



Chapter Eighteen

**GENERAL ENVIRONMENTAL  
PROCEDURES**

BUREAU OF LOCAL ROADS AND STREETS MANUAL



**BUREAU OF LOCAL ROADS & STREETS**

**Chapter Eighteen**  
**GENERAL ENVIRONMENTAL PROCEDURES - Federal Funds**

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## Chapter 18

# GENERAL ENVIRONMENTAL PROCEDURES - Federal Funds

All projects funded through IDOT must meet applicable Federal and State laws and regulations requiring identification and evaluation of the project's environmental impacts. In aggregate, Chapters 18 through 20 of the *BLRS Manual* describe the applicable environmental procedures for local agency Federally funded projects. Chapter 18 presents information that has a general application to all local agency Federally funded projects. This includes environmental documentation, coordination, and general NEPA compliance procedures. The subsequent Chapters discuss more specific applications of the environmental procedures (e.g., Categorical Exclusions). See Section 10-1 for environmental requirements for other local agency projects.

Chapters 18 through 20 of the *BLRS Manual* have been developed based on Part III, "Environmental Procedures," of the *BDE Manual*. The procedures in the *BDE Manual* are applicable to IDOT's program of projects on the State highway system, which are typically more complex than local agency projects; therefore, the *BLRS Manual* has been modified as appropriate. For a more in-depth discussion on environmental procedures, see the *BDE Manual*. In particular, Chapters 18 through 20 provide references to several Federal documents that have a special prominence in the implementation of environmental procedures (e.g., *CEQ Regulations*, 23 CFR 771). See Appendix A of Part III of the *BDE Manual* for a copy of these documents.

### 18-1 DEFINITIONS

Appendix B of the *BDE Manual* presents an extensive list of definitions typically used for environmental procedures. The following presents the definitions of the more common terms used in this Chapter:

1. *National Environmental Policy Act (NEPA)*. The NEPA of 1969, as amended, is a Federal environmental Statute that requires the consideration of environmental factors through a systematic, interdisciplinary approach before committing to a course of action. Procedures for the course of action or actions set forth in the CEQ regulations and 23 CFR Part 771.
2. *Council on Environmental Quality (CEQ)*. The CEQ is composed of three members appointed by the President. It maintains a quality awareness of the nation's environmental resources. The CEQ oversees the implementation of NEPA by issuing regulations (i.e., 40 CFR Parts 1500-1508) to guide all Federal agencies.
3. *23 CFR 771 (Environmental Impact and Related Procedures)*. This regulation is contained in the *Code of Federal Regulations*, and prescribes the policies and

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procedures of the Federal Highway Administration (FHWA) and the Federal Transit Administration (FTA) for implementing NEPA, as amended, and the regulations of the CEQ (i.e., 40 CFR Parts 1500 – 1508). This regulation sets forth all FHWA, FTA, and Department of Transportation (DOT) requirements under NEPA for the processing of highway and urban mass transportation projects.

4. Action. For purposes of 23 CFR 771, an “action” is a highway project proposed for FHWA funding. It also includes activities such as joint and multiple-use permits, changes in access control, etc., which may or may not involve a commitment of Federal funds. For Federal flood plain regulations, “action” is any highway construction, reconstruction, rehabilitation, repair, or improvement undertaken for Federally funded/regulated projects.
5. Categorical Exclusion (CE). (For purposes of 40 CFR 1500, *CEQ Regulations*.) A category of actions that do not individually or cumulatively have a significant effect on the human environment and for which, therefore, neither an Environmental Assessment (EA) nor an Environmental Impact Statement (EIS) is required.
6. Class of Action. There are three classes of action that prescribe the level of documentation required in the NEPA process. These actions are:
  - Categorical Exclusion (CE),
  - Environmental Assessment (EA), and
  - Environmental Impact Statement (EIS).
7. Class I Stream. A stream or stream segment that possesses at least one of the following attributes:
  - designation as an Illinois Natural Areas Inventory site,
  - dedication as an Illinois Nature Preserve,
  - presence of Illinois-listed threatened or endangered species,
  - presence of a high diversity of mussel species,
  - Biological Stream Characterization (BSC) rating of A,
  - potential for listing as a National Wild and Scenic River, or
  - designation as a component of the National Wild and Scenic Rivers system.

The “Class I Stream” designation was developed by IDOT and the Illinois Department of Natural Resources (IDNR) to identify one of several resource categories that trigger coordination with IDNR if they will be affected by a transportation project. A list of Class I Streams is cooperatively maintained by IDOT and IDNR.

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8. Cooperating Agency. Any Federal agency, other than a lead agency, that has jurisdiction by law or special expertise with respect to any environmental impact involved in a proposal (or a reasonable alternative) for legislation or other major Federal action significantly affecting the quality of the human environment. A State or local agency of similar qualifications may, by agreement with the lead agency, become a cooperating agency.
9. Environmental Assessment (EA). A concise public document for which a Federal agency is responsible that serves to briefly provide sufficient evidence and analysis for determining whether to prepare an Environmental Impact Statement (EIS) or a Finding of No Significant Impact (FONSI).
10. Environmental Class of Action Determination (ECAD). The ECAD document is used in Illinois on highway projects that meet the Categorical Exclusion (CE) definition but which historically have been processed with Environmental Assessments. The ECAD document was developed to make full use of the flexibility which the FHWA regulations allow in determining whether actions in addition to those listed in the FHWA environmental regulation qualify for CE processing. The ECAD document procedures ensure that these actions will be thoroughly evaluated and systematically documented to provide a legally defensible record supporting the CE processing decision.

A project proceeding under the ECAD procedures can be elevated to an EIS if the project is determined to involve a significant environmental impact or to an EA if the project generates organized opposition on environmental grounds or a regulatory and resource agency identifies an impact to its own resource that requires an EA.

11. Environmental Impact Statement (EIS). A detailed written statement, prepared for major Federal actions significantly affecting the quality of the human environment. The EIS must discuss the environmental impact of the proposed action, any adverse environmental effects that cannot be avoided should the proposal be implemented, alternatives to the proposed action, the relationship between local short-term uses of man's environment and the maintenance and enhancement of long-term productivity, and any irreversible and irretrievable commitments of resources that would be involved in the proposed action should it be implemented.
12. Finding of No Significant Impact (FONSI). A document by a Federal agency briefly presenting the reasons why an action, not otherwise excluded, will not have a significant impact on the human environment, and for which an EIS, therefore, will not be prepared.
13. Lead Agency. The agency or agencies preparing or having assumed primary responsibility for preparing the environmental document.
14. Record of Decision (ROD). A FHWA document, prepared after the publication of the Final EIS, which presents the following conclusions:
  - basis for the decision (i.e., the selected alternative);

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- mitigation measures that will be incorporated into the project; and
  - documents any required Section 4(f) approval.
15. Scoping. An early and open process for determining the scope of issues to be addressed in EISs or EAs and for identifying potentially significant issues related to the proposed action. Scoping is intended to focus the study effort on issues that are significant and avoid the collection of needless detailed information on insignificant issues.

**18-2 GENERAL NEPA REQUIREMENTS**

This Section discusses general requirements that Federal-aid projects must follow to satisfy NEPA.

**18-2.01 Purpose/Policy**

The *Council on Environmental Quality* (CEQ) established regulations governing the effects of highway transportation projects on human health and the environment. 40 CFR 1500.1 defines the purpose of the *National Environmental Policy Act of 1969*. The following excerpts highlight some of its key provisions:

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

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

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

For FHWA transportation projects, compliance procedures are found in 23 CFR 771 *Environmental Impact and Related Procedures*.

**18-2.02 Application**

The FHWA will be the lead agency for most Federally funded local agency transportation projects subject to the NEPA process. IDOT and the local agency normally serve as joint lead

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agencies with the FHWA. Other agencies with jurisdiction by law or with special expertise may serve as cooperating agencies.

NEPA procedures apply to all Federally regulated projects, including MFT- or other State-funded projects that require an individual Section 404 permit and an environmental report to comply with NEPA for the Federal action granting the permit. In this example, the FHWA is not involved in the project; therefore, the flow of information and activities would be processed through the US Army Corps of Engineers, which would serve as the lead agency.

### **18-2.03 Purpose and Need**

Chapter 22 of the *BDE Manual* provides guidance for the “Purpose and Need” section of environmental documents. This guidance was prepared by the FHWA’s Washington Office of Environmental Policy and was issued on September 18, 1990. The guidance emphasizes the importance of the “Purpose and Need” discussion in establishing a sound basis for evaluating alternatives and environmental impacts. The local agency should consider this guidance when preparing environmental documents for its highway projects.

### **18-2.04 Alternatives**

The local agency must document and clearly discuss reasonable alternatives under consideration and those other alternatives that were eliminated from the detailed study as part of the preliminary design process. The following provides a range of alternatives to consider when determining the reasonable alternatives:

1. “No-Action” Alternative. The “no-action” alternative normally includes short-term minor restoration types of activities (e.g., safety, maintenance improvements) that maintain continuing operation of the existing roadway.
2. Transportation System Management (TSM) Alternative. The TSM alternative includes those activities that maximize the efficiency of the present system. Possible subject areas to include in this alternative are fringe parking, ridesharing, high-occupancy vehicle (HOV) lanes on existing roadways, and traffic signal timing optimization. This limited construction alternative is usually relevant only for major projects proposed in urbanized areas over 200,000 in population.
3. Mass Transit. This alternative includes those reasonable and feasible transit options (e.g., bus systems, rail) even though they may not be within the existing FHWA funding authority. It should be considered on all proposed major highway projects in urbanized areas over 200,000 in population. Consideration of this alternative may be accomplished by reference to the regional or area transportation plan where that plan considers mass transit, or by an independent analysis during early project development.

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4. Build Alternatives. Both improvement of existing highways and alternatives on new location should be evaluated. A representative number of reasonable alternatives must be presented and evaluated in detail in the draft EIS (40 CFR 1502.14(a)). For most major projects, there is a potential for a large number of reasonable alternatives. Where there are a large number of alternatives, only a representative number of the most reasonable examples, covering the full range of alternatives, must be presented. The determination of the number of reasonable alternatives in the draft EIS, therefore, depends on the particular project and the facts and circumstances in each case.

Each alternative should be briefly described using maps or other visual aids (e.g., photographs, drawings, sketches) to help explain the various alternatives. The material should provide a clear understanding of each alternative's termini, location, costs, and the project concept (e.g., number of lanes, right-of-way requirements, median width, access control). Where land has been or will be reserved or dedicated by local agencies, donated by individuals, or acquired through advanced or hardship acquisition for use as highway right-of-way for any alternative under consideration, the draft EIS should identify the status and extent of this property and the alternatives involved. Where these lands are reserved, the EIS should state that the reserved lands will not influence the alternative to be selected.

### **18-2.05 Proposed Action**

The local agency must properly define the proposed action to ensure a meaningful evaluation of the reasonable alternatives and to avoid commitments to transportation improvements before they are fully evaluated.

The proposed action may include complete and/or incomplete portions of a highway section and one or more future highway projects. Avoid segmenting a proposed improvement into separate environmental reports. The proposed action should include the total length of highway between logical termini, even if only a short length is proposed for construction within the multi-year and long-range program. Section 18-2.06 briefly summarizes the principles of logical termini. See Section 22-6.04 of the *BDE Manual* for a more complete discussion. The environmental report should clearly identify the length of the proposed action and furnish any available information on long-range possibilities of future improvements for the proposed action.

### **18-2.06 Logical Termini**

Section 22-6.04 of the *BDE Manual* provides guidance in determining logical project termini for proposed actions. This guidance provides several working examples to illustrate the factors involved in choosing termini. These factors are then applied to issues such as project purpose and need, environmental impacts, and avoidance of segmentation.

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### 18-2.06(a) Introduction

In developing a project concept that can be advanced through the stages of planning, environment, design, and construction, the project sponsor must consider a “whole” or integrated project. This project should satisfy an identified need (e.g., safety rehabilitation, economic development, capacity improvements) and should be considered in the context of the local area socioeconomic and topography, the future travel demand, and other infrastructure improvements in the area. Without framing a project in this way, proposed improvements may miss the mark by only peripherally satisfying the need or by causing unexpected side effects that require additional corrective action. A problem of “segmentation” may also occur where a transportation need extends throughout an entire corridor, but environmental issues and transportation needs are inappropriately discussed for only a segment of the corridor.

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

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

The aim of this guidance is to discuss criteria that can be used to select logical termini for the development of a project.

### 18-2.06(b) A Definition of Logical Termini

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

Choosing a corridor of sufficient length to look at all impacts need not preclude staged construction. Therefore, related improvements within a transportation facility should be evaluated as one project, rather than selecting termini based on what is programmed as short-range improvements. Construction may then be “staged” or programmed for shorter sections or discrete construction elements as funding permits.

It is important to obtain the concurrence of the FHWA in the logical termini for a project early in the project development.

**18-2.07 Scoping**

Scoping is an early and open process for determining the scope of issues to be addressed in EISs or EAs and for identifying potentially significant issues related to the proposed action. Scoping is intended to focus the study effort on issues that are significant and avoid the collection of needless detailed information on insignificant issues.

For an environment review, a scoping process may or may not be necessary. This depends, in part, on the number and magnitude of issues potentially involved and the probability that the proposed action may involve significant issues. Part 1501.7 of the *CEQ Regulations* further discusses the scoping process.

**18-2.08 Significance of Environmental Impacts**

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

**18-2.09 Ensuring Validity of Environmental and Design Documents**

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

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## 18-3 ENVIRONMENTAL DOCUMENTATION

### 18-3.01 Introduction

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

### 18-3.02 Classes of Action and the Selection of the Environmental Document

On Federal-aid projects, the appropriate environmental documentation is determined by the project's potential to have significant environmental impacts. The class of action is one of the following three types:

1. Categorical Exclusion (CE). Projects that are Federally funded and qualify for a CE will document the appropriate environmental documentation in the Project Development Report (including Environmental Class of Action Determination Record/Document, where applicable). See Chapter 19 for additional guidance.
2. Environmental Assessment (EA). Projects that are Federally funded and for which the significance of the environmental impact is unclear require the preparation of an EA. Based on the EA's finding, one of the following will occur:

No Significant Impact. Projects that are Federally funded and are found to have no significant impact to human health and the environment are documented with a "Finding of No Significant Impact (FONSI)." See Chapter 24 of the *BDE Manual*.

Significant Impact. Projects that are Federally funded and are found to have significant impact to human health and the environment require an Environmental Impact Statement (EIS).

3. Environmental Impact Statement (EIS). An EIS is required for all Federally funded highway projects determined to likely cause significant impacts to human health and the environment. A Record of Decision (ROD) is prepared to document the basis for the decision. See Chapter 25 of the *BDE Manual*.

### 18-3.03 Special Environmental Studies

Environmental studies provide the technical data and information necessary to identify and evaluate the nature and extent of environmental impacts of a proposed action, and associated mitigation measures that may be appropriate.

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The environmental studies are typically conducted in conjunction with actions for which an EIS will be prepared. They also will be performed for actions processed as an EA or a CE, if necessary, to address specific substantive issues. The environmental studies will be used for the following situations:

- to determine the type of environmental processing (i.e., EIS, EA, CE) to be prepared for a specific project;
- as the basis for scoping decisions;
- to determine the significance of project impacts; and
- as the basis for discussions in reports.

Chapter 20 discusses procedural aspects of the environmental studies.

**18-4 CONCURRENT NEPA/404 PROCESSES****18-4.01 Background**

A Statewide Implementation Agreement (SIA) is in effect for Federal-aid highway projects in Illinois and provides for concurrent NEPA and Section 404 processes. The purpose of the SIA is to ensure appropriate consideration of the concerns of the US Army Corps of Engineers (USACE), the US Environmental Protection Agency (USEPA), and the US Fish and Wildlife Service (USFWS), especially regarding compliance with the Section 404(b)(1) Guidelines, as early as practical in highway project development. The intent is also to involve these agencies, and the US Coast Guard (USCG), the Illinois Environmental Protection Agency (IEPA), and the Illinois Department of Natural Resources (IDNR), at key decision points early in project development to minimize the potential for unforeseen issues during the Section 404 permit review. A copy of the SIA is included in Section 22-4 of the *BDE Manual*.

**18-4.02 Applicability**

All Federally funded local agency projects (through BLRS) needing FHWA action under NEPA (e.g., projects requiring an EIS or an EA) and a standard Individual Permit from the USACE under Section 404 of the *Clean Water Act* are eligible for processing under the NEPA/404 SIA. Decisions on whether to process specific eligible projects under the concurrent NEPA/404 procedures will be made in accordance with Part III of the SIA. The procedures that follow apply to all projects processed under the concurrent NEPA/404 process described in the SIA.

**18-4.03 Procedures**

See Section 22-4 of the *BDE Manual* for the procedures to comply with this process.

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**18-5 COORDINATION**

The primary objective of coordination is to emphasize cooperative consultations among agencies, organizations, and the general public before the final environmental report (or discussion) is prepared. This is intended to avoid the submission of adverse comments on a completed document. This Section discusses policies and practices on coordination for all Federally funded local agency highway projects. The necessary coordination for a CE project is discussed in Chapter 19. The coordination required for an EA or EIS project is discussed in Chapters 24 and 25 of the *BDE Manual*, respectively.

**18-5.01 General****18-5.01(a) Policy**

Every reasonable effort should be made in project development to inform and solicit the aid of agencies, organizations, and those who have an interest in the project, or who have information or expertise on environmental factors relevant to the project. Special efforts should be made to begin coordination as early as practical in project development and to use procedures that will encourage and allow public participation in constructing the value judgments necessary to select wisely among project alternatives.

**18-5.01(b) Coordination Activities**

The following describes various forms of coordination to be used:

1. **District Coordination Meetings.** Agencies, organizations, and those who have special expertise or jurisdiction by law for any environmental impact of a proposed project should be invited to attend the regularly scheduled coordination meetings held by the involved district. This will allow these entities to receive early notification and firsthand information and knowledge on relevant environmental issues. Other coordination-type meetings should be scheduled and undertaken, as needed, to resolve potential environmental problems as early as practical in project development. Information provided and received at all meetings should be documented for potential use in decision-making and in environmental reports or Project Development Reports.
2. **Scoping Meetings.** If practical, the regularly scheduled coordination meetings discussed in Item 1 should also serve as scoping meetings, where appropriate. Where scoping occurs, either at the regular coordination meetings or in a specially convened meeting, these should be especially well documented, including who participated, what information was provided and received, what decisions were made, and who agreed and who dissented with specific determinations.
3. **Public Involvement.** Chapter 21 discusses public involvement in detail.

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4. Correspondence. Correspondence is a key element in coordination activities. Correspondence received on an environmental issue should be acknowledged. If the correspondence is in response to a request for comments on a public involvement activity or an environmental document, the correspondence should be acknowledged as described in the procedures for public involvement discussed in Chapter 21. For other correspondence on environmental matters, the appropriate form of written acknowledgment may be an individual response letter. Substantive comments should be addressed in sufficient detail to allow the commentor to obtain a clear understanding of the status of the issue and its disposition.

### 18-5.01(c) Commitments

Coordination activities often result in commitments. For example, once a project undergoes proper coordination activities, IDOT and the local agencies may be committed to provide measures to mitigate the adverse impact of a project. A highway agency's ability to interact effectively with other entities is based on its record and credibility for fulfilling its past commitments. Past performance may affect negotiations, approvals, and processing for many other projects.

As commitments are made throughout the different phases (e.g., design, construction, maintenance) of the project, add them to a cumulative commitment list. Document commitments made during the earlier phases in the Environmental Survey Request, Project Development Report, and/or environmental document. When applicable, flag the commitments in the project agreements and contract documents, and document those commitments on the commitment list, which should be included in the plan submittal. The local agency should maintain a commitment file for each project that includes all the appropriate documentation. If the local agency is under an MFT Agreement of Understanding, they must provide the district with a copy of their commitment file along with the rest of the project file.

On Federal projects, when a coordination meeting with the FHWA is held, any known commitments should be discussed to ensure that all affected parties are aware of the nature and scope. When a preconstruction conference is held, commitments should be discussed to ensure awareness and understanding of any special considerations affecting construction and to emphasize the importance of follow-through as construction proceeds. Other parties affected by the commitments may be invited to the preconstruction conference.

If at any point in the project development, implementation, or maintenance operation, a previous commitment will be impacted by subsequent project decisions or commitments, the affected parties will be contacted prior to making a final decision on the previous commitment. Update the commitment list and provide documentation of coordination with the affected parties and ultimate decision on the proposed changes to previous commitments in the commitment file.

Include documentation in the commitment file for each commitment that has been fulfilled.

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At the final inspection after the project is completed, provide the district with a copy of the Commitment List. The district will forward a copy of the finalized Commitment List to Central BLRS.

### **18-5.02 Projects Involving Federal Lands (USFWS Coordination)**

#### **18-5.02(a) Background**

USFWS has requested early notification in planning for projects with any involvement of Federal lands, primarily those areas in the Shawnee National Forest. The purpose of the notification is to provide USFWS an early opportunity to evaluate potential uses of and impacts on such land, which may or may not be subject to Section 4(f); see Chapter 20. This notification is in addition to coordination with the USFWS that otherwise may be required (e.g., because of involvement with Federally listed threatened and endangered species).

#### **18-5.02(b) Applicability**

The following procedures are applicable to Federally funded local agency projects processed through the Central BLRS that involve any Federal lands.

#### **18-5.02(c) Procedures**

As part of early project planning studies, the local agency should evaluate whether projects may involve the use of any Federal lands. If yes, contact the appropriate office of the USFWS. The preferred method of notification is to mention the potential involvement in the agenda for a regularly scheduled district coordination meeting; see Section 18-5. USFWS personnel will determine whether to attend the coordination meeting or request additional information to address concerns on the potential involvement. The information included in the agenda should identify the Federal lands involved and, as practical, should briefly describe the nature and extent of the potential involvement.

The district and local agencies must ensure that the appropriate office of the USFWS is provided coordination meeting agendas and associated meeting minutes when projects involving Federal lands are addressed.

### **18-5.03 Coordination with US Army Corps of Engineers (USACE)**

IDOT and USACE have developed special coordination procedures to provide the USACE with the proper opportunity to participate in the project development process.

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### **18-5.03(a) Project Meetings**

USACE offices should be afforded advance notice of meetings at which their attendance would be necessary or desirable. For concurrence point meetings associated with the concurrent NEPA and Section 404 procedures, the notification will be as described in the procedures; see Chapter 22 of the *BDE Manual*. For other meetings, the district or local agency should provide the following information to the appropriate USACE office and should send an informational copy to the Central BLRS:

- proposed location and date for meeting,
- purpose of the meeting,
- explanation of the reason for USACE involvement, and
- sufficient information on the details of the project or issues involved to enable USACE representatives to prepare for the meeting.

### **18-5.03(b) USACE As Cooperating Agency**

When it is determined that USACE should be a cooperating agency for a specific project, the request to USACE should be made by the district or local agency as early as practical in project development, preferably before preparation of the draft environmental document. Note that USACE does not need to be a cooperating agency for projects in which only nationwide permits are necessary. The notice should include the best available information on the proposed undertaking (e.g., project scope, alternatives, any pertinent issues that have been identified).

### **18-5.03(c) Environmental Reports and Section 404 Permits**

Section 18-4 discusses environmental documentation and coordination with the USACE on the concurrent NEPA/404 process. Chapter 7 provides additional guidance on Section 404 permits.

## **18-5.04 Coordination with US Department of the Interior (USDOI)**

### **18-5.04(a) Background**

USDOI has provided guidance concerning contacts for environmental and other project document reviews and requests for early coordination and consultation in project planning. This Section implements the USDOI guidance for applicable local agency projects.

### **18-5.04(b) Applicability**

The following procedures are applicable to Federally funded local agency projects processed through the Central BLRS that involve lands under the jurisdiction of USDOI.

**18-5.04(c) Procedures**

All project-related contacts with USDOJ should be directed to the appropriate USDOJ field level bureau. This includes contacts for early coordination and scoping requests.

USDOJ encourages agencies to establish direct working relationships with its field offices. These relationships are important for early identification of issues and concerns and also for early resolution of environmental problems that would otherwise surface during formal reviews of environmental documents.

USDOJ bureaus and offices with jurisdiction by law or special expertise on environmental quality issues are listed in Appendix II to the CEQ regulations (49 FR 49754; June 21, 1984). Local agencies should use Appendix II to determine appropriate USDOJ contacts for coordination during early planning, NEPA scoping, and other preliminary activities.

**18-5.05 Coordination with the Illinois Department of Natural Resource (IDNR)****18-5.05(a) Interagency Agreement**

A Natural Resource Review and Coordination Agreement between IDOT and IDNR governs coordination with IDNR for highway projects. The Agreement establishes a framework for early coordination on natural resource issues and for follow-up coordination as necessary for compliance with statutory and regulatory requirements under the jurisdiction of IDNR.

The following Sections discuss the key provisions of the IDOT/IDNR Coordination Agreement as it applies to Federally funded local agency projects.

**18-5.05(b) General Principles of Coordination**

Coordination with IDNR is initiated through the Environmental Survey Request (ESR). See Chapter 20 for more detail. The ESRs will be the mechanism for BDE to initiate the evaluation of potential natural resource impacts and for coordination with IDNR as appropriate.

The IDNR Transportation Program Manager is the primary contact for coordination of highway project information by BDE. The IDNR Transportation Program Manager is responsible for ensuring that appropriate offices within IDNR receive highway project information for review in response to identified resource involvements. The IDNR Transportation Program Manager is also responsible for notifying BDE of any additional information needed for IDNR to complete its review. The BDE contact is responsible for supplying IDNR with the information necessary to complete the review of a project, including the initial information for threatened and endangered species, and additional information for projects required to be submitted for a more thorough review. The local agency may be requested to provide some of this information.

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All official comments, recommendations, and responses by either IDNR or BDE will be in writing, except verbal responses may be allowed for urgent situations, with a written response due within 5 days following the action taken.

IDNR's review process must include an examination of the potential impacts to natural resources in general and to ensure compliance with the *Interagency Wetland Policy Act of 1989*, the *Endangered Species Protection Act*, and the *Illinois Natural Areas Preservation Act*. Upon completion of the review for a project, IDNR will provide documentation to confirm compliance with these State laws. The review conducted by IDNR is valid for 3 years from the date upon which BDE and IDNR conclude formal coordination necessary to address resources covered by the IDOT/IDNR Coordination Agreement. If the project has not commenced (i.e., been advertised for bid letting) in that time, it must be resubmitted for IDNR review.

The natural resources that may be impacted include the following:

- wetlands;
- streams, including Class I streams and their riparian corridor;
- the bisecting of a forest or the removal of a significant number of trees;
- prairie/savanna areas;
- IDNR properties;
- nature preserves/natural area inventory sites;
- sites on the Register or Land and Water Reserves; and
- threatened and endangered species, including previously documented occurrences of which BDE is aware and the occurrences identified through the Natural Heritage Database.

For forests and trees resources, the project will be submitted to IDNR for completion of the natural resource review process, if any of the following apply:

- a project on new alignment involving impacts to a block of trees equal to or greater than 20 acres (8 ha);
- the removal of trees that would bisect or fragment a 20 acre (8 ha) or greater block of trees not associated with a stream corridor; or
- within a stream corridor:
  - + a project on new alignment on any stream segment, or
  - + a project on existing alignment if a Class I stream is involved.

Work involving the removal of dead and diseased trees for safety reasons need not be coordinated with IDNR for review.

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### 18-5.05(c) Review Process

The local agencies should use the following steps for the review process:

1. Determining Need for IDNR Review. BDE will review proposed projects using maps, aerial photos, the Natural Heritage Database, and field surveys to determine if they potentially involve any of the resource issues discussed in Section 18-5.05(b).

If BDE determines on the basis of its review that a project does not involve any issues of interest to IDNR, project submittal to IDNR is not required for review.

If IDNR recommends surveys during the pre-screening process, BDE will provide copies of the survey results to IDNR. If the surveys were not conducted as recommended, BDE will provide documentation to support this decision. When any of the resources in Section 18-5.05(b) are determined to occur in the area the proposed project may affect, BDE will determine whether the resources are covered by a programmatic agreement between IDOT and IDNR for avoidance and mitigation of impacts. If the resources are covered by this type of agreement and the project will comply with the agreed terms, no further coordination with IDNR is necessary.

2. Coordinating with IDNR for Project Review. If identified resources involved with a project are not covered by a programmatic agreement, or if BDE is unable to comply with the terms of this Agreement, BDE will prepare and submit to the IDNR Transportation Program Manager a Biological Resources Review (BRR). The BRR shall indicate the results of fieldwork conducted and shall describe efforts made to avoid or minimize adverse impacts to the identified resources. If the translocation of a listed species is proposed, BDE will provide sufficient information in the BRR to enable IDNR to evaluate the likelihood of success.

The IDNR Transportation Program Manager will review the BRR and supporting documentation and will coordinate with appropriate staff to determine whether further analysis or recommendations are required. After the review and within 90 days of receipt of the BRR, IDNR will submit one of the following responses to BDE:

- a. Acceptance. IDNR accepts the conclusions/proposals contained in IDOT's BRR and provides a form indicating successful closure of the threatened and endangered species consultation process and compliance with the *Interagency Wetland Policy Act*. If it appears that the proposed project may result in the killing or injuring of an Illinois-listed animal species, IDNR may include a recommendation that IDOT should obtain an incidental taking authorization prior to proceeding with project construction. In this case, IDNR will close consultation upon receipt of an acknowledgement from IDOT indicating that it will apply for an incidental taking authorization prior to commencing any construction that would result in the killing or injuring of a listed animal species. The sign-off is valid for 3 years from the date of the AAR or from the date of resource issue resolution, if other resources are involved.

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- b. Non-Acceptance. IDNR does not accept the conclusions/proposals contained in IDOT's BRR and makes recommendations on how impacts might be avoided or further minimized. Both agencies have 45 days to resolve any differences that may remain upon which time IDNR shall provide IDOT a sign-off indicating compliance with both State Acts. If it appears that the proposed project may result in the killing or injuring of an Illinois-listed animal species, IDNR may include a recommendation that IDOT should obtain an incidental taking authorization prior to proceeding with project construction. In this case, IDNR will close consultation upon receipt of an acknowledgement from IDOT indicating that it will apply for an incidental taking authorization prior to commencing any construction that would result in the killing or injuring of a listed animal species. If resolution is not reached within the 45 day period, the process ends and is classified as having failed or partially failed to protect the resource involved; a decision is made to elevate the issue within each agency; or, upon mutual agreement by both parties, negotiations may continue.
3. Follow-up Coordination and Reporting. The local agency is responsible for implementing the project and mitigation as agreed. Submit any reports required by the Agreement to the IDNR Transportation Program Manager for review and coordination with other appropriate IDNR staff.

If, during development of a project, new information is obtained or the scope of the project changes to the extent that IDNR would have been involved initially, the local agency shall contact the district to discuss the need for further coordination. Also, if IDNR is concerned with a resource issue not reflected in Section 18-5.05(b) or if new information becomes available after the project review has been completed, IDNR may request that BDE submit the project for review.

On projects subject to coordination with IDNR pursuant to the IDOT-IDNR Agreement, districts and local agencies must carefully monitor the progress of the project in relation to the timeframe for the validity of the original IDNR signature on the AAR (for pre-screening) or the IDNR response on resource issue resolution (if resource issues are involved). A valid IDNR response must be in place at key points in the project development and implementation process as described below.

For projects processed as CEs, a valid IDNR response on pre-screening against the Natural Heritage Database and, as applicable, on final resource issue resolution, must be in place when the project is submitted for CE approval and when the project is advertised for bid letting.

For adverse wetland impacts that are subject to coordination with IDNR as "Standard Review Actions" under the IDOT Wetlands Action Plan, IDNR approval of a conceptual wetland compensation plan will qualify as the "resource issue resolution" response on the wetlands aspect for purposes of the project environmental documentation. IDNR

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approval of a detailed wetland compensation plan will be required for “final resource issues resolution” prior to advertising “Standard Review Actions” for letting.

For impacts to State-listed endangered or threatened species, the Biological Opinion provided by IDNR in response to a Detailed Action Report will be the “resource issue resolution” response on the endangered species aspects for purposes of the project environmental documentation. If the project will involve an incidental taking of a State-listed species, an incidental taking authorization from IDNR will be required for “final resource issue resolution” prior to awarding the project.

When it becomes necessary to resubmit a project to IDNR to provide a valid response at the aforementioned processing points, the local agency should accomplish the submittal by sending a copy of the original AAR to the IDNR Transportation Program Manager with a request for renewal of the IDNR response.

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### 18-6 REFERENCES

1. 40 CFR 1500-1508, *CEQ Regulations for Implementing NEPA*.
2. 23 CFR 771, *FHWA Environmental Impact and Related Procedures*.
3. FHWA Technical Advisory T6640.8A, *Guidance for Preparing and Processing Environmental and Section 4(f) Documents*.
4. *Clean Water Act, Section 404, Concurrent NEPA/404 Processes for Transportation Projects in Illinois*.
5. Part III, "Environmental Procedures," *Bureau of Design and Environment Manual*, IDOT.

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