Indiana’s Streamlined EIS Procedures

Approved by
FHWA, Indiana Division
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## EIS Development Process

- Publish NOI and Issue Early Coordination Letter
- Develop P&N and Preliminary Alternatives
  - Agency Review Package
  - Agency Feedback
- Preliminary Alternatives Analysis and Screening
  - Agency Review Package
  - Agency Feedback
- Complete DEIS (or EA/Corridor Study)
  - Transition of EA/Corridor Study to EIS
  - Prepare DEIS
- Identify Preferred Alternative and Mitigation
  - Agency Review Package
  - Agency Feedback
- Complete FEIS/ROD
- Final Design

## Conflict Resolution Process

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representative from INDOT (and another State DOT if applicable), Indiana Division of FHWA (and another Division if applicable), Region 5 FTA (if an FTA New Start may be involved), and the MPO (if the project study area is in an MPO area). The MPO has been included in the Project Coordination Team so that the MPO can assure that the project specific modeling is consistent with the adopted land-use plan and transportation plan (both highway and transit) for its metropolitan planning area and ensure due consideration of multi-modal solutions. The creation of the Project Coordination Team is intended to facilitate better coordination among the agencies with primary responsibility for the planning process (namely, the MPO and INDOT) and the agencies with primary responsibility for the NEPA process (namely, FHWA and INDOT). The creation of the Project Coordination Team is not intended to change in any way the existing roles and responsibilities of the various entities involved in each process. Specifically, these procedures are not intended to give FHWA greater authority over planning, nor are they intended to give the MPO greater authority over the NEPA process, in comparison to current conditions.

Section 102(2)(D) of NEPA allows FHWA to delegate certain NEPA development responsibilities to INDOT and consultants who serve as an extension of INDOT staff. Nonetheless, FHWA assumes full responsibility for engaging INDOT and the consultant to assure that the products issued by the consultant represent the position of FHWA. All of the coordination packages (P&N and Preliminary Alternatives Package, Preliminary Alternatives Analysis and Screening Package, etc.) are working documents and will continue to be refined as additional information becomes available. All reports issued by the consultant on behalf of FHWA and INDOT are preliminary in nature. The P&N is subject to refinement as additional information becomes available from the agencies and the public. Some of the issues raised at the various coordination points, may not be fully addressed until the EIS is formally approved. FHWA signature on the DEIS constitutes FHWA’s first formal endorsement of purpose and need and the associated alternatives analysis.

Regarding Section 106 coordination, FHWA recognizes that the SHPO’s role is one of consultation. It is FHWA’s responsibility to identify register eligible properties, assess effect, and resolve adverse effects. In carrying out these responsibilities, FHWA will rely upon the assistance of INDOT and INDOT consultants to the extent authorized under the Section 106 regulations, as provided in the FHWA-IN Section 106 Procedures. For projects involving corridors or large land areas, including EA/Corridor Studies, FHWA will support the use of a “phased” approach to Section 106 compliance, as allowed under 36 CFR 800.4(b)(2) and 800.(5)(a)(3).

Three (3) Key Coordination Points with Agencies

The streamlined process provides numerous opportunities for agency input and includes requests for formal agency comment at three (3) key milestones:

1. P&N and Preliminary Alternatives to be considered,
2. Preliminary Alternatives Analysis and Screening, and

A Coordination Point Package will be distributed and an Interagency Review Meeting will be held at each of these three (3) Coordination Points. These Coordination Points are in addition to the initial early coordination letter (see Step 1 below) and the official review that agencies routinely conduct on the approved DEIS (see Step 4 below).

Interagency Review Meetings

During the early coordination stage of an EA/Corridor Study or an EIS, the Project Coordination Team will coordinate with the agencies listed on page 4 of these procedures to determine which agencies have an interest in participating in the study. Agencies that wish to participate will be “Participating Agencies” for purposes of the study. Participating Agencies will be included on the mailing list for all agency coordination correspondence, including the Coordination Point Packages.

The Project Coordination Team will review each Coordination Point Package and assure that it is updated to represent the INDOT and FHWA position. Once the Package is acceptable, the consultant will forward the Package to the Participating Agencies for their review and comment. The cover letter transmitting the Package will establish a deadline for written comments (approximately 60-day review period) and a date for the Interagency Review Meeting (halfway into 60-day review period). The consultant will send a summary of the agency issues identified during the Interagency Review Meeting to the Participating Agencies within 7-days via e-mail. The agencies will have the benefit of the meeting summary in preparing their written comments.

If agency concerns have been effectively captured in the meeting summary, Participating Agencies may choose not to submit written comments or may submit a letter simply concurring in the meeting summary. If a Participating Agency believes a meeting summary is not accurate, or has additional issues, the agency is encouraged to submit written comments by the designated deadline.

The coordination points will not serve as a barrier to proceeding to the next stage of project development. The P&N and alternatives analysis will continue to be refined through the development of the Final Environmental Impact Statement (FEIS) as new information becomes available.

Public Involvement

Per 23 CFR 771.111(h), FHWA has approved the “INDOT Public Involvement Procedures.” These procedures call for a formal Public Hearing after issuance of the DEIS. The Project Coordination Team is encouraged to conduct a Public Meeting at the P&N and Preliminary Alternatives Coordination Point and the Preliminary Alternatives Analysis and Screening
INDIANA’S STREAMLINED EIS PROCEDURES FLOWCHART

Option 1 – Planning in Context of EIS

1. Issue NOI
2. Develop P&N and Preliminary Alternatives
   - Interagency Review 1
3. Preliminary Alternatives Analysis and Screening
   - Interagency Review 1
4. Complete DEIS
5. Identify Preferred Alternative and Mitigation
   - Interagency Review 1
6. Complete FEIS/ROD
7. Final Design

Option 2: Planning in Context of EA/Corridor Study

1. Issue Early Coordination Letter
2. Develop P&N and Preliminary Alternatives
   - Interagency Review 1
3. Preliminary Alternatives Analysis and Screening
   - Interagency Review 1
4. Complete EA/Corridor Study 2
5. Issue NOI
6. Complete DEIS
7. Identify Preferred Alternative and Mitigation
   - Interagency Review 1
8. Complete FEIS/ROD
9. Final Design

1 – Agencies will have 60-day review period, with interagency meeting about halfway through the review period. See Procedures for (a) what to include in Interagency Review Package and (b) desired feedback from agencies.

2 – If an EA/Corridor Study involves significant impacts, then a NOI to develop an EIS will be published in the Federal Register. The EIS analysis will begin where the EA/Corridor Study ended.