

# Stage 1 – Planning/Environmental Manual of Standard Practice



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## CHAPTER 1: INTRODUCTION AND OVERVIEW

This manual is not a “how to” manual for the preparation of an environmental document. Each project is different with unique contexts and conditions to consider. This Manual of Standard Practice has been prepared to provide guidance to the Project Manager (**PM**) in advancing a transportation improvement project through the Department’s Stage 1 – Planning / Environmental Process for federal-aid projects and state-funded projects requiring a federal approval or permit requiring an Environmental Assessment (**EA**) or an Environmental Impact Statement (**EIS**). The manual presents an overview of the National Environmental Policy Act (**NEPA**) and other environmental regulations, provides general discussion and direction on moving a project through the NEPA process, and lists reference materials for further information. Technical guidance is provided in other Louisiana Department of Transportation and Development (**DOTD**) publications and through information published by federal agencies accessible on the internet.

Acronyms are defined once in bold then used throughout the manual. A list of these acronyms can be found in Chapter 7.

### 1.1 DOTD’S PROJECT MANAGEMENT PHILOSOPHY

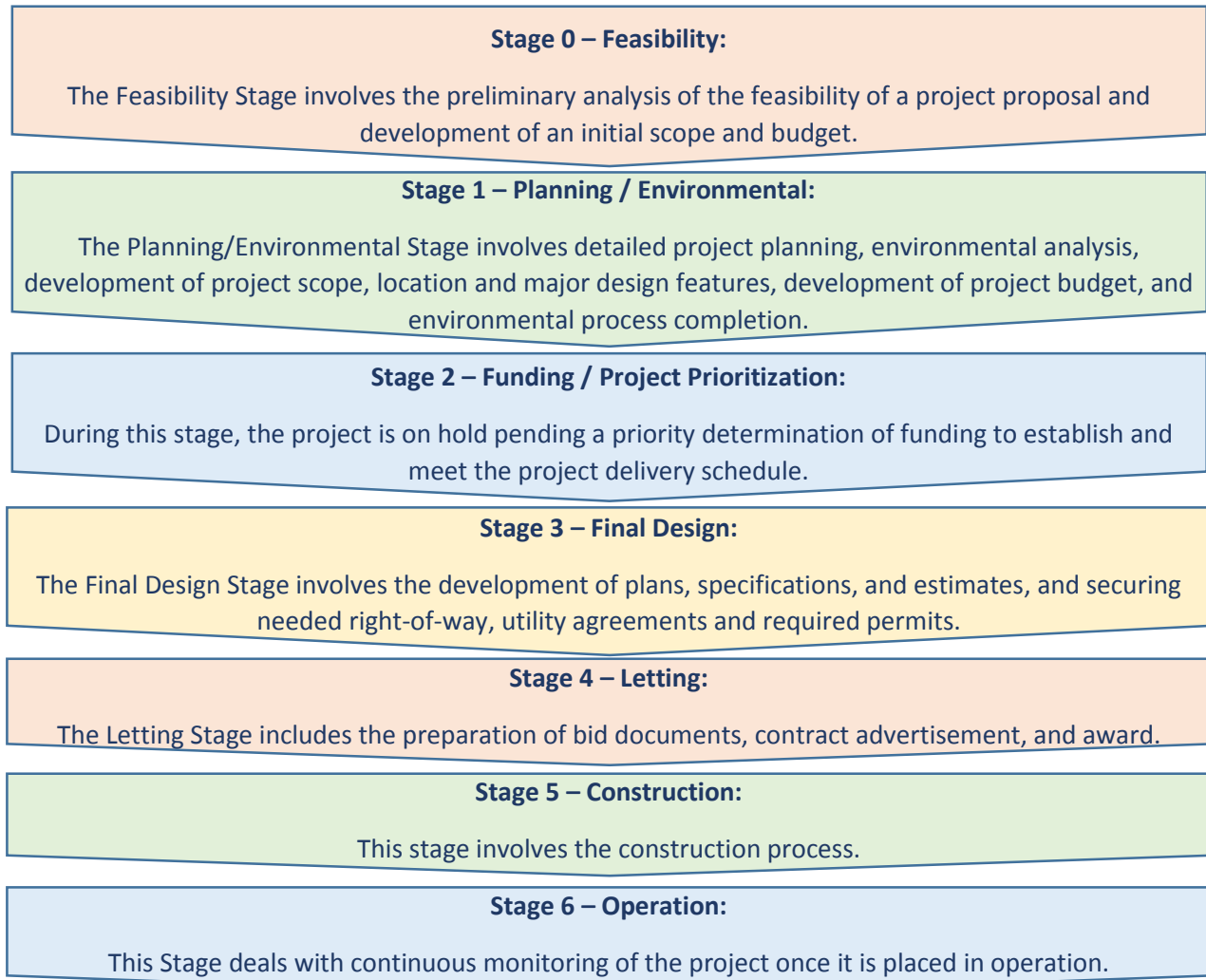
The DOTD’s organization is centered on a PM with other Project Team members to advance transportation projects to completion. This concept better responds to the challenges of project delivery and the public’s expectations and demands for environmentally sound transportation solutions in a concise timeframe.

The Project Team is comprised of various members, depending on the required expertise to complete the project. The PM is responsible for delivering the project by ensuring that all project activities are completed in accordance with time and budget requirements at the highest level of quality. For routine projects at DOTD, two PMs from the Office of Engineering are often used, one from the Environmental Section and the other from a Design Section. The remainder of the Project Team is staffed from various DOTD Sections (e.g., Road Design, Bridge Design, Traffic Engineering, Environmental, Real Estate, Geotechnical, and Utilities) or through consultant contracts, depending on the required expertise. The PM negotiates with the various Section Administrators for the desired Project Team staff.

For routine projects, the Environmental Section leads the Project Team through the Stage 1 project development process. The Design Section will then lead the Project Team through Stages 3 and 4 and be available for consultation during Stage 5. DOTD’s Chief Engineer and the Chief of Project Development will jointly select the PMs. In practice, the decision as to who is assigned the roles of PM for routine projects is deferred by the chiefs to the respective Section Administrators.

Projects determined by DOTD to be high risk or high profile will be led by a single PM from the Office of Engineering, Critical Projects Section. This PM will lead the Project Team through all stages of project delivery.

The following is a flow chart depicting the various stages of project delivery from conception through to operations.



## 1.2 INTRODUCTION

Environmental Stewardship and Streamlining are two different but interlinked goals often associated with the public’s demand for environmentally responsible transportation improvements. **Environmental Stewardship** demonstrates that we are mindful of the natural and built environment while addressing mobility and safety needs of the public. **Environmental Streamlining** consists of completing environmental reviews and permitting in a timely manner, without compromising environmental protection. This entails establishing realistic project development timeframes among transportation and environmental agencies, and then working cooperatively to adhere to those timeframes. The coordination of multiple and overlapping environmental reviews, analyses, and permitting actions essential to Environmental Streamlining is identified by federal law. Although certain processes overlap, the procedural requirements for meeting these mandates are distinct and defined by each federal agency charged with statutory oversight of a specific environmental resource or concern.

### 1.3 RELATED POLICIES

Over the years, DOTD has affirmed its commitment to environmental stewardship through policy. On May 12, 2000, DOTD adopted an **Environmental Policy**, declaring that its mission includes the development of an environmentally sound transportation system through shared decision-making, involving other agencies and the public in full cooperative partnership. In line with its overall Environmental Policy, DOTD committed in 2006 to promoting transportation improvements developed using **Context Sensitive Solutions** that are fully compatible with the natural and human environment. Additionally, in July of 2010, the DOTD adopted a **Complete Streets** policy that requires the Department to consider all modes of transportation such as bike, transit, and pedestrian. All three of the above mentioned policies can be found in Appendix A.

### 1.4 STAGE 1

Stage 1 of the project delivery process is also known as the environmental stage or NEPA stage. This is the stage in project development wherein the Department evaluates feasible alternatives that meet the purpose and need of the project. In this stage, the effects of the various alternatives on both the natural and human environments are evaluated and documented. At the end of Stage 1, an alternative is selected with a clear description of its scope, budget, and major design features.

The Environmental Section is responsible for the Stage 1 process, handling NEPA investigations, evaluations, and documentation by utilizing both in-house staff and consultants. Many of DOTD's projects are federally funded through the Federal Highway Administration (**FHWA**). The FHWA is the federal agency that authorizes the use of federal monies for the design and construction of DOTD's federal-aid projects. The FHWA's procedures for implementing NEPA are found at 23 CFR 771, which can be accessed from FHWA's environmental website located at <http://www.fhwa.dot.gov/environment/>.

#### **What is NEPA?**

The National Environmental Policy Act (Title 42 of the United States Code (**USC**) Sections 4321-4347) was enacted in 1969 and signed into law on January 1, 1970. This procedural law requires federal agencies to use a multi-disciplined approach to evaluate the effects of their actions on both the human and natural environments. NEPA created the Council on Environmental Quality (**CEQ**) that in turn issued regulations (Title 40 of the Code of Federal Regulations (**CFR**) Parts 1500-1508) to assist federal agencies in implementing NEPA. Some federal agencies issued their own regulations, consistent with CEQ's regulations.

#### **CAVEAT:**

When working on projects with multiple federal agencies, early coordination is necessary to ensure that the process is compliant with each agency's requirements.

## CHAPTER 2: THE NEPA PROCESS

### 2.1 A NATIONAL ENVIRONMENTAL POLICY

The 1960s brought about an increased public awareness and concern for the pressure that human development was placing on the condition of the environment. In response to this, Congress passed and the President signed into law the National Environmental Policy Act of 1969, which is considered to be the basic “National Charter” for protection of the environment. The law:

- set national environmental policy,
- established a basis for environmental impact statements, and
- created the CEQ.

In addition to establishing a national environmental policy, NEPA requires federal agencies to use an interdisciplinary approach in planning and decision-making for actions that impact the environment. NEPA requires the preparation of an EIS on all major federal actions significantly affecting the natural or human environment.

NEPA called for the creation of the CEQ. The CEQ is an office within the Executive Office of the President and has four main functions:

- develop environmental policies for the nation,
- monitor environmental quality,
- prepare an annual environmental quality report, and
- monitor federal actions.

### 2.2 COUNCIL ON ENVIRONMENTAL QUALITY REGULATIONS

In 1970, CEQ issued guidelines for the preparation of environmental documents. The FHWA prepared a policy directive in response to those guidelines, as did some other federal agencies. The CEQ monitored federal environmental processing of all the agencies and found that EISs were too long with less important issues being discussed at great length, that there was poor or no early coordination, and that the process led to unnecessary delays caused by confusion over differing terminology and procedures among federal agencies.

To remedy these problems, in May 1977, the President issued Executive Order (EO) 11991. The key provision of the EO was that CEQ could issue mandatory regulations, not just guidelines, for implementing the provisions of NEPA consistently throughout the Federal Government. The result was the CEQ regulations for “Implementing the Provisions of the National Environmental Policy Act,” 40 CFR Parts 1500-1508. The principal goals of the CEQ regulations are to reduce paperwork and delays, and to produce better environmental decisions. The regulations focus on four key areas: early coordination, uniform processing options for all agencies, completing the environmental process, and faster and better processing.

#### **2.2.1 EARLY COORDINATION**

To improve early coordination, the CEQ regulations introduced the concepts of “lead agency” and “cooperating agency.” The lead agency is responsible for the federal action and supervising the preparation of the environmental document. Cooperating agencies are those agencies specifically

requested by the lead agency to assist during the environmental process. Cooperating agencies are those federal agencies with special expertise or jurisdiction by law (e.g. U.S. Army Corps of Engineers and the U.S. Coast Guard when a permit is necessary, the U.S. Fish and Wildlife Service for involvement with federally-listed threatened or endangered species or habitat, the National Oceanic and Atmospheric Administration Fisheries for involvement with designated Essential Fish Habitat, or other federal agencies where a land transfer from that agency is needed).

The CEQ also instituted a scoping process that was intended to bring the lead and cooperating agencies and other interested groups together early in the project development process to determine the scope of the issues to be addressed, and identify any important issues related to the proposed action. By properly using the early coordination process, agencies could both avoid conflicts later and assure the full input from the various interests.

Through legislation, Congress later defined and established “participating agencies” to allow more state, local, and tribal agencies a formal role in the environmental review process. Like the cooperating agencies, participating agencies are invited by the lead federal agency to participate in the environmental review process. However, unlike cooperating agencies, participating agencies are not limited to federal agencies.

In 1988 a handbook titled, “Applying the Section 404 Permit Processes to Federal-Aid Highway Projects” was published by FHWA. It was known as the “Red Book.” One of the major components of the Red Book was the early synchronization of the NEPA and Section 404 (wetland permitting) review processes. In September of 2015, an updated “Red Book<sup>1</sup>” was prepared in cooperation by the U.S. Army Corps of Engineers, U.S. Coast Guard, U.S. Department of Transportation, Federal Highway Administration, Federal Railroad Administration, Federal Transit Administration, U.S. Environmental Protection Agency, U.S. Fish and Wildlife Service, and National Oceanic and Atmospheric Administration. The updated Red Book addresses early coordination and consultation with the agencies. The PM should consult with and request comments from the cooperating and participating agencies as early in the process as possible. If an agency does not concur with a decision, seek guidance from the lead federal agency as concurrence may not be required to move forward in some cases. Consultation is mandated by law, but concurrence may not be required. If the agency not concurring is a permit agency, then it may be necessary to elevate the issue or invoke available provisions in law for conflict resolution.

### **2.2.2 COORDINATION PLAN (STAKEHOLDER INVOLVEMENT)**

Public and agency involvement, also known as stakeholder involvement, is vital to the success of the process. For EISs and EAs, a coordination plan outlining the procedures for communicating with stakeholders is developed early in Stage 1 and builds upon the work started in the previous stage. The goal is to encourage participation and achieve two-way communications between the stakeholders and the project team.

The public is consulted as to the purpose and need and range of alternatives for the project. Public involvement may include, but is not limited to, public meetings and hearings, scoping meetings,

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<sup>1</sup> [2015 Red Book](#), Synchronizing Environmental Reviews for Transportation and Other Infrastructure Projects, September 2015, Publication No. FHWA-HEP-15-047.



workshops, charettes, virtual events, and presentations at neighborhood, civic, or business association meetings, as well as newsletters and websites.

The agency coordination plan requires agencies to agree on schedule and review times in advance. Coordination with participating and cooperating agencies is done through field visits, letters, emails, virtual events, phone conversations, scoping meetings, and other meetings as needed. It is especially important to have the permitting agencies on board as the project is being evaluated. The goal is to have one NEPA document that all agencies can rely upon for their actions and approvals.

*Who might be a stakeholder?*

- Governments & local officials (tribal governments, parish police juries/councils, municipalities, political subdivisions, mayors, state legislators, etc.)
- Planning Organizations (metropolitan planning organizations, state planning districts, and local planning districts)
- Emergency Responders (fire, police, Emergency Medical Services (EMS), National Guard, and similar entities)
- Resource agencies (state and federal agencies)
- Permitting agencies (Corps of Engineers, Coast Guard, Dept. of Environmental Quality, Dept. of Natural Resources, Dept. of Wildlife and Fisheries, levee boards, etc.)
- Public (individuals such as residents, property owners, tenants, and those otherwise affected; businesses and business owners; non-governmental organizations, such as clubs, religious organizations, civic groups, neighborhood associations, business/professional associations, and non-profits)

### 2.2.3 UNIFORM PROCESSING

The CEQ regulations established uniform processing options for all federal agencies. Different kinds of transportation projects will have varying degrees of complexity or potential to affect the environment. The CEQ regulations implementing NEPA identifies three classifications of actions, defining the way that compliance with NEPA is documented in terms of the action's impacts:

- An EIS is prepared for projects where it is known that the action will have a significant effect on the environment.
- A Categorical Exclusion (**CE**) is for an action that does not individually or cumulatively have a significant environmental effect.
- An EA is prepared for actions in which the significance of the environmental impact is not clearly established.

## 2.2.4 SIGNIFICANCE

To determine the appropriate class of action and thereby the requisite level of documentation necessary to comply with NEPA, it is essential to understand the term “significance.” In considering whether the effects of the proposed action are significant, agencies shall analyze the potentially affected environment and degree of the effects of the action. (40 CFR 1501.3(b))

Setting/context and degree/intensity are essential in determining the significance of a project’s environmental impacts. Impacts can be considered in the context of society as a whole, the affected region, or locality. In the case of a site-specific action, significance would usually depend on the effects in the locale rather than in the world as a whole. Both short- and long-term effects are relevant. For example, filling one acre of a 100-acre wetland would probably not be considered significant, but filling one acre of a two-acre wetland might be considered, under certain circumstances, a significant impact. The intensity is the same, but the context is different.

*What is the difference between these options? **Significance***

**CEs** do not have a significant effect on the environment.

**EISs** are prepared when a significant effect will occur as a result of the action.

**EAs** are prepared when the significance of the effects are unknown.

## 2.2.5 DECISION DOCUMENTS

Although the size and apparent complexity of the three levels of NEPA documentation is quite different, they all serve the same purpose: to achieve NEPA's goals of a collaborative decision-making and ultimately to make the public aware of the rationale behind the transportation decision.

In order to aid in completing the process, CEQ introduced two specific formal decision documents:

*Finding of No Significant Impact (FONSI)* — A document prepared by a federal agency briefly presenting the reasons why a proposed action/project will not have a significant effect on the natural or built environment and for which an Environment Impact Statement will not be prepared.

*Record of Decision (ROD)* — A document prepared by a federal agency that presents the basis for selecting and approving a proposed action/project that has been evaluated in an Environmental Impact Statement.

## 2.3 FHWA AND THE STAGE 1 PROCESS

The CEQ regulations provide the basic framework for all federal agencies to follow in complying with the law. Most of DOTD’s project funding comes from FHWA. Therefore, most DOTD projects are developed consistent with FHWA regulations and policies.

On November 28, 1987, the FHWA issued its environmental regulations entitled “Environmental Impact and Related Procedures,” which are consistent with CEQ regulations. For transportation decision-making, FHWA adopted a policy of managing the NEPA process as an “umbrella” under which all other environmental laws, Executive Orders, and regulations are considered prior to the final decision of a

proposed action or project. The FHWA regulations have been amended over the years to reflect changes in law and are published in 23 Code of Federal Regulations Part 771.

Congress passes a highway bill every six years or so. These bills are more commonly known by their acronyms. In the post interstate era, we have had **ISTEA**<sup>2</sup>, **TEA-21**<sup>3</sup>, **SAFETEA-LU**<sup>4</sup>, **MAP-21**<sup>5</sup>, **FAST Act**<sup>6</sup> and the most current highway bill, **IJA**<sup>7</sup>. Often these laws relate directly to environmental issues and documentation. These laws have modified environmental processes and reporting requirements.

### 2.3.1 STAGE 1 DOCUMENTATION

The lead federal agency has the responsibility to ensure compliance with the NEPA process, including preparation of the environmental documentation. For FHWA, there are three levels of NEPA documentation: EIS, EA, and documented CE. In addition, CE has a subset, Programmatic Categorical Exclusions (**PCEs**), which is a streamlined process negotiated in an agreement between FHWA and the DOTD's Environmental Section that allows the NEPA decision to be made within DOTD by the Environmental Section after appropriate review and documentation. The form, format, and content of these NEPA documents and their associated technical reports are prescribed by laws, regulations, and agency guidelines.

*What information is typically included in the NEPA document?*

- The **purpose and need statement** is essential. What is the reason for the project and why is it needed are two questions that should be asked and answered in every NEPA document.
- A reasonable **range of alternatives** that addresses the purpose and need are identified. If an alternative does not meet the purpose and need, it is not considered reasonable. The “do-nothing” or “no-build” alternative is always evaluated and compared against the proposed action.
- An analysis and **evaluation of the effects** on the environment for each of the identified alternatives is performed. Alternatives are refined to avoid or minimize their effects, and the direct, indirect, and cumulative effects of the final alternatives are documented.
- **Coordination** with stakeholders, including public involvement events, are summarized. Coordination occurs throughout the process and is important in identifying issues, alternatives, and mitigation.
- Required permits are identified and **mitigation** defined to the extent possible.
- The NEPA process is a decision-making process. At the end of the process, the **selected alternative** for construction is identified for approval by the lead federal agency.

<sup>2</sup> Intermodal Surface Transportation Efficiency Act of 1991 (ISTEA), Public Law 102-240

<sup>3</sup> Transportation Equity Act for the 21<sup>st</sup> Century (TEA-21), enacted 1998, Public Law 105-178

<sup>4</sup> Safe, Accountable, Flexible, Efficient Transportation Equity Act: A Legacy for Users (SAFETEA-LU), enacted 2005, Public Law 109-59

<sup>5</sup> Moving Ahead for Progress in the 21st Century Act (MAP-21), enacted 2012, Public Law 112-141

<sup>6</sup> Fixing America's Surface Transportation (FAST) Act, enacted 2016, Public Law 114-94

<sup>7</sup> Infrastructure Investment and Jobs Act (IIJA), enacted 2021, Public Law 117-58

### 2.3.2 UMBRELLA APPROACH

Achieving NEPA's goals involves assessing a potential project in light of all other social, economic, and environmental requirements. NEPA acts as an "umbrella" under which various laws, executive orders, and regulations are administered. Hence, a multi-discipline project team comprised of engineers, environmental scientists, and other professionals is required. In addition to the design staff, qualified environmental staff are needed to perform such tasks as wetland delineations, biological assessments, cultural resource surveys (archaeology and standing structures), traffic noise studies, phase I environmental site assessments, air quality modeling, social and economic studies, etc. Concluding the NEPA process means reaching a single decision that addresses multiple concerns in the best overall interest of the public.

*What are some of the commonly encountered environmental laws?*

- **Section 4(f)** refers to the original section in the U.S. Department of Transportation Act that prohibits a transportation project from using property from publicly owned parks, recreational areas, wildlife and waterfowl refuges, and historic sites, unless there are no prudent or feasible alternatives to the use.
- **Section 6(f)** prohibits the conversion of recreational property acquired or developed with funds from the Land and Water Conservation Fund Act (**LWCFA**) to a non-recreational purpose without the approval of the Department of Interior's National Park Service.
- **Section 7** of the Endangered Species Act requires federal agencies to ensure that any action authorized, funded, or carried out by them is not likely to jeopardize the continued existence of listed species or to adversely affect their critical habitat.
- **Section 106** of the National Historic Preservation Act requires federal agencies to consider the effects of their undertakings on historic properties and to afford the Advisory Council on Historic Preservation (**ACHP**) a reasonable opportunity to comment. It requires consultation with the State Historic Preservation Office (**SHPO**), Tribal Historic Preservation Office (**THPO**), property owners, local governments, and other interested parties.
- **Section 404** of the Clean Water Act regulates dredging and filling of wetlands and other waters of the U.S.

### 2.4 QUALITIES OF EXCELLENCE IN TRANSPORTATION SOLUTIONS

Projects designed and built with minimal disruption to the community, involving efficient and effective use of the resources, are often seen as having added lasting value to the community. A transportation facility is an integral part of the community's fabric and can help define the character of the community or destroy it.

DOTD policies that relate to fitting a project into the community are:

- DOTD's Environmental Policy
- DOTD's Context Sensitive Solutions (**CSS**) Policy
- DOTD's Complete Streets Policy

CSS and Complete Streets are opportunities to connect with the communities. A project in harmony with the community preserves environmental, scenic, aesthetic, historic, and natural resource values of the

area. In 2016, DOTD revised an Engineering Directive (**EDSM**) related to design to address the implementation of Complete Streets in a Context Sensitive Manner.<sup>8</sup>

#### ENVIRONMENTAL POLICY

It is the mission of the Louisiana Department of Transportation and Development to ensure that our customers, those who live, work, and travel in Louisiana, have a safe, efficient, and environmentally sound transportation system.

It is our goal to provide an environmentally sound transportation network and protect, preserve, and enhance Louisiana's cultural and natural resources, many of which are unique to our State.

#### CONTEXT SENSITIVE SOLUTIONS

It is the Department's policy to consider CSS for all of its transportation and public works projects, regardless of whether the projects are State or federally funded. The Department recognizes that solutions will vary depending on the project's complexity and potential impacts to the surrounding community. This is a policy, not a standard. The intent is to deliver better projects for the community and the State as a whole.

#### COMPLETE STREETS

This policy will create a comprehensive, integrated, connected transportation network for Louisiana that balances access, mobility, health and safety needs of motorists, transit users, bicyclists, and pedestrians of all ages and abilities, which includes users of wheelchairs and mobility aids. It ensures a fully integrated transportation system, by planning, funding, designing, constructing, managing, and maintaining a complete and multi-modal network that achieves and sustains mobility, while encouraging and safely accommodating pedestrians, bicyclists, and transit users.

### 2.5 CHARACTERISTICS OF A SUCCESSFUL PROCESS

The PM should be aware of the elements necessary for the successful completion of the project delivery process. Below are elements common to successful projects considered to be qualities of excellence:

- Communication with all stakeholders is open, honest, early, and continuous.
- A multidisciplinary team is established early, with disciplines based on the needs of the specific project, and with the inclusion of the public.
- A full range of stakeholders is involved with transportation officials in the scoping phase.
- The purposes of the project are clearly defined, and consensus on the scope is forged before proceeding.
- The project satisfies the purpose and need as agreed to by a full range of stakeholders.

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<sup>8</sup> EDSM II.2.1.14, Complete Streets

- The project development process is tailored to meet the circumstances. This process should examine multiple alternatives that will result in a consensus of approach methods.
- A commitment to the process from top agency officials and local leaders is secured.
- The public involvement process, which includes informal meetings, is tailored to the project.
- The landscape, the community, and valued resources are understood before engineering design is started.
- A full range of tools for communication about project alternatives is used (e.g., visualization, social media, etc.).

## **2.6 DOTD AND THE STAGE 1 ENVIRONMENTAL PROCESS**

All projects, regardless of classification (preservation, operations, safety, capacity, or other) or funding source, will be developed and carried forward through the Stage 1 Environmental Process.

Projects that are federally funded, or otherwise require a federal action or permit in order to be implemented, will follow a process in accordance with the NEPA and CEQ's classes of action (CE, EA, and EIS).

Environmental documentation for state funded only projects consists of completing the environmental determination checklist along with a determination of permits required. If a Federal permit is required, NEPA applies. Environmental work and reports are prepared and submitted to the respective Federal permitting agency with the permit application. If no federal permit is required or if the permit type is non-reporting, then the checklist is completed and the project is referred to as an Environmental Exclusion (**EE**) — Similar to a CE; common for non-federal aid routes where wetlands are not affected or a non-reporting nationwide permit applies.

Projects that may not be considered for federal funding and do not require a federal action or permit will be developed following a process closely adhering to the NEPA process. Previous manuals refer to two other types of state funded projects which are not likely to occur:

- Environmental Finding (**EF**) — Similar to EA/FONSI; use of an EF is rare as most projects in this category would affect wetlands/other waters of the U.S. and require Section 404 permit from the U.S. Army Corps of Engineers or cross a navigable waterway and require Bridge permit from the U.S. Coast Guard, requiring a NEPA evaluation.
- Environmental Record (**ER**) — Similar to EIS/ROD; however, use of an ER is unlikely given the need for Section 404 permits and possibly Bridge permits for major projects in Louisiana, which would require NEPA. This has never occurred and will not be mentioned in later part of this manual.

The DOTD Project Delivery Manual and the Stage 1 — Planning/Environmental Manual of Standard Practice will be used to guide the development of Stage 1 documentation.

## CHAPTER 3: PROJECT MANAGEMENT

*This chapter is a brief introduction to the concept of Project Management for Stage 1. The Critical Projects Section has a detailed manual on Project Management that should be referenced for more information.*

### 3.1 WHY PROJECT MANAGEMENT?

Project management provides the tools and techniques necessary for DOTD to effectively utilize its human and financial resources in all of its activities. Project management:

- Establishes target objectives
- Provides for accountability
- Increases productivity
- Minimizes cost overruns
- Streamlines processes
- Minimizes bureaucracy

### 3.2 SPECIFIC ROLES OF THE PROJECT MANAGER

The PM is responsible for seeing that activities on assigned projects are completed in a timely manner and within budget. This involves close coordination with Project Team members representing the various Sections. While the PM does not have direct authority over these team members, he or she has the responsibility to request the allocation of resources required to accomplish the necessary tasks on time and within budget. Once assigned to a Project Team, the individual team member is responsible for completing his or her assigned task in the timeframe designated by the PM.

For some projects, such as those covered by CE or EE, the Project Team may consist of only the PM and one or two other members. Complex projects, such as capacity improvements, major bridge projects, corridor upgrades, or new infrastructure projects, may require a much larger Project Team. In general, these projects require an EIS or an EA.

The PM serves four basic roles in the development of a project. The degree of effort required for each role varies with the size and complexity of the project. The four basic roles are: Planning, Team Building, Directing, and Controlling. Each role is briefly discussed below.

#### **3.2.1 PLANNING ROLE**

Effective planning avoids unnecessary problems and anticipates unavoidable problems, making them easier to control. Generally, the more complex the project, the more time should be spent planning it. The major purpose of planning is to divide broad project objectives into manageable tasks that can be performed in relatively short time periods.

The PM develops a work plan. A project work plan typically includes (1) scope of activities, (2) schedule, and (3) budget. This allows project progress to be monitored accurately because each activity in the scope of services can be measured in terms of progress made, time elapsed, and money spent.

### *Scope of activities (“what needs to be done”)*

The PM initially develops the breakdown and scope of work necessary for a particular project. The PM consults with the Project Team to ensure that the scope and breakdown appropriately represents in the needs of the project. Below is an example of a typical breakdown of activities by project phases for an EIS and EA. Every project will be different depending on its context and complexity.

#### **INFORMAL PROJECT COORDINATION WITH LEAD FEDERAL AGENCY**

- ✓ INFORMAL PROJECT INITIATION
- ✓ PROBABLE CLASS OF ACTION
- ✓ METHODOLOGY AND PROCESS
  - PLANNING AND ENVIRONMENTAL LINKAGE STUDY (used for larger more complex projects)

#### **CONSTRAINT MAPPING, RANGE OF ALTERNATIVES, & ALTERNATIVES EVALUATION**

- ✓ CONSTRAINT MAPPING
- ✓ RANGE OF ALTERNATIVES
- ✓ PRELIMINARY ALTERNATIVE EVALUATIONS

#### **PROJECT INITIATION, SCOPING, DOCUMENTATION & DECISION**

- ✓ FORMAL PROJECT INITIATION (lead federal agency)
- ✓ SCOPING
- ✓ DOCUMENTATION
  - EIS
  - EA
- ✓ DECISION
  - ROD
  - FONSI

### *Schedule (“how long will it take”)*

The PM develops a schedule based on the work plan that includes major project milestones. The schedule shows the interrelationship of tasks and is developed with consideration of the availability and timing of financial resources and resources required of other agencies. For federal aid projects, an agency coordination plan is required for an EIS and is optional for an EA. This coordination plan outlines the agencies’ roles and responsibilities with regard to reviews and review times which are incorporated into the schedule.

The **Critical Path Method (CPM)** of project scheduling is commonly used and calculates the total duration of a project based on individual task durations and their dependencies. CPM considers many factors when setting a task's start and finish dates (e.g., constraints set on the dates, dependencies on other tasks, task's duration). The CPM schedule can be viewed in a number of ways.



A **Gantt Chart** displays task information as both text and bar graphics. These are sometimes referred to as bar charts. On the left side of the chart are typically fields where task names, durations, start and finish dates, and other information can be entered or modified. On the right side, Gantt bars graphically display task durations and start and finish dates on a timescale. The relative position of the Gantt bars shows the sequence in which project tasks are scheduled to occur.

A **Program Evaluation and Review Techniques (PERT) Chart** displays tasks and task dependencies as a network diagram or flowchart. Boxes, or nodes represent tasks, and lines that connect the boxes represent task dependencies. PERT chart views can also be customized to make the view more effective.

A **Milestone Chart** identifying target completion dates for specific tasks or activities can be readily developed from the CPM project schedule. Milestone charts are simple charts that identify tasks, duration, and start and finish dates.

The above charts and schedules are commonly developed using software such as Microsoft Project. They can be high level or very detailed. The more detailed the schedule and charts, the more tasks that have to be updated. It is best to present a high level schedule with major milestones to agencies and keep the more detailed schedule internal to project team.

#### *Budget (“how much will it cost and what are the funding sources”)*

The PM identifies sources, amounts, availability, and timing of funds required for Stage 1 project development. It is important for the PM to monitor expenditures. There are a number of techniques that can be employed to do this such as expenditure curves, spreadsheets, and financial software. For Major Projects, a Cost Estimation Review (**CER**) is required at least 90 days prior to the NEPA Decision which in most cases is a ROD.

### **3.2.2 TEAM BUILDING ROLE**

Team building is the process of finding the right person to perform a specific task. Team members can come from within DOTD or from external sources such as consulting firms. If a consulting firm’s services are utilized, the entire staff of that firm can be considered potential team members.

Depending on the complexity of the project, the project team can be staffed with team members from many technical disciplines. The PM is responsible for coordinating and integrating activities across the Project Team and, as such, must be generally familiar with the operations of each technical discipline.

The PM develops a matrix of responsibilities by task for potential team members with specialized expertise such as road design, bridge design, traffic engineering, environmental, real estate, geotechnical, district project engineer, etc. It is important to predict when and for how long each team member will be needed. The PM coordinates with the appropriate Section Administrators to identify specific staff to serve as team members.

### **3.2.3 DIRECTING ROLE**

Directing is the process of guiding each activity to its timely completion within its given budget. This deals with “who is doing what” and is basically one of effective communication, making sure that project work is done efficiently and that nothing falls through the cracks. This includes directing activities to meet contractual obligations and taking an active role in conflict resolution between members or departments.

### **3.2.4 CONTROLLING ROLE**

Control is the process for monitoring the actual project progress, the evaluation of the progress to ensure that the project objectives are being met, and, in the case of deviation, taking corrective actions to put the project back on track. The Control process ensures that the project “is being done” in accordance with the approved schedule and budget. Controlling includes monitoring project activities for compliance with DOTD general policies, mission, and philosophy.

Another controlling role of the PM is project cost control. The PM is the individual who is most familiar with the project. Having this in-depth knowledge assures that job costs are properly accounted and that invoices are paid promptly.

## CHAPTER 4: INPUTS TO THE STAGE 1 PROCESS

Before initiating the Stage 1 Environmental Process, DOTD must first complete a Stage 0 Feasibility Study to determine the project's feasibility, evaluates the financial and schedule implications of pursuing the project, and renders a Go/No-Go/Delay or conditional continuance decision to further advancing the project. For federal-aid projects being advanced into the Stage 1 Environmental Process, a determination may also be made, and concurred with by the lead federal agency, as to how the project would be documented in the Stage 1 Environmental Process, as a CE, an EA, or an EIS. The procedures for determining the class of action under NEPA are located in Appendix B.

The Stage 0 Feasibility Study is the initial building block of the DOTD's Project Development Process, and its findings and decisions are important and required inputs to the Stage 1 process. The following Stage 0 information must be obtained and reviewed prior to commencing the Stage 1 Environmental Process:

- Preliminary Purpose and Need Statement – preliminary plan and succinct description of the transportation problem or other needs that the proposed project is intended to address (i.e., the reason the project is being considered).
- Preliminary Alternatives and Initial Feasibility Analysis – conceptual alternatives considered technically feasible, including potential impacts analysis and discussion of project challenges.
- Preliminary Environmental Review – identification of all potential environmental “show stopping” constraints or issues that influenced early determinations of project feasibility, timing, and cost. Also, identification of major community issues impacted by the project during construction and operational phases of the project.
- Design Criteria and Initial Context Determination – preliminary basic design criteria, which may include functional roadway classification, design speeds, horizontal and vertical constraints, and any required waterway, levee, or railroad clearances.
- Agency and Public Involvement – jurisdictional review agencies and interested public or private parties that expressed interest in the project, and other information relevant to the development of a Stage 1 public involvement plan.
- Preliminary Project Estimate and Budget – estimated costs for Stage 1 NEPA and environmental studies, as well as preliminary design, right-of-way acquisition, utilities relocations, construction, and environmental mitigation costs, in current year dollars.

Other information that may be include in Stage 0 and useful to Stage 1 are preliminary safety analyses, toll analyses, and traffic studies. For large projects, a process referred to as **PEL**, Planning and Environmental Linkage<sup>9</sup>, may be employed prior to the start of the NEPA review.

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<sup>9</sup> PEL webpage: [https://www.environment.fhwa.dot.gov/env\\_initiatives/PEL.aspx](https://www.environment.fhwa.dot.gov/env_initiatives/PEL.aspx)

## CHAPTER 5: MANAGING THE NEPA PROCESS

This Chapter provides the PM with an overview of an EA and EIS project development process that complies with NEPA requirements and embraces DOTD’s mission in developing environmentally responsible transportation solutions for Louisiana. *The reader is encouraged to read and become familiar with Title 23 of the U.S. Code, Section 139, Efficient Environmental Reviews for Project Decisionmaking.*

At the conclusion of the Stage 0 Feasibility Study, a determination is made as to the project’s feasibility and the potential funding sources. For projects that are federally funded, or otherwise require a federal action or permit, a determination will need to be made, and concurred with by the lead federal agency, as to the type of NEPA action: a Categorical Exclusion; an Environmental Assessment with the anticipation of a Finding of No Significant Impact; or an Environmental Impact Statement with anticipation of a Record of Decision. The PM or Environmental Task Manager will coordinate with the lead federal agency to make this determination prior to starting the NEPA review. (See the procedures in Appendix B.)

Projects with no lead federal agency (state-funded projects) generally follow the NEPA process. DOTD has adopted a policy that state-funded projects not requiring a federal action or permit will be developed following a process closely adhering to the NEPA process. The primary difference in the preparation of these documents is that the actions normally taken by the lead federal agency under NEPA will be the responsibility of the DOTD Chief Engineer, and may be delegated at the Chief Engineer’s discretion to other individuals such as DOTD’s Environmental Engineer Administrator.

The NEPA process varies depending on the project’s complexities. To simplify the process, think of the Stage 1 process in terms of three steps or phases. The initial phase is a preparation phase which requires engaging the lead Federal agency and discussing the proposed project, probable class of action, screening methodology, environmental issues, and potential permits associated with the project. The second phase involves the development of a reasonable range of alternatives with input from agencies, officials, and the public. These alternatives are screened against the project’s objectives, goals, and purpose and need. The final phase begins with a formal initiation of the environmental process wherein agencies and the public are engaged in the environmental evaluation of alternatives. The end result is a decision regarding the selected alternative.

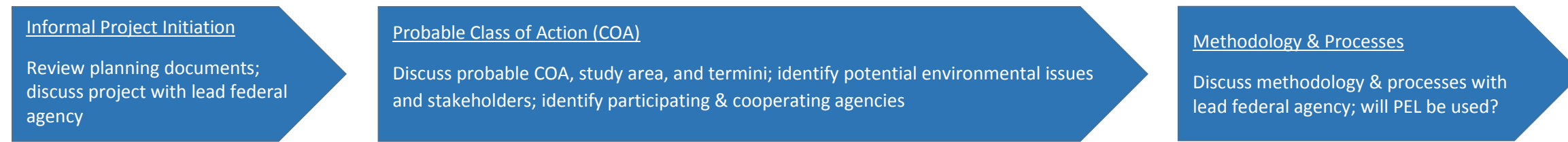
Stage 1 Environmental process consists of three primary phases of work:

- I. Informal Project Coordination with Lead Federal Agency
- II. Constraint Mapping, Range of Alternatives, and Preliminary Alternatives Evaluations
- III. Project Initiation, Scoping, Documentation, and Decision

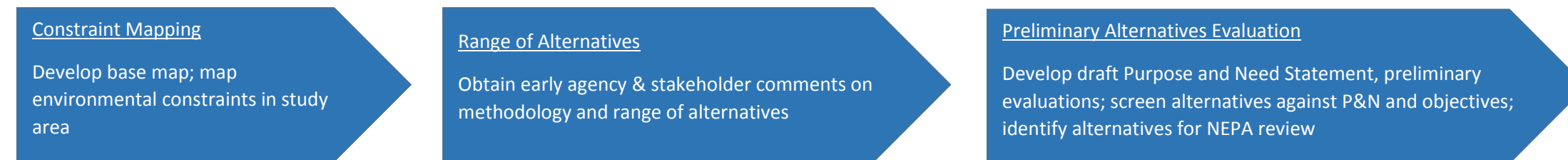
These phases are illustrated in the following Merged Simplified EA/EIS Flowchart.

Figure 1 Merged EA/EIS Flowchart

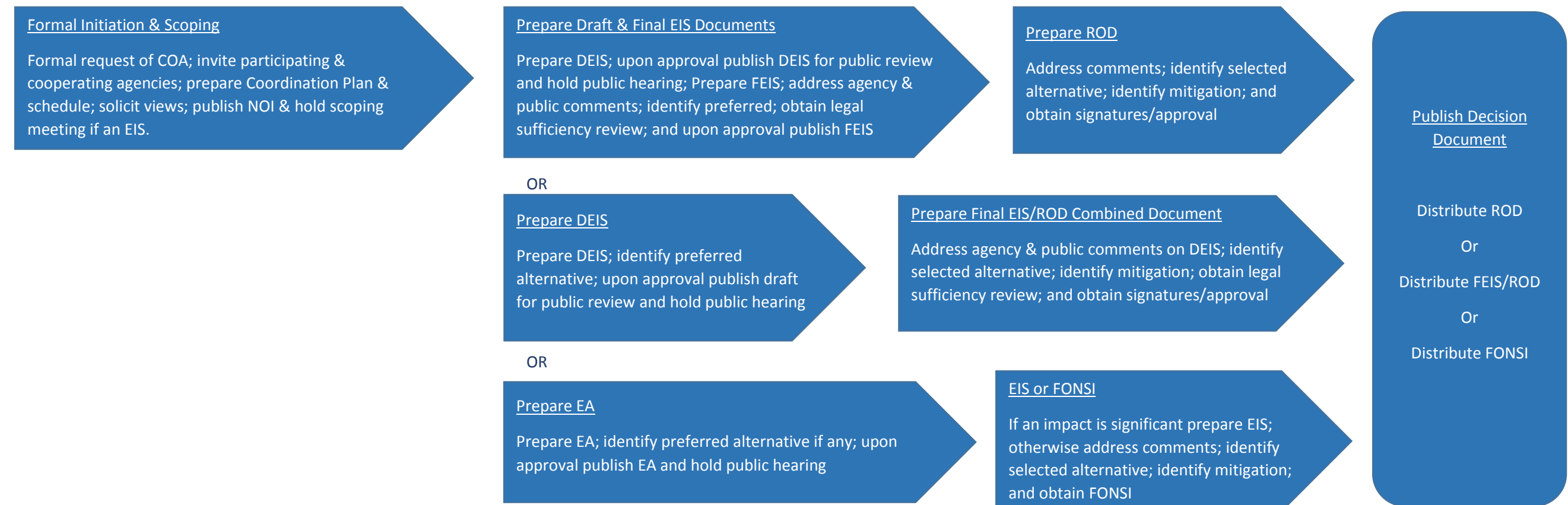
PHASE 1: INFORMAL PROJECT COORDINATION WITH LEAD FEDERAL AGENCY



PHASE 2: CONSTRAINT MAPPING, RANGE OF ALTERNATIVES AND PRELIMINARY ALTERNATIVES EVALUATION



PHASE 3: PROJECT INITIATION, SCOPING, DOCUMENTATION, AND DECISION



## 5.1 INFORMAL PROJECT COORDINATION WITH LEAD FEDERAL AGENCY

For most transportation projects, the project sponsor is usually the DOTD, but may be other agencies or local government entities, such as the Metropolitan Planning Organization (**MPO**). For Federal-aid projects, coordination with FHWA Division office should take place through the DOTD even if the sponsor is another entity. This manual is written with the understanding that FHWA is the lead Federal agency for most projects. Coordination with the lead Federal agency, FHWA, is required throughout project delivery to ensure that the project is being handled appropriately and is in compliance with Federal laws, regulations, and procedures. Informal coordination is usually by phone, meetings, or emails. Basic information needed by the lead federal agency includes, but is not limited to:

- Preliminary project description, potential project termini, preliminary purpose and need, and general location of the proposed project; and
- Anticipated federal approvals and permits required.

This information can often be found in the Planning documents. The PM should share the Planning documents with FHWA prior to any meeting or discussion so that FHWA staff can become familiar with the project.

### *Planning for an EA or an EIS*

Knowing early what class of action may be required for a project is essential to effectively and efficiently plan for resources and work effort. At this phase, engage the lead federal agency in discussions related to the anticipated class of action, the preliminary study area and logical termini. Work with the agency to develop a checklist of preliminary environmental issues, identify potential stakeholders, and identify participating and cooperating agencies. The Coordination Plan (discussed below) must be prepared within 90 days of the formal project initiation and must include a schedule for the completion of the environmental review process for the project. For this reason, issues that may affect coordination or schedule should be discussed early during informal coordination.

### *Define Study Area*

Coordinate with the lead federal agency to define the **logical termini** and study area. The study area and logical termini should be large enough to both encompass the full range of potential alternatives that satisfy the purpose and need and address environmental issues, including potential indirect and cumulative impacts. Knowing the study area will also assist in identifying stakeholders. Prepare a study area map that can later be included in the request for logical termini, the solicitation of views, and other project documents. The study area will be reviewed with regulatory and resource agencies during the formal scoping process.

### *Identify Preliminary Environmental Issues*

Develop a matrix of preliminary environmental issues to be considered during project development. Identify the source of the environmental data, at what step in project development the data will be considered, and possible measures to avoid, minimize, and mitigate potential impacts. Be sure to include the project objectives in the matrix. Alternatives will be screened against the purpose and need and objectives. Also, this matrix will be discussed and may be expanded upon during the formal scoping process.

### *Identify Stakeholders*

Stakeholders are those who may have an interest in the project. Stakeholders can be individuals, environmental organizations, governmental bodies, non-governmental bodies, major industries and utilities, academic institutions, libraries, local agencies, state agencies, federal agencies, Native American Tribes, and elected officials. Early in project development, stakeholders are identified and invited to participate in the process.

### Identify Resource Agencies

Develop and maintain contact lists of other federal, state, and local resource agencies that will participate in the project. Initial agency interest may have been established during the Stage 0 process. Below are lists of typical agencies that have an interest in projects. These lists are not all inclusive and serve only as an example.

Examples of federal resource agencies may include:

- National Park Service
- National Forest Service
- National Resource Conservation Service
- Federal Emergency Management Agency
- U.S. Fish and Wildlife Service

State resource agencies may include:

- Department of Culture, Recreation & Tourism, Division of Archaeology
- Department of Culture, Recreation & Tourism, Division of Historic Preservation
- Department of Culture, Recreation & Tourism, Office of State Parks
- Department of Environmental Quality, Hazardous Waste Division
- Department of Environmental Quality, Inactive and Abandoned Sites Division
- Department of Environmental Quality, Water Quality Division
- Department of Natural Resources, Coastal Management Division
- Department of Natural Resources, Office of Conservation
- Department of Wildlife & Fisheries, Natural Heritage Program

### Identify Native American Tribes

A number of federally and state-recognized Native American tribes occupied the lands of Louisiana. These tribes may have an interest in the area and have information relative to cultural resources that may be affected by the project.

Federally recognized Native American Tribes relative to Louisiana may include but are not limited to:

- Alabama Coushatta Tribe of Texas
- Caddo Nation
- Chitimacha Tribe of Louisiana
- Choctaw Nation of Oklahoma
- Coushatta Tribe of Louisiana
- Jena Band of Choctaw Indians
- Mississippi Band of Choctaw Indians

- Osage Nation
- Quapaw Tribe of Oklahoma
- Seminole Nation of Oklahoma
- Seminole Tribe of Florida
- Tunica-Biloxi Indians of Louisiana
- Muscogee (Creek) Nation

State-recognized Native American Tribes may include but are not limited to:

- Adai Caddo Indians of Louisiana
- Biloxi Chitimacha Confederation/Bayou Lafourche Band
- Choctaw-Apache Tribe of Ebarb
- Clifton Choctaw Tribe of Louisiana
- Four-Winds Cherokee Tribe
- Grand Caillou/Dulac Band
- Isle de Jean Charles Band
- Louisiana Band of Choctaw Indians
- Point au Chien Tribe
- United Houma Nation

Federally recognized Native American tribes are considered sovereign nations, and government-to-government coordination is typically handled by the lead federal agency.

Consultants are not to send anything to tribal governments. Consultants should send information to DOTD to send to the tribes. There are some tribes that have specifically requested government-to-government coordination exclusively. In these cases, documents are sent to the lead federal agency to send to the tribes. Since each tribe may change how they would like to be consulted, check with the Environmental Section as to the current procedures for distributions to a tribal government.

#### Identify Local Officials and Other Stakeholders

Develop and maintain contact lists of local officials and other key stakeholders. These may include federal and state legislators, parish and other local elected officials, MPO, floodplain administrators, police juries, levee districts, business or civic leaders, and/or other individuals who would be considered community leaders.

#### **Methodology & Process**

Engage the lead federal agency in discussions regarding the methodology and processes that should be employed during project development. Will the process outlined in 23 USC Section 139 or the federal agency's NEPA procedures apply? Is this a FAST 41 project? Will PEL be applied? How and when will the public and agencies be involved prior to formally starting the NEPA review? These and other questions should be asked and answered to determine the appropriate methodology and processes to apply during project development.

## **5.2 CONSTRAINT MAPPING, RANGE OF ALTERNATIVES, AND ALTERNATIVES EVALUATION**

A key component of the alternatives development process is the use of Geographic Information System (GIS) technology and the development of a project-specific GIS. The GIS is an effective tool for managing environmental data in a cost and time efficient manner. The benefits of GIS include:



- Consolidate all environmental and engineering data, regardless of source or scale, onto one common base map
- Consider key environmental issues before alternatives are developed, reducing environmental risk to sensitive areas
- Instill confidence in the public and the resource agencies through a “seeing is believing” approach that allows visual confirmation of particular issues of concern (location of endangered species habitat, sensitive wetland areas, etc.)
- Promote comprehensive and consistent analyzes. “What if” scenarios can be examined quickly and accurately to evaluate possible alternative revisions with a minimum amount of time and effort
- Expedite regulatory compliance and permitting
- Facilitate an effective and defensible decision-making process

It is important to develop and maintain the project GIS in an ESRI ArcGIS environment consistent with the Geospatial Data Standards established for DOTD projects.

### 5.2.1 CONSTRAINT MAP

The geo-canvas upon which the project GIS is developed is the project base map. The project base map can be obtained or developed from a number of sources, including:

- DOTD Parish Maps
- USGS Topographic Maps
- USGS Digital Orthophoto Quarter Quads (**DOQQs**)
- Planimetric mapping or orthophotography developed from project-specific aerial photography

#### *Environmental Inventory/Constraints*

Once the base map is developed, conduct an inventory of known environmental, social, and cultural resources within the study area. Depict environmental data within the study area on a base map. The inventory should include the environmental resources of concern, identified early during planning, and later supplemented by concerns expressed at the scoping meetings. The FHWA Technical Advisory T6640.8A also contains a list of environmental resources most commonly encountered by highway projects. Base the inventory on secondary source data, primary source data, or a combination of the two depending on the project, issues of concern and data availability. The data source(s) should be discussed and agreed to by the lead federal agency and the resource agencies.

Secondary source data is data obtained from other agencies or entities and includes, but is not limited to:

- Adjacent land use and ownership from local government or tax assessor
- Threatened or endangered species or their critical habitat from U.S. Fish and Wildlife Service
- Louisiana Scenic Streams from Louisiana Department of Wildlife and Fisheries
- Navigable waterways from U.S. Coast Guard or U.S. Army Corps of Engineers
- Hazardous materials sites from U.S. Environmental Protection Agency

- Sensitive community issues including potential low income and minority impacts from Census data and local community service organizations.
- 100-year Floodplains and Floodways - Federal Emergency Management Agency (**FEMA**) Flood Insurance Rate Maps
- Wetlands – U.S. Fish and Wildlife Service National Wetlands Inventory maps, photointerpretation of color infrared photography, or information of soil types and characteristics
- Protected Species – federally and state-listed species and habitat locations from the Louisiana Department of Wildlife and Fisheries, Natural Heritage Program
- Hazardous Materials - information on landfills, open dumps, Resource Conservation and Recovery Act (**RCRA**), Comprehensive Environmental Response and Compensation Liability Act (**CERCLA**), Underground Storage Tank (**UST**), and Leaking Underground Storage Tank (**LUST**) sites from the Louisiana Department of Environmental Quality
- Groundwater Resources – wellhead protection areas from the Louisiana Department of Environmental Quality Aquifer Evaluation and Protection Section. The Environmental Protection Agency was contacted to identify the location of principle or sole source aquifers (**SSA**) within the study area.
- Cultural Resources – known archaeological sites and historic structures from the Louisiana Division of Archaeology and Division of Historic Preservation.
- Oil & Gas Wells – oil and gas well information from the Louisiana Geographic Information Center or the Louisiana Department of Natural Resources SONRIS website
- Wetland Reserve Program Areas – information on Wetland Reserve Program and Conservation Reserve Program areas from the Natural Resources Conservation Service
- Community Facilities – schools, churches, hospitals, parks, cemeteries, and public facilities from U.S. Geological Service topographic maps

Primary source data is data that is field collected specifically for the project and can include:

- Line and Grade Study
- Traffic Study
- Noise Study
- Air Quality Study
- Wetlands Delineation
- Cultural Resources Survey
- Threatened and Endangered Species
- Phase 1 Environmental Site Assessment
- Sections 4(f) and 6(f)
- Conceptual Stage Relocation Plan

# CONSTRAINTS MAP (WESTERN LIMITS)

I-10 LAKE CHARLES CALCASIEU RIVER BRIDGE  
 I-10/1-210 WEST END - I-10/1-210 EAST END  
 State Project No. H.003931

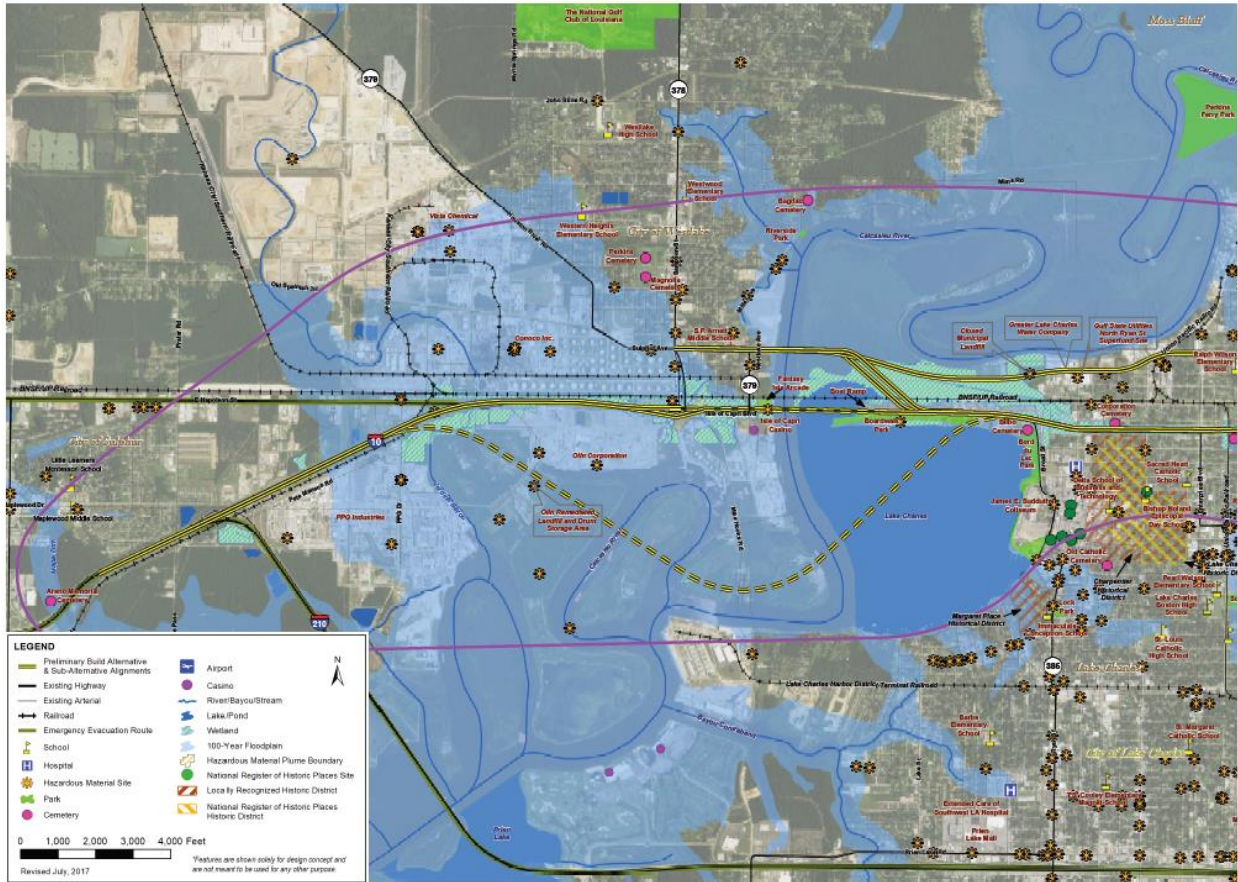


Figure 2 Example Constraint Map

### 5.2.2 RANGE OF ALTERNATIVES

Develop preliminary alternatives considering the “whole” or integrated project. Planning and Environmental Linkage (**PEL**) techniques and methodology may be used to develop and evaluate a range of alternatives. The alternatives considered should satisfy the P&N and address project objectives. The preliminary alternatives should consider environmental issues and consider the context of the local area socioeconomics and topography, future travel demand, and other infrastructure improvements in the area. This is often referred to as Context Sensitive Solutions (**CSS**). CSS considers the total context within which a transportation improvement project will exist. It is a collaborative, interdisciplinary approach that involves all stakeholders in developing a transportation facility that fits its physical setting and preserves scenic, aesthetic, historic, and environmental resources, while maintaining safety and mobility. Additionally, DOTD’s Complete Streets policy applies. Pedestrians, bicyclists, motorists, and transit riders of all ages and abilities must be able to safely move along and across the roadway. DOTD’s policy on Achieving Context Sensitive Solutions and DOTD’s current policy on Complete Streets are included in Appendix A.

When 23 USC Section 139 applies, agency and public involvement in determining the range of alternatives is required. Refer to 23 USC 139(f)(4)(A)(i). The lead federal agency has the authority and responsibility to define the range of alternatives for consideration in any document which the lead federal agency is responsible for preparing. The lead agency shall provide an opportunity for involvement of participating agencies and the public in determining the range of alternatives to be considered. Various tools and techniques (e.g., email, file sharing, charrettes, virtual meetings, and focus group meetings) may be employed to engage stakeholders in developing and screening preliminary alternatives.

#### *Stakeholder Comment on Range of Alternatives*

Below is a list of items typically provided to stakeholders at this phase. This information is necessary to obtain meaningful feedback from stakeholders regarding potential alternatives.

- Updated study area map showing the preliminary alternatives
- Updated study process flowchart showing the proposed project development process
- Maps showing the preliminary alternatives and environmental, social, and cultural resources identified within the study area. If the exhibits become too cluttered, limit the resources to those of most importance. Exhibits and handouts prepared for the participating agencies should include sensitive environmental features such as known threatened and endangered species locations and habitats or identified archaeological sites. **For the protection of these resources, the precise location of sensitive environmental sites shall not be presented to the local officials or the public.**
- Preliminary impact summary or matrix (based on constraint mapping) and estimated project costs. At this early stage, the impact summary for the range of alternatives is based solely on constraint mapping and the cost estimates are “order of magnitude” estimates.
- Methods for providing comments, including but not limited to, postal and email addresses.

### Agency Review Meeting

Solicit federal cooperating agency and participating agency comment on the alternatives development and impact assessment rationale, and the preliminary alternatives developed. Send letters via mail or email to the potential participating agencies soliciting their participation in a preliminary alternatives review process or meeting. The letters should include a study area map and preliminary alternatives impact summary or matrix so each agency can evaluate its need to attend. If the review is through a means other than a meeting, clearly explain in the letter the purpose of the review, the location of and instruction for accessing the material to be reviewed, and the deadline and methods for responding.

If conducting a preliminary alternatives review meeting, consider using conference calls, video conferencing, or virtual meeting to facilitate agency participation in this process. Make presentations explaining the methodology including the engineering challenges/issues as they relate to the potential environmental resources impacts, especially with regard to minimizing impacts to areas of environmental concern. Prepare and distribute minutes to all agencies, including those agencies not in attendance.

Present all of the preliminary alternatives in comparative form, define the issues associated with each alternative, and provide a clear basis for evaluating the relative merits of each alternative. Provide materials prepared above in advance if a conference call is utilized. Encourage agency discussions regarding environmental issues of concern, preliminary impacts and potential mitigation. A field review with the lead federal agency to review the project area and critical environmental resources may be warranted.

For federally recognized Native American tribes participating in the process, DOTD either submits the letter on the lead federal agency's behalf directly to the tribes, or provides copies to the lead federal agency for distribution to the tribes.

### Local Officials Review Meeting (recommended for EIS)

Send letters via mail or email to the identified local officials and other stakeholders soliciting their participation in a preliminary alternatives review process or meeting. Depending on the project's sensitivity, it may be advisable to NOT include handouts of the preliminary alternatives to avoid premature circulation of the information.

If conducting a local officials meeting, make presentations explaining the methodology including the engineering challenges/issues as they relate to the potential environmental resources impacts and areas of public concern. Encourage discussions regarding how well the preliminary alternatives address local purpose and need issues and other areas of public concern. If possible, schedule the meeting the day of, and preceding the public involvement meeting(s). Brief the local officials on the meeting content and format of the public meeting(s), provide them with copies of the meeting handouts, and encourage their attendance and active participation. Prepare and distribute minutes to all invitees, including those officials not in attendance.

### Public Involvement Meeting

If a public meeting is held, advertise the public meeting consistent with established DOTD Stage 1 Public Involvement Procedures, which is included in Appendix D. Public meetings can

follow either a moderated or open house format and can be virtual or in-person. The appropriate format is project-specific and depends on the information being presented, the degree of public controversy, and other factors. Coordinate the public meeting format with the Environmental Section and lead federal agency; as discussed previously, a meeting summary is required.

### 5.2.3 ALTERNATIVES EVALUATION

#### *Draft Purpose & Need Statement*

The Purpose & Need Statement (**P&N**) is, perhaps, the most important part of an environmental document. The P&N must clearly demonstrate that a “need” exists and explain how the project will be developed to meet that need.

A clear, well-defined P&N should:

- Define the transportation need that the project is intended to address,
- Establish the logical termini and any intermediate control points,
- Demonstrate that the project has independent utility, and
- Define transportation controls and safety constraints.

The P&N explains why the project is necessary. The statement allows decision-makers and other stakeholders to weigh the project’s merits against the anticipated impacts and arrive at a logical conclusion as to which alternative course of action is the most prudent.

The P&N drives the process for alternatives considered. Without a well-defined, well-established, and well-justified P&N, it is difficult to determine which alternatives are reasonable, prudent, and practicable, and it may be impossible to justify and support the dismissal of some alternatives and the advancement of others for further development. A well-justified P&N is vital to meeting the requirements of various regulations, statutes, Executive Orders, and guidance.

The following are examples of items that may assist in defining the project need. It is not all-inclusive or applicable in every situation.

- System Linkage and Connectivity
- Capacity Issues
- Transportation Demand Issues
- Legislative Mandates
- Social or Economic Development
- Modal Interrelationships
- Safety Issues
- Roadway Deficiencies

The P&N should only contain relevant information specifically supporting project need. The preliminary P&N is defined during the Stage 0 Feasibility Study and later refined during Stage 1 process. The P&N should be as comprehensive and specific as possible and should provide tangible, quantifiable data to support the need for the project. The P&N should discuss deficiencies of the existing transportation facility in sufficient detail, providing a basis for an evaluation of the effectiveness of various alternatives addressing the P&N. The draft P&N

statement should expand on the preliminary P&N initiated during Stage 0. The draft P&N will be refined later to include local issues identified during the scoping meeting.

As early as is practicable, the lead agency shall provide the public and agencies opportunities for involvement in defining the purpose and need for a project and the range of alternatives. This may have occurred during planning or as part of PEL. After addressing all lead federal agency comments, submit the draft P&N Statement to the potential cooperating and participating agencies for their review and comment. For federally recognized Native American tribes participating in the process, provide copies to the lead federal agency for distribution. Also, obtain public input on the draft P&N statement at the public scoping meeting held later in the process. See 23 USC 139(f)(1).

### *Prepare a Preliminary Alternatives Summary*

At this phase, the data will be based on readily available data. Present all the alternatives in comparative form, define the issues, objectives, and provide clear concise data. Submit the matrix for lead federal agency review. It should objectively evaluate all reasonable alternatives and include estimated project cost and a quantitative analysis of potential environmental impacts based on the project GIS. Prepare a preliminary alternatives summary that briefly discusses the methodology employed to screen the alternatives and discusses reasons for the elimination of an alternative from further study. Also, discuss the collaboration done with other agencies. Collaboration with participating agencies is required when determining the methodologies to be used in the analysis of alternatives. [See 23 USC 139(f)(4)(C).] The summary should include the following exhibits:

- Updated study area map showing the preliminary alternatives
- Typical section(s) or similar exhibits
- Environmental resources maps. Display the preliminary alternatives and all environmental, social, and cultural resources identified within the study area on the project base map. Select an appropriate scale to clearly illustrate the alternatives and their relationship to the resources. Color maps are preferred because they assist in visualizing the resources and clarifying the area of potential effect.
- Preliminary alternatives matrix showing the comparative impacts for each of the preliminary alternatives developed
- Cost estimates

### *Refine Alternatives*

After providing an opportunity for review, it may be necessary to make revisions to preliminary alternatives based on comments received from agencies, local officials, and the public. If this is the case, the project team would discuss the proposed refinements and coordinate with the lead federal agency. Some revisions may require additional agency coordination or public involvement.

Upon lead federal agency concurrence, revise the preliminary alternatives as appropriate. Expand the previously prepared summary to reflect the stakeholder outreach efforts, including the CSS techniques used and any revisions made. The revised summary should present the revisions made and why, objectively evaluate the revised alternatives, and include an updated estimated project cost and a quantitative analysis of potential environmental impacts based on the project GIS. The revised summary should also include updated exhibits, maps, matrix, and other relevant

information. This revised summary forms the basis for the Alternatives Section of the Environmental Document. It explains how the alternatives that are evaluated in the NEPA document came to be.

## **5.3 PROJECT INITIATION, SCOPING, DOCUMENTATION, AND DECISION**

### **5.3.1 PROJECT INITIATION**

After the initial screening of alternatives and when ready to initiate NEPA, DOTD makes a “formal” inquiry of FHWA by sending an initiation letter (**IL**) wherein DOTD requests concurrence with a particular class of action. Within 45 days FHWA responds in writing via email or letter. This marks the start of the NEPA process, unless the response from FHWA states otherwise or the class of action is an EIS. For more details, see Appendix B.

#### ***Notice of Intent (for EIS projects)***

For an EIS project, after concurring with the EIS class of action, the lead Federal agency will publish in the Federal Register a Notice of Intent (**NOI**). The NOI is the first notification that an environmental document is being prepared, and from a regulatory perspective is the official start of the NEPA process.

For DOTD projects, the lead federal agency is usually the FHWA. Depending on the project’s characteristics, permitting requirements, or funding sources, other lead federal agencies could be the U.S. Army Corps of Engineers or the U.S. Coast Guard. Typically, one of these agencies would be the lead federal agency if FHWA funds are not utilized.

The NOI advises the public and agencies that an EIS is being prepared for a proposed project. The latest requirements for the preparation and contents of an NOI can be found in the Federal Register Document Drafting Handbook (<https://www.archives.gov/files/federal-register/write/handbook/ddh.pdf>). When the FHWA is the lead federal agency, FHWA's Technical Advisory (T6640.8A) provides guidance on the preparation and processing of the NOI. The NOI typically contains the following information:

- Purpose and need for the project;
- Preliminary description of the project, including the logical termini;
- Alternatives currently being considered, including the No-Build alternative;
- Brief summary of expected impacts;
- Anticipated permits and other authorizations;
- Schedule for decision-making;
- Scoping process and public outreach initiatives;
- Request for identification of potential alternatives, information and analyses; and
- Lead federal agency contact person name, address, and phone number.

The lead federal agency will publish the NOI in the Federal Register. The lead federal agency must identify participating agencies no later than 45 days after the NOI, establish a Coordination Plan (discussed below) with a schedule for completing environmental review process no later than 90 days of the NOI, and develop a checklist in consultation with participating agencies to identify natural, cultural and historic resources in the project area.



### *Formal Invitations to Participate*

Once the various stakeholders have been identified and views solicited, the next step is to identify which stakeholders should be invited to participate in the process as **Cooperating Agencies** and as **Participating Agencies**. Formal invitations are sent to these agencies by the lead federal agency within 45 days of the NOI for an EIS or start of the EA. The agencies should expect a formal invitation to participate, as earlier coordination would have alerted them to their status with regard to the proposed project.

A cooperating agency is a federal agency that has jurisdiction by law or a special expertise. A participating agency is a federal, state, tribal, regional, and local government agencies that may have an interest in the project. Nongovernmental organizations and private entities cannot serve as participating agencies, but they may participate in the process as stakeholders or as public.

#### *Identify and Invite Cooperating Agencies*

The preparation of an EA or EIS requires the lead federal agency to identify the appropriate cooperating agencies for the project. The CEQ defines cooperating agencies as those federal agencies with special expertise, jurisdiction by law, or federal agencies where a land transfer from that agency is required. Cooperating agencies are project specific, and may include the following federal agencies:

- U.S. Fish and Wildlife Service, for projects that would potentially impact federal-trust resources (e.g., National Parks or Wildlife Refuges, threatened or endangered species and/or their habitats, designated Critical Habitat, and migratory birds, etc.)
- National Marine Fisheries Service, for coastal projects or projects potentially impacting Essential Fish Habitat or for threatened or endangered marine species.
- U.S. Army Corps of Engineers, for projects requiring Section 404 permits, Rivers and Harbors Act Section 10 permits, and potentially impacting waters of the United States, including wetlands. Louisiana lies within four COE Districts: New Orleans, Vicksburg, Galveston, and Fort Worth.
- U.S. Coast Guard – Eighth Coast Guard District, for projects that cross waterways determined to be navigable by prior consultation requiring permit action under the Rivers and Harbors Act, Section 9 permit amendments or a new permit under the General Bridge Act of 1946. Louisiana lies within two U.S. Coast Guard Districts: New Orleans and St. Louis.
- Federal Highway Administration – The FHWA is responsible for the Federal-Aid Highway Program system and route continuity. They may be a cooperating agency for non-highway transportation projects advanced by other federal agencies.
- Federal Railroad Administration, for rail projects.
- Federal Aviation Administration, for projects involving an airport.
- Federal Transit Administration, for projects involving public transportation.
- U.S. Environmental Protection Agency, for projects involving sole-source aquifers.

The lead federal agency will formally request the identified agencies to participate as cooperating agencies and participating agencies. If not asked, a federal agency can

request the lead federal agency to designate it as a cooperating agency. Also, a federal agency does not have to be a cooperating agency to participate in the project.

*The goal is to have all agencies that are required to take an action (approvals, funding, and permits) involved in the development of the project so that one NEPA document can be used for all.*

#### Identify and Invite Participating Agencies

Participating agencies can be comprised of federal resource agencies (including cooperating agencies); state resource agencies; local officials; and tribal agencies with interests in the study area. Because these entities have jurisdictional authority or specialized expertise essential for project development, closer coordination is warranted.

### **Coordination Plan**

The law requires that the lead federal agency establish a plan for coordinating public and agency participation in the environmental review process. The Coordination Plan for a project typically includes both the Public Involvement Plan and the Agency Coordination Plan. An outline of this plan should have been discussed with the lead federal agency during initial coordination with the federal agency. The Coordination Plan is developed no later than 90 days after the publication of the NOI or the initiation of an EA.

#### Agency Coordination Plan

The Agency Coordination Plan can be project-specific or can apply to categories of projects if included in memorandums of understanding between the DOTD and the participating agencies. If a project-specific plan is required, coordinate with the lead federal agency on comment periods, review times, and overall project schedule. The Agency Coordination Plan establishes a schedule which considers the:

- Responsibilities of the participating agencies under applicable laws;
- Resources available to the federal cooperating agencies;
- Size and complexity of the project;
- Review times;
- Overall schedule for and cost of the project; and
- Sensitivity of the natural and historic resources that could be affected.

Review the Agency Coordination Plan during the Agency Scoping Meeting and, once finalized, provide a copy of the plan to each of the federal cooperating agencies and participating agencies, and also make the plan available to the public. The lead agency may lengthen a schedule for good cause and shorten a schedule only with the concurrence of the affected cooperating agencies. Any modification to the schedule must be submitted to the participating agencies and made available to the public.

#### Public Involvement Plan

Public involvement provides the people of Louisiana the opportunity to participate in the DOTD's transportation improvements program. A well-planned and executed Public Involvement Plan facilitates a greater public understanding of the transportation decision-making process, affords DOTD better opportunities to understand the needs and

concerns of the people in developing context-sensitive transportation solutions, and ensures that the communication needs of the public are satisfied. Traditionally under-represented populations should be an integral part of public outreach activities.

Coordinate the public involvement effort with the public outreach recommendations developed during Stage 0, if any. The four most frequently used methods of public involvement are solicitation of views, public meetings, requests for public comment on environmental documents, and public hearings. Other methods include design charettes, mailing lists, newsletters, telephone hotlines, social media, virtual events, and websites. The magnitude of the project often dictates the extent of the public involvement plan. The basic requirements for public involvement are found in the DOTD Stage 1 Public Involvement Procedures in Appendix D.

### 5.3.2 SCOPING

One of the primary objectives of scoping is to determine the scope of project issues to be addressed in the environmental document and to identify any significant issues related to the proposed action. Scoping is intended to ensure that issues are identified early and properly studied, that resources focus on issues of importance, that the environmental document is thorough and balanced, and that delays are avoided to the extent practical. Scoping is required for EIS projects and may include agency and public scoping meetings.

#### *Solicitation of Views (SOV)*

The purpose of the solicitation of views letter is to inform and obtain input from interested persons and agencies about the proposed project. The SOV may also serve as the scoping method for the EA class of action. The SOV, which usually requests responses within 30 days, is made up of three parts: the SOV cover letter, the preliminary project description, and the study area map. Examples can be found in Appendix C.

The SOV mailing is comprised of a state list and a parish list. These lists are maintained by, and are available from the DOTD Environmental Section. The SOV must be sent to every agency and person on both lists. The list may be supplemented by adding other stakeholders identified as having an interest in the project. Responses will not be received from every contacted party, but in most cases written responses are required from permitting agencies or agencies where coordination is required for compliance with other laws. If responses are not received from these agencies, then the project team should contact the agencies directly to ascertain their interest and concerns regarding the project. Additional responses from other parties may also be necessary to demonstrate coordination and obtain concurrences.

If right-of-way is required, a letter is to be sent to property owners with the SOV project description and vicinity map attached. This letter notifies the property owner that right of way may be needed and provides them with the name and address for sending comments. A right-of-entry letter may also be sent to property owners to obtain access to property for environmental surveys. This is a different and separate letter than that mentioned above.

### ***Agency Scoping Meeting (Required for EIS projects)***

Send letters to the cooperating agencies, participating agencies, and other resource agencies soliciting their participation in an Agency Scoping Meeting. The letters should include the preliminary project information and study area map included with the SOV.

Native American Tribal participation is an important component of the scoping process. Prepare a draft letter for the lead federal agency to send to the identified Native American Tribes soliciting their participation at the Agency Scoping Meeting. As some interested Native American Tribes are not located in Louisiana, the letter should offer the opportunity to use a web-based meeting or conference call for participation. The draft letter may also offer to reimburse the tribal representative's travel expenses or, if requested, to meet separately at a date and location more convenient for the tribal representative. For DOTD, reimbursement must be pre-approved and funding set-up before being offered. Such approval takes time to obtain. For this reason, web or video conferencing is the better option.

Conduct the Agency Scoping Meeting. Consider using conference calls or video conferencing to facilitate agency participation in this process. Make presentations concerning the project need; scope and study approaches; issues identified in the SOV responses; and Coordination Plan including planned stakeholder outreach, comment periods, and schedule. Comment periods are as follows unless different periods are established by agreement of the lead federal agency, DOTD, and all participating agencies:

- The public comment period on the DEIS shall be a minimum of 45 days, but no more than 60 days after publication in the Federal Register of notice of availability.
- All other comment periods in the environmental review process, a period of no more than 30 days.

Provide handouts of the materials prepared above in advance if a conference call is utilized. Encourage agency discussions regarding the study area and environmental issues of concern, particularly regarding areas of jurisdiction, procedural issues, study approaches, purpose and need, etc. Prepare and distribute minutes to all agencies, including those agencies not in attendance.

### ***Local Officials Scoping Meeting (Recommended for EIS project)***

Send letters to the identified local officials and other stakeholders soliciting their participation in a local officials scoping meeting. The letters should include the preliminary project information and study area map.

Conduct the local officials meeting. Make presentations concerning the project need, scope and study approaches; issues identified in the SOV responses; planned stakeholder outreach; and schedule. Provide handouts of the materials prepared above. Encourage discussions regarding local purpose and need issues and other areas of public concern. If a public meeting will be held, brief the local officials on the meeting content and format, provide them with copies of the meeting handouts, and encourage their attendance and active participation. Prepare and distribute minutes to all local officials and other stakeholders, including those officials not in attendance.

### *Public Scoping Meeting (Recommended for EIS projects)*

Coordinate with the Environmental Section to determine the need for a public Scoping Meeting. Often the complexity of the project and range of potential project issues will dictate the need for public involvement at this stage of the project development process. Advertise the public meeting in local newspapers and other media outlets consistent with established DOTD Stage 1 Public Involvement Procedures, which is included in Appendix D. The advertisement should include the meeting date, time, location, and project contact for additional information. Include citations regarding compliance with applicable meeting regulatory requirements such as Americans with Disabilities Act and Title VI of the Civil Rights Act.

DOTD public meetings generally follow one of two general formats: a moderated format or an open house format. The moderated public meeting format is a structured meeting process with the meeting following a defined schedule and ending when there are no more verbal comments from attendees. The open house public meeting format is a self-paced meeting process where the participants visit the stations/tables to review project information at their convenience during the advertised meeting hours. The appropriate format is project-specific and depends on the information being presented, the degree of public controversy, and other factors. Coordinate the public meeting format with the Project Manager, project team, and lead Federal agency.

### *Scoping Report*

Pull together a Scoping Record. Include spreadsheets of all contacts, copies of all mailings/distributions, copies of all notices, minutes of all meetings, and transcripts of all Public Meetings. Include copies of all handout materials and exhibits. Include the SOV and associated responses.

During scoping, a matrix of preliminary environmental issues to be considered during project development is developed and refined based on responses to the Solicitation of Views and the scoping meetings. Include this matrix in the documentation. Identify the environmental data source, at what step in project development the data will be considered, and possible measures to mitigate potential impacts. Also, include the checklist developed in coordination with the Cooperating and Participating agencies. All relevant information obtained or generated during Scoping should be included in the scoping report including information and analyses submitted by State, Tribal and local governments and other public commenters.

### **5.3.3 DOCUMENTATION**

This manual addresses both EIS and EA documentation. They have many similar features, but an EIS is more detailed than an EA and has a formal process prescribed in law and a format prescribed in regulation. (The overall NEPA process for FHWA is spelled out in law, 23 USC 139, and in regulation, 23 CFR Part 771.) Each type of document must be prepared then distributed for public review and comment prior to the lead federal agencies' approval of the project. After addressing public and agency comments, a decision is made and an alternative is selected. The information that follows presents the EIS followed by the EA.

### **Environmental Impact Statement**

When a proposed transportation improvement will have a **significant impact** on the environment, an **EIS is required**. When the FHWA is the lead federal agency, 23 USC 139 and FHWA's Technical

Advisory (T6640.8A)<sup>10</sup> provide guidance on the required format and the type of information that should be developed in an EIS. The following is a brief summary of the major EIS sections for a FHWA document. Refer to T6640.8A for detailed content. For lead federal agencies other than FHWA, coordinate with the lead federal agency on the required content and format.

### *Draft EIS*

#### The EIS Chapters

Below are the main chapters/sections of the EIS document.

##### Purpose and Need

The previously developed Purpose and Need Statement that was submitted for federal cooperating agency and participating agency review and comment forms the basis for the Purpose and Need section.

This section is one of the most important elements of a project and should be well documented in the EIS. The discussion should be clear and specific, and support the need for the project. The Purpose and Need section drives the selection of the range of alternatives.

##### Alternatives

The previously developed preliminary alternatives summary forms the basis for the Alternatives section.

The Alternatives section describes the process that was used to develop, evaluate, and eliminate potential alternatives as a result of the purpose and need of the project. The discussion should include how alternatives were selected for detailed study, the reason others were eliminated from consideration, and a clear basis for choice among the options related to the need. The alternatives must comply with the requirements of 23 CFR 771.111(f), which states that projects must connect logical termini, have independent utility, and not restrict consideration of future transportation alternatives.

In the DEIS, all reasonable alternatives should be discussed at a comparable level of detail. The law does allow for the development of the preferred alternative to a higher level of detail than other alternatives to facilitate the development of mitigation measures or for compliance with other laws if the lead agency determines that the development will not prevent an impartial decision. In the DEIS there is no requirement to have a "preferred" alternative, however, if an official position has been taken on one of the alternatives, it should be so stated in the document. At this stage in the process, no final decision can be made. The Final EIS (**FEIS**) must identify and describe the preferred alternative and the basis for the decision.

The exception is when the FEIS and ROD are combined. In this situation, the preferred alternative is identified in the DEIS to provide the public an opportunity to comment on

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<sup>10</sup> FHWA is in the process of revising its technical guidance on the preparation of NEPA documents. Before beginning the preparation of a NEPA document, you should check FHWA's website to determine if you are using the most current version.

the decision prior to the issuance of the ROD. The intent to combine the FEIS and ROD is disclosed in the Notice of Availability of the DEIS.

The “no-build” alternative must always be included. In addition to fulfilling a requirement, discussion of this alternative can serve two purposes. First, it may be a reasonable alternative, especially where the impacts are high and the need is relatively minor. More often, the no-build alternative serves as a benchmark against which the impacts of the other alternatives can be compared. As part of this alternative, short-term minor reconstruction, such as safety upgrading and maintenance projects, can be considered. Transportation System Management must be included as an alternative or design option where applicable. This can include high-occupancy vehicle lanes, ridesharing, signal synchronization, and other actions. Also, mass transit options should be considered where appropriate.

Exhibits should include the location of the alternatives in relation to each other and the study area, alternative termini points, and design features, such as the number of lanes and location of interchanges.

#### *Affected Environment*

This section provides a concise description of the existing social, economic, and environmental setting of the study area. It should focus on the important issues and be no longer than needed to provide an understanding of the area and the impacts of the alternatives. The section presents the total context within which a transportation improvement project will exist and includes the identification of environmentally sensitive features. It also should identify environmentally sensitive features. The use of exhibits and/or photographs for this purpose is especially effective.

In some circumstances it may be possible to combine the discussion of the affected environment with the discussion of the environmental consequences. Consult with the lead federal agency before combining these chapters to ensure that the agency approves of the combination prior to preparing the documentation.

#### *Environmental Consequences*

This section describes the probable beneficial and adverse social, economic, and environmental effects of alternatives under consideration, the methodologies used in the evaluation, and the measures proposed to mitigate adverse impacts. The impacts should be discussed and considered in terms of their context and intensity and have sufficient scientific and analytical substance to provide a basis for evaluating the comparative benefits and merits of the alternatives. This section should also describe the potential measures that could be taken to mitigate the impact. Mitigation must be considered for all impacts, regardless of their significance. Consistent with DOTD’s Context Sensitive Solutions policy, additional consideration may be given to using enhancement measures to help better fit the project into the environment.

Indirect and cumulative impacts should also be discussed. Indirect (sometimes referred to as secondary) impacts are those reasonably foreseeable effects that are expected to

be “caused” by the proposed action but occur later in time. Common indirect effects that may be considered reasonably foreseeable include changes in land use patterns, population density, traffic patterns, and increased area growth. Cumulative impacts are those that result from the incremental consequences of an action when added to other past and reasonably foreseeable future actions. An example would be the collective effect on stormwater runoff from all past and reasonably foreseeable development in the project area.

Listed below are potential impacts most commonly encountered by highway projects. This list is not all-inclusive and on specific projects there may be other impacts that should be discussed:

- Land Use Impacts
- Farmland Impacts
- Social Impacts
- Relocation Impacts
- Economic Impacts
- Joint Development
- Considerations Relating to Pedestrians and Bicyclists
- Air Quality Impacts
- Noise Impacts
- Water Quality Impacts, including non-point source pollution runoff
- Permits
- Wetland Impacts
- Water Body Modification and Wildlife Impacts
- Floodplain Impacts
- Wild and Scenic Rivers (Federal) and Louisiana’s Scenic Streams (State)
- Coastal Barriers
- Coastal Zone Impacts
- Threatened and Endangered Species
- Historic Properties and Archaeological Sites
- Hazardous Waste Sites
- Visual Impacts
- Energy
- Construction Impacts
- Relationship between Local Short-Term Uses and Long-Term
- Productivity
- Irreversible and Irretrievable Commitment of Resources

The discussion of the proposed project impacts should not use the term “significant” in describing the level of impacts. There is no benefit to be gained from its use. Use terms that convey the level of the effect that the project has on a particular resource. Quantify the impact when possible to provide a better understanding of the effect on the resource.



### Comments and Coordination

The EIS must summarize the scoping process, the results of any meetings that have been held, and any comments received during preliminary coordination. Between the DEIS and FEIS, the DOTD and the lead federal agency must consider and prepare responses to all substantive comments received on the DEIS, including those from the public hearing.

Ideally, all necessary regulatory consultation (e.g., Endangered Species Act, Magnuson-Stevens Fishery Conservation and Management Act, Louisiana Coastal Resources Program, etc.) should be completed and summarized in the DEIS. In no case should a ROD be issued prior to completing such consultation or concurring on commitments to complete such consultation.

### List of Preparers

This section includes a list of the individuals primarily responsible for preparing the EIS or technical reports, including lead federal agency representatives, DOTD personnel, and consultants. This list should include the individual's name and qualifications including his/her education, expertise, experience, and professional discipline.

### Distribution of Statement

Copies of all EISs must be made available to the public and circulated for comment. This section identifies all entities receiving a copy of the DEIS and from which comments are being requested. The entities typically include:

- Federal cooperating agencies
- Participating agencies
- Federal, state, and local government agencies expected to have jurisdiction, responsibility, interest, or expertise in the project
- Office of the Governor
- Federal Senators and Representatives
- State Senators and Representatives
- Federal and state land management entities that may be affected by the project
- Native American tribes and tribal interests
- Public Officials including the Parish Floodplain Administrator
- Private groups known to have an interest in the project
- State Library and local parish library and branches

### Index

The index should include important subjects and areas of major impacts so that a reviewer need not read the entire EIS to obtain information on a specific subject or impact.

### The Preferred Alternative

The lead federal agency has the authority and responsibility to define the **Preferred Alternative** in any document which the lead federal agency is responsible for preparing. In consultation with the lead federal agency, using a balanced transportation decision-making approach, identify a

preferred alternative that takes into account the potential impacts on the human and natural resources; the public's need for safe and efficient transportation improvements; and is the least environmentally damaging practicable alternative as required by Section 404(b)(1) guidelines. Identification of a Preferred Alternative is based on the accumulated data from all field studies, agency reviews, and public comments. The advantages of identifying a Preferred Alternative at this point in the project development process include:

- Stakeholder coordination and involvement, which is required by statute.
- Broader public disclosure. The public wants to know which alternative is preferred by the DOTD and the public hearing on the DEIS or the EA is often the last opportunity for the public to interact directly with representatives of the Project Team. This is especially true when the FEIS is combined with the ROD.
- Quicker permits. Permit applications can be started and discussions with permitting agencies can begin once a Preferred Alternative is identified. This is encouraged by the use of one NEPA document for all federal actions.
- Completion of environmental studies sooner. Depending on the project, DOTD may conduct certain detailed environmental studies, such as a Phase I Cultural Resources Survey or Phase 1 Environmental Site Assessment only on the Preferred Alternative. Early identification of a Preferred Alternative expedites the overall project schedule.

It is recommended that a Preferred Alternative be chosen at the DEIS phase; however, it is possible that no single preferred alternative can be identified at this point.

Submit the Preferred Alternative recommendation, for lead federal agency review. Typically, a meeting is held with the project team and lead federal agency to discuss the recommendation.

#### *Stakeholder Comment on Preferred Alternative*

After addressing all lead federal agency comments, it is advisable to submit Preferred Alternative Recommendation for federal cooperating agency and participating agency comment. Unless a different deadline was established, allow 30 days for review and comment. The Preferred Alternative selection is a recommended point for agency involvement. Although the law does not require this coordination, it is advisable to ensure that permitting agencies are in agreement. To the maximum extent practicable, all federal permits should rely on a single NEPA document [23 USC 139(d)(8)]. This reliance can only happen when the agencies agree on the preferred and selected alternative.

#### *Technical Reports*

DOTD requires that technical reports be prepared to supplement information provided in the EIS. Technical report requirements are project specific and may provide additional information on wetlands, cultural resources, air quality, traffic noise, hazardous materials, or threatened and endangered species. Coordinate with the Environmental Section for the Technical Report requirements of each project. These reports should be finalized or near finalized by time the DEIS is published. The final reports, except for Cultural Resources Survey and Threatened and Endangered Species reports, should be made available for public review if they are not included in the Appendices of the DEIS. The exception covers any report disclosing the specific location of threatened or endangered species or archaeological sites.

### Draft EIS Concurrent Review and Revisions

Submit a Preliminary DEIS to the lead federal agency and federal cooperating agencies for concurrent review. Unless a different deadline was established, allow 30 days for review and comment.

Revise the Preliminary DEIS based on the comments received. Coordinate with the lead federal agency as appropriate. Prepare responses to comments received from the lead federal agency and each of the federal cooperating agencies. It is important to address cooperating agencies' comments so that the EIS can be used by the cooperating agencies to issue their permits. Submit the revised Preliminary DEIS and responses to comments to the lead federal agency for review.

FHWA requires preliminary legal review of DEIS and Section 4(f) Evaluations. The Division will submit the review draft to their legal staff and return comments to DOTD to address.

### Distribute/Publish Draft EIS

Upon lead federal agency approval of the revised document, add the due date for comments on the Cover Sheet and submit the Cover Sheet to the DOTD Environmental Engineer Administrator. DOTD will sign the cover sheet then submit to the lead federal agency for signature. For DEISs, the due date for comments must allow for a minimum 45-day review period from the date the Environmental Protection Agency's (EPA) Notice of Availability appears in the Federal Register. The review period shall not exceed 60 days unless a different deadline was established by agreement of the lead agency, the project sponsor, and all participating agencies. The EPA Office of Federal Activities, EIS Filing Section will publish the Notice of Availability in the Federal Register. The Notice of Availability will appear on the Friday of the week following the EPA's receipt (upload) of the DEIS.

Distribute the DEIS to all entities identified in the **Distribution of Statement section of the EIS**. The distribution letters should provide notice if a combined FEIS and ROD is anticipated. Coordinate with the lead federal agency on the number of copies provided to each entity. Many agencies are accepting electronic versions that can be sent via email or by link for downloading. Distribution must be made no later than the time the document is filed with the EPA for Federal Register publication. The DOTD Environmental Section will upload the DEIS to EPA's system once all copies have been distributed. The electronic document must be in a pdf format which is ADA compliant, meaning it can be read out loud. See EPA requirements on their web-site.

### Public & Agency Review of DEIS

Collect comments on the DEIS submitted during the comment period. A public hearing(s) is required for a DEIS, and is usually held by day 15 to allow for a 30-day period following the hearing before the comment period closes. Advertise the public hearing(s) in local newspapers consistent with DOTD Stage I Public Involvement Procedures, which is included in Appendix D. The advertisement should include the hearing date, time, location, and project contact for additional information. Include citations regarding compliance with applicable regulatory requirements such as Americans with Disabilities Act, Environmental Justice, and the National Historic Preservation Act, as applicable.

The public hearing can follow either the moderated or open house format and it must include a comment session. A comment session allows the speaker to make his or her comment in front of

others and the project team. During the comment session, the comments are recorded for the record and no responses are provided, except for general information or simple technical clarifications. Individuals wishing to make a comment during the comment session complete a comment card providing their names and associations, if any, and present the card to a representative of the Project Team prior to commenting. At the open house public hearing, in addition to the comment session, a comment station with a voice recorder or court reporter is provided for individuals wishing to make a verbal comment for the record during the open house.

Following the public hearing, a bound public hearing summary is prepared and distributed. The summary may be posted on the web.

After the close of the comment period, all written and oral comments will become part of the official project record. All substantive comments from agencies and the public must be addressed in the final environmental documents either individually or collectively. It is often beneficial to group like comments together to streamline the comment response process.

Submit a draft version of the response to comments to the lead federal agency for review. The review period should be coordinated with the lead federal agency prior to submittal of the responses. Revise the responses based on the comments received. Coordinate with the lead federal agency as appropriate.

### *Final EIS*

If a preferred alternative is not identified in the DEIS, then it must be identified in the FEIS. After the comment period, coordinate with the lead federal agency to discuss any proposed changes or modifications to the original Preferred Alternative.

CEQ requires the text of final environmental impact statements (P&N, Alternatives, Affected Environment and Environmental Consequences) to be 150 pages or fewer and, for projects of unusual scope or complexity, 300 pages or fewer.

### Prepare FEIS Document

The FEIS is prepared following the DEIS Public Hearing and close of the DEIS comment period. In addition to providing all DEIS material, the final EIS should include:

- An updated comments and coordination section to include consideration and discussion of all substantive comments received on the DEIS (from both agencies and the public) and to include any comments received at the public hearing. If the EIS was changed in response to these comments, these changes should be noted in this section.
- Identification and description of the Preferred Alternative and the basis for the decision. If the preferred was identified in the DEIS, then the FEIS should confirm that the preferred remains the preferred after consideration of public and agency comments. If a combined FEIS and ROD is prepared, then identify the Selected Alternative. The ROD explains the reasons for the selection.
- Identification and discussion of project Environmental Commitments, including but not limited to, mitigation measures, design commitments, and pollution control measures.
- A Wetlands Finding statement as required by Executive Order 11990, if the Selected Alternative is located in wetlands.

- A complete Biological Assessment or Evaluation and the U.S. Fish and Wildlife Service's Biological Opinion or letter of concurrence, if applicable and as appropriate.
- A Floodplain Finding as required by 23 CFR 650, Subpart A and Executive Order 11988 if the Selected Alternative includes a floodplain encroachment.
- Documentation of Section 106 process completion.

#### *Final EIS Concurrent Review and Revisions by Lead & Cooperating Agencies*

FEIS production follows the steps outlined for production of the DEIS. A draft FEIS is submitted to the lead federal agency and federal cooperating agencies for concurrent review. The review period is usually 30 days but may be longer when FHWA is the lead federal agency due to legal sufficiency review. The review period should be agreed upon with the lead federal agency and included in the Coordination Plan.

Revise the FEIS based on the comments received. Coordinate with the lead federal agency as appropriate. Prepare responses to comments received from the lead federal agency and each of the federal cooperating agencies. Submit the revised FEIS and responses to comments to the lead federal agency for review and approval to distribute.

There are now two methods to process the FEIS: with or without the ROD. The law [23 USC 139(n)(2)] encourages the FEIS/ROD combination. For new EIS projects, the default is the combined FEIS/ROD. In this situation, a preliminary combined document is developed and submitted to the FHWA for review and approval. The contents of the combined document are the same as that for a FEIS and a ROD. A legal sufficiency review is required for a combined FEIS/ROD. Note that to use this combined format, the DEIS must have discussed and disclosed the intention to publish the FEIS and ROD together. The preferred alternative must have been identified in the DEIS as well, if this option is used.

#### *Final Technical Reports*

For reports not already finalized, submit final technical reports to lead federal agency for review and approval. Coordinate with the Environmental Section to determine the need for resource agency distribution.

#### *Distribute/Publish Final EIS without the ROD*

Distribution of the FEIS is similar to the DEIS. Upon DOTD and lead federal agency approval of the revised document, add the due date for comments on the Cover Sheet. Submit the Cover Sheet first to the DOTD Environmental Engineer Administrator and then to the lead federal agency for signature. For FEISs, the due date for comments must allow for a 30-day review period from the date the Notice of Availability appears in the Federal Register, unless a different period was established.

Distribute the FEIS to all entities identified in the Distribution of Statement section of the document. Coordinate with the lead federal agency on the number of copies provided to each entity. Many agencies are accepting electronic versions that can be sent via email or by link for downloading. Distribution must be completed no later than the time the document is filed with the EPA for Federal Register publication.

## Environmental Assessment

When it is uncertain whether there will be significant impacts resulting from a transportation project, an EA is prepared to help answer that question and to document the analysis of the project and its effects. Therefore, the EA should address only those resources that have the potential for being significantly impacted.

An EA is not a mini-EIS. The EA should be a concise document and should not contain long descriptions or detailed information that may have been gathered or analyses that may have been conducted for the project. The Council on Environmental Quality (CEQ) requires the text of an EA shall be no more than 75 pages, not including appendices. To accomplish this, the EA should use exhibits and tables and incorporate by reference and summarize background data and technical analyses to support the concise discussions of the alternatives and their potential impacts. In other words, the EA should apply the principles of a reader-friendly document. The CEQ also requires EA documents to be completed within 1 year of date the Federal agency decided to prepare an EA, the initiation date.

### Environmental Assessment

The CEQ regulations do not require a standard format to be used for an EA. When the FHWA is the lead federal agency, FHWA's Technical Advisory (T6640.8A) provides guidance on the format and content.

Briefly, the subject areas addressed include:

- Project Description
- Purpose and Need
- Alternatives
- Impacts
- Comments and Coordination

For lead federal agencies other than FHWA, coordinate with the lead federal agency on the required content and format.

### Lead Federal Agency Review and Revisions

Submit a draft EA to the lead and cooperating federal agencies for review. The review period is usually 30 days but should be agreed upon with the lead federal agency prior to submitting the document.

Revise the EA based on the comments received. Coordinate with the lead federal agency as appropriate and prepare responses to comments received. Submit the revised EA and responses to comments to the lead federal agency for review and approval for distribution.

### Distribute/Publish EA

Coordinate with the lead federal agency on the distribution of the EA. At a minimum, the EA must be made available for public inspection at the State Library, library branches in the project area and the DOTD District offices near the proposed project. A Notice of Availability must be published in all newspapers having substantial general circulation in the project area.

For EAs, the due date for comments is usually a minimum of 30 days after the first publishing of the Notice of Availability, but may be less under rare circumstances. The EA may be posted on the web during the comment period.

#### Public and Agency Review of EA

Collect comments on the EA submitted during the comment period. DOTD will either hold a public hearing or offer to hold a public hearing if requested to do so. Advertise the public hearing(s) consistent with DOTD procedures which includes newspaper advertisement. The notice should include the hearing date, time, location and project contact for additional information. Include citations regarding compliance with applicable regulatory requirements such as Americans with Disabilities Act, Environmental Justice, and the National Historic Preservation Act, as applicable.

Arrange for a public address system or presentation station if the hearing facility does not have one. Also arrange to have the hearing recorded and transcribed. At the public hearing, individuals wishing to make a formal comment orally to an audience for the record should be encouraged to complete a comment card and present it to a representative of the Project Team prior to beginning the formal comment session. Others should be encouraged to complete a written or verbal statement at the comment station.

Prepare a separate transcript summarizing each public hearing held. Distribute copies of the public hearing transcript to federal and state agencies, and public institutions such as libraries. Coordinate with the Environmental Section for the distribution. Transcripts may also be posted on the web.

#### Technical Reports

DOTD requires that technical reports be prepared to supplement information provided in the EA. Technical report requirements are project specific and may provide additional information on wetlands, cultural resources, air quality, traffic noise, hazardous materials, or threatened and endangered species. Coordinate with the Environmental Section for the Technical Report requirements of each project.

For reports not already finalized, submit copies of the final technical reports to lead federal agency, if not previously submitted. Coordinate with the Environmental Section to determine the need for resource agency distribution.

### **5.3.4 DECISION DOCUMENT**

An EIS ends with a decision published in a Record of Decision. An EA ends with a decision published in a Finding of No Significant Impact. Below is information on each of these decision documents.

#### **Record of Decision (Decision Document for an EIS)**

CEQ regulations require that the ROD be signed within 2 years of the issuance of the NOI. The ROD may be published separate from the FEIS or with the FEIS for transportation projects where FHWA or FTA are the lead agencies. The FAST Act encourages a combined FEIS and ROD. If published after the FEIS, the public is afforded a second opportunity to comment during the FEIS comment period prior to the ROD being issued. If the ROD is published with the FEIS, the public is not afforded another opportunity to comment, which is why the DEIS must clearly disclose, during the DEIS comment period, that a combined FEIS and ROD will be sought. The lead federal agency

must issue a ROD before any project approvals (e.g., for final design, right-of-way acquisition, construction) can be given on the selected course of action.

#### ***Distribute/Publish Final EIS with the Record of Decision***

The contents of the combined FEIS/ROD are the same as that for a FEIS and a ROD. See paragraph below for contents of the ROD. Distribution of the FEIS and Record of Decision as a single document is similar to the distribution of the DEIS. Upon DOTD and lead federal agency approval of the revised document, submit the signature page to the DOTD for routing for signatures. Once the document is signed, distribute the FEIS/ROD to all entities identified in the Distribution of Statement section of the document. Distribution must be completed no later than the time the document is filed with the EPA for Federal Register publication. A notice of availability is published when the FEIS/ROD is issued. The document may also be posted on the web.

#### ***Distribute/Publish Stand Alone Record of Decision***

After the close of the FEIS comment period, all written and oral comments become part of the official project record. All substantive comments must be addressed in the ROD. Prepare a draft version of the response to comments to the lead federal agency for review and with the ROD for review and approval.

The ROD should: (1) state the basis for the decision, (2) identify all the alternatives considered and specify the “environmentally preferable alternative,” and (3) state whether all practicable means to avoid or minimize environmental harm from the alternative selected have been adopted and, if not, why they were not. The ROD should also include the responses to all substantive comments on the FEIS (if published separately) and summarize any mitigation measures or other environmental commitments. Revise the ROD based on the comments received from the lead agency and submit a final version for signature.

When published separately from the FEIS, the ROD may not be issued sooner than 30 days after the approved FEIS is distributed or 90 days after the DEIS is circulated. The above mentioned times do not apply when the FEIS and ROD are combined. Coordinate with the Environmental Section and the lead federal agency for ROD distribution and availability requirements. A notice of availability is published when the ROD is issued.

#### ***Finding of No Significant Impact (Decision Document for an EA)***

If major changes are required to information in the EA to address substantive comments, consult with the lead Federal agency as to whether they desire a revised EA. Otherwise address the comments received from the EA distribution and Public Hearing in the FONSI document. A Selected Alternative will be determined in cooperation with the lead federal agency only after all substantive comments are adequately addressed. In addition to addressing substantive comments received from agencies and the public, the FONSI should include, if not included in the EA distributed for public comment, the following:

- Identification and description of the Selected Alternative and the basis for the decision
- Identification and discussion of project Environmental Commitments, Mitigation and Permits
- A wetlands finding statement as required by Executive Order 11990, if the Selected Alternative is located in wetlands



- A complete Biological Assessment or Evaluation and the U.S. Fish and Wildlife Service’s Biological Opinion or letter of concurrence, if applicable and as appropriate
- A floodplains finding as required by 23 CFR 650, Subpart A and Executive Order 11988 if the Selected Alternative includes a floodplain encroachment
- The MOA developed in compliance with Section 106 of the National Historic Preservation Act, if applicable

Submit the FONSI document, or revised EA, to the lead federal agency for review. The review period is usually 30 days but should be agreed upon with the lead federal agency prior to submitting the document. Revise the document based on the comments received. Coordinate with the lead federal agency as appropriate to address all comments.

Once the document is found satisfactory by the lead federal agency, a FONSI is requested with a recommendation of the selected alternative, provided that the project record demonstrates that the proposed action will have no significant impact on the natural and human environment. For the FONSI, a simple one sheet finding is prepared and submitted to FHWA for signature with the FONSI document.

If the EA was revised, the FONSI sheet once signed is bound to the revised EA and the document is titled EA with FONSI.

The lead federal agency must issue a FONSI before any project approvals (e.g., for final design, right-of-way acquisition, construction) can be given on the selected course of action. The FONSI provides the environmental closure for the proposed project and allows other project related activities to move forward. Coordinate with the Environmental Section and the lead federal agency for FONSI distribution and availability requirements.

*A FONSI cannot be issued, if it is discovered during the EA process that the project will have a significant impact. In this case, an EIS must be prepared.*

## **5.4 STATUTE OF LIMITATION**

The law<sup>11</sup> establishes a 150-day statute of limitations for lawsuits challenging a federal agency’s approval provided that the decision is published in the Federal Register announcing that the permit, license, or approval is final pursuant to the law under which the agency action is taken. Guidance is provided by FHWA regarding the content of the notice. The notice is optional and should be considered if the project is controversial or has a potential for lawsuits. This statute of limitations does not apply if the decision is not published in the Federal Register.

## **5.5 INTER-AGENCY DISAGREEMENT PROCESS**

One of the duties and functions of the CEQ is to review and appraise the various programs and activities of the Federal Government as they pertain to NEPA. CEQ Regulations (40 CFR Part 1504) outline a CEQ referral process that permits federal agencies to bring to CEQ interagency disagreements concerning proposed major federal actions that might cause unsatisfactory environmental effects. The regulations specify the timeframes for filing disagreements and responses.

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<sup>11</sup> 23 USC 139(l)

Over the years, Congress has enacted a number of provisions that outline processes to resolve issues that could substantially delay or prevent an agency from granting a permit or other approval that is needed for the project. These provisions provide for issue resolution and referrals. For more information, see 23 USC 139(h). Early, continual, and meaningful agency coordination, and a context-sensitive approach to project development should ensure that such actions need not be taken.

## CHAPTER 6 DELIVERABLES FROM THE STAGE 1 PROCESS

At the conclusion of the Stage 1 Environmental Process, a number of deliverables are required prior to DOTD advancing the project to Stage 2 of DOTD's Project Development Process. The following findings and decisions from the Stage 1 Environmental Process are important to and required for subsequent project stages.

### 6.1 REQUIRED STAGE 1 DELIVERABLES

- Environmental Closure Document – approval for projects documented as a Categorical Exclusion, executed FONSI for projects documented as an Environmental Assessment, or executed ROD for projects documented as an Environmental Impact Statement.
- Permits or Required Permits – permits, including all documentation, if permits were obtained as part of the Stage 1 Environmental Process, or a list of required permits, if permits were not yet obtained.
- Agency Agreements or Closure Documents – agency correspondence indicating that their regulatory requirements have 1) been satisfied or 2) understanding or agreement on the steps to be taken to satisfy those requirements (e.g. commitment for continued compliance with Section 106 of the National Historic Preservation Act and Section 7 of the Endangered Species Act).
- Location and Major Design Features – exhibits and narrative describing the project location, major design features, preliminary design criteria, any horizontal and vertical constraints, and any required waterway, levee or railroad clearances.
- Estimated Project Costs – estimated costs for design, right-of-way acquisition, utilities relocations, construction, traffic management, and environmental mitigation/commitments, in current year dollars.
- Environmental Mitigation/Commitments – description of agreed upon environmental mitigation measures and all environmental and other commitments identified in the Environmental Document. This is intended to facilitate the identification and monitoring of the commitments through the remainder of DOTD's Project Development Process.
- Digital Data – preliminary engineering and environmental data developed during Stage 1 that will facilitate project development in Stage 3. This information may include digital mapping, environmental inventories and constraints, preliminary engineering such as line and grade, cost estimates, and mitigation.

### 6.2 SCOPE AND BUDGET MEMORANDUM

After receipt of ROD or FONSI, prepare a Scope and Budget Memorandum summarizing the required Stage 1 deliverables described above. The Scope and Budget Report shall be submitted as a recommendation by the Project Manager as well as Project Team Members, as appropriate for the project, and approved by the Chief Engineer.

The Scope and Budget Memorandum shall include the following items:

- Description of the Project and Selected Alternative
  - Location, Selected Alternative, and Major Design Features
  - Context-Sensitive Issues and Design Exceptions

- Maps and Exhibits, as necessary
- Funding for full project implementation
  - Estimates
    - Construction
    - Engineering
    - Real Estate Acquisition
    - Utility Relocation
    - Environmental Mitigation/Commitments
    - Traffic Management
  - Possible funding categories/mechanisms
- List of Commitments, Agreements and Permits
  - Commitments that need to be incorporated into the Plans, Specifications and Estimate (Stages 3 and 4)
  - Agency Agreements (as applicable)
    - Memorandum of Understanding
    - Memorandum of Agreement
  - Permits (as applicable)
    - U.S. Coast Guard (Section 9, General Bridge Act of 1946)
    - U.S. Corps of Engineers (Section 404, Section 10, Section 408)
    - LA DEQ (Water Quality Certification and NPDES)
    - LA DNR (Coastal Use)
    - LA WL&F (LA Scenic Streams)
    - Levee Boards
  - Signatures
  - Recommendations
    - Project Manager
    - Other Project Team Members, as appropriate for the project type
  - Approval
    - Chief Engineer

## CHAPTER 7 ACRONYMS, GLOSSARY & ENVIRONMENTAL RESOURCES

### 7.1 ACRONYMS

#### A

*AASHTO* – American Association of State Highway and Transportation Officials

*ACHP* – Advisory Council on Historic Preservation

*ADA* – Americans with Disabilities Act

#### B

*BMP* – Best Management Practices

#### C

*CAA* – The Clean Air Act of 1970

*CE* – Categorical Exclusion

*CEQ* – Council on Environmental Quality

*CERCLA* – Comprehensive Environmental Response, Compensation, and Liability Act

*CFR* – Code of Federal Regulations (Rules for putting law into practice)

*CMAQ* – Congestion Mitigation and Air Quality

*COA* – *Class of Action*

*COE* – U.S. Army Corps of Engineers (Federal; Department of Defense) [other abbreviations commonly used: USCOE, USACE, or Corps]

*CPM* – Critical Path Method

*CSS* – Context Sensitive Solutions

*CUP* – Coastal Use Permit

*CWA* – Clean Water Act

*CZMA* – Coastal Zone Management Act

#### D

*DEIS* – Draft Environmental Impact Statement

*DHS* – Department of Homeland Security (Federal)

*DOI* – Department of the Interior (Federal)

*DOQQs* – Digital Orthophoto Quarter Quads

*DOT* – Department of Transportation (Federal or State Highway Department)

*DOTD* – Louisiana Department of Transportation and Development

## **E**

*EA* – Environmental Assessment

*EDSM* – Engineering Directives and Standards Manual

*EE* – Environmental Exclusion

*EF* – Environmental Finding

*EIS* – Environmental Impact Statement

*EJ* – Environmental Justice

*EO* – Executive Order

*EMS* – Emergency Medical Services

*EPA* – Environmental Protection Agency (Federal)

*ER* – Environmental Record

*ESA* – Endangered Species Act

*ESA* – Environmental Site Assessment

## **F**

*FAA* – Federal Aviation Authority

*FAST Act* – Fixing America's Surface Transportation Act

*FEIS* – Final Environmental Impact Statement

*FEMA* – Federal Emergency Management Agency (Federal)

*FHWA* – Federal Highway Administration (Federal; Department of Transportation)

*FONSI* – Finding of No Significant Impact

*FPPA* – Farmland Protection Policy Act

*FRA* – Federal Railroad Administration (Federal; Department of Transportation)

*FTA* – Federal Transit Administration (Federal; Department of Transportation)

*FWS* – U.S. Fish and Wildlife Service (Federal; Department of Interior) [another abbreviation commonly used: USFWS]

## G

*GIS* – Geographic Information System

## I

*IJA* -- *Infrastructure Investment and Jobs Act*

*IL* – *Initiation Letter*

*ISTEA* – *Intermodal Surface Transportation Efficiency Act of 1991*

## J

*JD* – *Jurisdictional Determination*

## L

*LDEQ* – *Louisiana Department of Environmental Quality (State)*

*LDNR* – *Louisiana Department of Natural Resources (State)*

*LDWF* – *Louisiana Department of Wildlife and Fish (State)* [other abbreviations commonly used: LW&F, or LA WL&F]

*LOS* – *Level of Service*

*LUST* – *Leaking Underground Storage Tank*

*LWCFA* – *Land and Water Conservation Fund Act* [See Section 6(f)]

## M

*MAP-21* – *Moving Ahead for Progress in the 21st Century Act*

*MBTA* – *Migratory Bird Treaty Act*

*MIS* – *Major Investment Study*

*MOA* – *Memorandum of Agreement* (interagency agreement; can be for Section 106)

*MOU* – *Memorandum of Understanding* (an interagency agreement; can also be an agreement among DOT agencies wherein their understandings of a situation, an issue, or roles are explained)

*MPO* – *Metropolitan Planning Organization*

*MSA* – *Metropolitan Statistical Area*

*MTP* – *Metropolitan Transportation Plan*

## N

*NAAQS* – National Ambient Air Quality Standards

*NEPA* – National Environmental Policy Act of 1969

*NHS* – National Highway System

*NOA*– Notice of Availability

*NOI* – Notice of Intent

*NPDES* – National Pollutant Discharge Elimination System

*NPS* – National Park Service (Federal; Department of the Interior)

*NRCS* – Natural Resources Conservation Service (formerly known as the Soil Conservation Service)  
(Federal; Department of Agriculture)

*NRHP or NR* – National Register of Historic Places

*NWI* – National Wetlands Inventory

## **P**

*PCE* – Programmatic Categorical Exclusion

*PDD* – Project Delivery Date

*PERT* – Program Evaluation Review Technique

*PI* – Public Involvement

*P&N* – Purpose and Need

*PM* – Project Manager

*POCs* – Point(s) of Contact

*PS & E* – Plans, Specifications and Estimates

## **R**

*RCRA* – Resource Conservation and Recovery Act

*ROD* – Record of Decision

*ROW or R/W* – Right-of-Way

## **S**

*SAFETEA-LU* – Safe, Accountable, Flexible, Efficient Transportation Equity Act: A Legacy for Users

*SCS* – Soil Conservation Service (Federal; Department of Agriculture; now known as Natural Resources Conservation Service)



*Section 4(f)* – Section 4(f) of the U.S. DOT Act of 1966

*Section 6(f)* – Section 6(f) of the Land and Water Conservation Fund Act of 1965

*Section 7* – Section 7 of the Endangered Species Act

*Section 10* – Section 10 of the Rivers and Harbors Act of 1899

*Section 106* – Section 106 of the National Historic Preservation Act of 1966

*SEIS* – Supplemental Environmental Impact Statement

*SHPO* – State Historic Preservation Office or State Historic Preservation Officer

*SIP* – State Implementation Plan

*SOL* – Statute of Limitation

*SOV* – Solicitation of Views

*SSA* – Sole Source Aquifer

## T

*TA* – Technical Advisory

*TEA-21* – Transportation Equity Act for the 21st Century

*THPO* – Tribal Historic Preservation Officer

*TIP* – Transportation Improvement Program

*TITLE VI* – A Civil Rights Act provision

*TSM* – Transportation Systems Management

## U

*USACE* – United States Army Corps of Engineers (Department of Defense) [other abbreviations commonly used: COE, USCOE, or Corps]

*USC* – United States Code (Federal law)

*USCG* – United States Coast Guard (Department of Homeland Security)

*USCOE* – United States Army Corps of Engineers (Department of Defense) [other abbreviations commonly used: COE, USACE, or Corps]

*USDA* – United States Department of Agriculture

*USDOT* – United States Department of Transportation

*USFS* – United States Forest Service (Department of Agriculture)

*USFWS* – United States Fish and Wildlife Service (Department of the Interior) [other abbreviations commonly used: *FWS*]

*USGS* – United States Geological Survey

*UST* – Underground Storage Tank

**V**

*VE* – Value Engineering

**W**

*WQC* – Water Quality Certification

## 7.2 GLOSSARY

### A

*Abatement* – A reduction in degree or intensity of a substance or quality often related to highway traffic noise.

*Advisory Council on Historic Preservation (ACHP)* – created pursuant to the National Historic Preservation Act.

*Affected Environment* – The physical features, land, and area or areas to be influenced, affected, or created by a transportation improvement under consideration used to promote a baseline for which a project is evaluated; also includes various social and environmental factors and conditions pertinent to an area.

*Air Emission* – Physical, chemical, or biological substance emitted into the ambient air which contains air pollutants as defined in Section 302 of the Clean Air Act.

*Alignment* – The line that represents the location of a highway being considered.

*Alternative* – One of a number of specific transportation improvement proposals, alignments, options, design choices, etc. in a study. Following detailed analysis, one improvement alternative is chosen for implementation. Sometimes, the term “alternate” is used interchangeably with “Alternative.”

*American Association of State Highway and Transportation Officials (AASHTO)* – The AASHTO Center for Environmental Excellence publishes Practitioner’s Handbooks on a range of environmental issues. <https://environment.transportation.org/resources/practitioners-handbooks/>

*Aquifer* – A water-bearing bed of stratum of permeable rock, sand, or gravel capable of yielding considerable quantities of water to wells or springs.

### B

*Bald and Golden Eagle Protection Act (BGEPA)* – (16 USC 668) prohibits anyone from taking, possessing, or transporting bald eagles or golden eagles, or the parts, nests, or eggs without prior authorization.

*Biological Assessment* – A document prepared for Section 7 of the Endangered Species Act process to determine whether a proposed major construction activity under the authority of a Federal action agency is likely to adversely affect listed species, proposed species, or designated critical habitat.

*Biological Opinion* – A document that is the product of formal consultation, stating the opinion of the U.S. Fish and Wildlife Service on whether a federal action is likely to jeopardize the continued existence of listed species or result in the destruction or adverse modification of critical habitat.

### C

*Categorical Exclusion (CE)* – A classification given to federally-aid projects or actions that do not have a significant effect on the environment, either individually or cumulatively. Once a categorical exclusion is

approved for a project, environmental approval requirements of the National Environmental Policy Act have been satisfied.

*CEQ Regs* – Regulations for implementing the procedural provisions of NEPA. Directives issued by the Federal Council on Environmental Quality (40 CFR 1500-1508) that govern the development and issuance of environmental policy and procedures for federal actions by public agencies. The regulations contain definitions, spell out applicability and responsibilities, and mandate certain processes and procedures to be followed by state agencies that administer federally funded programs.

*Charette* – Term used to describe a focused gathering of individuals who come together for the purpose of working very intensely, for a short period of time, to produce a product or accomplish a specific objective.

*Class of Action* – Type of action under the National Environmental Policy Act. Can be a Categorical Exclusion, Environmental Assessment or Environmental Impact Statement.

*Clean Air Act Amendments (CAAAAs)* – (Public Law 101-549) Set air quality standards and established procedures for monitoring and improving existing air quality. The CAAAs call for emission reduction measures in air quality non-attainment areas, including the consideration of transportation control measures (TCMs) as part of transportation improvement projects.

*Clean Air Act (CAA) of 1970* – Set air quality requirements and milestones, mandated greater integration of transportation and air quality planning procedures, and established penalties for failure to meet requirements.

*Clean Water Act (CWA)* – Legislation implemented by the U.S. Army Corps of Engineers (USCOE) that requires a permit be issued prior to the discharge of dredged or fill material into “waters of the United States” (including wetlands) or construction in “navigable waters” or activities within a floodplain.

*Coastal Use Permit (CUP)* – Permit issued by Louisiana Department of Natural Resources for actions that affect coastal resources. To determine if a project requires a permit, go to Coastal Use Permit Self Determination web site <http://sonris-www.dnr.state.la.us/gis/Permit/>.

*Coastal Zone* – An area along the coast with a boundary established by law. Louisiana's Coastal Zone Inland boundary was modified in the 2012 Regular Session of the Louisiana Legislature with the passage of House Bill 656 (Act 588). Projects located within this boundary may require a Coastal Use Permit, and Federal projects must be consistent with the coastal management plans.

*Congestion Management System (CMS)* – CMS provides for the effective management of new and existing transportation facilities through development and implementation of operational and travel demand management strategies. CMS provides information to decision-makers on system performance and the effectiveness of implemented strategies.

*Congestion Mitigation and Air Quality (CMAQ)* – Improvement Program that required further reductions in the amount of permissible tailpipe emissions, initiated more stringent control measures in areas that still failed to attain the national standards (nonattainment areas), and provided for a stronger, more rigorous linkage between transportation and air quality planning. The main goal of CMAQ is to fund transportation projects that reduce emissions in nonattainment and maintenance areas. The CMAQ

program is jointly administered by the Federal Highway Administration (FHWA) and the Federal Transit Administration (FTA).

*Constraints* – More commonly described as environmental features. Important resources, facilities or other features of a study area located in or adjacent to an existing or proposed transportation corridor that serve to restrain, restrict, or prevent the ready implementation of proposed transportation improvements in a given area; may include natural or physical resources, important structures, manner of payment and various administrative requirements, which must be met.

*Context Sensitive Solutions (CSS)* – A collaborative, interdisciplinary approach that involves all stakeholders in developing a transportation facility that fits its physical setting and preserves scenic, aesthetic, historic, and environmental resources, while maintaining safety and mobility.

*Controlled Access* – Partial or full-access restriction that gives preference to through traffic.

*Complete Streets* – First implemented by DOTD in July of 2010. The policy was revised in April of 2016. The intent of a Complete Street is to balance access, mobility and safety of motorists, transit users, bicyclists, and pedestrians of all ages and abilities. DOTD has an Engineering Standard & Directive (EDSM) related to Complete Streets, EDSM No. II.2.1.14.

*Comprehensive Plan* – The general, inclusive long-range statement of the future development of a community. The plan is typically a map accompanied by description and supplemented by policy statements that direct future capital improvements in an area.

*Cooperating Agency* – As defined in the Council on Environmental Quality Regulations for Implementing the Procedural Provisions of NEPA, any organization other than the lead federal agency that has jurisdiction by law or special expertise with respect to any environmental impact involved in a major Federal action significantly affecting the quality of the human environment. CEQ emphasizes that agency cooperation should begin early in the NEPA process.

*Coordination Plan* – Plan that documents expectations and commitments about agency participation. The plan should provide an understanding of coordination procedures, roles and responsibilities along with a schedule with respect to review times.

*Corridor* – A swath of land between two termini (boundaries) within which traffic, topography, environment, and other characteristics are evaluated for transportation purposes.

*Council on Environmental Quality (CEQ)* – (Established by NEPA). A board appointed by the President of the United States to appraise programs and activities of the Federal Government in light of NEPA regulations.

*Criteria of Effect* – The Advisory Council on Historic Preservations' definition of change to historic properties caused by a federal action.

*Critical Path Method (CPM)* – Scheduling technique that defines **critical** and **non-critical** tasks with the objective of preventing delays.

*Cultural Resources Investigations* – Studies that result in identification of cultural resources (standing structures and archaeological sites) that meet the minimum fifty years of age requirement, or very rarely

of more recent construction, which are demonstrably significant based on National Register of Historic Places criteria, via literature research, field testing, photo documentation, analysis, and interpretation.

*Cumulative Impact* – The impact on the environment which results from the incremental impact of the action when added to other past, present, and reasonably foreseeable future actions regardless of what agency (Federal or non-Federal) or person undertakes such other actions. Cumulative impacts can result from individually minor but collectively significant actions taking place over a period of time.

## D

*Design Year* – The specified future year, normally 20 years in the future, taking into consideration projected volumes of traffic.

*Determination of Effect* – A finding made by the federal agency for federal actions, in consultation with the State Historic Preservation Officer (and the Advisory Council for Historic Preservation), which determines whether a proposed project affects a property listed on or eligible for the National Register of Historic Places.

*Determination of Eligibility* – The process of assembling documentation to render professional evaluation of the historical significance of a property. The federal agency, in consultation with the State Historic Preservation Officer, applies National Register of Historic Places criteria when deciding matters of historical significance.

*Digital Orthophoto Quarter Quads (DOQQs)* – Digital aerial images produced by the USGS which are often used as a base map.

*Direct Effects* – Influences or occurrences caused by a given action and occurring at the same time as the action. Changes in noise levels, traffic volumes or visual conditions are some examples of direct effects generated by transportation improvements.

*Draft Environmental Impact Statement (DEIS)* – A document that discloses the significant effects on both the natural and human environments of proposed alternatives intended to address a specific purpose or need.

## E

*Endangered Species Act (ESA)* – A law that seeks to protect imperiled wildlife and plants from extinction and to promote their recovery. Section 7 of the ESA requires Federal agencies to consult with USFWS and NMF [16 USC 1536(a)(2)]; such consultation is commonly referred to as Section 7 consultation.

*Engineering Directives and Standards Manual (EDSM)* – A manual consisting of engineering directives and standards which apply to DOTD projects.

*Environment* – Natural, economic, cultural, or social features.

*Environmental Assessment (EA)* – The document prepared in compliance with NEPA for projects in which the significance of the environmental impact is not clearly established. If, at any point in the process of preparing or processing an EA, it is discovered that the project would result in any significant impacts to the environment, then an Environmental Impact Statement (EIS) must be prepared.

*Environmental Classification* – An internal determination as to which type of environmental documentation is appropriate for federal actions.

*Environmental Document Reevaluation* – Prepared for federal projects when three years or more have passed since the document was originally approved, in order to verify whether there have been changes to the project scope or impacts since the approval.

*Environmental Exclusion (EE)* – A classification given to projects that may not initially be considered for federal funding and do not require a federal action or permit that do not have a significant effect on the environment, either individually or cumulatively. An environmental exclusion is similar to a Categorical Exclusion, except that the actions normally taken by the lead Federal agency under NEPA are the responsibility of the DOTD.

*Environmental Finding (EF)* – A decision document similar to a Finding of No Significant Impact (FONSI), but for projects that may not initially be considered for Federal funding and do not require a Federal action or permit. The Environmental Finding is prepared by, and the responsibility of, the DOTD.

*Environmental Impact Statement (EIS)* – The document prepared in compliance with NEPA when impacts from a project are anticipated to be significant.

*Environmental Justice (EJ)* – Efforts to avoid disproportionately high and adverse impacts on minority and low-income populations with respect to human health and the environment. Executive Order 12898. Reference FHWA Actions to address Environmental Justice, FHWA (6644.23).

*Environmental Record (ER)* – A decision document similar to a Record of Decision (ROD), but for projects that may not initially be considered for Federal funding and do not require a Federal action or permit. The Environmental Record is prepared by the DOTD and presents the basis for selecting and approving a specific transportation proposal that has been evaluated. Like a Record of Decision, the Environmental Record identifies the alternative selected in the Final EIS, the alternatives considered, measures to minimize harm, monitoring or enforcement programs, and an itemized list of commitments and mitigation measures. (Has not occurred and is not likely to occur, as a project that would require this level of evaluation will likely impact wetlands and require a Section 404 permit from the U.S. Army Corps of Engineers.)

*Environmental Site Assessment (ESA)* – An environmental study conducted to assess the potential for contamination of a property or parcel with hazardous substances and/or petroleum products.

*Environmental Stewardship* – Active protection and enhancement of the environment.

*Environmental Streamlining* – Efficient processing of environmental reviews and approvals.

*EO 11991* – The Executive Order issued in 1977 that directed the CEQ Guidelines to be rewritten as regulations binding on all Federal actions, and to reduce paperwork.

*Executive Order (EO)* – Presidential mandate regarding a specific area of concern.



*Farmland* – As defined by the Farmland Protection Policy Act, “farmland” means prime or unique farmland as defined in Section 1540(c)(1) of the Act, or farmland that is determined by the appropriate state or local governmental agency, or agencies, with concurrence of the Secretary of Agriculture, to be farmland of statewide or local importance. Such land may include more than actual cropland (i.e., it may include fallow or abandoned cropland, grazing land and forested land). It does not include land already in or committed to urban development or water storage, thereby excluding developed land with a density of 30 structures per 40-acre area; lands identified as urbanized area (UA) on the U.S. Census Bureau Map; lands shown as urban area (i.e., mapped with that tint overprint.) on USGS topographic maps; lands shown as urban-built-up on the USDA Important Farmland Maps; and all assessment criteria on the Farmland Conversion Impact Rating Form.

*Farmland Protection Policy Act (FPPA) of 1981* – A federal law (Public Law 97-98; 7 USC 4201) requiring federal agencies to consider the adverse effects of federal programs on farmland preservation, consider alternative actions, and as appropriate, consider mitigation that could lessen adverse effects.

*Feasibility Study* – Refers to systematic evaluations to better assess the desirability or practicality of further developing a proposed action. Such studies are typically performed during the planning stage, or very early in the preliminary development phase when improvement proposals or design concepts need to be more fully investigated.

*Federal Action* – A highway or transit project proposed for FHWA or FTA funding or approval, such as changes in access control, etc., which may or may not involve a commitment of Federal funds, and other federal permits and approvals such as U.S. Army Corps of Engineers and U.S. Coast Guard.

*Federal Aviation Administration (FAA)* – (Federal; Department of Transportation). Airspace intrusion by a highway facility (i.e., proposed construction in the vicinity of public use or military airports) may require FAA notification. [14 CFR 77.9](#) states that notice must be filed with the FAA if requested by the FAA or when anyone proposes any of the following types of construction or alteration:

- (a) any construction or alteration exceeding 200 feet above ground level
- (b) any construction or alteration that exceeds an imaginary surface extending outward and upward at any of the following slopes:
  - 1. 100 to 1 for a horizontal distance of 20,000 ft. from the nearest point of the nearest runway of each airport described in 14 CFR 77.9(d) with its longest runway more than 3,200 ft. in actual length, excluding heliports.
  - 2. 50 to 1 for a horizontal distance of 10,000 ft. from the nearest point of the nearest runway of each airport described in 14 CFR 77.9(d) with its longest runway no more than 3,200 ft. in actual length, excluding heliports.
  - 3. 25 to 1 for a horizontal distance of 5,000 ft. from the nearest point of the nearest landing and takeoff area of each heliport described in 14 CFR 77.9(d)
- (c) Any highway, railroad, or other traverse way for mobile objects, of a height which, if adjusted upward 17 feet for an Interstate Highway that is part of the National System of Military and Interstate Highways where overcrossings are designed for a minimum of 17 feet vertical distance, 15 feet for any other public roadway, 10 feet or the height of the highest mobile object that would



normally traverse the road, whichever is greater, for a private road, 23 feet for a railroad, and for a waterway or any other traverse way not previously mentioned, an amount equal to the height of the highest mobile object that would normally traverse it, would exceed a standard of paragraph (a) or (b) of this section.

Or any construction or alteration located on an airport described in 14 CFR 77.9(d).

*Federal Highway Administration (FHWA)* – (Federal; Department of Transportation). An agency of the USDOT responsible for carrying out federal highway and transportation programs and mandates.

*Federal Railroad Administration (FRA)* – (Federal; Department of Transportation). An agency of the USDOT responsible for carry out federal rail projects and mandates.

*Federal Transit Administration (FTA)* – (Federal; Department of Transportation). An agency of the USDOT responsible for carrying out federal transit programs and mandates.

*Federal Water Pollution Control Act (FWPCA)* – (Commonly referred to as the Clean Water Act.) Its objective is to restore and maintain the chemical, physical, and biological integrity of the nation’s waters.

*Field Review* – A site visit conducted by the DOTD to gather or verify data, define scopes of work, perform analyses, and make decisions for specific projects.

*Final Design* – Involves the development of detailed working drawings (plans), specifications and estimates, for transportation projects.

*Finding of No Significant Impact (FONSI)* – A document by a federal agency briefly presenting the reasons why an action/project will not have a significant effect on the natural or human environment and for which an environment impact statement will not be prepared. It shall include the environmental assessment or a summary of it and shall note any other environmental documents related to it (40 CFR 1501.7(a)(5)). If the assessment is included, the finding need not repeat any of the discussion in the assessment but may incorporate it by reference (40 CFR 1508.3).

*Fish and Wildlife Coordination Act (FWCA)* – (16 USC 66–667e) requires federal agencies to consult with USFWS regarding fish and wildlife when proposing actions that involve controlling or modifying stream or water bodies.

*Fixing America's Surface Transportation (FAST) Act* – Federal law, enacted 2016, Public Law 114-94

## G

*General Bridge Act of 1946* – 33 USC 525. The general Bridge Act of 1946 established authority to issue permits for bridges and causeways across navigable waters of the United States. Permit program administered by the US Coast Guard.

*Gantt Chart* – bar chart that illustrates a project schedule using a series of horizontal lines depicting the amount of work done in relation to the amount planned for the project’s life time.

*The Green Book* – AASHTO’s publication, “A Policy on Geometric Design of Highways and Streets.” Several state DOTs, including DOTD, have adopted the publication as the standard for highway geometric design.

## H

*Habitat* – a complex of natural, primarily native or indigenous vegetation, not currently subject to cultivation or artificial landscaping, a primary purpose of which is to provide habitat for wildlife, either terrestrial or aquatic.

*Hazardous Waste* – Wastes identified by characteristics, source, or specific substance as found in 40 CFR 261. A hazardous waste may: 1) cause or significantly contribute to an increase in mortality or morbidity in either an individual or the total population; and 2) pose a substantial present or potential hazard to human health or the environment when improperly treated, stored, transported, disposed, or otherwise managed.

*Headwaters* – Headwaters means non-tidal rivers, streams, and their lakes and impoundments, including adjacent wetlands, that are part of a surface tributary system to an interstate or navigable water of the U.S. upstream of the point on the river or stream at which the average annual flow is less than five cubic feet per second. The U.S. Army Corps of Engineers may estimate this point from available data by using the mean annual area precipitation, area drainage basin maps, and the average runoff coefficient, or by similar means. For streams that are dry for long periods of the year, the Corps may establish the point where headwaters begin as that point on the stream where a flow of five cubic feet per second is equaled or exceeded 50 percent of the time. 33 CFR 330.2(d).

*Human Environment* – Human environment shall be interpreted comprehensively to include the natural and physical environment and the relationship of people with that environment. This means that economic or social effects are not intended by themselves to require preparation of an environmental impact statement. When an environmental impact statement is prepared and economic or social and natural or physical environmental effects are interrelated, then the environmental impact statement will discuss all of these effects on the human environment. 40 CFR 1508.14.

## I

*Identification of Alternatives* – The DOTD’s engineering and environmental evaluations, where the DOTD identifies and chooses an initial set of study alternatives that address the stated program objectives and the project purpose and need, and which are sensitive to the resources and land uses of a study area. The process involves a wide variety of possible options, assessing the merits and drawbacks, and choosing those that should be carried forward. Alternatives to be studied normally include the No-Build or no-action alternative, an upgrading of the existing roadway alternative, new transportation routes and locations, transportation systems management strategies, multi-modal alternatives if warranted, and any combination of the above.

*Infrastructure Investment and Jobs Act (IIJA)* – Federal law enacted 2021, Public Law 117-58 also known as the Bipartisan Infrastructure Law. It is the largest long-term investment in infrastructure to date. It provides \$550 billion over fiscal years 2022 through 2026 in new Federal investment in infrastructure, including in roads, bridges, and mass transit, water infrastructure, resilience, and broadband.

*Impacts* – Positive or negative effects upon the natural or human environment resulting from transportation projects.

*Indirect Effects* – Impacts that can be expected to result from a given action that occurs later in time or farther removed in distance; for example, induced changes to land use patterns, population density or growth rate.

*Initiation Letter* -- Letter sent to FHWA requesting initiation of NEPA and concurrence on the NEPA Class of Action.

*Interested Community* – A compilation of the names and addresses of persons or groups affected by or interested in a specific transportation project. This information is gathered and maintained by DOTD or local planning agencies during the course of transportation project studies.

*Intermodal Surface Transportation Efficiency Act (ISTEA) of 1991* – (Public Law 102-240) established the policy of developing an economic, efficient and environmentally sound rational transportation system. To further this goal, ISTEA conceived transportation enhancement activities and requires that transportation policy to advance the objectives of regional and metropolitan planning by considering the "overall social, economic, energy, and environmental effects" of improvement projects.

## J

*Jurisdictional Determination (JD)* – A site survey or document review performed by the U.S. Army Corps of Engineers to officially determine whether or not a given parcel of land is subject to regulation as waters of the United States, and if so, the extent of the area. This is generally applied to wetlands, but may also be used to determine jurisdictional issues with respect to headwater streams, ditches and similar areas.

## K

*Keeper of the National Register of Historic Places (Keeper)* – The official responsible for the administration of the National Register of Historic Places within the National Park Service. One duty of the Keeper is to provide a formal determination of eligibility on cultural resources submitted when there is disagreement between the federal agency and the State Historic Preservation Officer.

## L

*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.

*LOS* – Level of Service is a quality measure describing operational conditions within a traffic stream, generally in terms of such service measures as speed and travel time, freedom to maneuver, traffic interruptions, and comfort and convenience. Six LOS are defined, with letters designating each level, from A to F. LOS A represents the best operating conditions and LOS F the worst. Each level of service represents a range of operating conditions and the driver's perception of those conditions. Safety is not included in the measures that establish service levels.

## M

*Magnuson-Stevens Fishery Conservation and Management Act* – also known as Magnuson-Stevens Act (MSA) (16 USC 1855(b)) requires Federal agencies to consult with National Marine Fisheries (now called NOAA Fisheries) when a project may affect Essential Fish Habitat (EFH).

*Major Investment Study (MIS)* – A comprehensive transportation planning process designed to identify and address the mobility needs of a particular study area. It typically compares alternative modes of transportation. The goal of a MIS is to select a Preferred Investment Strategy(s) for the corridor. Collaborative decision-making, proactive public involvement and early consideration of environmental and social factors are important components of the MIS.

*Mapping* – A plan surface with graphic or photographic representation of land or water depicting the study area for a project. Existing alignments, alternatives, engineering design features, and environmental constraints are plotted on various types of mapping. Photogrammetric (aerial) mapping assists in resource identification and studies. Topographic (base) mapping provides a foundation in alignment layout. Property tax maps, and traffic data maps also are consulted in the transportation development process. The type and scale of mapping are selected to fit the terrain and land use intensity of the study area as well as the level of detail in the proposed design.

*Marine Mammal Protection Act (MMPA)* – (16 USC 1361-1423h) prohibits the taking or harassment of marine mammals.

*Memorandum of Agreement (MOA)* – Executed among federal and state agencies to outline stipulations and responsibilities for mitigating adverse effects, such as to historic properties under the Section 106 of the National Historic Preservation Act process, and threatened & endangered species under the Endangered Species Act.

*Memorandum of Understanding (MOU)* – (an interagency agreement; can also be an agreement among DOT agencies wherein their understandings of a situation, an issue, or roles are explained.)

*Metropolitan Planning Organization (MPO)* – MPO's were mandated by the Federal Highway Act of 1973 to provide a cooperative, comprehensive, and continuing transportation planning and decision-making process. The process encompasses all modes and covers both short-range and long-range transportation planning. MPO plans and programs are reviewed by the FHWA and the FTA.

*Metropolitan Transportation Plan (MTP)* – Official long range intermodal transportation plan that is developed and adopted through the metropolitan transportation planning process for the metropolitan planning area.

*Migratory Bird Treaty Act (MBTA)* – [16 USC 703(a)] makes it unlawful to take or engage in certain activities that affect migratory birds. Coordination with USFWS should be done to determine applicability of MBTA.

*Mitigation* – Mitigation includes (1) avoiding the impact all together by not taking a certain action or parts of an action, (2) minimizing impacts by limiting the degree or magnitude of the action and its implementation, (3) rectifying the impact by repairing, rehabilitating, or restoring the affected environment, (4) reducing or eliminating the impact over time by preservation or maintenance operations during the life of the action, and (5) compensating for the impact by replacing or providing substitute resources or environments.

*Mitigation Measures* – Specific design or other project commitments made during the environmental evaluation and study process that serve to moderate or lessen impacts deriving from the proposed action. These measures may include planning and development commitments, environmental measures, right-of-way improvements, and agreements with resource or other agencies to affect construction or post-construction action. Mitigation includes:

- Reducing and eliminating impacts.
- Avoiding the impact altogether by not taking a certain action or parts of an action.
- Minimizing impacts by limiting the degree or magnitude of the action and its implementation.
- Rectifying the impact by repairing, rehabilitating, or restoring the affected environment.
- Reducing or eliminating the impact over time by preservation and maintenance operations during the life of the action.
- Compensating for the impact by replacing or providing substitute resources or environments.

*Moving Ahead for Progress in the 21st Century (MAP-21) Act* – A federal law enacted 2012, Public Law 112-141.

## N

*National Ambient Air Quality Standards (NAAQS)* – Outdoor air quality standards established by the Environmental Protection Agency in accordance with the Clean Air Act.

*National Environmental Policy Act (NEPA)* – Passed in 1969, the federal legislation requiring agencies of the federal government to document the environmental effects of federal actions. The NEPA process is enforced by regulations of the Council on Environmental Quality (CEQ).

*National Pollutant Discharge Elimination System (NPDES)* – Mandated by Section 402 of the Clean Water Act for the discharge of pollutants from point or non-point sources into surface waters (including wetlands) for disposal purposes; intended to regulate the amount of sediment, chemicals, heavy metals, and biological wastes discharged in wastewater. Currently applies to storm water discharges from construction projects disturbing one acre or more.

*National Register of Historic Places (NRHP)* – The national list of districts, sites, buildings, structures, and objects significant in American history, architecture, archaeology, engineering, or culture. It is maintained by the Secretary of the Interior under authority of Section 101(a)(1)(A) of the National Historic Preservation Act, as amended.

*Natural Resource* – An asset, such as wetlands, wildlife, streams, aquatic life, etc., that must be considered in the development of a NEPA document.

*No-Build Alternative or “No-Action Alternative”* – Option of maintaining the status quo by not building transportation improvements. Usually results in eventual deterioration of existing transportation facilities. Serves as a baseline for comparison of “Build” Alternatives.

*Non-Attainment Areas* – Geographic areas that do not meet National Ambient Air Quality Standards; ranked by the severity of their problem as marginal, moderate, serious, severe or extreme. In accordance with the Clean Air Act Amendments of 1990, these areas must take specific emission reduction measures.

*Non-Point Source Pollution* – Non-point source pollution, unlike pollution from industrial sources, does not come from a single outflow pipe. As rainfall moves over and through the ground, it picks up and carries away natural and human-made pollutants, and causes water quality impairment.

*Notice of Availability* – Notice published to inform the public of the availability of an environmental document such as the EIS or ROD.

*Notice of Intent (NOI)* – Announcement in the Federal Register advising interested parties that an Environmental Impact Statement will be prepared and circulated for a given project.

## O

*Open House* – An informal, unstructured Public Meeting or Hearing during which information stations with exhibits convey important project information and DOTD (and consultant, if applicable) personnel are available to answer the public's questions.

*Opening Year* – The specified future year for opening of the project, taking into consideration projected volumes of traffic.

## P

*Participating Agency* – Federal, state, tribal, regional, and local government agencies that may have an interest in the project should be invited to serve as participating agencies during NEPA. Nongovernmental organizations and private entities cannot serve as participating agencies.

*Plans* – Technical drawings, which show the location, character, and dimensions of prescribed project work, including layouts, profiles, cross-sections and other details.

*Point Source Pollutant* – Point source pollutants are those that flow directly into a surface water source from specific locations, such as a pipe or trench/ditch. Examples include storm drains, sewer overflows, and municipal/industrial wastewater discharges.

*Practicable Alternative* – Practicable alternatives to a project as defined by 40 CFR 230.3(q) are those available and capable of being done after taking into consideration cost, existing technology, and logistics in light of overall project purposes. (40 CFR 230 is also known as the Section 404(b)(1) guidelines).

*Pre-Construction Notification (PCN)* – A document which must be submitted to the U.S. Army Corps of Engineers prior to commencing an activity authorized by a Nationwide Permit.

*Program and Project Management System (PPMS)* – A computerized system for project scheduling, monitoring, and control. The system tracks project time and cost and produces reports on the project progress. This system was formerly used at DOTD Project Managers.

*Program Evaluation Review Technique (PERT) chart* – A graphical tool used by project managers to depict a project's timeline.

*Project Delivery Date (PDD)* – The date all pre-letting tasks are completed.

*Project Delivery Manual* – A manual that outlines DOTD's Program Development and Project Delivery System from Stage 0 (Feasibility) through Stage 6 (Operations).

*Project Manager (PM)* – The project manager is responsible for carrying out the individual projects by insuring that all project activities are completed in accordance with time and budget requirements and at the highest level of quality. Projects determined by the DOTD to be high risk will be led by a single project manager from the Office of Engineering, Project Management Section.

*Project Plan* – A document summarizing the necessary steps required for the successful management of a project.

*Project Scoping* – A process designed to examine a proposed project early in the NEPA environmental analysis/review process. The intent is to identify the range of issues raised by the proposed project and to outline feasible alternatives or mitigation measures to avoid potentially significant environmental effects.

*Project Team* – The project team is an assembly of specialists that come together to work on a specific project. Each team member is selected because of his or her unique talents and capabilities.

*P.S. & E. Submission* – The reference given to a transmittal of plans, specifications, and estimates made from a preparing office to the DOTD for review and processing. This transmittal includes all written material and engineering data necessary to place a construction project under contract. These submissions are reviewed for accuracy and completeness prior to bid, and for certain major federal aid projects are provided to the Federal Highway Administration for final approval.

*Public Hearing* – An announced hearing conducted by transportation officials designed to afford the public the fullest opportunity to express support of, opposition to, or comment on a transportation project. It occurs after distribution of the DEIS and may occur after distribution of the EA for NEPA projects.

*Public Involvement (PI)* – Coordination events and informational materials geared toward public participation in the Project Development Process. It occurs at varying times and a variant number of times for any project to present project data to the public and accept feedback.

*Public Meeting* – An announced meeting conducted by transportation officials designed to facilitate public participation in the decision-making process and to assist the public in gaining an informed view of a proposed project during the Project Development Process.

*Purpose and Need Statement (P&N)* – A statement that describes the purpose (fundamental reasons for the project) of the project and the need (facts/data supporting the reasons) for the project. All alternatives are weighed against the P&N. An alternative not meeting the P&N is discarded as unreasonable.

## R

*Record of Decision (ROD)* – A document prepared by the Division Office of the Federal Highway Administration that presents the basis for selecting and approving a specific transportation proposal that has been evaluated through the NEPA process. Typically, the ROD identifies the alternative selected in the Final EIS, the alternatives considered, measures to minimize harm, monitoring or enforcement programs, and an itemized list of commitments and mitigation measures.

*The Red Book* – In 1985, the FHWA, COE, EPA, USFWS, and NMFS jointly develop guidance entitled “Applying the Section 404 Permit Process to Federal-aid Highway Projects.” Better known as the “Red

Book," this document provides numerous measures to improve interagency coordination on Federal-aid highway projects, emphasizes innovative and cost-effective approaches, and integrates the NEPA and Section 404 permit processes. On May 1, 1992, the U.S. DOT, EPA, and the Department of the Army issued a Memorandum of Agreement (MOA) entitled "Implementation of the Intermodal Surface Transportation Efficiency Act (ISTEA)." This MOA made the Red Book official policy for U.S. DOT, EPA, and COE and established initiatives to improve the regulation and reduce inefficiencies under Section 404 of the Clean Water Act without diminishing protection of the nation's valuable aquatic resources. In 2015, the Red Book was revised reaffirming the desire to synchronize NEPA and other regulatory reviews [https://www.usace.army.mil/Portals/2/Synchronization%20Handbook\\_final%20for%20web.pdf](https://www.usace.army.mil/Portals/2/Synchronization%20Handbook_final%20for%20web.pdf)

*Resource Agencies* – Governmental Agencies such as USCOE, USEPA, USFWS, LDNR, and LDEQ. Federal and state agencies that review regulated projects for their consistency and sensitivity to conservational and environmental laws and policies. Several resource agencies also possess regulatory power.

## S

*Safe, Accountable, Flexible, Efficient Transportation Equity Act: A Legacy for Users (SAFETEA-LU) of 2005* – (Public Law 109-59) authorized highway, highway safety, and public transportation programs for the 5-year period 2005-2009. SAFETEA-LU builds on the initiatives established in ISTEA and TEA-21. The act combines the continuation and improvement of current programs with new initiatives to meet the challenges of improving safety, reducing traffic congestion, improving efficiency in freight movement, increasing intermodal connectivity, protecting the environment, and laying the groundwork for addressing future challenges.

*Scope and Budget Memorandum* – A project document at the end of Stage 1 that includes a description of the project and the selected alternative; funding estimates for full project implementation; a list of commitments, agreements, and permits; and approval signatures.

*Scope of Services* – A detailed, written listing of tasks prepared in advance of engineering and environmental work to define requirements of studies. A scope of services is provided to prospective consultant firms prior to the initiation of studies to aid in preparing estimates of working hours, schedules, and costs required to prepare, complete, and deliver the work described.

*Scoping Field Review* – A site visit conducted by the DOTD and other appropriate parties to define a project's scope of work and to evaluate a variety of circumstances involved with the proposed project. These circumstances may include: engineering parameters, involvement of environmental resources, and required public involvement.

*Secondary/Indirect Effects* – A general term to define impacts which are caused by a specific action and which take place later in time or farther removed in distance but are still reasonably foreseeable. Secondary effects can be indeterminate, may not be easily recognized, and can be difficult to identify and evaluate.

*Section 4(f)* – 49 USC 303 (see also 23 USC 138) (originally Section 4(f) of the DOT Act of 1966 which specified that special effort is to be made to preserve the natural beauty of public park and recreation lands, wildlife and waterfowl refuges, and historic sites and is binding to programs administered by Federal DOT agencies.) Administrative action by which FHWA confirms that, on the basis of extensive



studies and analysis, there are no “prudent and feasible” alternatives to the taking of land from resources protected under Section 4(f) of the U.S. Department of Transportation Act, as amended (49 USC 303). These resources include: parks or recreation areas that are publicly owned or open to the public, publicly owned wildlife or waterfowl refuges, or any significant historic sites. FHWA regulations for implementing Section 4(f) can be found at 23 CFR 774.

*Section 6(f)* – 16 USC 303 [originally Section 6(f) of the Land and Water Conservation Fund Act of 1965 which established restrictions on the use of land acquired with funds authorized under the LWCF Act and administered by DOI.] A provision in the Federal Land and Water Conservation Fund Act that protects public recreational properties developed or enhanced using federal funding supplied to states or municipalities under the act by requiring replacement of lands converted to non-recreational uses. Proposed transportation projects that affect such lands require a study and an analysis of alternatives to serve as the basis for a Section 6(f) finding by the U.S. Department of the Interior. Generally, requires replacement of 6(f) land taken for a project.

*Section 7 Consultation* – Under Section 7(a)(2) of the ESA, each Federal agency must, in consultation with the USFWS and/or NMFS, ensure that any action it funds, authorizes, or carries out will not jeopardize the continued existence of listed species or destroy or adversely modify designated critical habitat. In addition, under Section 7(a)(4) of the ESA, each federal agency shall confer with the USFWS or NMFS on any action which is likely to jeopardize the continued existence of any proposed species or result in the destruction or adverse modification of proposed critical habitat.

*Section 10* – Rivers and Harbors Act of 1899, Section 10 established authority to issue permits for obstructions or alterations of navigable waters of the United States. Permit program administered by the U.S. Army Corps of Engineers.

*Section 106* – A National Historic Preservation Act provision. A process for federal undertakings which may affect historic resources.

*Section 106 Procedures* – Procedures based on Section 106 of the National Historic Preservation Act of 1966, which governs the identification, evaluation, and protection of historic structures and archaeological resources which may be affected by federal projects. Principal areas identified include required evaluations to determine the presence or absence of listed properties, the eligibility of properties based on National Register of Historic Places criteria, and the significance of the effect of a proposed project upon such properties.

*Section 401 Water Quality Certification* – Required by Section 401 of the Federal Clean Water Act for projects involving the discharge of materials into surface waters, including wetlands. Under Section 401, states have authority to review any federal permit that may result in a discharge to wetlands and other waters under state jurisdiction, to ensure that the actions would be consistent with the state's water quality requirements. In Louisiana, water quality certification is issued by the LDEQ.

*Section 402* – Section 402 of the CWA regulates discharges to waters of the United States. Section 402 of the Clean Water Act is the authority under which LDEQ issues Louisiana Pollution Discharge Elimination System (LPDES) permits, including the permit for storm water runoff from project construction sites.

*Section 404 Alternatives Analysis* – Examines practical alternatives to the possible discharge of dredged or fill material into certain aquatic ecosystems, such as wetlands, mud flats, vegetated shallows or other

special aquatic systems. “Practical” means “available and capable of being done after taking into consideration cost, existing technology and logistics in light of overall project purposes.” Criteria guiding such an analysis are derived from the provisions of Section 404(b)(1) of the 1972 Federal Clean Water Act as amended in 1977. The analysis is performed during the Stage 1 environmental process and is required before the issuance of a permit by the U.S. Army Corps of Engineers for the discharge of dredged or fill materials into waters of the U.S.

*Section 404* – A Clean Water Act provision. Established a permit program to be administered by the U.S. Army Corps of Engineers (USCOE) under guidelines by EPA to protect the nation’s waters from dredged and fill material. Requires approval by the USCOE prior to the placement of any fill material into waters of the United States, including wetlands.

*Section 404 Permit* – A U.S. Army Corps of Engineers (COE) permit to authorize the discharge of dredged or fill material into waters of the U.S. pursuant to Section 404 of the Clean Water Act (CWA) (33 USC 1344). The types of permits that may be issued are:

Individual Permit – COE authorization that is issued following a case-by-case evaluation of a specific project involving the proposed discharge(s) in accordance with the procedures of 33 CFR 323-325 and a determination that the proposed discharge is in the public interest pursuant to 33 CFR 320. 33 CFR 323.2(g).

General Permit – COE authorization that is issued on a nationwide or regional basis for a category or categories of activities when:

- 1) Those activities are substantially similar in nature and cause only minimal individual and cumulative environmental impacts.
- 2) The general permit would result in avoiding unnecessary duplication of regulatory control exercised by another Federal, state, or local agency provided it has been determined that the environmental consequences of the action are individually and cumulatively minimal. (See 33 CFR 325.2(e) and 33 CFR 330). 33 CFR 322.2(f) and 323.2(h).

Regional Permit – Regional permits are a type of general permit. They may be issued by a division or district engineer after compliance with the other procedures of the Section 404 permit regulations. If the public interest so requires, the issuing authority may condition the regional permit to require a case-by-case reporting and acknowledgment system. However, no separate applications or other authorization documents will be required. 33 CFR 325.2(e)(2) and 33 CFR 325.5(c)(1).

Nationwide Permit – Nationwide permits are a type of general permit and represent COE authorizations that have been issued by the regulation (33 CFR 330) for certain specified activities nationwide. If certain conditions are met, the specified activities can take place without the need for an individual or regional permit 33 CFR 325.2(e)(1).

*Sensitive Species* – Plant or animal species which are (1) federal listed or proposed threatened or endangered species; (2) bird species protected under the Migratory Bird Treaty Act; (3) species protected under State endangered species laws and regulations, plant protection laws and regulations, Fish and

Game codes, or species of special concern listings and policies, or (4) species recognized by national, state, or local environmental organizations (e.g., The Nature Conservancy).

*Significant Impacts* – Any number of social, environmental, or economic effects or influences that may result from the implementation of a transportation improvement; classified as direct, secondary, or cumulative which significantly affect the human environment. The FHWA mandates environmental documents based upon the significance of impacts. In most cases, Environmental Impact Statement projects involve significant impacts. Both context and intensity as described in 40 CFR 1508.27 are important when determining significance.

*Soil Conservation Service (SCS)* – (Federal; Department of Agriculture). The SCS was abolished pursuant to a 1994 act that reorganized the Department of Agriculture. Its functions were acquired by the newly established Natural Resources Conservation Service.

*Smart Growth* – Managing development and change to maximize positive benefits, minimize negative impacts, and maintain a strong community quality of life.

*Sole Source Aquifer* – As defined by the Federal Safe Drinking Water Act, a groundwater source that represents the principle source of a water supply for a community or region that, if contaminated, would create a significant hazard to public health.

*Solicitation of Views (SOV)* – Initial scoping activity carried out for many DOTD projects. A brief project description and vicinity map is sent via mail or email to governmental agencies, tribal governments, local officials and others requesting early identification of important issues.

*Stakeholder* – Any person, official, government, agency, organization, or other entity having an interest or a “stake” in the project.

*Statute of Limitation* – allotted time established by law for filing a lawsuit.

*Summary of Environmental Commitments* – Commitments made during the environmental evaluation and study process to moderate or lessen impacts from the proposed action. These measures may include planning and development commitments, design commitments, environmental measures, right-of-way commitments, and agreements with resource or other agencies to effect construction or post construction action.

## T

*Team Leader* – For the Stage 1 Environmental Process the Project Manager from the Office of Engineering (PMOE) will serve as the team leader even though the project may also have a Project Manager from the Project Development Division (PMDD). For Stages 3 and 4, the PMDD will serve as the team leader.

*Technical Advisory (TA)* – Typically refers to FHWA T6640.8A (Revised 1987) guidance for preparing and processing environmental and Section 4(f) documents.

*Title VI* – (42 USC 2000d) A Civil Rights Act provision which prohibits any person from being excluded from, denied the benefits of, or being discriminated against on the ground of race, color, or national origin, from any program or activity receiving federal financial assistance.

*Transportation Control Measure (TCM)* –Transportation Control Measure encompasses elements of both "transportation system management" (TSM) and "transportation demand management" (TDM). Transportation system management generally refers to the use of low capital-intensive transportation improvements to increase the efficiency of transportation facilities and services. These can include carpool and vanpool programs, parking management, traffic flow improvements, high occupancy vehicle lanes, and park-and-ride lots. Transportation demand management generally refers to policies, programs, and actions that are directed towards decreasing the use of single occupant vehicles. TDM also can include activities to encourage shifting or spreading peak travel periods. In practice, there is considerable overlap among these concepts and TCM, TSM and TDM are often used interchangeably.

*Transportation Equity Act for the 21st Century (TEA-21)* – (Public Law 105-178) authorized highway, highway safety, transit and other surface transportation programs for the 6-year period 1998-2003. TEA-21 built on the initiatives established in the Intermodal Surface Transportation Efficiency Act of 1991 (ISTEA). This Act combined the continuation and improvement of current programs with new initiatives to meet the challenges of improving safety, protecting and enhancing communities and the natural environment, and advancing America's economic growth and competitiveness domestically and internationally through efficient and flexible transportation.

*Transportation Improvement Program (TIP)* – A staged, multiyear, intermodal program of transportation projects which is consistent with the metropolitan transportation plan.

*Transportation Systems Management (TSM)* – an alternative that evaluates methods to make the existing system more efficient and is evaluated prior to new roadway construction alternatives

## U

*Uniform Relocation Assistance and Real Property Acquisition Act (42 USC 4601-4655)* – (Uniform Act) enacted by Congress to ensure people affected by federally-funded projects receive fair treatment when their real property is acquired or they are relocated.

## V

*Value Engineering (VE)* – A process involving the review of the project's features by the transportation agency and contractor to identify ways to improve quality, foster innovation, and control costs.

## W

*Waters of the U.S.* – Water bodies subject to U.S. Army Corps of Engineers jurisdiction. They include all interstate and intrastate waters such are lakes, streams (including intermittent streams) and wetlands.

*Well Head Protection Area* – The surface and subsurface area surrounding a water well, well field, spring or infiltration gallery supplying a public water system, through which contaminants are reasonably likely to move toward and reach the water well or well field.

*Wetlands* – Those areas that are inundated or saturated by surface or ground water at a frequency and duration sufficient to support, and that under normal circumstances do support, a prevalence of

vegetation typically adapted for life in saturated soil conditions. Wetlands typically include swamps, marshes, bogs, and similar areas 33 CFR 328.3(b); 40 CFR 230.3(t).

*Wetland Delineation* – Provides both written and illustrated data to define the boundaries of those topographic features within a study area which meet the federal definition of “wetland” as contained in 33 CFR 328.3(b). A delineation report represents the first step in the overall wetland study process, which evaluates the importance of a wetland, and ultimately assesses the effects of a project on a wetland. Currently wetlands are delineated in accordance with the 1987 *U.S. Army Corps of Engineers Wetland Delineation Manual*. The report may be included as a part of an Ecological Survey Report for the specific purpose of wetland delineation.

## 7.3 RESOURCE AGENCIES WEBSITES

### **Federal Resource Agencies (*web sites active as of 12/2021*)**

Advisory Council on Historical Preservation, ACHP, <http://www.achp.gov>

Bureau of Land Management, BLM, <http://www.blm.gov>

Council on Environmental Quality, CEQ, <http://www.whitehouse.gov/ceq>

Department of Homeland Security, DHS, <http://www.dhs.gov>

Environmental Protection Agency, EPA, <http://www.epa.gov>

Federal Aviation Administration, FAA, <http://www.faa.gov>

Obstruction Notices, FAA, <https://oeaaa.faa.gov/oeaaa/external/portal.jsp>

Federal Archives, <http://www.archives.gov>

Federal Emergency Management Agency, FEMA, <http://www.fema.gov>

Federal Highway Administration, FHWA, <https://highways.dot.gov>

Federal Transit Administration, FTA, <https://www.transit.dot.gov>

National Forest Service, USFS, <https://www.fs.usda.gov>

National Marine Fisheries Service, NMFS, <https://www.fisheries.noaa.gov>

National Park Service, NPS, <http://www.nps.gov>

Natural Resource Conservation Service, NRCS, <http://www.nrcs.usda.gov>

U.S. Access Board Access Board <http://www.access-board.gov>

U.S. Army Corps of Engineers, COE or USCOE, <http://www.usace.army.mil>

U.S. Coast Guard, USCG, <http://www.uscg.mil>

U.S. Coast Guard 8th District, USCG D8, <https://www.atlanticarea.uscg.mil/Our-Organization/District-8>

U.S. Department of Justice, USDOJ, <https://www.justice.gov/>

U.S. Fish and Wildlife Service, USFWS, <http://www.fws.gov>

**State Resource Agencies (web sites active as of 12/2021)**

Department of Agriculture & Forestry, LA DAF, <http://www.ldaf.state.la.us/>

Department of Culture, Recreation & Tourism, DCRT, <https://www.crt.state.la.us/>

Department of Culture, Recreation & Tourism, Division of Archaeology LA DCRT-DA,  
<https://www.crt.state.la.us/cultural-development/archaeology/>

Department of Culture, Recreation & Tourism, Division of Historic Preservation LA DCRT- DHP,  
<https://www.crt.state.la.us/cultural-development/historic-preservation/>

Department of Culture, Recreation & Tourism, Office of State Parks, LA DCRT-OSP,  
<https://www.lastateparks.com/>

Department of Environmental Quality, LA DEQ, <https://www.deq.louisiana.gov/>

Department of Natural Resources, LA DNR, <http://www.dnr.louisiana.gov/>

Department of Natural Resources, Coastal Management Division, LA DNR-CMD,  
<http://www.dnr.louisiana.gov/index.cfm/page/85>

Department of Natural Resources, Office of Conservation, LA DNR-OC,  
<http://www.dnr.louisiana.gov/index.cfm/page/46>

Department of Transportation & Development, DOTD, <http://wwwsp.dotd.la.gov/Pages/default.aspx>

Department of Wildlife & Fish, LA WL&F, <http://www.wlf.louisiana.gov>

Department of Wildlife & Fish, formerly called Natural Heritage Program, LA WL&F-NHP,  
<https://www.wlf.louisiana.gov/page/wildlife-diversity>

Louisiana State Legislature, <http://www.legis.la.gov/legis/home.aspx>

## 7.4 STATUTES, REGULATIONS, AND EXECUTIVE ORDERS

*Below is a list of the more common Statutory Authorities, Regulations, and Executive Orders encountered when processing highway and bridge projects. You can easily access these citations on the web. For the United States Code (USC), go to the Government Publishing Office <https://www.govinfo.gov/app/collection/uscode/>. For the Code of Federal Register (CFR), go to <https://www.ecfr.gov/>. For Louisiana's revised statutes (LRS), go to <http://www.legis.la.gov/legis/LawSearch.aspx>. For a more comprehensive list of laws, see FHWA's web site [https://www.fhwa.dot.gov/environment/env\\_sum.cfm](https://www.fhwa.dot.gov/environment/env_sum.cfm).*

A list of highway bills since 1990:

- Intermodal Surface Transportation Efficiency Act of 1991 (ISTEA), Public Law 102-240
- Transportation Equity Act for the 21<sup>st</sup> Century (TEA-21), enacted 1998, Public Law 105-178
- Safe, Accountable, Flexible, Efficient Transportation Equity Act: A Legacy for Users (SAFETEA-LU), enacted 2005, Public Law 109-59
- Moving Ahead for Progress in the 21st Century Act (MAP-21), enacted 2012, Public Law 112-141
- Fixing America's Surface Transportation (FAST) Act, enacted 2016, Public Law 114-94
- Infrastructure Investment and Jobs Act (IIJA), enacted 2021, Public Law 117-58

Federal Highway Statutes can be accessed in Title 23 of the U.S. Code, Chapter 1.

- Environmental: 23 USC 109 & 23 USC 139.

National Environmental Policy Act (NEPA): 42 USC 4321-4370m-12

- CEQ NEPA regulations: 40 CFR 1500-1508

U.S. Dept. of Transportation Act -Section 4(f): 49 USC 303 also see 23 USC 138

FHWA environmental regulations:

- NEPA: 23 CFR 771
- Noise: 23 CFR 772
- Section 4(f): 23 CFR 774
- Mitigation: 23 CFR 777

Land and Water Conservation Fund Act -Section 6(f): 16 USC 460L-4 - L-11

National Historic Preservation Act -Section 106: 54 USC 306108 (formerly 16 USC 470(f))

- Regulations 36 CFR 800

General Bridge Act of 1946: 33 USC 525

Rivers & Harbors Act, Section 10: 33 USC 403

Clean Water Act:

- Section 401, Water Quality Certification: 33 USC 1341
- Section 402, NPDES Permit: 33 USC 1342
- Section 404, Individual and Nationwide Permits: 33 USC 1344
  - Nationwide Permits: 33 CFR 330.1 -.6



- EPA guidelines (aka 404(b)(1) guidelines): 40 CFR 230

Clean Air Act: 42 USC 7401 et seq.

- General conformity requirements (40 CFR Part 93 subpart A) and
- Transportation conformity requirements (40 CFR Part 93 subpart B)

Coastal Zone Management: 16 USC 1451 et seq.

- Regulations: 15 CFR 923-930

Endangered Species Act: 16 USC 1531-1544

Migratory Bird Treaty Act: 16 USC 703-712

- Species list: 50 CFR 10.13

Wild and Scenic Rivers: 16 USC 1271-1287

Louisiana Scenic Rivers: 56 LRS 1847 & 1856

Farmland Protection Policy Act: 7 USC 4202

- Regulations 7 CFR 658

FAA Airport/Highway Clearance: Regulation 14 CFR 77.9

Civil Rights Act, Title VI: 42 USC 2000d et seq.

Americans with Disabilities Act: 42 USC 12101

***Executive Orders (EO)*** can be found on web by searching the *Compilation of Presidential Documents* on the website: <https://www.govinfo.gov/>

EO 11988 (Floodplain Management) as amended by EO 12148

EO 11990 (Protection of Wetlands)

EO 12898 (Environmental Justice)

## APPENDICES

Appendix A: Policies

Appendix B: Procedures for Determine Class of Action

Appendix C: SOV Examples

Appendix D: Public Involvement

## Appendix A — Policies

1. Environmental Policy
2. Context Sensitive Solutions
3. Complete Street

**LOUISIANA DEPARTMENT OF TRANSPORTATION  
AND DEVELOPMENT**

**ENVIRONMENTAL POLICY**

It is the mission of the Louisiana Department of Transportation and Development to ensure that our customers – those who live, work, and travel in Louisiana – have a safe, efficient, and environmentally sound transportation system.


It is our goal to provide an environmentally sound transportation network and protect, preserve, and enhance Louisiana's cultural and natural resources, many of which are unique to our State.


We will ensure that transportation and water resource projects are compatible with environmental concerns and considerations, and done in the spirit of cooperation with our public and private partners through information sharing and mutual involvement. We are committed to the meaningful involvement and fair treatment of all people.

It is our policy to evaluate environmental consequences, both to the natural and to the human environment (including impacts to the community), and promote compatible solutions in serving the transportation needs of Louisiana.


We are committed to balanced decisions by providing a holistic evaluation of departmental actions to provide our customers with a quality transportation system that is safe, cost-effective, environmentally sound and one of the best in the nation.


**APPROVED AND ADOPTED THIS 12<sup>th</sup> DAY OF MAY, 2000:**

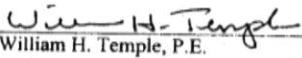
  
Kam K. Movassaghi, Ph.D., P.E.  
Secretary


  
Blaise M. Carriere, P.E.  
Deputy Secretary

  
John P. Basileca, Jr.  
Undersecretary for Management and  
Finance

  
Roderick E. Dillon, Jr., P.E.  
Chief Engineer

  
Curtis G. Patterson, P.E.  
Assistant Secretary for Public Works  
and Intermodal Transportation

  
William H. Temple, P.E.  
Assistant Secretary for Operations

  
Eric I. Kalivoda, Ph.D., P.E.  
Deputy Assistant Secretary for  
Planning and Programming

### **The Secretary's Policy for Achieving Context Sensitive Solutions**

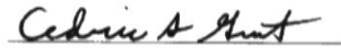
The Department is committed to partnering with communities to provide Context Sensitive Solutions (CSS) to transportation and public works projects. CSS is a collaborative approach to decision making whereby transportation solutions are developed that fit within the context of their surroundings. Context Sensitive Solutions can address a wide range of community needs such as cultural and historic preservation, community growth and sustainability, access, cohesion, aesthetics, safety, mobility, and cost effectiveness. Applying CSS principles is important, because it improves the quality of life for Louisiana citizens, enhances business recruitment, and improves DOTD's image and reputation, while building a great state for which we can all be proud.

It is the Department's policy to consider CSS for all of its transportation and public works projects, regardless of whether the projects are State or Federally funded. The Department recognizes that solutions will vary depending on the project's complexity and potential impacts to the surrounding community. This is a policy, not a standard. The intent is to deliver better projects for the community and the State as a whole.

CSS are developed from a collaborative, interdisciplinary approach to fitting projects into their surroundings and take into account community needs. To develop CSS, the Department must engage stakeholders early, and sometimes often, to discover their needs. Applying CSS does not mean that all the desires of the community and other stakeholders will be incorporated into a project. The Department must balance all needs with the project's purpose and need, as well as the project's budget. When applying CSS principles, the Department will strive to address and comply with the current American Association of State Highway and Transportation Officials (AASHTO) guidelines. The final decision, regarding the scope of a project, remains with the Department.

The Department will work with the local officials to find ways to implement CSS in every project. This may include asking local governments and metropolitan organizations for funding participation or suggesting alternative funding sources for specific project features desired by the community which are beyond the Department's normal project budget.

To assist in the consideration and implementation of CSS in all stages of project development, the Department will train project managers as well as other project development staff in CSS principles and effective public involvement techniques.



Johnny B. Bradberry  
Secretary, LADOTD



**Office of the Secretary**  
PO Box 94245 | Baton Rouge, LA 70804-9245  
ph: 225-379-1200 | fx: 225-379-1851

**John Bel Edwards, Governor**  
**Shawn D. Wilson, Ph.D., Secretary**

Louisiana Department of Transportation and Development  
Complete Streets Policy  
Revised

The intent of this policy is to create a comprehensive, integrated, connected transportation network for Louisiana that balances access, mobility and safety needs of motorists, transit users, bicyclists, and pedestrians of all ages and abilities, which includes users of wheelchairs and mobility aids. It ensures a fully integrated transportation system, by planning, funding, designing, constructing, managing, and maintaining a complete and multi-modal network that achieves and sustains mobility, while safely accommodating pedestrians, bicyclists, and transit users.

The Louisiana Department of Transportation and Development (DOTD) will provide the leadership to implement this policy on all transportation projects that involve federal or state funding or approval. DOTD recognizes the need for interdisciplinary coordination to effectively develop, operate, and maintain bicycle and pedestrian networks. DOTD will work with Metropolitan Planning Organizations (MPOs), transit agencies, parishes, municipalities and other stakeholders to do the same. This includes early coordination to identify whether a reconstruction or new construction project will impact a route identified on a local Complete Street plan as defined in the Complete Streets EDSM. DOTD will offer internal and external training opportunities and other resource tools in the following areas: engineering, education, planning, and evaluation. Maintenance for sidewalks and bicycle facilities outside the limits of the curb, shoulder, or barrier will be the responsibility of the local jurisdiction. Maintenance agreements will be required as a provision of the entire project.

Provisions for all users will be integrated into the project development process for the entirety of all projects through design features, using Context Sensitive Solutions (CSS).

- On all new and reconstruction roadway projects that serve adjacent areas with existing or reasonably foreseeable future development or transit service, DOTD should plan, fund, and design sidewalks and other pedestrian facilities. The appropriate facility type will be determined by the context of the roadway with local government involvement.
- On all new and reconstruction roadway projects, DOTD should provide bicycle accommodations appropriate to the context of the roadway. The provision of a paved shoulder of sufficient width, bicycle lane, a shared use path, or a marked shared lane may also suffice, depending on context with local government involvement.

All projects shall consider the impact that improvements will have on safety for all users and make all reasonable attempts to mitigate negative impacts on non-motorized modes. Restricting non-motorized access should not be considered as an appropriate strategy with the exception of those limited access facilities where pedestrians and bicyclists are prohibited. DOTD will strive to ensure projects do not become barriers to pedestrians, bicyclists, and transit users by providing appropriate safe crossings, providing corridor continuity, and ensuring transportation projects comply with the current accessibility guidelines.

There are conditions where it is generally inappropriate to provide bicycle and pedestrian facilities. These instances include:

Louisiana Department of Transportation & Development | 1201 Capitol Access Road | Baton Rouge, LA 70802 | 225-379-1200  
An Equal Opportunity Employer | A Drug-Free Workplace | Agency of Louisiana.gov | [dotd.la.gov](http://dotd.la.gov)


1. Facilities, such as Interstates, where bicyclists and pedestrians are prohibited by law from using the roadway. In this instance, a greater effort may be necessary to accommodate bicyclists and pedestrians elsewhere within the same transportation corridor.
2. The cost of providing bicycle and pedestrian facilities would be excessively disproportionate to the need or probable use. Excessively disproportionate will be defined in the Complete Streets EDSM.
3. Other factors where there is a demonstrated absence of need or prudence. For example, in rural areas or undeveloped areas where future development is not anticipated, sidewalks and designated bikeways will generally not be provided.
4. On projects that are preservation/operations/rehabilitation/replacement only, DOTD will only consider improvements that do not require right-of-way acquisition, utility relocation, relocating or enclosing roadside drainage or major construction to provide bicycle, pedestrian or transit accommodations. These improvements may include narrowing lanes, restriping, road reconfiguration and other means of providing improved bicycle and pedestrian access according to the local complete street plan. When an identified need or candidate requires right-of-way acquisition, utility relocation, or major construction, DOTD will work with local government to identify funding for the identified need as a separate project.

Exceptions for not accommodating bicyclists, pedestrians and transit users in accordance with this policy will require the approval of the DOTD Chief Engineer.

When an MPO or local jurisdiction is not in agreement with DOTD's accommodation for bicyclists or pedestrians, they can introduce a formal appeal by means of a resolution adopted by the local governing body or board. The resolution must be submitted to the Chief Engineer for review and consideration prior to the final design approval.

Facilities will be designed and constructed in accordance with current applicable laws and regulations, using best practices and guidance from the following, but not limited to: DOTD guidelines and manuals, American Association of State Highway and Transportation Officials (AASHTO) publications, the Manual on Uniform Traffic Control Devices (MUTCD), and the Public Rights-of-Ways Accessibility Guidelines (PROWAG).

DOTD recognizes that a well-planned and designed transportation system that is responsive to its context and meets the needs of its users is the result of thoughtful planning and engineering. DOTD further recognizes the need to provide a framework for evaluation and a targeted strategy for the implementation steps identified. To this end, DOTD will work with a diverse group of stakeholders, including transportation professionals, local governing agencies, advocates, and others, as appropriate, to continue to support and steer the implementation efforts both internal and external to DOTD.

  
\_\_\_\_\_  
Shawn D. Wilson, Ph.D.  
Secretary  
Department of Transportation and Development  
State of Louisiana

Date: 4/19/16



## Appendix B — Procedures for Determine Class of Action

*Procedures*  
*for*  
*Determining NEPA Class of Action*



*November 2021*

## Table of Contents

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### Procedures for Determining Class of Action for NEPA

1. Request regarding type of document received by DOTD Section 28
  - a. Program Manager or Project Manager sends Section 28 project information with request to process environmentally.
  - b. Planning, Administration, Design, Project Management, etc. asks about a project that they are working on or that is coming down the pipeline
2. Environmental Section reviews the request
  - a. The project is assigned to Section 28 staff in TEAM, and supervisor assume a project class of action in TEAM data entry based on scope of work and apparent project area.
  - b. Staff review the project information that they were given and contacts design sections, district, or project manager as appropriate if additional information is needed regarding the scope of work to complete the initial review.
3. Determination made, PCE/CE
  - a. For PCEs, staff ensure that the conditions of the PA are met then corrects project class of action in TEAM (Document Type in TEAM) as necessary.
  - b. For CEs, staff ensure that the project fits the CE definition and examples in regulations and corrects project class of action in TEAM as necessary
    - i. Staff prepares CE documentation for submittal to FHWA.
  - c. For projects that might be a CE but have not been traditionally processed as a CE, staff will write a letter to FHWA providing justification and requesting that the project be processed as a documented CE.
    - i. Upon FHWA's concurrence with a CE class of action, staff will prepare the documentation necessary to submit to FHWA for approval
    - ii. If FHWA does not concur with CE class of action, staff will inform project team.
    - iii. Staff will correct project class of action in TEAM as necessary
4. Determination made, EA/EIS (*See the attached Process outline for more details*)
  - a. FHWA consulted informally regarding their opinion as to the type of action early in project development
  - b. FHWA is consulted formally in writing as to the class of action after initial screening and prior to beginning NEPA process

## EA and EIS Processes

I. DOTD will make an initial "informal" inquiry of FHWA regarding the class of action early in project development when DOTD believes the project to be an EA or EIS.

- A. May be accomplished via email, phone, or in-person or virtual meetings.
  - a) *Staff will provide basic information to FHWA and reasons EA or EIS is appropriate*
  - b) *Staff will document the inquiry and informal response either in email, meeting notes, or memorandum to the file.*
    - a) DOTD project team will rely on FHWA's informal determination when developing overall plan of action for a project which may include a decision regarding whether work should be performed in house or by consultant. If by consultant, the staff will develop a scope of work based on the informal determination.
    - b) Staff will use the status of NI or ASN in TEAM.

B. DOTD may study feasibility and screen potential alternatives using a number of factors including, but not limited to, project objectives, environmental constraints, design criteria, agency coordination and public involvement. This work may be performed by in-house staff or by consultant. DOTD typically uses consultants when preparing an EIS.

- a) *For major projects, DOTD may employ the "Planning & Environmental Linkage" (PEL) process to screen potential alternatives.*
- b) *Early involvement of permit agencies may occur during feasibility and screening and pre-application meetings may be applicable.*

II. When ready to move forward with project development, DOTD will make a "formal" inquiry of FHWA regarding the class of action.

- A. In-house EA projects:
  - a) *After the initial screening of alternatives, DOTD makes "formal" inquiry of FHWA by sending an initiation letter (IL).*
    - a) Staff will prepare initiation letter and copy Program Manager and Project Manager.
    - b) Initiation letter will include a general description of project including length and location, a brief statement of purpose and need, the proposed termini, the proposed class of action of EA, a list of anticipated federal approvals/permits, and any other relevant information that support the request to begin NEPA. A vicinity map showing the location of the project should also be attached to the letter.
    - c) Staff will change status in TEAM to IL for submittal of initiation letter.
  - b) *Within 45 days FHWA responds in writing via email or letter.*

- a) CONCUR: If FHWA agrees with class of action and logical termini, staff will change status in TEAM to LTA, for logical termini approved. The NEPA start date will be the date of approval.
- b) CONCUR WITH COMMENTS: If FHWA agrees with determination, but not with logical termini or has comments, staff will address comments and resubmit the request for logical termini. NEPA does not start until comments are addressed and logical termini are approved.
- c) NOT CONCUR: If FHWA does not agree with class of action, a meeting is needed with project team and FHWA to discuss issues.

B. Consultant EA projects:

a) *After the consultant's Notice to Proceed (NTP) and after the initial screening of alternatives, DOTD makes a "formal" inquiry of FHWA by sending an initiation letter.*

- a) Staff will prepare initiation letter and copy the consultant, Program Manager and Project Manager.
- b) Initiation letter should include a general description of project including length and location, a brief statement of purpose and need, the proposed termini, the proposed class of action of EA, a list of anticipated federal approvals/permits, and any other relevant information that support the request to begin NEPA. A vicinity map showing the location of the project should also be attached to the letter.
- c) Staff will change status in TEAM to IL for submittal of initiation letter.

b) *Within 45 days FHWA responds in writing via email or letter.*

- a) CONCUR: If FHWA agrees with class of action and logical termini, staff will change status in TEAM to LTA, for logical termini approved, and notify the consultant. The NEPA start date will be the date of approval.
- b) CONCUR WITH COMMENTS: If FHWA agrees with determination but not with logical termini or has comments, staff will address comments and resubmit request for logical termini with FHWA. NEPA does not start until comments are addressed and logical termini are approved.
  - (i) If consultant's scope does not change due to change in logical termini, staff will submit a request for approval of revised logical termini to FHWA. Upon approval, staff will notify project team and the NEPA start date will be the date of approval of the revised termini.

(ii) If consultant's scope changes due to change in logical termini, staff will work with the Project Manager and consultant to revise scope and supplement contract. Once the contract is supplemented, staff will submit request for approval of revised logical termini to FHWA. Upon approval, staff will notify project team and the NEPA start date will be the date of approval of the revised termini

c) NOT CONCUR: If FHWA does not agree with class of action, a meeting is needed with project team and FHWA to discuss. (This scenario should be rare since FHWA was informally consulted.) Staff will advise Project Manager and determine if consultant should be put on hold until the issues are resolved.

C. Consultant EIS project

a) *After initial screening of alternative, staff will "informally" discuss with FHWA the appropriate process (23 USC 139 or 23 CFR 771.)*

a) Staff will work with the consultant and FHWA to prepare a general work plan which will identify potential participating agencies, layout an initial schedule of tasks, and identify expectations and roles

b) If applicable, FHWA will consult with other co-lead agencies regarding process.

b) *After the initial screening of alternatives and after the lead Federal agencies agree on process, DOTD makes a "formal" inquiry of FHWA by sending an initiation letter.*

a) Staff will prepare initiation letter and copy the consultant, Program Manager and Project Manager.

b) Initiation letter will include a general description of project including length and location, a brief statement of purpose and need, the termini for the study, the class of action of EIS, a list of anticipated federal approvals/permits, and other relevant information as discussed during earlier informal discussions. A vicinity map showing the location of the project should also be attached to the letter.

c) Staff will change status in TEAM to IL for submittal of initiation letter.

c) *Within 45 days FHWA responds in writing via email or letter.*

a) CONCUR: After receipt of letter from FHWA agreeing to the EIS determination and the process, DOTD will request that the consultant draft a Notice of Intent (NOI) for FHWA to publish in the Federal Register. The publication date of the NOI is the start date for EIS.

b) CONCUR WITH COMMENTS: If FHWA agrees with determination but with comments or concerns with process, staff will discuss the issues with FHWA.

(i) If the consultant's scope does not change after discussions with FHWA, staff will work with the consultant and FHWA to address the issues and revise the general work plan, if necessary. After the issues are addressed, DOTD will request that the consultant draft a NOI for FHWA to publish in the Federal Register. The publication date of the NOI is the start date for EIS.

(ii) If the consultant's scope needs to change after discussions with FHWA, staff will work with the Project Manager to supplement the consultant's contract while staff works with the consultant and FHWA to address the concerns. After the consultant's contract has been supplemented and the issues addressed, DOTD will request that the consultant draft a NOI for FHWA to publish in the Federal Register. The publication date of the NOI is the start date for EIS.

c) NOT CONCUR: If FHWA does not agree with class of action or the process, a meeting is needed with project team and FHWA to discuss. (This scenario should be rare since FHWA was informally consulted.) Staff will advise Project Manager and determine if consultant should be put on hold until the issues resolved.



### **Combined Glossary and Acronyms**

**Class of Action:** The category for which a proposed federal action fits in accordance with the regulations promulgated pursuant to the National Environmental Policy Act (42 U.S.C. 4321-4347). There are three classes of action: Categorical Exclusion, Environmental Assessment, and Environmental Impact Statement (40 C.F.R. 1500-1508).

**CE:** Categorical Exclusions, the Class of Action that does not significantly impact the natural or human environments.

**DOTD:** Department of Transportation and Development, a State of Louisiana agency.

**EA:** Environmental Assessment, the Class of Action wherein the impact is uncertain. An assessment is done to determine whether the action will have a significant impact on the environment requiring an Environmental Impact Statement.

**EIS:** Environmental Impact Statement, the class of action that applies when a proposed Federal action would have a significant impact on the natural or human environments.

**FHWA:** Federal Highway Administration, a United States Department of Transportation agency.

**IL:** Initiation Letter, letter sent to FHWA to initiate the NEPA process.

**NEPA:** National Environmental Policy Act, as amended (42 U.S.C. 4321-4347). This law requires Federal agencies to consider the effects of their actions on the natural and human environments prior to taking the action.

**NOI:** Notice of Intent. The notice published in the Federal Register by the Federal agency providing notice of their intention to prepare an Environmental Impact Statement.

**NTP:** Notice to Proceed, notice sent to the consultant hired to perform a task letting the consultant know that the work pursuant to the consultant's contract can begin.

**PCE:** Programmatic Categorical Exclusion is a type of Categorical Exclusion. Projects that fall within the terms and conditions specified in the programmatic agreement between FHWA and DOTD are classified as PCEs. DOTD determines whether a project can be classified as a PCE, in accordance with the agreement.

**PEL:** Planning and Environmental Linkage. An early analysis performed during planning prior to starting the NEPA analysis. During a PEL analysis, the preliminary purpose and need statement is developed; potential stakeholders are identified; initial coordination is conducted with agencies, local governments and others; potential alternatives are screened operationally and environmentally to determine feasibility; and the evaluation is documented for future reference.

**PM:** Project Manager, the DOTD staff responsible for project delivery.

**Program Manager:** DOTD staff responsible for a program area such as safety, capacity, operations, etc. Program managers are responsible for programming projects in the current and future fiscal years in accordance with their respective funding allocations.

**Section 28:** The Section designation for the Environmental Section within DOTD.

**TEAM:** The database that DOTD's Environmental staff use to track project information and statuses.

The TEAM database uses abbreviations for statuses. The following are abbreviations used in this document:

**ASN =>** Assigned (project has been assigned to staff within the Environmental Section of DOTD)

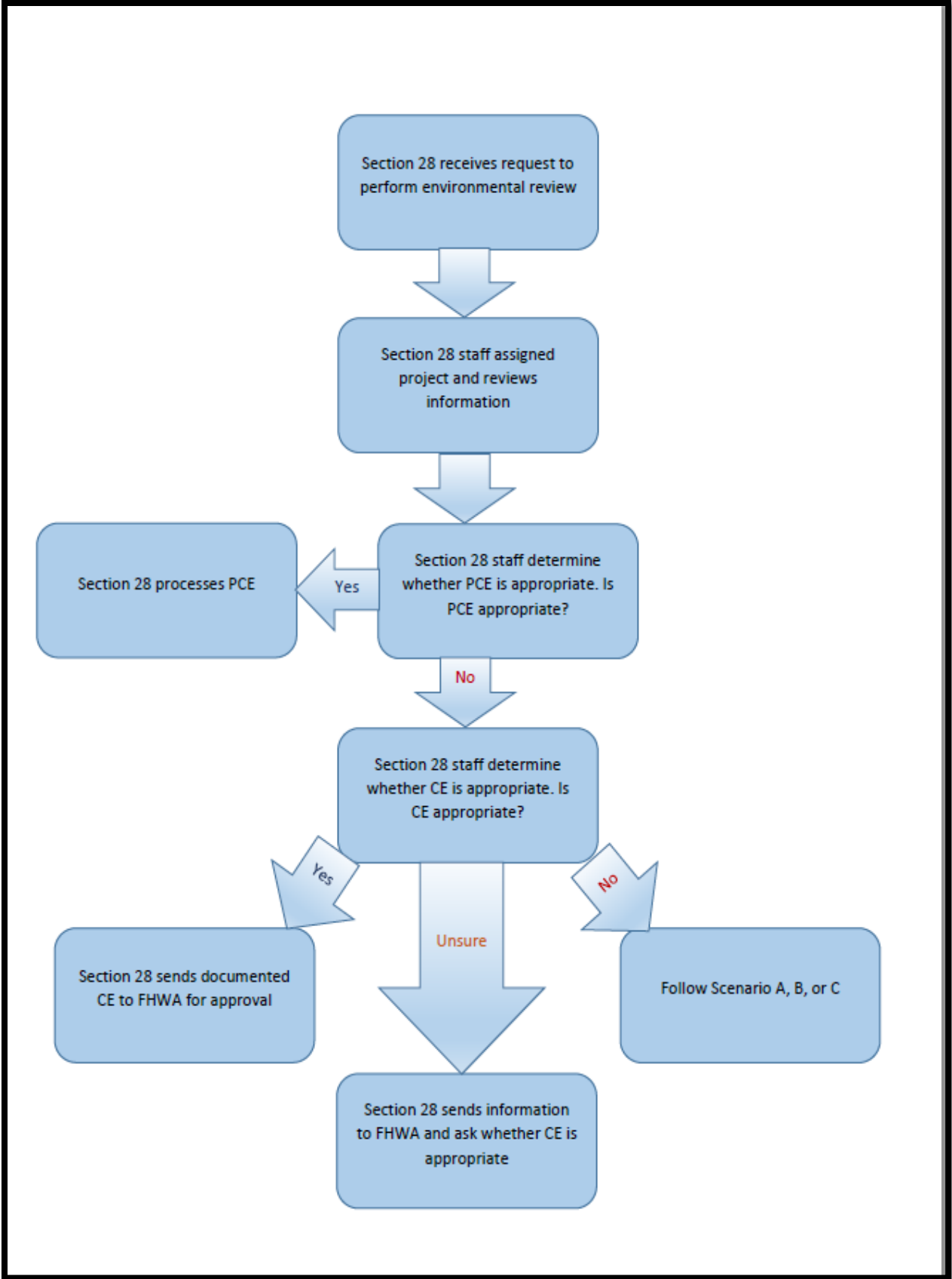
**LTA =>** Logical Termini Approved (FHWA has approved the beginning and end points, referred to as logical termini, for the NEPA study).

**NA =>** Not applicable (project is assigned and atypical with regard to processing. This is usually used when the project is not yet a project or is something that is being tracked for other reasons.)

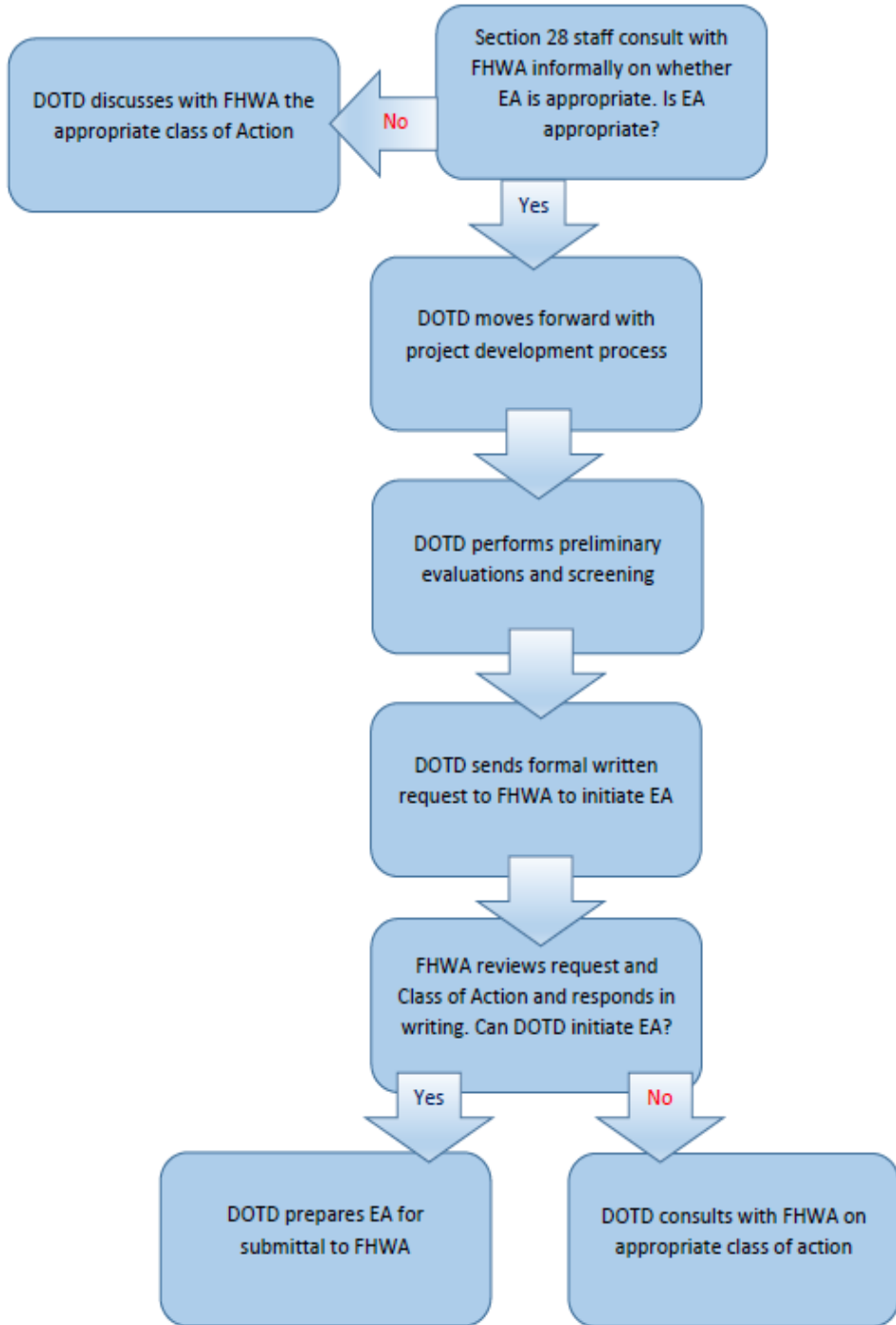
**NI =>** No information or Need information (project is assigned but staff does not have information or has very little information and cannot begin NEPA evaluation yet)

## Attachments

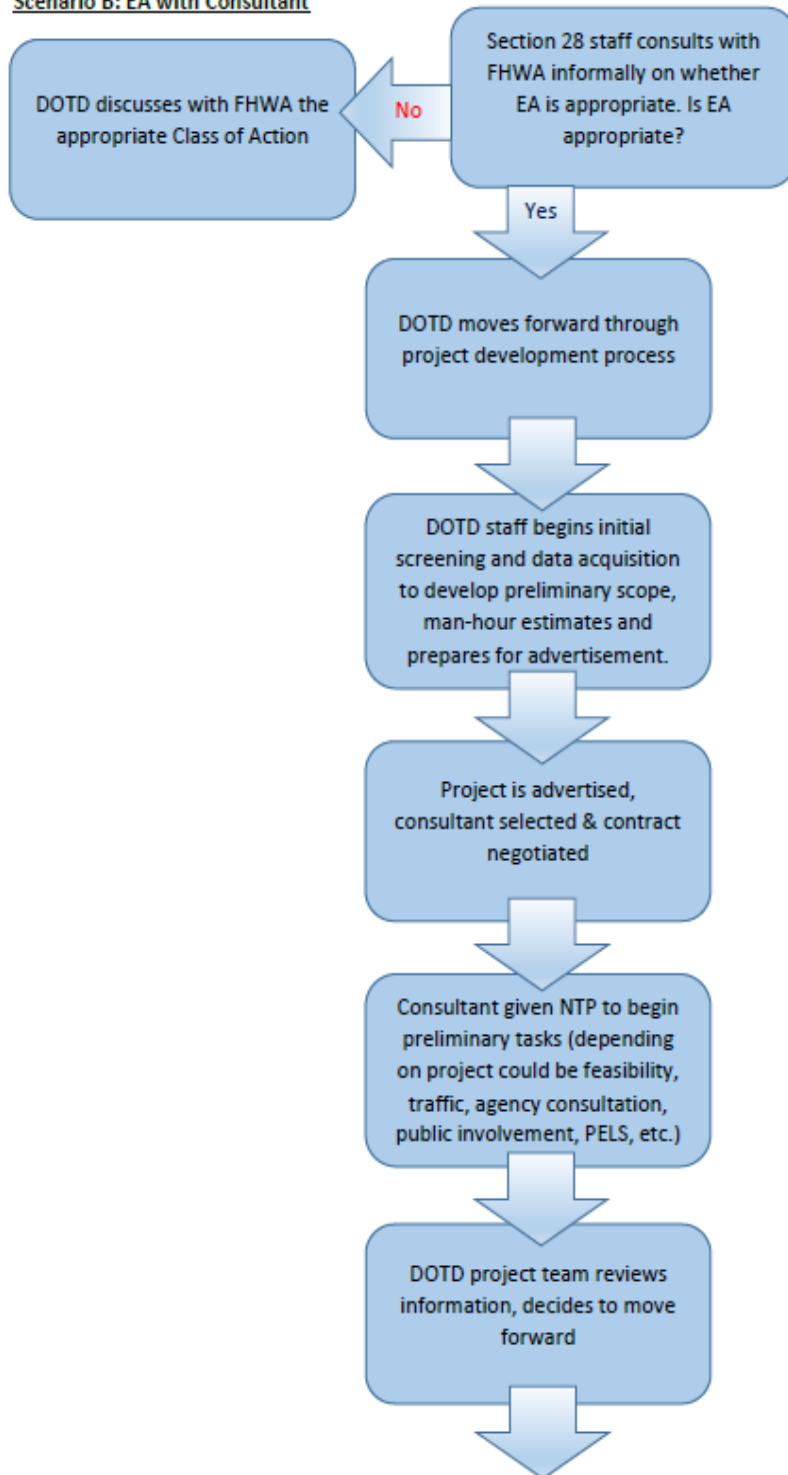
1. Flowcharts
2. Sample Letters



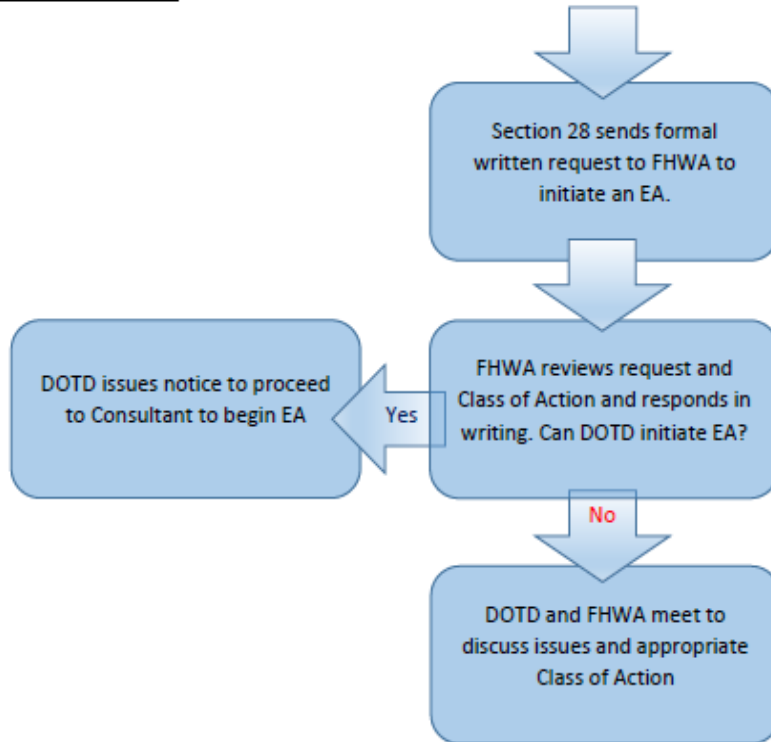
Scenario A. EA in-house



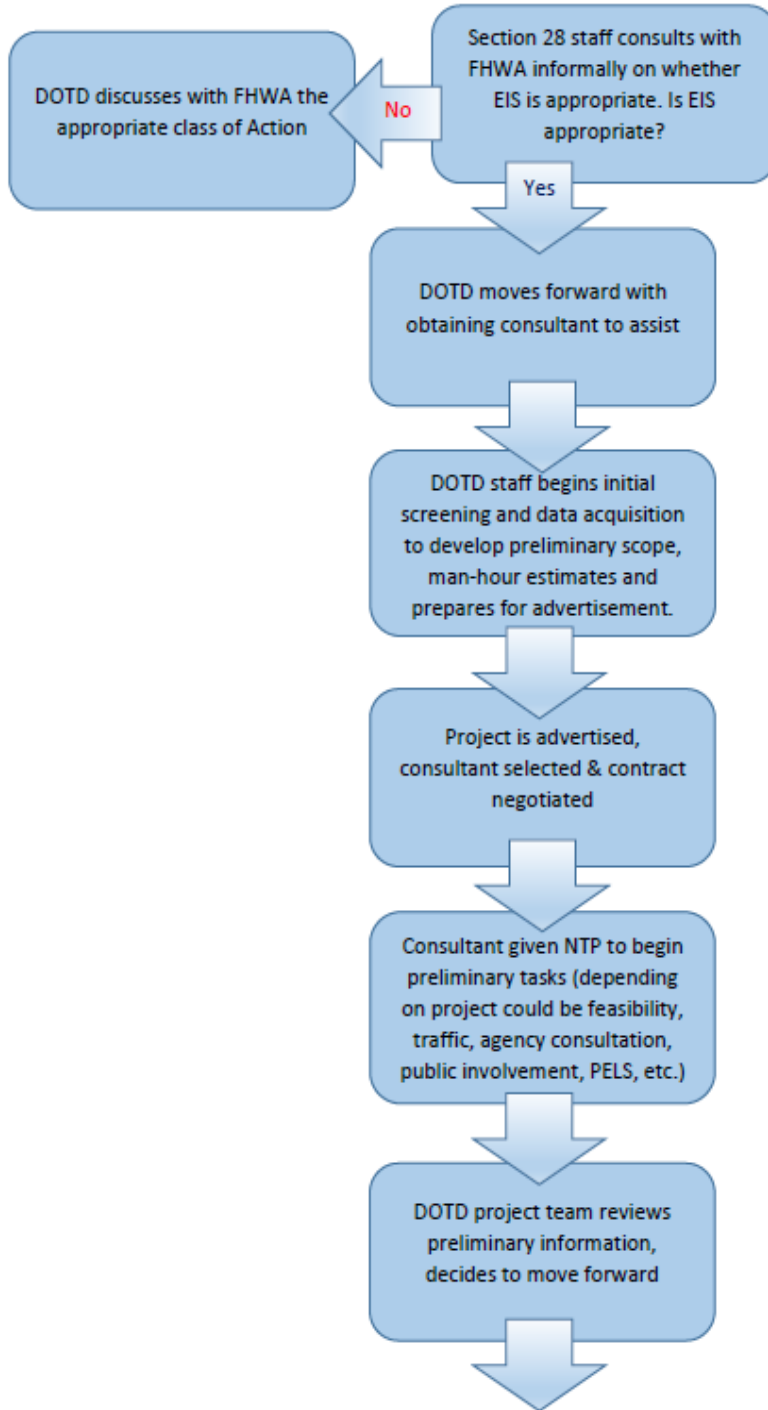
**Scenario B: EA with Consultant**



Scenario B: Continued

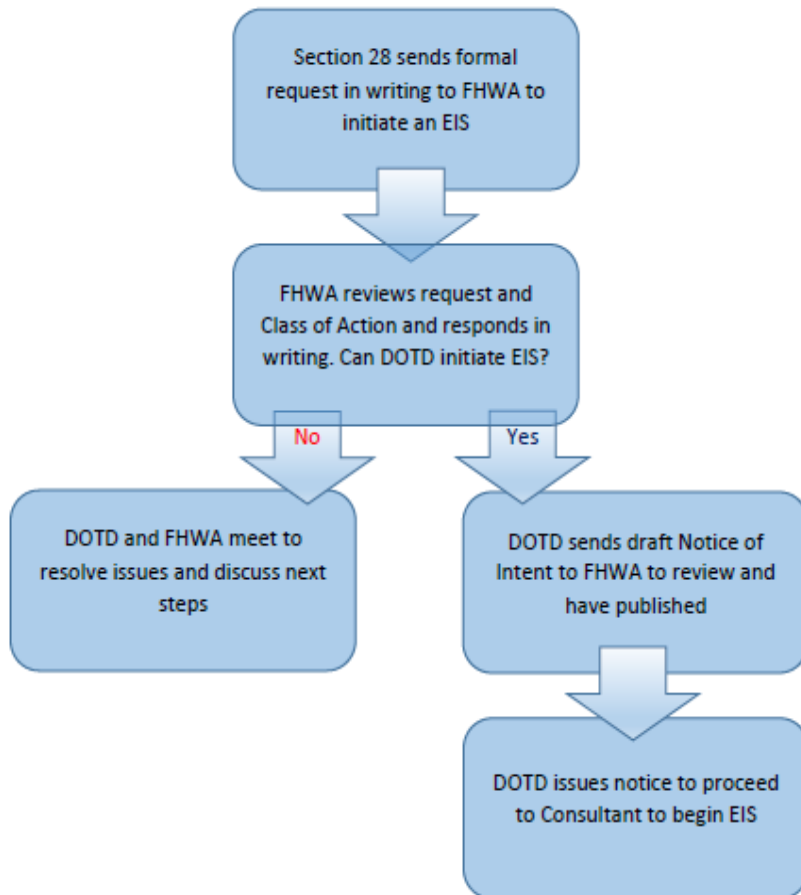


**Scenario C: EIS with Consultant**





Scenario C: Continued





Environmental Section  
PO Box 94245 | Baton Rouge, LA 70804-9245  
ph: 225-242-4502 fx: 225-242-4500

John Bel Edwards, Governor  
Shawn D. Wilson, Ph.D., Secretary  
Christopher P. Knotts, P.E., Chief Engineer

October 29, 2021

Project No. H.xxxxxx  
Federal No. Hxxxxxx  
Project Name  
Route: xxxxx  
xxxxx Parish

---

Mr. Charles Bolinger, Division Administrator  
Federal Highway Administration  
5304 Flanders Drive, Suite A  
Baton Rouge, LA 70808

Re: Project Initiation

Dear Mr. Bolinger,

The Louisiana Department of Transportation and Development (DOTD) plans to initiate the environmental review process for the captioned project. The proposed project includes [brief description of the project]. DOTD respectfully requests that FHWA participate in the process as the lead Federal agency. The Department plans to use [describe federal funding, if you know what it will be] during project development [if you know what phase federal funds will be used then describe].

The Stage 0 study evaluated [briefly describe stage 0 evaluation/results]. A project location map is attached. The primary purpose and need for the project is [brief statement, obtain from stage 0 study].

[Describe the major environmental issues or features of project.] In consideration of the above mentioned issues, DOTD recommends that an Environmental Assessment (EA) be prepared. We are herein requesting FHWA's concurrence on the appropriate NEPA Class of Action for the captioned project.

The EA will begin [upon FHWA's concurrence of the EA Class of Action or {situation dependent so be sure state correct start}]. [Discussions between the [list other lead federal agencies, if any, and if applicable] and FHWA would be required to discuss lead agency roles.] We

Type Project Number Here  
Date Goes Here  
Page 2

anticipate requesting that [list cooperating agencies] be a cooperating agency. Potential participating agencies include other federal and local non-federal agencies.

Please contact me at 225-242-xxxx or by email at xxx.xxx@la.gov for additional information.

Sincerely,

Noel Ardoin  
Environmental Engineer Administrator

Manger Name  
Manager Title

Enclosures: Project Location Map [may include stage 0 report or link]

pc: Project Manager  
Program Manager  
District Administrator  
Others, as appropriate depending on project  
Project File



Environmental Section  
PO Box 94245 | Baton Rouge, LA 70804-9245  
ph: 225-242-4502 fx: 225-242-4500

John Bel Edwards, Governor  
Shawn D. Wilson, Ph.D., Secretary  
Christopher P. Knotts, P.E., Chief Engineer

October 29, 2021

Project No. H. xxxxxx  
Federal No. H xxxxxx  
Project Name  
Route: xxxxx  
xxxxx Parish

---

Mr. Charles Bolinger, Division Administrator  
Federal Highway Administration  
5304 Flanders Drive, Suite A  
Baton Rouge, LA 70808

Re: Request lead Federal agency & Class of Action, EIS

Dear Mr. Bolinger,

The Louisiana Department of Transportation and Development (DOTD) plans to initiate the environmental review process for the captioned project. The proposed project includes [brief description of the project]. A project location map is attached. DOTD respectfully requests that FHWA participate in the process as the lead Federal agency. The Department plans to use [describe federal funding, if you know what it will be] during project development [if you know what phase federal funds will be used then describe].

The Stage 0/PEL study was prepared and is attached for your reference (or state where on web or use link). This study explains the preliminary purpose and need for the project and outlines the preliminary range of alternatives. The study discusses the potential significant issues, the anticipated level of analyses needed for further study, possible mitigation strategies, and identifies anticipated permits. As a result of this initial study, we anticipate requesting that [list cooperating agencies] be a cooperating agency. Potential participating agencies include other federal and local non-federal agencies. Also for your review, please find attached the draft coordination plan with proposed schedule and the draft public involvement plan {or similar docs}.

In consideration of the above mentioned information, DOTD recommends that an Environmental Impact Statement (EIS) be prepared. DOTD is herein requesting FHWA's concurrence on the appropriate NEPA Class of Action. Should FHWA concur with an EIS, DOTD

Type Project Number Here  
Date Goes Here  
Page 2

respectfully requests that FHWA participate in an interagency meeting with the potential cooperating agencies and DOTD to discuss the various agencies' requirements, draft coordination plan, and schedule prior to the start of the EIS.

Please contact me at 225-242-xxxx or by email at xxx.xxx@la.gov for additional information.

Sincerely,

Noel Ardoin  
Environmental Engineer Administrator

Manger Name  
Manager Title

Enclosures:

- Project Location Map
- Stage 0/PEL study or link
- Draft Coordination Plan with draft Schedule
- Draft Public Involvement plan

pc: Project Manager  
Program Manager  
District Administrator  
Others, as appropriate depending on project  
Project File

## Appendix C — SOV Example

1. SOV Example CE
2. SOV Example EA



**Environmental Section**

PO Box 94245 | Baton Rouge, LA 70804-9245  
Phone: (225) 242-4502 FAX: (225) 242-4500

**Bobby Jindal**, Governor  
**Sherri H. LeBas**, P.E., Secretary

March 11, 2015

**STATE PROJECT NO: H.011030**  
**FEDERAL AID PROJECT NO: H011030**  
**NAME: LA 59: ROUNDABOUT AT LONESOME ROAD**  
**ROUTE: LA 59**  
**PARISH: ST. TAMMANY**

SUBJECT: Solicitation of Views

Early in the planning stages of a transportation facility, views from federal, state, and local agencies, organizations, and individuals are solicited. The special expertise of these groups can assist Louisiana Department of Transportation and Development (LADOTD) with the early identification of possible adverse economic, social, or environmental effects or concerns. Your assistance in this regard will be appreciated.

As we are in the beginning stages of the NEPA process, very limited data concerning the proposed project exists. We have, however, attached a map showing the general location of the project, along with a preliminary project description.

We requested that you review the attached information and furnish us with your views and comments by **April 9, 2015**. Replies should be addressed to LADOTD; Environmental Engineer Administrator; P.O. Box 94245; Baton Rouge, Louisiana 70804-9245. Please reference the captioned project in your reply.

Sincerely,

*for* Noel Ardoin  
Environmental Engineer Administrator

Attachments

NA/its

cc: Project Manager  
District 02 Administrator  
District 02 Traffic Operations Engineer

## **PRELIMINARY PROJECT DESCRIPTION**

**STATE PROJECT NO. H.011030  
FEDERAL AID PROJECT NO.H011030  
LA 59: ROUNDABOUT AT LONESOME RD  
LA 59  
ST. TAMMANY PARISH**

**Page 1 of 3**

The Louisiana Department of Transportation and Development (LADOTD) proposes to construct a single lane roundabout at the intersection of Louisiana State Highway 59 (LA 59), Lonesome Road, and East Road approximately 1.95 miles south of Interstate 12 and north of Mandeville in St. Tammany Parish using federal funding (See Figure 1). The project area is located in Township 7 South, Range 11 East, Section 36, or approximate Latitude 30.3897, Longitude -90.0469 DD. Overall project length is approximately 0.350 miles.

The proposed project will consist of replacing the existing signalized intersection with a single-lane roundabout. The total diameter of the roundabout will be approximately 158 feet, which includes a 76-foot diameter center island, a 13-foot traversable apron, 16-foot roadway lanes, 1.5-foot curb, 6-foot shoulder, and gutters on each side of the roadway. Raised island medians would be constructed at the approaches to the roundabout to lead traffic into the correct direction around the center island. The project will require grading, grubbing, removing existing pavement, installing Portland concrete curbs and gutters, applying asphaltic concrete pavement overlay, widening the approach roads at the roundabout, replacing concrete driveways, installing drainage structures, and installing new striping and signage. Construction will be phased to avoid road closures to the greatest extent practicable. When temporary closures are required, detours will be clearly marked by signage.

Average Daily Traffic values for LA 59 are 15,271 vehicles per day for 2014 and will be 22,692 vehicles per day for 2034. LADOTD anticipates that approximately 0.317 acre of right-of-way will be required for this project (See Figure 2). LADOTD conducted a Phase I Cultural Resources Survey and a “No Historic Properties” finding is anticipated. Wetlands impacts are anticipated.

It is anticipated that this project would be environmentally processed with a Categorical Exclusion.



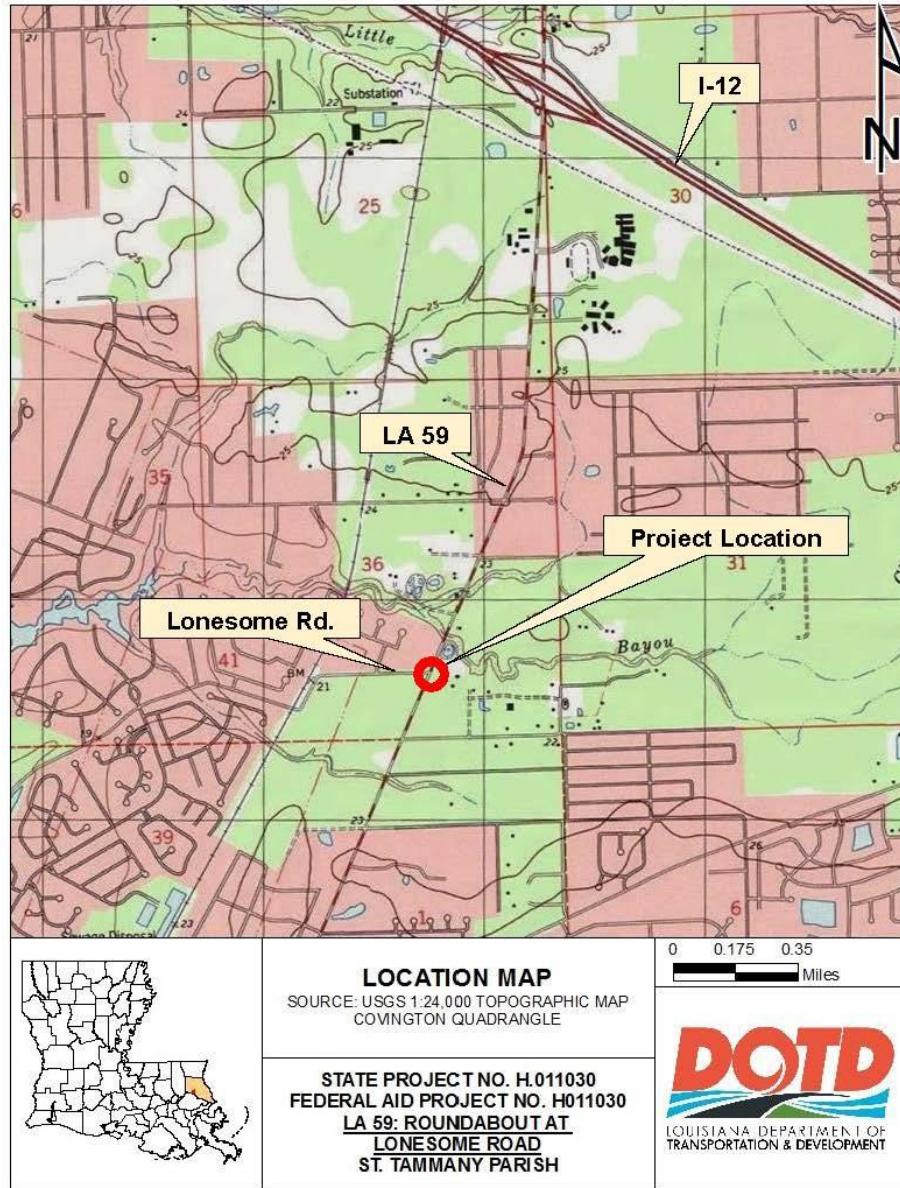


Figure 1: Topographic location map of proposed project.

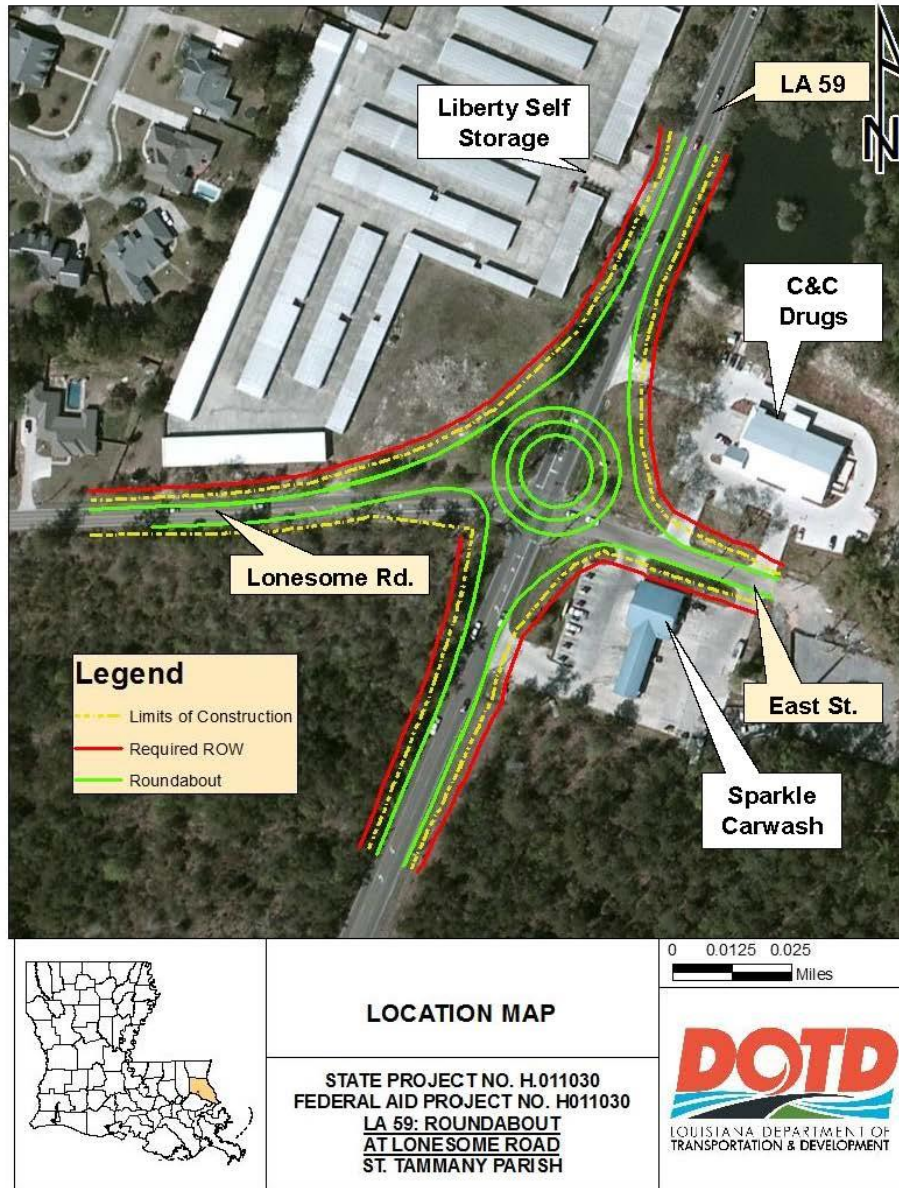


Figure 2: Aerial location map of proposed roundabout.



BOBBY JINDAL  
GOVERNOR

STATE OF LOUISIANA  
DEPARTMENT OF TRANSPORTATION AND DEVELOPMENT

P.O. Box 94245  
Baton Rouge, Louisiana 70804-9245  
www.dotd.la.gov  
225.242.4502



SHERRI H. LEBAS, P.E.  
SECRETARY

January 17, 2013

**STATE PROJECT NO. H.004634**  
**FEDERAL AID PROJECT NO. H004634**  
**JUBAN ROAD WIDENING (I-12 TO US 190)**  
**LA 1026**  
**LIVINGSTON PARISH**

**TO: Solicitation of Views Mailing List**

**SUBJECT: SOLICITATION OF VIEWS**

Early in the planning stages of a transportation facility, views from federal, state, and local agencies, organizations, and individuals are solicited. The special expertise of these groups can assist DOTD with the early identification of possible adverse economic, social, or environmental effects or concerns. Your assistance in this regard will be appreciated.

Due to the earliness of this request for your views, very limited data concerning the proposed project exists. We have, however, attached a map showing the general location of the proposed project, along with a preliminary project description.

It is requested that you review the attached information and furnish us with your views and comments by **February 22, 2013**. Replies should be addressed to LA DOTD; Environmental Engineer Administrator; P.O. Box 94245; Baton Rouge, Louisiana 70804-9245. Please reference the State Project Number in your reply.

If you have any questions or require additional information, please contact Cyndi Bowman at 225.242.4510.

Sincerely,

*for* Noel Ardoin  
Environmental Engineer Administrator

*cc* Attachments  
NA/clb  
cc: District Administrator  
District Traffic Operations Engineer

AN EQUAL OPPORTUNITY EMPLOYER  
A DRUG-FREE WORKPLACE  
02 53 2010

**PRELIMINARY PROJECT DESCRIPTION**

**STATE PROJECT NO. H.004634  
FEDERAL AID PROJECT NO. H004634  
JUBAN ROAD WIDENING (I-12 TO US 190)  
LA 1026  
LIVINGSTON PARISH**

The Louisiana Department of Transportation and Development (LDOTD) is proposing to widen Juban Road (LA 1026) from I-12 to US 190 in Livingston Parish, LA. The proposed project begins on Juban Road just north of I-12 (30.468754, -90.918723 DD) and proceeds north to the intersection of US 190 (30.483915, -90.917491 DD) as shown on the attached map. The proposed project is located in Section 4 of Township 07S Range 03E and Sections 47 & 33 of Township 06S Range 03E. The purpose of this project is to relieve traffic congestion on Juban Road, which connects I-12 and US 190, and to improve access to I-12 and the medical/library complex located west of the intersection.

The proposed project was originally part of an Environmental Assessment for the Juban Road Interchange at I-12 which was environmentally approved on September 19, 2002. At that time, the proposed widening of Juban Road from I-12 to US 190 consisted of the construction of four 12-foot wide travel lanes; a 14-foot wide continuous center turn lane; and curb and gutter drainage. The newly proposed project calls for the replacement of the existing roadway with a new roadway that meets current design criteria, which includes the Department's Complete Streets Policy and Access Management Policy.

The existing roadway consists of two 12-foot wide travel lanes with 5-foot wide aggregate shoulders, open ditches, and no median. The proposed widening project would be constructed approximately along the existing center line of the roadway with additional right-of-way required on both sides. The proposed new roadway would have an approximate 180-foot clear roadway consisting of four 12-foot wide travel lanes with shoulders; a 5-foot wide raised median (back of curb to back of curb); and a 10-foot wide bicycle/pedestrian shared-use path constructed on each side of the roadway. The new roadway would be constructed with concrete curb and gutter drains and a subsurface drainage system for the length of the project. The construction of three new roundabouts is proposed: one located just north of I-12, one located mid-way along the project corridor approximately 1,600 feet south of the intersection of US 190, and one located at the intersection of Juban Road and US 190.

LDOTD's Access Management Policy is proposed to be implemented through the use of a raised median with right-in / right-out only (i.e. no left-out turns) from residential and business driveways as well as adjacent roadways. The two proposed roundabouts located south of the Juban Road/US 190 intersection would allow for U-turns to accommodate left turn maneuvers that will be restricted by the raised median.

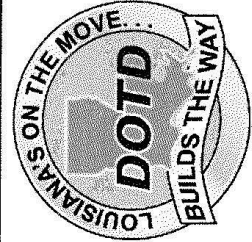
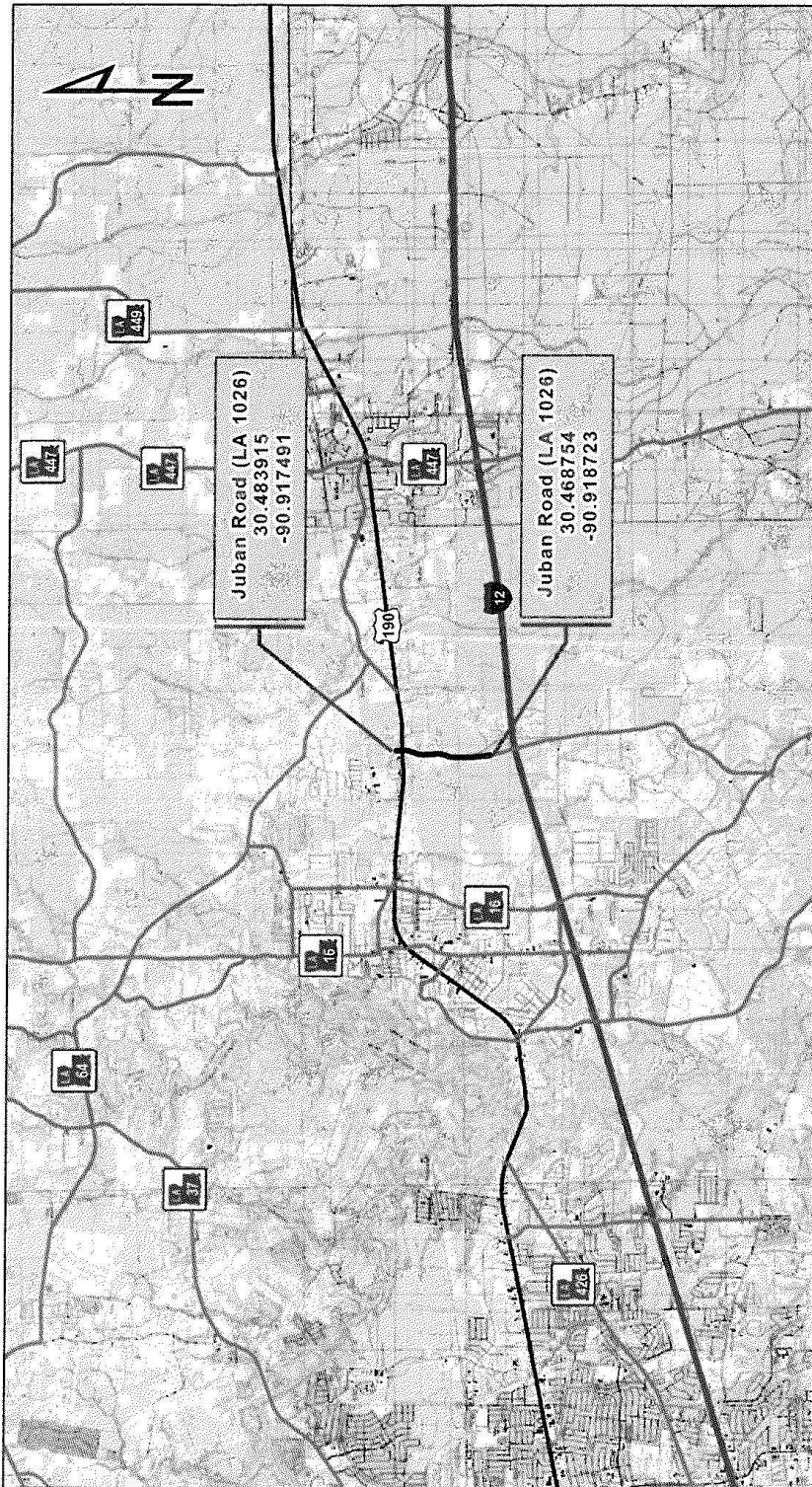
Average Daily Traffic values for Juban Road are 6,400 for 2014 and 11,600 for 2034. The roadway is classed as an urban minor arterial road (UA-2). Juban Road would remain open and through and local traffic would be maintained at all times. Overall project length would be approximately 1.2 miles.

Additional construction work would consist of clearing and grubbing, earthwork, roadway widening, base course, and Superpave asphaltic concrete surfacing. Wetlands may be impacted. Residential and business relocations are anticipated.

The methodology anticipated to be used to screen alternatives for this proposed project will include the use of readily available GIS information, aerial photographs, and/or site visits. Impacts and benefits will be identified and weighed to focus on a preferred alternative. Analyses will include wetlands, threatened and endangered species, cultural resources, business and residential relocations, community, environmental justice, noise, air, and contamination concerns.

During the environmental process for this project, it is anticipated that a public meeting would be held. Other public involvement activities may include a follow-up mailing/emailing of updated project information to interested parties and public meeting attendees or an additional public meeting. It is anticipated that this project would be environmentally processed as an Environmental Assessment.

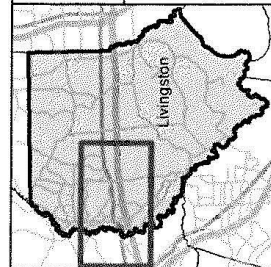
In addition to your comments on the project in general, we respectfully request your comments on the preliminary purpose and need, screening methodology, range of alternatives, and planned coordination efforts. This information will be helpful in the development of the Environmental Assessment for this proposed project.



## PROJECT LOCATION

SOURCE: USGS 7.5' TOPOGRAPHIC MAP

STATE PROJECT NO. H.004634  
 FEDERAL AID PROJECT NO. H004634  
 JUBAN ROAD WIDENING (I-12 TO US 190)  
 LA 1026  
 LIVINGSTON PARISH



## Appendix D — Public Involvement

1. Public Involvement Procedures
2. An Addendum to Public Involvement Procedures

**PUBLIC INVOLVEMENT PROCEDURES  
FOR STAGE 1 ENVIRONMENTAL PROCESS  
as of February 2015**

PURPOSE:

Public involvement provides stakeholders, including federal, state, and local agencies and officials, and the public, the opportunity to participate in Louisiana's transportation program. Public involvement occurs during various stages of a project. These procedures relate to the Stage 1 Environmental Process, an early stage in LADOTD's Project Delivery Process in which LADOTD processes projects requiring permits, approvals, or utilizing federal funds in compliance with the National Environmental Policy Act (NEPA).

These procedures incorporate the LADOTD Secretary's Policy for Achieving Context Sensitive Solutions collaborative approach to decision making whereby transportation solutions are developed that fit within the context of their surroundings. The intent is to deliver better projects for the community and the State as a whole.

Many of LADOTD's projects involve the Federal Highway Administration (FHWA) and compliance with FHWA rules, regulations, policies, and guidance. FHWA's Environmental Policy Statement stresses the full involvement of all partners. It is FHWA policy to:

- Pursue communication and collaboration with Federal, state, and local partners in the transportation and environmental communities, including other modal administrations within the U.S. DOT.
- Seek new partnerships with tribal governments, businesses, transportation and environmental interests groups, resource and regulatory agencies, affected neighborhoods, and the public.
- Ensure that those historically underserved by the transportation system, including minority and low-income populations, are included in outreach.
- Actively involve partners and all affected parties in an open, cooperative, and collaborative process, beginning at the earliest planning stages and continuing through project development, construction, and operations.
- Ensure the development of comprehensive and cooperative public involvement programs during statewide and metropolitan planning and project development activities.

Per FHWA's Public Involvement Requirements, each State must have procedures approved by FHWA to carry out a public involvement/ public hearing program pursuant to 23 U.S.C. 128 and 40 CFR parts 1500 through 1508. State public involvement/public hearing procedures must provide for:



- Coordination of public involvement activities and public hearings with the entire NEPA process.
- Early and continuing opportunities during project development for the public to be involved in the identification of social, economic, and environmental impacts, as well as impacts associated with relocation of individuals, groups, or institutions.
- One or more public hearings or the opportunity for hearing(s) to be held by the State highway agency at a convenient time and place for any Federal-aid project which requires significant amounts of right-of-way, substantially changes the layout or functions of connecting roadways or of the facility being improved, has a substantial adverse impact on abutting property, otherwise has a significant social, economic, environmental or other effect, or for which the FHWA determines that a public hearing is in the public interest.
- Reasonable notice to the public of either a public hearing or the opportunity for a public hearing. Such notice will indicate the availability of explanatory information. The notice shall also provide information required to comply with public involvement requirements of other laws, Executive Orders, and regulations.

SAFETEA-LU (Safe, Accountable, Flexible, Efficient Transportation Equity Act – A Legacy for Users approved in 2005) further defined the role of agencies involved with a transportation project receiving Federal (FHWA) funds. The SAFETEA-LU Environmental Review Process Final Guidance, issued November 15th, 2006, defines the role of Lead Agencies, Participating Agencies, and Cooperating Agencies. The purpose of the environmental streamlining provisions are to coordinate Federal agency involvement in major highway projects under the NEPA process and to address concerns relating to delays in implementing projects, unnecessary duplication of effort, and added costs often associated with the conventional process for reviewing and approving surface transportation projects.

The Center for Environmental Quality (CEQ) goals of improved transparency and informed decision making, include improving the effectiveness of public engagement, by making NEPA documents and analyses easier to read and understand, and by enhancing public involvement to address environmental justice or other community concerns.

UTILIZATION:

Successful stakeholder involvement means providing equitable access to the decision making process, providing opportunity for participation by all populations in a community, obtaining meaningful input, meaningful collaboration, and careful consideration of input when transportation decisions are made, resulting in better transportation solutions.

Comments received as a result of solicitation of views, publication of environmental documents, and public involvement events are reviewed, considered, and addressed to extent possible in the environmental document.

Commitments identified during the Stage 1 process will be included in the Permits, Mitigation, and Commitments page of the environmental document prepared for the project.

#### PROCEDURES:

A variety of methods are used in seeking stakeholder involvement. The four most frequently used are solicitation of views, public meetings, comment on environmental documents, and public hearings. These methods may be singularly or in combination depending on the nature of each proposed project.

Additional methods, such as project websites with option for submitting comments via internet, newsletters, flyers, telephone hot-lines, charrettes, and local project offices, are used on a project basis. Social media may also be used on a project basis provided there is an approved protocol for documenting and responding to comments.

Innovative methods that encourage participation may be used provided that the methods receive prior approval from Environmental Engineer Administrator, as well as FHWA for federally-funded projects.

Public Involvement carried out during Stage 0 Feasibility can be incorporated into the Stage 1 NEPA process, particularly if handled in accordance with the Public Meeting procedures below.

#### Solicitations of Views (SOV):

Early coordination with appropriate local, state, and federal agencies is accomplished by solicitation of views to assist in the identification of reasonable alternatives and the evaluation of the social, economic, and environmental impacts of any proposed action and measures to mitigate adverse impacts which result from that action.

The Environmental Section maintains lists of various federal, state, and local agencies and officials, and federally-recognized Tribes. The state list of federal and state agencies and officials includes those with jurisdiction/interest statewide. The parish lists of federal, state, and local agencies and officials include those with jurisdiction/interest within the applicable parish. Upon request, any group or individual can be included on a list.

SOVs are sent to the state list and parish list(s) in which the proposed project is located. SOVs include:

- Cover letter, which includes explanation of why views are being solicited, and requested date for receipt of comments
- Preliminary project description, which includes preliminary purpose and need, and preliminary build alternatives (when applicable)
- Vicinity map showing the location of the proposed project

SOVs are done as early as possible in the environmental process for projects other than minor federally-funded and state-funded projects such as overlays, turn lanes, signage, etc. Recipients are usually requested to provide comments within 30 days. SOVs may include information about early coordination for Section 106 of the National Historic Preservation Act.

Views are solicited for federally-funded: Categorical Exclusions upon receipt of preliminary plans or comparable project information; Environmental Assessments (EA) upon approval of the Logical Termini for the project study area; and Environmental Impact Statements (EIS) after publication of Notice of Intent in the Federal Register.

Views may be solicited for state-funded only projects upon receipt of sufficient project information.

#### PUBLIC MEETINGS:

Public Meetings are held early in the environmental process to provide information about proposed projects and obtain input from interested parties. They are held at convenient and accessible locations and provide reasonable opportunities for participation.

#### Public Meeting notices are:

- Published two times as display ads in a prominent section of the newspaper(s) with substantial circulation in the project area – one time within the 2<sup>nd</sup> week prior to the meeting and one time within the week prior, or at the discretion of the Environmental Engineer Administrator
- Mailed or e-mailed to the state and applicable parish SOV lists, list of attendees from previous public involvement events, and other project-specific stakeholders
- Mailed or e-mailed to radio and television stations in the project area with request for public service announcements
- Posted on DOTD's internet website

Public Meeting notices contain:

- Purpose of meeting
- Brief project description and location
- Date, time, and place of meeting
- Statement that should assistance be required due to a disability to participate, the meeting organizer should be notified at least 5 days in advance so accommodations can be arranged

Handout. Handouts that include preliminary information about the proposed project are distributed at meetings. Written comment forms with return mailing address are provided in the handouts.

Format. The meeting format is flexible and can be moderated, open house, or combination. At moderated meetings, the opening remarks, technical presentation, and question & answer portions are recorded. Open house format includes a continuous multimedia presentation with voiceover, and court reporter or tape recorder available for verbal statements. For combination format, the open house portion typically takes place prior to the moderated portion.

Presentation and handout include:

- Preliminary Purpose and Need
- Pertinent location and design information, including preliminary alternatives and major design features
- Federal/state/local relationship in the financing of the project
- Written comment forms with return mailing address

Transcript. A transcript of the meeting which includes meeting notice, handout(s), moderated presentation or continuous multimedia presentation, sign-in sheets, verbatim verbal comments, and written statements, is distributed (see attached distribution list).

PUBLIC HEARINGS

Public Hearings, or opportunities for requesting public hearings, are a required part of the NEPA process for projects processed as EAs and EISs. A Public Hearing is held after the EA or DEIS has been approved by FHWA for publication and distributed for public comment.

Notices of Opportunity:

Two notices of opportunity are published in newspapers having general circulation in the project area. The second notice is published no sooner than one week after the first. Requests for public hearings must be submitted within fourteen days after publication of the second notice.

Request for Hearing:

If any requests are received within the stipulated period, a public hearing will be held unless the request(s) is resolved and withdrawn.

Notices of Public Hearing are:

- Published two times as display ads in prominent sections of newspaper(s) with substantial circulation in the project area – one time 30-40 days prior to the hearing and one time 5-12 days prior
- Mailed or e-mailed to the state and applicable parish SOV lists, list of attendees from public meetings and other public involvement events, and other project-specific stakeholders
- Mailed or e-mailed to radio and television stations in the project area with request for public services announcements
- Posted on DOTD's internet website

Public Hearing notices contain:

- Project description and location
- Date, time, and place of hearing
- Indication that information regarding acquisition of right-of-way and relocation assistance will be presented (as applicable)
- Location of environmental document and availability for review and purchase
- Indication that tentative schedules for right-of-way acquisition and construction will be discussed
- Description of provisions for submission of verbal statements and written statements within 10 calendar days following the hearing
- Location map of proposed project
- Statement that should assistance be required due to a disability to participate, the meeting organizer should be notified at least 5 days in advance so that accommodations can be arranged

Handout. Handouts that include information about the proposed project are distributed at hearings. Written comment forms, with return mailing address and statement that comments will be received for ten calendar days following the hearing, are provided at the hearing.

Format. The hearing format can be moderated, open house, or combination. At moderated hearings, the opening remarks, technical presentation, and comment portions are recorded. Written statements are accepted for the official record and addressed later in the final environmental document. Open house format includes a continuous multimedia presentation with voiceover, and court reporter or tape recorder available for verbal statements. For combination format, the open house portion typically takes place prior to the moderated portion.

Presentation and handout include:

- Purpose and Need
- Information regarding consistency with local urban planning
- Pertinent location and design information, including alternatives and major design features, as well as preferred alternative, if identified
- Explanation of public availability of all information developed in support of the project location and design recommended
- Identification and explanation of encroachments on floodplains
- Identification and explanation of impact to wetlands/other waters
- Identification and explanation of other impacts, including Sections 106, 4(f), and 6(f) properties as applicable
- Federal/state/local relationship in the financing of the project
- Estimated number of individual, families, businesses, farms, and nonprofit organizations to be relocated by each alternative under consideration
- Tentative schedule for right-of-way acquisition and construction
- Explanation of DOTD's Acquisition of Right-of-Way and Relocation Assistance Program
- Written comment forms with return mailing address

Transcript. A transcript of the hearing which includes hearing notice, handout(s), moderated presentation or continuous multimedia presentation, sign-in sheets, verbatim verbal comments, and written statements, is distributed (see attached distribution list).

**OTHER TYPES OF PUBLIC INVOLVEMENT:**

**Consulting Party participation under Section 106 of the National Historic Preservation Act:**

Consulting Parties are identified for involvement in the findings and determinations made during the Section 106 process regarding a project's effect on historic properties (properties listed on or determined eligible for the National Register of Historic Places). Consulting Parties can include State Historic Preservation Officer, federally-recognized Indian tribes, Tribal Historic Preservation Officers, and individuals and organizations with a demonstrated interest in the project. Identification of Consulting Parties can be done using procedures for public involvement under NEPA (SOV, Public Meeting, etc.) and may also include Consulting Party meetings. Projects for which additional Consulting Party involvement is identified after environmental document approval will be handled on a project basis.

**Public Involvement under Section 4(f) of the US Department of Transportation Act for *de minimis* impact determinations.**

Prior to making *de minimis* impact determinations under §774.3(b), the following coordination shall be undertaken: For historic properties, the consulting parties identified in accordance with 36 CFR part 800 must be consulted; and FHWA must receive written concurrence from the pertinent State Historic Preservation Officer (SHPO) or Tribal Historic Preservation Officer (THPO), and from the Advisory Council on Historic Preservation (ACHP) if participating in the consultation process, in a finding of “no adverse effect” or “no historic properties affected” in accordance with 36 CFR part 800. FHWA shall inform these officials of its intent to make a *de minimis* impact determination based on their concurrence in the finding of “no adverse effect” or “no historic properties affected.”

For parks, recreation areas, and wildlife and waterfowl refuges, public notice and an opportunity for public review and comment concerning the effects on the protected activities, features, or attributes of the property must be provided. This requirement can be satisfied in conjunction with other public involvement procedures, such as a comment period provided on a NEPA document. FHWA shall inform the official(s) with jurisdiction of its intent to make a *de minimis* impact finding. Following an opportunity for public review and comment, the official(s) with jurisdiction over the Section 4(f) resource must concur in writing that the project will not adversely affect the activities, features, or attributes that make the property eligible for Section 4(f) protection. This concurrence may be combined with other comments on the project provided by the official(s).

**DOCUMENTATION FOR FEDERALLY-FUNDED PROJECTS (FHWA)**

Three types of environmental documents are prepared in compliance with the National Environmental Policy Act: Categorical Exclusion, Environmental Assessment, and Environmental Impact Statement.

**Categorical Exclusions:**

Views are usually solicited for projects in this category. Public Meetings for this category of projects can be held when considered desirable to inform area residents and/or businesses of the proposed project and receive comments related to the project.

**Environmental Assessments and Environmental Impact Statements:**

Projects for which preparation of an Environmental Assessment (EA) or Environmental Impact Statement (EIS) is warranted will require at least a solicitation of views, public meeting, and public hearing.

If there are no substantial public comments in response to the solicitation of views or public meeting(s), an opportunity for requesting a public hearing can be provided. If requested, a public hearing will be held unless the request is resolved and withdrawn.

Environmental Assessments (EA): Upon approval of the EA by the lead federal agency, usually the Federal Highway Administration (FHWA), the document is made available at the parish library and local branches in the project area as well as applicable DOTD district office. Its availability is made known by publication of display ads in local newspaper(s). The comment period is a minimum of 21 days from date of first publication. The notice of availability for the EA is combined with the notice of public hearing in newspaper display advertisement. The document is distributed to agencies and officials as appropriate (see attached list). The document may be posted on DOTD's internet website.

Draft Environmental Impact Statements (DEIS): Upon approval of the DEIS by the lead federal agency (usually FHWA), the document is made available for review and comment at the parish library and local branches in the project area, FHWA, DOTD headquarters, and applicable DOTD District office. Document availability is made known through publication of a Federal Register notice of a 45-day comment period as well as publication of display ad in local newspaper(s). The notice of availability for the DEIS is combined with the notice of public hearing in newspaper display advertisement. The document is distributed to cooperating and resource agencies as well as other agencies and officials as appropriate (see attached list). The document may be posted on DOTD's internet website.

Final Environmental Impact Statements (FEIS): Upon approval of the FEIS by the federal agency (usually FHWA), the document is made available for review and comment at the parish library and local branches in the project area, FHWA, DOTD headquarters, and applicable DOTD District office. Document availability is made known through publication of a Federal Register notice of a 30-day comment period as well as publication of display ad in local newspaper. The document is distributed to cooperating and resource agencies as well as other agencies, officials, and interested parties as appropriate (see attached list), including parties who commented on the DEIS. The document may be posted on DOTD's internet website.

Re-evaluations:

Public involvement for projects in which there are changes in the scope of the proposed project and/or impacts and a Re-evaluation of the approved CE/EA/EIS is warranted will be handled on a project basis. This public involvement may include solicitation of views, public meeting, or other public involvement as deemed appropriate to the scale of the changes.



Supplemental EAs and EISs:

Public involvement for projects in which substantial changes to the scope of the proposed project and/or impacts are determined and a Supplemental EA or Supplemental EIS is warranted will be handled on a project basis. This public involvement may include solicitation of views, public meeting/hearing, or other public involvement as deemed appropriate to the scale of the changes.

Other Federal Project Documentation:

The procedures regarding public involvement for other Federal projects will comply with Council on Environmental Quality (CEQ) regulations as well as the regulations and guidance of the respective Federal agency.

Documentation for State-Funded only Projects:

For state-funded only projects, DOTD will follow the same procedure followed for FHWA projects to the extent practicable and reasonable.

## **AN ADDENDUM TO PUBLIC INVOLVEMENT PROCEDURES FOR STAGE 1 ENVIRONMENTAL PROCESS**

as of December 10, 2020

### **PURPOSE:**

Insert reference to 23 USC 139 when citing FHWA's procedures.

### **UTILIZATION:**

All populations in a community include, but are not limited to, minority and low income populations, persons with limited English proficiency, the elderly, and disabled persons. LADOTD has guidance for encouraging diverse representation at public meetings<sup>1</sup> along with guidelines for limited English proficiency.<sup>2</sup> DOTD has a Title VI Plan<sup>3</sup> and an ADA Plan<sup>4</sup> which discuss compliance with Title VI of the Civil Rights Act and the American with Disabilities Act, respectively.

### **PROCEDURES:**

Virtual public involvement is acceptable and may use one or more different platforms such as websites, web or phone based applications, video, or social media platforms.

During a Federal or State declared emergency, which often requires immediate action or expedited delivery, innovative methods using different techniques are encouraged.

DOTD has requirements for public involvement for specific projects<sup>5</sup>.

Press and media inquiries are referred to the DOTD's Public Relations office. Staff from DOTD's Public Relations office coordinate with the press and media outlets. They handle media inquiries and requests as well as issue press releases.

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<sup>1</sup> Guidance for Encouraging Diverse DOTD Representation at Public Meetings.

([http://ladotnet/administration/compliance/documents/diversity/guidance\\_for\\_encouraging\\_diverse\\_dotd\\_representation\\_at\\_public\\_meetings.pdf](http://ladotnet/administration/compliance/documents/diversity/guidance_for_encouraging_diverse_dotd_representation_at_public_meetings.pdf))

<sup>2</sup> Limited English Proficiency Guidelines

([http://wwwsp.dotd.la.gov/Inside\\_LaDOTD/Divisions/Administration/Compliance/Title%20VI/Limited%20English%20Proficiency%20\(LEP\)/LEP%20PLAN%20FINAL.pdf](http://wwwsp.dotd.la.gov/Inside_LaDOTD/Divisions/Administration/Compliance/Title%20VI/Limited%20English%20Proficiency%20(LEP)/LEP%20PLAN%20FINAL.pdf))

<sup>3</sup> Title VI Plan.

([http://wwwsp.dotd.la.gov/Inside\\_LaDOTD/Divisions/Administration/Compliance/Title%20VI/2020%20Title%20VI%20Program/\\_2020\\_Title\\_VI\\_Plan.pdf](http://wwwsp.dotd.la.gov/Inside_LaDOTD/Divisions/Administration/Compliance/Title%20VI/2020%20Title%20VI%20Program/_2020_Title_VI_Plan.pdf))

<sup>4</sup> Americans with Disabilities Act Plan.

([http://wwwsp.dotd.la.gov/Inside\\_LaDOTD/Divisions/Administration/Compliance/ADA%20Program/ADA%20Transition%20Plan%20Final%202010-2018.pdf](http://wwwsp.dotd.la.gov/Inside_LaDOTD/Divisions/Administration/Compliance/ADA%20Program/ADA%20Transition%20Plan%20Final%202010-2018.pdf))

<sup>5</sup> LADOTD EDSM VI.1.1.9 Access Management and Public Involvement

### Solicitations of Views (SOV):

For some projects, the solicitation of views may be limited to entities with an interest in the project based on the project's location or context. In the cases of emergency repair projects, the solicitation is often limited to resource and permitting agencies and typically consists of an email or phone call rather than a letter.

### PUBLIC MEETINGS:

#### Public Meeting notices are:

- Posted on DOTD's internet website and emailed to the MyDOTD<sup>6</sup> list.

#### Format.

Virtual public involvement is acceptable for public meetings either alone or in conjunction with another format.

The information presented at a public meeting is dependent on the reason for the meeting. Information may be presented in a variety of forms such as exhibits, computer modeling, visual images, GIS stations, written text, oral statements, videos, slideshows, etc. The goal is to tailor the meeting to meet the objectives of the meeting.

Transcript/Meeting Summary. The transcript or summary is distributed to the project team (which includes lead and cooperating agencies), made available to public at local libraries, and may be posted on the web. If posted on the web, it will be posted on DOTD's website either on the project's page, if one exists, or on the Environmental Section's page.

### PUBLIC HEARINGS

#### Notices of Public Hearing are:

- Posted on DOTD's internet website and emailed to the MyDOTD list

Format. Similar to Public Meetings, the hearing format can be moderated, open house, or a hybrid. Regardless of the format used, unlike a public meeting, a public hearing requires a face-to-face component. Ideally, a date and time is scheduled for an in-person hearing in the project area; however, this may not always be possible.

With the face-to-face requirement, a public hearing using virtual public involvement techniques requires also providing an opportunity for the public to speak to a project team member directly; thus, satisfying the face-to-face requirement. Examples of innovative methods that may be used to meet the face-to-face requirement, include but are not limited to, a local broadcast via television, cable, or other media with telephone access for speaking with project team member; a distribution of a web link to information with telephone access for speaking with project team members; offering to mail information to those interested followed by an opportunity to speak with a project team member over the phone, virtually, or in person; providing information via web or other means

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<sup>6</sup> MyDOTD is a service where the public can sign up online to receive, via email, notices issued by DOTD for particular routes or parishes.

then providing a public location for specified period for receiving comments; or some combination of the above. The need to provide access to a project team member who can listen and properly record the comment is critical for a public hearing.

The lead Federal agency should be consulted in writing prior to engaging in any innovative format for public hearings to ensure the format and methods used to achieve the face-to-face requirement meets the Federal/State agencies current policies and procedures.

Transcript. The transcript of the hearing includes the public notice; handout(s); presentation; sign-in sheets; verbatim oral comments given at the comment station, given during formal comment portion of the hearing, or, for innovative methods, given during the interaction with the project team; and written statements. The transcript is distributed to the project team (which includes lead and cooperating agencies), made available to the public at local libraries, and may be posted on the web. If posted on the web, it will be posted on DOTD's website either on the project's page, if one exists, or on the Environmental page.

**OTHER TYPES OF PUBLIC INVOLVEMENT:**

Public Involvement is not limited to public hearings and meetings. It can include virtual public involvement, crowdsourcing, neighborhood and community meetings, stakeholder meetings, elected and public official meetings, agency meetings, committee meetings, workshops, and more. Larger projects will include a variety of outreach methods, including attending group meetings arranged by others. When attending events arranged by others, a summary is prepared for the file.