Chapter 5
Table of Contents

Section                                Page

5.1 ENVIRONMENTAL IMPACT STATEMENTS (EIS)................................................ 5.2

5.2 ENVIRONMENTAL IMPACT STATEMENT COMPLIANCE PROCEDURES........ 5.2

  Activity No. 1: Initiate EIS Process ................................................................. 5.4
  Activity No. 2: Initiate Early Coordination ...................................................... 5.5
  Activity No. 3: Publish Notice of Intent ........................................................... 5.5
  Activity No. 4: Initiate Formal Public and Agency Scoping .......................... 5.6
  Activity No. 5: Scoping/Informational Public Meetings ................................. 5.7
  Activity No. 6: Develop Purpose and Need ..................................................... 5.8
  Activity No. 7: Determine Reasonable Alternatives ........................................ 5.9
  Activity No. 8: Evaluate Reasonable Alternatives .......................................... 5.10
  Activity No. 9: Prepare Technical Reports ...................................................... 5.11
  Activity No. 10: Prepare and Review Administrative DEIS .............................. 5.13
  Activity No. 11: FHWA Review of Administrative DEIS .................................. 5.14
  Activity No. 12: FHWA Legal Sufficiency Review (DEIS) .............................. 5.14
  Activity No. 13: Sign DEIS and Circulate for Review ...................................... 5.14
  Activity No. 14: Location/Design Hearing ....................................................... 5.17
  Activity No. 15: Evaluate and Respond to Substantive Comments ................ 5.18
  Activity No. 16: Prepare/Review Administrative Draft FEIS or FEIS/ROD ....... 5.18
  Activity No. 17: FHWA Review of Administrative Draft FEIS or FEIS/ROD ....... 5.19
  Activity No. 18: FHWA Legal Sufficiency Review (Draft FEIS or FEIS/ROD) .... 5.19
  Activity No. 19: Prepare/Process FEIS or FEIS/ROD for Approval ................. 5.20
  Activity No. 20: Circulate FEIS or FEIS/ROD .................................................. 5.20
  Activity No. 21: Request Record of Decision (ROD) ....................................... 5.21
  Activity No. 22: Statute of Limitations (SOL) Notice ..................................... 5.22
  Activity No. 23: Monitor Final Design and Constuction .................................. 5.22

5.3 SUPPLEMENTAL EIS ....................................................................................... 5.23

5.4 RE-EVALUATIONS .......................................................................................... 5.23

Figures

Figure 5-A — EIS COMPLIANCE PROCESS ...................................................... 5.3
Figure 5-B — SAMPLE DEIS AVAILABILITY TRANSPORTATION NOTICE ....... 5.15
Chapter 5
ENVIRONMENTAL IMPACT STATEMENTS

5.1 ENVIRONMENTAL IMPACT STATEMENTS (EIS)

An Environmental Impact Statement (EIS) is prepared when it is determined a project will likely cause significant impacts to the environment. An EIS will provide a discussion of significant environmental impacts and inform decision-makers and the public of the reasonable alternatives that would avoid or minimize adverse impacts or enhance the quality of the human environment.

See 40 CFR 1502 "Environmental Impact Statements" for detailed guidance on the principles to be followed in preparing EIS documents.

5.2 ENVIRONMENTAL IMPACT STATEMENT COMPLIANCE PROCEDURES

This Section describes the procedures for preparing and processing an EIS for projects where the FHWA is the lead Federal agency (see Figure 5-A). If a different agency is the lead Federal agency for the project, different procedures may apply, based on the National Environmental Policy Act (NEPA) regulations of that agency (e.g., Bureau of Land Management) and CEQ regulations 40 CFR 1506.3.

The fundamentals of the NEPA process include:

- development of project purpose and need;
- development of alternatives;
- evaluation of potential environmental impacts of the alternatives under consideration;
- consideration of appropriate impact mitigation measures (e.g., avoidance minimization, compensation);
- interagency coordination;
- public involvement; and
- documentation and disclosure

To verify that documentation is meeting the requirements of SAFETEA-LU, a Section 6002 Environmental Review Process is followed to ensure compliance.
Figure 5-A – EIS COMPLIANCE PROCESS
ACTIVITY NO. 1: INITIATE EIS PROCESS

After notifying the FHWA of the decision to prepare an EIS for a project, the Environmental Services Division will compile the pertinent information from the data gathering and field review activities that provided the basis for the preliminary determination of impacts. The information will be organized by environmental impact issue areas and will be reviewed for completeness. The information will address the following potential impact areas, but not limited to as applicable:

- access
- safety
- socio-economic considerations,
- environmental justice,
- air quality,
- traffic noise,
- hazardous materials/waste,
- floodplain and hydrologic assessment,
- water quality,
- biological resources (i.e. endangered species, wetlands, migrating birds),
- cultural resources,
- public parks, recreation areas, Section 4(f),
- cumulative and secondary impact issues,
- visual resources
- Native American Concerns, and
- land use.

Cooperating and Participating Agency letters will be prepared, if needed.

The Environmental Services Division will coordinate with the Project Management Team (PMT), participating and cooperating agencies and the public to evaluate and refine preliminary project alternatives based on the data gathered, the field review and the following:

- the Purpose and Need Statement for the project,
- public and participating and cooperating agency concerns,
- logical termini and independent utility,
- cost constraints,
- alternate modes of transportation, and
- the no-build alternative.

A draft Notice of Intent under 40 CFR 1501.7 and 1508.22, sent to the Division or Regional Administrator by NDOT, may serve as the initiation notice under Section 6002 so long as the information required by Section 6002 is contained in the draft Notice of Intent.

At this time, Consultant Services may be secured by the Project Management Division, Design Division, or Environmental Services Division to facilitate development of project design, to
conduct environmental studies as needed, and prepare the EIS document. NDOT retains oversight over these activities and any reports, technical memos or other required documentation will be reviewed and approved by NDOT. The scope of services will determine which of the following Activities NDOT or the Consultant will perform.

Regulations and Guidance

NEPA Documentation – Environmental Impact Statement
FHWA/FTA SAFETEA-LU Environmental Review Process Final Guidance
AASHTO Practitioner’s Handbook 07 Defining the Purpose and Need and Determining the Range of Alternatives for Transportation Projects – August 2016

ACTIVITY NO. 2: INITIATE EARLY COORDINATION

The PMT, including the Environmental Services Division and Consultant, will initiate early coordination with individuals, organizations and appropriate local, State and Federal agencies that have an interest in the project or have information or expertise concerning potential project issues. The purpose of this coordination will be to assist in the evaluation of reasonable and feasible alternatives and in the gathering of information for evaluating the social, economic and environmental impacts of the proposed project alternatives and possible mitigation measures.

Regulations and Guidance

NDOT Public Involvement Website
23 CFR 771.111 “Early coordination, public involvement and project development”
FHWA/FTA SAFETEA-LU Environmental Review Process Final Guidance – November 2006

ACTIVITY NO. 3: PUBLISH NOTICE OF INTENT

A draft Notice of Intent (NOI) will be prepared and submitted to the FHWA Division Office. Appendix B of FHWA Technical Advisory T6640.8A provides detailed guidance for preparing an NOI and the content for each of its sections. The publication FHWA Environmental Guidebook provides additional information.

The FHWA Division Office will submit the NOI for publication in the Federal Register.

The NOI will include the following five sections:

- Agency,
- Action,
- Summary,
- For Further Information Contact, and
- Supplementary Information.
Regulations and Guidance

40 CFR 1508.22 "Notice of Intent"
23 CFR 771.123 “Draft environmental impact statements”
FHWA Environmental Guidebook

ACTIVITY NO. 4: INITIATE FORMAL PUBLIC AND AGENCY SCOPING

An Intent-to-Study Letter will be prepared and forwarded to the appropriate Native American Tribes, Federal and State agencies (including regulatory and resource agencies), local governments, Community Advisory Boards, public organizations, recognized special interest groups, adjacent property owners (in accordance with NDOT Public Involvement Policy) and known concerned/affected citizens that may have an interest in the proposed project. The Intent-to-Study Letter describes the preliminary concept of the project, provides details about the public information/scoping meeting(s), and solicits the submittal of comments (see Figure 4-B in Chapter 4).

A Transportation Notice will also be prepared to accompany the Intent-to-Study letter (see Figure 4-C in Chapter 4). A location map or sketch of the project area may also accompany the Intent-to-Study letter.

The Intent-to-Study Letter and Transportation Notice will include the following:

- reference to the NOI,
- project location,
- project description,
- list of potential impacts,
- comment period closing date,
- name and address of point of contact at NDOT, and
- the date and location of the information/scoping meeting(s).

Determine, based on the composition of the surrounding neighborhoods, if a Spanish language or other applicable language version of the Intent-to-Study letter and Transportation Notice are needed.

The Environmental Services Division maintains an Intent-to-Study contact list that will form the basis of the distribution of the Intent-to-Study letter. This list must be updated, changed and augmented accordingly for each project.

The Transportation Notice will provide the basis for newspaper advertisements and web advertising for the initial scoping meeting(s). Advertising shall be at a minimum in accordance with NDOT’s Public Involvement Policy. Additional targeted advertising and noticing, tailored to each project, may be required.
Development of public noticing and advertising will be coordinated with the Environmental Services Division, NDOT Public Hearings Officer, and NDOT Public Information Office. For further information on NDOT’s public involvement procedures, see Chapter 6.

The EIS process will actively involve Federal, State and local partners in the transportation and environmental communities in an open, cooperative and collaborative process, beginning at the earliest stages and continuing through project development and construction. The following agencies typically are included in project coordination activities:

- Federal Highway Administration
- US Environmental Protection Agency
- Bureau of Land Management
- Bureau of Reclamation
- US Forest Service
- National Park Service
- Bureau of Indian Affairs
- US Geological Survey
- US Army Corps of Engineers
- US Fish and Wildlife Service
- US Department of Energy
- US Department of Health and Human Services
- USDA, Natural Resources Conservation Service
- Nevada Department of Administration, State Clearinghouse
- air quality districts
- cities and counties
- Native American Tribes
- Metropolitan Planning Organizations
- Regional Transportation Commissions

Regulations and Guidance

40 CFR 1501.7 “Scoping”
23 CFR 771.123 “Draft environmental impact statements”
FHWA/FTA SAFETEA-LU Environmental Review Process Final Guidance

ACTIVITY NO. 5: SCOPING/INFORMATIONAL PUBLIC MEETINGS

The Environmental Services Division, in cooperation with the FHWA Division Office and other NDOT Divisions, will hold an Information/Scoping Meeting to inform the public of the project and elicit their input. Information presented at the meeting will include items such as:

- project location,
- project description,
- purpose and need for the project,
• preliminary concepts or alternatives,
• tentative project schedule

The meeting will be an open-house style meeting and include display boards, a formal presentation, and a short question and answer period following the formal presentation. Additionally, a handout packet will be prepared for each person in attendance. The handout will include a welcome letter, a copy of the presentation, copies of each display board, and a comment form.

Determine, based on the composition of the surrounding neighborhoods, if a Spanish language or other applicable language version of the meeting handout or presentation is needed and if a translator should attend the meeting.

See Chapter 6 for additional information on NDOT public involvement procedures.

The number and locations of information/scoping meetings will be determined by the complexity of the project and the resources present within the project area and may be ongoing through the preparation of the Draft EIS.

Regulations and Guidance

23 CFR 771.111 "Early coordination, public involvement and project development"
NDOT Public Involvement Website

ACTIVITY NO. 6: DEVELOP PURPOSE AND NEED

The Purpose and Need section in the environmental document will clearly and succinctly discuss why the project is being proposed. It will provide a specific, clear and justifiable explanation of Purpose and Need and will be presented in a format that enables readers to understand technical information (e.g., structural condition, traffic safety, congestion data).

The FHWA guidance provides examples of considerations that may determine or affect a project’s purpose and need. The Environmental Services Division will coordinate with the FHWA Division Office, NDOT Divisions, project stakeholders and the public in defining the purpose and need for each project and will document the determination in the project file.

The Environmental Services Division will notify the FHWA Division Office of the proposed project (e.g., type of work, termini, length, general location) and cooperatively identify regulatory and resource agencies that will be invited to participate as part of the environmental review process. Regulatory and resource agencies and the public will be afforded the opportunity to provide input regarding the project purpose and need (see Activity 5).
Development of the Purpose and Need may incorporate directly or by reference feasibility studies, corridor studies or other planning studies meeting the Planning and Environmental Linkages (PEL) requirements set forth by FHWA.

**Regulations and Guidance**

*FHWA Environmental Guidebook*
*FHWA Technical Advisory T6640.8A* – October 1987
*AASHTO SCOE Synthesis of Data Needs for EA and EIS Documentation -- A Blueprint for NEPA Document Content*—January 2005
*AASHTO Practitioner’s Handbook 07 Defining the Purpose and Need and Determining the Range of Alternatives for Transportation Projects* – August 2016
*FHWA/FTA SAFETEA-LU Environmental Review Process Final Guidance* – November 2006
*Environment and Planning Linkage Processes Legal Guide*—February 2005
*Appendix A to Part 450 -- Linking the Transportation Planning and NEPA Processes Moving Ahead for Progress in the 21st Century Act (MAP-21)*

| ACTIVITY NO. 7: | DETERMINE REASONABLE ALTERNATIVES |

The appropriate NDOT Divisions and project consultants will coordinate with the Environmental Services Division to develop each project’s design concept, scope, and a full range of preliminary alternatives. This will include:

- making a preliminary determination of the project scope of work, including, mode (e.g., highway, provisions for high occupancy vehicles, light rail, commuter rail, combination of modes); termini, approximate length, general alignment and geometrics;
- reviewing available data and records;
- conducting an initial evaluation of right-of-way, utility and environmental impacts;
- developing a rough, preliminary cost estimate;
- determining a proposed schedule;
- developing a set of review plans; and
- affording an opportunity for regulatory and resource agencies and the public to provide input on the full range of alternatives (see Activity 5).

This preliminary list will be refined as further evaluations are accomplished. The evaluation of preliminary alternatives will be sensitive to those environmental resources for which the analysis of alternatives for avoidance and minimization of adverse impacts is required (e.g., wetlands, floodplains, Section 4(f) properties, historic sites).

After the PMT, including the Environmental Services Division, has completed the evaluation and refinement of preliminary alternatives, giving appropriate consideration to input from participating and cooperating agencies and the public, they will reduce the number of alternatives to those preliminarily determined to be reasonable and feasible and representative of the spectrum of alternatives that best satisfy the project purpose and need. This process should be documented in a separate Alternatives Development technical report.
The process for determining the reasonable alternatives is as follows:

- perform a rough evaluation of the potential impacts of each of the preliminary alternatives,
- incorporate input from participating and cooperating agencies and the public,
- estimate the overall reasonableness and feasibleness of each alternative,
- ensure that each reasonable alternative was developed to best satisfy the project purpose and need,
- identify the reasonable alternatives, including the “no-build” alternative, and
- document in the project file the reason or reasons why an alternative has been eliminated.

Development of alternatives may build off feasibility studies, corridor studies, or other planning studies meeting the PEL requirements set forth by FHWA.

Regulations and Guidance

FHWA Environmental Guidebook
FHWA Technical Advisory T6640.8A
FHWA/FTA SAFETEA-LU Environmental Review Process Final Guidance
40 CFR 1502.14 "Alternatives Including the Proposed Action"
AASHTO Practitioner's Handbook 07 Defining the Purpose and Need and Determining the Range of Alternatives for Transportation Projects – August 2016

ACTIVITY NO. 8: EVALUATE REASONABLE ALTERNATIVES

The Environmental Services Division will work with the project designers and members of the PMT, as well as participating and cooperating agencies and the public, in conducting an evaluation of the reasonable alternatives. The evaluation will consider:

- the results of the project scoping process,
- input from participating and cooperating agencies and the public, and
- the information from the data gathering and field review activities.

This evaluation will focus on defining the issues involved with each alternative to provide a clear basis for selecting the alternatives that will be advanced for study in the EIS.

The evaluation will include environmental, social, economic, right-of-way and engineering analyses of each reasonable and feasible alternative. The level of design effort for each alternative will allow the PMT to apply evaluation criteria to select alternatives.

Based on the results of the evaluation of the reasonable alternatives, the PMT will select the alternatives that will be studied in detail in the EIS. At least one build alternative and the No-build alternative will be addressed in the EIS. Reasonable and feasible alternatives that were dismissed will be documented in the EIS, with an explanation of the reasons they were
eliminated. This process should be documented in the Alternatives Development technical report.

Regulations and Guidance

40 CFR 1502.14 "Alternatives Including the Proposed Action"
FHWA Environmental Guidebook
FHWA Technical Advisory T6640.8A
FHWA/FTA SAFETEA-LU Environmental Review Process Final Guidance

ACTIVITY NO. 9: PREPARE TECHNICAL REPORTS

For each reasonable alternative selected for detailed study in the EIS, the Environmental Services Division, in cooperation with the PMT and with input from participating and cooperating agencies, will conduct in-depth studies to clearly define potential impacts of each alternative. This effort will involve gathering detailed information and data for each alternative. Various types of data (e.g., social, economic, environmental, engineering) typically will be gathered simultaneously.

The Environmental Services Division or its Consultants will conduct field investigations of proposed alternatives to confirm or update resource information and to verify or further evaluate the location, nature and limits of resources in the project area and the extent of potential resource involvement.

The Environmental Services Division or its Consultants will document the results of the field reviews, coordinate with appropriate resource agencies for review and comment on the field review data and make the information available to other members of the Project Management Team. Environmental Services Division shall review any reports, technical memos or other required documentation prepared by Consultants.

The technical analyses may include any or all of the following:

- capacity analysis (traffic, safety and Critical Crash Rate calculations);
- intersection design studies;
- interchange type and design studies;
- Section 106 compliance issues;
- Section 4(f) compliance issues;
- socio-economic and Environmental Justice impacts;
- wetlands/Waters of the US involvement/impacts (conducted in coordination with NDOT Stormwater Division);
- stormwater management (conducted in coordination with NDOT Stormwater Division);
- floodplain and hydrology assessment;
- threatened or endangered species impacts (Section 7 - Biological Assessment & Opinion);
- Native American issues;
• *Migratory Bird Treaty Act* compliance issues;
• *invasive species/noxious weeds* issues;
• material sites;
• *air quality* impacts;
• *noise* impacts;
• hazardous materials/waste involvement;
• staging areas;
• utility corridors;
• construction easements; and
• other issues, as applicable (e.g., Section 6(f), impaired waters/TMDLs, Wild and Scenic Rivers, temporary work in waterways discharge permit, farmland protection).

Technical Reports and/or preliminary compliance documentation to provide details on the specific environmental issues and impacts involved will be prepared. The Technical Reports and/or preliminary compliance documentation will address requirements for resource avoidance and impact minimization and mitigation. The Environmental Services Division will coordinate the Technical Reports and compliance documentation with regulatory and resource agencies and will document the results of the coordination so they may be summarized in the EIS.

For detailed information on the environmental studies that may be required, see Chapters 7-16 of this *Manual*.

**Technical Report Submittals:**

• All Technical Reports must be submitted and approved by NDOT prior to inclusion in any environmental document.

• Traffic Noise and Air Quality Technical Reports must use data which has been approved by NDOT Traffic Information and Operations Divisions.

• Biological Assessment must be provided for review by NDOT Environmental Scientist prior to finalization.

• Biological Assessments will be submitted directly from NDOT to FHWA.

• FHWA will submit Biological Assessments directly to USFW for Biological Opinion.

**Regulations and Guidance**

*40 CFR 1502 "Environmental Impact Statements"
23 CFR 771.123(c-d) "Draft environmental impact statements"
FHWA Environmental Guidebook
FHWA Technical Advisory T6640.8A – October 1987
AASHTO SCOE *Synthesis of Data Needs for EA and EIS Documentation -- A Blueprint for NEPA Document Content*—January 2005
FHWA "Improving the Quality of Environmental Documents" – July 2006
The following will be used to prepare the Administrative Draft EIS (DEIS) (and draft Section 4(f) evaluation, if applicable):

- a preliminary engineering information for the reasonable and feasible alternatives;
- Technical Reports and preliminary compliance documentation; and
- the results of the scoping process, including coordination with participating and cooperating agencies and the public.

The Administrative DEIS will include the following components:

- cover;
- title/approval page;
- table of contents;
- executive summary;
- discussion of project purpose and need;
- description of alternatives, including screening methods and results, reasons to eliminate alternatives and a description of alternatives carried forward;
- description of environmental resources, impacts, including indirect and cumulative impacts, and mitigation for all reasonable alternatives;
- public comments and agency coordination;
- Section 4(f) evaluation if applicable;
- Environmental Justice;
- comparison and selection of alternatives, including a description of the preferred alternative and the reasons for its selection as the preferred;
- list of preparers;
- references;
- distribution list;
- index; and
- appendices.

The Environmental Services Division will review the Administrative DEIS and distribute it to the following NDOT Divisions for review and comment: Stormwater, Traffic Operations, Traffic Information, Roadway Design, Right-of-Way, Transportation and Multimodal Planning, Construction, and the District Engineer. Necessary changes to respond to comments received as a result of the internal NDOT review will be incorporated into the DEIS.

Regulations and Guidance

40 CFR 1502 "Environmental Impact Statements"
23 CFR 771.123(c-d) "Draft environmental impact statements"
FHWA Environmental Guidebook
FHWA Technical Advisory T6640.8A – October, 1987
AASHTO SCOE Synthesis of Data Needs for EA and EIS Documentation -- A Blueprint for NEPA Document Content—January 2005
FHWA "Improving the Quality of Environmental Documents" – July 2006
ACTIVITY NO. 11: FHWA REVIEW OF ADMINISTRATIVE DEIS

The revised Administrative DEIS will be submitted to the FHWA Division Office for review and comment (this review may occur concurrently with NDOT’s Administrative Draft review if agreed to in advance by FHWA).

Review of the DEIS by NEPA Cooperating Agencies will occur concurrently with FHWA’s review.

Necessary changes to respond to comments received as a result of the Administrative DEIS review will be incorporated into the revised Administrative DEIS.

ACTIVITY NO. 12: FHWA LEGAL SUFFICIENCY REVIEW (DEIS)

The revised Administrative DEIS will be submitted to the FHWA Division Office with a request for legal sufficiency review in accordance with 23 CFR 771.125(b).

The FHWA Division Office will coordinate the Administrative DEIS Legal Sufficiency Review. The FHWA Division Office will provide the Environmental Services Division with comments provided by the FHWA Legal Counsel, if any.

It is advisable to get FHWA Legal Counsel involved as early as possible prior to this point if the project is controversial or if the PMT recommends deviations to the standard approach, methods or documentation.

ACTIVITY NO. 13: SIGN DEIS AND CIRCULATE FOR REVIEW

The NDOT Director, the FHWA Division Administrator, and any Cooperating Agency signatories will sign the DEIS. The following describes the processing of the DEIS by the FHWA and the US Environmental Protection Agency (EPA):

1. The DEIS will be circulated for comment and hard copies made available for public inspection at NDOT headquarters, the appropriate NDOT District office, the FHWA Division office, and any other locations agreed to by FHWA and NDOT, and an electronic copy will be made available on the NDOT website.
2. Concurrently, a Transportation Notice will be prepared noticing the availability of the DEIS for public review and the date of the Location/Design Hearing (also referred to as a Public Hearing, see Figure 5-B).
3. Concurrently, the FHWA Division Office will submit the DEIS to the FHWA Headquarters and the FHWA Resource Center.
TRANSPORTATION NOTICE
Pyramid Way and McCarran Boulevard Intersection Improvement Project
PUBLIC HEARING

PURPOSE OF MEETING: The Regional Transportation Commission of Washoe County (RTC), in cooperation with the Nevada Department of Transportation (NDOT) and the Federal Highway Administration (FHWA), has prepared a Draft Environmental Impact Statement (DEIS) addressing the potential impacts of the Pyramid Way and McCarran Boulevard Intersection Improvement Project. Proposed improvements include widening Pyramid Way to three lanes in each direction (north-south) from a reconfigured Queen Way to Tyler Way. McCarran Boulevard would remain two lanes in each direction (east-west) but with additional turning lanes.

The DEIS can be accessed through NDOT’s website at: http://www.nevadadot.com/Public_Involvement/Meetings/Meetings, Hearing and Notices.aspx or RTC’s website at: http://www.rctwashoe.com/section-hot-topics. Copies are also available by request from NDOT Headquarters, Environmental Services Division, Room 104, 1263 S. Stewart St., Carson City, NV 89712; telephone: 775-888-7013. Hard copies are available for review at the Spanish Springs Library, 7100A Pyramid Lake Highway, Sparks, NV, the Sparks Library at 1125 12th Street, Sparks, NV; RTC Offices at 1105 Terminal Way, Suite 106, Reno, NV; and NDOT District II offices, 310 Galletti Way, Sparks, NV.

WHEN AND WHERE: The public hearing will be held on Tuesday, March 19, 2013 from 4:00 pm to 7:00 pm at John Ascuaga’s Nugget, Ponderosa B Conference Room, 1100 Nugget Avenue, Sparks, Nevada 89431.

WHY: The purpose of the hearing is to present the Preferred Alternative and obtain public input on the Draft Environmental Impact Statement. After consideration of your input, FHWA will issue a single Final Environmental Impact Statement and Record of Decision document pursuant to Pub. L. 112-141, 126 Stat. 405, Section 1319(b) unless FHWA determines statutory criteria or practicability considerations preclude issuance of the combined document pursuant to section 1319.

WHERE YOU COME IN: You are invited to attend the hearing at your convenience anytime during the meeting hours. Project representatives will be available to discuss the project and answer questions from 4:00 pm to 7:00 pm. There will be a brief presentation about the project at 5:30 pm, followed by a short public question and answer period. The meeting will be an open house format from 4:00 pm to 5:30 pm, returning to the open format following the presentation. This will allow you to talk to project representatives individually. You will have an opportunity to submit your comments in writing on a comment sheet provided at the hearing or in person to a court reporter who will be available throughout the meeting. In addition to any comments received at the hearing, written comments also will be accepted until 5:00 pm, Monday, April 15, 2013.

Your comments may be submitted for the public record in writing at the hearing or verbally to a court reporter available throughout the hearing. In addition to any comments received at the hearing, written or email comments will be accepted through 5 p.m., April 15, 2013. Please email your comments to info@dot.state.nv.us with a reference to this project in the subject line. You may mail your comments to Steve Cooke, Environmental Services Chief, NDOT, 1263 S. Stewart St., Carson City, NV 89712.

IF RIGHT-OF-WAY IS NEEDED: The Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970 will govern the acquisition of any right-of-way necessary for this project. More detailed information on right-of-way acquisition and relocation assistance can be obtained by calling or visiting the Nevada Department of Transportation, Right-of-Way Office, 1263 South Stewart Street, Room 320, Carson City (775-888-7460).

REQUESTS FOR ASSISTANCE: Reasonable efforts will be made to assist and accommodate physically handicapped persons desiring to attend the meeting. Requests for auxiliary aids or services to assist individuals with disabilities or limited English proficiency should be made with as much advance notice as possible to Julie Maxey, NDOT, Public Hearings Officer, at (775) 888-7171, jmaxey@dot.state.nv.us. Spanish language translators will be present at the hearing.

RTC RIDE routes that serve John Ascuaga’s Nugget are 2, 11, 21, 25, and 26. Contact the RTC ACCESS Customer Service telephone number at (775) 348-0477 for information about paratransit transportation services.
4. The FHWA Division Office will submit the DEIS to the EPA electronically using the EPA Central Data Exchange (CDX) for filing.

5. The EPA will publish the Notice of Availability for the DEIS in the Federal Register. The Notice will be published on Friday of the week following that in which the EPA received the DEIS. Note that the minimum time period of availability for comment is calculated based on the date of publication in the Federal Register.

6. Upon request, the FHWA Division Office will provide interested parties with information or status reports on the DEIS and other elements of the NEPA process.

7. Comment period at least 45 days, 60 days maximum (from date of Federal Register Notice)

At a minimum the DEIS will be available for electronic review and downloading on the internet via NDOT’s website. The Transportation Notice will be forwarded via email or US Postal Service to the Intent-to-Study List recipients and any additional parties who have since indicated their desire to be informed of the project. Requests for electronic (CD) or hard copies of the DEIS will be accommodated within reason.

The Transportation Notice will provide the basis for newspaper advertisements and web advertising for Location/Design Hearing. Advertising shall be at a minimum in accordance NDOT’s Public Involvement Policy. Additional targeted advertising and noticing, tailored to each project, may be required.

Determine, based on the composition of the surrounding neighborhoods, if a Spanish language or other applicable language version of the Transportation Notice is needed.

Development of public noticing and advertising will be coordinated with the Environmental Services Division, NDOT Public Hearings Officer, and NDOT Public Information Office. For further information on NDOT’s public involvement procedures, see Chapter 6.

Comments on the DEIS can be submitted in written or electronic media to NDOT or FHWA within 45 days of the availability of the DEIS unless the FHWA determines, for good cause, that a 60 day comment period is warranted. The DEIS will be available for a minimum of 15 days prior to the Location/Design Hearing. The notice of the public hearing in local newspapers will announce the Location/Design Hearing and where and how the DEIS may be obtained or reviewed and commented on.

If it is the intention of FHWA and NDOT to issue a combined Final EIS (FEIS) and Record of Decision (ROD), it must be noted in the DEIS and the preferred alternative identified. See Activity No. 21 information on the preparation of a ROD.

Regulations and Guidance

40 CFR 1502.19 "Circulation of the Environmental Impact Report"
40 CFR 1503.1 "Inviting Comments"
40 CFR 1506.9 "Filing Requirements"
40 CFR 1506.10 "Timing of Agency Action"
23 CFR 771.123(f-i) "Draft environmental impact statements"
ACTIVITY NO. 14: LOCATION/DESIGN HEARING

The Environmental Services Division, in cooperation with the NDOT Hearings Officer and the FHWA Division Office, will hold a Location/Design public hearing.

Information presented at the meeting will include items such as:

- project location,
- project description,
- purpose and need for the project,
- summary alternatives and environmental impacts and mitigation measures, and
- project schedule

The meeting will be an open-house style meeting and include display boards, a formal presentation, and a short question and answer period following the formal presentation. Additionally, a handout packet will be prepared for each person in attendance. The handout will include a welcome letter, a copy of the presentation, the purpose and need for the project, a summary of environmental impacts and mitigation measures, copies of each display board, and a comment form.

Determine, based on the composition of the surrounding neighborhoods, if a Spanish language or other applicable language version of the meeting handout or presentation is needed and if a translator should attend the meeting.

See Chapter 6 for descriptions of public hearing types and other aspects of NDOT’s public involvement procedures.

Regulations and Guidance

23 CFR 771.111(h) “Early coordination, public involvement and project development”
23 CFR 771.123(h) “Draft environmental impact statements”
NDOT Public Involvement Website
ACTIVITY NO. 15: EVALUATE AND RESPOND TO SUBSTANTIVE COMMENTS

The Environmental Services Division, in cooperation with the FHWA Division Office will evaluate comments and prepare responses. Possible responses include:

- modifying alternatives including the proposed action;
- developing and evaluating alternatives not previously considered;
- supplementing, improving or modifying analyses;
- making factual corrections; or
- explaining why the comments do not warrant further agency response by citing the sources, authorities or reasons that support that position and, if possible, indicating those circumstances that would trigger reappraisal or further response.

It is not necessary or appropriate to respond to all comments by letter. The responses will meet the requirements of 40 CFR 1503.4 which includes, as one example, using the FEIS as the mechanism for the response.

Regulations and Guidance

40 CFR 1503.4 “Response to Comments”
23 CFR 771.125(a) “Final environmental impact statements”
CEQ Q&A Question 14d “Rights and Responsibilities of Lead and Cooperating Agencies”
CEQ Q&A Question 29 “Responses to Comments”
AASHTO Practitioner’s Handbook 02 Responding to Comments on an Environmental Impact Statement – August 2016

ACTIVITY NO. 16: PREPARE/REVIEW ADMINISTRATIVE DRAFT FEIS OR COMBINED FEIS/ROD

An Administrative Draft FEIS or FEIS/ROD will be prepared to reflect responses to comments (see Activity 15), identify the preferred alternative for the project (if not a combined FEIS/ROD) and evaluate reasonable alternatives considered. It also will discuss substantive comments and responses received on the DEIS, summarize public involvement, including coordination with participating and cooperating agencies, and describe the mitigation measures to be incorporated. The document also will document compliance with environmental laws and Executive Orders.

The Environmental Services Division will review the Administrative Draft FEIS or FEIS/ROD and will coordinate the document with NDOT Divisions for review and comment. The Environmental Services Division also will coordinate the Administrative Draft FEIS or FEIS/ROD with participating and cooperating agencies for their input. The Environmental Services Division will incorporate changes in the document as necessary to respond to comments resulting from the review within NDOT and the coordination with participating and cooperating agencies and the public.
Based on FHWA Technical Advisory T6640.8A, there are four options to prepare a FEIS: traditional approach, condensed FEIS, abbreviated FEIS, and the errata sheet approach. NDOT in cooperation with FHWA, will agree on the format to be used.

Regulations and Guidance

40 CFR 1502.9(b) "Draft, Final, and Supplemental Statements"
23 CFR 771.125 “Final environmental impact statements”
23 CFR 774.3 “Section 4(f) approvals”
FHWA Environmental Guidebook
FHWA Technical Advisory T6640.8A – October, 1987
FHWA/FTA SAFETEA-LU Environmental Review Process Final Guidance
FHWA Interim Guidance on MAP-21 Section 1319 Accelerated Decisionmaking in Environmental Reviews – January, 2013

ACTIVITY NO. 17: FHWA REVIEW OF ADMINISTRATIVE DRAFT FEIS OR FEIS/ROD

The Environmental Services Division will submit the Administrative Draft FEIS or FEIS/ROD to the FHWA Division Office and Cooperation Agencies for review and comment.

The Environmental Services Division will incorporate changes in the Administrative Draft FEIS or FEIS/ROD as necessary to respond to comments provided by the FHWA Division Office and Cooperation Agencies and will prepare the Administrative Draft FEIS or FEIS/ROD for the FHWA Legal Sufficiency Review (see Activity 16).

ACTIVITY NO. 18: FHWA LEGAL SUFFICIENCY REVIEW (DRAFT FEIS OR FEIS/ROD)

The Environmental Services Division will submit the Administrative Draft FEIS or FEIS/ROD to the FHWA Division Office with a request for legal sufficiency review in accordance with 23 CFR 771.125(b).

The FHWA Division Office will coordinate the Administrative Draft FEIS or FEIS/ROD for review by the FHWA Legal Counsel to determine if it meets legal sufficiency requirements. The FHWA Division Office will provide the Environmental Services Division with comments provided by the FHWA Legal Counsel, if any.

If a legal sufficiency review was completed for the DEIS and if there have been no substantive changes to the document, FHWA may waive a legal sufficiency review of the FEIS or FEIS/ROD.

Regulations and Guidance

23 CFR 771.125 “Final environmental impact statements”
ACTIVITY NO. 19: PREPARE/PROCESS FEIS OR FEIS/ROD APPROVAL

The Environmental Services Division will incorporate changes in the Administrative Draft FEIS or FEIS/ROD to respond to legal sufficiency comments. The NDOT Director will sign the FEIS or FEIS/ROD as will any Cooperating Agency signatories, and the Environmental Services Division will submit the FEIS or FEIS/ROD to the FHWA Division Office along with a transcript of each public hearing held and a certification that a required hearing was held.

For those actions that do not require prior concurrence from the FHWA Headquarters, the FHWA Division Administrator, or his/her designee, may adopt and sign the FEIS or FEIS/ROD. After adoption and signature, the FHWA Division Administrator will ensure that the Environmental Services Division, the FHWA Headquarters, the FHWA Legal Counsel and the FHWA Resource Center each receive one copy of the signed FEIS or FEIS/ROD.

For projects in the categories described in 23 CFR 771.125(c), FEISs or FEIS/RODs will be submitted to the FHWA Washington Headquarters, Office of Program Development, for prior concurrence. The FHWA Washington Headquarters will notify the FHWA Division Administrator when the FEIS or FEIS/ROD may be released to the public and the EPA, at which time the FHWA Division Administrator will adopt and sign the FEIS or FEIS/ROD. After adoption and signature, the FHWA Division Administrator will ensure the Environmental Services Division, the FHWA Headquarters, the FHWA Legal Counsel and the FHWA Resource Center each receive one copy of the signed FEIS or FEIS/ROD.

Regulations and Guidance

23 CFR 771.113(a)(2) “Timing of Administration activities”
23 CFR 771.125(c) “Final environmental impact statements”
23 CFR 771.125(e) “Final environmental impact statements”
23 CFR 774.3 “Section 4(f) approvals”
CEQ Q&A Question 6 “Environmentally Preferable Alternative”
CEQ Q&A Question 34b “Records of Decision”
FHWA Interim Guidance on MAP-21 Section 1319 Accelerated Decisionmaking in Environmental Reviews – January 2013

ACTIVITY NO. 20: CIRCULATE FEIS OR FEIS/ROD

The FEIS or FEIS/ROD will be circulated to governmental and non-governmental entities and the public that made substantive comments on the DEIS or requested a copy of the FEIS. Circulation will be accomplished no later than the date the document is filed with the EPA. The following describes the processing of the FEIS or FEIS/ROD by the FHWA and the EPA:

1. The FHWA Division Office will submit the signed FEIS or FEIS/ROD electronically using the EPA Central Data Exchange (CDX).
2. The EPA will publish the Notice of Availability for the FEIS or FEIS/ROD in the Federal Register. The publication date will be on Friday of the week following that in which the EPA received the FEIS or FEIS/ROD. If a combined FEIS/ROD is not being issued, then the date of publication in the Federal Register will establish the beginning of the 30-day period that will elapse before the FHWA can sign the ROD.

3. Upon request, the FHWA Division Office or any leading agency will provide interested parties with information or status reports on the EIS and other elements of the NEPA process.

The Environmental Services Division will circulate the FEIS or FEIS/ROD in accordance with the regulations and guidance cited below. The Environmental Services Division, in cooperation with the FHWA Division Office, will evaluate comments received on the FEIS.

If a combined FEIS/ROD is not prepared a draft ROD will be prepared for the project and will summarize and respond to other comments.

The Environmental Services Division, in cooperation with the FHWA Division Office will evaluate comments received on the FEIS/ROD and assess if a revised ROD must be issued.

Regulations and Guidance

40 CFR 1502.19 "Circulation of the Environmental Impact Statement"
40 CFR 1506.9 "Filing Requirements"
40 CFR 1506.10 "Timing of Agency Action"
23 CFR 771.125(f) “Final environmental impact statements"
23 CFR 771.125(g) “Final environmental impact statements”
FHWA Environmental Guidebook
FHWA Technical Advisory T6640.8A – October, 1987
FHWA Interim Guidance on MAP-21 Section 1319 Accelerated Decisionmaking in Environmental Reviews – January 2013

ACTIVITY NO. 21: REQUEST RECORD OF DECISION (ROD)

If a combined FEIS/ROD is not prepared, a draft ROD reflecting the selected project alternative will be coordinated with cooperating agencies prior to submitting the document to the FHWA.

After circulation/coordination of the draft ROD and responding to any substantive issues raised, the Environmental Services Division will submit the draft ROD to the FHWA Division Office. The FHWA will complete and sign a ROD no sooner than 30 days (the FHWA may adopt or revise the draft ROD) after publication of the FEIS notice in the Federal Register, or 90 days after publication of a notice for the DEIS, whichever is later.

The ROD will address the following key items:

- Identification of the selected alternative;
• description of each alternative considered and identification of the environmentally preferred alternative or alternatives;
• explanation of the balancing of values that formed the basis for the project decision;
• explanation of the basis for any Section 4(f) approval, if applicable;
• description of the specific measures adopted to minimize environmental harm and identification of standard measures (e.g., erosion control) appropriate for the proposed action;
• description of any monitoring or enforcement program that has been adopted for specific mitigation measures;
• identification of and response to substantive comments received on the FEIS; and
• summarization of and response to other comments provided, where appropriate.

See Section 2.3 “Preparing an Administrative Record”.

Regulations and Guidance

40 CFR 1505.2 "Record of Decision in Cases Requiring Environmental Impact Statements"
23 CFR 771.127 "Record of decision"
FHWA Environmental Guidebook
FHWA Technical Advisory T6640.8A – October 1987

ACTIVITY NO. 22: STATUTE OF LIMITATIONS (SOL) NOTICE

FHWA must post a Statute of Limitations (SOL) Notice to the Federal Register after the ROD, which begins the 150-day SOL. The public notification of the ROD and the SOL Notice should coincide.

The SOL Notice is implemented as part of SAFETEA-LU and MAP-21. The action relates to a transportation project and a SOL notification is published in the Federal Register announcing that a Federal agency has taken an action on a transportation project that is final under the Federal law pursuant to which the action was taken.

Regulations and Guidance

Section 1308 Efficient Environmental Review of Project Decision Making under 23 USC 139

Q & A - AD-5 MAP-21 Statute of Limitations (SOL) 150 days

ACTIVITY NO. 23: MONITOR FINAL DESIGN AND CONSTRUCTION

Representatives of the Environmental Services Division will review contract plans and special provisions and will attend preconstruction conferences for projects to ensure permit obligations, environmental commitments and environmental mitigation measures are adequately addressed.
See Section 2.4 for additional information on environmental commitments/permit obligations.

During the construction phase of the project, the Environmental Services Division in coordination with the Resident Engineer will monitor construction activities to ensure the contractor complies with the Construction Contract Documents, especially those concerning permit obligations, environmental commitments, and environmental mitigation measures.

Regulations and Guidance

FHWA/FTA SAFETEA-LU Environmental Review Process Final Guidance
AASHTO Practitioner’s Handbook 04 Tracking Compliance with Environmental Commitments/Use of Environmental Monitors – November 2006

5.3 SUPPLEMENTAL EIS

The regulations and guidance cited below describe those circumstances where preparation of a Supplemental EIS may be appropriate (e.g., substantial changes in the proposed action, significant new information regarding environmental concerns) and provide direction on the format, content and processing of a Supplemental EIS:

40 CFR 1502.9(c) “Draft, Final, and Supplemental Statements”
23 CFR 771.130 “Supplemental environmental impact statements”
FHWA Technical Advisory T6640.8A – October 1987

5.4 RE-EVALUATIONS

After approval of the Record of Decision (ROD), NDOT shall consult with FHWA prior to requesting any major approvals or grants to establish whether or not the approved FEIS and ROD remain valid.

These consultations will be documented when determined necessary by FHWA and in a format agreed to by FHWA. The regulations and guidance cited below describe the triggers (e.g., timeframes) for re-evaluating NEPA documents and approvals:

- 23 CFR 771.129 “Re-evaluations”
- FHWA Technical Advisory T6640.8A – October, 1987
- CEQ Q&A Question 32 “Supplements to Old EISs”