuss criteria that can be used to select logical termini (project limits) for development of a project. The primary discussion will be on the first of the three factors mentioned above. However, all three are interrelated and necessary to the development of an integrated project.

The remainder of this guidance is divided into three sections. Section 22-6.03(b) defines logical termini. Section 22-6.03(c) discusses several case studies covering factors that are relevant in choosing termini, and Section 22-6.03(d) offers some conclusions.

22-6.03(b) A Definition of Logical Termini

Logical termini for project development are defined as (1) rational end points for a transportation improvement, and (2) rational end points for a review of the environmental impacts. The environmental impact review frequently covers a broader geographic area than the strict limits of the transportation improvements. In the past, the most common termini have been points of major traffic generation, especially intersecting roadways. This is due to the fact that in most cases traffic generators determine the size and type of facility being proposed. However, there are also cases where the project improvement is not primarily related to congestion due to traffic generators, and the choice of termini based on these generators may not be appropriate. The next section will show some examples where this is the case.

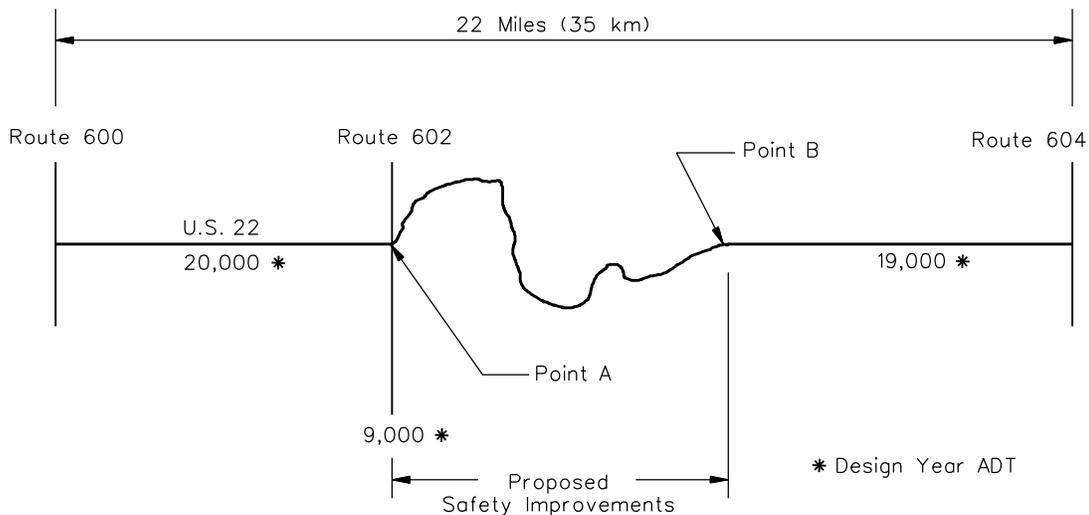
Choosing a corridor of sufficient length to look at all impacts need not preclude staged construction. Therefore, related improvements within a transportation facility should be

evaluated as one project, rather than selecting termini based on what is programmed as short range improvements. Construction may then be “staged” or programmed for shorter sections or discrete construction elements as funding permits.

22-6.03(c) Sample Project Concepts and Discussion

Case #1

Identified Need:
Correct Existing Safety Hazards



CASE #1

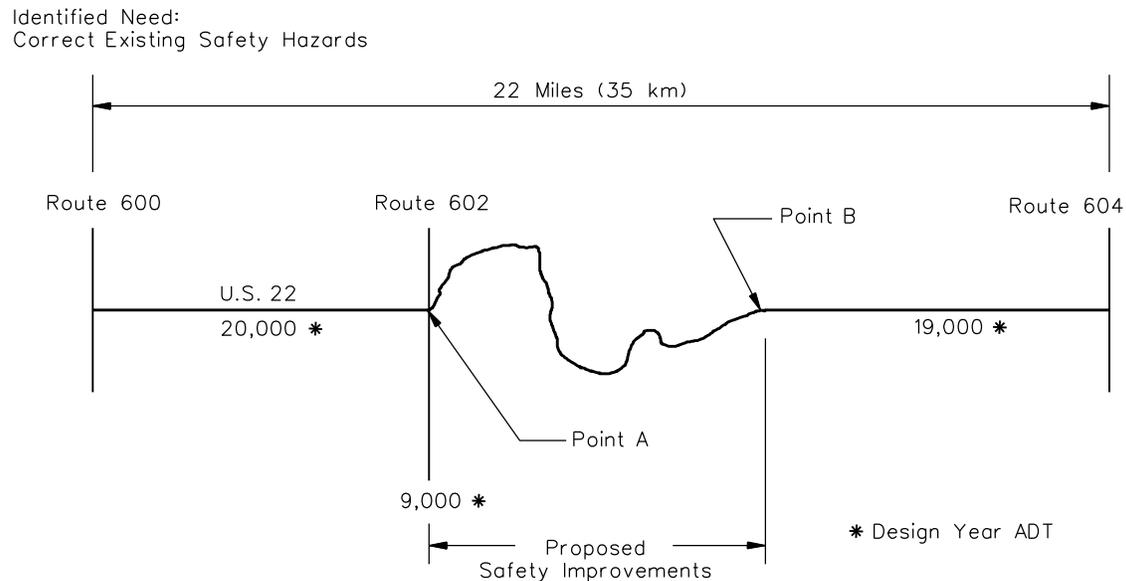
Figure 22-6.A

US 22 is a rural two-lane facility without access control. A number of crashes have been identified, and the need for the project is to correct site-specific geometric deficiencies between Point A (Route 602) and Point B (no intersecting roadway).

Discussion: In this Case, the selection of A and B as termini is reasonable, given the scope of the project. In fact, for projects involving safety improvements, almost any termini (e.g., political jurisdictions, geographical features) can be chosen to correspond to those sections where safety improvements are most needed. The first criterion, that the project connect logical termini and be of sufficient length to address matters on a broad scope, is largely irrelevant due to the limited scope of most safety improvements. Furthermore, even if other safety improvements are needed beyond those in segment A-B, the project termini need not be expanded to include these other improvements. The other two criteria still need to be met to choose A and B as termini: The safety improvements have independent utility (i.e., they can function as stand-alone improvements without forcing other improvements which may have impacts), and these improvements do not restrict consideration of other reasonably foreseeable transportation improvements (such as major safety improvements in an adjoining section; e.g., Point B to Route 604, which could involve changes in alignment of the segment currently under

review). Also, all environmental requirements must still be met. For instance, straightening of a curve through park land cannot take place without completing the necessary Section 4(f) analysis.

Case #2

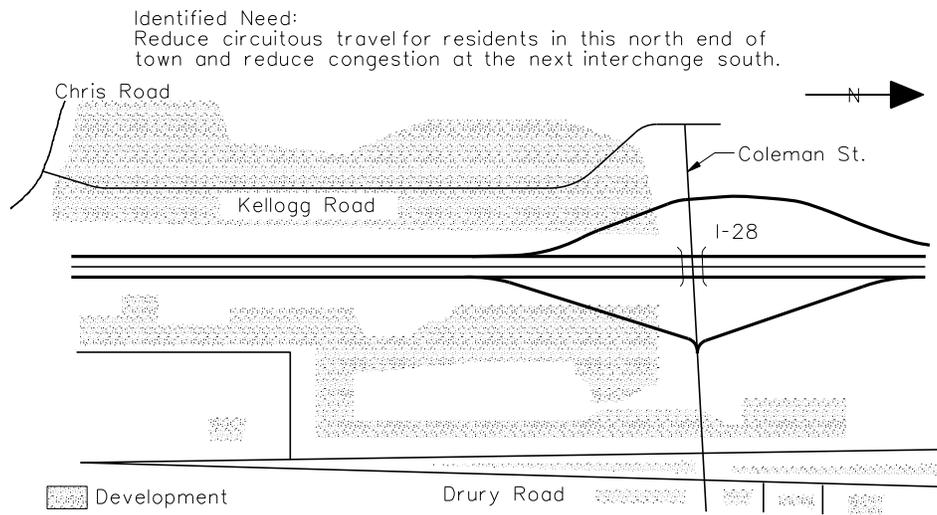


CASE #2

Figure 22-6.B

US 26 is on the eastern fringe of a rapidly growing urban area. Over the next 20 years, traffic growth and congestion are predicted for the section of roadway closest to the urban area, between Route 100 and Route 200. Because US 26 also serves as a through facility to points east, congestion will increase on the other sections also. It is proposed to deal with the worst of the congestion problems by widening the road to four lanes between Point A (Route 100) and Point B (Route 200).

Discussion: Widening between Point A and Point B could be implemented as a reasonable project with a logical termini, but several conditions would have to be met.

Case #3**CASE #3****Figure 22-6.C**

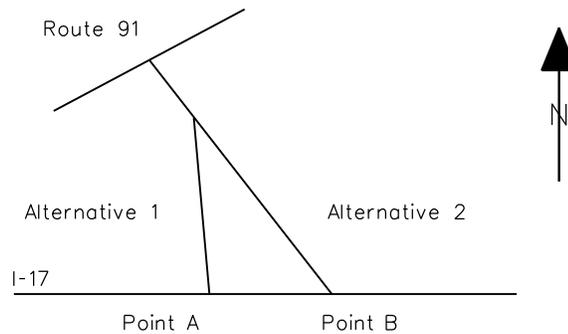
The proposed project is a new interchange with I-28 at the north edge of a growing urban area with options to upgrade an existing north-south feeder/collector route, Kellogg Road, on a new location. The next interchange south is at capacity now due to (1) new housing in the north end of town, and (2) a rapidly expanding commercial area at the existing interchange. The identified purposes of this project are to reduce circuitous travel for north end residents and to reduce congestion at the next interchange south.

Discussion: At first glance, the logical termini for analysis are the points where the new interchange ties in with existing facilities (Kellogg Road and Drury Road). Would this action force other project improvements? In this example, Kellogg Road and Drury Road may be overloaded by interchange traffic. If this is considered now, there may be design options to address this without substantial change or disruption. If this is dealt with later, the options may be more limited. If the only remaining option in the future is to widen Kellogg Road and Drury Road, there may be considerable disruption, relocations, etc., which could possibly have been avoided. For this particular project, the eastern project terminus was the intersection of Coleman Street and Drury Road, because there was adequate capacity on Drury road to absorb the traffic and no additional improvements would be forced. The western project terminus was further away from the intersection, because Kellogg Road did not have sufficient capacity to accommodate the traffic from the interchange. The terminus in this case was where Kellogg Road intersected with Chris Road. It was demonstrated that Chris Road had the capacity to handle the additional traffic and that no additional improvements would be forced. Options for upgrading Kellogg Road included widening of the existing Kellogg Road or a north-south feeder road on new alignment. Even if the project sponsor had decided not to upgrade Kellogg Road,

the environmental document should have covered the environmental impacts resulting from the congestion of this route (e.g., community disruption, possible air quality violations).

Case #4

Identified Need:
Satisfy travel demand in a new corridor
to and from points east on the existing facility.



CASE #4

Figure 22-6.D

This proposed facility is on new alignment, connecting Route 91 with I-17. Alternative 1 is shorter, connecting to I-17 at Point A, and Alternative 2 would tie in further east, at Point B. The primary travel on this new facility is to and from points east on I-17. I-17 is four lanes west of Point B and six lanes east of Point B. Alternative 2 has been designated as the preferred option by the project sponsor. Alternative 1 was proposed by a citizen's group to reduce the number of relocations and community disruption. Cost estimates are \$50 million for Alternative 1 (to tie in at Point A) and \$63 million for Alternative 2 (to tie in at Point B).

Discussion: It is likely that an incomplete picture of the costs and impacts of Alternative 1 is being provided by only carrying the analysis as far as Point A. For both alternatives, consideration of impacts should continue to Point B or east of B if there are likely to be any weaving or merging problems which will force changes in the facility beyond B. In this example, the four-lane section between A and B, if overloaded by Alternative 1, would force further improvements on I-17 which would likely have additional impacts.

Failure to take this into account would underestimate the cost and overall impacts of Alternative 1 and skew decision making. As a result of these factors, if Alternative 1 is considered a reasonable alternative, the discussion of impacts should extend to impacts occurring at Point B. If I-17 will be able to accommodate the increased traffic from Alternative 1 without widening, then the discussion could simply be a demonstration of that fact.

22-6.03(d) Conclusions

The aim of this guidance has not been to present all possible ways of determining logical project termini but, rather, to present a thought process that can be used to make these determinations on a case-by-case basis. For the vast majority of highway projects, the choice of logical termini will be obvious and non-controversial. For those few complex projects where other considerations are important, the termini chosen must be such that:

- environmental issues can be treated on a sufficiently broad scope to ensure that the project will function properly without requiring additional improvements elsewhere, and
- the project will not restrict consideration of alternatives for other reasonably foreseeable transportation improvements.

By following this guidance, proposed highway projects will be more defensible against litigation claims of project segmentation, and decision makers and the public will have a clearer picture of the transportation requirements in the project area and a better understanding of the project purpose and need.

22-6.04 Congestion Management Process (CMP) Alternatives

CMP requirements apply to the following Transportation Management Areas (TMAs) in Illinois, regardless of air quality attainment status: Chicago (Chicago Metropolitan Agency for Planning jurisdiction), St. Louis (East-West Gateway Council of Governments jurisdiction), Peoria (Tri-County Regional Planning Commission jurisdiction), the Quad Cities (Bi-state Regional Commission jurisdiction), and Rockford (Rockford Metropolitan Agency for Planning jurisdiction). These areas must address congestion management through a cooperatively developed and implemented process for new and existing transportation facilities that incorporates use of travel demand reduction and operational management strategies. The CMP must include methods to:

- monitor and evaluate the performance of the multimodal transportation system (i.e., performance indicators),
- identify the causes of recurring and non-recurring congestion,
- identify and evaluate alternative strategies,
- provide information supporting the implementation of actions, and
- evaluate the effectiveness of implemented actions.

Each TMA must also develop appropriate performance measures as part of the CMP to assess the extent of congestion and support the evaluation of the effectiveness of transportation improvements in reducing congestion within the TMA. The TMA may also establish thresholds for congestion reduction that must be met for a project to be considered for Federal funding. In

TMAs where performance measures have been established, the district will need to coordinate with Metropolitan Planning Organization staff to ensure that a proposed project's effectiveness in reducing congestion has been evaluated through the CMP. In cases where thresholds have also been developed, the district must coordinate to ensure the project meets those thresholds. The results of coordination for the CMP will be reflected in the congestion management strategies incorporated in the project scope and alternatives, as appropriate.

In areas designated as nonattainment for carbon monoxide or ozone, additional requirements apply for analysis of CMP alternatives. In Illinois, the nonattainment areas subject to these requirements currently include Chicago and St. Louis (both are nonattainment for ozone). When projects within these areas would significantly increase capacity for single-occupancy vehicles (i.e., by adding lanes to an existing highway or constructing a new highway), the alternatives section must include information on CMP alternatives. Lane additions for safety improvements or for elimination of bottlenecks are not considered to be projects that significantly increase capacity for single-occupancy vehicles. The following paragraphs provide recommended wording for use in addressing this requirement:

Congestion Management Process Alternatives

The provisions of 23 CFR 450.320 place restrictions on the use of Federal funds for projects in Transportation Management Areas (TMAs) designated as nonattainment for carbon monoxide and/or ozone. In these areas, Federal funds may not be programmed for any project that will significantly increase capacity for single-occupancy vehicles (SOVs) unless the project is addressed through a Congestion Management Process (CMP). The CMP is required to provide an appropriate analysis of alternatives to the proposal for adding SOV capacity, including all reasonable congestion management strategies. If the analysis demonstrates that other alternatives and/or congestion management strategies cannot fully satisfy the need for additional capacity and that, therefore, the additional SOV capacity is warranted, the CMP must identify all reasonable strategies that will maintain the functional integrity of the additional lanes. All identified reasonable strategies must be incorporated into the project. The CMP for each affected TMA is addressed in materials available from the Metropolitan Planning Organization responsible for the area.

[The following paragraphs provide recommended text to use for projects in the Chicago metro area. This text should be modified as appropriate (e.g., regarding references to the affected planning area, the responsible Metropolitan Planning Organization, the documents referenced for the CMP) for projects in other TMAs.]

Individual projects involving addition of SOV capacity were evaluated, selected, and prioritized in the course of developing the Fiscal Year *[insert appropriate years]* Transportation Improvement Program (TIP) and the long-range *[insert appropriate year]* Regional Transportation Plan (RTP) for Northeastern Illinois. The Northeastern Illinois CMP is documented via various materials that are available through the Chicago Metropolitan Agency for Planning (CMAP). The following are examples:

- Congestion Mitigation Handbook, September 1998

- Congestion Management System for Northeastern Illinois, [*insert appropriate year*] Annual Status Report
- [Date of most recent] Regional Transportation Plan for Northeastern Illinois
- Arterials and Streets Infrastructure and Operations for Mobility, Access, and Community in Metropolitan Chicago, January 2009
- Travel Demand Management, Strategy Paper, March 2009
- Congestion Reduction Demonstration for Northeastern Illinois A Proposal for Direct Highway Pricing, Transit, Technology, and Supporting Strategies, December 31, 2007

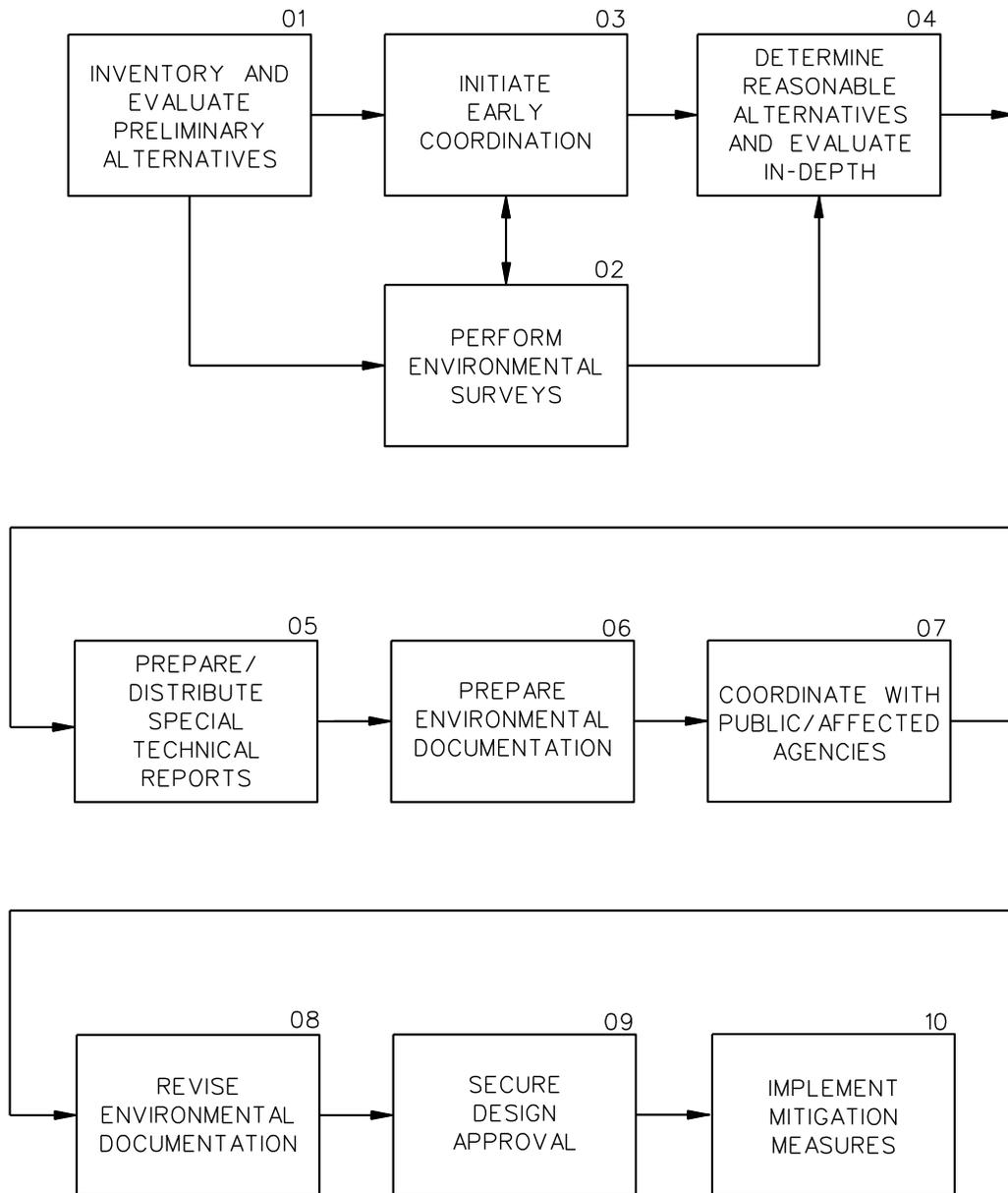
The development process for the TIP and Regional Transportation Plan constitutes the CMP for Northeastern Illinois. This process documents warranted projects for adding SOV capacity and, as applicable, also documents that regional and/or project-specific alternatives (e.g., Transportation Demand Management measures, High-Occupancy Vehicle measures, Transit Capital Improvements, Congestion Pricing, Growth Management, Incident Management) would not obviate the need for adding SOV capacity. Planned projects resulting from the CMP are documented in the annual CMP status report referenced above. [*Include the following sentence, when applicable.*] For this project, it has been determined that stand-alone CMP alternatives will not satisfy the project purpose and need and, therefore, this undertaking is a warranted project for adding SOV capacity.

Reasonable project-specific CMP strategies, including Traffic Operational Improvements, Transit Operational Improvements, Non-motorized modes/measures (Pedestrian/Bicycle), Intelligent Transportation System (ITS), and Access Management, have been incorporated into this project to the extent practical. Specific strategies incorporated include [*list the strategies (as described in the Congestion Management Handbook) such as adding turning lanes, modernizing signals, signal interconnect, ITS (adding dynamic message signs, highway advisory radio, fiber optic, etc.), sidewalk/bicycle accommodations, access consolidation, and/or barrier median to control access, etc.*]. [*Add the following, if applicable:*] With respect to Transit Operational Improvements, coordination occurred with [PACE/Metra/CTA]. Based on this coordination the following transit improvements were included in the project: [*briefly describe any included transit projects and reference pertinent correspondence*].

As documented in the above information, this project results from the CMP for Northeastern Illinois as a warranted project for adding SOV capacity and all reasonable congestion management strategies have been incorporated into the project to sustain its effectiveness.

22-7 ENVIRONMENTAL PROCESS FOR NON-FEDERAL PROJECTS

The process for addressing environmental issues on non-Federal projects will depend upon whether the projects qualify as Categorical Exclusions (CEs) as described in Chapter 23. Non-Federal actions that qualify as CEs will follow the environmental process as described in Section 23-3, except that FHWA will not be involved. For non-Federal actions that do not qualify as CEs, the environmental process described in this section will apply, as presented in Figure 22-7.A. This is followed by a brief description of each activity within the network.



PROCESS FOR NON-FEDERAL PROJECTS

Figure 22-7.A

Environmental Process for Non-Federal Projects

Activity Title: Inventory and Evaluate Preliminary Alternatives

Activity No.: 01

Responsible Unit: District/BDE

Activity Description:

If the project is one which the Regional Engineer has determined will use the principles of Context Sensitive Solutions (CSS), the public involvement process should commence once the project is assigned to the project study group. The project study group shall use the Stakeholder Involvement Process (SIP) as outlined in Sections 19-3.01(a) and 19-3.01(b) to conduct public involvement for CSS projects.

After the district office determines the preliminary project purpose and need, it will initiate activities to inventory and evaluate the affected environment and to develop and evaluate preliminary project alternatives. The compilation of environmental inventories should be pursued only to the extent necessary to provide high-quality information on the environmental impacts of the proposed action and to facilitate decision making. By limiting inventory work to an optimum level, the amassing of needless detail can be avoided, thus reducing paperwork.

The district should identify the range of the environmental inventory by evaluating environmental databases and submitting an environmental survey request, as appropriate, to BDE. Environmental concerns involved may include:

- Section 6(f) or OSLAD properties;
- archaeological and historical properties;
- floodplains;
- sensitive noise receptors;
- prime farmland;
- wetlands;
- threatened or endangered species habitat, nature preserves, and natural areas;
- wild and scenic rivers and Class I streams;
- status of air quality attainment;
- water quality of streams or lakes;
- special waste sites;
- social/economic characteristics of the affected population;
- visual quality/aesthetics;
- well-head protection areas;
- groundwater recharge areas; and
- other biological areas.

After the inventory has been prepared, the district should perform a preliminary evaluation of the magnitude and importance of the potential environmental impacts of the alternatives under study. This will assist in initiating the early coordination process (Activity 03) and in further refining the alternatives. The evaluation of preliminary alternatives should be sensitive to those environmental resources for which analysis of alternatives for avoidance and minimization of adverse impacts is required (e.g., wetlands,

Environmental Process for Non-Federal Projects

Activity Title: Inventory and Evaluate Preliminary Alternatives

Activity No.: 01 (*Continued*)

Responsible Unit: District/BDE

Activity Description:

floodplains, historic sites, and threatened and endangered species). In addition, districts should recognize that avoidance of environmental resources requiring special compliance procedures for impacts should be the preferred course of action. Avoidance of such resources will help to shorten project development time by avoiding the reporting and coordination necessary for compliance.

References:

- AASHTO Practitioner's Handbook 11 *Complying with Section 4(f) of the US DOT Act*, May 2009

Environmental Process for Non-Federal Projects

Activity Title: Perform Environmental Surveys

Activity No.: 02

Responsible Unit: BDE

Activity Description:

Based on the environmental survey request and Special Waste Assessment Screen/Survey Request form, as appropriate, BDE will perform a record survey to assess published information and determine the need for further investigation of the following:

- wetlands,
- archaeological and historical resources,
- Federal and State threatened and endangered species or their critical/essential habitat,
- well-head protection zones and regulated recharge areas, and
- special waste sites.

As determined necessary on the basis of the records survey or special waste assessment screening process, BDE will coordinate, as appropriate, with the responsible agencies and the district for further field surveys. BDE will provide the environmental survey information to the district as it becomes available to assist in the evaluation of project alternatives.

References:

- Chapter 27 "Environmental Surveys"

Environmental Process for Non-Federal Projects

Activity Title: Initiate Early Coordination

Activity No.: 03

Responsible Unit: District/BDE

Activity Description:

Coordination with governmental agencies and the public is an important aspect of the project development process and should begin as early as practical in project planning. This coordination facilitates obtaining information from other entities and individuals which may assist in the inventorying of the affected environment and in the evaluation of alternatives.

If the project is one which the Regional Engineer has determined will use the principles of Context Sensitive Solutions (CSS), the public involvement process should commence once the project is assigned to the project study group. The project study group shall use the Stakeholder Involvement Process (SIP) as outlined in Sections 19-3.01(a) and 19-3.01(b) to conduct public involvement for CSS projects.

References:

- Section 22-5 "Coordination"
- Chapter 19 "Public Involvement Guidelines"

Environmental Process for Non-Federal Projects

Activity Title: Determine Reasonable Alternatives and Evaluate In-Depth

Activity No.: 04

Responsible Unit: District/BDE

Activity Description:

The district should evaluate the potential impacts of the preliminary alternatives on the inventory of environmental resource concerns and should consider the information and comments provided by other agencies and the public in determining the scope of issues of importance and, ultimately, the reasonable alternatives worthy of in-depth evaluation. The cost and level of effort for preliminary environmental evaluations of an alternative should be commensurate with its likelihood of being implemented. Collectively, the alternatives selected for in-depth study should be representative of the full range of alternatives and should gain public acceptance that no reasonable alternative has been omitted.

The district must evaluate in detail the environmental impacts of each selected reasonable alternative in accordance with the scope determined through the environmental inventory process and early coordination with other agencies and the public. The district, in cooperation with BDE, will initiate those detailed studies and associated coordination with other agencies and the public necessary to further evaluate the environmental impacts of the proposed project alternatives.

References:

- Section 22-5 "Coordination"
- Chapter 19 "Public Involvement Guidelines"

Environmental Process for Non-Federal Projects

Activity Title: Prepare/Distribute Special Technical Reports

Activity No.: 05

Responsible Unit: District/BDE

Activity Description:

For environmental concerns requiring in-depth analysis (e.g., wetlands, noise), it may be appropriate to prepare “technical reports” discussing the analyses and findings for the issues involved. BDE will determine “technical report” requirements. As appropriate to respond to requests identified during early coordination, these “technical reports” will be coordinated with agencies and other interested entities. Technical reports should be reviewed by BDE prior to making them available to other parties. The key conclusions from these reports will be summarized in the environmental documentation for the Phase I Engineering Report.

References:

- Chapter 26 “Special Environmental Analyses”

Environmental Process for Non-Federal Projects

Activity Title: Prepare Environmental Documentation

Activity No.: 06

Responsible Unit: District/BDE

Activity Description:

At this stage of project development, the district will have received input from appropriate agencies and the public, will have evaluated the selected reasonable alternatives in depth, and will have received input on any special technical reports. The environmental information resulting from these activities should be summarized in the Phase I Engineering Report as described in Section 22-2.05(b).

References:

- Chapter 26 "Special Environmental Analyses"
- Section 22-2.05 "Environmental Documentation for Non-Federal Actions"

Environmental Process for Non-Federal Projects

Activity Title: Coordinate with Public/Affected Agencies

Activity No.: 07

Responsible Unit: District/BDE

Activity Description:

In Activity 03, the district will have made a preliminary identification of those agencies which may have an interest in the project. The district will coordinate the information regarding the project alternatives and the evaluation of their environmental impacts with the public and appropriate agencies prior to submitting the project for design approval.

If the project is one which the Regional Engineer has determined will use the principles of Context Sensitive Solutions (CSS), the public involvement process should commence once the project is assigned to the project study group. The project study group shall use the Stakeholder Involvement Process (SIP) as outlined in Sections 19-3.01(a) and 19-3.01(b) to conduct public involvement for CSS projects.

References:

- Chapter 19 "Public Involvement Guidelines"

Environmental Process for Non-Federal Projects

Activity Title: Revise Environmental Documentation

Activity No.: 08

Responsible Unit: District

Activity Description:

The district will evaluate any comments received as a result of coordinating the environmental information for the project with the public and appropriate agencies and will incorporate additional information or changes in information as necessary to respond to the comments.

Environmental Process for Non-Federal Projects

Activity Title: Secure Design Approval

Activity No.: 09

Responsible Unit: District

Activity Description:

The district will submit the Phase I Engineering Report, including appropriate environmental documentation, to BDE for projects requiring central office Design Approval. BDE will review the environmental documentation and will advise the district of any changes or additional information needed prior to approval.

Environmental Process for Non-Federal Projects

Activity Title: Implement Mitigation Measures

Activity No.: 10

Responsible Unit: District/BDE

Activity Description:

Those involved in preparing and processing the environmental documentation for the project should assist those involved in subsequent aspects of project development and implementation in facilitating the fulfillment of any environmental commitments for the project. The district must ensure that its procedures for follow-through on commitments provide for including information on mitigation measures and other commitments (e.g., for wetlands compensation plans, erosion control plans, special provision for management and monitoring of special waste) in the project plans, as necessary, and for implementing and monitoring the measures during construction and maintenance, as appropriate.

22-8 REFERENCES

In addition to Part III and the duplicated information in Appendix A, many other references are available in the literature to assist in the preparation of environmental documents. Section 22-8 briefly discusses selected references. This list is not comprehensive and is intended only to provide an overview of selected information that may be of interest.

22-8.01 National

The following briefly discusses national publications which may provide useful resource information to the preparers of environmental documents:

1. AASHTO Practitioner's Handbook 01 *Maintaining a Project File and Preparing an Administrative Record for a NEPA Study*, July 2006. Preparing the administrative record for a complex project can be a major challenge. This handbook provides a starting point for undertaking this important task. It includes key issues for consideration during NEPA and when litigation is imminent or under way.
2. AASHTO Practitioner's Handbook 02 *Responding to Comments on an Environmental Impact Statement*, July 2006. This guidance provides information for developing responses to comments on both a Draft EIS and Final EIS, and covers the issues associated with responding to comments on an Environmental Assessment.
3. AASHTO Practitioner's Handbook 03 *Managing the NEPA Process for Toll Lanes and Toll Roads*, July 2006. Conducting NEPA studies for projects involving toll lanes and toll roads involves many sensitive issues and complex considerations. This handbook covers issues associated with the NEPA process and related issues.
4. AASHTO Practitioner's Handbook 04 *Tracking Compliance with Environmental Commitments/Use of Environmental Monitors*, November 2006. This handbook provides recommendations for tracking compliance with environmental commitments from the environmental review phase through design, construction, operations, and maintenance phases of a transportation project.
5. AASHTO Practitioner's Handbook 05 *Utilizing Community Advisory Committees for NEPA Studies*, December 2006. A Community Advisory Committee (CAC) is a public participation technique that can be employed to gain stakeholder feedback, identify and resolve local concerns, and build community support during the NEPA process. Although not required, a CAC can be an effective means of addressing specific issues and hearing a variety of stakeholder views.
6. AASHTO Practitioner's Handbook 06 *Consulting under Section 106 of the National Historic Preservation Act*, February 2007. This handbook clarifies and provides information on the successful integration of Section 106 and NEPA with a specific focus on Section 106 as it applies to transportation projects for which the project applicant is a State Department of Transportation (DOT).

7. AASHTO Practitioner's Handbook 07 *Defining the Purpose and Need and Determining the Range of Alternatives for Transportation Projects*, August 2007. One of the most important tasks in any NEPA study is the definition of the project's purpose and need. This handbook provides recommendations for defining the purpose and need, and determining the range of alternatives in Environmental Impact Statements and Environmental Assessments for transportation projects in accordance with NEPA.
8. AASHTO Practitioner's Handbook 08 *Developing and Implementing an Environmental Management System in a State Department of Transportation (DOT)*, September 2007. DOTs face ever-mounting pressure to enhance environmental and business performance and to demonstrate their commitment to environmental stewardship. This handbook provides recommendations for developing and implementing an Environmental Management System (EMS) to help meet these goals and expectations.
9. AASHTO Practitioner's Handbook 09 *Using the SAFETEA-LU Environmental Review Process (23 USC 139)*, January 2008. Section 6002 of SAFETEA-LU established an environmental review process for highway and transit projects that involve preparation of an Environmental Impact Statement (EIS). This handbook provides assistance to practitioners in complying with the Section 6002 requirements, while also using this process to achieve better, faster, and more efficient environmental reviews.
10. AASHTO Practitioner's Handbook 10 *Using the Transportation Planning Process to Support the NEPA Process*, February 2008. Thoughtful consideration of environmental needs during the planning process can shorten the environmental review process. This handbook is intended to help transportation planners and NEPA practitioners improve linkages between the planning and NEPA processes, while also complying with recent legislative changes that require increased consideration of environmental issues in the planning process.
11. AASHTO Practitioner's Handbook 11 *Complying with Section 4(f) of the US DOT Act*, May 2009. This Handbook provides guidance to assist practitioners in managing all aspects of compliance with Section 4(f). It is intended to help practitioners take advantage of the flexibility afforded by recent changes to Section 4(f) while ensuring that all requirements are met. It addresses the full range of Section 4(f) compliance options, including individual Section 4(f) evaluations, *de minimis* impact determinations and programmatic Section 4(f) evaluations.
12. *Aesthetics in Transportation — Guidelines for Incorporating Design, Art, and Architecture into Transportation Facilities*, 1980. Although the aesthetic design of transportation facilities is important in the open countryside, it is especially critical in urban areas. This publication contains examples of aesthetic applications in various situations.
13. *A Design Guide for Wildlife Protection and Conservation for Transportation Facilities*, AASHTO, 1976. This publication is a guide for the consideration of wildlife and habitat impacts when transportation system facilities are being planned, designed, constructed, operated, and/or maintained.

14. *Aligning National Environmental Policy Act Processes with Environmental Management Systems, A Guide for NEPA and EMS Practitioners, Council on Environmental Quality (CEQ), April 2007.* An Environmental Management System (EMS) is a structure of procedures and policies used to systematically identify, evaluate, and manage environmental impacts of ongoing activities, products, and services. CEQ prepared this guide to assist Federal agencies in aligning the statement of policy in Section 101 of NEPA and the analysis and decision processes of Section 102 with the elements of an EMS when establishing, implementing, and maintaining their EMS.
15. *Collaboration in NEPA – A Handbook for NEPA Practitioners, CEQ, October 2007.* This handbook is intended to assist Federal agency personnel responsible for conducting environmental reviews in expanding the effective use of collaboration, with other governmental entities and affected and interested parties as part of the NEPA process.
16. *Considering Cumulative Effects under the National Environmental Policy Act (NEPA), CEQ, January 1997.* This handbook introduces the NEPA practitioner and other interested parties to the complex issue of cumulative effects, outlines general principles, presents useful steps and provides information on methods of cumulative effects analysis and data sources.
17. *Environmental Guidebook, FHWA.* This is a collection of FHWA position papers, interpretation of regulations, and agreements with other agencies on the implementation of NEPA.
18. *Environmental Policy Statement, 1994, FHWA.* This statement provides a formal expression of the FHWA's commitment to the protection and enhancement of the environment and the incorporation of environmental stewardship in all of its programs and policies.
19. *Guide for Transportation Landscape and Environmental Design, AASHTO, 1991.* The *Guide* addresses all modes of transportation and the interaction of landscape considerations with transportation improvements. It places a special emphasis on supplying technical information that will assist the planner, designer, project engineer, landscape architect, supervisor, and/or transportation manager in providing landscape features which integrate into the transportation system, producing an environmentally pleasing facility.
20. *A Guide to Wetland Functional Design, FHWA, 1990.* This document was developed as a conceptual guide to replacing wetland functions identified by WET II.
21. *Guidelines on Citizen Participation in Transportation Planning, AASHTO, 1978.* This publication focuses on the needs of agency administrators and professionals in the planning process and public participation programs in State agencies, but it is also relevant at regional and local levels for all transportation modes.
22. *Hazardous Waste Guide for Project Development, AASHTO, 1990.* This *Guide* is for those projects where it is unknown whether or not a hazardous waste potential exists.

The *Guide* provides steps to determine if there is hazardous waste present and what tasks are involved if there is one present.

23. *Improving the Quality of Environmental Documents, AASHTO/ACEC, 2006*. This reports documents an initiative by transportation practitioners nationwide to improve the quality of EISs and EAs to comply with NEPA.
24. *Incorporating Biodiversity Considerations into Environmental Impact Analysis under NEPA, CEQ, 1993*. This Report is intended to provide background on the emerging, complex subject of biodiversity; outline some general concepts that underlie biological diversity analysis and management; describe how the issue is currently addressed in the NEPA process; and provide options for agencies undertaking NEPA analyses that consider biodiversity.
25. *Interim Guidelines for Hazardous Waste, 1988, FHWA*. This guidance provides an overview of the legal and policy/procedure issues important in the consideration of hazardous waste sites. It is intended to provide a framework for states to use in developing effective processes for addressing such sites in highway project development.
26. *NHI Course #142005 Manual NEPA and Transportation Decisionmaking*. This course considers FHWA's policies and procedures for applying the *National Environmental Policy Act* for the project development processes related to transportation facilities.

22-8.02 State

22-8.02(a) Manuals

The Bureau of Design and Environment has published or is developing a series of environmental technical manuals which contain information on methods to use for technical investigations and analyses that support highway project environmental impact studies and documents. These manuals plus the environmental memoranda issued by BDE provide guidance on technical study methods, pertinent environmental data, and other background information. References to these manuals are important; in many cases, they refer to specific technical procedures which are required in specific circumstances. Whereas Part III stipulates what must be done, where, and when, the technical manuals address how.

22-8.02(b) BDE Memoranda and Policies

The BDE periodically distributes memoranda which address environmental issues. These are segregated as follows:

1. Procedure Memoranda (PM). These are the most important to the application of environmental policies and procedures. Procedure Memoranda summarize and give background for updates to the environmental chapters where the full update is

automatically incorporated in the BDE Manual. Active PMs are shown on the BDE Procedure Memorandums internet site.

2. Departmental Policies. These policies should be referenced as needed in the preparation of environmental documents.
3. Technical Environmental Memoranda (TEM). As a way of disseminating information to the districts related to environmental regulations, laws, permits, and best practices, BDE will at times issue a TEM. The content of a TEM is considered “guidance” instead of “policy” so the TEM’s are not incorporated in the BDE Manual. When a TEM is issued, it will be posted on BDE’s Environmental Policy Unit’s SharePoint site (accessible via InsideIDOT >Sites>Design and Environment>Policy>Environmental Policy Unit) and also emailed to the Environmental Coordinators in each District. Also maintained on the SharePoint site is a disposition of past TEMs that have been retired.