 U.S. Department of Transportation Federal Highway Administration		Standard Operating Procedure (SOP)	
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Subject:	NEPA and Section 4(f) Review and Approval	Approved: _____ (signature)	
		<u>Robert F. Tally, Division Administrator</u> (name and title)	

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II. REFERENCES

PUBLIC LAW, U.S. CODE, REGULATIONS, CIRCULARS, MEMORANDUMS/GUIDANCE

42 USC 4321-4347: National Environmental Policy Act (NEPA)

23 USC §139: Safe, Accountable, Flexible, Efficient Transportation Equity Act: A Legacy for users (SAFETEA-LU) §6002 (<http://www.fhwa.dot.gov/hep/section6002/>)

(The USC searchable database can be found at <http://www.gpoaccess.gov/uscode/>).

23 CFR 771: Federal Highway Administration Environmental Impact and Related Procedures

23 CFR 774: Federal Highway Administration Section 4(f) Procedures

40 CFR 1500-1508: Council on Environmental Quality Regulations for Implementing the Procedural Provisions of the National Environmental Policy Act

(The CFR searchable database can be found at <http://www.access.gpo.gov/cgi-bin/cfrassemble.cgi?title=200423>).

Federal Highway Administration Technical Advisory T6640.8A: Guidance for Preparing and Processing Environmental and Section 4(f) Documents
(<http://environment.fhwa.dot.gov/projdev/impta6640.asp>)

Federal Highway Administration SAFETEA-LU Environmental Review Process: Final Guidance
(<http://www.fhwa.dot.gov/hep/section6002/>)

FHWA Section 4(f) Policy Paper (last updated March 2005)
(<http://environment.fhwa.dot.gov/projdev/4fpolicy.asp>)

FHWA Order M1100.1A FHWA Delegations and Organization Manual
(<http://www.fhwa.dot.gov/legsregs/directives/orders/m11001a.htm>)

State Specific Environmental Programmatic Agreements

These agreements can be found on the Environmental Services Division website at <http://www.in.gov/indot/7287.htm>.

Programmatic Agreement between U. S. Fish and Wildlife Service and Indiana Department of Transportation for the Review of Highway Transportation Projects in Indiana

Programmatic Categorical Exclusion

Section 106 Programmatic Agreement for Historic Bridges

Section 106 Programmatic Agreement for Minor Projects

CE Programmatic Agreement for Minor Projects

State Specific Environmental Procedure Documents:

Procedural Manual for Preparing Environmental Studies

Indiana Categorical Exclusion Manual

State Specific Stewardship and Oversight Agreements:

Indiana Department of Transportation and FHWA Indiana Division Stewardship and Oversight Agreement

<http://www.fhwa.dot.gov/federalaid/stewardship/agreements/in.cfm>

State Specific Tribal and Interagency Agreements

There are no state specific tribal or interagency agreements in Indiana at this time.

III. PURPOSE/OBJECTIVE

This document establishes the Indiana Division's standard operating procedure (SOP) for the coordination, review and approval of environmental documents. These actions satisfy the Federal requirements under the National Environmental Policy Act (NEPA) and the Department of Transportation Act of 1966 (Section 4(f)).

This SOP is also intended to ensure the consistent and efficient management of the environmental process within the Division. It promotes sound decision-making that is transparent and in the public interest and incorporates environmental stewardship as well as regulatory compliance into project delivery.

IV. DEFINITIONS

Categorical Exclusion (CE) – Action, based on past experience that does not involve individual or cumulative significant environmental impact (23 CFR 771.117).

Environmental Assessment (EA) – Documentation prepared for an action that is not a CE but does not clearly require the preparation of an environmental impact statement (EIS) or when it will assist in determining the need for an EIS (23 CFR 771.119).

Findings of No Significant Impact (FONSI) – A concise document prepared at the conclusion of the EA presenting the reasons when it is determined that an action will not have significant environmental impacts and will not require preparation of an EIS (23 CFR 771.121)

Environmental Impact Statement (EIS) – Documentation that is a detailed written statement prepared for an action that will likely cause significant environmental impacts (23 CFR 771.123)

Record of Decision (ROD) – Documentation prepared after the final EIS that presents the basis for the decision, summarizing any mitigation measures that will be incorporated into the project. (23 CFR 771.127)

Section 4(f) Evaluation – Documentation prepared to support the granting of the Section 4(f) approval and determination that there is no feasible and prudent alternative to the use of Section 4(f) property and that the proposed action includes all possible planning to minimize harm to the property resulting from that use. (23 CFR 774)

Reevaluation- the purpose of a reevaluation is to determine the validity of the current NEPA document to allow the project to advance. If conditions have changed, a reevaluation may be appropriate to determine and document whether a supplemental EIS should be prepared or if a new NEPA document is warranted (CE, EA or EIS). INDOT also refers to reevaluations as Additional Information (AI) documents. (23 CFR 771.129)

V. SCOPE

The SOP for the NEPA and Section 4(f) Approval is intended to ensure that staff is aware of individual roles and internal coordination procedures within the Division, including timing and program expectations for consistency.

VI. PROCEDURES

NEPA REQUIREMENT

NEPA is triggered when FHWA is required to take a federal action. Typically, this occurs when a project is proposed to use federal funds, there is a change in use of Interstate Rights-of-Way (ROW) (including disposal), or a change in access to interstate ROW. The Environmental Program Manager (EPM) and Right-of-way Program Manager (RWPM) should be consulted when making that determination. In situations where it is questionable whether or not NEPA has been triggered, the decision of the Environmental Program Manager will prevail.

Guidance regarding the definition of a federal action and a major federal action can be found at 23 CFR 771.107 and 40 CFR 1508.18.

DIVISION ROLES AND RESPONSIBILITIES

The Indiana Department of Transportation (INDOT) and FHWA have agreed that when an Environmental Impact Statement (EIS) or Environmental Assessment (EA) is prepared by INDOT or a local agency working through INDOT, FHWA will provide guidance and participate in the document preparation instead of only being involved at the approval stage.

Procedural Manual for Preparing Environmental Documents and Categorical Exclusion (CE) Manual provide guidance in preparing Categorical Exclusion, Environmental Assessment (EA) and Environmental Impact Statement (EIS) documents. These manuals can be found on the INDOT Environmental Services Division website at <http://www.in.gov/indot/7287.htm>.

Approval authority for CE Levels 1-3 documents has been delegated to INDOT, and CE Level 4 documents are approved by INDOT and FHWA. FHWA will *independently evaluate* the EIS/EA/CE 4 prior to its approval, and take responsibility for its scope and content (23 CFR 771.109 and 40 CFR 1506.5). The FHWA Indiana Division Administrator retains approval authority of each Record of Decision (ROD), Draft Environmental Impact Statement (EIS), Final EIS, and Supplemental EIS.

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The FHWA Indiana Division Administrator has delegated authority for Section 4(f) evaluations, Environmental Assessment/Finding of No Significant Impacts (EAs/FONSI), Re-Evaluations for CEs and EAs, Section 7 Coordination, Programmatic 4(f) Evaluations and Categorical Exclusions (CEs) to the FHWA Planning and Environmental Specialists for review. Re-evaluations for EIS projects must be approved by the Division Administrator. ***FHWA approval of environmental documents will be made according to the “Signature Approval Authority” table included in Section VII “Controls” of this SOP.***

Certain CE and Section 106 document approvals have been delegated by agreement to INDOT and are the responsibility of INDOT to document and process. This agreement can be found on the FHWA drive [L:\Program\Environment\NEPA documentation\CE \(Categorical Exclusion\)\FHWA-INDOT CE Agreement](L:\Program\Environment\NEPA documentation\CE (Categorical Exclusion)\FHWA-INDOT CE Agreement).

INDOT has also agreed to coordinate with FHWA during the NEPA process for all Section 106 National Historic Preservation findings of adverse effect. Pursuant to 36 CFR 800 the documentation required under 800.11 and any Memoranda of Agreement documentation is transmitted from the Division Office to the Advisory Council for Historic Preservation (ACHP) for a 15 day review period, after which a letter will be sent back to the Division Office stating whether the ACHP has any comments or desire to be involved. A copy of the response should be sent back to INDOT.

FHWA delegated to INDOT programmatic Endangered Species Act Section 7 consultation, which usually occurs during the NEPA Early Coordination phase of a project. If formal Section 7 consultation is required, the PES should send the formal request to the US Fish and Wildlife Service. During the formal consultation process, the PES will be involved in meetings and correspondence with USFWS.

Oversight of these delegated responsibilities occurs through an annual Quality Assurance Review. Each year, INDOT Environmental Services Division (ESD), FHWA PES and FHWA EPM will visit three INDOT Districts to review the CE Level 1, 2, and 3 documents to ensure compliance with NEPA regulations, including Section 106 and Section 7.

The following are internal roles and responsibilities:

Division Administrator (DA): The DA is ultimately responsible for approving NEPA documents, although that responsibility has been delegated for EAs and CEs. The DA should be kept aware of highly controversial situations in environmental processes that are developing on projects that may include significant public controversy, impasse with partner and/or cooperating agencies, or extraordinary environmental impacts. The TL and EPM are responsible for keeping the DA informed.

Assistant Division Administrator (ADA): The Assistant Division Administrator has been delegated the authority to approve an EIS or ROD in the absence of the DA.

Team Leader, Planning, Environment, Right-of-way and Civil Rights (TL): The TL Reviews and approves or recommends for approval of all policies and procedures assigned to the

environmental staff. The TL should be kept apprised of project status and issues by the PES. The TL has the authority to sign FONSI documents.

Environmental Program Manager (EPM): The EPM drafts environmental policies, procedures, program/risk assessments, performance measures and correspondence, as appropriate, submits to TL for review and/or approval signature (new and revised SOPs must be approved by DA). The EPM is responsible for monitoring and resolving program level issues and coordinating program issues with staff. The EPM also acts as a technical resource for the Division and participates in determining the class of action, and review of Section 4(f), EA, EIS, FONSI and ROD documents. The EPM and environmental staff may be assigned to specific projects as a resource available to the Division.

Planning and Environmental Specialist (PES): The PES is responsible for the long-range transportation plan (TP), the Transportation Improvement Program (TIP), environmental justice, land use, community cohesion, socio-economic impacts, and congestion management. PES has the authority to sign CEs and EAs, Section 4(f)s, and Reevaluation Documents for CEs and EAs (DA must approve reevaluation documents for EISs).

Transportation Engineer (TE): For full-oversight projects¹, the TE is responsible for having a thorough understanding of the state of a project from project initiation through project closeout. During the NEPA process of full-oversight projects, the TE is responsible for developing a basic understanding of the content of draft and final NEPA documents (including component documents such as purpose and need and alternative screening documents), as well as all official comments submitted by the office regarding FHWA's review. The TE will also work with the PES on full-oversight projects to identify which comments to submit to INDOT ESD. For State-oversight projects, the TE is responsible to respond to technical assistance when requested from the PES.

Interdisciplinary Team: CEQ and FHWA regulations require an interdisciplinary approach in the preparation of an EIS and an EA (40 CFR 1502.6). The PES assigned to the project should ensure that the disciplines of the preparers and the reviewers are appropriate to the scope and issues identified in the scoping process. The Division interdisciplinary team, which will generally participate in the review of the EAs, EISs, and Section 4(f) Evaluations, include:

Civil Rights Program Manager (CRPM): Environmental justice, socioeconomic impacts, Title VI.

PES: NEPA regulations, Section 4(f) regulations, cultural resource compliance (Section 106 consultation), noise, floodplains, wild and scenic rivers, wildlife, fisheries, threatened and endangered species (Section 7 consultation), water quality, water quantity, drinking water, sole source aquifers, wetlands, air quality, farmland, visual impacts, Section 6(f) and recreational sites, wildernesses, national trails system, socioeconomic impacts, environmental justice, community cohesion, public involvement, hazardous materials ,

¹ FHWA's project database identifies the oversight level (Full or State) of each project under development, and is also available in INDOT's Management Information Portal (MIP) and Scheduling and Project Management System (SPMS).

land use, indirect and cumulative impacts. When developing **purpose and need, alternative screening, and preferred alternative mitigation package (PAMP) documents** for EISs, the PES will review these as well as the subsequent draft and final NEPA documents. The PES is also responsible for ensuring planning requirements are met and that the project is consistent with both long-range plans and the Statewide Transportation Improvement Program (STIP). On full-oversight projects the PES will also work with the TE to identify the substantive comments to include as “FHWA’s comments” back to INDOT.

Air Quality Program Manager: (AQPM): air quality conformity

Right of Way Program Manager: (RWPM): Right-of-way impacts, relocations

Transportation Engineer (TE): The TE is responsible for ensuring the project complies with appropriate engineering standards and acts as the engineering expert for the Division concerning the environmental document. When developing **purpose and need, alternative screening, and preferred alternative mitigation package (PAMP) documents** for EISs, the TE will review these as well as the subsequent draft and final NEPA documents. On full-oversight projects the TE will also work with the PES to identify the substantive comments to include as “FHWA’s comments” back to INDOT.

Engineering Services Team (EST): The Engineering Services Team consists of the Safety Engineer, ITS Engineer/Operations, Bridge Engineer, Pavement and Materials Engineer and Local Programs/Asset Management Coordinator. The EST is responsible for ensuring the project complies with appropriate engineering standards in their program areas and acts as the specific program expert for their area of expertise as it relates to the environmental document. The PES or TE may request one or more EST specialist to review a portion of a NEPA document on an as-needed basis.

The FHWA Resource Center (RC) and HQ also have specialists available to assist in project development. See the [RC roster](#) for contacts. The HQ NEPA contact for the Indiana Division is Neel Vanikar (202) 366-2068. Robert Black, (202) 366-1359 is the Legal Counsel.

COORDINATION WITH HEADQUARTERS AND LEGAL STAFF

When projects are complicated or may be controversial, it is appropriate to coordinate NEPA documents with FHWA Headquarters and Legal Counsel. The authority to develop and approve an EIS is delegated to the DA, subject to the following limitations: 1) A requirement for *prior concurrence*, and 2) a requirement for FHWA *legal sufficiency review*. This step is not likely to be necessary for projects that qualify to be covered by an EA or Categorical Exclusion NEPA document. However, when controversial or may have future litigation, even low level projects may need legal review.

Prior Concurrence

Prior concurrence is a step in the project development process at which the FHWA field offices obtain an official memo stating approval from Headquarters (HQ) before proceeding with key approvals under the National Environmental Policy Act. Prior concurrence typically applies to

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the FEIS [23 CFR 771.125(c)] and may apply to other draft and final documents subject to administration approval. The FHWA prior concurrence is a finding by the FHWA HQ Planning and Environmental Unit that the project and document are acceptable from a policy or a program perspective. **The Division may not approve an environmental document for projects being covered by an EIS until HQ has granted their concurrence.**

Prior concurrence projects are determined on a case-by case basis. Projects with one or more of the following characteristics can be considered to be potential candidates:

- Impacts of unusual magnitude
- High levels of controversy
- Emerging or National policy issues under development
- Issues for which the division office seeks policy assistance

Either the Division office or HQ can identify a project as being appropriate for prior concurrence. This initiation can happen at any time in the project development stage. This can be communicated orally, by email or regular mail. Ultimately the determination will be documented and is the responsibility of the PES. The documentation will identify:

- The key issues that are involved in the project
- Any project-specific coordination needs that are to be addressed
- HQ's role in pending NEPA/project development approvals
- General time frames for communications between and needed actions by the Division and HQ

The PES is responsible for sharing the documentation with the Office of Chief Counsel and the HQ NEPA contact.

Coordination for Legal Review and Legal Sufficiency

The Division will coordinate early reviews of environmental documents with Counsel for Mid-West Legal Services in Matteson, Illinois. The DEIS and/or draft Individual Section 4(f) Evaluations are submitted for a “legal review” prior to DA approval. The purpose of the legal review is to provide the Division advice about whether the DEIS or Individual Section 4(f) Evaluation contains flaws that may require revision prior to approval and public review. If problems are identified, they are normally communicated to the PES through e-mail or phone conversation, who then works with INDOT on resolving the issue. Once issues are resolved, a formal letter will be submitted to the Division from FHWA Office of Chief Council.

In addition, FHWA regulations require that a FEIS (23 CFR 771.125(b)) and/or Individual Section 4(f) Evaluation (23 CFR 774.7(d)) must undergo a “legal sufficiency review” prior to their approval and public distribution. **The Division may not approve these documents until a legal sufficiency determination has been made by Legal Counsel.** The legal sufficiency review is a final check to verify that the FEIS and/or Individual Section 4(f) Evaluation and overall process have been developed in compliance with applicable regulations. Per the Every Day Counts initiative, each legal review takes 15 days as long as the PES has included attorney involvement in problem identification early in the process.

The FHWA Midwest Legal Services Division of the Office of the Chief Counsel, or the Office of the Chief Counsel itself, may be consulted at other times during project development to obtain advice on complex or controversial situations. In particular, when outside parties have threatened or there exists a high risk for legal action to be taken against a project.

The PES is responsible for coordinating with the Mid-West Legal for legal sufficiency reviews.

NEPA CLASS OF ACTION DETERMINATION

There are three classes of actions in the NEPA Process (23 CFR 771.115) and is based upon the potential for there to be significant impacts resulting from the proposed action. The three classes are:

Class I - Environmental Impact Statement (EIS)

Class II - Categorical Exclusion (CE)

Class III - Environmental Assessment (EA)

There is overlap in the applicability of guidance between EAs and EISs, but the following table illustrates the types of projects that are covered by the different types of environmental documents.

Class I Environmental Impact Statement (EIS)	Class II Categorical Exclusion (CE)	Class III Environmental Assessment (EA)
Required for actions likely to have significant environmental effects that cannot be mitigated.	Required for actions that do not individually or cumulatively have a significant environmental effect. Necessary environmental studies and compliance with all applicable requirements are still required for the project.	Required for actions that do not qualify as a CE, but where there is insufficient information to determine whether the project’s impacts warrant an EIS. An EA may also be a useful tool in that it incorporates environmental considerations with project design and can aid in NEPA compliance when an EIS is not required.
Examples include: <ul style="list-style-type: none"> • A new, controlled-access freeway • A highway project of four or more lanes in a new location 	Examples include: <ul style="list-style-type: none"> • Pedestrian facilities • Landscaping • Routine maintenance, including resurfacing, bridge replacement and rehabilitation, and minor widening In Indiana, FHWA has programmatically approved some CEs.	Examples include: <ul style="list-style-type: none"> • New construction of a highway interchange • Adding thru-lanes to an existing highway.

FHWA is responsible, in consultation with INDOT, for determining the type of document required under NEPA. Periodically, FHWA will meet with INDOT to discuss upcoming projects and NEPA documentation level. A decision to prepare an EA or EIS is generally a collaborative decision made by the EPM and the PES in consultation with the INDOT Environmental Services

Division (ESD) staff. The decision should consider scoping and information on the project type and location.

When projects involve other USDOT modal administrations, or other federal resource or regulatory agencies, FHWA will solicit input from these agencies on the class of document. In cases where FHWA is the sole lead agency, FHWA is ultimately responsible for the decision. In cases where FHWA is a co-lead federal agency, the decision will be made in consultation and agreement with the co-lead agency.

EIS CLASS PROJECTS

An EIS is required for major federal actions that significantly affect the human environment (40 CFR 1508.27). The basic steps are:

1. Identify Lead Agencies
2. Project Initiation
3. Establish Project Team
4. Invite and Designate Cooperating and Participating Agencies
5. Establish Coordination Plan
6. Develop Public Involvement Plan
7. Issue Notice of Intent
8. Scoping
9. Establish Project Schedule
10. Develop Purpose and Need
11. Develop and Analyze Alternatives
12. Evaluate Impacts to Resources
13. Prepare and Review the DEIS
14. Publish the DEIS
15. File DEIS with EPA and Notice of Availability in the Federal Register
16. Hold Public Hearing
17. Address Comments Received
18. Prepare and Review Preferred Alternative Mitigation Package (PAMP)
19. Prepare and Publish FEIS
20. Prepare and Publish Supplemental EIS (if necessary)
21. Issue Record of Decision
22. File Limitations of Claims Notice

Identify Lead Agencies

The FHWA must serve as the Federal lead agency for a highway project processed with an EIS or using the SAFETEA-LU Section 6002 environmental review process. INDOT is typically the direct recipient of federal funds for the project and therefore must serve as a joint lead agency along with FHWA. A local governmental agency that is the project sponsor may be invited to serve as a joint lead agency at the discretion of the lead agencies. The local governmental agency may serve as a joint lead agency in addition to, but not in place of, INDOT.

The lead agencies perform the functions in preparing an EIS in accordance with 23 CFR part 771 and 40 CFR parts 1500-1508. In addition, the lead agencies must identify and involve cooperating and participating agencies; develop coordination plans; provide opportunities for

public and participating agency involvement in defining the purpose and need and determining the range of alternatives; and collaborate with participating agencies in determining methodologies and the level of detail for the analysis of alternatives.

Project Initiation

A project initiation letter is required to initiate an EIS level project, or an EA level project that will use the “Efficient Environmental Review” process outlined in Section 6002 of SAFETEA-LU. This letter will be submitted by INDOT. In this letter, the project sponsor will notify the Division about the type of work, termini, length, general location and planning history of the proposed project. The notification must also provide a list of any other Federal approvals (e.g., Section 404 permits) anticipated to be necessary for the proposed project, to the extent that such approvals are known at the outset.

The letter should also indicate the timeframe within which the environmental review process should be started. This required information must be consistent with metropolitan or statewide planning processes, and can sometimes be found in corridor planning studies, traffic studies, or congestion or pavement management systems. The initiation letter should be signed by the official authorized to sign EISs for the sponsoring agency or that official’s authorized delegate, and should be sent to the Division Administrator for the FHWA Division office.

Establish Project Management Team

The INDOT ESD, in consultation with FHWA, will establish the project management team. The project team generally consists of the FHWA PES, INDOT Project Manager, INDOT District Environmental Scoping Manager (ESM), INDOT Environmental Policy Administrator (EPA), ESD staff, the consultant, local agency project sponsor (if there is one), MPO (if there is one) and other INDOT staff as necessary. The cooperating and participating agencies (see below) may also be included in the project team.

Cooperating Agencies

Cooperating Agencies (23 CFR 771.109(c)(3), 40 CFR 1501.6):

FHWA will seek the assistance and participation of federal resource and regulatory agencies with jurisdiction by law or special expertise as cooperating agencies in the development and review of the EIS. In cases where it is necessary for a state or local entity (other than INDOT) to have an ongoing role in project issues, the State or local agency may also be considered for cooperating agency status. The PES and the EPM will identify the federal agencies that should be invited to serve as cooperating agencies. The ESD must be consulted when additional local or state agencies are being considered.

Federal agencies that are normally invited to be cooperating agencies may include: the US Environmental Protection Agency (USEPA); the US Army Corps of Engineers (USACE); and the US Fish and Wildlife Service (USFWS). When National Historic Landmarks are involved, the National Park Service (NPS) and the Advisory Council on Historic Preservation (ACHP) shall be also invited. If the action is to occur on lands managed by the USDA Forest Service (FS), or other federal lands, cooperating agency status should be offered to the federal land management agency. If major cultural resource issues are expected, the appropriate Native

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American tribes should be considered for cooperating agency status, as should state agencies, including the Office of Historic Preservation.

Other US Department of Transportation (DOT) administrations with a decision-making responsibility may serve as joint lead or cooperating agencies and include the Federal Transit Administration (FTA), Federal Aviation Administration (FAA), Federal Railroad Administration (FRA), and Federal Motor Carrier Safety Administration (FMCSA).

The PES will send a written invitation on behalf of the FHWA to each potential cooperating agency. The request will include a description of FHWA's expectation on the roles and responsibilities of lead and cooperating agencies in the NEPA process. Those agreeing to serve as Cooperating Agencies should be involved throughout the project development process, especially on issues of interest to their expertise or jurisdiction. All affirmative cooperating agency acceptance letters must be included in the correspondence section for the document.

Participating Agencies

Projects that require an EIS document, or those using the environmental review process identified in Section 6002 of SAFETEA-LU, are required to identify participating agencies. Federal, State, tribal, regional, and local government agencies that may have an interest in the project should be invited to serve as participating agencies. Cooperating agencies are a subset of participating agencies. Non-governmental organizations and private entities cannot serve as participating agencies.

Once agencies or tribes have been identified that may have an interest in a project, then they must be contacted in writing by FHWA or another co-lead agency. Federal agencies must be informed that they will be designated as a participating agency unless they decline by indicating that all three of the following conditions apply:

The agency has:

- (1) has no jurisdiction or authority with respect to the project,
- (2) has no expertise or information relevant to the project, and
- (3) does not intend to submit comments on the project.

If a federal agency's response does not state the agency's position in these terms, then the agency should be treated as participating agency.

When contacting local, state or tribal governments, the letter should request their involvement and indicate a response time. Non-federal agencies must respond affirmatively and in writing in order to be designated as a participating agency. Please see the Section 6002 guidance located in <http://www.fhwa.dot.gov/hep/section6002/> for more information on participating agencies.

Establish Coordination Plan

SAFETEA-LU requires that the lead agencies establish a plan for coordinating public and agency participation and comment during the environmental review process. The INDOT ESD and PES shall consult with the participating agencies on the coordination plan, because key elements of the coordination plan may be setting expectations that require a commitment of resources by the cooperating and participating agencies. The ESD and PES (and any other co-

lead agencies) must agree on the coordination plan or must work out their differences before proceeding to implement any element of the plan that is in dispute.

Develop Public Involvement Plan

Each project should have a public involvement strategy but a formal public involvement plan is mandatory for all projects being approved using EIS processes. A plan is recommended for all other projects.

Developing a public involvement plan for a project requires knowledge of the issues that could impact or be affected by a project. It involves identifying and understanding the risks involved in making project decisions.

A public involvement plan provides a framework for how stakeholders interact with the project and with decision-makers. While the plan is likely to evolve and change as circumstances dictate, a well developed public involvement plan will chart the path the project team will take to ensure that all appropriate public involvement steps have been completed. The Indiana Department of Transportation Public Involvement Manual should be consulted for additional requirements.

Public involvement activities should be discussed early in the project development process as scoping is being conducted.

Issue Notice of Intent

Following project initiation, the INDOT Environmental Services Division (ESD) will submit a draft Notice of Intent (NOI) to the PES for review. The PES will finalize and submit the NOI to the Federal Register for publication.

The NOI shall follow the format and specifications provided in the FHWA Technical Advisory (TA) T6640.8A. The NOI submittal letter and the NOI itself must be signed by the DA and must not be signed by a delegated authority “for” the DA. The PES will provide the NOI publication date to the EPM so that it may be entered into the FHWA HQ Environmental Document Tracking System.

Scoping

(23 CFR 771.111)

Scoping is used to determine the scope of the issues to be addressed, the significant issues related to the proposed action, and to identify alternatives to avoid adverse impacts.

A preliminary draft Purpose & Need for the project should be apparent from Long-range plans, transportation improvement programs and planning studies for the area. This should be incorporated into the NEPA stage of the project. Project scoping meetings provide the opportunity for agencies and the public to help refine the purpose and need for a project and the alternatives to be considered.

The PES, TE and, if appropriate, other interdisciplinary team members will attend the scoping meetings to learn and help clarify issues that need to be addressed in the EIS. Participating and

cooperating agencies and the public must be invited to attend. The PES will extend scoping invitations to the cooperating agencies. Scoping for smaller projects or for agencies that have a limited interest in the action can also be accomplished through letters, personal contacts, or by e-mail.

Substantive issues raised in the scoping process must be addressed in the scope of work for developing the environmental document. The PES should also encourage the project team to evaluate the level of detail needed for the project and for each resource that may be impacted.

Establish Project Schedule

The PES shall request a project schedule from the project team and review the schedule to ensure that it includes appropriate and realistic review times for FHWA and external agency reviews. FHWA typically requires 10 business days for document reviews and 15 days for any required legal review, and 30 days for prior concurrence reviews. The schedule should reflect review cycles that will be conducted by cooperating agencies and FHWA and include adequate time in between these reviews for document revision.

If concerns exist that warrant the preparation of separate technical reports or interagency coordination, the schedule should include time to develop baseline data, determine effects, and submit the reports to relevant agencies for their review and comment. It is typical for EA and EIS level projects to require Section 7 consultation under the Endangered Species Act, consultation under Section 106 of the Historic Preservation Act, separate noise technical reports, a wetland finding, and/or other studies. CE level projects can also require separate technical studies depending on anticipated project impacts.

In instances where these issues are considered critical to completing the NEPA document, external agency review times should be included in the schedule and consideration given to confirming with the resource agency that they will be able to meet the proposed review times.

Develop Purpose and Need

The purpose and need of a project is the foundation of the decision-making process and is essential in establishing a basis for the development of the range of reasonable alternatives required in an EIS and assists with the identification and eventual selection of a preferred alternative.

As early as practicable during the environmental review process, the project team will further refine a draft purpose and need statement and provide an opportunity for involvement by participating agencies and the public in refining the purpose and need for the project. A draft purpose and need statement should have been available during the scoping process. The purpose and need can evolve over the course of the project development.

The INDOT ESD will submit the purpose and need statement to the PES for review and informal approval. The PES must be involved in the development of the purpose and need for the project and comfortable with it. If the PES has concerns about the purpose and need, the concerns should be brought to the attention of the rest of the project team as soon as possible. The project will not advance until FHWA can concur in the draft purpose and need for a project.

Develop and Analyze Alternatives

The project team will provide an opportunity for involvement by cooperating and participating agencies and the public in determining the range of alternatives to be considered for a project as early as possible. The reasonable range of alternatives to be considered will be determined after the opportunity for public input. The project team, in cooperation with the cooperating and participating agencies, will determine the methodologies to be used and the level of detail required in the analysis of each alternative for a project.

Evaluation of alternatives should present all of the alternatives in comparative form in order to best define the issues and provide a clear basis for choice among the options.

For EISs and some EAs, the evaluation may consider many alternatives and screen them down several times before the alternatives to be analyzed in detail in the NEPA document are identified. Screening may be simple and straightforward, depending on the complexity of the project, or may involve several levels of analysis before the list of alternatives can be narrowed to a reasonable set for final evaluation. Reasons why an alternative has been screened out must be documented. In all cases, a No-Build Alternative must be evaluated as an alternative.

The Preferred Alternative is generally the one the project team believes would best meet the purpose and need for the project, while minimizing impacts to the environment (natural, cultural, and socioeconomic), and that can be supported by the public and resource agencies. When a Preferred Alternative is clear before a draft EIS is prepared, INDOT is required to disclose the Preferred Alternative at that time. Where a Preferred Alternative is not clear, it is not required that a Preferred Alternative be identified when a draft EIS is completed. However, a Preferred Alternative must be identified in the final EIS document (FEIS).

The PES is responsible for ensuring that a reasonable range of alternatives was considered, appropriate screening criteria were applied (if applicable), and that all alternatives have logical termini and independent utility.

The NEPA document should provide the reasons why none of the eliminated alternatives could be considered the Least Environmentally Damaging Practical Alternative (LEDPA). The project team will then identify primary pros/cons of remaining alternatives with respect to aquatic ecosystems and other potentially significant effects.

For more information, see FHWA's website on [Development and Evaluation of Alternatives](#) and the INDOT Procedural Manual for Preparing Environmental Studies, Chapter IF.

Evaluate Impacts to Resources

One of the responsibilities of the project team is "Identifying at an early stage the significant environmental issues deserving of study and deemphasizing insignificant issues, narrowing the scope of the environmental impact statement accordingly" (40 CFR 1501.1[d]). The PES will provide input on the types of analyses and level of detail required based on the setting and expected impacts from the project.

The project team will evaluate impacts in terms of context (what is the existing situation) and intensity (what is the severity of the impact). Resources should be researched and analyzed commensurate with the likelihood that the project will affect the resource. Preparation of separate technical reports identifying baseline data is usually required for a number of resource areas. For example, it is typical for projects that require an EA and EIS document to require Section 7 consultation under the Endangered Species Act, consultation under Section 106 of the Historic Preservation Act, separate noise technical reports, a wetland finding, and/or other studies.

It is also important to ensure an alternative is consistent with land use and transportation plans. An alternative that is inconsistent could unknowingly impact resources or the investments made by community in a region. This is why FHWA is required to ensure NEPA documents are consistent with local and regional land use and transportation plans before it can give its approval to a decision to build a project.

Effects of the alternatives on resources may be included with the baseline data, or may be in a separate report or analysis. Emphasis should be placed on impacts that differ between alternatives, as this may help identify a Preferred Alternative.

Prepare and Review the Draft Environmental Impact Statement (DEIS)

(23 CFR 771.123)

The DEIS is the first official version of the Environmental Impact Statement that is distributed for public review and comment. The PES may be involved in many iterations of the DEIS leading up to its approval and distribution for public review. Preliminary versions of the draft and subsequent final EIS are considered pre-decisional and not for public dissemination. Preliminary versions of the documents or their individual chapters should typically not be made available to external agencies or the public. Cooperating agencies may receive preliminary versions of documents for their review. When this occurs, the PES shall ensure that correspondence accompanying these documents includes the following statement:

The enclosed drafts are considered preliminary drafts for internal review only and shall not be shared with any person outside of the (Add Federal agency name). Since this document is considered a working draft and it may contain preliminary conclusions not necessarily reflected in the final decision, all requests for any portion of this material should be denied under Exemption 5 of the Freedom of Information Act (FOIA) and the Department of Transportation implementing regulation (49 CFR Part 7). Any requests for materials from outside the (Add Federal agency name) should be forwarded to FHWA.

The DEIS is to be shared for review with the TE, EST, as well as any other appropriate Division staff. Depending on the size of the DEIS, there may be several early reviews of chapters. These reviews may occur concurrently with INDOT ESD. Once a final version of the DEIS document is ready to be submitted to legal review, copies of the document should be placed in a central location in the Division Office and e-mail notification should be sent to allow Division staff the opportunity to review the document. The DEIS will be sent to the Counsel for Mid-West Legal Services in Matteson, Illinois for review. Document review procedures are detailed in a later section of this SOP.

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Publish the DEIS

After FHWA Legal Services has given its concurrence, the PES will prepare a summary of major issues for review by the DA. Once the DA's comments have been satisfactorily addressed, and the signature page signed, the PES will ensure that the signature page is delivered to the INDOT Environmental Services Division or the designated party for publication. The PES will provide a signed letter on FHWA letterhead for the distribution with the published EIS. INDOT or its consultant will publish and distribute the EIS using a distribution list that has been reviewed and approved by the PES.

At a minimum, the DEIS must be circulated to the cooperating and participating agencies and interest groups or individuals who have requested a copy of the DEIS. The DEIS must also be available at public review locations, usually including libraries, nearby INDOT office(s) and the FHWA Division office. All public review locations must have documents in place by the notice of availability.

File DEIS with EPA and Notice of Availability in the Federal Register

The PES will submit the appropriate number of DEIS or FEIS copies (see below) to the EPA. EPA will prepare a weekly report of all EISs filed during the preceding week for publication each Friday under a Notice of Availability in the Federal Register. At the time EPA sends its weekly report for publication in the Federal Register, the report will also be sent to the CEQ. Information included in the report for each EIS is the same as the data entered in EPA's computerized data file. This includes an EIS Accession number (created by EPA), EIS status (draft, final, supplemental), date filed with EPA, the agency or bureau that filed the EIS, the state and county of the action that prompted the EIS, the title of the EIS, the date comments are due and the agency contact.

Start Review Period and Hold Public Hearing

The minimum time periods set forth 40 CFR 1506.10(b), (c), and (d) are calculated from the date EPA publishes the Notice of Availability in the Federal Register. Review periods for DEISs, Supplemental DEISs, and revised DEISs are a minimum of 45 calendar days and should not exceed 60 days, unless a different comment period is established by agreement of the lead agencies, the project sponsor, and all participating agencies (23 CFR 123(i)). If a calculated time period would end on a non-working day, the assigned time period will be the next working day (i.e., time periods will not end on weekends or Federal holidays).

The EIS process requires that a public hearing be held following issuance of a DEIS (40 CFR 1503.1). The PES will attend public meetings and hearings and advise the DA and the TL of any major concerns of the public. The public hearing shall allow the public an opportunity to orally make comments in a public forum.

Address Comments Received

Responses must be prepared for all substantive comments. Both the comment and the response are published in the FEIS (40 CFR 1503.4) or in the Record of Decision (ROD) depending on the time they are received. Agency comments, in particular, are of special concern because they are often based on a regulatory requirement enforced or monitored by the commenting agency. The PES is responsible for seeing that all agency comments on the DEIS are appropriately addressed

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and incorporated into the FEIS or ROD. The INDOT ESD will be asked to submit draft responses to agency comments for PES review. The PES should assist as necessary to ensure Division-wide consistency, and to solicit HQ or RC assistance on issues of national significance. As appropriate, and especially in the case of the EPA Section 309 review, the PES and the INDOT ESD should meet with the agency to discuss comments and proposed responses prior to publishing as a public document in the FEIS or ROD. In some cases, draft copies of the public/agency comments and responses are sent to the regulatory agencies, so they can see the responses to comments prior to the release of the FEIS.

The INDOT ESD and FHWA PES will jointly develop a plan to address the substantive comments received verbally or in writing. If the work requires substantial new information or involves the evaluation of new alternatives that appear to be reasonable, the PES, and ultimately the TL, ADA and DA with advice from Legal Counsel, if necessary, will determine whether a supplemental EIS is necessary to give the agencies and the public ample opportunity to comment on any new information.

Prepare and Publish Final Environmental Impact Statement (FEIS)

(23 CFR 771.125)

The FEIS shall identify a preferred alternative and evaluate all reasonable alternatives considered (unless a modified format is used, as described below). It shall also discuss comments on the DEIS and the responses to the comments. The review of preliminary FEISs, response to comments, and their publication and public notification will proceed as described for the DEIS and NOA, in addition to the legal sufficiency review and prior concurrence if applicable.

All comments on legal sufficiency must be addressed prior to signature and publication. Addressing comments pertaining to legal sufficiency requires that Counsel for Mid-West Legal Services in Matteson, Illinois receives written responses to their comments or are provided an opportunity to review the document that includes the language that is responsive to their comment. The PES is responsible for coordinating responses and addressing concerns of legal sufficiency for the document.

The FEIS must be filed with the EPA in a similar manner as the DEIS. The EPA will file a NOA in the Federal Register. The FEIS shall be transmitted to any persons, organizations, or agencies that made substantive comments on the DEIS, or requested a copy, no later than the time the document is filed with the EPA for the NOA.

The wait periods for FEISs and Supplemental FEISs to sign a ROD shall extend for 30 calendar days after the NOA unless the lead agency extends the period or a reduction or extension in the period has been granted. The ROD cannot be approved until a minimum of 90 days after the NOA for the DEIS. If a calculated time period would end on a non-working day, the assigned time period will be the next working day (i.e., time periods will not end on weekends or Federal holidays).

The following are three alternative formats that can be taken when developing an FEIS (T6640.8A):

Option 1: Traditional FEIS

The FEIS incorporates the entire DEIS format and content with changes made throughout the document to reflect:

- Identification of a preferred alternative
- Modifications to the project
- Updated info on affected environment
- Changes in the assessment of impacts
- Selection of mitigation measures
- Wetland and floodplain findings
- Results of coordination
- Comments received on DEIS and responses

The advantage of this approach is that it requires a relatively easy modification of the DEIS. The disadvantage is that it is often very lengthy.

Option 2: Condensed FEIS

A condensed FEIS incorporates the DEIS by reference, thus resulting in a much shorter document. This approach briefly references and summarizes the information from the DEIS which has not changed and places emphasis on the changes on the project focusing on:

- Project and its setting
- Impacts
- Technical analysis
- Mitigation

The Condensed FEIS must:

- Identify the preferred alternative
- Explain the basis for its selection
- Describe coordination efforts
- Include agency and public comments and responses
- Include required findings or determinations

The format of the FEIS should parallel the DEIS. Each major section of the FEIS should briefly summarize the important information contained in the corresponding section of the DEIS, reference the DEIS section that provides more detailed information, and discuss any noteworthy changes that have occurred since the DEIS was circulated. A copy of the DEIS need not be circulated with the FEIS. However, sufficient copies of the DEIS should be available. Both the DEIS and the condensed FEIS should be filed with the EPA under a single FEIS cover sheet.

This approach may benefit from the shorter document length, but requires development of an entirely new FEIS document. If there is any question regarding the ability to efficiently produce a new and technically accurate and grammatically correct document, then a condensed FEIS should be discouraged. Public and agency editorial comments on individual DEIS sections must also be included in the new document so if they are

numerous, a substantial portion of the DEIS may need to be included. This option requires that additional copies of the DEIS be produced.

Option 3: Abbreviated FEIS

This version can be used for the FEIS when the ONLY changes needed in the document are minor and consist of factual corrections and/or an explanation of why the comments received on the DEIS do not warrant further response. Information in the DEIS should be sufficient to have identified the preferred alternative.

The FEIS should consist of the DEIS and an attachment containing:

- Errata sheets making any necessary corrections to the DEIS (number of sheets should be small)
- A section identifying the preferred alternative and a discussion of the reasons it was preferred. This section should also include any required final Section 4(f) evaluation, wetland findings, floodplain findings, and a list of commitments for mitigation for the preferred alternative.
- Copies of comments received on the DEIS and responses

Only the attachment needs to be provided to those who received the DEIS except for EPA's Clean Air Act Section 309 review copy, which requires that both the DEIS and the abbreviated FEIS be filed with EPA under a single FEIS cover sheet. This option requires that additional copies of the DEIS be produced.

Prepare and Publish Supplemental EIS

(if necessary) (23 CFR 771.130)

Whenever there are changes, new information, or further developments on a project that may result in significant environmental impacts not identified in the most recently distributed version of the DEIS or FEIS, a supplemental EIS is necessary.

The PES will work with the project team to determine if a supplemental EIS is necessary. If a supplemental EIS is necessary, it will contain information about the new alternative or new impacts not previously evaluated, and will not repeat the contents of the previously published DEIS or FEIS. A supplemental EIS will be reviewed and distributed in the same manner as its previous DEIS and FEIS versions to ensure that the public and interested agencies understand the changes in status of the project. Development of a supplemental EIS will require a new public hearing.

Issue Record of Decision

(23 CFR 771.127)

FHWA may complete and sign a ROD no sooner than 30 days after publication of the FEIS in the federal register and no sooner than 90 days after publication of the DEIS. The ROD will present the basis for the selected alternative and summarize any mitigation measures that will be incorporated into the project. The ROD shall identify any environmentally preferable alternative, which may not be the same as the Preferred Alternative. If the selected alternative is not the environmentally preferred alternative, the latter must still be identified in the ROD.

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In order to expedite the review and approval of the ROD, the INDOT ESD should submit a preliminary ROD to the PES for review with the signature ready FEIS. The same interdisciplinary review required for a DEIS and FEIS will be required for the ROD. Legal Sufficiency is not required for the ROD, however Legal Counsel advice is available upon request and is suggested for projects that are especially complicated or controversial.

The PES reports the signature dates to the EPM for reporting in the HQ Environmental Document Tracking System.

File Limitations of Claims Notice

(23 CFR 771.139)

SAFETEA-LU Section 6002 established the ability for the FHWA to issue a limitation of claims notice in the Federal Register that will reduce the statute of limitations for challenging a federal agency decision for a project from 6 years to 180 days. INDOT will request to activate the 180-day statute of limitations for those projects that they deem necessary.

ENVIRONMENTAL ASSESSMENT (EA) LEVEL PROJECTS

(23 CFR 771.119)

The primary purpose of an Environmental Assessment (EA) is to determine whether or not an action will result in significant impacts to the human and natural environment. The process for completing an EA document loosely follows that of an EIS, but with the following differences:

1. The SAFETEA-LU environmental review process is voluntary for an EA as opposed to mandatory for an EIS;
2. There is no requirement to issue a Notice of Intent or Notice of Availability in the federal register although notification through local media is required;
3. There is no requirement to invite cooperating agencies, although this may be determined to be beneficial;
4. There is no draft EA followed by a final EA.

The official public review is accomplished using the “Environmental Assessment”. The concluding product of an EA will either be a Finding of No Significant Impact (FONSI) or a Notice of Intent (NOI) to begin an EIS.

Comments from the public review, responses to the comments on the EA, and errata are published in the Finding of No Significant Impact (FONSI) if the EA determines this to be the case. Otherwise, the comments on the EA will assist in scoping the EIS.

The Indiana Categorical Exclusion Manual includes CE/EA form that may be used to document the EA.

To develop an EA, the PES should participate in the scoping of issues and development of the scope of work that will be required to determine if significant impacts to the human or natural environment will occur. The EA should be issue driven and focus on issues required for compliance with regulations or that are issues of concern or controversy to the public.

The public review period for an EA is 30 days unless the EA incorporates a Section 4(f) Evaluation, in which case the Department of Interior (DOI) review requires that 45 days be provided for their review of the evaluation.

Findings of No Significant Impact (FONSI)

(23 CFR 771.121)

The INDOT ESD recommends to the PES whether the preferred alternative will result in significant impact to the environment. This recommendation is typically based on the context and intensity of impacts, public controversy, external agency comments, etc. The PES will prepare a summary of project issues and forward their recommendation to the TL for review and document approval. A notice of the FONSI will be distributed to commenting agencies by INDOT and the document will be made available for agency and public review.

CATEGORICAL EXCLUSIONS (CE)

(23 CFR 771.117)

Categorical Exclusions are developed using the Environmental Screening/CE-1 Form (Attachment 1 of the Indiana Categorical Exclusion Manual). This form helps to determine the level of documentation needed to support a federal-aid project. For very minor projects, the Environmental Screening/CE-1 Form can be used to complete the NEPA Process. INDOT uses the Indiana Categorical Exclusion Manual's CE/EA Attachment 2 form to document CE level 2-4 CEs.

Categorical Exclusion Programmatic Agreement

FHWA, Indiana Division and INDOT have signed in 2009 the Categorical Exclusion Programmatic Agreement between the FHWA and the INDOT. This Programmatic CE Agreement was developed to address environmental requirements under NEPA and doing so in a streamlined and efficient manner. The agreement provides for the following:

- Establishment of four levels of Categorical Exclusions based on measurable
- Environmental impact thresholds.
- Delegation of authority to the Indiana Department of Transportation (INDOT) to approve Categorical Exclusions for projects with minimal environmental impacts as identified by the Agreement.
- Establishment of INDOT signature authority for each level of Categorical Exclusion.
- Establishment of a monitoring program to ensure the appropriate implementation of the terms of the Agreement.

The Agreement was developed in conformance with policies and procedures for CE actions as defined in Section 23 CFR 771.117. INDOT and FHWA concurred in advance with the classification of the four levels of CEs as shown in the CE Manual on the INDOT website (<http://www.in.gov/indot/3338.htm>). These projects are normally found to have no significant social, economic and environmental impacts.

INDOT and the FHWA agreed to four levels in which a project may qualify as a CE. The appropriate level of a CE is based on the type of action and the anticipated impacts of the project. All Federal-aid projects developed or reviewed by INDOT in accordance with the Agreement must have an approved CE Form. Initial screening will assist in determining the appropriate

level of NEPA class, as well as the appropriate level of CE. Table 1 in the CE Manual provides these thresholds.

INDOT and FHWA’s Definition of CE Level 1 Projects

INDOT and the FHWA have identified specific project scopes that may qualify as CE Level 1 projects, provided the project impacts do not exceed the thresholds identified in Table 1. While state and federal laws and regulations still apply, less coordination and review may be required due to lower risk of impact to protected resources. For additional information on Level 1 CE’s, refer to the INDOT CE Manual.

INDOT and FHWA’s Definition of CE Levels 2 Through 4

The regulations (23 CFR 771.117 (d)) allow for CEs beyond those which have been designated as CE-1s. However, these require additional analysis and review to verify that a CE is appropriate. The CE/EA Form should be used for any project which appears to be a CE but which exceeds the thresholds for a CE-1. The CE/EA Form covers the same resource categories as the CE-1 form, but in greater depth.

For some projects the level of documentation may change as environmental investigations progress. This may result in elevation to a higher-level of CE (or higher class of environmental document), or may result in a lesser level document if the size and/or anticipated impacts of the project decrease. The preparer should assess the project against the thresholds as information becomes available. At any time, the ESD or the PES, may elevate a CE to a higher level or different NEPA class based on considerations outside those in the thresholds chart.

Signature Authority

The table below lists the signature authority to approve each CE level. Each District has an Environmental Scoping Manager (ESM) who is responsible for approving Level 1 and 2 CE documents. INDOT Environmental Services Division (ESD) is responsible for approving CE Level 3 and above documents. FHWA is responsible for having final approval authority on CE Level 4 and above projects.

Once INDOT completes the initial review of the environmental document, it is sent to the PES for a 10 day review period. Details on internal review processes are located in section *Document Review Procedures* below. Comments should be submitted back to INDOT ESD, who will relay and comments back to the consultant and/or project manager. Once FHWA is comfortable that all comments are addressed, the document is signed by the appropriate FHWA signatory, as described below.

	CE Level 1	CE Level 2	CE Level 3	CE Level 4
Signature Authority	INDOT Environmental Scoping Manager (ESM)	INDOT ESM	INDOT ESM and ESD	INDOT ESM and ESD, FHWA PES

Programmatic Categorical Exclusions

INDOT and FHWA have identified certain types of projects which are routinely classified as a CE-1 and which require little or no environmental review and resource agency coordination. For these types of projects, it may be appropriate to provide environmental clearance at a programmatic level rather than through an individual assessment of each project.

These project types will be proposed by INDOT's ESD and reviewed by the PES for appropriateness. If accepted by the PES, the ESD will prepare a programmatic CE-1 which describes the proposed work types and outlines standard conditions and commitments for those work types. Projects which cannot comply with the conditions of a programmatic CE will require an individual Categorical Exclusion. Programmatic CEs will be signed by the INDOT ESD and the FHWA EPM. They will be reviewed each year as part of the annual Quality Assurance Review to confirm that the approved types of work are still appropriate and that they are being applied correctly.

The most recent version of the Programmatic CE is to be kept at [L:\Program\Environment\NEPA documentation\CE \(Categorical Exclusion\)](L:\Program\Environment\NEPA documentation\CE (Categorical Exclusion)).

RE-EVALUATIONS

(23 CFR 771.129)

There are three triggers that necessitate the initiation of the consultation or re-evaluation process:

1. Project is proceeding to the next major approval or action (e.g. right-of-way acquisition, final design etc.). [23 CFR 771.129(c)]
2. Changes in project design, environmental setting, impacts, mitigation, laws, policies, or guidelines
3. Greater than three years have elapsed since FHWA's approval of the DEIS [23 CFR 771.129(a)] or FHWA's last major approval action for the FEIS [23 CFR 771.129(b)]

An Environmental Consultation Form is completed prior to PS&E approval to ensure the project still complies with the NEPA document. When necessary, reevaluations will be initiated by INDOT, and should include an evaluation by the INDOT ESD and any technical specialists deemed necessary. Assessments by technical specialists should be prepared for any topical areas affected by a change in the project, its surroundings, new information or requirements, or other factors that may cause the original evaluation to no longer be valid. Additional studies and/or coordination with other agencies should be conducted as appropriate.

When there are changes affecting the project or when more than three years have elapsed since approval of the DEIS or FEIS it is helpful to have a meeting between INDOT and PES to review the project and agree on what steps are necessary for the re-evaluation.

The PES may approve re-evaluations for CEs and EAs. The Division Administrator must approval reevaluation documents completed for EISs.

SECTION 4(F) EVALUATIONS

(23 CFR 774)

There are several options for establishing compliance with Section 4(f). The first option would be to complete a *Section 4(f) Evaluation* that requires FHWA legal and external agency review prior to finalization. This is often referred to as an individual or full Section 4(f) Evaluation. The Section 4(f) Evaluation may be integrated into a NEPA document or prepared as a standalone document, as described below. The second option would be to prepare a *Nationwide Section 4(f) Programmatic Evaluation*. Nationwide programmatic evaluations have been developed for five situations where generally minor amounts of land from a Section 4(f) resource will be used by a transportation project. Nationwide evaluations are approved at the FHWA Division office level and do not require a legal sufficiency review. In addition to these two evaluation options, the FHWA may issue a finding that there will be only *de minimis* or inconsequential impacts to a Section 4(f) resource, in which case the Section 4(f) compliance process is considered complete. There is also a list of exceptions to the requirement for Section 4(f) approval provided at 23 CFR 774.13. FHWA and INDOT will work together when determining if one of these exceptions applies.

All preliminary, draft, and final Section 4(f) Evaluations—including Nationwide Section 4(f) Programmatic Evaluations—are reviewed by the INDOT Staff Historian or INDOT Environmental Services staff, as appropriate. The PES reviews these documents prior to approval and before external agency review to ensure uniform review and consistency of all 4(f) documents.

De minimis impact findings are developed by INDOT staff and are issued by the FHWA through a written concurrence in response to an INDOT request, or through approval of a NEPA document. The PES is responsible for review and approval of all *de minimis* impact findings. These also need to be communicated to the Environmental Program Manager, for regular reporting to FHWA, Headquarters.

Programmatic evaluations, individual Section 4(f)s and *de minimis* impact findings may be signed by the PES. In addition, if a Section 4(f) evaluation or *de minimis* finding may be included as part of a NEPA document in which case the signature for the NEPA document may serve as the Section 4(f) approval.

Individual Section 4(f) Evaluations in NEPA Documents

Section 4(f) Evaluations that are included in NEPA documents are typically incorporated and reviewed internally with the preliminary versions of that NEPA document. Once the Section 4(f) Evaluation has undergone FHWA review and has been revised to address any comments, the PES will submit the NEPA document and draft Section 4(f) Evaluation to FHWA Legal Counsel for a 15-day legal review. The FHWA legal review is conducted prior to approval and external agency and public review.

Once FHWA legal review is complete, the approved draft document can be sent to the US Department of Interior (DOI) and any entities with jurisdiction over a Section 4(f) resource included in the evaluation. Review may also be required by the US Department of Agriculture (USDA), and the US Department of Housing and Urban Development (HUD). These outside agencies are given a 45-calendar-day review period. The PES shall prepare and include their

contact information and a notation of the 45-day review period in the transmittal letter for the document.

Once the external agency review is complete, a second FHWA legal sufficiency review is required prior to approval of the final Section 4(f) Evaluation. The final Section 4(f) Evaluation shall include a copy of the response received from the US Department of the Interior (DOI).

Approval for evaluations that are integrated in a NEPA document will occur upon FHWA approval of the accompanying NEPA document. For Section 4(f) Evaluations processed as part of an EIS, if the DEIS included a preferred alternative, INDOT should complete the draft Section 4(f) Evaluation at same time as the DEIS so that the final Section 4(f) Evaluation can be approved with the FEIS. However, a separate 4(f) evaluation document can be completed. In this case, a summary of the basis for the Section 4(f) approval must also be included in the Record of Decision. If the DEIS does not identify a preferred alternative, a revised draft Section 4(f) Evaluation should be included in the FEIS, and the final Section 4(f) Evaluation would be in the ROD. In Environmental Assessments (EAs), the draft Section 4(f) Evaluation is included in the EA. The FONSI includes the final Section 4(f) Evaluation. For CE Level 4 documents, the approval of any 4(f) Evaluation is concurrent with the approval of the CE.

Section 4(f) in Tiered NEPA Documents

[23 CFR 774.7(e)]

When a Tier I EIS is prepared, the detailed information necessary to complete the Section 4(f) evaluation may not be available at that stage in the development of the action. In such cases, an evaluation should be made on the potential impacts that a proposed action will have on Section 4(f) land and whether those impacts could have a bearing on the decision to be made.

A preliminary determination may be made at this time as to whether there are feasible and prudent locations or alternatives for the action to avoid the use of Section 4(f) land. This preliminary determination shall consider all possible planning to minimize harm to the extent that the level of detail available at the Tier I EIS stage allows. It is recognized that such planning at this stage will normally be limited to ensuring that opportunities to minimize harm at subsequent stages in the development process have not been precluded by decisions made at the first-tier stage. This preliminary determination is then incorporated into the Tier I EIS document.

The PES staff is responsible for determining whether there is an appropriate level of detail to make a preliminary 4(f) determination and how compliance with this regulation can be achieved.

Separate Individual Section 4(f) Evaluations

There are circumstances when a Section 4(f) Evaluation is not included in a NEPA document and a separate Section 4(f) Evaluation is required. This may occur when the project is classified as a CE [23 CFR 774.7(f)], or after the CE, FONSI, or ROD has been processed under the following conditions as outlined in 23 CFR 774.9(c):

- 1) A proposed modification of the alignment or design would require the use of Section 4(f) property; or
- 2) The Administration determines that Section 4(f) applies to the use of a property; or

- 3) A proposed modification of the alignment, design, or measures to minimize harm (after the original Section 4(f) approval) would result in a substantial increase in the amount of Section 4(f) property used, a substantial increase in the adverse impacts to Section 4(f) property, or a substantial reduction in the measures to minimize harm.

A separate Section 4(f) Evaluation should be a stand-alone document that provides enough information about the purpose and need and alternatives analysis so that reference to other documents is not required.

If it is determined after the CE, FONSI, or FEIS has been processed that a Section 4(f) evaluation is required; preparation and circulation of the Section 4(f) evaluation will not necessarily require the preparation of a new or supplemental NEPA document. In addition, the separate evaluation does not prevent the granting of new approvals, require the withdrawal of previous approvals, or require the suspension of project activities for any activity not affected by the Section 4(f) evaluation.

For the full Section 4(f) evaluations processed separate from NEPA documents, the appropriate INDOT staff, and the PES review the preliminary draft evaluation. Upon completion of the FHWA review, the draft Section 4(f) evaluation is submitted to FHWA Legal Counsel for a 30-day review. Once legal comments have been incorporated, the PES is able to approve the draft Section 4(f) evaluation for external agency review. It is then forwarded to the US Department of the Interior and any entities with jurisdiction over a Section 4(f) resource, as described above. The evaluation may also need to be circulated to the USDA, and/or the HUD, as appropriate.

Following receipt of agency comments, the concluding statement is incorporated and the Section 4(f) evaluation is submitted to the PES for Division office review and official legal sufficiency review. The final Section 4(f) document is signed by the PES. The final Section 4(f) Evaluation is submitted to the Department of the Interior for their information.

Nationwide Section 4(f) Programmatic Evaluations

Nationwide Section 4(f) Programmatic Evaluations can be used to document Section 4(f) impacts that meet a specific set of criteria. The Nationwide Programmatic Section 4(f) Evaluations provide transportation and resource agency officials the capability to make determinations on projects having minor impacts on Section 4(f) properties.

The level of analysis and effort required to prepare a programmatic evaluation is usually equivalent to a Section 4(f) Evaluation without requiring FHWA legal, US Department of Interior or other external agency review. There are five Nationwide Section 4(f) Programmatic Evaluations:

1. Net Benefits to a Section 4(f) Property,
2. Independent Walkway and Bikeways Construction Projects;
3. Historic Bridges;
4. Minor Involvement with Historic Sites; and
5. Minor Involvement with Parks, Recreation Areas, and Waterfowl and Wildlife Refuges.

Copies of the five evaluations may be found in <http://environment.fhwa.dot.gov/projdev/4fnspeval.asp>.

The PES will review all preliminary Nationwide Section 4(f) Programmatic Evaluations with appropriate INDOT staff. Approval for programmatic evaluations that are integrated in a NEPA document will occur upon FHWA approval of the accompanying NEPA document. For separate programmatic evaluations, the PES may sign.

De Minimis Impact Finding

A *de minimis* impact finding may be made after considering avoidance, minimization, mitigation, and enhancement measures. The PES may determine that use of a Section 4(f) resource will have no adverse effect on that protected resource and issue a finding that the impact will have only *de minimis* impacts.

The definition of *de minimis* is different for historic sites than it is for park, recreation, and wildlife and waterfowl refuges. FHWA has developed guidance jointly with FTA to describe the different processing requirements. The guidance is located at <http://www.environment.fhwa.dot.gov/4f/4fguidance.asp>.

The PES should work with INDOT on the development of a *de minimis* impact finding and engage the EPM for assistance, as necessary. *De minimis* impact findings may be approved through approval of a NEPA document, or separately, in which case, the PES would approve the *de minimis* finding.

Exceptions and Determinations that there is No Use

Most of the exceptions identified in 23 CFR 774.13 have requirements to apply. The PES should coordinate with the INDOT staff to ensure that all appropriate supporting documentation is included in FHWA's project file. This documentation may include such things as letters from the official with jurisdiction or descriptions of why the particular exclusion applies. The EPM should be consulted if there are any questions about this approach.

There will be instances where a portion of a project impacts a Section 4(f) property, but that impact is not considered a "Use" under the definition found in 23 CFR 774.17. For instance, placement of water quality ponds in a park where there will not be a permanent easement and the official with jurisdiction does not object may be an exception. The PES should coordinate with the EPM and INDOT staff to ensure that all appropriate documentation is included in FHWA's project file.

DOCUMENT REVIEW PROCEDURES

INDOT district staff is responsible for conducting a thorough review for technical adequacy, overall quality, and completeness, prior to submitting it to INDOT Environmental Services Division (ESD) for their and FHWA's subsequent reviews. Once the District and ESD determine the documentation is adequate, they will forward it to FHWA PES for review. In some cases, INDOT may request concurrent reviews with FHWA to expedite the review times.

FHWA's goal is to review all documents within 10 business days. Some documents may take longer, depending on length and quality. EISs and Section 4(f) Evaluations will require a 15-day legal sufficiency review and 30-day prior concurrence at the final stage.

INDOT will send the environmental documents to the applicable PES and TE for full-oversight projects and just the PES on State-oversight projects. FHWA's project database identifies the oversight of each project under development, and is also available in INDOT's MIP and SPMS.

The PES reviews and comments on preliminary documents and solicits the assistance of the FHWA interdisciplinary team for all EAs and EISs. For CE-4 documents the PES has the discretion whether or not to utilize the interdisciplinary review team. The TE will also review preliminary documents on full-oversight projects. FHWA's project database identifies the oversight level (Full of State) of each project under development, and is also available in INDOT's MIP and SPMS. The PES (as well as the TE on full-oversight projects) is responsible for developing a basic understanding of all comments submitted by the office so that they may explain them to the project team. The PES will be responsible for maintaining a record of who made each comment, collating comments, removing any contradictory or unclear statements, and submitting all comments to the INDOT ESD. The PES and TE will work together on full-oversight projects to identify comments to submit to INDOT ESD. Copies should also be sent to the interdisciplinary team members and an electronic copy will be placed in the internal project file. Comments will be presented as "FHWA comments" rather than by individual.

The PES should review all FHWA comments and categorize them into two categories: 1) Requirements – comments that are required to establish or appreciably influence the legal sufficiency of the document; (may include unacceptable grammar, spelling errors, inaccurate reference to regulation, technical errors, etc) and 2) Suggestions – which are related to primarily writing style, format style, or comments that will not appreciably influence the technical adequacy of the document.

A preliminary environmental document may and undergo several iterations before it is ready to be forwarded to FHWA Legal Counsel for their review. Legal sufficiency reviews are required for FEISs and final full Section 4(f) Evaluations, but it is Indiana Division policy to send DEISs and draft full Section 4(f) Evaluations to legal for review.

The PES is responsible for making the decision regarding when the document is ready to forward to legal counsel. In general, the PES should consider the overall quality of the document and whether or not substantive FHWA comments have been addressed. If prior concurrence is required, the PES will also forward the document to HQ for their review. The prior concurrence review should be concurrent with the legal review. For full-oversight projects, the PES will inform the TE that the document is adequate and ready for the next phase of document processing.

It is preferable for cooperating agencies to participate in preliminary internal reviews prior to the public circulation of the EIS. Such reviews offer the opportunity to resolve issues and make any necessary corrections prior to public distribution. The PES must determine whether there are

unresolved issues needing to be reviewed by external agencies prior to Legal review. Agency reviews should be conducted prior to Legal and HQ prior concurrence review (if required).

When forwarding a document for an external agency or public review, it is very important that a review be conducted to determine if agency and public scoping comments have been addressed. Typically, these comments are made fairly early in project development and will be looked for by commenting parties to determine if they have been addressed. The PES is responsible for conducting this review and ensuring that they have been addressed.

DOCUMENT SIGNATURE PROCEDURES (EAs and EISs)

The INDOT E and PES make the determination of when to begin the signature process for approval, after consultation with any participating or cooperating agency and only when there are no outstanding critical issues, and all comments have been adequately addressed.

The PES will receive from INDOT a transmittal letter requesting signature, the signature page, and a copy of the environmental document. The PES will forward the review and recommendation report to the appropriate signing authority.

Once the document has been signed, the PES will transmit the signed signature page to the office specified on the transmittal letter. The original signature page will be kept by INDOT.

DOCUMENT DISTRIBUTION (Review and Final)

In most cases, INDOT is responsible for distribution of completed environmental documents. Copies of all EISs and EAs must be made available to the public and circulated for comments to the following parties:

- All public officials, private interest groups, and members of the public known to have an interest in the proposed action or the DEIS
- All federal, state, and local government agencies expected to have jurisdiction, responsibility, interest, or expertise in the proposed action
- States and federal land management entities that may be affected by the proposed action or any of the alternatives.

INDOT is responsible for sending FHWA file copies and some additional copies for distribution. Once the initial review is completed by the PES (and TE on full-oversight projects) and INDOT ESD, hard copies should be obtained for internal FHWA Indiana Division review. Notification of the location of these documents should be sent to all division staff.

Below are NEPA document types and the number of copies that the PES will need to request for internal FHWA review. The minimum number of copies needed for FHWA is noted below as two. A minimum of one hard copy is required for the Division office; legal review and prior concurrence copies must also be hard copies. Electronic copies (CDs, websites, etc) are acceptable for the remainder unless otherwise stated. The PES has discretion to request more or fewer, as necessary.

Environmental Impact Statement/Record of Decision and Environmental Assessment/FONSI/
 CE-4
 Draft copies for Review

Document type	Number of copies	Hard or Electronic copy	Recipients	FHWA Review Time
Purpose and Need	2 ¹	Electronic	TE, PES ^{1,2}	2 weeks
Alternatives	2 ¹	Electronic	TE, PES ^{1,2}	2 weeks
PAMP	2 ¹	Electronic	TE, PES ^{1,2}	2 weeks
CE-4	2	Electronic	TE, PES ^{1,2}	2 weeks
Draft EA	4	Hard	TE, PES, I (2)	2 weeks
Final EA	2 ³	Hard	TE, PES	2 weeks
FONSI	2	Hard	TE, PES	2 weeks
Draft DEIS	4	Hard	TE, PES, I (2)	2 weeks
Final DEIS	2 ³	Hard	TE, PES	2 weeks
Draft FEIS	4	Hard	TE, PES, I (2)	2 weeks
Final FEIS	2 ³	Hard	TE, PES, LS	2 weeks
Draft ROD	4	Hard	TE, PES, I (2)	2 weeks
Final ROD	2 ³	Hard	TE, PES	3 weeks

¹ As determined appropriate by FHWA, additional copies should be forwarded to Engineering Services interdisciplinary review.

²TE = Transportation Engineer, PES = Planning and Environmental Specialist,
 I = Interdisciplinary Team, LS = Legal Sufficiency

³Include copy of revisions sheet

Section 4(f) Evaluations (Note that an “Individual” Section 4(f) Evaluation in this context refers to a non-programmatic evaluation that is processed separately from a NEPA document.)

Prelim. Individual Draft 4(f) Evaluations:	3 copies (2 IN DIV, 1 for Legal review)
Individual Draft 4(f) Evaluations:	15 copies (2 IN DIV, 1 Legal, 12 DOI)
Prelim. Individual Final 4(f) Evaluations:	3 copies (2 IN DIV, 1 Legal Sufficiency)
Individual Final 4(f) Evaluations	15 copies (2 IN DIV, 1 Legal, 12 DOI)
Programmatic 4(f) Evaluations	2 copies (for IN DIV)
<i>De Minimis</i> Findings	2 copies (for IN DIV)

US Department of Interior Review

Normally, an EIS will be accompanied by a Section 4(f) Evaluation and will be sent to the US Department of the Interior (DOI). In cases where no Section 4(f) Evaluation is required, the decision to coordinate with DOI will be made in consultation with the PES and may be triggered by involvement with land under a DOI agency jurisdiction, or other federal requirement such as

the Fish and Wildlife Coordination Act. See US DOI Environmental Review Process in the following e-file location for details of transmitting the Section 4(f) document.

[L:\Program\Environment\Impact Areas\Section 4\(f\).](L:\Program\Environment\Impact Areas\Section 4(f).)

DOI review is required under the following circumstances:

- Draft and Final Section 4(f) Evaluations (Regardless of NEPA class)
- EIS level projects that require comment from one of the DOI agencies:
 - National Park Service
 - Bureau of Land Management
 - Fish and Wildlife Service
 - US Geological Survey
 - Bureau of Indian Affairs
 - Bureau of Reclamation

DOCUMENT RETENTION

Electronic copies are preferred for NEPA and NEPA-related documents, especially CE's, EAs, FONSI's, Section 4(f), Section 7 and Section 106. The main project files and final documents for projects are the responsibility of INDOT. FHWA Indiana Division files contain final documents and federal correspondence, supporting documentation and reviews; and are kept on the L drive arranged by District and DES Number. For projects that do not have DES Numbers, a description of the project starting with State/County Road number, County, and a brief project description should be used.

Additionally, hard copies of Final NEPA documents (EISs, and RODs) should be filed in the Environmental Files in the file room. These files are organized by District and then by DES number.

ENVIRONMENTAL COMMITMENTS

Regulation 23 CFR 771 .109 (b) requires project sponsors track and confirm compliance with all commitments made during the NEPA process. FHWA is responsible for ensuring these commitments are fulfilled.

Section J of the INDOT Categorical Exclusion Manual is entitled Environmental Commitments. This section describes the method that must be followed to ensure the project sponsor undertakes environmental commitments listed in the CE.

Environmental commitments may be classified as either firm commitments or as recommendations for further consideration. "Firm" commitments must be implemented as written. Commitments marked as "recommendations" for further consideration are goals that the designer or contractor should try to implement, subject to other goals of the project. Commitments may be added at any point in the project development process, generally as a result of public involvement, design, and real estate activities. A commitment may not be removed without consulting the party (the INDOT office and possibly a resource agency) that made the original commitment.

The INDOT designer must confirm that each “Firm” commitment was incorporated into the project and must record the disposition of each commitment for further consideration. Commitments are included in the construction contract to control contractor activities and to clearly communicate them to the project engineer for construction. Commitments supplement the standard specifications that INDOT includes in construction contracts. All commitments to be implemented during construction should be known by the INDOT project engineer/supervisor (PE/PS) and details incorporated into the plans, specifications and estimate (PS&E). The process for identifying and managing commitments can be found in Attachment 4 of the INDOT Categorical Exclusion Manual.

Chapter II.D. of the Procedural Manual for Preparing Environmental Studies is entitled, “Mitigation, Commitments and Recommendations,” and echoes the requirements provided in the INDOT Categorical Exclusion Manual.

INDOT checks PS&Es during the PS&E review process to verify that the firm commitments are listed and incorporated into the PS&E. TEs also check these items when they conduct a PS&E review on full oversight projects. When construction is completed, INDOT documents that the commitments have actually been incorporated into the project.

ADMINISTRATIVE RECORD

The administrative record provides evidence that an agency’s decision was derived in accordance with NEPA and is in compliance with other requirements such as the Administrative Procedures Act (5 USC 552). The administrative record consists of all of the NEPA documents and the background documentation that supports or is referenced in the NEPA documents, such as public hearing transcripts and technical reports. INDOT is responsible for maintaining project records as part of the NEPA development process. FHWA files only contain a fraction of the complete administrative record.

Type of Environmental Document	Required Supporting Documentation for the Administrative Record *
Environmental Impact Statement (EIS)	Draft EIS document Final EIS document and Record of Decision (ROD) All public hearing transcripts and technical reports
Environmental Assessment	Environmental Assessment document; Finding of No Significant Impact (FONSI). All public hearing transcripts and technical reports
Categorical Exclusion (CE)	CE-4 Document including public hearing transcripts and technical reports.

* The Administrative Record also includes written correspondence, printed copies of e-mails, meeting minutes, and references to information that support the facts and decisions specific to the NEPA process, such as purpose and need, alternatives development, impact analysis, public involvement and interagency coordination. FHWA is responsible for keeping the documentation listed in the table above. INDOT should maintain a project record as part of the NEPA development process.

An administrative record documents how and why FHWA reached its decision. In developing the administrative record, information that contributes to evidence of the deliberative process should be included. Documentation of contrary opinions or conflicting data and the resolution of the same are critical.

When the relevance of the information to the project decision is limited, or can otherwise be represented by other items in the administrative record, exclusion of this information is reasonable. Because the administrative record for an EIS can become voluminous, a project-specific plan for managing the administrative record is necessary. That is because the amount of information generated may come from many different people, at a variety of locations, and over a considerable amount of time.

FHWA should review and approve the administrative record plan very early in the EIS development process. The administrative record should be assessed periodically throughout the project development process for completeness and adequacy. Legal counsel should be consulted to assist in preparation and maintenance of a defensible administrative record. AASHTO's (2006) *Practitioner's Handbook: Maintaining a Project File and Preparing an Administrative Record for a NEPA Study* October 2007 is an excellent reference. <http://www.environment.transportation.org/pdf/PG01.pdf>.

VII. CONTROLS

Signature approval authority of NEPA and Section 4(f) documentation follows the table below for signature authority. Environmental policies and procedures are drafted by the Division's EPM who coordinates changes with their Team Leader before changes are approved.

SIGNATURE APPROVAL AUTHORITY

Activity	Authority	Delegated To
Class of document determination	23 CFR 771.115 – 771.119	PES, EPM, TL
Filing of Notice of Intent	23 CFR 771.123	PES and EPM
Section 106 Adverse Effect Memorandums of Agreement (MOA's)	Section 106 of the National Historic Preservation Act of 1966 (NHPA)	PES
Categorical Exclusion Level 4	23 CFR 771.117	PES
DEIS	23 CFR 771.123	DA
FEIS	23 CFR 771.125	DA
ROD	23 CFR 771.127	DA

SOP for NEPA and Section 4(f) Review and Approval – INDIANA

March 31, 2011

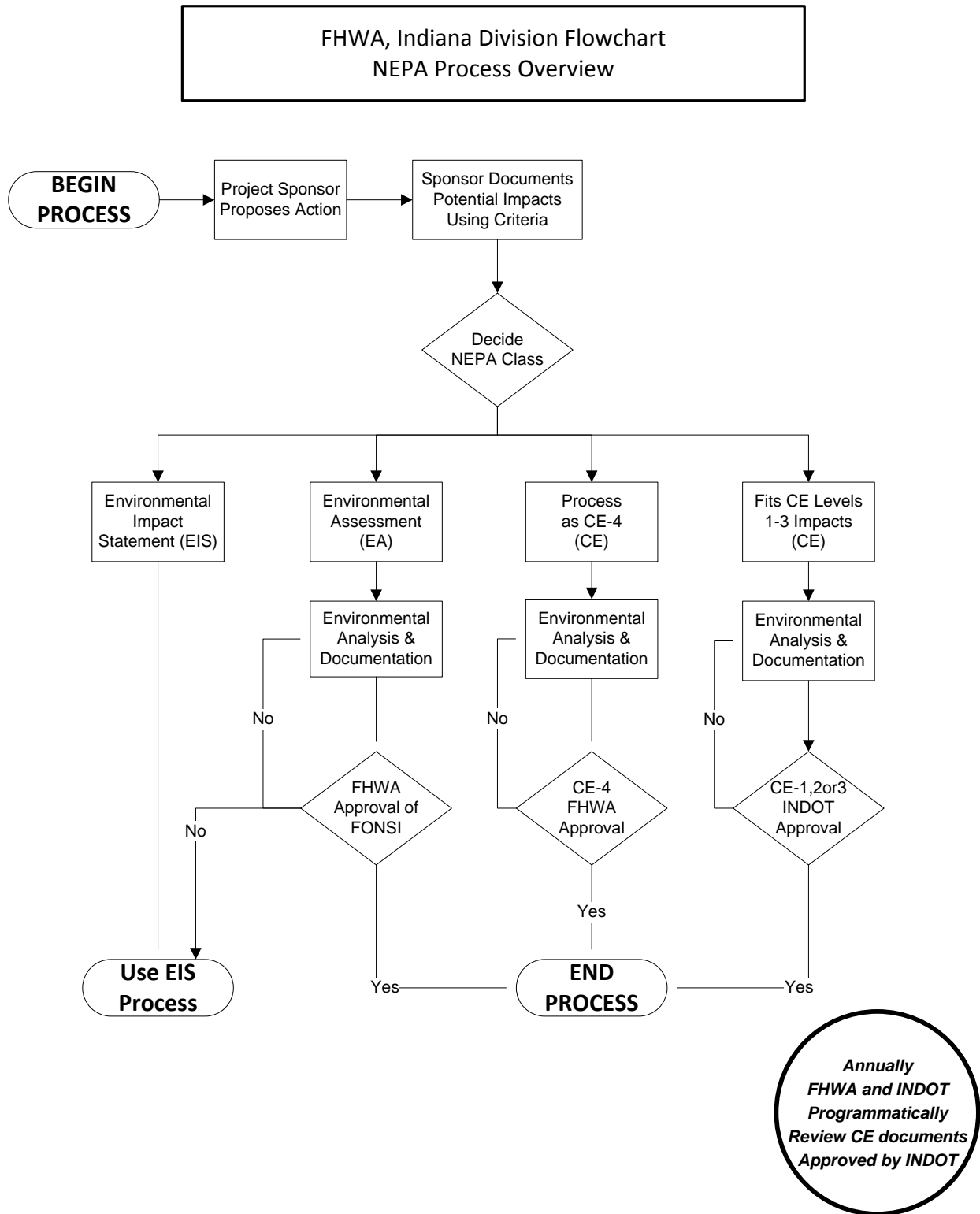
Activity	Authority	Delegated To
EA	23 CFR 771.119	PES
FONSI	23 CFR 771.121	TL
Programmatic CE	23 CFR 771.117	INDOT
Non-Programmatic CE	23 CFR 771.117	INDOT and/or PES
Re-evaluations	23 CFR 771.129	PES (DA must approve for EISs)
Individual Section 4(f)	23 CFR 774	PES
Programmatic Section 4(f)	23 CFR 774	PES
Section 4(f) <i>De minimis</i> Impact Finding	23 CFR 774	PES

PROGRAM REVIEWS

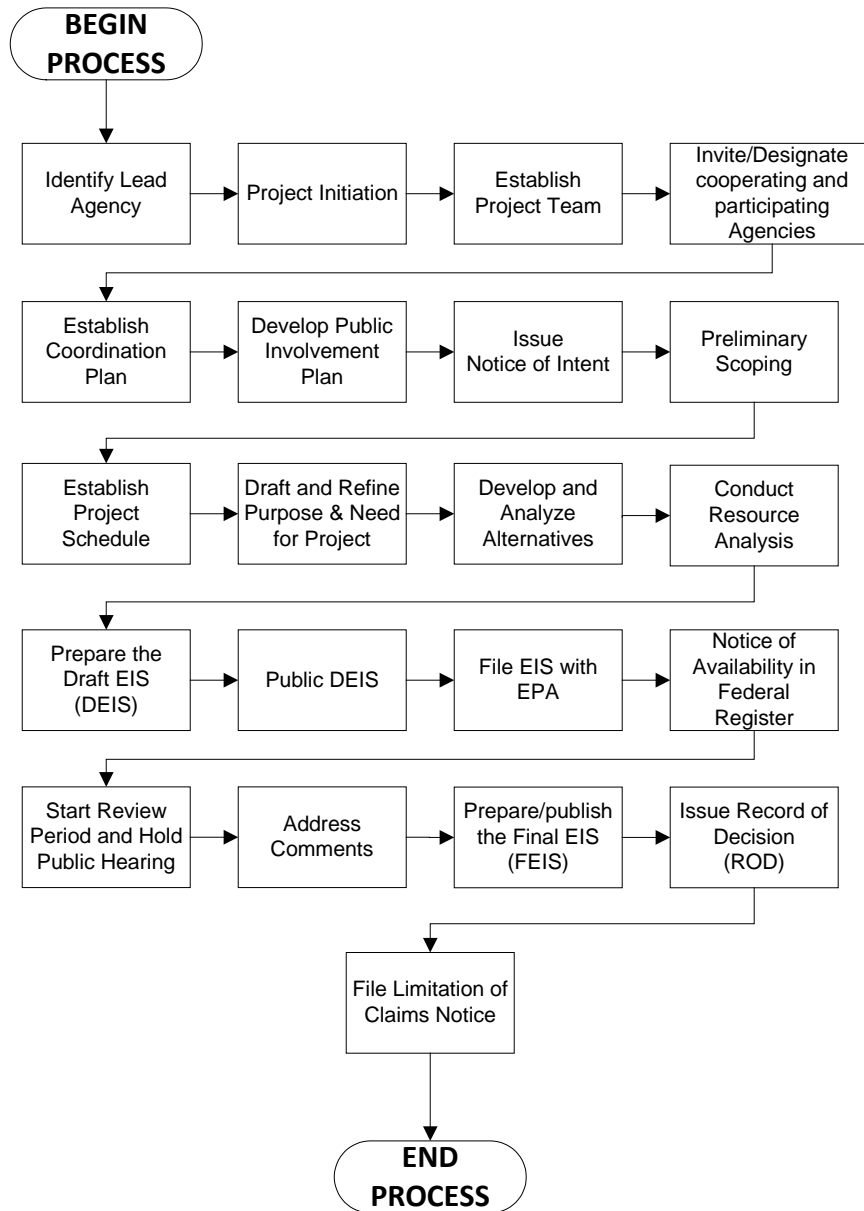
Each year, the FHWA Indiana Division samples Categorical Exclusion documents for review, in cooperation with the INDOT. The results are used to ensure compliance and performance. Corrective actions and recommendations are used to improve performance and procedures.

The Indiana Division also prepares program assessments each year to document program risks and performance. Beginning in 2011, program assessments will also include a review of standard operating procedures (SOPs). SOPs will be updated as needed for clarity and consistency with current law, regulations, policy and procedures.

VIII. FLOWCHARTS



FHWA, Indiana Division Flowchart
EIS Development Process



IX. APPENDIX

Supplemental information is available in the [L:\Program\Environment](#) folder and the [Environment Discipline Support Site](#).