

**Standard Operating Procedures for
Environmental Process Notices**

1.0 Purpose

The Federal Highway Administration (FHWA), Florida Division Office (FL-DIV), Office of Project Development, or the FHWA Puerto Rico Division (PR-DIV) Environmental Staff may prepare and publish an Environmental Process Notice (EPN), on an as needed basis, to communicate and provide Florida Department of Transportation (FDOT), Puerto Rico Highway Transportation Authority (PRHTA), US Virgin Island Department of Public Works (VIDPW), other modal and resource agency partners, and internal units within the Florida and Puerto Rico Divisions with important policy, program and environmental process information essential to the successful accomplishment of the Environmental Program in both Florida and Puerto Rico.

The purpose of the EPN is to assist partnering agencies in meeting environmental program initiatives, risk assessment objectives, project regulatory compliance, environmental streamlining initiatives, and efficient business practices related to the National Environmental Policy Act (NEPA) and its implementing regulations and numerous other federal laws, rules and regulations. The EPN defines FL-DIV or PR-DIV policy, regulation, guidance, position, information or business practice on a wide variety issues typically addressed under the umbrella of NEPA and its implementing regulations. Each published EPN will serve to enhance interagency communication and improve the quality of environmental analysis and documentation during project development.

The FL-DIV and PR-DIV will look to its respective partnering agencies, FDOT, PRHTA, and VIDPW to incorporate into its policies and procedures FHWA's policy or procedure as defined by federal regulations and explained, where applicable, in an EPN. FHWA anticipates that these Notices will be particularly useful in clarifying critical process and program issues and addressing reoccurring problems that surface in more than one FDOT District, PRHTA or VIDPW and should be resolved on a statewide or island-wide basis. Since much correspondence is handled on a project by project basis, the EPN will ensure greater uniformity and consistency in the interpretation of federal laws, regulations, policies, guidance, or information for each Division's Environmental Program oversight.

Finally, consistent with MAP21, the ultimate goal of the EPN is improved communication with state and federal partners on important program issues so that the environmental review process is consistent, compliant, efficient and streamlined resulting in timely decisions and accelerated quality project production.

2.0 Use of FHWA Division Office Web Site

Each Environmental Process Notice will be published electronically and posted on the Florida Division Office website (<http://www.fhwa.dot.gov/fldiv/>) or the Puerto Rico Division website (<http://www.fhwa.dot.gov/prdiv/>) as applicable for easy reference. In addition, the FL-DIV and/or PR-DIV will also maintain a listing of Frequently Asked Questions for each EPN, until such time as the EPN is updated to incorporate outstanding questions, issues and concerns.

3.0 Coordination and Development of the Environmental Process Notice (EPN)

Internal Coordination

The Environmental Process Notice will be developed by a member(s) of the Environmental Team and mutually agreed to by the Environmental Team prior to publication. The FHWA Resource Center, FHWA HQ, FL-DIV and PR-DIV Engineering Staff (as appropriate) and FL-DIV and/or PR-DIV leadership will be consulted in drafting an EPN. The Environmental Team will have the responsibility for developing and updating an EPN as needed.

External Coordination

After a DRAFT version of the EPN is prepared, and prior to approval and distribution of the EPN, the Environmental Team will coordinate with FDOT Central Environmental Management Office (CEMO) and FDOT Districts, PRHTA, VIDPW and involved modal and federal resource agency partners to provide an opportunity for review, questions and comments regarding the Environmental Process Notice. A period of at least thirty calendar days will be provided for the review purposes, unless otherwise warranted.

Subject Matter

The EPN may cover a wide variety of subject matter under NEPA and associated federal requirements, which could include, but are not limited to, the following examples:

1. Use of the Transportation Planning Process and Planning Documents (e.g., Corridor Studies), leading to the elimination of alternatives prior to NEPA;
2. Conflict of Interest and Contractor involvement in NEPA documents especially for Design-Build Projects;
3. Need and Purpose Statements;
4. Use of the Minor Categorical Exclusions (e.g., Type 2 CE Light for minor projects requiring FHWA signature);
5. Delegation of authority under Section 106 of the National Historic Preservation Act; and
6. Delegation of authority under Section 7 of the Endangered Species Act
7. Adopting a State Environmental Impact Report for NEPA purposes

4.0 Approval of Environmental Process Notice

The Environmental Process Notice will be approved and issued by the Florida Director, Office of Project Development or Puerto Rico Associate Division Administrator. The approved EPN will be published and distributed to FDOT (CEMO and District Environmental Managers), FL-DIV, PR-DIV, PRHTA (Environmental Office), VIDPW and applicable federal modal and resource agencies.

5.0 Revision of Environmental Process Notice (EPN)

Periodically each published EPN will require clarification and updating. A list of Frequently Asked Questions will be maintained and posted on the Florida Division or Puerto Rico Division website. When the Environmental Team determines that updating is needed, the specific EPN will be updated to incorporate into it any outstanding FAQ issues and concerns and clarify any discrepancies. At publication a new Identifier letter will be assigned (e.g., changing the A to a B; thereby denoting a new publication or version).

In addition to the above, when the FHWA Division web sites are being reviewed through the Bi-Annual Web Certification Process, the EPNs contained on the web sites will be reviewed to ensure that they are still current and applicable.

6.0 Environmental Process Notice Identifier

The following identifier or numbering system will be used for each Environmental Process Notice:

FHWA Federal Highway Administration

FL Florida

PR Puerto Rico

VI US Virgin Islands

EPN Environmental Process Notice

0001 Sequence number

A Denotes version of EPN

XXX Subject Matter (e.g., wetlands, noise, etc.)

In addition, a TOPIC Block will be included below the EPN Identifier to denote the subject area discussed in the EPN. Additionally, the DATE of approval/publication will also be provided.

For example, the first EPN approved would be numbered:

FHWA-FL-EPN-0001-A-WETLANDS
TOPIC: Wetlands Findings

The second EPN approved for Florida would be numbered:

FHWA-FL-EPN-0002-A-AQ
TOPIC: Air Quality Modeling

If the first EPN is revised it will be renumbered:

FHWA-FL-EPN-0001-B-WETLANDS
TOPIC: Wetlands Findings

7.0 Environmental Process Notice Format

Appendix 1 contains a template for the EPN. The EPN will be developed in a concise style to convey the necessary information to fully describe and implement a policy or program initiative for each applicable Environmental Program. The EPN will be written in the following format:

EPN Identifier: Provide the EPN number

Topic: State the Subject Matter of the Notice

Date: Date of the Notice

Purpose: Define the purpose and objective of the Notice.

References and Related Documents: Provide federal citations and guidance reference documents and provide relevant excerpts that support the subject matter contained in Notice.

Applicability: Describe who and/or what the subject matter applies to and what types of projects, documents, analysis, activities, funding, etc. would be applicable and under what conditions or requirements.

Background: Provide a brief history on the subject matter and its current application.

Content: Provide specific detailed information regarding how the subject matter is to be applied and put into practice to support an FHWA Florida Division policy, program, regulation or

other federal initiative. Describe what products are affected and, if there is a timeline for full implementation, provide the due date.

Application to Interagency Procedures: Identify the interagency policies, procedures or programmatic agreements that the subject matter will likely affect and potentially require revision (e.g., PD&E Manual, Chapter X).

Contact: Provide the name of the subject matter expert(s) and contact information (e.g., e-mail address, phone number, mailing address, fax, etc)

Signature Block: Provide a signature block for the Florida Director of the Office of Project Development or the Puerto Rico Associate Division Administrator including a block for the date.

History: Provides a history of prior Notices issued on the subject matter including date of publication.

8.0 E-Files for Environmental Process Notice

Once approved, each original EPN for Florida, Puerto Rico, and the Virgin Islands will be saved on each Division's internal program drive under the Environment File.

Appendix 1

FHWA-FL-EPN-0001-B-XXX

Date: _____

TOPIC: _____

ENVIRONMENTAL PROCESS NOTICE

Purpose:

References and Related Documents:

Applicability:

Background:

Content:

Application to Interagency Procedures:

Contact:

Signature Block:

History: