

Chapter Twenty-five

**ENVIRONMENTAL IMPACT
STATEMENTS**

BUREAU OF DESIGN AND ENVIRONMENT MANUAL

Chapter Twenty-five
ENVIRONMENTAL IMPACT STATEMENTS

Table of Contents

<u>Section</u>	<u>Page</u>
25-1 GENERAL	25-1.1
25-1.01 Definitions	25-1.1
25-1.02 Applicability	25-1.1
25-1.02(a) Environmental Impact Statement (EIS)	25-1.1
25-1.02(b) Supplemental EIS	25-1.2
25-1.02(c) Tiering.....	25-1.2
25-1.03 EIS Validity/Re-evaluations	25-1.2
25-2 THE EIS PROCESS	25-2.1
25-2.01 Class of Action Determination/Initial EIS Activities	25-2.1
25-2.01(a) Satisfying Planning Requirements.....	25-2.2
25-2.01(b) Context Sensitive Solutions.....	25-2.2
25-2.01(c) Develop Draft Stakeholder Involvement Plan	25-2.3
25-2.01(d) Establishment of Timeframes	25-2.3
25-2.01(e) Publish of Notice of Intent	25-2.4
25-2.02 Begin External Coordination Activities	25-2.6
25-2.03 Perform Environmental Survey (Records Phase)	25-2.27
25-2.04 Conduct Scoping Process/Initiate NEPA/404 Process	25-2.27
25-2.05 Determine Analysis Methodologies and Level of Detail	25-2.28
25-2.06 Finalize Stakeholder Involvement Plan.....	25-2.29
25-2.07 Conduct Context Audit	25-2.29
25-2.08 Develop Problem Statement.....	25-2.29
25-2.09 Conduct Purpose and Need Coordination	25-2.30
25-2.10 Conduct Coordination of Alternatives to Be Carried Forward	25-2.31
25-2.11 Perform Environmental Survey (Field Phase).....	25-2.32
25-2.12 Evaluate Alternatives In Depth	25-2.32
25-2.13 Prepare Core Elements of the Draft Environmental Impact Statement (DEIS)	25-2.33
25-2.14 Conduct Preferred Alternative Coordination	25-2.33
25-2.15 Department Review of the Preliminary DEIS	25-2.34
25-2.16 Preliminary DEIS Review	25-2.35
25-2.17 Signature Ready DEIS	25-2.35
25-2.18 Circulate approved DEIS.....	25-2.36
25-2.19 Implement Public Hearing Process	25-2.40
25-2.20 Evaluate and Respond to Substantive Comments on DEIS	25-2.42
25-2.21 Evaluate for Major Project Requirements	25-2.43
25-2.22 Planning Requirement Prior to NEPA Approval.....	25-2.44

Table of Contents
(Continued)

<u>Section</u>		<u>Page</u>
25-2.23	Determination of Combined Final EIS/Record of Decision (FEIS/ROD) or Separate FEIS & ROD	25-2.44
25-2.24	Procedures for Combined FEIS/ROD or Separate FEIS and ROD	25-2.45
	25-2.24(a) Procedures for Combined FEIS/ROD.....	25-2.45
	25-2.24(b) Procedures for Separate FEIS and ROD.....	25-2.48
25-2.25	Draft Project Management Plan for Major Projects	25-2.53
25-2.26	Finalize Project Management Plan for Major Projects	25-2.53
25-2.27	Implement Mitigation Measures.....	25-2.58

Chapter Twenty-five

ENVIRONMENTAL IMPACT STATEMENTS

Chapter 25 discusses procedures for preparing and processing Environmental Impact Statements.

25-1 GENERAL

25-1.01 Definitions

1. Environmental Impact Statement (EIS). A detailed written statement prepared for major Federal actions significantly affecting the quality of the human environment, which discusses the environmental impact of the proposed action; any adverse environmental effects which cannot be avoided should the proposal be implemented; alternatives to the proposed action; the relationship between local short-term uses of the human environment and the maintenance and enhancement of long-term productivity; and any irreversible and irretrievable commitments of resources which would be involved in the proposed action should it be implemented.
2. Supplemental Environmental Impact Statement (SEIS). A detailed written statement on changes in the proposed action and/or on the identification and analysis of new circumstances or information not addressed in the Draft or Final EIS, which would introduce new or changed environmental effects of significance on the quality of the human environment.
3. Tiering. "Tiering" means covering broad or more general matters in a Tier I EIS with a Tier II EIS addressing narrower, more specific matters. Tiering is intended to be an aid in focusing on issues that are ready for decision and excluding issues already decided or not yet ready. See 40 CFR 1508.28, 23 CFR 771.111(g).

25-1.02 Applicability

25-1.02(a) Environmental Impact Statement (EIS)

An EIS is required for all Federally-funded highway projects (or other Federally-regulated highway activities) determined to be likely to cause significant impacts on the environment. 23 CFR 771.115(a) lists project types that normally will require the preparation of an EIS.

References:

Statutory Requirements for Statements, 40 CFR 1502.3

Major Federal Action Requiring the Preparation of Environmental Impact Statements,
40 CFR 1502.4

Class of Actions, 23 CFR 771.115(a)

25-1.02(b) Supplemental EIS

The cited references describe those circumstances where a Supplemental EIS may be appropriate.

References:

Draft, Final, and Supplemental Statements, 40 CFR 1502.9(c)
Supplemental Environmental Impact Statements, 23 CFR 771.130
Supplemental EISs, Section XII of FHWA Technical Advisory T6640.8A

25-1.02(c) Tiering

Tiering of EISs should be used when it will improve or simplify the environmental processing of proposed IDOT actions. Preparation of tiered EISs should be considered for complex transportation proposals (e.g., major urban transportation investments). The first tier EIS would focus on broad issues such as mode choice, general location, area wide air quality, and land use implications of the transportation improvement alternatives being considered. The first tier EIS(s) should use information from appropriate corridor planning and other planning studies. A subsequent site-specific environmental document will be required to focus on more detailed project impacts and mitigation measures (e.g., addressing details of route location, highway interchange configurations, etc.). If tiered EISs are used, the subsequent document(s) shall state where the preceding document is available.

References:

Tiering, 40 CFR 1502.20
Early Coordination, Public Involvement, and Project Development, 23 CFR 771.111(g)

25-1.03 EIS Validity/Re-evaluations

Re-evaluations are required any time after a CE, FONSI, or ROD is issued and before major approvals are granted, to establish whether or not the approval remains valid. For an EIS, a written re-evaluation is required when more than three years pass between major federal approvals. Where a written evaluation becomes necessary, the district will develop the evaluation in consultation with FHWA and BDE. It may be in the format of an Environmental Assessment (EA) or technical memorandum and shall address the presence or absence of significant changes in:

- the proposed action,
- the affected environment,
- the anticipated impacts, and
- proposed mitigation measures.

Sufficient detail shall be provided to support a decision that either the existing decision remains valid, a Supplemental EIS is required, or a new EIS is required. Relevant environmental issues

(e.g., agricultural lands, wetlands, floodplains, Section 4(f) lands) must be discussed in the written evaluation, as appropriate. Coordination with interested and affected agencies or individuals should be undertaken as necessary; results of such coordination should be summarized and documented in the evaluation report.

Before undertaking any written evaluation, the district should discuss the project and its history with BDE and FHWA representatives. Report preparation and review by BDE and FHWA should be agreed upon at a coordination meeting. The final version of all written evaluations will be sent by BDE to the FHWA Division Office. BDE will submit the re-evaluation with a letter requesting FHWA concurrence with the conclusions in the re-evaluation. If a Supplemental EIS is required, the procedures in Chapter 25 are followed.

References:

Re-evaluations, 23 CFR 771.129

Re-evaluations, Section XI of FHWA Technical Advisory T6640.8A

25-2 THE EIS PROCESS

The following section discusses the general process for an action processed as an Environmental Impact Statement (EIS). This is followed by a description of each activity. The user also should consider the following:

1. Lines of Communication. The rigid application of the process would lead to predetermined, precise points at which communication occurs between units. This is neither realistic nor desirable. Communication between units must be continuous. This will result in fewer problems and fewer surprises in the process.
2. Lead Federal Agency. It is assumed that the Federal Highway Administration (FHWA) is the lead Federal agency for FHWA-funded projects. If a different agency is the lead Federal agency, other procedures may be required.
3. Application. This section applies to all EIS projects involving State highways regardless of the source of funding.

25-2.01 Class of Action Determination/Initial EIS Activities

The district will determine the preliminary scope and general location of the proposed project and whether they can commit the necessary staff, consultant services, and funds for completing the process. The district will present the proposed project for determination of the class of action (i.e., EIS) at a coordination meeting (see Section 22-5). FHWA will determine if the project will be processed as an EIS and the district will document the decision in the meeting minutes.

The district will begin to determine the types of information that will be used in accomplishing the environmental process, which may include:

- preliminary field check of the proposed project;
- biological, cultural, and special waste surveys (BDE);
- State and Federal environmental databases and reports;
- planning reports or studies;
- letters/correspondence on the project;
- traffic data;
- documentation on any public or private meetings;
- statistical data documenting need for improvement;
- Maintenance Management Information System (MMIS) data;
- engineering and Department databases;
- verification that the project is included in the applicable Transportation Improvement Program/State Transportation Improvement Program;
- existing right-of-way information; and
- information and decisions from the planning/programming process.

25-2.01(a) Satisfying Planning Requirements

Early in the process, the district should ensure that the following planning requirements will be met prior to completing the NEPA process:

- in an urbanized area
 - + the project must be included in the conformed fiscally constrained portion of the Metropolitan Transportation Plan, and;
 - + a subsequent phase of project development (e.g., final design, acquire right-of-way, utility relocations, or construction) must be included in the Metropolitan Planning Organization's (MPOs) Transportation Improvement Program (TIP).
- in a non-urbanized area
 - + the project must be consistent with the long range Statewide Transportation Plan (STIP), and;
 - + a subsequent phase of the project development (e.g., final design, acquire right-of-way, utility relocations, or construction) must be included in STIP.

Due to the amount of time it takes to include the project in the proper documents, the district should work early in project development with the appropriate planning organizations to initiate the process. The district also should coordinate with FHWA to ensure that the subsequent phase is included in the TIP/STIP and adequately demonstrates commitment to advance the project. These requirements shall be satisfied before ROD can be signed.

25-2.01(b) Context Sensitive Solutions

For EIS projects that the Regional Engineer has determined will use the principles of Context Sensitive Solutions (CSS), the district forms a CSS Project Study Group (PSG), in accordance with the procedures described in Section 19-5.01. Public involvement commences once the project is assigned to the PSG.

References:

Efficient Environmental Reviews for Project Decision-Making, 23 U.S.C. 139

Apply NEPA Early in the Process, 40 CFR 1501.2

Whether to Prepare an Environmental Impact Statement, 40 CFR 1501.4

Classes of actions, 23 CFR 771.115(a)

Proposed Action, Section 22-3.06

AASHTO Practitioner's Handbook 01—Maintaining a Project File and Preparing an Administrative Record for a NEPA Study, July 2006

AASHTO Practitioner's Handbook 09—Using the SAFETEA-LU Environmental Review Process (23 U.S.C. 139), January 2008

25-2.01(c) Develop Draft Stakeholder Involvement Plan

For projects using the principles of CSS, the PSG develops a draft Stakeholder Involvement Plan (SIP) to document stakeholder involvement activities. The plan also addresses coordination with participating agencies, cooperating agencies, and the public, pursuant to the Efficient Environmental Reviews for Project Decision-making, 23 U.S.C. 139. The district may obtain example plans from BDE for guidance.

As part of the SIP development, the district, FHWA, and BDE coordinate to identify governmental entities that should be invited to serve as participating agencies and/or cooperating agencies in the EIS process for the proposed project, and Tribes and consulting parties to satisfy Section 106 requirements for historic properties.

FHWA and the Department, as joint lead agencies, must agree upon the content of the draft SIP before it is distributed to external stakeholders.

For projects that are not using the principles of CSS, the district still must develop a SIP, which satisfies the Coordination Plan requirements of 23 U.S.C. 139.

References:

Efficient Environmental Reviews for Project Decision-making, 23 U.S.C. 139

FHWA *SAFETEA-LU Environmental Review Process Final Guidance*, Questions 47–57
“Coordination and Schedule”

Collaboration in NEPA—A Handbook for NEPA Practitioners, Council on Environmental Quality,
October 2007

AASHTO Practitioner’s Handbook 05—Utilizing Community Advisory Committees for NEPA Studies,
December 2006

25-2.01(d) Establishment of Timeframes

The district will develop a draft timeframe agreement to establish milestones and responsibilities for major activities through the development of the EIS in accordance with the FHWA/IDOT Statewide Implementation Agreement for Establishment of Timeframes for EISs and EAs (see Appendix A) and will submit it to BDE for review. Subsequently, FHWA, the district, and BDE will reach consensus on the timeframe agreement. The purpose of the timeframe on projects is to provide a tool for managing document review, preparation, coordination and approval steps.

FHWA and the Department ensure involved environmental resource and permitting agencies receive a copy of the timeframe information as part of the SIP.

The timeframes may be revised, if necessary, as a result of input from participating and/or cooperating agencies or if new issues arise or priorities change. Revisions to the timeframes will be addressed in accordance with the terms of the Statewide Implementation Agreement.

In coordination with FHWA, the district will monitor all milestone dates for the negotiated time frames.

References:

Illinois Statewide Implementation Agreement between the Federal Highway Administration and the Illinois Department of Transportation for Establishment of Timeframes for Environmental Impact Statements and Environmental Assessments, May 29, 2005

25-2.01(e) Publish of Notice of Intent

After the development of environmental process time frames and a draft Stakeholder Involvement Plan, and before scoping, the district prepares a draft Notice of Intent (NOI). The district submits the draft NOI to BDE who will coordinate with FHWA on acceptable format and content. BDE bureau chief will sign a letter requesting FHWA to publish NOI and FHWA will ensure NOI is published in the *Federal Register*.

FHWA Technical Advisory T6640.8A discusses the format, content, and processing of the NOI in more detail (See Appendix A in the BDE Manual). Figure 25-2.A presents the required format for the NOI and includes information necessary for project initiation. The NOI format is available from BDE as an electronic document.

References:

Scoping, 40 CFR 1501.7

Notice of Intent, 40 CFR 1508.22

Draft Environmental Impact Statements, 23 CFR 771.123(a)

Appendix B of FHWA Technical Advisory T6640.8A-Preparation and Processing of NOI

Section 1305 of MAP-21-Efficient Environmental Reviews for Project Decisionmaking,
23 U.S.C. 139

DEPARTMENT OF TRANSPORTATION

Federal Highway Administration

Environmental Impact Statement: *[County or City]*, Illinois

AGENCY: Federal Highway Administration (FHWA), DOT

ACTION: Notice of Intent

SUMMARY: The FHWA is issuing this notice to advise the public that an environmental impact statement will be prepared for *[project name and description]*...FOR FURTHER INFORMATION CONTACT: *[Name]*, Division Administrator, Federal Highway Administration, 3250 Executive Park Drive, Springfield, Illinois 62703, Phone: *[Office Phone Number]*. *[Name]*, Deputy Director of Highways, Region *[Number]* Engineer, Illinois Department of Transportation, *[Office Address]*, Phone: *[Office Phone Number]*.SUPPLEMENTARY INFORMATION: The FHWA, in cooperation with the Illinois Department of Transportation (IDOT), will prepare an environmental impact statement (EIS) for ... *[In this section, provide (1) a brief narrative description of the proposed action (e.g., location of the action, type of construction, length of the project, needs to be addressed by the action); (2) a brief description of possible alternatives (e.g., upgrade existing facility, construction on new alignment, no action (should always be listed), multi-modal design); (3) any other federal approvals anticipated, such as 404 permits; and (4) a brief description of the proposed scoping and public involvement process for the particular action, including whether, when, and where any scoping meeting(s) or public hearing(s) will be held.]*

(Catalog of Federal Domestic Assistance Program Number 20.205, Highway Research, Planning and Construction. The regulations implementing Executive Order 12372 regarding intergovernmental consultation on Federal programs and activities apply to this program.)

Issued on: *[FHWA will enter the date.]*

[Name]
Division Administrator
Springfield, Illinois

*[Note: Left margin should be 1.5 inches (40 mm) minimum and all others 1 inch (25 mm).]**All typing must be double spaced except for the information identifying the person signing the document.]***REQUIRED FORMAT FOR NOTICE OF INTENT****Figure 25-2.A**

25-2.02 Begin External Coordination Activities

The Stakeholder Involvement Plan (SIP) serves as the blueprint for coordinating with stakeholders (see Section 19-5.01). As outlined in the SIP, IDOT and FHWA will send letters to entities inviting them to be Cooperating Agencies, Participating Agencies, and Section 106 consulting parties. The district will draft the letters discussed below for review by BDE and FHWA. After any necessary revisions, FHWA and the district will send out their respective letters.

FHWA sends letters to:

- Cooperating and Participating Agencies
 - + Federal agencies (Figure 25-2.B)
 - + State agencies (Figure 25-2.C)
- Participating Agencies
 - + Federal Agencies (Figure 25-2.D)
- Section 106 Consulting Parties
 - + Tribes (Figure 25-2.E)
 - + State Historic Preservation Officer (also Participating Agency) (Figure 25-2.F)

The district sends letters to:

- Participating Agencies
 - + State Agencies (Figure 25-2.G)
 - + Local Agencies (also Section 106 consulting parties) (Figure 25-2.H)
- Section 106 Consulting Parties
 - + Non-Governmental Local Interest Groups (Figure 25-2.I)

The district also will develop a spreadsheet showing all Cooperating and Participating Agencies, Section 106 consulting parties, and the status of coordination and responses; see Figure 25.2.J.

After the response deadline, which is normally 30 days, the district will collect all responses and update the SIP based on responses, or lack thereof, to the invitation letter. The following reflects the status of the responses;

- Federal agencies invited as both a Cooperating and Participating agency must accept in writing to be CA. If they do not respond they are not CA but automatically become a PA.
- Federal agencies invited as participating agency automatically become PA whether they respond or not.
- Non-federal agencies invited as cooperating/participating agencies must accept in writing to be accepted as either a cooperating or participating agency.

- Non-federal agencies invited as participating agencies must accept in writing to be accepted as a participating agency.
- Any entity invited to be a Section 106 consulting party must accept in writing to be a consulting party.

Thirty days after the coordination letters are sent, the district will send a copy of the draft SIP to all agencies who accepted the invitation to be a Cooperating Agency, Participating Agency, or consulting party. As new stakeholders are identified throughout the environmental review process, the SIP is reviewed and revised, if necessary.

For EIS projects that the Regional Engineer has determined will use the principles of CSS, public involvement commences once the project is assigned to the project study group; see Activity 1.

References:

Efficient Environmental Reviews for Project Decision-making, 23 U.S.C. 139

Purpose, 40 CFR 1500.1(b)

Policy, 40 CFR 1500.2(d)

Reducing delay, 40 CFR 1500.5(b)

Purpose, 40 CFR 1501.1(b)

Cooperating Agencies, 40 CFR 1501.6

Early Coordination, Public Involvement, and Project Development, 23 CFR 771.111

FHWA *SAFETEA-LU Environmental Review Process Final Guidance*, Questions 21–29 “Participating Agencies” and Questions 30 and 31 “Cooperating Agencies”

Coordination, Section 22-5

Public Involvement Guidelines, Chapter 19

Collaboration in NEPA—A Handbook for NEPA Practitioners, Council on Environmental Quality, October 2007

AASHTO Practitioner’s Handbook 05—Utilizing Community Advisory Committees for NEPA Studies, December 2006

AASHTO Practitioner’s Handbook 09—Using the SAFETEA-LU Environmental Review Process (23 U.S.C. 139), January 2008

[Date]

[Address Title] [First Name] [Initial] [Last Name]

[Agency]

[Address]

[City], [State] [Zip Code]

Subject: [name of study] invitation for cooperating and participating agency status

Dear [Address Title] [Last Name]:

The Federal Highway Administration (FHWA) is requesting your agency to become a cooperating and participating agency for the [name of EIS]. Please respond to our office at the above listed address in writing, with an acceptance or denial of this invitation to be both a cooperating and participating agency prior to [30-day Response Deadline Date].

THE PROJECT

The FHWA, in cooperation with the Illinois Department of Transportation (IDOT), is initiating an Environmental Impact Statement (EIS) for the [name of study]. The study area is located in [project location including local agencies and counties]. See enclosed map.

The study area covers approximately [area in square miles] and is located [description of study area]. It contains environmentally sensitive resources, including [list primary resources/locations potentially affected].

The EIS will include an evaluation of transportation system needs across the entire study area. [list primary technical tools used to identify transportation system needs and potential environmental impacts during the EIS, e.g. GIS, transportation demand models, field studies.]

The FHWA intends to issue the Final EIS concurrently with the Record of Decision (ROD) pursuant to Pub. L. 112-141, 126 Stat. 405, Section 1319(b), which will conclude the National Environmental Policy Act (NEPA) process. The combined Final EIS/ROD will identify the selected alternative.

COOPERATING AGENCY

In accordance with 40 CFR 1501.6 of the Council on Environmental Quality's (CEQ) Regulations for implementing the procedural provisions of NEPA, FHWA is required to invite agencies with jurisdiction by law or with special expertise with respect to environmental issues to be cooperating agencies.

We propose that your agency's role in the development of the above project should include the following as they relate to your area of expertise or jurisdiction by law:

FHWA LETTER TO FEDERAL COOPERATING AND PARTICIPATING AGENCIES

Figure 25-2.B
(1 of 2)

- provide meaningful and early input on defining the purpose and need, determining the range of alternatives to be carried forward, and the methodologies and level of detail required in the alternatives analysis; and
- participate in coordination meetings and joint field reviews, as appropriate.

To consider your agency as a cooperating agency, FHWA and IDOT must receive a written response from your agency within the stated deadline agreeing to engage in the project in this role. If your agency declines to be a cooperating agency, please indicate the reason for declining this request and provide a copy to CEQ pursuant to 40 CFR 1501.6(c).

PARTICIPATING AGENCY

Pursuant to 23 U.S.C. Section 139, participating agencies are responsible for identifying as early as possible any issues of concern regarding the project's potential environmental or socioeconomic impacts that could substantially delay or that could prevent an agency from granting a permit or other approval that is needed for the project.

A Federal agency invited to participate will be designated a participating agency unless it declines. If you choose to decline, your written response must state that your agency:

- has no jurisdiction or authority with respect to the project;
- has no expertise or information relevant to the project; and
- does not intend to submit comments on the project.

If we do not receive a response within the stated deadline FHWA and IDOT will consider your agency a participating agency.

If you have any questions or would like to discuss in more detail the study or our agencies' respective roles and responsibilities during the preparation of this EIS, please contact *[FHWA and BDE/BLRS contact names, emails and phone numbers]*.

Thank you for your cooperation and interest in this project.

Sincerely,

[FHWA signature]

cc: IDOT Bureau Chief of Design and Environment
Regional Engineer

idl: Field Engineering Supervisor, PPD Manager, Engineering Team Leader, Transportation Engineer, PER Team Leader, Environmental Programs Engineer, Environmental Engineer.

FHWA LETTER TO FEDERAL COOPERATING AND PARTICIPATING AGENCIES

Figure 25-2.B
(2 of 2)

[Date]

[Address Title] [First Name] [Initial] [Last Name]

[Agency]

[Address]

[City], [State] [Zip Code]

Subject: [name of study] invitation for cooperating and participating agency status

Dear [Address Title] [Last Name]:

The Federal Highway Administration (FHWA) is requesting your agency to become a cooperating and participating agency for the [name of EIS]. Please respond to our office at the above listed address in writing, with an acceptance or denial of this invitation to be both a cooperating and participating agency prior to [30-day Response Deadline Date].

THE PROJECT

The FHWA, in cooperation with the Illinois Department of Transportation (IDOT), is initiating an Environmental Impact Statement (EIS) for the [name of study]. The study area is located in [project location including local agencies and counties]. See enclosed map.

The study area covers approximately [area in square miles] and is located [description of study area]. It contains environmentally sensitive resources, including [list primary resources/locations potentially affected].

The EIS will include an evaluation of transportation system needs across the entire study area. [list primary technical tools used to identify transportation system needs and potential environmental impacts during the EIS, e.g. GIS, transportation demand models, field studies.]

FHWA intends to issue the Final EIS concurrently with the Record of Decision (ROD) pursuant to Pub. L. 112-141, 126 Stat. 405, Section 1319(b), which will conclude the National Environmental Policy Act (NEPA) process. The combined Final EIS/ROD will identify the selected alternative.

COOPERATING AGENCY

In accordance with 40 CFR 1501.6 of the Council on Environmental Quality's (CEQ) Regulations for implementing the procedural provisions of NEPA, FHWA is required to invite agencies with jurisdiction by law or with special expertise with respect to environmental issues to be cooperating agencies.

FHWA LETTER TO STATE COOPERATING/PARTICIPATING AGENCIES

Figure 25-2.C

(1 of 2)

We propose that your agency's role in the development of the above project should include the following as they relate to your area of expertise or jurisdiction by law:

- provide meaningful and early input on defining the purpose and need, determining the range of alternatives to be carried forward, and the methodologies and level of detail required in the alternatives analysis; and
- participate in coordination meetings and joint field reviews, as appropriate.

To consider your agency as a cooperating agency, FHWA and IDOT must receive a response from your agency within the stated deadline agreeing to engage in the project in this role. If your agency declines to be a cooperating agency, please indicate the reason for declining this request and provide a copy to CEQ pursuant to 40 CFR 1501.6(c).

PARTICIPATING AGENCY

Pursuant to 23 U.S.C. 139, participating agencies are responsible for identifying as early as possible any issues of concern regarding the project's potential environmental or socioeconomic impacts that could substantially delay or that could prevent an agency from granting a permit or other approval that is needed for the project.

A state, tribal or local agency must respond affirmatively to the designation to be a participating agency. If a state, tribe or local agency fails to respond within the stated deadline or declines an invitation, the agency shall not be considered a participating agency.

If you would like to be a participating agency, please send FHWA and IDOT a response within the stated deadline to engage in the project in this role.

If you have any questions or would like to discuss in more detail the study or our agencies' respective roles and responsibilities during the preparation of this EIS, please contact *[FHWA and BDE/BLRS contact names, emails, and phone numbers]*.

Thank you for your cooperation and interest in this project.

Sincerely,

[FHWA signature]

cc: IDOT Bureau Chief of Design and Environment
Regional Engineer

idl: Field Engineering Supervisor, PPD Manager, Engineering Team Leader, Transportation Engineer, PER Team Leader, Environmental Programs Engineer, Environmental Engineer.

FHWA LETTER TO STATE COOPERATING/PARTICIPATING AGENCIES

Figure 25-2.C
(2 of 2)

[Date]
[Address Title] [First Name] [Initial] [Last Name]
[Agency]
[Address]
[City], [State] [Zip Code]

Subject: [name of study] invitation for participating agency status

Dear [Address Title] [Last Name]:

The Federal Highway Administration (FHWA) is requesting your agency to become a participating agency for the [name of EIS]. Please respond to our office at the above listed address in writing, with an acceptance or denial of this invitation to be a participating agency prior to [30-day Response Deadline Date].

THE PROJECT

The FHWA, in cooperation with the Illinois Department of Transportation (IDOT), is initiating an Environmental Impact Statement (EIS) for the [name of study]. The study area is located in [project location including local agencies and counties]. See enclosed map.

The study area covers approximately [area in square miles] and is located [description of study area]. It contains environmentally sensitive resources, including [list primary resources/locations potentially affected].

The EIS will include an evaluation of transportation system needs across the entire study area. [list primary technical tools used to identify transportation system needs and potential environmental impacts during the EIS, e.g. GIS, transportation demand models, field studies.]

The FHWA intends to issue the Final EIS concurrently with the Record of Decision (ROD) pursuant to Pub. L. 112-141, 126 Stat. 405, Section 1319(b), which will conclude the National Environmental Policy Act (NEPA) process. The combined Final EIS/ROD will identify the selected alternative.

PARTICIPATING AGENCY

Pursuant to 23 U.S.C. 139, participating agencies are responsible for identifying as early as possible any issues of concern regarding the project's potential environmental or socioeconomic impacts that could substantially delay or that could prevent an agency from granting a permit or other approval that is needed for the project.

A Federal agency invited to participate will be designated a participating agency unless it declines. If you choose to decline, your written response must state that your agency:

FHWA LETTER TO FEDERAL PARTICIPATING AGENCIES

Figure 25-2.D
(1 of 2)

- has no jurisdiction or authority with respect to the project;
- has no expertise or information relevant to the project; and
- does not intend to submit comments on the project.

If we do not receive a response within the stated deadline FHWA and IDOT will consider your agency a participating agency.

If you have any questions or would like to discuss in more detail the study or our agencies' respective roles and responsibilities during the preparation of this EIS, please contact *[FHWA and BDE/BLRS contact names, emails and phone numbers]*.

Thank you for your cooperation and interest in this project.

Sincerely,

[FHWA signature]

cc: IDOT Bureau Chief of Design and Environment
Regional Engineer

id: Field Engineering Supervisor, PPD Manager, Engineering Team Leader, Transportation Engineer, PER Team Leader, Environmental Programs Engineer, Environmental Engineer.

FHWA LETTER TO PARTICIPATING AGENCIES

Figure 25-2.D
(2 of 2)

[Date]
[Address Title] [First Name] [Initial] [Last Name]
[Agency]
[Address]
[City], [State] [Zip Code]

Subject: [name of study] invitation for participating agency and Section 106 consulting party status

Dear [Address Title] [Last Name]:

The Federal Highway Administration (FHWA) is inviting your Tribe to become a Section 106 consulting party and a participating agency for the [name of EIS]. If you would like to engage in these roles, please send FHWA a response prior to [30-day Response Deadline Date].

THE PROJECT

The FHWA, in cooperation with IDOT, is initiating an Environmental Impact Statement (EIS) for the [name of study]. The study area is located in [project location including local agencies and counties]. See enclosed map.

The study area covers approximately [area in square miles] and is located [description of study area]. It contains environmentally sensitive resources, including [list primary resources/locations potentially affected].

The EIS will include an evaluation of transportation system needs across the entire study area. [list primary technical tools used to identify transportation system needs and potential environmental impacts during the EIS, e.g. GIS, transportation demand models, field studies.]

The FHWA intends to issue the Final EIS concurrently with the Record of Decision (ROD) pursuant to Pub. L. 112-141, 126 Stat. 405, Section 1319(b), which will conclude the National Environmental Policy Act (NEPA) process. The combined Final EIS/ROD will identify the selected alternative.

SECTION 106 CONSULTING PARTY

Section 106 of the National Historic Preservation Act requires Federal agencies to (1) take into account the effect of their undertakings on historic properties and (2) afford the Advisory Council on Historic Preservation (ACHP) a reasonable opportunity to comment. The Section 106 process is outlined in 36 CFR Part 800.

FHWA LETTER TO TRIBES - SECTION 106 CONSULTING PARTY AND PARTICIPATING AGENCY

Figure 25-2.E
(1 of 2)

These regulations require Federal agencies to identify parties entitled to be consulting parties and invite them to participate as such in the Section 106 process. Since your Tribe has expressed an interest in the county(ies) that the project is located in, we are inviting you to be a consulting party. Consulting parties may be asked to provide information on historic properties in the project area, identify issues relating to the project's potential effects on historic properties, and if applicable, consult to resolve adverse effects to historic properties.

If you would like to be a Section 106 consulting party, please send FHWA a response within the stated deadline to engage in the project in this role.

PARTICIPATING AGENCY

Pursuant to 23 U.S.C. 139, participating agencies are responsible for identifying as early as possible any issues of concern regarding the project's potential environmental or socioeconomic impacts that could substantially delay or that could prevent an agency from granting a permit or other approval that is needed for the project.

A state, tribal or local agency must respond affirmatively to the designation to be a participating agency. If a state, tribe or local agency fails to respond within the stated timeframe or declines an invitation, the agency shall not be considered a participating agency. Since your Tribe has expressed an interest in the county(ies) that the project is located in, we are inviting you to be a participating agency.

If you would like to be a participating agency, please send FHWA a response within the stated timeframe to engage in the project in this role.

If you have any questions or would like to discuss in more detail the study or our agencies' respective roles and responsibilities during the preparation of this EIS, please contact *[FHWA Environmental Engineer name, email, and phone number]*.

Thank you for your cooperation and interest in this project.

Sincerely,

[FHWA DA signature]

cc: IDOT Bureau Chief of Design and Environment
Regional Engineer

id: Field Engineering Supervisor, PPD Manager, Engineering Team Leader, Transportation Engineer, PER Team Leader, Environmental Programs Engineer, Environmental Engineer.

FHWA LETTER TO TRIBES - SECTION 106 CONSULTING PARTY AND PARTICIPATING AGENCY

Figure 25-2.E
(2 of 2)

[Date]

[Address Title] [First Name] [Initial] [Last Name]

[Agency]

[Address]

[City], [State] [Zip Code]

Subject: [name of study] initiation of Section 106 process and invitation for cooperating and participating agency status

Dear [Address Title] [Last Name]:

The Federal Highway Administration (FHWA) is initiating the Section 106 process and inviting your agency to become a cooperating and participating agency for the [name of EIS]. If you would like to engage as a cooperating and participating agency, please send FHWA a response prior to [30-day Response Deadline Date].

THE PROJECT

The FHWA, in cooperation with the Illinois Department of Transportation (IDOT), is initiating an Environmental Impact Statement (EIS) for the [name of study]. The study area is located in [project location including local agencies and counties]. See enclosed map.

The study area covers approximately [area in square miles] and is located [description of study area]. It contains environmentally sensitive resources, including [list primary resources/locations potentially affected].

The EIS will include an evaluation of transportation system needs across the entire study area. [list primary technical tools used to identify transportation system needs and potential environmental impacts during the EIS, e.g. GIS, transportation demand models, field studies.]

FHWA intends to issue the Final EIS concurrently with the Record of Decision (ROD) pursuant to Pub. L. 112-141, 126 Stat. 405, Section 1319(b), which will conclude the National Environmental Policy Act (NEPA) process. The combined Final EIS/ROD will identify the selected alternative.

INITIATION OF SECTION 106 PROCESS

Because this project is considered an undertaking and has the potential to affect historic properties, we are initiating the Section 106 process in accordance with 36 CFR 800.3(c). Attached is a list of potential consulting parties identified by IDOT and FHWA to whom we have sent invitations to become consulting parties for this project. Please review the list and notify FHWA or IDOT if you are aware of other potential consulting parties.

FHWA LETTER TO STATE HISTORIC PRESERVATION OFFICER

Figure 25-2.F

(1 of 3)

COOPERATING AGENCY

In accordance with 40 CFR 1501.6 of the Council on Environmental Quality's (CEQ) Regulations for implementing the procedural provisions of NEPA, FHWA is required to invite agencies with jurisdiction by law or with special expertise with respect to environmental issues to be cooperating agencies.

We propose that your agency's role in the development of the above project should include the following as they relate to your area of expertise or jurisdiction by law:

- provide meaningful and early input on defining the purpose and need, determining the range of alternatives to be carried forward, and the methodologies and level of detail required in the alternatives analysis; and
- participate in coordination meetings and joint field reviews, as appropriate.

To consider your agency as a cooperating agency, FHWA and IDOT must receive a response from your agency within the stated deadline agreeing to engage in the project in this role. If your agency declines to be a cooperating agency, please indicate the reason for declining this request and provide a copy to CEQ pursuant to 40 CFR 1501.6(c).

PARTICIPATING AGENCY

Pursuant to 23 U.S.C. 139, participating agencies are responsible for identifying as early as possible any issues of concern regarding the project's potential environmental or socioeconomic impacts that could substantially delay or that could prevent an agency from granting a permit or other approval that is needed for the project.

A state, tribal or local agency must respond affirmatively to the designation to be a participating agency. If a state, tribe or local agency fails to respond within the stated deadline or declines an invitation, the agency shall not be considered a participating agency.

If you would like to be a participating agency, please send FHWA and IDOT a response within the stated deadline to engage in the project in this role.

If you have any questions or would like to discuss in more detail the study or our agencies' respective roles and responsibilities during the preparation of this EIS, please contact *[FHWA and BDE/BLRS contact names, emails, and phone numbers]*.

Thank you for your cooperation and interest in this project.

Sincerely,

[FHWA signature]

FHWA LETTER TO STATE HISTORIC PRESERVATION OFFICER

Figure 25-2.F
(2 of 3)

cc: IDOT Bureau Chief of Design and Environment
Regional Engineer

id: Field Engineering Supervisor, PPD Manager, Engineering Team Leader, Transportation Engineer, PER Team Leader, Environmental Programs Engineer, Environmental Engineer.

FHWA LETTER TO STATE HISTORIC PRESERVATION OFFICER

Figure 25-2.F
(3 of 3)

Date]

[Address Title] [First Name] [Initial] [Last Name]

[Agency]

[Address]

[City], [State] [Zip Code]

Subject: [name of study] invitation for participating agency status

Dear *[Address Title] [Last Name]:*

The Illinois Department of Transportation (IDOT) is requesting your agency to become a participating agency for the *[name of EIS]*. If you would like to engage in this role, please send IDOT a response prior to *[30-day Response Deadline Date]*.

THE PROJECT

The Federal Highway Administration (FHWA), in cooperation with the IDOT, is initiating an Environmental Impact Statement (EIS) for the *[name of study]*. The study area is located in *[project location including local agencies and counties]*. See enclosed map.

The study area covers approximately *[area in square miles]* and is located *[description of study area]*. It contains environmentally sensitive resources, including *[list primary resources/locations potentially affected]*.

The EIS will include an evaluation of transportation system needs across the entire study area. *[list primary technical tools used to identify transportation system needs and potential environmental impacts during the EIS, e.g. GIS, transportation demand models, field studies.]*

The FHWA intends to issue the Final EIS concurrently with the Record of Decision (ROD) pursuant to Pub. L. 112-141, 126 Stat. 405, Section 1319(b), which will conclude the National Environmental Policy Act (NEPA) process. The combined Final EIS/ROD will identify the selected alternative.

PARTICIPATING AGENCY

Pursuant to 23 U.S.C. 139, participating agencies are responsible for identifying as early as possible any issues of concern regarding the project's potential environmental or socioeconomic impacts that could substantially delay or that could prevent an agency from granting a permit or other approval that is needed for the project.

A state, tribal or local agency must respond affirmatively to the designation to be a participating agency. If a state, tribe or local agency fails to respond within the stated deadline or declines an invitation, the agency shall not be considered a participating agency.

DISTRICT LETTER TO STATE PARTICIPATING AGENCIES

Figure 25-2.G
(1 of 2)

If you would like to be a participating agency, please send IDOT a response within the stated deadline to engage in the project in this role.

If you have any questions or would like to discuss in more detail the study or our agencies' respective roles and responsibilities during the preparation of this EIS, please contact *[BDE/BLRS contact names, emails and phone numbers]*.

Thank you for your cooperation and interest in this project.

Sincerely,

[IDOT signature]

cc:

DISTRICT LETTER TO STATE PARTICIPATING AGENCIES

Figure 25-2.G
(2 of 2)

[Date]
[Address Title] [First Name] [Initial] [Last Name]
[Agency]
[Address]
[City], [State] [Zip Code]

Subject: [name of study] invitation for participating agency and Section 106 consulting party status

Dear [Address Title] [Last Name]:

The Illinois Department of Transportation (IDOT) is requesting your agency to become a participating agency and Section 106 consulting party for the [name of EIS]. If you would like to engage in these roles, please send IDOT a response prior to [30-day Response Deadline Date].

THE PROJECT

The Federal Highway Administration (FHWA), in cooperation with IDOT, is initiating an Environmental Impact Statement (EIS) for the [name of study]. The study area is located in [project location including local agencies and counties]. See enclosed map.

The study area covers approximately [area in square miles] and is located [description of study area]. It contains environmentally sensitive resources, including [list primary resources/locations potentially affected].

The EIS will include an evaluation of transportation system needs across the entire study area. [list primary technical tools used to identify transportation system needs and potential environmental impacts during the EIS, e.g. GIS, transportation demand models, field studies.]

The FHWA intends to issue the Final EIS concurrently with the Record of Decision (ROD) pursuant to Pub. L. 112-141, 126 Stat. 405, Section 1319(b), which will conclude the National Environmental Policy Act (NEPA) process. The combined Final EIS/ROD will identify the selected alternative.

PARTICIPATING AGENCY

Pursuant to 23 U.S.C. 139, participating agencies are responsible for identifying as early as possible any issues of concern regarding the project's potential environmental or socioeconomic impacts that could substantially delay or that could prevent an agency from granting a permit or other approval that is needed for the project.

DISTRICT LETTER TO PARTICIPATING AGENCY AND SECTION 106 CONSULTING PARTY

Figure 25-2.H
(1 of 2)

A state, tribal or local agency must respond affirmatively to the designation to be a participating agency. If a state, tribe or local agency fails to respond within the stated deadline or declines an invitation, the agency shall not be considered a participating agency.

If you would like to be a participating agency, please send IDOT a response within the stated deadline to engage in the project in this role.

SECTION 106 CONSULTING PARTY

Section 106 of the National Historic Preservation Act requires Federal agencies to (1) take into account the effect of their undertakings on historic properties and (2) afford the Advisory Council on Historic Preservation (ACHP) a reasonable opportunity to comment. The Section 106 process is outlined in 36 CFR 800.

These regulations require Federal agencies to identify parties entitled to be consulting parties and invite them to participate as such in the Section 106 process. As a local government in the project area, you are entitled to be a consulting party. Consulting parties may be asked to provide information on historic properties in the project area, identify issues relating to the project's potential effects on historic properties, and if applicable, consult to resolve adverse effects to historic properties.

If you would like to be a consulting party, please send IDOT a response within the stated deadline to engage in the project in this role.

If you have any questions or would like to discuss in more detail the study or our agencies' respective roles and responsibilities during the preparation of this EIS, please contact *[BDE/BLRS contact names, emails and phone numbers]*.

Thank you for your cooperation and interest in this project.

Sincerely,

[IDOT signature]

cc:

**DISTRICT LETTER TO PARTICIPATING AGENCY AND
SECTION 106 CONSULTING PARTY**

Figure 25-2.H
(2 of 2)

[Address Title] [First Name] [Initial] [Last Name]
[Agency]
[Address]
[City], [State] [Zip Code]

Subject: [name of study] invitation for consulting party status

Dear *[Address Title] [Last Name]*:

The Illinois Department of Transportation (IDOT) is requesting you to become a Section 106 consulting party for the *[name of EIS]*. If you would like to engage in this role, please send IDOT a response prior to *[30-day Response Deadline Date]*.

THE PROJECT

The Federal Highway Administration (FHWA), in cooperation with IDOT, is initiating an Environmental Impact Statement (EIS) for the *[name of study]*. The study area is located in *[project location including local agencies and counties]*. See enclosed map.

The study area covers approximately *[area in square miles]* and is located *[description of study area]*. It contains environmentally sensitive resources, including *[list primary resources/locations potentially affected]*.

The EIS will include an evaluation of transportation system needs across the entire study area. *[list primary technical tools used to identify transportation system needs and potential environmental impacts during the EIS, e.g. GIS, transportation demand models, field studies.]*

The FHWA intends to issue the Final EIS concurrently with the Record of Decision (ROD) pursuant to Pub. L. 112-141, 126 Stat. 405, Section 1319(b), which will conclude the National Environmental Policy Act (NEPA) process. The combined Final EIS/ROD will identify the selected alternative.

SECTION 106 CONSULTING PARTY

Section 106 of the National Historic Preservation Act requires Federal agencies to (1) take into account the effect of their undertakings on historic properties and (2) afford the Advisory Council on Historic Preservation (ACHP) a reasonable opportunity to comment. The Section 106 process is outlined in 36 CFR 800.

DISTRICT LETTER TO NON-GOVERNMENTAL SECTION 106 PARTY

Figure 25-2.1
(1 of 2)

Federal agencies may invite individuals or organizations to become a Section 106 consulting party, if they have a demonstrated interest in the project or if they have concerns with the project's effects on historic properties. Consulting parties may be asked to provide information on historic properties in the project area, identify issues relating to the project's potential effects on historic properties, and if applicable, consult to resolve adverse effects to historic properties. IDOT and FHWA have identified you as a potential interested party and are therefore inviting you to be a Section 106 consulting party.

If you would like to be a consulting party, please send IDOT a response within the stated deadline to engage in the project in this role.

If you have any questions or would like to discuss in more detail the study or our agencies' respective roles and responsibilities during the preparation of this EIS, please contact *[BDE/BLRS contact names, emails and phone numbers]*.

Thank you for your cooperation and interest in this project.

Sincerely,

[IDOT signature]

cc:

DISTRICT LETTER TO NON-GOVERNMENTAL SECTION 106 PARTY

Figure 25-2.1
(2 of 2)

FHWA sends					IDOT Sends												
CA&PA-Federal Agencies	CA&PA-State Agencies	PA-Federal Agencies	106-Tribes	106/PA-SHPO	PA-State Agencies	PA-Local Agencies (also 106 consulting parties)	106 consulting parties	First Name	Last Name	Affiliation	Address	City	State	Zip	Phone	Email	Notes
								* Combine all contacts for each letter type. For example group all CA&PA Federal agencies together before listing CA&PA state agencies.									

COORDINATION ACTIVITY SPREADSHEET

Figure 25-2.J

25-2.03 Perform Environmental Survey (Records Phase)

In response to the district's submittal of an Environmental Survey Request (See Section 27-1), BDE performs a record survey to access published information and determine the need for further investigation of the following:

- wetlands;
- archaeological resources, historic standing structures and bridges;
- Federal/State threatened or endangered species or their designated critical habitat;
- Illinois Natural Areas Inventory Sites; and
- special waste sites.

BDE provides this information to the district as it becomes available to assist in the progression of activities in the EIS process. If determined necessary, BDE initiates field surveys to further identify and evaluate critical environmental resources that might affect decisions at this point.

Concurrent with the survey work by BDE, the district conducts activities (e.g., researching environmental databases, contacting environmental resource agencies) to support the objective of inventorying the project's affected environment for resources and issues of concern. Examples of resources/issues of concern, in addition to those being addressed by BDE, include:

- Section 4(f) and/or Section 6(f) properties,
- Wild and Scenic Rivers,
- noise analysis,
- project specific air quality analyses,
- social/economic characteristics,
- visual quality,
- floodplains,
- water quality of surface waters,
- prime farmland,
- upland plant communities,
- groundwater recharge areas,
- wellhead protection areas, and
- wildlife resources (biodiversity, riparian habitat, etc.).

References:

Purpose, 40 CFR 1500.1(b)

25-2.04 Conduct Scoping Process/Initiate NEPA/404 Process

Scoping is an early, open and on-going process for determining the scope of issues to be addressed in the EIS and for identifying potential significant issues related to the proposed action. Scoping is intended to focus the study effort on issues that are truly significant and avoid the collection of needless detailed information on insignificant issues.

For an EIS, a scoping process is required. The scoping process is used to help establish the purpose and need, the range of alternatives and impacts, the methodologies for analyzing alternatives, and the substantial issues to be addressed in EIS.

An initial scoping meeting will be held, and additional meetings may be necessary. The format of the meeting(s) will be determined in consultation with FHWA and BDE. Formats may include on-

site field visits, NEPA/404 Merger meetings, phone and web conferences, district coordination meetings, etc. At a minimum, the following items should be discussed at the initial scoping meeting:

- project map of the proposed study area/area of potential effect (Section 106),
- transportation problems in the study area,
- overview of environmental resources,
- roles and responsibilities of meeting participants, and
- tentative project schedule and next steps.

The district reviews the results of the scoping process with BDE and FHWA to confirm the scope of issues to be addressed and the substantial issues involved with the project. It is critical that the district document the results of the scoping process (e.g., in a summary of comments and responses, meeting minutes, memorandum to the file) to provide a written record of all comments, issues, concerns, etc., provided by those agencies involved in the process. At a minimum, the documentation should include the following:

- who participated in the scoping process (both names and agencies),
- what information was provided (from whom and to whom), and
- what decisions were made on the scope of issues to be addressed and any substantial issues identified.

References:

Scoping, 40 CFR 1501.7

Draft Environmental Impact Statements, 23 CFR 771.123(b)

FHWA Technical Advisory T6640.8A-Background Section

Concurrent NEPA/404 Processes, Section 22-4

Coordination, Section 22-5

Collaboration in NEPA—A Handbook for NEPA Practitioners, Council on Environmental Quality, October 2007

AASHTO Practitioner's Handbook 05—Utilizing Community Advisory Committees for NEPA Studies, December 2006

25-2.05 Determine Analysis Methodologies and Level of Detail

The district, FHWA, and BDE collaborate with participating agencies in determining the appropriate methodologies to be used and the level of detail required in the environmental analysis of project alternatives. Consensus is not required, but the views of the participating agencies must be considered before making decisions on particular methodologies.

As the environmental review process progresses, the district, FHWA, and BDE coordinate information regarding the analysis methodologies and level of detail with the participating agencies on an ongoing basis and may agree to revisit previous decisions on those aspects if new information warrants.

References:

Efficient Environmental Reviews for Project Decision-making, 23 U.S.C. 139
FHWA *SAFETEA-LU Environmental Review Process Final Guidance*, Question 38 “Alternatives Analysis”
AASHTO Practitioner’s Handbook 09–Using the SAFETEA-LU Environmental Review Process (23 U.S.C. 139), January 2008

25-2.06 Finalize Stakeholder Involvement Plan

The project study group (PSG) coordinates with FHWA and BDE to finalize the Stakeholder Involvement Plan (SIP), incorporating changes as needed to respond to input from participating agencies, cooperating agencies and the public. The final SIP should be posted on the project website and may need to be updated as the project progresses.

References:

Efficient Environmental Reviews for Project Decision-making, 23 U.S.C. 139
FHWA *SAFETEA-LU Environmental Review Process Final Guidance*, Questions 47–57 “Coordination and Schedule”
Collaboration in NEPA–A Handbook for NEPA Practitioners, Council on Environmental Quality, October 2007
AASHTO Practitioner’s Handbook 05–Utilizing Community Advisory Committees for NEPA Studies, December 2006

25-2.07 Conduct Context Audit

For EIS projects using the principles of CSS, the CSS project study group initiates contacts with stakeholders to conduct a context audit. The purpose of the context audit is to help identify various characteristics that define the context for the project. The CSS project study group applies the context audit procedures described in Section 19-5.01(b).

References:

AASHTO Practitioner’s Handbook 05–Utilizing Community Advisory Committees for NEPA Studies, December 2006

25-2.08 Develop Problem Statement

For projects using the principles of CSS, after the context audit is completed, the CSS project study group meets with stakeholders to develop a clear statement of the transportation problem(s) the project will address. The CSS project study group seeks stakeholder input on current transportation problems in the area and how the proposed project might help alleviate them.

The CSS project study group translates the stakeholder input into a clear statement of the transportation problems that should be, and can be, solved by the project. Once a clear problem

statement is completed, it must be accepted by consensus of the stakeholders; see Section 19-5.01(b).

IDOT and FHWA will consider the accepted problem statement and technical analyses in developing the project purpose and need. The problem statement is stakeholder driven and is not the same as and should not be included in the Purpose and Need statement.

References:

AASHTO Practitioner's Handbook 05—Utilizing Community Advisory Committees for NEPA Studies, December 2006

AASHTO Practitioner's Handbook 07—Defining the Purpose and Need and Determining the Range of Alternatives for Transportation Projects, August 2007

25-2.09 Conduct Purpose and Need Coordination

The district will:

- consider the accepted problem statement and technical analyses to develop a draft purpose and need.
- submit the draft purpose and need to BDE for coordination with FHWA.

After BDE and FHWA agree the draft purpose and need is sufficient for public distribution, the district will coordinate with the Community Advisory Group for their input.

Next, the district will coordinate with the public and participating agencies for their input. The opportunity for involvement may occur in the form of public workshops or meetings, solicitations of verbal or written input, conference calls, postings on websites, distribution of printed materials, or other involvement techniques or media.

The district, in cooperation with FHWA and BDE, contacts participating agencies and provides notice to the public/stakeholders to afford the opportunity to comment on the draft purpose and need statement for the project. The district, FHWA, and BDE determine the level of involvement case-by-case, taking into account the overall size and complexity of the project. For projects using the principles of CSS, the objective for the CSS project study group is to achieve consensus acceptance of the draft purpose and need statement by the stakeholders. If the purpose and need changes after input by the stakeholders is considered, the district will coordinate the revised purpose and need statement with FHWA and BDE.

A Statewide Implementation Agreement for Concurrent NEPA/404 Processes (NEPA/404 Merger Process) ensures the district, FHWA and BDE coordinate with appropriate resource agencies to obtain concurrence for purpose and need in accordance with the terms of the agreement. For projects subject to the NEPA/404 Merger Process, the decision will be documented through the meeting minutes, which will be provided by the district and distributed by FHWA to the Merger Agreement signatory agencies.

In accordance with SAFETEA-LU Section 6002, the purpose and need for projects not subject to the NEPA/404 Merger Process shall be coordinated with Cooperating Agencies.

After the purpose and need has been appropriately coordinated, an updated timeframes agreement shall be sent to BDE and FHWA. If the purpose and need changes after consensus acceptance by the stakeholders, or concurrence by Merger Agreement signatory agencies is achieved, the district will coordinate the revised range of alternatives with the stakeholders to ensure that they have consensus acceptance.

25-2.10 Conduct Coordination of Alternatives to Be Carried Forward

When work on the Purpose and Need statement is complete, the district, in cooperation with FHWA and BDE, contacts participating agencies and provides notice to the public/stakeholders to afford the opportunity for involvement in development of the Alternatives to be Carried Forward for further study for the project. The district, FHWA, and BDE determine the level of involvement case-by-case, taking into account the overall size and complexity of the project. The opportunity for involvement may occur in the form of public workshops or meetings, solicitations of verbal or written input, conference calls, postings on websites, distribution of printed materials, or other involvement techniques or media. The district, FHWA, and BDE ensure that the activities for development of the range of alternatives include appropriate consideration of resources/issues of concern identified in the project's affected environment.

For projects using the principles of CSS, the objective for the CSS project study group is to achieve consensus acceptance of the range of alternatives by the stakeholders.

For projects subject to the NEPA/404 Merger Process, the district, FHWA, and BDE accomplish coordination and meetings necessary to obtain concurrence from the appropriate signatory agencies on the Alternatives to be Carried Forward, in accordance with the terms of the Agreement. This decision will be documented through the meeting minutes, which will be provided by the district and distributed by FHWA to the Merger Agreement signatory agencies.

In accordance with SAFETEA-LU Section 6002, the Alternatives to be Carried Forward for projects not subject to the NEPA/404 Merger Process shall be coordinated with Cooperating Agencies.

After the range of alternatives has been appropriately coordinated, an updated timeframes agreement shall be sent to BDE and FHWA. If the range of alternatives changes after consensus acceptance by the stakeholders, or concurrence by Merger Agreement signatory agencies is achieved, the district will coordinate the revised range of alternatives with the stakeholders to ensure that they have consensus acceptance.

References:

Efficient Environmental Reviews for Project Decision-making, 23 U.S.C. 139
FHWA *SAFETEA-LU Environmental Review Process Final Guidance*, Questions 36–38
“Alternatives Analysis”
Concurrent NEPA/404 Processes, Section 22-4

AASHTO Practitioner's Handbook 05—Utilizing Community Advisory Committees for NEPA Studies, December 2006

AASHTO Practitioner's Handbook 07—Defining the Purpose and Need and Determining the Range of Alternatives for Transportation Projects, August 2007

AASHTO Practitioner's Handbook 09—Using the SAFETEA-LU Environmental Review Process (23 USC 139), January 2008

25-2.11 Perform Environmental Survey (Field Phase)

In Section 25-2.03, BDE performed the Records Phase of the environmental survey (See Chapter 27). In this step, the district will inform BDE of the Alternatives to be Carried Forward to consider what, if any, field surveys are required. During the field phase, BDE determines if further field work is necessary to verify or further evaluate the location, nature, and extent of potential resource involvement. If determined necessary, BDE coordinates with the responsible agencies and the district for the field survey(s). BDE provides the district documentation of the survey results and recommendations on resources identified.

The Field Survey phase is performed in coordination with other Activities.

25-2.12 Evaluate Alternatives In Depth

For each alternative carried forward for further study, the district must identify and evaluate in detail those environmental impacts that will likely be caused by the construction and operation of the proposed action.

The district, in cooperation with BDE, initiates those studies necessary to determine the environmental impacts (direct, and indirect and cumulative, as applicable) of the proposed project alternatives. The studies include:

- coordination with affected local, State, and Federal agencies and the public; and
- an evaluation of the potential environmental impacts that may include:
 - + social/economic (incl. environmental justice);
 - + floodplains and hydrologic assessment;
 - + agricultural;
 - + wetlands;
 - + historic/archaeological;
 - + endangered and threatened species;
 - + project specific air quality analyses;
 - + climate change
 - + wildlife resources;
 - + aesthetics;
 - + upland plant communities;
 - + noise analysis;
 - + special waste sites;

- + energy;
- + Section 4(f)/6(f);
- + surface water resources;
- + aquatic resources; and
- + groundwater resources;
- + water quality; and
- + other issues as applicable (e.g., Wild and Scenic Rivers, Wellhead Protection Zones, regulated ground-water recharge areas)

References:

Alternatives Including the Proposed Action, 40 CFR 1502.14

Environmental Consequences, 40 CFR 1502.16

Early Coordination, Public Involvement, and Project Development, 23 CFR 771.111(e),(f) and (g)
Forty Most Common Questions concerning CEQ's NEPA Regulations Memorandum-Questions
1, 2, and 3 "Identification and Evaluation of Alternatives"

Paragraph V.E. of FHWA Technical Advisory T6640.8A - Alternatives

Evaluation of Alternative and Selection of Preferred Alternative, Section 22-3.09

Logical Termini, Section 22-6.03

25-2.13 Prepare Core Elements of the Draft Environmental Impact Statement (DEIS)

In order to accurately and sufficiently ensure that the district, BDE, and FHWA agree with the analysis of impacts for the alternatives to be carried forward and that all appropriate information is available to make a Preferred Alternative choice, the district shall submit core elements of the DEIS to BDE and FHWA. The core elements of the DEIS are considered:

- Purpose and need;
- Alternatives analysis; and
- Affected environment and environmental consequences evaluation

At this stage of project development, the district will have received input from the appropriate agencies and the public on the alternatives to be carried forward, will have evaluated in depth those alternatives, and will have received input on any special technical reports.

The first review of the DEIS will be completed by BDE within 60 calendar days. All subsequent drafts will be concurrently reviewed by FHWA and BDE and completed within 30 calendar days. The district will address all comments and prepare a disposition of comments. The review and comment cycle for this step will be repeated until agreement is reached on the content of these core elements of the DEIS.

25-2.14 Conduct Preferred Alternative Coordination

Section 1319(b), MAP-21, directs FHWA, to the maximum extent practicable, to develop a single document that combines the FEIS and ROD, unless certain conditions exist; see Section 25-2.22.

When the FEIS and ROD are combined, the Preferred Alternative should be identified in the DEIS to ensure the public and resource and regulatory agencies have adequate opportunity to comment on the Preferred Alternative before it becomes final.

The district, in cooperation with FHWA and BDE, provides notice to stakeholders to afford the opportunity for involvement in selection of the Preferred Alternative for the project. The district, FHWA, and BDE determine the level of involvement case-by-case, taking into account the overall size and complexity of the project. The opportunity for involvement may occur in the form of public workshops or meetings, solicitations of verbal or written input, conference calls, postings on websites, distribution of printed materials or other involvement techniques or media. The objective for the CSS project study group is to achieve consensus acceptance of the Preferred Alternative by the stakeholders.

For projects subject to the NEPA/404 Merger Process, the district, FHWA, and BDE accomplish coordination and meetings necessary to obtain concurrence from the signatory agencies on the Preferred Alternative, in accordance with the terms of the Agreement.

The district, in cooperation with FHWA and BDE, documents the decision on the Preferred Alternative and the considerations involved in the decision. After the Preferred Alternative has been decided upon an updated timeframes agreement shall be sent to BDE and FHWA.

References:

Concurrent NEPA/404 Processes, Section 22-4

Collaboration in NEPA – A Handbook for NEPA Practitioners, Council on Environmental Quality, October 2007

AASHTO Practitioner's Handbook 05–Utilizing Community Advisory Committees for NEPA Studies, December 2006

Moving Ahead for Progress in the 21st Century (MAP-21), Section 1319(b), effective October 1, 2012

25-2.15 Department Review of the Preliminary DEIS

At this stage of project development, the district will have received input from the appropriate agencies and the public, will have evaluated in depth the alternatives carried forward, identified a Preferred Alternative, and will have received input on any special technical reports. An internal review of the preliminary version of the DEIS will be reviewed by the Department prior to submitting to FHWA. The following process applies to the review of the preliminary DEIS:

- The district reviews the preliminary DEIS and ensures its comments are addressed.
- The district submits the preliminary DEIS to BDE in MS Word format.
- BDE has 60 calendar days to review and evaluate the preliminary DEIS and notifies the district of any revisions before proceeding with further reviews.
- The district will address all comments and prepare a disposition of comments.

At this time, FHWA does not receive a copy or review of the preliminary DEIS unless there is a demonstrated need and requested in writing by the Regional Engineer.

References:

Environmental Impact Statement, 40 CFR 1502

Draft environmental impact statements, 23 CFR 771.123(c) and (d)

Section V of FHWA Technical Advisory T6640.8A - Format and Content of EIS

Synthesis of Data Needs for EA and EIS Documentation—A Blueprint for NEPA Document Content, prepared at the request of AASHTO, January 2005

Improving the Quality of Environmental Documents, Joint AASHTO/ACEC Committee in Cooperation with FHWA, May 2006

25-2.16 Preliminary DEIS Review

The district will submit to BDE a revised DEIS with BDE's comments addressed in MS Word format.

- BDE will submit the DEIS to FHWA for review. BDE and FHWA will have 30 days to complete the review.
- Concurrently, BDE submits the preliminary DEIS to the IDOT Office of Chief Counsel for legal sufficiency review. Office of Chief Counsel has 30 days to provide comments to BDE.
- BDE sends its comments and FHWA's comments to the district. BDE may transmit the comments together, depending on when they are available.
- This review process will continue with BDE and FHWA until the DEIS is deemed to be signature ready.
- After all comments are addressed, the district provides the preliminary DEIS to any cooperating agencies that requested a copy during the scoping process.

References:

Environmental Impact Statement, 40 CFR 1502

Draft Environmental Impact Statements, 23 CFR 771.123(c) and (d)

Section V of FHWA Technical Advisory T6640.8A EIS—Format and Content

Synthesis of Data Needs for EA and EIS Documentation—A Blueprint for NEPA Document Content, prepared at the request of AASHTO, January 2005

Improving the Quality of Environmental Documents, Joint AASHTO/ACEC Committee in Cooperation with FHWA, May 2006

25-2.17 Signature Ready DEIS

At this stage, the district will have received input from BDE, the office of Chief Counsel, FHWA, and cooperating agencies, as applicable, on the preliminary DEIS. The following process applies to the preparation and processing of the signature ready DEIS for approval to circulate:

- The district submits to BDE at a minimum 3 hard copies of the signature ready DEIS, which include the cover sheet, which contains the signature block (see Figure 3 of Appendix D), bound in the document. The district also shall submit 1 unbound cover sheet. The calendar date for return of comments shall be shown on the DEIS cover sheet. The minimum 45-day time period of availability for comment is calculated based on the date of publication of the Notice of Availability in the *Federal Register*. The maximum number of days for the comment period is 60 days, unless FHWA and participating agencies agree to a longer period.
- The Engineer of Design and Environment signs the cover sheet for the Department.
- BDE submits all hard copies and the unbound cover sheet for the DEIS to the FHWA Division Office.
- The FHWA Division Office signs bound and unbound cover sheets of the DEIS and will return all, except for one bound DEIS. This signature approves the DEIS for circulation.
- BDE then returns one signed hard copy and one unbound signed cover sheet to the district.
- The district will prepare and submit to FHWA a copy of the approved DEIS in the format that meets USEPA requirements outlined in *e-NEPA: Electronic Submittal of Environmental Impact Statements to EPA*.

References:

Draft Environmental *Impact Statements*, 23 CFR 771.123(e)

Synthesis of Data Needs for EA and EIS Documentation—A Blueprint for NEPA Document Content, prepared at the request of AASHTO, January 2005

Improving the Quality of Environmental Documents, Joint AASHTO/ACEC Committee in Cooperation with FHWA, May 2006

25-2.18 Circulate approved DEIS

The district has the primary responsibility for circulating the approved DEIS to appropriate governmental agencies, public officials, interest groups, and the public. If the project utilizes CSS, these stakeholders will be identified in SIP. The district should mail the DEIS in accordance with Figure 25-2.K and ensure they receive it no later than the date of the Notice of Availability (NOA) in the Federal Register.

The following describes the distribution of the DEIS:

- FHWA will upload the DEIS to USEPA's electronic filing system for publication of the NOA in the Federal Register. FHWA will notify BDE when the DEIS has been successfully uploaded to the USEPA site. The NOA will be published on Friday of the week following that in which USEPA received the electronic submittal of the DEIS from FHWA.

- The district will prepare letters to transmit the DEIS to identified stakeholders. The transmittal letter shall state: (1) the calendar date comments are due, (2) where to send comments, and (3) that the FEIS will be furnished to those who make substantive comments on the DEIS or request a copy.
- The district shall make the DEIS available for review by the public on the Department website and at the district.
- The Department will distribute the approved DEIS copies to FHWA Headquarters and FHWA Legal Counsel on behalf of the FHWA Illinois Division. FHWA will provide to IDOT a FHWA Illinois Division signed memo to be included in that distribution.

The initial printing of the DEIS shall be of sufficient quantity to meet requests for copies that reasonably can be expected from agencies, organizations, and individuals. Copies will be furnished free of charge unless the IDOT Regional Engineer concludes that a fee, which is not more than the actual printing cost, should be charged. IDOT shall inform the FHWA of requests for DEISs that it is unable to fill with free copies. IDOT will direct the party to the IDOT website or the nearest location where they may review the DEIS. If FHWA receives a specific request for a copy of the DEIS, FHWA will ask the Department to fulfill the request.

Figure 25-2.L provides a Sample DEIS Availability Notice, for publication in newspapers, etc.

References:

Draft Environmental Impact Statements, 23 CFR 771.123(e), (f), (g), (h), and (i)
Commenting, 40 CFR 1503

District Distribution (as applicable)	No. of Copies ¹	
	Paper	CD
District to Federal Agencies		
Federal Highway Administration, Legal Council ²	1	0
Federal Highway Administration, Headquarters ²	1	0
Environmental Protection Agency, Region V, Office of Environmental Review (Chicago) ³	2	1
Advisory Council on Historic Preservation	1	1
Department of Agriculture	1	1
Department of Energy (energy-related impacts only) ⁴	1	1
Department of Housing and Urban Development, Region V	1	1
Department of Interior	1	11
Federal Aviation Administration ⁴	1	1
Federal Railroad Administration (potential rail involvement) impact ⁴	1	1
US Army Corps of Engineers (if 404 permit potentially needed)		
Chicago District	0	1
Rock Island District	1	0
St. Louis District	1	0
Louisville District	1	1
Memphis District	1	1
US Coast Guard (if USCG, permit potentially needed)	1	1
US Fish and Wildlife Service		
Chicago	1	1
Rock Island	0	1
Marion	0	1
District to State Agencies		
Bureau of the Budget ⁴	1	1
Department of Agriculture ⁴	1	0
Department of Natural Resources	1	2
IDNR, Office of Water Resources	1	1
Aeronautics, IDOT ⁴	1	1
Environmental Protection Agency	1	1
Historic Preservation Agency ⁴	0	1
Illinois Commerce Commission ⁵	1	1
Illinois State Library (information only)	1	1
District to Other Entities		
Local Agencies (list)	(As required)	
Organizations and Institutions (list)	(As required)	
Persons (list)	(As required)	

Footnotes:

1. Where numbers are included for both paper and CD, documents should be provided in both formats, in accordance with the numbers indicated.
2. FHWA will provide a copy of the transmittal letter to these agencies.
3. District sends copy of transmittal letter to BDE and FHWA Division Office.
4. Receives copy if substantive comments submitted on draft.
5. Railroad Crossing or Railroad involvement only

**District Distribution of Approved DEIS, FEIS, FEIS/ROD
Figure 25-2.K**

Notice of Availability

**Draft Environmental Impact
Statement (DEIS)
for the proposed
four-lane improvement
of Illinois Route 29 from
Illinois Route 6 to Interstate 180**

Peoria, Marshall, Putnam, and Bureau counties

**The Illinois Department of Transportation has
placed copies of the IL 29 DEIS in the
following area(s) for public review:**

**<insert district information and others areas as
appropriate>**

The DEIS also can be reviewed on the web at:

<insert URL here>

Comments on the DEIS can be mailed to:

**[Name], P.E.
Deputy Director of Highways
Region Three Engineer
Illinois Department of Transportation
401 Main Street
Peoria, IL 61602**

**Comments on the document are due by
[Date]**

SAMPLE DEIS AVAILABILITY NOTICE

Figure 25-2.L

25-2.19 Implement Public Hearing Process

Public involvement is a critical element of the EIS process. Chapter 19 and the cited references discuss public involvement requirements for public hearings and public information meetings. Figure 25-2.M provides a Sample DEIS Public Hearing Notice. FHWA regulations require that the draft EIS must be available at the public hearing and a minimum of 15-days in advance of the public hearing. IDOT has additional public notice requirements that must be met. The initial public notice must be published 30 days in advance of the public hearing and a second public notice shall be published 3 to 7 days prior to the public hearing.

In accordance with 23 CFR 771.111(h)(2)(vi), anytime a public hearing is held, the Department must submit to FHWA a transcript of the public hearing and a certification that a required hearing or hearing opportunity was offered. For more information, please see Section 19-3.04(g) and Section 19-3.04(h).

References:

Policy, 40 CFR 1500.2(d)

Public Involvement Requirements, 40 CFR 1506.6

Early Coordination, Public Involvement, and Project Development. 23 CFR 771.111(h)

Draft Environmental Impact Statements, 23 CFR 771.123(h)

Public Involvement Guidelines, Chapter 19

Collaboration in NEPA—A Handbook for NEPA Practitioners, Council on Environmental Quality, October 2007

AASHTO Practitioner's Handbook 05—Utilizing Community Advisory Committees for NEPA Studies, December 2006

<insert Office of Communications contact name (s) and numbers(s)>
PUBLIC HEARING
 for
ILLINOIS ROUTE 29
DRAFT ENVIRONMENTAL IMPACT STATEMENT

The Illinois Department of Transportation (IDOT) will hold an open house public hearing to seek public comment on the Draft Environmental Impact Statement (DEIS) for the IL Route 29 project and proposed road closures of a proposed four-lane facility from IL Route 6 near Peoria, IL to I-180 in Bureau County.

<u>When?</u>	<u>Where?</u>
June 14, 2006 4:00 pm to 7:00 pm	Three Sisters Park Pavilion 17201 North State Route 29, Chillicothe, IL
June 15, 2006 4:00 pm to 7:00 pm	Henry Senachwine High School Gymnasium 1023 College Street, Henry, IL

IDOT will hold two open-house public hearings to present the [[see 23 CFR 771.111(h)(2)(v), suggest listing those items here]]. All interested parties are invited to attend and participate in the public hearings. You may attend any time between 4:00 pm and 7:00 pm. NO FORMAL PRESENTATION WILL BE GIVEN. IDOT personnel and representatives from their consultant team will be on hand to answer questions and receive comments about the proposed project. A Court Reporter will be available at the hearings to take oral testimony. The public also may submit written comments. All comments received by June 25th will be included in the official hearing record. Property acquisition and relocation assistance information will be available. Exhibits and maps of the proposals developed in the study will be available for review during the entire time as will copies of the Draft Environmental Impact Statement (DEIS).

This hearing will provide an opportunity for the public to provide comments about potential impacts to cultural resources, in compliance with Section 106 of the National Historic Preservation Act of 1966, as amended and to assist in consultation with the Illinois State Historic Preservation Officer. [**include a list of other findings from EOs, other laws, as applicable; for example, hot spot analysis, floodplain **].

The DEIS also is available for public review and comment at IDOT's website ([insert url here](#)) and at the area(s) listed below. The document discusses the alternatives that were evaluated, including IDOT's preferred alternative, and the project's potential impacts on the natural and man-made environment in the study area. Comments on the DEIS can be sent to [Name of Regional Engineer], P.E. at the address listed at the bottom of this ad any time before June 25, 2006.

<Insert area(s) name & address>

The hearing locations are accessible to persons with disabilities. Persons with disabilities needing special accommodations or additional information should contact the person listed below at least 5 days prior to the public hearing.

[Name of District Office Contact], P.E.
 Illinois Department of Transportation
 401 Main Street
 Peoria, Illinois 61602
 Phone: (309) 671-3333, TDD: (309) 671-3450
 Fax: (309) 671-3498

Sample DEIS Public Hearing Notice

Figure 25-2.M

25-2.20 Evaluate and Respond to Substantive Comments on DEIS

The district evaluates all comments (from the public, resource agencies, and other stakeholders) on the DEIS and/or Section 4(f) Evaluation, where applicable, and prepares responses to these comments as appropriate. Possible responses include:

- modifying alternatives including the proposed action;
- developing and evaluating alternatives not previously given serious consideration;
- supplementing, improving, or modifying analyses;
- making factual corrections; or
- explaining why the comments do not warrant further agency response, citing the sources, authorities, or reasons supporting that position and, if possible, indicating those circumstances that would trigger reappraisal or further response.

It is important for the Department and/or FHWA to resolve any interagency disagreements before the preparation of the Final EIS (FEIS).

Copies of all comments must be included in the FEIS per requirements of 40 CFR 1503.4. The responses to comments must be included in the FEIS in table format. The copies of comments and comment–response table shall be included as an appendix.

Comments that are received after the formal comment period, but before the FEIS is signed by FHWA, shall be incorporated into the FEIS, where practical. When the comments are received after the FEIS has been submitted to FHWA but before signature, the comments shall be forwarded to FHWA. The transmittal of the comments to FHWA shall include an explanation that the comments were received late, and it shall indicate the response to the comments.

The comments and responses to comments shall be reviewed by BDE and FHWA during the review of the preliminary FEIS.

References:

Response to Comments, 40 CFR 1503.4

Final Environmental Impact Statements, 23 CFR 771.125(a)

Forty Most Common Questions concerning CEQ's NEPA Regulations Memorandum-Question 14d "Lead Agency Response to Cooperating Agency's Comments" and Question 29 "Responses to Comments"

Responses, Section 19-4.08(c)

Collaboration in NEPA—A Handbook for NEPA Practitioners, Council on Environmental Quality, October 2007

AASHTO Practitioner's Handbook 02—Responding to Comments on an Environmental Impact Statement, July 2006

25-2.21 Evaluate for Major Project Requirements

Once the Preferred Alternative is chosen, the district, in cooperation with FHWA and BDE, determines if the total estimated project cost (construction, right-of-way, and engineering) is greater than \$500 million. If the cost exceeds \$500 million, the project is subject to the Major Project requirements (See Chapter 20), which include: Cost Estimate Review, Financial Plan, and Project Management Plan. If the cost is greater than \$100 million and less than \$500 million, only a Financial Plan is required, unless otherwise designated as a Major Project at the discretion of FHWA. The FHWA Division Office will coordinate review of Major Project components with the FHWA Major Project Team.

If the project is a Major Project, the district determines if it can be divided into operationally independent phases of work. There are three approaches to addressing such projects; maintain the project as one undertaking, develop a phasing plan for various phases over an extended time frame, or define operationally independent non-concurrent construction projects.

When applicable, the district prepares documentation of the basis for either of the second two options and submits it to BDE for coordination with FHWA for FHWA IPD Project Delivery Team approval. The benefits of a phasing plan are explained in Chapter 20. Operationally independent non-concurrent construction projects, which have a total estimated cost less than \$500 million, are only subject to the Major Projects requirements when they are designated by FHWA as a Major Project. If the operationally independent non-concurrent construction projects exceed \$100 million, the district must still address the financial plan requirement, but those financial plans are approved by IDOT.

The required Major Projects components and their timing are:

- A Cost Estimate Review, which should be completed prior to the ROD, normally about 30 days prior to ROD approval.
- An Initial Financial Plan, which should be submitted after the Cost Estimate Review is completed and must be submitted prior to the first authorization of Federal-aid funding for construction. A draft Project Management Plan, which should be submitted 60 days before the ROD approval and the Final Project Management Plan within 90 days of ROD approval. A draft Project Management Plan must be submitted before a ROD can be issued.

If the total estimated project cost is not greater than \$500 million, and FHWA does not otherwise designate the action as a Major Project, the district shall:

- document that the project is not subject to Major Project requirements,
- when applicable, complete a financial plan which will be approved by the Department (see Chapter 20 for financial plan requirements), and
- proceed to the next activity.

References:

Requirements for Major Projects, Chapter 20

25-2.22 Planning Requirement Prior to NEPA Approval

Before FHWA can approve a Record of Decision (ROD) the appropriate planning requirements must be satisfied:

- in an urbanized area
 - + the project must be included in the conformed fiscally constrained portion of the Metropolitan Transportation Plan, and;
 - + a subsequent phase of project development (e.g., final design, acquire right-of-way, utility relocations, or construction) must be included in the Metropolitan Planning Organization's (MPOs) Transportation Improvement Program (TIP).
- in a non-urbanized area
 - + the project must be consistent with the long range Statewide Transportation Plan, and
 - + a subsequent phase of the project development (e.g., final design, acquire right-of-way, utility relocations, or construction) must be included in the Statewide Transportation Improvement Program (STIP).

Early in project development (Section 25-2.01(a)), the district should have initiated coordination with the appropriate planning agencies to ensure that these requirements will be met prior to approval of the ROD. At this time, the district should coordinate with the appropriate planning entities to verify the planning requirements have been satisfied so that the ROD can be signed.

25-2.23 Determination of Combined Final EIS/Record of Decision (FEIS/ROD) or Separate FEIS & ROD

MAP-21, Section 1319(b), directs FHWA, to the maximum extent practicable, to develop a single document that combines the FEIS and ROD, unless certain conditions exist:

- The FEIS makes substantial changes to the proposed action that are relevant to environmental or safety concerns; or
- There are significant new circumstances or information relevant to environmental concerns and that bear on the proposed action or the impacts of the proposed action.

The district and BDE should seek FHWA's determination if the project can be issued as a combined FEIS/ROD. FHWA will then consult with their Headquarters' staff and legal counsel to determine

whether a combined FEIS/ROD is practicable. If a combined FEIS/ROD is determined to be practicable, proceed to Section 25-2.24. If the FEIS and ROD will be separate, proceed to 25-2.27.

25-2.24 Procedures for Combined FEIS/ROD or Separate FEIS and ROD

25-2.24(a) Procedures for Combined FEIS/ROD

25-2.24(a)1 Opportunity for Discussion of Resource Agency Comments

The district will collate all resource agency comments and prepare a draft response for FHWA and BDE review. Once FHWA and BDE and the district concur on adequate responses, FHWA will offer to meet with resource agencies to discuss the draft responses. This meeting may occur in person or by phone call. In consultation with FHWA and BDE, the district will revise the responses as necessary. It may be necessary to revise the FEIS document to address the agencies' comments.

25-2.24(a)2 Determine Applicability of Limitation on Claims (Statute of Limitations)

23 U.S.C. 139 establishes a 150-day statute of limitations on claims against US Department of Transportation and other Federal agencies for certain environmental and other approval actions, provided a notice is published in the Federal Register announcing the permit, license, or approval is final pursuant to the law under which the agency action is taken. The statute of limitations provision is intended to expedite the resolution of issues affecting transportation projects.

Before the completion of the combined FEIS/ROD, IDOT will consult with FHWA to determine if a limitation on claims is appropriate for the project. If so, IDOT will submit a draft limitation on claims notice in MS Word format to FHWA at the same time the draft combined FEIS/ROD is submitted; see Figure 25-2.M for a sample notice.

References:

Efficient Environmental Reviews for Project Decision-making, 23 U.S.C. 139(l)

FHWA *SAFETEA-LU Environmental Review Process Final Guidance*, Section 3 "Statute of Limitations"

AASHTO Practitioner's Handbook 09—Using the SAFETEA-LU Environmental Review Process (23 U.S.C. 139), January 2008

25-2.24(a)3 Prepare/Review Preliminary Combined FEIS/ROD

Before the final preparation and distribution of the combined FEIS/ROD, a preliminary version must be reviewed by the Department and FHWA to evaluate its adequacy for distribution. If the project is a Major Project (See Section 25-2.21), the preliminary FEIS/ROD should summarize any operationally independent phases of work identified and the results of a cost estimate review. The following process applies to the review of the preliminary FEIS/ROD:

- The district submits the preliminary FEIS/ROD and the table of response to comments to the DEIS to BDE in MS Word format.

- BDE reviews and evaluates the preliminary FEIS/ROD and response to comments and notifies the district within 30 days of any required revisions.
- After the district has incorporated any necessary changes, the preliminary FEIS/ROD and response to comments are submitted to BDE for review. The district prepares a disposition of all comments received from FHWA and BDE. The disposition will be included with subsequent submittals of the FEIS/ROD. BDE will submit to FHWA for a 30 day concurrent review and evaluation. Repeat this step as necessary.
- After BDE and FHWA deem the preliminary FEIS/ROD and response to comments acceptable, FHWA submits the document to FHWA legal counsel for a legal sufficiency review. Any comments from the legal sufficiency review will be communicated to IDOT BDE, who will coordinate the comments to the district. The district incorporates changes as necessary to address comments received as part of FHWA's legal sufficiency review.
- For projects meeting the criteria described in 23 CFR 771.125(c), the FHWA Division Office coordinates the FEIS/ROD with FHWA Headquarters for prior concurrence.

Once FHWA and BDE comments have been addressed, the district will prepare the FEIS/ROD for approval.

NOTE: Prior to approving a ROD, a subsequent phase of the project must be included in the fiscally constrained portion of the STIP or TIP (See Section 25-2.01(a) and Section 25-2.22).

References:

Draft, Final, and Supplemental Statements, 40 CFR 1502.9(b)
Final Environmental Impact Statements, 23 CFR 771.125
Documentation, 23 CFR 774.7
Section VI of FHWA Technical Advisory T6640.8A-Options for Preparing FEIS
Concurrent NEPA/404 Processes, Section 22-4
Section 4(f) Evaluations and Determinations, Section 26-2
Synthesis of Data Needs for EA and EIS Documentation—A Blueprint for NEPA Document Content,
prepared at the request of AASHTO, January 2005
Improving the Quality of Environmental Documents, Joint AASHTO/ACEC Committee in
Cooperation with FHWA, May 2006

25-2.24(a)4 *Obtain Approval of Combined FEIS/ROD*

- The following process applies for obtaining approval of the FEIS/ROD:
- The district submits to BDE a minimum of 3 hard copies of the signature ready FEIS/ROD, which include the cover sheet bound in the documents. The district also shall submit 1 unbound cover sheet.
- The district also submits to BDE a transcript of each public hearing held and a certification that a public hearing was held. With the hearing transcript(s), the district provides copies of

all written statements from the public, both submitted at the public hearing(s) or during an announced period after the hearing(s).

- The Engineer of Design and Environment signs the FEIS cover sheet (Figure 5 of Appendix D) for the Department. BDE forwards all copies of the FEIS/ROD and the unbound cover sheet to the FHWA Division Office along with the public hearing information.
- The FHWA Division Administrator signs all copies of the FEIS/ROD and the unbound cover sheet.

Please note that the district must provide a signed version of the FEIS/ROD to FHWA Division Office in PDF format which meets the USEPA requirements outlined in *e-NEPA: Electronic Submittal of Environmental Impact Statements to EPA*. There is no public review or comment period when a combined FEIS/ROD is issued.

References:

Timing of Administrative Activities, 23 CFR 771.113(a)(2)

Final Environmental Impact Statements, 23 CFR 771.125(c) and (e).

Timing, 23 CFR 774.9.

Section VIII of FHWA Technical Advisory T6640.8A-Format and Content of ROD

Forty Most Common Questions concerning CEQ's NEPA Regulations Memorandum-Question 6 "Environmentally Preferable Alternative," Question 34b "Use of FEIS Summary as ROD," and Question 34c "ROD and Mitigation/Monitoring"

Section 4(f) Evaluations and Determinations, Section 26-2

25-2.24(a)5 *Circulation of Combined FEIS/ROD*

The district has the primary responsibility for circulating the FEIS/ROD.

The following describes the distribution of the FEIS/ROD:

- District will submit the FEIS/ROD in PDF format to FHWA Division Office (See USEPA's website on filing format-<http://www.epa.gov/compliance/nepa/submiteis/index.html>).
- The FHWA Division Office electronically submits the FEIS/ROD to the USEPA, Office of Federal Activities in Washington, D.C. for publication of the Notice of Availability in the Federal Register.
- FHWA Division Office provides the transmittal memo to the district who forwards the FEIS/ROD to FHWA Headquarters and the FHWA legal counsel for information purposes.
- USEPA will publish in the *Federal Register* the Notice of Availability for the FEIS/ROD. The Notice will be published on Friday of the week following that in which USEPA received the FEIS/ROD.
- Figure 25-2.K identifies the number of copies for circulating the FEIS/ROD. The district shall also distribute the FEIS/ROD to any entity that made substantive comments on the DEIS

and is not included in 25-2.K, or requested a copy of the FEIS/ROD; the district also shall make the FEIS/ROD available for public review on the Department website and at the district office.

- The district shall provide copies of the FEIS/ROD free of charge unless the IDOT Regional Engineer concludes that a fee, which is not more than the actual printing cost, should be charged. IDOT shall inform the FHWA of requests for FEIS/RODs that it is unable to fill with free copies. IDOT will direct the party to the IDOT website or the nearest location where they may review the FEIS/ROD. If FHWA receives a specific request for a copy of the FEIS/ROD, FHWA will ask the Department to fulfill the request.
- Where the FEIS/ROD is voluminous and the number of comments on a DEIS is large, the district, BDE, and FHWA may jointly decide on alternative arrangements for distribution of the FEIS/ROD (e.g., CDs, DVDs).
- If FHWA receives a request from the public for a copy of the FEIS/ROD, FHWA will ask the Department to fulfill the request.

A FEIS/ROD that has been signed by FHWA shall (1) be posted on the IDOT website to make it available publicly; (2) be included with copies of the FEIS/ROD that are used as a reference for further development and implementation of the project by Department units; (3) be included in the project files; and (4) otherwise be made available to those Department units involved in subsequent project development and implementation.

25-2.24(b) Procedures for Separate FEIS and ROD

25-2.24(b)1 Prepare/Review Preliminary FEIS (Separate FEIS and ROD)

Before the final preparation and distribution of the FEIS, a preliminary version of the FEIS and response to comments must be reviewed by the Department and FHWA to evaluate its adequacy for approval and release for public review. For Major Projects (See Section 25-2.21) the preliminary FEIS should summarize any operationally independent phases of work identified and the results of a cost estimate review. The following process applies to the review of the preliminary FEIS:

- The district submits the preliminary FEIS and response to comments to BDE in MS Word format.
- BDE reviews and evaluates the preliminary FEIS and response to comments and notifies the district within 30 days of any required revisions.
- After the district has incorporated any necessary changes, the preliminary FEIS and response to comments are submitted to BDE for review. The district prepares a disposition of all comments received from BDE. BDE will submit to FHWA for a 30 day concurrent review and evaluation. The district will include a disposition of BDE and FHWA comments will all subsequent submittals of the FEIS. Repeat this step as necessary.

- After BDE and FHWA agree the preliminary FEIS and response to comments are acceptable, FHWA submits the document to FHWA legal counsel for a legal sufficiency review. Any comments from the legal sufficiency review will be communicated to IDOT BDE, who will coordinate the comments to the district. The district incorporates changes as necessary to address comments received as part of FHWA's legal sufficiency review.
- For projects meeting the criteria described in 23 CFR 771.125(c), the FHWA Division Office coordinates the FEIS with FHWA Headquarters for prior concurrence.

Once FHWA and BDE comments have been addressed, the district will prepare the FEIS for approval.

NOTE: Prior to approving a ROD, a subsequent phase of the project must be included in the fiscally constrained portion of the STIP or TIP; see Section 25-2.01(a) and 25-2.22.

References:

Draft, Final, and Supplemental Statements, 40 CFR 1502.9(b)

Final Environmental Impact Statements, 23 CFR 771.125

Documentation, 23 CFR 774.7

Section VI of FHWA Technical Advisory T6640.8A-Options for Preparing FEIS

Concurrent NEPA/404 Processes, Section 22-4

Section 4(f) Evaluations and Determinations, Section 26-2

Synthesis of Data Needs for EA and EIS Documentation—A Blueprint for NEPA Document Content, prepared at the request of AASHTO, January 2005

Improving the Quality of Environmental Documents, Joint AASHTO/ACEC Committee in Cooperation with FHWA, May 2006

25-2.24(b)2 Prepare/Process FEIS for Approval (Separate FEIS and ROD)

The following process applies for obtaining approval of the FEIS:

- The district submits to BDE a minimum of 3 hard copies of the signature ready FEIS, which include the signature page bound in the documents. The district also shall submit 1 unbound signature page.
- The district also submits to BDE a transcript of each public hearing held and a certification that a public hearing was held. With the hearing transcript(s), the district provides copies of all written statements from the public, both submitted at the public hearing(s) or during an announced period after the hearing(s).
- The Engineer of Design and Environment signs the FEIS cover sheet (Figure 6 of Appendix D) for the Department. BDE forwards the FEIS (all copies and the separate signature sheets) to the FHWA Division Office along with the public hearing information.
- The FHWA signs the FEIS.

Please note that the district must provide a signature version of the FEIS to FHWA Division Office in PDF format which meets the USEPA requirements outlined in *e-NEPA: Electronic Submittal of Environmental Impact Statements to EPA*.

References:

Timing of Administrative Activities, 23 CFR 771.113(a)(2).

Final Environmental Impact Statement, 23 CFR 771.125(c) and (e).

Timing, 23 CFR 774.9.

Section VIII of FHWA Technical Advisory T6640.8A-Format and Content of ROD

Forty Most Common Questions concerning CEQ's NEPA Regulations Memorandum-Question 6 "Environmentally Preferable Alternative," Question 34b "Use of FEIS Summary as ROD," and Question 34c "ROD and Mitigation/Monitoring"

Section 4(f) Evaluations and Determinations, Section 26-2

25-2.24(b)3 *Circulate FEIS (Separate FEIS and ROD)*

The district has the primary responsibility for circulating the FEIS. Figure 25-2.K identifies the number of copies for circulating the FEIS.

The following describes the distribution of the FEIS:

- District will submit the FEIS in PDF format to FHWA Division Office (See USEPA's website on filing format-<http://www.epa.gov/compliance/nepa/submiteis/index.html>).
- The FHWA Division Office electronically submits the FEIS to the USEPA, Office of Federal Activities in Washington, D.C. for publication of the Notice of Availability in the Federal Register.
- FHWA Division Office provides the transmittal memo to the district who forwards the FEIS to FHWA Headquarters and the FHWA legal counsel for information purposes.
- USEPA will publish in the *Federal Register* the Notice of Availability for the FEIS. The Notice will be published on Friday of the week following that in which USEPA received the FEIS.
- The district shall distribute the FEIS to any entity that made substantive comments on the DEIS, or requested a copy of the FEIS; the district also shall make the FEIS available for public review on the Department website and at the district office.
- The district shall provide copies of the FEIS free of charge unless the IDOT Regional Engineer concludes that a fee, which is not more than the actual printing cost, should be charged. IDOT shall inform the FHWA of requests for FEISs that it is unable to fill with free copies. IDOT will direct the party to the IDOT website or the nearest location where they may review the FEIS. If FHWA receives a specific request for a copy of the FEIS, FHWA will ask the Department to fulfill the request.

- Where the FEIS is voluminous and the number of comments on a DEIS is large, the district, BDE, and FHWA may jointly decide on alternative arrangements for distribution of the FEIS (e.g., CDs, DVDs).
- If FHWA receives a request from the public for a copy of the FEIS, FHWA will ask the Department to fulfill the request.
- There is a minimum 30-day waiting period after the Notice of Availability for the FEIS is published before FHWA can issue the ROD. If FHWA receives substantive comments during this waiting period, then FHWA will respond to the comments in the ROD.

References:

Circulation of the Environmental Impact Statement, 40 CFR 1502.19

Circulation of the Environmental Impact Statement, 40 CFR 1502.19(d)

Filing Requirements, 40 CFR 1506.9

Timing of Agency Action, 40 CFR 1506.10

Final Environmental Impact Statement, 23 CFR 771.125(c), (f), and (g)

Paragraph VII. A. and Paragraph VI.C. of FHWA Technical Advisory T6640.8A-Cover Sheet and Table of Contents

25-2.24(b)4 *Evaluate and Respond to Substantive Comments on FEIS (Separate FEIS and ROD)*

The district evaluates all comments on the FEIS and prepares a draft Record of Decision (ROD). The district identifies and responds in the draft ROD to those comments that are substantive. The district summarizes and responds to comments on the FEIS as appropriate.

The district will ensure that a subsequent phase (e.g., final design, acquire right-of-way, utility relocations, or construction) of the project is incorporated into the fiscally-constrained portion of either the Metropolitan Planning Organization's (MPO's) Transportation Improvement Program (TIP) or in the Statewide Transportation Improvement Program (STIP). (See 25-2.01(a) and 25-2.22).

The district submits the draft ROD to BDE in MSWord format. BDE forwards it to FHWA. BDE and FHWA will concurrently review the ROD. The district will revise the ROD to address FHWA and BDE comments, as necessary. Once all IDOT and BDE comments on the ROD are sufficiently addressed, the ROD is ready for signature.

References:

Paragraph VIII.F. of FHWA Technical Advisory T6640.8A-Comments on Final EIS

Collaboration in NEPA—A Handbook for NEPA Practitioners, Council on Environmental Quality, October 2007

AASHTO Practitioner's Handbook 02—Responding to Comments on an Environmental Impact Statement, July 2006

25-2.24(b)5 *Determine Applicability of Limitation on Claims (Statute of Limitations)*

The Efficient Environmental Reviews for Project Decision-making, 23 U.S.C. 139 establishes a 150-day statute of limitations on claims against US Department of Transportation and other Federal agencies for certain environmental and other approval actions, provided a notice is published in the Federal Register announcing the permit, license, or approval is final pursuant to the law under which the agency action is taken. The statute of limitations provision is intended to expedite the resolution of issues affecting transportation projects.

Before the completion of the ROD, IDOT will consult with FHWA to determine if a limitation on claims is appropriate for the project. If so, IDOT will submit a draft limitation on claims notice in MS Word format to FHWA at the same time the draft ROD is submitted; see Figure 25-2.N for a sample notice.

References:

Efficient Environmental Reviews for Project Decision-making, 23 U.S.C. 139(l).

FHWA *SAFETEA-LU Environmental Review Process Final Guidance*, Section 3 “Statute of Limitations”

AASHTO Practitioner’s Handbook 09—Using the SAFETEA-LU Environmental Review Process (23 U.S.C. 139), January 2008

25-2.24(b)6 *Approval of ROD (Separate FEIS and ROD)*

After all comments on the ROD are satisfactorily resolved, the ROD will be processed and approved as follows:

- BDE will submit the ROD, with a cover letter signed by the Engineer of Bureau of Design and Environment, requesting FHWA’s signature.
- The FHWA Division Administrator may sign the ROD no sooner than 30 days after the *Federal Register* public availability notice for the FEIS, or 90 days after such notice for the DEIS, whichever is later.

A ROD that has been signed by FHWA shall (1) be posted on the IDOT website to make it available publicly; (2) be included with copies of the EIS that are used as a reference for further development and implementation of the project by Department units; (3) be included in the project files; and (4) otherwise be made available to those Department units involved in subsequent project development and implementation.

References:

Record of Decision in cases requiring Environmental Impact Statements, 40 CFR 1505.2

Record of Decision, 23 CFR 771.127

Re-evaluations, 23 CFR 771.129

Timing, 23 CFR 774.9

Forty Most Common Questions concerning CEQ’s NEPA Regulations Memorandum-Question 33b “May a referral be made after this issuance of a Record of Decision?” and Question 34a

“Records of Decision. Must Records of Decision (RODs) be made public? How should they be made available?”

Ensuring Validity of Environmental and Design Documents, Section 22-3.1

25-2.25 Draft Project Management Plan for Major Projects

For projects subject to the Major Project requirements, prior to approval of the Record of Decision, the district prepares a draft Project Management Plan in accordance with the guidance in Section 20-2, addressing the following topics, at a minimum:

- Project Description and Scope of Work;
- Goals and Objectives;
- Project Organizational Chart, Roles, and Responsibilities;
- Project Phases;
- Procurement and Contract Management;
- Cost, Budget and Schedule;
- Project Reporting and Tracking;
- Internal and Stakeholder Communications;
- Project Management Controls;
- Design Quality Assurance/Quality Control;
- Construction Quality Assurance/Quality Control;
- Environmental Monitoring;
- Right-of-Way;
- Safety and Security;
- Traffic Management;
- Project Communications (Media and Public Information);
- Civil Rights Program;
- Closeout Plan;
- Project Documentation; and
- Appendices.

The district coordinates the draft Project Management Plan with BDE for submittal to FHWA. The FHWA will coordinate with FHWA Office of Innovative Program Delivery (IPD) Project Delivery Team as appropriate, review, and provide comments to BDE.

References:

Requirements for Major Projects, Chapter 20

25-2.26 Finalize Project Management Plan for Major Projects

For projects subject to the Major Project requirements, the district revises the draft Project Management Plan to respond to FHWA comments. The district coordinates the final Project Management Plan with BDE for submittal to FHWA within 90 days of the date the ROD is signed.

References:

Requirements for Major Projects, Chapter 20

4910-22

DEPARTMENT OF TRANSPORTATION

Federal Highway Administration

Notice of Final Federal Agency Action on Proposed Highway in Illinois

AGENCY: Federal Highway Administration (FHWA), DOT

ACTION: Notice of limitation on claims for judicial review of actions by FHWA and other Federal agencies

SUMMARY: This notice announces actions taken by the FHWA and other Federal agencies that are final within the meaning of 23 U.S.C. 139(l)(1). The actions relate to the proposed Illinois Route 29 (IL 29) highway project, for construction of an access-controlled, four-lane freeway on new right-of-way between the existing IL 6 interchange near Mossville and the proposed Chillicothe interchange north of Chillicothe in Peoria County, and the widening of IL 29 to four-lanes, largely on existing right-of-way, from north of Chillicothe to Interstate 180 (I-180) in Peoria, Marshall, Putnam, and Bureau Counties, Illinois. Those actions grant licenses, permits and approvals for the project.

DATES: By this notice, the FHWA is advising the public of final agency actions subject to 23 U.S.C. 139(l)(1). A claim seeking judicial review of the Federal agency actions of the highway project will be barred unless the claim is filed on or before *[insert date 150 days after publication in the Federal Register]*. If the Federal law that authorizes judicial review of a claim provides a time period of less than 150 days for filing such claim, then that shorter time period still applies.

FOR FURTHER INFORMATION CONTACT: *[Name]*, P.E., Division Administrator, Federal Highway Administration, 3250 Executive Park Drive, Springfield, Illinois 62703, Phone: (217) 492-4600, E-mail address: *[First_Name.Last_Name]*@ dot.gov. The FHWA Illinois Division Office's normal business hours are 7:30 a.m. to 4:15 p.m.

SAMPLE STATUTE OF LIMITATIONS NOTICE

Figure 25-2.N
(1 of 3)

You also may contact [*Name of Regional Engineer*], P.E., Illinois Department of Transportation, Deputy Director of Highways, Region Three Engineer, 401 Main Street, Peoria, Illinois 61602, Phone: (309) 671-3333. The Illinois Department of Transportation Region Three's normal business hours are 8:00 a.m. to 4:30 p.m.

SUPPLEMENTARY INFORMATION: Notice is hereby given that the FHWA and other Federal agencies have taken final agency actions by issuing licenses, permits and approvals for the following highway project in the State of Illinois: construction of an approximately 10-mile, access-controlled, four-lane freeway on new right-of-way between the existing IL 6 interchange near Mossville and the proposed Chillicothe interchange north of Chillicothe, and the approximately 25-mile widening to a four-lane expressway of IL 29, largely on existing right-of-way, from north of Chillicothe to I-180. The actions by the Federal agencies, and the laws under which such actions were taken, are described in the Final Environmental Impact Statement (FEIS) for the project approved on April 23, 2009; and the Record of Decision (ROD) issued on January 19, 2010; and other documents in the FHWA administrative record. The FEIS, ROD and other documents in the FHWA administrative record are available by contacting FHWA or the Illinois Department of Transportation at the addresses above. Project information can be viewed and downloaded from the project website <http://www.dot.il.gov/il29/default.aspx>. The FEIS also can be downloaded from <http://www.dot.il.gov/desenv/env.html>, or hard copies of the FEIS and the ROD are available upon request.

This notice applies to all Federal agency decisions as of the issuance date of this notice and all laws under which such actions were taken, including, but not limited to:

1. General: National Environmental Policy Act (NEPA), 42 U.S.C. 4321-4351 and Federal-Aid Highway Act, 23 U.S.C. 109.
2. Air: Clean Air Act, 42 U.S.C. 7401-7671(q).
3. Land: Section 4(f) of the Department of Transportation Act of 1966, 49 U.S.C. 303.
4. Wildlife: Endangered Species Act, 16 U.S.C. 1531-1544 and 1536; Migratory Bird Treaty Act, 16 U.S.C. 703-712.
5. Historic and Cultural Resources: Section 106 of the National Historic Preservation Act of 1966, 16 U.S.C. 470(f) et seq. (as amended); Archaeological and Historic Preservation Act (AHPA). 16 U.S.C. 469-469(c).

SAMPLE STATUTE OF LIMITATIONS NOTICE

Figure 25-2.N
(2 of 3)

6. Social and Economic: Civil Rights Act of 1964, 42 U.S.C. 2000(d)-2000(d)(1); Farmland Protection Policy Act (FPPA), 7 U.S.C. 4201-4209.
7. Wetlands and Water Resources: Clean Water Act, 33 U.S.C. 1251-1377 (Section 401 and 404); Wild and Scenic Rivers Act, 16 U.S.C. 1271-1287.
8. Executive Orders: E.O. No. 11990 Protection of Wetlands; E.O. No. 11988 Floodplain Management; E.O. No. 12898 Federal Actions to Address Environmental Justice in Minority Populations and Low Income Populations.

(Catalog of Federal Domestic Assistance Program Number 20.205, Highway Research, Planning and Construction. The regulations implementing Executive Order No. 12372 regarding intergovernmental consultation on Federal programs and activities apply to this program).

Authority: 23 U.S.C. §139(l)(1)

Issued on: January 26, 2010

[Name], Division Administrator
Springfield, Illinois

SAMPLE STATUTE OF LIMITATIONS NOTICE

Figure 25-2.N
(3 of 3)

25-2.27 Implement Mitigation Measures

Those involved in preparing and processing the EIS should assist those involved in subsequent aspects of project development and implementation in facilitating the fulfillment of commitments made as a part of the NEPA process. In accordance with Departmental Policy D&E-19, each district must ensure that its procedures for follow-through on commitments provide for including information on mitigation measures and other commitments (e.g., Wetlands Compensation Plan, Erosion Control Plan, Special Provisions for management and monitoring of special wastes) in the project plans, and for implementing and monitoring the measures during construction and maintenance, as appropriate.

References:

Implementing the decision, 40 CFR 1505.3

Applicability and responsibility, 23 CFR 771.109 (b)

Forty Most Common Questions concerning CEQ's NEPA Regulations Memorandum-Question 34d
"What is the enforceability of a Record of Decision?"

AASHTO Practitioner's Handbook 04—Tracking Compliance with Environmental Commitments/Use of Environmental Monitors, November 2006

Follow-Through on Project Commitments, Departmental Policy D&E-19

