

# DEGREES OF EFFECT



By Cathy Kendall, AICP  
FHWA-FL Division

For the 10/22/09 District 3 ETAT  
Meeting



# What Does the ETDM Manual Say?

---

- Indicate the degree of effect (enhanced, minimal or none, moderate, substantial, dispute) to the natural, cultural, and community resources for direct effects. Guidance for assigning the degree of effect is provided in Table 5-1.

# Table 5-1

Color Code Degree of Effect		Definition		
		Natural and Cultural Resources	Community Resources	
	Enhanced	Project has positive effect on the ETAT resource or can reverse a previous adverse effect leading to environmental improvement.	Project has positive effect on community. Affected community supports the proposed project.	
	Minimum/None	Project has little adverse effect on ETAT resources. Permit issuance or consultation involves routine interaction with the agency. Low-cost options are available to address concerns.	Project has minimum adverse effect on elements of the affected community. Minimum community concern about the planned project. Little or no mitigation is needed.	
	Moderate	Agency resources are affected by the proposed project, but avoidance and minimization options are available and can be addressed during Project Development with a moderate amount of agency involvement and moderate cost impact.	Project has adverse effect on elements of the affected community. Public Involvement is needed to seek alternatives more acceptable to the community. Moderate community involvement is required during Project Development.	
	Substantial	The project has substantial adverse effects, but ETAT understands the project need and will seek avoidance and minimization or mitigation options during Project Development. Substantial interaction is required during Project Development and permitting.	Project has substantial adverse effects on the community and faces substantial community opposition. Intensive community interaction with focused Public Involvement is required during Project Development to address community concerns.	
	Dispute Resolution	Project is contrary to a state or federal resource agency's program, appears non-permittable, has significant environmental issues or purpose and need is disputable.	Community strongly opposes the project. Project is not in conformity with local comprehensive plan and has severe negative impact on the affected community.	

# Different Perspectives in Assigning the DOE:

---

- Breadth of the project
- Importance of a particular resource



# Example 1: Minor Roadway widening near a bald eagle nest

---

- Does an orange (#4 – substantial) DOE indicate the need for conducting the project in a manner so as not to disturb the eagle during nesting, or does it indicate that an EIS or EA is needed?

Or should a yellow or green DOE be given because it is only a widening, and the avoidance, minimization, mitigation approaches will be done regardless of DOE?



## Example 2: Small bridge replacement in area with higher probability of archaeology and with known manatee activity

---

- ❑ The need is to provide direction for the CRAS and PD&E to adequately assess the area for archaeology and to have manatee protections as part of project construction.
- ❑ Should it be minimal to moderate (green-yellow) based on project size, or moderate to substantial (yellow to orange) based on the resources there?
- ❑ Does Substantial (orange) mean EA or EIS?

# Assigning DOE based on Breadth of the Project:

---

- Advantage – May provide more direction/specificity for the Class of Action Determination (EIS, EA or CE2);
- Disadvantage – The DOEs for all similar scale projects become the same, regardless of location;
- Disadvantage – the resources in a specific location are not as well “highlighted” in the DOEs and summary reports.

# Assigning DOE based on resource importance:

---

- Advantage – Distinguishes the importance/fragility of a resource to provide “highlighted” direction for PD&E scoping, regardless of Class of Action.
- Disadvantage – Implies that a higher Class of Action may be needed, when the stronger DOE may be intended to emphasize the resource for the scoping.

# FDOT District Concern:

---

- Does >DOE = >COA?
- FHWA's perspective: Sometimes, but we also rely on the scope/breadth of the project and whether a particular COA can address the issue adequately.
- Details on project scope from FDOT, and agency text recommendations in ETDM are also very important.



# Projects with Multiple Alternatives

---

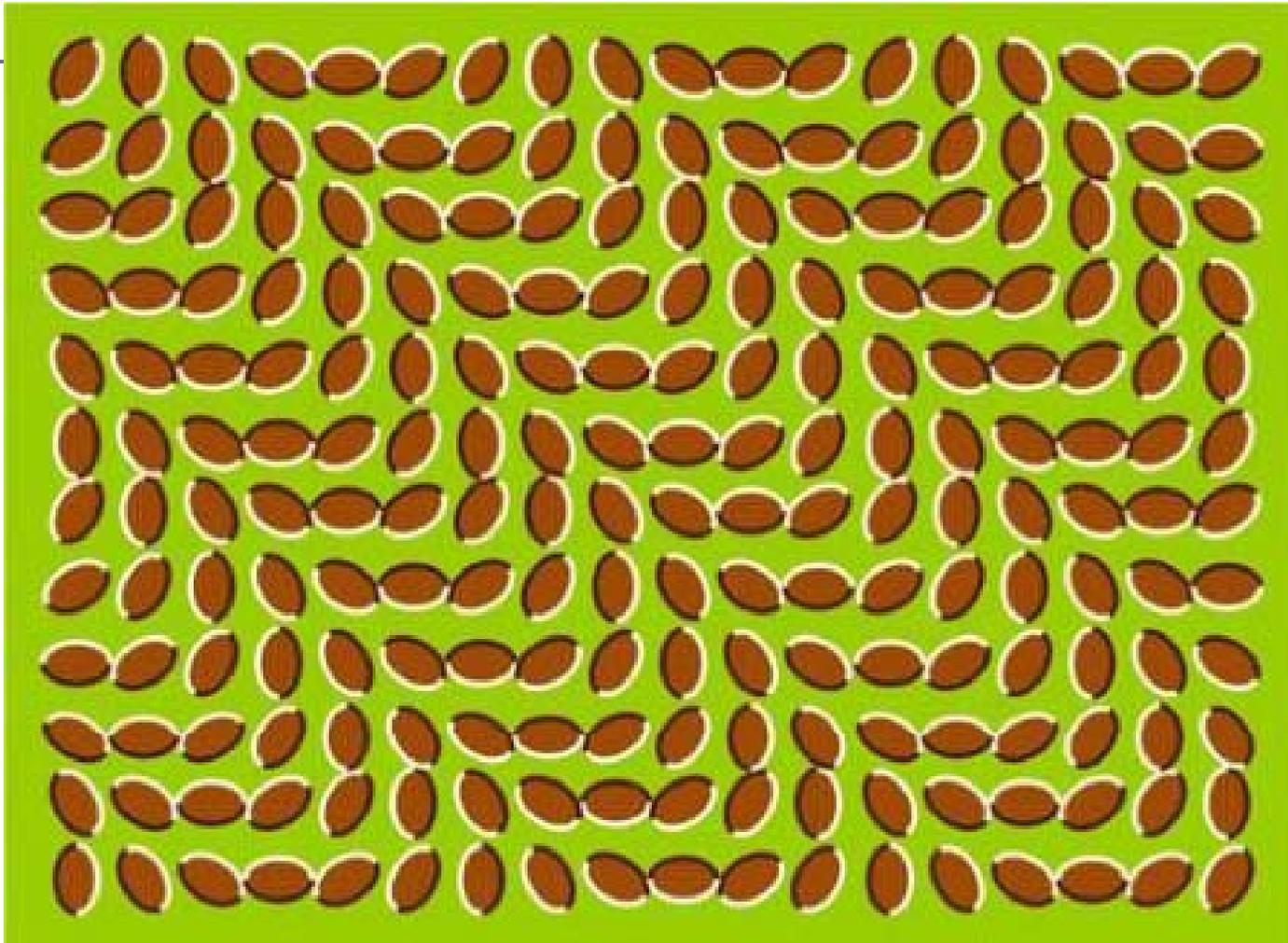
- What does it mean if the DOE is the same for all alternatives?
- What if some alternatives have minimal to moderate, and one has substantial to dispute?
- Does giving different DOEs for the alternatives indicate a premature selection of an alternative by an agency?

# Summary

---

- Degrees of Effect are assigned based on one's perspective, but agencies' text recommendations can clarify intent;
- Degrees of Effect are part of what goes into the Class of Action Decision;
- Distinct Degrees of Effect for each alternative can provide helpful input into scoping (reasonable/feasible alts, likely cost, mitigation needs, etc.), but do not by themselves equate to a preferred alternative.

Questions?



Thank you!