

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) 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.....	25-2.1
25-2.01(b) Context Sensitive Solutions (CSS).....	25-2.2
25-2.01(c) Develop Draft Stakeholder Involvement Plan (SIP).....	25-2.2
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 Range of Alternatives Coordination.....	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.....	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.....	25-2.34
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
25-2.23 Determination of Combined FEIS/ROD or Separate FEIS & ROD.....	25-2.44

Table of Contents

(Continued)

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
25-3	FORMAT AND CONTENT OF EIS	25-3.1
25-3.01	Objectives for Writing Quality Environmental Impact Statements	25-3.1
25-3.02	General Format.....	25-3.3
25-3.03	Table of Contents.....	25-3.4
25-3.04	Cover Sheet	25-3.5
25-3.05	Summary.....	25-3.8
25-3.06	Purpose and Need	25-3.11
25-3.07	Alternatives	25-3.11
25-3.08	Environmental Resources, Impacts, and Mitigation	25-3.12
25-3.08(a)	General Impacts and Mitigation Measures	25-3.15
25-3.08(b)	Indirect and Cumulative Impacts	25-3.15
25-3.08(c)	Social/Economic	25-3.15
25-3.08(d)	Agricultural.....	25-3.20
25-3.08(e)	Historic Properties.....	25-3.21
25-3.08(f)	Air Quality	25-3.23
25-3.08(g)	Noise.....	25-3.24
25-3.08(h)	Energy	25-3.24
25-3.08(i)	Natural Resources	25-3.25
25-3.08(j)	Water Resources and Aquatic Habitats.....	25-3.29
25-3.08(k)	Groundwater	25-3.34
25-3.08(l)	Floodplains.....	25-3.34
25-3.08(m)	Wetlands.....	25-3.35
25-3.08(n)	Special Waste	25-3.37
25-3.08(o)	Special Lands	25-3.38
25-3.08(p)	Permits/Certifications	25-3.39
25-3.08(q)	Other Issues.....	25-3.39
25-3.08(r)	Environmental Commitments and Mitigation	25-3.40
25-3.09	List of Preparers.....	25-3.40
25-3.10	List of Agencies, Organizations, and Persons to Whom Copies of the EIS Are Sent	25-3.40
25-3.11	Comments and Coordination.....	25-3.40
25-3.12	Index.....	25-3.41
25-3.13	Appendices	25-3.41
25-3.14	Section 4(f) Evaluation	25-3.41

Table of Contents

(Continued)

25-4	OPTIONS FOR PREPARING FINAL EIS.....	25-4.1
25-4.01	Objectives.....	25-4.1
25-4.01(a)	Traditional Approach.....	25-4.1
25-4.01(b)	Condensed FEIS.....	25-4.1
25-4.01(c)	Abbreviated Version of FEIS.....	25-4.2
25-5	FORMAT AND CONTENT OF THE RECORD OF DECISION.....	25-5.1
25-5.01	General Format.....	25-5.1
25-5.02	Cover Sheet.....	25-5.1
25-5.03	Table of Contents.....	25-5.1
25-5.04	Decision.....	25-5.2
25-5.05	Alternatives Considered.....	25-5.2
25-5.06	Section 4(f) (if applicable).....	25-5.2
25-5.07	Federal Regulatory Requirements for Environmental Protection.....	25-5.3
25-5.08	Measures to Minimize Harm.....	25-5.4
25-5.09	State Regulatory Requirements for Environmental Protection.....	25-5.4
25-5.10	Monitoring and Enforcement.....	25-5.4
25-5.11	Comments on the Final EIS (For separate FEIS and Record of Decision).....	25-5.5
25-5.12	Approval (For separate FEIS and Record of Decision).....	25-5.5
25-5.13	Appendices.....	25-5.5

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) 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:

40 CFR 1502.3 - Statutory Requirements for Statements

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

Subsection 23 CFR 771.115(a) of 23 CFR 771.115 - Class of Actions

25-1.02(b) Supplemental EIS

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

References:

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

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:

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

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:

23 CFR 771.129 - Re-evaluations

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

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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 (EIS, EA, or CE) at a coordination meeting. FHWA will determine if the project will be processed as an EIS and the district will document the decision in the meeting minutes (see Section 22-5.03e).

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, 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).

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 the ROD can be signed.

25-2.01(b) Context Sensitive Solutions (CSS)

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 19-2.01(a) and 19-2.01b. Public involvement commences once the project is assigned to the PSG.

References:

23 USC 139 - Efficient Environmental Reviews for Project Decision-Making

40 CFR 1501.2 - Apply NEPA Early in the Process

40 CFR 1501.4 - Whether to Prepare an Environmental Impact Statement

Subsection 23 CFR 771.115(a) of 23 CFR 771.115 - Classes of actions

Section 22-3.06 Proposed Action

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 USC 139), January 2008

25-2.01(c) Develop Draft Stakeholder Involvement Plan (SIP)

For projects using the principles of CSS, the PSG develops a draft SIP to document stakeholder involvement activities. The plan also addresses coordination with participating agencies,

cooperating agencies, and the public, pursuant to 23 USC 139, "Efficient Environmental Reviews for Project Decision-making." 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 USC 139.

References:

23 USC 139 - Efficient Environmental Reviews for Project Decision-making
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 the NOI and FHWA will ensure the NOI is published in the *Federal Register*.

Appendix B of FHWA Technical Advisory T6640.8A discusses the format, content, and processing of the NOI in more detail. 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:

40 CFR 1501.7 - Scoping

40 CFR 1508.22 - Notice of Intent

Subsection 23 CFR 771.123(a) of 23 CFR 771.123 – Draft Environmental Impact Statements

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

Section 1305 of MAP-21 - Efficient Environmental Reviews for Project Decisionmaking under 23

U.S.C. 139 Questions & Answers

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. 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 a CA. If they do not respond they are not a 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:

23 USC 139 - Efficient Environmental Reviews for Project Decision-making
Subsection 40 CFR 1500.1(b) of 40 CFR 1500.1 - Purpose
Subsection 40 CFR 1500.2(d) of 40 CFR 1500.2 - Policy
Subsection 40 CFR 1500.5(b) of 40 CFR 1500.5 - Reducing delay
Subsection 40 CFR 1501.1(b) of 40 CFR 1501.1 - Purpose
40 CFR 1501.6 - Cooperating Agencies
23 CFR 771.111 - Early Coordination, Public Involvement, and Project Development
FHWA *SAFETEA-LU Environmental Review Process Final Guidance*, Questions 21–29
“Participating Agencies” and Questions 30 and 31 “Cooperating Agencies”
Section 22-5 Coordination
Chapter 19 Public Involvement Guidelines
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 USC 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

(Continued)

- 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 USC 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

[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
(Continued)

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 USC 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 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

id: 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

[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 USC 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:

FHWA LETTER TO FEDERAL PARTICIPATING AGENCIES

25-2.D
(Continued)

- 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

[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 (Section 106) 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
(Continued)

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 USC 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 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

idl: 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

[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

(Continued)

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 USC 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 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

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

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 USC 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 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

(Continued)

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

[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 USC 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.

DISTRICT LETTER TO PARTICIPATING AGENCY AND SECTION 106 CONSULTING PARTY

FIGURE 25-2.H
(Continued)

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 (Section 106) 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.

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

[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 (Section 106) 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.

DISTRICT LETTER TO NON-GOVERNMENTAL SECTION 106 PARTY

Figure 25-2.1
(Continued)

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

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:

40 CFR 1500.1(b) - Purpose

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 the 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
- 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:

40 CFR 1501.7 - Scoping

Subsection 23 CFR 771.123(b) of 23 CFR 771.123 - Draft Environmental Impact Statements

FHWA Technical Advisory T6640.8A - Background Section

Section 22-4 Concurrent NEPA/404 Processes

Section 22-5 Coordination

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:

23 USC 139 - Efficient Environmental Reviews for Project Decision-making

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 USC 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:

23 USC 139 - Efficient Environmental Reviews for Project Decision-making
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 19-2.01(a).

References:

Section 19-3.01(a) Timing and Number
*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 19-2.01(a).

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:

Section 19-3.01(a) Timing and Number

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. 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 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:

- 23 USC 139 - Efficient Environmental Reviews for Project Decision-making
- FHWA *SAFETEA-LU Environmental Review Process Final Guidance*, Questions 36–38 “Alternatives Analysis”
- Section 19-3.01(a) Timing and Number
- Section 22-4 Concurrent NEPA/404 Processes
- 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
 - + other issues as applicable (e.g., Wild and Scenic Rivers, Wellhead Protection Zones, regulated ground-water recharge areas)

References:

40 CFR 1502.14 - Alternatives Including the Proposed Action

40 CFR 1502.16 - Environmental Consequences

Subsections 23 CFR 771.111(e),(f), and (g) of 23 CFR 771.111- Early Coordination, Public Involvement, and Project Development

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

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

Section 22-6.03 Logical Termini

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

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:

Section 19-3.01(a) Timing and Number

Section 22-4 Concurrent NEPA/404 Processes

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 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:

40 CFR 1502 - Environmental Impact Statement

Subsection 23 CFR 771.123(c) and (d) of 23 CFR 771.123 – Draft environmental impact statements

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

Section 25-3 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:

40 CFR 1502 - Environmental Impact Statement

Subsection 23 CFR 771.123(c) and (d) of 23 CFR 771.123 – Draft Environmental Impact Statements

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

Section 25-3 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

25-2.17 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 25-3.A), 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:

23 CFR 771.123(e) of 23 CFR 771.123 – Draft Environmental Impact Statements
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.G 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:

23 CFR 771.123(e) (f), (g), (h), and (i) of 23 CFR 771.123 – Draft Environmental Impact Statements

40 CFR 1503 - Commenting

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 Commerce ⁴	1	1
Department of Energy (energy-related impacts only) ⁴	1	1
Department of Health and Human Services 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 Corrections	1	1
Department of Natural Resources	1	2
IDNR, Office of Mines and Minerals	1	1
IDNR, Office of Water Resources	1	1
Department of Public Health ⁴	1	1
Division of Aeronautics, IDOT ⁴	1	1
Environmental Protection Agency	1	1
Historic Preservation Agency ⁴	0	1
Illinois Commerce Commission ⁴	1	1
Prairie Research Institute	3	3
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

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 libraries for public review:**

**Peoria Public Library
107 NE Monroe
Peoria, IL**

**Chillicothe Public Library
430 N. Bradley Avenue
Chillicothe, IL**

**Lacon Public Library
205 6th Street
Lacon, IL**

**Henry Public Library
702 Front Street
Henry, IL**

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 19-1.01a.

References:

Subsection 40 CFR 1500.2(d) of 40 CFR 1500.2 - Policy

40 CFR 1506.6 - Public Involvement Requirements

Subsection 23 CFR 771.111(h) of 23 CFR 771.111 - Early Coordination, Public Involvement, and Project Development

23 CFR 771.123 subsection (h) of 23 CFR 771.123 – Draft Environmental Impact Statements

Chapter 19 Public Involvement Guidelines

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

**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.

When?

June 14, 2006
4:00 pm to 7:00 pm
June 15, 2006
4:00 pm to 7:00 pm

Where?

Three Sisters Park Pavilion
17201 North State Route 29, Chillicothe, IL
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 libraries 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.

Peoria Public Library
107 NE Monroe
Peoria, IL

Lacon Public Library
205 6th Street
Lacon, IL

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

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 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:

40 CFR 1503.4 - Response to Comments

Subsection 23 CFR 771.125(a) of 23 CFR 771.125 - Final Environmental Impact Statements

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"

Section 19-5.04 Responses

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 Office of Innovative Program Delivery (IPD) through FHWA's IPD Project Delivery 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:

Chapter 20 Requirements for Major Projects

FHWA *Major Projects Guidance*, January 19, 2007

FHWA *Major Project Program Cost Estimating Guidance*, January 2007

25-2.22 Planning Requirement Prior to NEPA Approval

Before FHWA can approve a 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 (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 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 USC 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:

23 USC 139(l) - Efficient Environmental Reviews for Project Decision-making
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 USC 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 (See Figure 25-2.X) 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 25-2.22).

References:

Subsection 40 CFR 1502.9(b) of 40 CFR 1502.9 - Draft, Final, and Supplemental Statements
23 CFR 771.125 - Final Environmental Impact Statements
23 CFR 774.7 - Documentation
Section VI of FHWA Technical Advisory T6640.8A - Options for Preparing FEIS
Section 22-4 Concurrent NEPA/404 Processes
Section 26-2 Section 4(f) Evaluations and Determinations
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 25-3.A) 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:

Subsection 23 CFR 771.113(a)(2) of 23 CFR 771.113 - Timing of administrative activities
Subsection 23 CFR 771.125(c) and Subsection 23 CFR 771.125(e) of 23 CFR 771.125 - Final Environmental Statements
23 CFR 774.9 - Timing
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 26-2 Section 4(f) Evaluations and Determinations

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

The district has the primary responsibility for circulating the FEIS/ROD. Figure 25-2.G identifies the number of copies 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.
- The district shall distribute the FEIS/ROD to any entity that made substantive comments on the FEIS/ROD, 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:

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

23 CFR 771.125 - Final environmental impact statements

23 CFR 774.7 - Documentation

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

Section 22-4 Concurrent NEPA/404 Processes

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

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 25-3.A) 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:

Subsection 23 CFR 771.113(a)(2) of 23 CFR 771.113 - Timing of Administrative Activities

Subsection 23 CFR 771.125(c) and Subsection 23 CFR 771.125(e) of 23 CFR 771.125 - Final Environmental Impact Statement

23 CFR 774.9 - Timing

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 26-2 Section 4(f) Evaluations and Determinations

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

The district has the primary responsibility for circulating the FEIS. Figure 25-2.G 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 FEIS, 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:

40 CFR 1502.19 - Circulation of the Environmental Impact Statement

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

40 CFR 1506.9 - Filing Requirements

40 CFR 1506.10 - Timing of Agency Action

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

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)*

23 USC 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:

23 USC 139(l) - Efficient Environmental Reviews for Project Decision-making
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 USC 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:

40 CFR 1505.2 - Record of Decision in cases requiring Environmental Impact Statements
23 CFR 771.127 - Record of Decision
23 CFR 771.129 - Re-evaluations
23 CFR 774.9 - Timing
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?"
Section 22-3.1 Ensuring Validity of Environmental and Design Documents

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 20-1, 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:

Chapter 20 Requirements for Major Projects

FHWA *Project Management Plan Guidance*, January 2009

FHWA *Project Management Plan Guidance Questions*

FHWA *Major Project Guidance Memorandum*, January 17, 2007

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:

Chapter 20 Requirements for Major Projects

| FHWA *Project Management Plan Guidance, January 2009*

| FHWA *Project Management Plan Guidance Questions*

| FHWA *Major Project Guidance Memorandum, January 17, 2007*

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 180 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 180 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. 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.

SAMPLE STATUE OF LIMITATIONS NOTICE

FIGURE 25-2.N
(Continued)

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] 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 Section 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, as amended [16 U.S.C. 470(f) et seq.]; Archaeological and Historic Preservation Act (AHPA) [16 U.S.C. 469-469(c)].
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 (Section 401 and 404) [33 U.S.C. 1251-1377]; Wild and Scenic Rivers Act [16 U.S.C. 1271-1287].

SAMPLE STATUE OF LIMITATIONS NOTICE

Figure 25-2.N
(Continued)

8. Executive Orders: E.O. 11990 Protection of Wetlands; E.O. 11988 Floodplain Management; E.O. 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 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 STATUE OF LIMITATIONS NOTICE

Figure 25-2.N

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:

40 CFR 1505.3 - Implementing the decision

Subsection 23 CFR 771.109 (b) of 23 CFR 771.109 - Applicability and responsibility

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

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

25-3 FORMAT AND CONTENT OF EIS

25-3.01 Objectives for Writing Quality Environmental Impact Statements

The content of quality Environmental Impact Statements (EISs) should meet the following objectives:

- Tell the story of the project so that the reader can easily understand the purpose and need for the project, how each alternative carried forward for further study would meet the project goals, and the strengths and weaknesses associated with each alternative.
 - + The “story of the project” should be understandable to a broad audience. The EIS must provide a logical flow of information for decision-makers and the public.
 - + After reviewing the EIS, readers should be able to answer the following questions: What is the project trying to accomplish and what are its effects? Technical subjects should be understandable to the reader.
 - + Use plain language and effective visual elements to convey the project’s purpose and need, alternatives analysis, and impacts. Writing with clarity does not mean removing technical details; it means explaining technical details in a way that is understandable to a non- technical reader. Define terms and spell out acronyms when initially used.
- Keep the EIS as brief as possible, using clear, concise writing, effective graphics and visual elements. Discussion of issues and impacts should be in proportion to their significance.
 - + Provide effective summaries. The EIS should explain the problem as well as how each alternative will affect users and stakeholders. The writer should capture compelling issues important for the project and summarize key issues with perspective.
 - + Graphics and visual elements enhance the reader’s comprehension and break up large sections of text.
 - + Data and technical reports containing scientific language not likely to be understood by the general public should go in an appendix. A plain language summary of the technical report should go in the text of the EIS. The main text of the EIS should direct the reader to the appendix if further information is desired.
 - + Include only the most relevant information. Do not discuss issues that are not relevant.
- Ensure that the document meets all legal sufficiency requirements in a way that is easy to follow for regulators and technical reviewers. When writing the EIS, use the following practices to ensure legal requirements have been satisfied:

- + The project shall have a well stated purpose and need. Support this statement with environmental and engineering data such as crash reports, traffic and noise modeling, travel times, etc.
- + When composing the alternatives analysis, provide necessary, detailed explanation of the screening process. Explain why alternatives were eliminated from further consideration. The discussion can be aided with tables and charts.
- + Identify and explain key assumptions to establish credibility. In presenting technical information, specifically identify key assumptions and explain why they were made. Example: Traffic forecasts are based on assumptions about future population and employment trends. These assumptions must be credible in order for any results to be credible.
- + Describe methods used to develop data so that the non-technical reader understands the methodology. Provide explanation of any models used, how they work, and what type of information such models provide. Also provide explanation on any previous studies used and their relevance to the project. Explain any limitations to the data.
- + Analyze the data. Do not simply provide a summary of data. Explain to the reader what it means and how it applies to the project. Identify and explain relationships as well as the results. Use visual aids to present key results.
- + Document compliance with regulatory requirements. Explain how federal and state regulatory requirements have been met. Include explanations for those that are applicable and which are not. This includes laws such as the Endangered Species Act, Section 106, Section 4(f), etc. Explain how the regulation applies to the project. Identify potential disputes. Provide explanations to the major concerns that were expressed by stakeholders and how they were addressed. If additional steps are needed to achieve compliance, state them. This also includes providing documentation of compliance with procedural laws. Provide dates and documentation of all meetings held with resource agencies as well as with the public.
- + Be consistent throughout the document. Discussion of regulatory requirements demands specific language to be present. Incorporate this language consistently throughout the document. Define all terminology and be consistent when using terms. Examine the document to ensure that tables and text present the same data calculations, results, dates, etc.

NOTE: For a list of common legal issues in environmental documents see Chapter 5.2 in *Improving the Quality of Environmental Documents*, Joint AASHTO/ACEC Committee in Cooperation with FHWA, May 2006.

References:

40 CFR 1502.1 - Purpose
40 CFR 1502.8 - Writing
Section 22-2 Environmental Documentation

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

AASHTO's Examples of Effective techniques for Preparing High-Quality NEPA Documents (2014)

AASHTO's Practitioner's Handbook: Preparing High-Quality NEPA Documents For Transportation Projects, July 2014

25-3.02 General Format

In addition to the cited references, the following general comments apply to the format and content of an EIS:

1. Reader-Friendly Concepts. The EIS preparer(s) shall convey the required information in a form easily understood by those expected to comment on the draft statement. This includes stakeholders ranging from state and federal agencies to the general public. The following practices will be applied on all EISs:

- Use an active voice to engage the reader.
- Use question and answer headings where appropriate to guide readers towards the most essential information.
- Use visual displays of information including graphs, tables, pictures, etc.
- Be concise. Only include substantial topics and information relevant to the project.
- Use plain language when explaining technical terms.

NOTE: For further assistance in preparing an easy-to-read document see AASHTO's *Examples of Effective techniques for Preparing High-Quality NEPA Documents (2014)*, or AASHTO's *Practitioner's Handbook: Preparing High-Quality NEPA Documents For Transportation Projects July 2014*

2. Coordination with Environmental Studies. The statement should briefly summarize and reference in the text any underlying studies, reports, and other information considered in preparing the document. Referenced reports should be those readily available to commenting entities upon request or, at a minimum, available for review and copying at a convenient location. If supporting documents are appended to the statement, ensure that the document is self-contained and does not require undue cross-referencing. The level of summarization should be commensurate with the scale of the proposed action and the impact(s).
3. Paper Size. The statement will be printed double-sided on paper approximately 8 ½ inches x 11 inches (216 mm x 279 mm), and the maps, drawings, illustrations, etc.,

should be folded to the same size. Sheets wider than 8 ½ inches (216 mm) should be folded to open to the right with identification placed at the right edge.

4. Type Size/Font. The EIS text should be prepared using an 11-point or 12-point type size in a serif font such as Times New Roman.

References:

40 CFR 1500.4 - Reducing Paperwork
40 CFR 1502.2 - Implementation
40 CFR 1502.5 - Timing
40 CFR 1502.6 - Interdisciplinary Preparation
40 CFR 1502.7 - Page Limits
40 CFR 1502.8 - Writing
40 CFR 1502.9 - Draft, Final, and Supplemental Statements
Forty Most Common Questions concerning CEQ's NEPA Regulations Memorandum - Question 21 "Combining EIS with Other Planning Documents"
Improving the Quality of Environmental Documents, Joint AASHTO/ACEC Committee in Cooperation with FHWA, May 2006
AASHTO's Examples of Effective techniques for Preparing High-Quality NEPA Documents (2014)
AASHTO's Practitioner's Handbook: Preparing High-Quality NEPA Documents For Transportation Projects, July 2014

25-3.03 Table of Contents

The Table of Contents for an EIS will typically include:

- Cover Sheet;
- Summary;
- Table of Contents;
- Purpose and Need;
- Alternatives;
- Environmental Resources, Impacts, and Mitigation;
- List of Preparers;
- List of Agencies, Organizations, and Persons to Whom Copies of the Statement are Sent;
- Comments and Coordination;
- Section 4(f) Statement (if applicable);
- Index; and
- Appendices (if any).

The Table of Contents also should provide the page numbers for each section. Maps, charts, tables, each appendix, etc., should have a separate listing.

For a combined FEIS and ROD, there will be a single signature page (see Figure 25-3.A). The combined FEIS and ROD will be packaged as follows:

- Signature Sheet (FEIS and ROD)
- Table of Contents
- Record of Decision (this serves as the summary section for the FEIS)
- FEIS
 - + Purpose and Need
 - + Alternatives
 - + Environmental Resources, Impacts, and Mitigation
 - + Preferred Alternative
 - + List of Preparers
 - + List of Agencies, Organizations, and Persons to Whom Copies of the FEIS/ROD are Sent
 - + Comments and Coordination
 - + Section 4(f) Statement (if applicable)
 - + Index
 - + Appendices (if any)

References:

40 CFR 1502.10 - Recommended Format
Paragraph V.C. of FHWA Technical Advisory T6640.8A - Table of Contents

25-3.04 Cover Sheet

Figure 25-3.A presents the Cover Sheet for a DEIS/Separate FEIS. Figure 25-3.B presents the Cover Sheet for a Combined FEIS/ROD. Both were adapted from the Cover Sheet in FHWA Technical Advisory T6640.8A to provide information specific to Illinois. The Engineer of Design and Environment signs the Cover Sheet for the Department.

References:

40 CFR 1502.11 - Cover Sheet
Paragraph V.A. of FHWA Technical Advisory T6640.8A - Cover Sheet

[Route, Termini, City or County, and State]

DRAFT (FINAL) (SUPPLEMENT)
ENVIRONMENTAL IMPACT STATEMENT

Submitted Pursuant to 42 USC 4332 (2)(c)
(and where applicable, 49 USC 303) by the

U. S. Department of Transportation
Federal Highway Administration

and

Illinois Department of Transportation
and

[As applicable, any other joint lead agency]

Cooperating Agencies

[Include List Here, as applicable]

Date of Approval

For IDOT

Date of Approval

For FHWA

The following persons may be contacted for additional information concerning this document:

[Name]
Division Administrator
Federal Highway Administration
3250 Executive Park Drive
Springfield, Illinois 62703
Telephone: 217-492-4640

*[Name, office address, and phone number
of IDOT Regional Engineer]*

[A one-paragraph abstract of the statement.]

*FHWA will issue a single FEIS and Record of Decision document pursuant to Public Law 112-141, 126 Statute 405, Section 1319(b) unless FHWA determines statutory criteria or practicability consideration preclude issuance of the combined document pursuant to section 1319.

Comments on this document are due by *[Date]* and should be sent to *[Name and office address of IDOT Regional Engineer]*.*

* To be used on the draft EIS only.

DEIS/SEPARATE FEIS COVER SHEET

Figure 25-3.A

[Route, Termini, City or County, and State]
 FINAL ENVIRONMENTAL IMPACT STATEMENT
 AND
 RECORD OF DECISION
 Submitted Pursuant to 42 USC 4332 (2)(c)
 (and where applicable, 49 USC 303) by the
 U. S. Department of Transportation
 Federal Highway Administration
 and
 Illinois Department of Transportation
 and

[As applicable, any other joint lead agency]

Cooperating Agencies

[Include List Here, as applicable]

 Date of Approval of FEIS¹

 For IDOT

The following persons may be contacted for additional information concerning this document:

[Name]

[Name, office address, and phone number
 of IDOT Regional Engineer]

Division Administrator
 Federal Highway Administration
 3250 Executive Park Drive
 Springfield, Illinois 62703
 Telephone: 217-492-4640

[A one-paragraph abstract of the statement.]

Based on the analysis and evaluation contained in the Final EIS and after careful consideration of all the social, economic, and environmental factors contained in the Final EIS with input received from other agencies, organization, and the public, it is the decision of the FHWA to approve [[Selected Alternative Description]] as the Selected Alternative.

 Date of Approval of FEIS and ROD

 For FHWA

¹ IDOT's signature commits it to implement the project as described in the FEIS, including all mitigation measures contained therein, and serves to recommend to FHWA to approve the FEIS and ROD.

25-3.05 Summary

The EIS summary shall stress major conclusions, areas of controversy, and issues to be resolved. A well-written summary distills the comparisons of alternatives and draws sharp distinctions between alternatives to present major conclusions. The conclusions will emphasize the environmental consequences and benefits of choosing between the alternatives. **Areas of controversy** usually include, but are not limited to, the alternative analysis in the EIS, identification of the preferred alternative, agencies' or stakeholders' competing interests, public opposition, and other known or potential areas of controversy discovered during the public outreach process. By acknowledging controversy in the summary, FHWA and the project sponsor can help demonstrate that they considered all relevant information, including views contrary to their position. Discussing controversy candidly and factually can be important in the event of later litigation based on the EIS. **Issues that need to be resolved** should be limited to those directly related to decision-making. These discussions could include the strategies for communication, approaches for information gathering to address issues, and identification of other actions that may need to occur before the decision is finalized in the Record of Decision (ROD).

The summary should be a factual reflection of the EIS document. If writing the summary is difficult or, as a reader, you have difficulty comprehending the summary, it may indicate weakness in other areas. Weaknesses could include poor organization, too much discussion of insignificant issues, and encyclopedic rather than factually based, accurate and concise treatment of issues. When a reviewer or editor revises a summary, he or she also may identify ways to resolve weaknesses related to the quality of the entire EIS document.

Figure 25-3.C is the recommended format for the EIS Summary Q&A.

References:

40 CFR 1502.12 - Summary

Paragraph V.B. of FHWA Technical Advisory T6640.8A - Summary

The following questions compose a reader-friendly EIS Summary with information consistent with CEQ and FHWA regulations. The information in this template guides the user in producing a quality Summary, and provides flexibility to add more questions to present the information contained within the following questions:

1. What is being proposed and why? Or, why is this project happening?

The answer should briefly discuss the project's background (including related planning studies), what problem(s) this project would solve, the purpose and need, and the proposal's general description and study area including location, type of improvement, route, number of lanes, length, and termini, and other information as appropriate. A summary might explain the importance of input from the public and agencies in defining the project. It also could explain why an EIS rather than an Environmental Assessment (EA) is being prepared [i.e., because significant impacts are likely to result].

2. What are the possible solutions (alternatives) to meet the project purpose?

The answer should briefly describe the possible solutions to meet the identified purpose and need. The summary also should contain a brief description of the reasonable alternatives considered and the type of improvements that are presented in detail in the EIS. Other important information that may be included here is cost estimates and how alternatives would be financed.

3. What are people's concerns with the project? Is there controversy? What would be the consequences related to the alternatives?

The answer should concisely describe the controversy associated with the alternatives being studied or their associated impacts raised by the public and agencies. This section also should discuss the significant environmental impacts, both beneficial and adverse, associated with each alternative and summarize proposed mitigation. Each alternative should be compared according to: (1) how effectively the alternative addresses the project purpose and need; and (2) the impacts for each alternative. This discussion could summarize how reasonable alternatives were identified, all environmental consequences, and any associated controversy.

EIS Summary Q&A Format Template

25-3.C
(Continued)

4. Are there any unresolved issues associated with the project? What is the proposed approach to resolve those issues?

The answer should briefly present information about unresolved issues including those that need to be addressed before the Record of Decision is issued. Issues still open could include other Federal actions required for the proposed project (i.e., permit approvals, land transfer, Section 106 agreements, etc.), or required consultation that will provide reasonable assurance that all environmental requirements will be met. The answer also could provide an opportunity to disclose information about project phasing and funding issues.

5. What are the major conclusions of the EIS? Does the EIS identify a preferred alternative?

The answer should stress results from environmental and other studies performed and refer the reader to the details in the EIS. For example, a major conclusion may be that an alternative initially considered for evaluation is determined not to be “reasonable” and therefore dismissed from further study or detail. Another conclusion may identify if the project will impact properties subject to a Section 4(f) Evaluation. Additionally, it may provide information that will allow the lead agency to determine whether certain conditions exist for a Section 4(f) *de minimis* determination or if a Nationwide Programmatic Section 4(f) Evaluation can be used for the project. The answer should communicate the results of the consultation with resource agencies and other entities in compliance with applicable federal, state and local requirements, and how those results lead to the identification of the preferred alternative. The analysis should lead to an identification of a preferred alternative. When the DEIS identifies a preferred alternative, the Summary should include a brief description of the alternative and the rationale for its identification. The summary should direct readers to the parts of the EIS document containing the full details of the process that led to the identification of the preferred alternative and that alternative’s associated impacts

25-3.06 Purpose and Need

The purpose and need section is the foundation of the EIS. It introduces the reader to the project and why it is important and provides the basis for the range of alternatives being evaluated for the project.

This section should identify and describe the study area, logical termini, and the proposed action and the transportation problem(s) or other needs which it is intended to address (40 CFR 1502.13). It should clearly demonstrate that a "need" exists and should define the "need" in terms understandable to the general public. This discussion should clearly describe the problems that the proposed action is to correct. It will form the basis for the "no action" discussion in the "Alternatives" section, and assist with the identification of reasonable alternatives and the selection of the preferred alternative. Charts, tables, maps, and other illustrations (e.g., typical cross-section, photographs, etc.) can be used to clearly show data.

References:

40 CFR 1502.13 - Purpose and Need

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

Section 22-6.01 Purpose and Need

FHWA Environmental Review Toolkit - NEPA and Transportation Decision-Making, The Development of Logical Project Termini (November 5, 1993)

25-3.07 Alternatives

In addition to the information in the cited references, the following guidance applies to this part of the EIS.

A representative number of reasonable alternatives must be evaluated. This section should:

- identify the preliminary alternatives developed for the project;
- explain the methods used for screening alternatives;
- summarize the results of screening processes, including the reasons for eliminating any alternatives from consideration;
- identify and discuss avoidance alternatives for potential effects on wetlands, floodplains, and Section 4(f) resources;
- describe each of the alternatives carried forward for detailed study, including the "no action" alternative; and
- explain how the "build" alternatives carried forward achieve the project's purpose and need.

Each reasonable alternative should be presented at a comparable level of detail and referenced to an exhibit. The principal features of each alternative (e.g., major design aspects such as access control, pavement/shoulder width, interchanges) should be identified. The discussion should provide only the level of detail necessary for understanding the relationship between the "Purpose and Need" for the project and the proposed alternatives.

Any alternative that was studied and eliminated from further consideration should be described in a brief paragraph, including the reason(s) it is no longer being considered. Supporting information should be quantified as practical so that reviewers can understand the basis for its elimination.

References:

40 CFR 1502.14 - Alternative including the Proposed Action
Subsection 23 CFR 771.123(c) of 23 CFR 771.123 - Draft Environmental Impact Statements
Subsection 23 CFR 771.125(a)(1) of 23 CFR 771.125 - Final Environmental Impact Statements
Paragraph V.E. of FHWA Technical Advisory T6640.8A - Alternatives
Forty Most Common Questions concerning CEQ's NEPA Regulations Memorandum - Questions 1, 3, 4, and 5 "Identification and Evaluation of Alternatives and Question 7 "Relationship Between Alternatives and Environmental Consequences Sections"
Section 22-6.04 Congestion Management System Alternatives

25-3.08 Environmental Resources, Impacts, and Mitigation

Figure 25-3.D presents the recommended format for preparing the Section on Environmental Resources, Impacts, and Mitigation.

The following standard subsections are suggested for use in addressing the specific impacts of the proposed action:

- General Impacts and Mitigation Measures;
- Social/Economic;
- Agricultural;
- Cultural;
- Air Quality;
- Noise;
- Energy,
- Natural Resources, Water Resources, and Aquatic Habitats;
- Groundwater;
- Floodplains;
- Section 4(f)/6(f)
- Wetlands;
- Special Waste;
- Special Lands;
- Permits/Certifications; and
- Other Issues:
 - + Visual,
 - + Construction,
 - + Short-term Uses vs. Long-Term Productivity, and
 - + Irreversible/Irretrievable Commitment of Resources.

This section discusses the specific environmental resource issues that should be addressed in the Environmental Resources, Impacts, and Mitigation Section of the EIS. The discussion contains suggestions for items that should be addressed under the subsection headings. These factors should be considered for each reasonable alternative where a potential for impact to environmental resources exists. The suggestions below are neither comprehensive nor applicable in all cases; they are offered as a guide. When a project involves an issue or resource not addressed in the subsections below, contact BDE for guidance, as necessary. All analyses and discussions concerning these factors should be supported by appropriate environmental studies. Charts, tables, maps, and other graphics should be used, where practical, to summarize and condense information. See Section 25-3.07 for specific examples of the use of charts, tables, etc.

References:

40 CFR 1502.15 - Affected Environment

40 CFR 1502.16 - Environmental Consequences

40 CFR 1508.8 - Effects

Paragraph V.F. of FHWA Technical Advisory T6640.8A - Affected Environment

Paragraph V.G. of FHWA Technical Advisory T6640.8A - Environmental Consequences

Forty Most Common Questions concerning CEQ's NEPA Regulations Memorandum - Question 7 "Relationship Between Alternatives and Environmental Consequences Sections" and Question 18 "Indirect Effects"

Section 22-6.02 Indirect and Cumulative Environmental Impacts

Chapter 26 Special Environmental Analyses

Chapter 27 Environmental Surveys

- A. General Impacts and Mitigation Measures (applicable to all alternatives)
- B. Social/Economic
 - 1. Alternative 1
 - 2. Alternative 2
 - 3. Alternative 3, etc.
- C. Agricultural
 - 1. Alternative 1, etc.
- D. Cultural, etc.
- .
- .
- .
- X. Impact/Alternative Summary Table
- Y. Summary of Mitigation Measures
- Z. Commitment Monitoring Program for Preferred Alternative (Final EIS only)

**SUGGESTED FORMAT FOR THE “ENVIRONMENTAL RESOURCES, IMPACTS, AND
MITIGATION” SECTION OF AN ENVIRONMENTAL IMPACT STATEMENT**

Figure 25-3.D

25-3.08(a) General Impacts and Mitigation Measures

Where appropriate, a subsection should be included which discusses the general impacts and mitigation measures that are identified for the various alternatives under consideration. Charts, tables, maps, and other graphics illustrating comparisons between the alternatives (e.g., costs, residential displacements, noise impacts) should be considered for condensing and summarizing information.

References:

40 CFR 1508.20 - Mitigation

Forty Most Common Questions concerning CEQ's NEPA Regulations Memorandum - Question 19 "Discussion on Mitigation Measures"

25-3.08(b) Indirect and Cumulative Impacts

Through scoping and ongoing coordination with the resource and regulatory agencies, the environmental resource areas that could have substantial indirect and cumulative impacts should be identified, and methodologies for analyzing those impacts also should have been agreed upon. For the resource areas where indirect and cumulative impacts are a concern, the analysis will be included in that specific sub-section of the EIS. Discuss reasonably foreseeable indirect and cumulative impacts for each of these environmental resource areas. This includes effects that would be caused by the project action later in time or further removed in distance but that would still be reasonably foreseeable. Reasonably foreseeable effects are those associated with actions that have applied for permits, zoning, or other public approvals or that have been discussed in the media. Highways may stimulate or induce other actions, such as more rapid land development or changed patterns of social activities. Impacts associated with secondary actions, through their impacts on existing community facilities and activities or through changes in natural conditions, may be more substantial than the direct impacts associated with the highway construction. Section 22-6.02 contains guidance for analyzing indirect and cumulative impacts

References:

40 CFR 1508.8 - Effects

Forty Most Common Questions concerning CEQ's NEPA Regulations Memorandum - Question 18 "Indirect Effects"

Section 22-6.02 Indirect and Cumulative Environmental Impacts

FHWA Environmental Review Toolkit- Interim Guidance: Indirect and Cumulative Impacts in NEPA (January 2003)

25-3.08(c) Social/Economic

The EIS should discuss the following:

1. Population. Identify the general population served and/or affected (city, county, etc.) by the proposed action. Demographic data should be obtained from the most recent US census. Typically, the American Community Survey 5-year estimate is applicable. Available secondary sources may include metropolitan planning organization data. Demographic information should include population, race, and family income.
2. Economic. Provide data on pertinent economic factors, such as employment, major businesses, residential and business relocations, parking losses, and any other factors that may affect the area's economic profile. If a substantial amount of new right-of-way will be required, a property tax loss analysis should be included in the EIS. As applicable, discuss economic development, such that economic activity in the area is projected to expand and provide more jobs and income to the area's residents. Economic development could discuss new business startups, business expansion, business attraction, and business retention. See *IDOT Community Impact Assessment Manual, 2007*.
3. Neighborhoods. Provide a general description of the surrounding neighborhoods, including ethnic composition, population distribution, growth characteristics, and other socio-economic characteristics.
4. Public Facilities/Services. Identify potentially affected public facilities and services, including:
 - churches, temples or mosques,
 - hospitals or other medical facilities,
 - educational facilities, libraries,
 - parks,
 - community centers (locations where members of the community tend to gather such as the Knights of Columbus Hall, YMCA, etc.),
 - police and fire protection, and other emergency services.
5. Local Planning. Describe the scope and status of the planning processes for the local jurisdictions and the project area. Maps of any adopted land use and transportation plans for these jurisdictions and the project area would be helpful in relating the proposed project to the planning procedures.
6. Freight. As applicable, the freight network and its multi-modal aspects should be discussed in the EIS for rail and road projects for metropolitan areas such as northeast Illinois and Projects of National and Regional Significance.

Social/economic impacts should be analyzed and discussed in accordance with the procedures in the on-line *IDOT Community Impact Assessment Manual (2007)*, and the *FHWA Community Impact Assessment : A quick reference for Transportation (1996)*. Where there are foreseeable

social/economic impacts, the DEIS should discuss (in addition to those factors in the Technical Advisory) the following for each alternative, commensurate with the level of impacts:

1. Community Cohesion and Community Changes. The discussion should:
 - describe the potential effects of the project or plan on community life in the project vicinity, incorporating neighborhood concerns, cultural identification, life styles, and community bonds;
 - indicate the outcome of public involvement with regard to controversial community impact issues; and
 - consider the effects on residents who will not be displaced but will be left in proximity to the project facility.
 - discuss if the project will enhance or isolate a portion of a neighborhood or ethnic group.

2. Environmental Justice. The project must be in accordance with Executive Order 12898 and the final US DOT Order (5610.2(a) May 2, 2012 and FHWA Order 6640.23A, June 14, 2012) on Environmental Justice and the EIS should include:
 - a statement as to whether there are low-income* or minority groups within the project area;
 - an indication of whether low-income or minority groups will be affected by the action and whether the impacts to these groups will be “disproportionately high and adverse”**;
 - a discussion of potential mitigation, if appropriate; and
 - a discussion if the project impacts cause residential relocations, from the area identified under Environmental Justice, then there shall must be a written commitment and documentation in the FEIS of: (i) Affordability of housing; (ii) Specific timeline for relocation; (iii) Confirmation of financial support , if needed; (iv) Specific location for replacement housing; (v) Identification of responsible parties; (vi) Interviews conducted with all potential displaces to determine relocation needs; (vii) Confirmation with those with special needs will be accommodated with a plan for assistance, as needed.

* *“Low-income” status should be determined by referring to the Department of Health and Human services poverty guidelines, which are published annually in the Federal Register.*

** *“Disproportionately high and adverse” impacts are those that make some individuals or groups better off at the expense of minorities or low-income residents or communities. It also has been defined as an inequity resulting*

from a proposed action on a group protected under the Civil Rights Act of 1964. If disproportionately high impacts are expected, it is necessary to demonstrate that the project will fulfill a substantial need and that measures to avoid or reduce the adverse impact are not practicable or would have other high adverse social, economic, or environmental impacts that are more severe or include costs of extraordinary magnitude. Offsetting mitigation and enhancement measures (including those developed during the public participation process) or any offsetting benefits that will accrue to the minority or low-income populations will be considered in any case of disproportionately high and adverse impacts.

3. Other Groups. In addition to those identified in the FHWA Technical Advisory, the following are examples of other groups that may require special consideration (e.g., with respect to travel patterns and access to jobs, schools, churches, parks, hospitals, shopping, and community services):

- school-age children,
- pedestrians, and
- bicyclists.

4. Public Services/Facilities. Indicate how project-induced effects will have a beneficial or adverse impact on public services and facilities.

5. Relocates.

- a. Residential Relocations.

Describe the number and type of residential displacements (e.g., single-family homes, multi-unit apartments, mobile homes). This information must be described in the text of the document and may be presented in table form for each alignment under consideration. State whether the property is owner-occupied or rented and if the residences are within a neighborhood that appears to be low-income or minority. This section of the document also should include the following:

- a statement that the provisions of the *Uniform Relocation Assistance and Real Property Acquisition Policies Act* and the *IDOT Land Acquisition Procedures Manual* will be followed;
- a commitment to provide housing of last resort, if necessary; and
- a statement that housing resources are available to all relocatees without discrimination.

Provide information regarding the potential for relocation of displaced residents within the project area or larger community. Describe the available locations and the distance from the areas of displacements.

b. Business Relocations.

Provide an estimate of the number and a description of the type of businesses to be displaced. Include a characterization of the business type (e.g., retail, other commercial, wholesale, industrial). Use the name of the business, if possible, and document the estimated number of employees. Also, identify and discuss:

- sites available in the area suitable for business relocation;
- the likelihood of such relocation;
- whether any of the displaced businesses provide a specialized service that would no longer be available to the community (i.e., a “one-of-a-kind” type of business or service); and
- the potential impact to the community if the business is not able to relocate nearby.

5. Businesses to Remain. Describe the effects of the proposed action on businesses that will not be displaced, but will experience impacts due to the project. These types of impacts are usually the result of the loss of parking spaces or a change in access. Impacts also may result from a proposed bypass or other changes in travel patterns that may affect the patronage of various businesses, especially those associated with established business districts. The discussion of such potential impacts should include ways to eliminate or reduce adverse impacts. Parking loss assessments should include the number of spaces taken and the number to remain, and an identification of nearby areas that could be used as parking for customers. Include a description of the major economic bases of the community. This information aids in establishing the sensitivity of the area to change (e.g., if the community’s economy is solely dependent on tourism, project impacts to storefront parking would potentially be more harmful).

6. Land Use Impacts. The discussion on land use impacts should identify the way in which the facility may permanently affect adjoining land uses/resources, using the following:

- An assessment of the growth-inducing potential of the proposed action. If increased pressure for development is anticipated, the discussion should include an assessment of the type of development that is expected to occur and where and when it is expected to occur. Any factors which might be used by local governments to influence development (such as zoning, restricting utility service, etc.) also should be discussed;
- A description of the scope and status of the planning process for the area and a discussion of the relationship between the proposed action and land use and public facility plans, policies, and controls that are applicable to the affected community. Existing and proposed land use (preferably shown on a map), including other proposed Federal, State, and local actions in the area affected, should be discussed.

7. Pedestrian and Bicycle Facilities. Discuss the current and anticipated bicycle and pedestrian usage, consistency with local plans and facilities that exist in the area, and proposed measures to accommodate anticipated usage and local plans to avoid or reduce adverse impacts to the facility(ies) and its users. If the project will cause disruption or permanent changes in pedestrian or bicycle access, provide a brief description of the effects. See Chapter 17 and Illinois Public Act 095-0665, effective July 1, 2007, known as Complete Streets and the Illinois Bike Transportation Plan, 2014.

References:

IDOT Community Impact Assessment Manual

Paragraph V.G.1. of FHWA Technical Advisory T6640.8A - Land Use Impacts

Paragraph V.G.3. of FHWA Technical Advisory T6640.8A - Social Impacts

Paragraph V.G.4. of FHWA Technical Advisory T6640.8A - Relocation Impacts

Paragraph V.G.5. of FHWA Technical Advisory T6640.8A - Economic Impacts

Forty Most Common Questions concerning CEQ's NEPA Regulations Memorandum - Question 23 "Conflicts Between Proposed Action & Land Use Plans"

25-3.08(d) Agricultural

Depict the locations of any designated Agricultural Areas on a map and provide a general statement regarding the occurrence of agricultural land uses in the area the project may affect (e.g., predominantly agricultural, scattered agricultural uses, urban developed area with little or no agricultural land use).

In addition to the information discussed in the cited references, the discussion on agricultural impacts should include:

1. Farmland and Soils Identification. In all cases, identify the total amount of farmland and estimate the amount of prime and important farmland to be converted to non-agricultural use. This should include the estimated conversion of agricultural land for borrow or contractor-use areas and other proposed mitigation efforts (e.g., wetland mitigation).
2. Specially Designated and Protected Agricultural Areas. Identify and include a discussion on avoidance or non-avoidance of:
 - any Protected Agricultural Areas*;
 - farms and acreage enrolled in the federal Conservation Reserve Program; and,
 - farms certified by Illinois as Centennial or Sesquicentennial Farms.

*Protected Agricultural Areas are registered with the counties and are overseen by the Illinois Department of Agriculture (IDOA), per the Illinois Agricultural Area Conservation and Protection Act, 505 Illinois Combined Statutes, Chapter 5. Property enrolled in an Agricultural Area must remain in agriculture for at least ten years.

3. Coordination. Prior to the DEIS:

- coordination is required with the Natural Resources Conservation Service (NRCS), unless the project is exempt per 523.10(B) or 523.11(E)(1) of the National Resource Conservation Service manual
at: http://www.nrcs.usda.gov/Internet/FSE_DOCUMENTS/stelprdb1049284.pdf
- coordinate with the Illinois Department of Agriculture.

Refer to BDE 26-10 for the basis of coordination with the Illinois Department of Agriculture and the National Resource Conservation Service.

In the DEIS and FEIS, discuss the basis for coordination with the Illinois Department of Agriculture and the National Resource Conservation Service. If coordination with the NRCS is required, a copy of the completed Form AD-1006 should be included as an exhibit.

4. Impacts. Summarize the results of the evaluation of farmland impacts and the results of coordination. The discussion of Agricultural impacts shall include: the number of agricultural parcel severances created; the number of agricultural landlocked parcels created; the number of uneconomical agricultural remnants of three acres or less in size; determining the potential loss in crop production and potential cash receipts; identifying the number of agricultural businesses relocated; and the number of farmstead relocations. Where possible, use tables and exhibits to illustrate impacts. The taking of a farm residence or known tax loss from right-of-way purchased should be discussed under the Social/Economic topic.
5. Erodible Soils. Based on the soil type and class information tabulated for Form AD-1006, discuss erodibility of the soils and methods likely to be used to control erosion.

References:

CFR title 7, Volume 6, Section 658, Farmland Protection Policy Act
CFR Title 7, Volume 6, Section 675.5 Identification of Important Farmlands
Paragraph V.G.2. of FHWA Technical Advisory T6640.8A - Farmland Impacts
Section 26-10 Evaluations of Farmland Conversion Impacts
505 ILCS 75/1 et seq., *Illinois Farmland Preservation Act*

25-3.08(e) Historic Properties

The Section 106 process and regulations describe the requirements to take into account the effects of federal projects on historic properties. The cited references provide the primary guidance for completing the Section 106 process. Section 26-5, specifically describes the roles and responsibilities of FHWA, the district, and BDE in completing the Section 106 requirements in Illinois.

The following information should be included in the EIS*:

- A description of the undertaking (project's) Area of Potential Effect, as coordinated with the Illinois SHPO, including photographs, maps, and drawings, as necessary;
- A description of the steps taken to identify historic properties, including a list of consulting parties invited to be included in the process;
- A description of the affected historic properties, including information on the characteristics that qualify them for the National Register of Historic Places (NRHP), include photographs and NRHP boundaries clearly delineated, specifically:
 - + Archaeological Resources.

If there are potentially significant archaeological sites, discuss the number and type of resources, and the nature of further fieldwork required.

If the sites were avoided or recovered during the Phase II field evaluation, identify the date of the SHPO concurrence and note that no further archaeological work is necessary.

If the sites were not avoided or recovered, Phase III excavation (data recovery) is required. Either a Memorandum of Agreement (MOA) or project Programmatic Agreement (PA) will be required to complete the work after right-of-way acquisition. The MOA or PA will be included in an Appendix.
 - + Architectural Resources (Above ground historic properties, bridges, structures).

Discuss the number and type of architectural resources within the project's Area of Potential Effect, including photographs and NRHP boundaries for each property.
 - + A description of the mitigation measures committed to in the MOA.
- Describe the relationship of each alternative to each historic property and describe the type of effects, if any, from the project. Include support for the finding of effect. This will conclude either:
 - + The basis for determining that no historic properties are present or affected; or
 - + An explanation of why the criteria of adverse effect were found applicable or inapplicable, including any conditions or future actions to avoid, minimize or mitigate adverse effects;
 - Clearly describe how much, if any, land (square feet, acreage) from within the historic property's NRHP boundary will be converted to transportation use by the project.
- To be included in the appendix:
 - Copies or summaries of any views provided by consulting parties, including Tribes, and the public

- SHPO letter, or letters, of concurrence on eligibility determinations and effect determinations (describe in text, include in appendix)
- If an adverse effect finding is made, include a copy of the letter from FHWA to the Advisory Council on Historic Preservation notifying them of the Adverse Effect finding, and a copy of the executed MOA or PA.

The Section 106 process must be concluded prior to FHWA issuing the combined FEIS/ROD, or separate ROD.

* At the DEIS stage, all of the above information should be included if it is available. On occasion, the final effect finding and/or the agreement document (Memorandum of Agreement or a Programmatic Agreement) may not be available until the Final EIS is prepared, which is acceptable. The DEIS should make note of the additional steps that will be taken prior to completion of the FEIS when additional actions are required to complete Section 106.

References:

Paragraph V.G.19 of FHWA Technical Advisory T6640.8A - Historic and Archeological Preservation
Section 26-2 Section 4(f) Evaluations and Determinations
Section 26-5 Historic Act Compliance

25-3.08(f) Air Quality

Air quality analyses shall be conducted in accordance with:

- Section 26-11 "Transportation Air Quality Conformity Requirements and Documentation";
- Section 26-12 "Transportation Conformity Project-level Qualitative Hot-spot Analysis in PM_{2.5} and PM₁₀ Nonattainment and Maintenance Areas";
- Section 26-13 "Mobile Source Air Toxics"; and,
- Section 26-14 "Microscale Analysis" of this BDE Manual. The *Illinois Carbon Monoxide Screen for Intersection Modeling (COSIM) Air Quality Manual* has been prepared to provide guidance on how to implement the microscale analysis policy for IDOT projects or projects being reviewed by IDOT. The COSIM manual provides information to be included in the environmental documentation.

The Air Quality Index (AQI) is the current national standard method for reporting air pollution levels to the general public. The AQI is based on the short-term Federal National Ambient Air Quality Standards (NAAQS), the Federal episode criteria, and the Federal Significant Harm levels for five of the "criteria pollutants," namely, ground-level Ozone (O₃), Sulfur Dioxide (SO₂), Carbon Monoxide (CO), Particulate Matter (PM), and Nitrogen Dioxide (NO₂). The AQI levels have been divided into six categories: Good (0-50),

Moderate (51-100), Unhealthy for Sensitive Groups (101-150), Unhealthy (151-200), Very Unhealthy (201-300), and Hazardous (301-500).

The AQI classification of “Unhealthy for Sensitive Groups” occurs on occasion in Illinois under the eight-hour ozone and PM2.5 standards. AQI classifications of Unhealthy are uncommon and classifications of Very Unhealthy are rare in the State. To date, no classifications of Hazardous air quality have occurred in Illinois.

References:

Paragraph V.G.8. of FHWA Technical Advisory T6640.8A - Air Quality Impacts

25-3.08(g) Noise

Traffic noise analyses shall be conducted in accordance with Section 26-6 “Noise Analyses” of this BDE Manual. The *IDOT Highway Traffic Noise Assessment Manual* provides guidance on how to implement the policy for IDOT projects or projects being reviewed by IDOT. The guidance manual provides information to be included in the environmental documentation.

The DEIS must summarize noise impacts on receptors for all alternatives carried forward for detailed study. For the Preferred Alternative, the Draft EIS will include an analysis of:

- noise impacts on receptors
- feasibility
- noise reduction design goal reasonableness, and
- economic reasonableness.

The FEIS also must include:

- a summary of the viewpoints of the benefited receptors,
- a statement of likelihood of barriers that will be implemented,
- an explanation of why any feasible and reasonable barriers will not be implemented, and
- documentation of coordination with local officials.

References:

Paragraph V.G.9. of FHWA Technical Advisory T6640.8A - Noise Impacts
Section 26-6 Noise Analyses
IDOT Highway Traffic Noise Assessment Manual

25-3.08(h) Energy

Use the following statement when addressing energy:

Construction of the proposed ____ (Route) ____ improvement will require indirect consumption of energy for processing materials, construction activities, and maintenance for the lane miles to be added within the project limits. Energy

consumption by vehicles in the area may increase during construction due to possible traffic delays.

Construction of the proposed improvement will reduce traffic congestion and turning conflicts along the route and thereby reduce vehicular stopping and slowing conditions. Additional benefits would be realized from increased capacity and smoother riding surfaces. This will result in less direct and indirect vehicular operational energy consumption for the build alternative than for the no-action alternative. Thus, in the long term, post-construction operational energy requirements should offset construction and maintenance energy requirements and result in a net savings in energy usage.

The following should be added when applicable:

The project includes provisions for improved bicycling and walking conditions, thereby encouraging travel by these non-motorized and thus non-energy consuming modes of transportation.

Energy impacts should only be presented if it is an issue of concern in the project area or if substantial differences between alternatives are anticipated.

References:

Paragraph V.G.22. of FHWA Technical Advisory T6640.8A - Energy

25-3.08(i) Natural Resources

Describe the location of the project in relation to the Natural Divisions of Illinois and provide a brief characterization of the Divisions involved. Describe the important plant communities (cover types) and wildlife habitats that occur within the project area and identify important plant and wildlife species and wildlife groups. Also identify species that are Federal and/or State endangered or threatened species. Depict areas designated as Natural Areas, Land and Water Reserves, and Nature Preserves on an environmental resource map of the project area. Additional guidance on these topics is provided below.

The following additional guidance applies to the discussion of natural resource impacts and mitigation in the EIS:

1. Upland Plant Communities

Provide a general description of the surrounding terrain and ecosystems. Describe each of the important plant communities (cover types) in the project vicinity; whether essentially natural (e.g., forest, prairie, shrubland); or substantially modified or managed (e.g., cropland, hay and pasture land, residential areas, other urban land).

The total number of acres and percent cover of each plant community that occurs within the project area should be presented in a table. The text should briefly describe those

plant communities that are predominate, important wildlife habitats, or rare on the Illinois landscape. Two of these plant communities, forested (important wildlife habitat) and prairie (rare) areas, should be described in further detail as outlined below.

The Memorandum of Understanding by and between Illinois Department of Natural Resources and Illinois Department of Transportation requires IDOT to coordinate with IDNR for actions bisecting or fragmenting blocks of trees greater than or equal to 20 acres. Identify and depict on the environmental inventory map forested blocks of trees greater than 20 acres (8 ha) in size or forested areas of any size along stream corridors. Identify the dominant species, density and basal area (if available), the relative age, and the natural quality of each forested stand. Trees on the inventory of state record trees, trees possessing exceptional size, form, etc., trees having recognized historical significance, or trees that perform a special function shall be discussed per Design and Environment Policy 18, Preservation and Replacement of Trees (D&E-18). Briefly summarize project impacts (e.g., loss of acreage (hectares), function) and replacement time (the number of years required for comparable vegetation to grow back if destroyed). Measures to avoid the impacts and provide mitigation for unavoidable impacts must be identified. D&E-18 states the mitigation ratios that shall be used for impacts to trees. Forested mitigation should be based on wildlife habitat considerations.

In urban settings, briefly describe dominant species and health of trees occurring as landscape elements. Indicate the number of these trees to be removed (based on an actual count or an estimate based on a sample), and discuss plans for providing replacement tree plantings.

The Memorandum of Understanding by and between Illinois Department of Natural Resources and Illinois Department of Transportation requires IDOT to coordinate with IDNR for actions adversely affecting prairie/savanna areas. Identify and depict on the environmental inventory map prairie/savanna areas that occur within the project area. Briefly describe these areas by size (acres/hectares), prairie type (e.g., mesic, sand, dolomite), dominant grasses, dominant forbs, prairie grasses, prairie forbs, and species having indices of conservatism of seven or greater and percent adventive. The discussion of each stand should include the types of disturbance currently being experienced by each prairie area. Discuss measures taken to avoid and minimize impacts to prairie areas, amount of impact to each prairie, and mitigation plans for providing prairie replacement.

Briefly discuss the likely effects of the project on the introduction or spread of invasive species during construction and/or as a result of project maintenance. Identify invasive species for the project area and briefly describe their potential effects on sensitive resources (e.g., adjacent natural areas, nature preserves, parks or forest preserves). Describe measures used to control invasive species during project construction and maintenance.

References:

Section 26-17 Tree/Vegetation Assessments
Section 26-18 Invasive Species and Noxious Weeds

2. Wildlife Resources

Wildlife habitats in a project area coincide with the major plant communities (cover types). Identify and briefly describe important wildlife habitats for amphibians, reptiles, mammals, and birds including those species that are area sensitive. Identify those wildlife species that are addressed in *The Illinois Comprehensive Wildlife Conservation Plan & Strategy* (Illinois Wildlife Action Plan) as “Species in Greatest Need of Conservation for Illinois.” Impacts to wildlife and wildlife habitats should be discussed as to the type of impacts (e.g., habitat loss, construction mortality, habitat fragmentation, barriers to movement, operational mortality). Under operational mortality, identify on an environmental inventory map those sections of roadway that have potential for, or actual occurrence of, a high incidence of animal-vehicle collisions. Briefly discuss measures that can be incorporated into the project to reduce these types of collisions.

Environmental commitments and mitigation should follow the wildlife needs as described in the Management Guidelines included in the Natural Division Assessments that are a part of the Illinois Wildlife Action Plan.

References:

Section 26-15 Migratory Birds
Section 26-16 Wildlife Resources

3. Threatened and Endangered Species

This section should address Federal and State threatened and endangered species under separate headings. Species that are Federally listed automatically become State listed species. Federal species that are delisted are still State listed species until the Illinois Endangered Species Protection Board delists them.

a. Federally Listed Species

State the Federally listed species, species proposed to be listed, designated critical habitat, and/or proposed critical habitat for the county(ies) where the project is located. State the type of habitat required for each species. Summarize any survey and evaluation activities conducted (e.g., biological surveys, database searches). Document the results of coordination with the U.S. Fish and Wildlife Service (USFWS).

If survey and evaluation activities result in a determination that protected species and/or habitat do not occur in the area the project may affect, document the basis for the “no effect” determination.

If protected species or habitats are known or likely to occur in the project action area document the project's potential impact on each protected species and/or habitat (e.g., "may affect, not likely to adversely affect"; or "may affect, likely to adversely affect").

For "may affect, not likely to adversely affect" or "may affect, likely to adversely affect" determinations summarize the following information:

- affected areas of the proposed project;
- possible impacts, including opinions of recognized experts on the species involved;
- measures to avoid or minimize adverse impacts; and
- results of consultation with USFWS.

If formal consultation is required, a copy of the BA and the BO should be included as an appendix to the EIS. The BA and BO should be summarized in the text of the EIS.

If the results of the biological assessment and formal consultation indicate the preferred alternative could jeopardize the continued existence of a listed species or result in the destruction or adverse modification of designated critical habitat, include the following in the EIS (1) a summary of the biological assessment (2) a summary of the steps taken, including alternatives or measures evaluated and conferences and consultations held, to resolve the project's conflicts with the listed species or critical habitat; (3) a copy of the biological opinion; (4) a request for an exemption from the Endangered Species Act; (5) the results of the exemption request; and (6) a statement that (if the exemption is denied) the action is not eligible for Federal funding.

b. State Listed Species

In response to a submission of an Environmental Survey Request, BDE will check the IDNR Natural Heritage Database for records of listed species and will provide the district with the results. In the EIS, identify each state-listed species known to occur in the project area, its status, and its habitat, similar to the presentation of information for Federally listed species. Summarize the results of the biological surveys conducted as it pertains to the state listed species. Discuss potential project impacts to the species and describe alternatives to avoid, minimize, or compensate for the impacts. Reference the applicable compliance documentation (e.g., Detailed Action Report, Biological Opinion, Incidental Take Authorization; see Section 26-9.06), and include the documentation in the EIS Appendix.

4. State Designated Lands

State Designated Lands include Illinois Natural Area Inventory Sites, Land and Water Reserves, Nature Preserves, and Natural Heritage Landmarks. Indicate the name of each State Designated Land in the project area, its size (acres/hectares), ownership

(public or private), and the features that are the basis for its significance (i.e., Element Occurrence). Also, show the location of each site on an environmental inventory map.

Avoid impacts to Illinois Natural Areas, Land and Water Reserves, and Natural Heritage Landmarks to the extent practical. If impacts cannot be avoided, identify the acreage (hectares) to be taken by the project and the effects on the Element Occurrence of the State Designated Land. Identify any environmental commitments and/or mitigation associated with the impacts to the State Designated Land. Summarize the results of coordination with IDNR and the Illinois Nature Preserves Commission (for Land and Water Reserves) and include copies of correspondence with these entities in the Comments and Coordination section of the EIS.

Illinois Statutes in 525 ILCS 30 afford dedicated Nature Preserves a high level of protection from conversion to other uses. The statutes include the following language:

Areas dedicated as nature preserves are hereby declared to be put to their highest, best and most important use for the public benefit. They shall be protected, managed and used in the manner provided by rules. They may not be taken under power of eminent domain or by other means for any other use except another public use and, except upon approval of the Commission, the Governor and any public owner of a dedicated interest therein after a finding by the Commission of the existence of an imperative and unavoidable public necessity for such other public use, and upon such terms and conditions as the Commission may determine, except as may otherwise be provided in the instrument of dedication.

In light of these provisions, every effort should be made to avoid impacts to dedicated Nature Preserves.

Use of land from significant, publicly owned Illinois Nature Preserves, Land and Water Reserves, and Natural Areas also may be considered Section 4(f) resources; see Section 26-2.

References:

Paragraph V.G.18. of FHWA Technical Advisory T6640.8A "Threatened and Endangered Species"
Section 26-9 Threatened and Endangered Species/Natural Area Impact Assessments
Chapter 27 Environmental Surveys

25-3.08(j) Water Resources and Aquatic Habitats

Discuss water resource cover types (e.g., riverine, lacustrine, ponds) and their acreages within the project area. Identify the watershed(s) within the project area. Where a watershed plan is available, the goal should be to maintain and improve the quality and quantity of aquatic resources identified in the plan.

In addition to the information in the cited references, the EIS should discuss the following:

1. Water Resources

Identify the water resources that occur in the project area and depict them on the environmental inventory map. Identify those resources that have a special designation (e.g., navigable waters, Nationwide Rivers Inventory, Illinois Natural Area, Advanced Identification (ADID) Stream, Illinois Biologically Significant Stream, Outstanding Resource Water and/or Biological Stream Rating (BSR) for diversity or integrity).

2. Aquatic Habitat

The physical and biological characteristics of streams are best presented in a table, which should be included as an Appendix in the EIS. The text of the Appendix should briefly explain the importance of these characteristics and their sensitivity to disturbance. Physical characteristics include upstream drainage area (square miles/hectares), flow characteristics (e.g., perennial, intermittent, ephemeral), substrate type, stream width, water depth, riparian habitat, mean habitat score, and watershed characteristics. Biological characteristics include number of fish species present, number of intolerant fish species, dominant fish species, percentage of intolerant fish species, aquatic habitat quality, number of mussel species, Ephemeroptera, Plecoptera and Trichoptera (EPT) richness, percentage of Oligochaete specimens, and percentage of Chironomid specimens.

In the text of the EIS, include a brief summary of important physical and biological characteristics unique or pertinent to the project and the decision-making process. Include a reference to the Appendix in the text.

3. Water Quality. The General Use Water Quality Standards apply to the vast majority of projects and the most recent information is available on the IEPA website. Water quality is assessed through chemical analysis, designated uses, and the presence of wastewater plant outfalls. Some of the biological characteristics also are indicators of water quality.

a. Chemical Parameters. Chemical data should be provided in a table in the Appendix in the EIS. Typically chemical data is collected during three time periods — spring, summer, and fall. The table should present the average value of each individual parameter being considered in the table. These parameters include pH, dissolved oxygen, total phosphorus, chloride, dissolved copper, dissolved lead, dissolved zinc, dissolved sulfate, total dissolved solids, water temperature, and hardness. The table should include the General Use Water Quality Standard for each of the above parameters as appropriate.

In the text of the EIS, include a brief summary of important chemical characteristics unique or pertinent to the project and the decision-making process. Include a reference to the Appendix in the text.

- b. Designated Uses. This material can be presented in a table. Designated uses include aquatic life, fish consumption, primary contact, secondary contact, and aesthetic quality. Support levels include fully supporting, not supporting, insufficient information, or not assessed. If a designated use is not supporting (impaired), the cause and source of the impairment should be given. The most recent Illinois Water Quality and Impaired Stream Report on the IEPA website should be used to obtain this information. IEPA does not sample every stream; so where a stream does not appear in the IEPA Report, the designation “not identified” should be used.
 - c. Waste Water Plant Outfalls. Waste water effluents entering streams may have increased pollutant loads, particularly during low flow conditions. These loads may affect water quality downstream of their outflows. The EIS should identify wastewater plant outfalls that occur up to two miles (3.2 km) upstream to one mile (1.6 km) downstream of the project area.
 4. Impacts to Water Resources. Surface water impacts are associated with construction, operation, and maintenance of the proposed roadway. In determining impacts, describe the potential change in each physical, biological, and water quality parameter and its assessed importance. As an example, a surface water impact would be considered adverse if project activities resulted in the exceedance of State water quality standards (numerical or narrative).
 5. Impacts to Streams with Special Designations. Identify and describe impacts to streams that have a special designation, including how the proposed project would affect the feature(s) that are the basis for the special designation. Describe measures to minimize impacts to the resource and adjacent areas and the mitigation measures to be taken to replace or restore stream functions impacted by the project.
 6. Construction Impacts. Identify the types of construction activities (e.g., vegetation removal, in-stream work, bridge or culvert construction, bridge demolition, channel change, riprap placement) that will occur in and adjacent to each water crossing. Identify the potential effects on the biological and physical parameters, and water quality characteristics of each water resource.

Mitigation for aquatic habitat impacts should be considered. Depending on the nature of the impact, the EIS should discuss mitigation in relation to the watershed or the watershed plan if available. Aquatic habitat mitigation should be based on the wildlife needs as described in the Management Guidelines included in the Natural Division Assessments that are a part of the Illinois Wildlife Action Plan.
 7. Operational Impacts. The major sources of operations phase pollutants on highways are from vehicles, atmospheric deposition, and precipitation. The need for discussing these types of impacts is based on the current and projected average daily traffic (ADT). FHWA studies have indicated that ADTs less than 30,000 vehicles per day (vpd) are likely to cause minimal water quality affects. In these cases, pollutant loading studies are not recommended unless highway runoff is being discharged into a sensitive stream,

wetland (e.g., seeps, fens), or nature preserve. For projected ADTs between 30,000 and 50,000, the nature of the highway drainage system should be considered. If drainage is through vegetated roadside ditches, pollution loading studies are not necessary. However, if drainage is handled in whole or in part through a storm sewer system, pollutant loading studies are recommended. These types of studies also are recommended for any ADTs over 50,000 vpd.

The chemical parameters usually considered in a pollutant loading study are the heavy metals copper, lead, and zinc. Heavy metals have been shown to be the dominant toxic pollutants contributed by highway storm water runoff.

For projects that meet the criteria of Section 26-19 requiring that a pollutant loading analysis is necessary, use the FHWA and USGS Stochastic Empirical Loading and Dilution Model (SELDM). The results of the heavy metal analysis should be compared to the State water quality standards. If the results exceed the water quality standards, water treatment facilities (e.g., vegetated wet or dry detention basins, vegetated swales, infiltration basins) should be incorporated into the project. The EIS should discuss the results of the analysis and the measures to be implemented to minimize water quality impacts, as appropriate.

8. Maintenance Impacts. These impacts are primarily associated with the use of deicing salts for winter maintenance. Existing chloride concentrations in streams or other water bodies should be identified and compared to those that will occur as a result of the proposed project.

The text should include the pathways (e.g., runoff, splash, spray) through which deicing salt is dispersed into the environment. Identify and briefly discuss the potential effects on sensitive areas (e.g., high quality streams, nature preserves, wetlands, listed plant species habitat).

Use the FHWA and USGS SELDM to analyze chloride concentrations if any of the following are met on the project:

- The project is located in northeastern Illinois where the application of deicing salts has resulted in exceedances of the water quality standard for chloride, or
- The project is in an area with an IEPA-designated, chloride impaired watershed(s), or
- a water quality sample result is proximate to an exceedance of the chloride water quality standard.

If the projected chloride concentrations exceed the water quality standard for chloride, implement mitigation measures that reduces the chloride concentration below the water quality standard. If the water body being impacted has a TMDL for chloride, the project should be in compliance with the TMDL and coordination with the IEPA should be accomplished. If chloride is a cause of impairment to the water body IDOT should

demonstrate a no net increase in chloride use and coordination with the IEPA should be accomplished. Summarize the proposed mitigation measures and the results of coordination with the IEPA in the EIS.

9. Water-Related Permits. Indicate the type of US Army Corps of Engineers (Corps) permit(s) anticipated for each water body crossing and identify water body crossings requiring individual Section 401 Water Quality Certification. Discuss any work requiring an Individual Section 404 permit, Individual Section 401 certification, IDNR Office of Water Resources permit, or US Coast Guard permit. Also list activities covered by a nationwide or regional 404 permit by location and type of work and nationwide or regional permit type.

A National Pollutant Discharge Elimination System (NPDES) permit is required if one acre (4,047 m²) or more of surface area will be disturbed. If an NPDES construction permit is required, the following paragraph should be incorporated into the EIS:

It is anticipated this project will result in the disturbance of one or more acres (4,047 m² or more) of total land area. Accordingly, it is subject to the requirement for a National Pollutant Discharge Elimination System (NPDES) permit for stormwater discharges from the construction sites. Permit coverage for the project will be obtained either under the IEPA General Permit for Stormwater Discharges from Construction Site Activities (NPDES Permit No. ILR10) or under an individual NPDES permit. Requirements applicable to such a permit will be followed, including the preparation of a Stormwater Pollution Prevention Plan. Such a plan shall identify potential sources of pollution which may reasonably be expected to affect the quality of stormwater discharges from the construction site and shall describe and ensure the implementation of practices which will be used to reduce the pollutants in discharges associated with construction site activity and to assure compliance with the terms of the permit.

10. Coordination. Biological surveys containing aquatic studies and water quality information will be coordinated with Corps, USEPA, USFWS, IDNR, and IEPA by BDE. Include documentation of the coordination in the EIS, when practical, or in the project file.

References:

Paragraph V.G.10. of FHWA Technical Advisory T6640.8A 0 - Water Quality Impacts
Paragraph V.G.11. of FHWA Technical Advisory T6640.8A - Permits
Paragraph V.G.13. of FHWA Technical Advisory T6640.8A - Water Body Modifications and Wildlife Impacts
Paragraph V.G.15. of FHWA Technical Advisory T6640.8A - Wild and Scenic Rivers
Section 26-19 Surface Water Resources and Aquatic Habitat
Section 26-20 Nationwide Rivers Inventory
Section 26-21 Impaired Waters/TMDLs

Chapter 28 Environmental Permits/Certifications

25-3.08(k) Groundwater

For the areas the project alternatives will potentially affect, identify aquifers, aquifer recharge areas, groundwater class, groundwater quality, affected public and private drinking water wells, wellhead protection zones, and sources of groundwater degradation. If the project will potentially impact groundwater resources or quality, describe the potential impacts and discuss measures for avoiding, minimizing, and mitigating for these impacts.

The information and requirements for evaluating groundwater resources in the vicinity of the project area, and for identifying and addressing potential adverse environmental impacts of project alternatives on these resources are described in Section 26-22.05. In general, proposed projects must be designed to avoid adverse impacts to groundwater resources, to the fullest extent practical and to mitigate any unavoidable adverse impacts (e.g., through use of Best Management Practices (BMPs)).

For projects within the boundaries of the Mahomet Sole Source Aquifer, please use the following language:

On March 11, 2015 the U.S. Environmental Protection Agency (USEPA) designated a portion of the Mahomet Aquifer system as a sole source aquifer (SSA) under Section 1424(e) of the Safe Drinking Water Act, as shown in the attached map. The Safe Drinking Water Act gives USEPA authority to designate all or part of an aquifer as a "sole source" if contamination of the aquifer would create a significant hazard to public health and there are no physically available or economically feasible alternative sources of drinking water to serve the population that relies on the aquifer. The designation authorizes EPA review of projects that receive Federal financial assistance to assess potential for contamination of the aquifer system that would create a significant hazard to public health.

This project is within the review area of the Mahomet SSA. Once FHWA and U.S. EPA Region 5 update their memorandum of understanding, the agencies will follow the agreed upon review procedures to ensure compliance with the requirements of Section 1424(e) of the Safe Drinking Water Act.

Reference:

Section 26-22 Groundwater

25-3.08(l) Floodplains

If available for the project area, use National Flood Insurance Program (NFIP) maps to identify the 100-year floodplain. Depict base floodplains and, where applicable, regulatory floodways on a map of the project area. Describe the natural and beneficial values of the floodplain and regulatory floodways. Summarize comments on floodplain issues received through public meetings and Context Sensitive Solutions (CSS) processes, if applicable.

The text should describe the project's potential effects on floodplains, including:

- measures to minimize floodplain impacts,
- measures to avoid longitudinal encroachments,
- measures to avoid supporting incompatible floodplain development, and
- any significant floodplain encroachments.

If the project will affect a regulatory floodway, summarize the results of coordination with the Federal Emergency Management Agency and the local flood control agency regarding consistency of the project with the regulatory floodway requirements.

If the preferred alternative involves a significant encroachment, include in the EIS the finding required by Executive Order 11988 and 23 CFR 650 Subpart A that there is no practicable alternative to construction in floodplains; see Section 26-7. If the preferred alternative encroaches in a regulatory floodway and mitigation is required, the EIS should describe the mitigation. An IDNR/Office of Water Resources (OWR) permit is required for construction within a regulatory floodway; see Chapter 28.

References:

Paragraph V.G. 14. of FHWA Technical Advisory T6640.8A - Floodplain Impacts
Section 26-7 Floodplain Encroachments
Chapter 28 Environmental Permits/Certifications
Executive Order 11988 - Floodplain Management
23 CFR 650 Subpart A of 23 CFR 620 – Bridges, Structures, and Hydraulics

25-3.08(m) Wetlands

Identify the version of the Corps *Wetland Delineation Manual* used to determine the wetlands occurring within the project area. Depict the boundaries of the wetlands and Advanced Identification (ADID) wetlands, where applicable, on the environmental inventory map.

Identify the extent of wetland types that occur within the watershed(s) in a table based on data from the National Wetlands Inventory (NWI). The table should include the wetland types and their acreages (hectares) within each watershed. Include the hydrologic unit code of each watershed.

Include descriptions of the wetland plant communities in the project area and the wetland functions. Briefly characterize each wetland plant community as to acreages (hectares), percentage of total wetland area, and percentage of the project area. Include within the discussion the common dominant species, soil characteristics, hydrology, water regime, or other characteristics of the plant community that are unique. The discussion of the floristic quality index and percent adventive will be done on every project. Assess wetland functions using the individual delineations. Functions discussed will be based on the nature of the project area and

may include wildlife habitat, heritage characteristics, flood storage, groundwater discharge, recreation values, and shoreline erosion control.

In northeastern Illinois, identify ADID and farmed wetlands on the environmental inventory map and briefly discuss this in the text. With regard to ADID wetlands, the discussion should include the results of the wetland delineation survey, the plant community type, the ownership of the site (public or private), the approximate acreage, and the basis for the high functional value determination.

Present the characteristics of each wetland impacted within a table. Include the wetland site number, plant community type, floristic quality index, percent adventive, size, impacted area, mitigation ratio as required by the *Interagency Wetlands Policy Act of 1989*, and mitigation required.

Identify impacts to each plant community type (acreage) and loss of function(s). Discuss the severity of the impact. Discuss avoidance measures taken. For unavoidable impacts, explain the reason(s) why. Identify practicable measures to reduce the impact.

The wetland mitigation being proposed for the project should be discussed in terms of whether it is on-site, off-site, or out-of-basin and whether it will be in-kind or out-of-kind. If applicable, discussion should address how the loss of wetland acreage in the affected watershed would be impacted by replacing wetlands within a different watershed. The discussion should address compliance with the State's wetland goals of no overall net loss of the State's existing wetland acres and their functional value.

Provide a summary of the results of coordination with the regulatory and natural resource agencies and public comments received regarding the project's wetlands involvement.

If the preferred alternative is located in wetlands, the FEIS needs to contain the finding required by Executive Order 11990. Place the finding in a separate subsection titled "Only Practicable Alternative Finding," and include the following information:

- a reference to Executive Order 11990;
- an explanation why there are no practicable alternatives to the proposed action;
- an explanation why the proposed action includes all practicable measures to minimize harm to wetlands; and
- a concluding statement that: "Based on the above considerations, it is determined there is no practicable alternative to the proposed construction in wetlands and that the proposed action includes all practicable measures to minimize harm to wetlands that may result."

References:

Paragraph V.G.12 of FHWA Technical Advisory T6640.8A "Wetlands Impacts"

Section 26-8 Wetlands
Chapter 28 Environmental Permits/Certifications
Executive Order 11990 - Protection of Wetlands

25-3.08(n) Special Waste

Note: These procedures use the collective term “special waste,” from the Illinois Environmental Protection Act (415 ILCS 5/3.45), which includes hazardous waste, potentially infectious medical waste, and industrial process waste or pollution control waste, subject to certain exceptions (see Section 27-2). Contaminated soils that meet the exemption from classification as a “special waste” are still considered to be a “regulated substance” and will be regulated as a solid waste. Involvement with such contamination will be addressed as a part of the BDE Special Waste Procedures and should be discussed, as appropriate, in the Environmental Consequences section.

Hazardous waste sites are regulated by the Resource Conservation and Recovery Act (RCRA) and the Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA). During early planning, the location of permitted and non-regulated hazardous waste sites should be identified. Early coordination with USEPA Region 5 and the appropriate State agencies will aid in identifying known or potential hazardous waste sites. If known or potential waste sites are identified, the locations should be clearly marked on a map showing their relationship to the alternatives under consideration. If a known or potential hazardous waste site is affected by an alternative, information about the site, the potential involvement, impacts and public health hazards of the affected alternative(s), and the proposed mitigation measures to eliminate or minimize impacts or public health hazards should be discussed in the EIS.

In this section, summarize the results of application of the Special Waste Procedures to the proposed project. If special waste screening resulted in the determination that further action for special waste was not needed, briefly summarize the screening process and the basis for the determination. Include a copy of the signed Special Waste Assessment Screen/Survey Request Form in the EIS Appendix.

If screening determined further action was needed and a Preliminary Environmental Site Assessment (PESA) was conducted, briefly discuss the basis for proceeding with a PESA and the PESA results.

If the PESA resulted in a finding of “No Recognized Environmental Condition” (REC), document that finding and include in the EIS Appendix a copy of the memorandum from BDE transmitting the final PESA report. Do not include the final PESA report.

If the PESA resulted in a finding that the project involves one or more REC, briefly describe the REC(s) and further actions taken to respond, including the following, as applicable:

1. REC Avoided. Describe the avoidance measures.

2. REC Not Avoided But Determined Eligible to be Addressed During Construction as a Risk Managed Project (RMP). Summarize basis for RMP determination and measures to be implemented for the REC during construction.
3. REC Not Eligible to be Addressed as a RMP. Describe further studies conducted for the REC (e.g., Preliminary Site Investigation (PSI), Remedial Investigation/Feasibility Study (RI/FS), Risk Assessment (RA)) and summarize the study results. Also, summarize the results of coordination with IEPA and describe the method(s) selected for addressing the REC(s) (i.e., the Remedial Action Plan).

References:

Paragraph V.G.20. of FHWA Technical Advisory T6640.8A "Hazardous Waste Sites"
Section 27-3 Special Waste Procedures

25-3.08(o) Special Lands

List, briefly describe, and depict locations of any special lands on a map of the project area. The following applies to the Special Lands section of the EIS:

1. 6(f). If the project will convert lands that have Land and Water Conservation (LAWCON) funds involved in their purchase or development to a transportation use, then describe the following:
 - the land that will be taken and the potential replacement land,
 - the process to obtain approval from the National Park Service for the Section 6(f) land conversion, and
 - the coordination that has occurred and the timeline for requesting the approval.Contact IDNR to determine applicability of LAWCON to properties, and continue coordination with them if there will be a transportation use.
2. Open Space Lands Acquisition and Development (OSLAD) Act Lands. If the project will convert lands that had OSLAD funds involved in their purchase or development, describe the following:
 - the land that will be taken and the potential replacement land,
 - the process to obtain approval from IDNR, and
 - the coordination that has occurred and the timeline for requesting the approval of the OSLAD land conversion request.
3. Other special lands. If the project will involve the use of lands that had grant funds including Illinois Bicycle Path Grant, Illinois Boat Access Area Development, Illinois Snowmobile Grant, Illinois Snowmobile Trail Establishment Fund, Illinois Off-Highway

Vehicle Program, Federal Recreation Trails Program, Federal Recreation Trails Program, Public Museum Capital Grants Program, Park and Recreational Facility Construction Program involved in their purchase or development, describe the involvement and summarize coordination with IDNR.

References:

Section 26-3 Section 6(f) "Conversion Request
Section 26-4 OSLAD Land Conversion Request

25-3.08(p) Permits/Certifications

This section of the EIS should list the permits and certifications required for the project and should reference the section(s) and subsection(s) where the related permit/certification issues are discussed.

References: Chapter 28 Environmental Permits/Certifications

25-3.08(q) Other Issues

In addition to the cited references, the following IDOT-specific guidance applies:

Describe any other characteristics of the affected environment (e.g., visual) that may be relevant to the evaluation of environmental impacts.

To the extent that the *IDOT Standard Specifications* or Recurring Special Provisions address measures for mitigating anticipated construction-related environmental impacts, these specifications and provisions should be noted as a part of the discussion. Examples include the specifications concerning:

- erosion control;
- protection of aboriginal records and antiquities;
- protection of streams, lakes, reservoirs, natural areas, wetlands, prairie areas, savannas, and threatened and endangered species;
- forest protection; and
- construction noise restrictions.

References:

Paragraph V.G.21. of FHWA Technical Advisory T6640.8A - Visual Impacts
Paragraph V.G.23. of FHWA Technical Advisory T6640.8A - Construction Impacts
Paragraph V.G.24. of FHWA Technical Advisory T6640.8A - The Relationship Between Local Short-term Uses of Man's Environment and the Maintenance and Enhancement of Long-term Productivity

Paragraph V.G.25. of FHWA Technical Advisory T6640.8A - Any Irreversible and Irretrievable Commitments of Resources Which Would be Involved in the Proposed Action

25-3.08(r) Environmental Commitments and Mitigation

An environmental commitment is a documented promise or obligation concerning an environmental issue made by a representative of IDOT to an entity outside the Department. Provide a brief description of each environmental commitment associated with the proposed project, including who made the commitment and to whom it was made.

Summarize mitigation measures to be provided for unavoidable adverse environmental impacts.

25-3.09 List of Preparers

In addition to the information in the cited references, the following IDOT-specific guidance applies:

The list of preparers should include those persons that were directly involved in the actual preparation and review of the EIS. It should not include persons whose involvement was primarily administrative.

References:

40 CFR 1502.17 - List of Preparers
Paragraph V.H. of FHWA Technical Advisory T6640.8A - List of Preparers

25-3.10 List of Agencies, Organizations, and Persons to Whom Copies of the EIS Are Sent

The cited references provide the applicable guidance for preparing this section of the EIS.

References:

Subsection 23 CFR 771.125(g) of 23 CFR 771.125 - Final Environmental Impact Statements
Paragraph V.I. of FHWA Technical Advisory T6640.8A - List of Agencies, Organizations, and Persons to Whom Copies of the EIS Are Sent

25-3.11 Comments and Coordination

The cited references provide the applicable guidance for preparing this section of the EIS.

References:

40 CFR 1503 - Commenting
Subsection 23 CFR 771.125(a) of 23 CFR 771.125 – Final Environmental Impact Statements
Paragraph V.J. of FHWA Technical Advisory T6640.8A - Comments and Coordination

25-3.12 Index

The Index should be an alphabetic listing of all sections and subsections in the report and other references on important subjects and areas of major environmental impacts, together with the corresponding page-number references to the text.

References:

Paragraph V.K. of FHWA Technical Advisory T6640.8A - Index
Forty Most Common Questions concerning CEQ's NEPA Regulations Memorandum - Question 26 "Use of Indices"

25-3.13 Appendices

The cited references provide guidance for preparing this section of the EIS. Appendices should include only analytical information and/or compliance documentation that is necessary to substantiate an analysis important to the document (e.g., a biological assessment for threatened or endangered species). Other information should be referenced only (i.e., identify the material and briefly describe its contents).

References:

40 CFR 1502.18 - Appendix
Paragraph V.L. of FHWA Technical Advisory T6640.8A - Appendices
Forty Most Common Questions concerning CEQ's NEPA Regulations Memorandum - Question 25 "Use of Appendices"

25-3.14 Section 4(f) Evaluation

The EIS shall contain a separate section titled "Section 4(f)", unless an individual Section 4(f) evaluation is required, in which case it shall contain a separate chapter titled "Section 4(f) Evaluation."

If the project will involve use of 4(f) property (land from a significant publicly owned park, recreational area, or wildlife and waterfowl refuge, or any land from a historic site of national, State, or local significance), either a *de minimis* impact finding, or a programmatic or individual Section 4(f) Evaluation may be required. Coordinate early with FHWA regarding any potential 4(f) properties. If temporary use of 4(f) land (23 CFR 774.13(d)) is involved and meets the conditions for exclusion from 4(f) applicability, identify the use, document the response to each of the conditions, and indicate the date of FHWA concurrence that a 4(f) use does not apply.

References:

23 CFR 774 - Parks, Recreation Areas, Wildlife And Waterfowl Refuges, And Historic Sites (Section 4(f))
Section 4(f) Policy Paper – July 20, 2012
Section 26-2 Section 4(f) Evaluations and Determinations

25-4 OPTIONS FOR PREPARING FINAL EIS

25-4.01 Objectives

CEQ Regulations place emphasis on reducing paperwork, avoiding unnecessary work, timely environmental reviews and producing documents which are useful to decision makers and to the public. With these objectives in mind, three different approaches to preparing final EISs are presented below. The first two approaches can be used for any EIS. The third approach is restricted to conditions specified by 40 CFR 1503.4(c).

25-4.01(a) Traditional Approach

Under this approach, which is most commonly used, the FEIS incorporates the DEIS (essentially in its entirety) with changes made as appropriate throughout the document to reflect the preferred alternative, modifications to the project, updated information on the affected environment, changes in the assessment of impacts, the selection of mitigation measures, wetland and floodplain findings, the results of coordination, comments received on the DEIS and responses to these comments, etc.

25-4.01(b) Condensed FEIS

This approach avoids repetition of material by incorporating, by reference, the DEIS. The condensed FEIS is a much shorter document than under the traditional approach; however, it still affords the reader a complete overview of the project and its impacts on the human environment.

The crux of this approach is to briefly reference and summarize information from the DEIS which has not changed and to focus the FEIS discussion on changes in the project, its setting, impacts, technical analysis, and mitigation that have occurred since the DEIS was circulated. In addition, the condensed FEIS must identify the preferred alternative, explain the basis for its selection, describe coordination efforts, and include agency and public comments, responses to these comments, and any required findings or determinations (40 CFR 1502.14(e) and 23 CFR 771.125(a)).

The format of the FEIS should parallel the DEIS. Each major section of the FEIS should briefly summarize the important information contained in the corresponding section of the draft, reference the section of the draft that provides more detailed information, and discuss any noteworthy changes that have occurred since the draft was circulated.

At the time that the final is circulated, an additional copy of the DEIS need not be provided to those parties that received a copy of the DEIS when it was circulated. Nevertheless, if, due to the passage of time or other reasons, it is likely that they will have disposed of their original copy of the DEIS, then a copy of the DEIS should be provided with the final. Sufficient copies of the DEIS should be on hand to satisfy requests for additional copies. Both the DEIS and the condensed FEIS should be filed with USEPA under a single FEIS cover sheet.

25-4.01(c) Abbreviated Version of FEIS

The CEQ regulation (40 CFR 1503.4(c)) provides the opportunity to expedite the FEIS preparation where the only changes needed in the document are minor and consist of factual corrections and/or an explanation of why the comments received on the DEIS do not warrant further response. In using this approach, care should be exercised to assure that the DEIS contains sufficient information to make the findings in (2) below and that the number of errata sheets used to make required changes is small and that these errata sheets together with the DEIS constitute a readable, understandable, full disclosure document. The FEIS should consist of the DEIS and an attachment containing the following:

1. errata sheets making any necessary corrections to the DEIS;
2. a section identifying the preferred alternative and a discussion of the reasons it was selected. The following also should be included in this section where applicable;
 - final Section 4(f) evaluations;
 - wetland and floodplain finding(s);
 - a list of commitments for mitigation measures for the preferred alternative; and
 - copies (or summaries) of comments received from circulation of the DEIS and public hearing and responses.

Only the attachment need be provided to parties who received a copy of the DEIS, unless it is likely that they will have disposed of their original copy, in which case both the DEIS and the attachment should be provided. Both the DEIS and the attachment must be filed with the US EPA under a single FEIS cover sheet.

References: Paragraph VI of FHWA Technical Advisory T6640.8A - Options for Preparing Final EISs
Subsection 40 CFR 1503.4(c) of 40 CFR 1503.4 – Response to Comments
77 FR 14473 Final Guidance on Improving the Process for Proaring Efficient and Timely Environmental Reviews under the National Environmental Policy Act

25-5 FORMAT AND CONTENT OF THE RECORD OF DECISION**25-5.01 General Format**

The same format requirements described in section 25-3.02 apply to the Record of Decision (ROD).

25-5.02 Cover Sheet

A cover sheet is not required on a ROD; however, if a cover sheet is used, it should contain the following information:

- The title "Record of Decision"
- The name of the Federal agency, or agencies, issuing the decision ("US Department of Transportation, Federal Highway Administration")
- Name of the project;
- The counties where the project is located;
- And the month and year of the decision document.

25-5.03 Table of Contents

References:

The Table of Contents for a ROD will typically include:

- Decision;
- Alternatives Considered;
- Section 4(f) (if applicable);
- Federal Regulatory Requirements for Environmental Protection;
- Measures to Minimize Harm;
- State Regulatory Requirements for Environmental Protection;
- Monitoring and Enforcement;
- Comments on the Final EIS;
- Approval; and
- Appendices (if any)

The Table of Contents should provide the page numbers for each section. Figures, charts, tables, each appendix, etc. should have a separate listing from the Table of Contents.

25-5.04 Decision

Describe the physical features of the Selected Alternative. The following text is recommended as an introduction to this section:

This Record of Decision is the official decision document that concludes the National Environmental Policy Act process. Through this ROD, FHWA grants IDOT approval to proceed with final design, completion of acquisition of needed property, and construction of the project. This ROD is executed in conformance with the Council on Environmental Quality (CEQ) regulations implementing NEPA (40 CFR Part 1500) as well as FHWA's own regulations (23 CFR Parts 771 and 774). This ROD documents FHWA's compliance with NEPA and identifies additional requirements that must be met to proceed with the project. The decision is based on analyses contained in the Draft EIS issued on [[date]]; the Final EIS issued on [[date]]; and the comments of federal and state agencies, members of the public, and elected officials; and other information in the project record.

This ROD approves [[identify Selected Alternative]] as the Selected Alternative ("the Project").

25-5.05 Alternatives Considered

Briefly describe each alternative considered and explain the balancing of values which formed the basis for the decision. This section must identify the environmentally preferred alternative, which is the alternative that causes the least damage to the biological and physical environment (40 CFR 1505.2(b)). Where the selected alternative is other than the environmentally preferable alternative, the ROD should clearly state the reasons for not selecting the environmentally preferred alternative. The values (social, economic, environmental, cost-effectiveness, safety, traffic, community planning, etc.) which were important factors in the decision-making process should be clearly identified along with the reasons some values were considered more important than others.

25-5.06 Section 4(f) (if applicable)

This section should briefly describe Section 4(f) requirements, identify Section 4(f) resources within the project area that will be avoided, and summarize the basis for any Section 4(f) approval. The discussion should include the key information that supports the approval. The introductory information to include in this section should be the following:

Section 4(f) properties include publicly owned land used for parks, recreation, and wildlife and waterfowl refuges, and public and private historic resources that are listed in or eligible for inclusion in the National Register of Historic Properties (NRHP), as well as archaeological sites that are listed in or eligible for inclusion in the NRHP and warrant preservation in place.

The regulations governing Section 4(f) are described below, followed by the findings regarding use for each of the Section 4(f) properties evaluated in the Final EIS.

Section 4(f) of the USDOT Act of 1966 (49 USC Section 303 and 23 USC 138) was enacted to preserve publicly owned land used for recreation, wildlife, and waterfowl refuges. Section 4(f) resources also include public and private historic properties that are listed or eligible for inclusion in the NRHP as well as archaeological sites that are listed or eligible for inclusion in the NRHP and warrant preservation in place.

Section 4(f) stipulates that the FHWA and other USDOT agencies cannot approve the use of land from publicly owned parks, recreation areas, wildlife and waterfowl refuges, or public and private historic sites unless the following conditions apply:

- The USDOT agency determines that (1) there is no feasible and prudent alternative to the use of the land; and (2) the action includes all possible planning to minimize harm to the property resulting from the use; or*
- The USDOT agency determines that the use of the property, including any measure(s) to minimize harm committed to by the applicant, will have a de minimis impact on the property, and the officials with jurisdiction (OWJ) over the Section 4(f) property have concurred in writing in that determination.*

Types of “uses” include:

- Permanent incorporation of land into a transportation facility (direct use);*
- Temporary occupancy of land that is adverse in terms of the statute’s preservation purpose, unless an exception is available according to 23 CFR 774.13(d) (temporary occupancy); and*
- Constructive use, as determined by the criteria in 23 CFR 774.15, meaning the transportation project does not incorporate land from a Section 4(f) property, but the project’s proximity impacts are so severe that the protected features, attributes, or activities that qualify the property for protection under Section 4(f) are substantially impaired.*

25-5.07 Federal Regulatory Requirements for Environmental Protection

The major federal regulatory requirements that are applicable to the proposed action shall be summarized to demonstrate compliance in this section. The following regulatory requirements are commonly described here:

- Section 404 of the Clean Water Act;
- Section 106 of the National Historic Preservation Act;
- Section 7 of the Endangered Species Act;
- Relocation Assistance and Real Property Acquisition Policies Act of 1970, as amended;
- Section 176(c) of the Clean Air Act Amendments of 1990;

- Rivers and Harbors Act of 1899;
- Executive Order 11990: Protection of Wetlands;
- Executive Order 11988: Floodplain Management;

For each topic, include a brief description of what is required, any coordination that occurred with relevant agencies or stakeholders, and the findings or determinations made by the Federal agency that satisfied the requirements.

25-5.08 Measures to Minimize Harm

This section shall describe minimization and mitigation measures that have been incorporated into the Selected Alternative.

25-5.09 State Regulatory Requirements for Environmental Protection

The major state regulatory requirements that are applicable to the proposed action shall be summarized. The following regulatory requirements are commonly described here:

- Section 401 Water Quality Certification from the Illinois EPA;
- National Pollutant Discharge and Elimination System permit from the Illinois EPA;
- Incidental Take Permit from the Illinois DNR;
- Permits for impacts to regulatory floodways and stream crossings from the Illinois DNR.

For each topic, include a brief description of what is required and any coordination that occurred with relevant agencies or stakeholders.

25-5.10 Monitoring and Enforcement

The monitoring and enforcement program for ensuring the mitigation measures are described here. The following paragraph is recommended, along with any project specific measures developed:

For those resources that cannot be avoided, measures to minimize, mitigate, and abate impacts, which would be implemented prior to, during, and after construction will be identified through coordination with the appropriate resource and regulatory agencies. A Mitigation and Monitoring Plan (MMP) will be developed by IDOT before the start of construction and will be used by IDOT, FHWA, contractors, and mitigation monitoring personnel to achieve compliance with mitigation measures during project implementation. The monitoring and documenting of mitigation commitments will be coordinated in accordance with the Council on Environmental Quality's Memorandum for Heads of Federal Department and Agencies (memorandum dated January 4, 2011). The IDOT will be responsible for fully understanding and effectively implementing the mitigation measures contained within the MMP.

25-5.11 Comments on the Final EIS (for separate FEIS and ROD)

This section describes the date the Notice of Availability was published for the FEIS, the date the 30-day review period closes, and summarizes the quantity and nature of comments received. The District, in consultation with IDOT-BDE and FHWA, will determine if response to comments are addressed in this section of the ROD, or if response to comments are included as an Appendix to the ROD.

25-5.12 Approval (for separate FEIS and ROD)

This section includes a conclusory paragraph followed by a signature block for the Federal approving official. The following conclusory paragraph is recommended:

Based on the analysis and evaluation contained in the FEIS and after careful consideration of all the social, economic, and environmental factors contained in the FEIS with input received from other agencies, organizations, and the public, it is the decision of the FHWA to approve [[insert name of the Selected Alternative here]] as the Selected Alternative.

The following signature block is required:

Date	[Name of Illinois Division Administrator]
	Division Administrator
	Federal Highway Administration

25-5.13 Appendices

Items that may be included in the appendices are:

- Public and agency comments on the FEIS;
- Response to FEIS comments;
- FEIS Errata sheet;
- Summary of commitments;
- Biological Opinion;
- Section 106 Memorandum of Agreement or Programmatic Agreement