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SR 29 COA Change



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Thu 2/4/2016, 4:17 PM

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FHWA has reviewed FDOT's January 15, 2016 request to lower the Class of Action for the SR 29 from Oil Well Road to SR 82 project (#417540-1-22-01) from an EIS to an EA.

In satisfying environmental requirements, FHWA carefully considers, in partnership with FDOT, the Class of Action (COA). The COA decision is based on the potential impacts and other information available at the time the COA determination is made, such as the project scope and context.

The environmental process is a decision-making tool. The purpose of the environmental process is to evaluate the potential environmental impacts of proposed agency actions, gather input from the public and other stakeholders, and address impacts appropriately. If, during the evaluation process, the studies and other outreach indicate that the impacts can be accommodated and other issues addressed, then that provides further support for a decision on the proposed action. Rarely would utilizing the results of the studies developed during the process lead us to modify a COA determination mid-stream.

However, based on the information provided and the additional clarifying discussions with the District, we have determined that the COA decision made July 27, 2007 is no longer appropriate and that downgrading this proposed project to an EA is applicable given this project's circumstances. The following are some of the factors that support this decision (these are in no particular order):

1. The preparation of a draft EIS has not yet begun.
2. The District has discussed the proposed class of action change with FHWA several times and has provided responses to our questions that addressed potential concerns and sufficiently justify the request.
3. The District's documentation demonstrates that the scope of the current project has a different environmental context than the project when it was given the class of action of EIS.
4. The scope of the project on new alignment has been reduced from 15 miles to approximately 3, and any minor impacts to Section 4(f) resources that cannot be completely avoided can likely be easily mitigated.
5. The District's documentation demonstrates that the project would have no obvious significant impacts to the environment, and there is no known public controversy regarding the project at this time, therefore the project no longer meets the definition of an EIS, per 23 CFR 771.115(a).
6. While we cannot completely ascertain the presence or absence of significant impacts for the remaining alternatives at this time, an EA would be the appropriate process mechanism to do so, which would then either conclude in a FONSI or recommend an EIS.
7. Approving the request would not be in conflict with any laws or regulations and would seem to assist the District in streamlining the project so that a needed infrastructure improvement could be provided to the public in a more timely and less costly manner while still sufficiently addressing the human and natural environment.

FHWA values our relationship with FDOT, and we look forward to working together to complete the NEPA process for the SR 29 project. To go forward from this decision, we request the following from District 1:

1. Prepare a draft Notice for the Federal Register that an EIS will not be prepared for the project. FHWA will subsequently submit the finalized notice to the Federal Register.
2. Before the drafting of an EA begins, cooperating and participating agencies must be identified (this was never done previously). FHWA will work with you to invite the appropriate agencies using an appropriate mechanism (ETDM or otherwise).
3. Please note that the EA must address the impacts from stormwater facilities.
4. If any project related impacts are determined during the development of an EA to be significant, the EA will be concluded with a request to initiate an EIS.

For project tracking purposes, today will be the start date for tracking the EA to completion. Please let me know if you have any questions regarding this change in class of action decision for the project or the four items requested of the District.

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