

Distributing Environmental Documents and Supporting Environmental Documentation

1. Purpose

This Procedures Manual chapter provides guidance regarding the distribution of approved Environmental Documents and Supporting Environmental Documentation. The information in this chapter should help the Project Manager identify the who, what, where, when, and why of document distribution. Distribution (and notification of document availability) requirements may vary based on several factors, such as the level of environmental review or federal agency involvement. It is important for the NCDOT Project Manager to identify and ensure compliance.

The following sections provide background information, a description of roles and responsibilities, an explanation of the distribution process and timing, a milestone checklist, and standardized email and letter templates. Additionally, instructions for ensuring this guidance is current are also provided.

2. Background

SEPA and NEPA require the distribution of approved Environmental Documents. Accordingly, NCDOT is responsible for distributing Environmental Documents to provide interested parties the opportunity to review the assessment of a project's potential environmental impacts.

Environmental Documents prepared pursuant to SEPA and NEPA include:

- Environmental Assessments (EAs)
- Findings of No Significant Impact (FONSI)
- Environmental Impact Statements (EIS)
- Records of Decision (RODs)

Supporting Environmental Documentation is prepared to demonstrate that an environmental review pursuant to SEPA and/or NEPA is not necessary because the proposed project falls below certain thresholds. NCDOT is not required to distribute Supporting Environmental Documentation.

Supporting Environmental Documentation includes:

- Minimum Criteria Determination Checklists (MCDCs)
- Categorical Exclusions (CEs)
- Consultations / Re-evaluations

There are instances in which NCDOT chooses to make Supporting Environmental Documentation available to interested parties as a matter of best practice. For example, NCDOT distributes Type III Categorical Exclusions due to the fact that FHWA is a required signatory. When determining if other types of Supporting Environmental Documentation should be distributed for review outside of NCDOT, consider factors such as:

- the level of public interest,
- the level of regulatory agency involvement, and
- stakeholder interest in the proposed project.

The NCDOT Environmental Policy Unit is available to provide clarification on requirements and guidance on a project-specific basis.

3. Roles and Responsibilities

Multiple parties are involved in the successful distribution of Environmental Documents and Supporting Environmental Documentation. Key parties, and their associated responsibilities, are summarized below.

NCDOT Project Managers and/or their Consultants have ultimate responsibility for the successful distribution of Environmental Documents and Supporting Environmental Documentation, including submittal to the North Carolina Environmental Review Clearinghouse. NCDOT Project Managers or their Consultants must submit all Environmental Documents prepared pursuant to SEPA and NEPA and some types of Supporting Environmental Documentation (i.e., Type III CEs) to the State Environmental Review Clearinghouse. NCDOT Project Managers or their Consultants may also submit other types of Supporting Environmental Documentation on a project-specific basis, and are responsible for notifying any potential lead federal agencies (i.e., United States Army Corps of Engineers, United States Coast Guard).

The North Carolina Environmental Review Clearinghouse, which is maintained by the North Carolina Department of Administration, is responsible for the daily implementation and administration of the SEPA review process. The Clearinghouse forwards Environmental Documents and Supporting Environmental Documentation for review and comment to state and local agencies with expertise in environmental matters and/or whose jurisdiction may be impacted by the project. It is important to note that the North Carolina Environmental Review Clearinghouse distribution recipients vary on a project-by-project basis. While the North Carolina Environmental Review Clearinghouse helps in the identification of relevant recipients, the NCDOT Project Manager and/or their Consultant is responsible for ensuring all appropriate parties are notified of document availability or included in document distribution.

The North Carolina State Publications Clearinghouse (part of the State Library) is the official permanent depository for all North Carolina state government publications. Per State Statute, all Environmental Documents must be sent to the North Carolina State Publications Clearinghouse, which will then be available to the public permanently. Accordingly, the North Carolina State Publications Clearinghouse should be included on the distribution list for all NCDOT Environmental Documents.

The NCDOT Environmental Policy Unit is available to provide clarification on requirements and guidance on a project-specific basis. The NCDOT Environmental Policy Unit should be copied on all internal NCDOT distributions and submittals to the North Carolina Environmental Review Clearinghouse.

Other Federal Agencies may be involved in the preparation of NCDOT Environmental Documents and Supporting Environmental Documentation. The NCDOT Project Manager and their Consultant should determine if there are any additional distribution requirements relevant to the federal agency's role in the project (for example, if a federal agency requires receipt of a hard copy).

4. Process and Timing

Early in the project development process, the NCDOT Project Manager and their Consultant should review project-specific circumstances and plan for the anticipated level of effort and coordination needed to satisfy distribution requirements. For example, some special purpose laws and requirements, such as Section 4(f) of the Department of Transportation Act, have unique public notification requirements.

To avoid unexpected surprises and potential schedule delays, the NCDOT Project Manager and their Consultant should conduct a thorough review of applicable statutes and regulations and create a schedule that allows sufficient time for distribution. If needed, the NCDOT Project Manager or their Consultant can coordinate with the NCDOT Environmental Policy Unit to confirm the anticipated level of environmental review and approach for document distribution.

As the Environmental Document or Supporting Environmental Documentation nears finalization, the NCDOT Project Manager or their Consultant should begin building the distribution list. The distribution list should be informed by the project coordination and consultation that has been conducted to-date, and should include parties who should receive physical copies of the document (i.e., the State Environmental Review Clearinghouse) as well as parties who should receive notification of document availability (i.e., MPOs/RPOs, the NCDOT Environmental Policy Unit).

A few of the potential regulations and statutes that may affect notification and distribution include:

- Section 106 of the NHPA
- Section 4(f) of the DOT Act
- Section 6(f) of the LWCFR
- CEQ Regulations
- Section 404 of the CWA
- FERC Conveyance
- USCG Bridge Permit
- CAMA Major Permit

When determining who to notify of document availability, the NCDOT Project Manager should include all parties that have expressed interest in the project and/or have been coordinated with to-date. For example, residents or businesses who have reached out to NCDOT with questions, as well as agencies that have participated in initial project coordination, should be notified of document availability. While the distribution list will vary on a project-by-project basis, it is important for the NCDOT Project Manager to at least include individuals and agencies on the project contact list.

To ensure the development of a comprehensive distribution list, the NCDOT Project Manager and/or their Consultant should include all entities that NCDOT has coordinated with over the development of the Environmental Document or Supporting Environmental Documentation. Typical recipients that should be added to a distribution list include, but are not limited to:

- Merger Team members (if applicable)
- Recipients of start-of-study letters
- Agencies with regulatory or land interests (TVA, FERC, USFS, NPS, USFWS)
- Tribal nations
- Municipalities
- MPOs and RPOs.

There may be instances where an entity has the potential to receive several notifications of availability. For example, an agency that receives the start-of-study letter may also be a Merger Team member. However, the NCDOT Project Manager should not make any assumptions regarding the internal coordination and communication at other agencies. Therefore, because it is the responsibility of the NCDOT Project Manager and/or their Consultant to ensure sufficient distribution of their Environmental Documents and Supporting Environmental Documentation, it is preferable for an entity to be notified more than once rather than not at all.

After the distribution list has been developed, the NCDOT Project Manager or their Consultant should prepare distribution letters and emails. Several variations may be needed depending on the type of document and intended recipients. For representative distribution letter and email notification language, refer to Section 6, *Standardized Email and Letter Templates*.

When the distribution notifications and Environmental Document or Supporting Environmental Documentation are finalized, the NCDOT Project Manager or their Consultant are responsible for the distribution process.

For internal NCDOT distribution, the NCDOT Project Manager should post the Environmental Document or Supporting Environmental Documentation to the NCDOT Connect SharePoint site. Once the Environmental Document or Supporting Environmental Documentation is posted, the NCDOT Project Manager should notify NCDOT staff via an email that includes the link to the document.

The NCDOT Project Manager should notify the State Library (also known as the State Publications Clearinghouse) of the availability of the electronic copy (PDF) of all approved Environmental Documents. If the Environmental Document is also being widely distributed as a hardcopy, the NCDOT Project Manager should also send two hardcopies.

For State Environmental Review Clearinghouse distribution, the NCDOT Project Manager or their Consultant must submit copies of the Environmental Document or Supporting Environmental Documentation. The NCDOT Project Manager should submit 2 hard copies and the website address where the document can be accessed. As described above, the State Environmental Review

Clearinghouse forwards Environmental Documents and Supporting Environmental Documentation for review and comment to state and local agencies with expertise in environmental matters and/or whose jurisdiction may be impacted by the project.

For general (external) distribution, the NCDOT Project Manager or their Consultant should determine if a hardcopy is required or if a notice of availability is sufficient. For a list of agencies requiring a hard copy of NCDOT Environmental Documents or Supporting Environmental Documentation, please see Section 7. In addition, the NCDOT Project Manager may choose to make the Environmental Document or Supporting Environmental Documentation available on the project website. The NCDOT Project Manager should email a notice of document availability with a link to the electronic (PDF) copy to all parties on the distribution list that are not receiving a hardcopy.

It is the NCDOT Project Manager’s responsibility to confirm the Environmental Document or Supporting Environmental Documentation has been successfully distributed. To ensure that NCDOT can demonstrate compliance with relevant notification requirements, all distribution efforts and notices **should be tracked** by the NCDOT Project Manager and their Consultant.

When the distribution process is complete, the NCDOT Project Manager or their Consultant should place copies of all distribution emails, letters, and other notifications in the project file. Three years after completion of project construction, NCDOT administrative staff are responsible for sending the complete project file to the North Carolina State Government Records Retention Archive. It is the responsibility of the NCDOT Project Manager to ensure the project files are organized and ready for transfer to the Archives.

5. Checklist

The following checklist identifies the key steps that are described in Section 4 above.

Project Phase	NCDOT Project Manager Action	Status
Project Screening	Identify the anticipated level of environmental review and associated distribution requirements.	
	Review factors that may affect distribution (i.e., special purpose laws and requirements).	
Environmental Review	Develop distribution list using the parties that have been coordinated with to-date.	
	Prepare distribution letters and emails.	
	Begin the distribution process: Internal NCDOT distribution State Environmental Review Clearinghouse State Library (aka State Publications Clearinghouse) General Distribution	
	Track distribution methods and recipients.	
	Confirm successful distribution.	
Post-Construction	Ensure the project file is complete, comprehensive, and ready for transfer to the North Carolina State Government Records Retention Archive.	

6. Standardized Email and Letter Templates

The following template language can assist NCDOT Project Managers and their Consultants during the document distribution process. While use of this language is not required, it is suggested.

Subject Line: - *[STIP No., City and/or County]*

All,

SUBJECT: - *[insert document type]* for STIP #, project description, city and/or county

NCDOT has completed a/an *[insert document type]*. The document can be found by NCDOT employees on Project Store or the Sharepoint Team Site at *[choose one and provide a direct link to the project folder]*:

\\dot\dfsroot01\ProjStore\Proj\TIPProjects\TIPNO\PDEA\Project_Development\Documents
or <https://connect.ncdot.gov/site/preconstruction/Pages/Default.aspx>

The document may also be accessed by outside agencies as well as the general public at:

<https://xfer.services.ncdot.gov/pdea/EnvironmentalDocs/Documents/>

[Add the following information as per document type]

MCDCs & Type I&II CEs - No significant adverse environmental effects are expected as a result of the project; therefore, no other distribution of the report is necessary.

Type III CEs - No significant adverse environmental effects are expected as a result of the project. Distribution of the Categorical Exclusion is being made on behalf of the Federal Highway Administration in accordance with 23 CFR 771. The document is also being distributed for review to other agencies as appropriate.

State EA/FONSIs - This report records the determination that implementing the proposed action will not have a significant effect upon the quality of the human and natural environment. NCDOT is distributing the State Environmental Assessment/Finding of No Significant Impact to other agencies as appropriate.

State EAs – The document is being submitted to the State Clearinghouse, area wide planning agencies, and the counties, towns, and cities involved. It is anticipated this project will be processed with a “Finding of No Significant Impact”; however, should comments received on the Environmental Assessment or at the public hearing demonstrate a need for preparing a Draft Environmental Impact Statement you will be contacted as part of our scoping process.

Any comments concerning the Environmental Assessment should be forwarded to *[insert Name and e-mail address]*. Your comments should be received by *[insert due date (45 calendar day review period)]*. If you desire a copy of the "Finding of No Significant Impact," please so indicate.

State FONSI – This report records the determination that implementing the proposed action will not have a significant effect upon the quality of the human and natural environment. NCDOT is distributing the State Finding of No Significant Impact to other agencies as appropriate.

State DEIS - The statement was prepared in compliance with the North Carolina Environmental Policy Act and is being submitted to the State Clearinghouse, area wide planning agencies and the counties, towns, and cities involved.

[Add this section for distribution to agencies] Permit review agencies should note it is anticipated Federal Permits will be required as discussed in the statement. Any comments you have concerning the Draft Environmental Impact Statement should be forwarded to *[insert Name and e-mail address]*. Your comments should be received by *[insert due date (60 calendar day review period)]*. If you desire a copy of the "Finding of No Significant Impact," please so indicate.

State FEIS - The FEIS was prepared in compliance with the North Carolina Environmental Policy Act. NCDOT is distributing the State Final Environmental Impact Statement to other agencies as appropriate.

State ROD - Distribution of the Final ROD is being made by the North Carolina Department of Transportation in accordance with the requirements of the North Carolina State Environmental Policy Act.

Federal EA - Distribution of the *[insert document type]* is being made on behalf of the Federal Highway Administration in accordance with 23 CFR 771. The document is being submitted to the State Clearinghouse, area wide planning agencies, and the counties, towns, and cities involved. The document is being distributed for review to other agencies as appropriate. It is anticipated this project will be processed with a "Finding of No Significant Impact"; however, should comments received on the Environmental Assessment or at the public hearing demonstrate a need for preparing a Draft Environmental Impact Statement you will be contacted as part of our scoping process.

[Add this section for distribution to agencies] Any comments concerning the Environmental Assessment should be forwarded to *[insert Name and e-mail address]*. Your comments should be received by *[insert due date (45 calendar day review period)]*. If you desire a copy of the "Finding of No Significant Impact," please so indicate.

Federal FONSI - This report records the determination that implementing the proposed action will not have a significant effect upon the quality of the human and natural environment. Distribution of the FONSI is being made on behalf of the Federal Highway Administration in accordance with 23 CFR 771. NCDOT is distributing the Finding of No Significant Impact to other agencies as appropriate.

Federal DEIS - Distribution of the *[insert document type]* is being made on behalf of the Federal Highway Administration in accordance with 23 CFR 771. The statement was prepared in compliance

with the North Carolina Environmental Policy Act and is being submitted to the State Clearinghouse, area wide planning agencies and the counties, towns, and cities involved. The document is being distributed for review to other agencies as appropriate.

You are requested to furnish us comments on each alternative, with respect to the environmental considerations over which your agency has jurisdiction by law or expertise. Your preference of an alternative and reasons are invited.

[Add this section for distribution to agencies] Any comments concerning the *[insert document type]* should be forwarded to *[insert Name and e-mail address]*. Your comments should be received by *[insert due date (60 calendar day review period)]*.

Federal FEIS - Distribution of the Final Environmental Impact Statement is being made on behalf of the Federal Highway Administration in accordance with 23 CFR 771. The document is also being distributed for review to other agencies as appropriate.

[Add this section for distribution to agencies] Please send any comments, requests, or acknowledgement letters concerning the *[insert document type]* to *[insert Name and e-mail address]*. Your comments should be received by *[insert due date (? calendar day review period)]*.

Federal ROD - Distribution of the Federal Record of Decision is being made on behalf of the Federal Highway Administration in accordance with 23 CFR 771. The document is also being distributed for review to other agencies as appropriate.

[Add this section for distribution to agencies] Please send any comments, requests, or acknowledgement letters concerning the *[insert document type]* to *[insert Name and e-mail address]*. Your comments should be received by *[insert due date (? calendar day review period)]*.

[TO BE PRINTED ON NCDOT LETTERHEAD]

Date

Ms. Crystal Best
N. C. State Clearinghouse
Department of Administration
1301 Mail Service Center
Raleigh, North Carolina 27699-1301

Dear Ms. Best:

SUBJECT: Project: () County
 F. A. Project:

[INSERT DOCUMENT TYPE]

Attached herein are two (2) paper copies of the [INSERT DOCUMENT TYPE] for the subject project. An electronic copy of the document is available at <https://xfer.services.ncdot.gov/pdea/EnvironmentalDocs/Documents/>

Please send any comments, requests or acknowledgement letters for any documents to _____, Team Lead – Project Management Unit at the address below, by email at _____, or at Phone No..

Sincerely,

Team Lead – Project Management Unit

/

Attachments (2 paper)

7. Hardcopy Distribution Cheat Sheet

The following table identifies the hardcopy requirements for federal agencies that may be involved in the review/distribution of NCDOT Environmental Documents or Supporting Environmental Documentation.

Agency	Requirement
USEPA	2 hardcopies for EISs
USCG	No hardcopy requirement identified
FHWA	2 hardcopies for final EAs and EISs
USFS	No hardcopy requirement identified
USFWS	No hardcopy requirement; Email or link to electronic copy
USACE	5 hardcopies for EISs
FAA	No hardcopy requirement identified
FRA	No hardcopy requirement identified
FTA	No hardcopy requirement identified

8. Status of this Guidance

This guidance was prepared in November 2018. To confirm the information contained in this chapter is current, the NCDOT Project Manager should check the record of revisions on the NCDOT Connect site.