



A VISION FOR JOINT ENVIRONMENTAL AND TRANSPORTATION SYSTEM STEWARDSHIP IN OREGON



State of Oregon
Department of
Environmental
Quality



US Army Corps
of Engineers®
Portland District



Oregon Department of
Land Conservation
and Development



Oregon's
Collaborative Environmental and
Transportation Agreement for Streamlining
(CETAS)

June 16, 2005



355 Capitol St. NE Salem OR 97301 www.oregon.gov/ODOT

Oregon's Collaborative Environmental and Transportation Agreement for Streamlining (CETAS)

Table of Contents

Introduction	2
CETAS Charter Agreement.....	4
Charter Agreement Signature Page	9
Charter Agreement Amendment #1	10
Charter Table 1	12
Charter Table 2	13
Major Transportation Projects Agreement (MTPA).....	14
MTPA Standard Operating Procedures.....	25
Purpose and Need Statement Instructions.....	43
Range of Alternatives Concurrent Point Instructions.....	46
Criteria for Evaluation and Selection Measures Instructions	51
Preferred Alternative Concurrent Point Instructions.....	53
Glossary.....	58



Oregon's Collaborative Environmental and Transportation Agreement for Streamlining (CETAS)

Background

In February 2001, Oregon's state and federal transportation and environmental agencies signed a Charter Agreement establishing the Collaborative Environmental and Transportation Agreement for Streamlining, or CETAS. CETAS member agencies include:

- Federal Highway Administration (FHWA);
- National Marine Fisheries Service (NMFS);
- Oregon Department of Land Conservation and Development (DLCDD);
- Oregon Department of Environmental Quality (DEQ);
- Oregon Department of Fish and Wildlife (ODFW);
- Oregon Division of State Lands (DSL);
- Oregon Parks and Recreation Department, State Historic Preservation Office (SHPO);
- Oregon Department of Transportation (ODOT);
- US Army Corps of Engineers (USACE);
- US Environmental Protection Agency (EPA); and
- US Fish and Wildlife Service (USFWS).

This booklet describes CETAS and how its member agencies are improving the environmental decision-making process for highway projects that require Environmental Impact Statements (EIS) and Environmental Assessments (EA).

Overview

ODOT presents its projects to the CETAS members in a monthly meeting to discuss the environmental aspects of each project and to gain concurrence from each member agency on four critical points in ODOT's project development:

- 1) purpose and need;
- 2) range of alternatives to be studied in the EIS or EA;
- 3) criteria for selecting the preferred alternative; and
- 4) selection of the preferred alternative.

Concurrence at these four points does not replace each agency's official regulatory decision that occurs at the completion of the EIS or EA. Instead of becoming involved at the permitting stage—after ODOT has invested in what it hopes is a final design—CETAS members are now involved earlier and can influence ODOT's decisions through collaborative problem solving. While CETAS is intended to optimize agency review efforts that result in quicker permitting decisions, it is also intended to bring about transportation projects with better environmental outcomes. Project reviews began in April 2001.

The CETAS Charter Agreement also includes an elevation procedure to be used when staff cannot resolve an issue. The members have built a positive and productive working relationship that affects all of ODOT's environmental transactions, to the benefit of both transportation and the environment.

Working Together

CETAS is working on a series of procedural improvements to provide for efficient use of each agency's limited resources. These include more batched and/or programmatic biological opinions with NMFS and USFWS, and permits from the USACE and DSL that cover broad areas of activity such as bridge and culvert replacement over a period of several years. Work continues on a storm water management policy that includes DEQ, EPA, NMFS, ODFW, and USFWS. The members also contribute to a Geographic Information System (GIS) application that combines environmental resource data from all agencies for ODOT to use in transportation planning and project scoping. Training and technical assistance for ODOT's local government partners and its consultants and contractors is also underway.

Working together, we continue to create win-win situations for all of Oregon.

*A Vision for Joint Environmental and Transportation System
Stewardship in Oregon*

**The Collaborative Environmental and Transportation
Agreement for Streamlining (CETAS)
—Charter Agreement—**

I. Introduction

The CETAS Group was formed in June of 2000 in response to several issues: a greater sense of urgency about environmental stresses; the response to TEA-21 streamlining; the complexity of environmental regulation and planning requirements; and the need to update and fully implement the existing NEPA/404 Accord. Old processes were no longer adequate for the tasks. The CETAS Group was formed out of a desire for a more harmonious and streamlined process for meeting agencies' missions.

II. Goal

The goal of this Group is to identify and implement collaborative opportunities to help each participating agency realize its mission through sound environmental stewardship, while providing for a safe and efficient transportation system. Our direction for achieving this goal is derived from Table 1, which sets out the Group's vision.

III. Balancing of Values

In pursuing this goal, the ethic is one of balancing environmental and transportation values. Through earlier and more effective communication, mutual education, and process change, greater environmental benefits can be accomplished, while minimizing costs and delays. The ultimate goal is the improved outcome for each agency's mission.

When making environment-related decisions, CETAS participants share the responsibility to balance competing business needs and requirements with appropriate environmental stewardship. Schedule, cost, safety, quality, public input, regulatory input, fish and wildlife habitat and other factors are all top priority, while none has first priority.

Under §7(a)(1) of the Endangered Species Act, the Federal Highway Administration and the Oregon Department of Transportation shall use all of their authorities to conserve listed species and the ecosystems upon which they depend. With that vision, transportation planning and programs will use this authority to protect and restore habitat for listed species.

Under the authority of the National Environmental Policy Act, the Fish and Wildlife Coordination Act, the Clean Water Act, and other statutes, typically avoidance of environmental impacts is the highest priority. The best stewardship of the resource is to avoid harm in the first place. If the resource cannot be avoided, then minimize harm to the maximum extent possible and practicable. Where the resource cannot be avoided, and where minimization leaves harm to the resource, mitigate or offset the harm. In addition, sound environmental stewardship requires that, on all projects, decision-makers be mindful of environmental enhancement opportunities, and take advantage of them when appropriate.

IV. Membership and Responsibilities

A. The CETAS is composed of one representative and one alternate from each of the following agencies:

- the Oregon Department of Transportation;
- the Federal Highway Administration;
- the Oregon Division of State Lands;
- the Oregon Department of Environmental Quality;
- the Oregon Department of Fish and Wildlife;
- the Department of Land Conservation and Development;
- the Environmental Protection Agency;
- the US Fish and Wildlife Service;
- the US Army Corps of Engineers; and
- the National Marine Fisheries Service.

B. CETAS members agree to:

- attend CETAS meetings to share their individual opinions and knowledge;
- represent their agency's position fully;
- listen respectfully;

- ensure that the CETAS decision reflects agency positions rather than individual opinions, and receives full understanding and full agency ratification; and
- ensure that their agency develops an implementation plan, where relevant, for CETAS work products and the long-term implementation of CETAS agreements.

C. Decision making—subject to statutory and legal constraints the following will occur:

- Decisions will be made by consensus of the participants. Consensus is defined as the willingness of all the participants to accept the decision and abide by it. It is understood that the decision may not represent the optimal outcome for any one participant, but it is an acceptable outcome to all.
- By agreeing to consensus, each member supports the decision.

D. Attendance

- Members agree to attend regular meetings of the CETAS.
- An alternate will be thoroughly briefed on the issues by their agency's CETAS representative prior to the meetings.
- Seven participants constitute a quorum.

V. Meetings

A. Timing of Meetings

- ODOT representative will convene quarterly CETAS meetings for the purpose of information sharing, monitoring of ongoing CETAS work products, and addressing other work issues.
- ODOT may convene additional meetings as the need arises.
- At the request of two or more agencies, or as specified in any of the CETAS work products, ODOT shall convene additional meetings.

B. ODOT will provide for minutes.

C. Annually, ODOT Environmental Services shall prepare and present a report summarizing and evaluating the work of the CETAS, its workgroups, and the implementation of its work products.

VI. Task of the CETAS

It is the task of the CETAS to:

- provide a forum for exchange of information and perspectives;
- establish collaborative opportunities for its work groups to resolve;
- establish work groups;
- monitor the progress of work groups;
- approve work group products;
- implement CETAS agreements;
- monitor the implementation of CETAS agreements; and
- engage in other activities as the group decides.

VII. Workgroups

A. Workgroups may be used to prepare specific proposals or draft agreements. Workgroups will:

- be subject to the ground rules established by this charter, unless otherwise specifically directed;
- to the extent possible, reflect a balance of interests; and
- make regular progress reports to the CETAS Group.

B. The work products should include the following:

- conditions of the agreement
- education plan
- implementation plan
- monitoring and assessment mechanism
- durability of the agreement
- conflict resolution process, if appropriate

C. The Work product shall not be considered final until approved by the CETAS.

VIII. Elevation of Contested Issues

Elevation should be used in the following situations:

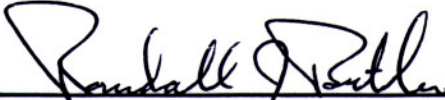
- whenever participants feel the decision needs to be made at a higher level; or
- whenever participants feel the agreement is not being upheld; or
- whenever participants cannot concur with a proposed activity.

Elevation is a positive step in appropriately resolving issues. The sequence for each of the agencies is identified in Table 2.

**A Vision for Joint Environmental and Transportation System
Stewardship in Oregon
Collaborative Environmental Agreement**

**Charter Agreement
Signature Page**

27 Feb 01
Date



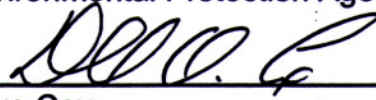
Randall J. Butler, Colonel, Engineers, Commanding
U.S. Army Corps of Engineers

2-20-01
Date



Chuck Findley
Environmental Protection Agency

2/16/01
Date



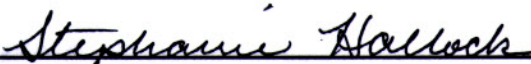
Dave Cox
Federal Highway Administration

3/14/01
Date



Mike Tehan
National Marine Fisheries Services

2/7/01
Date




Stephanie Hallock
Oregon Department of Environmental Quality

2/7/01
Date



Jim Greer
Oregon Department of Fish & Wildlife

2/7/01
Date




Dick Benner
Oregon Department of Land Conservation & Development

2/7/01
Date



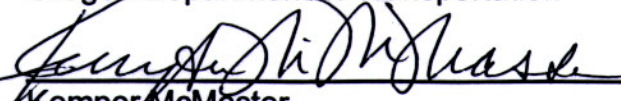
Ann Hanus
Oregon Department of State Lands

2/6/01
Date



Grace Crunican
Oregon Department of Transportation

3/5/01
Date



Kemper McMaster
U.S. Fish & Wildlife Service

**Collaborative Environmental and Transportation
Agreement for Streamlining (CETAS)**

**Charter Agreement
Amendment Number 1**

Whereas the Collaborative Environmental and Transportation Agreement on Streamlining (CETAS) Charter allows its signatory agencies to engage in other activities as the group decides; and

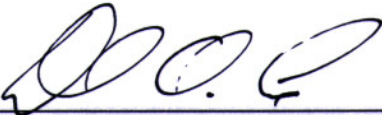
Whereas when engaging in those activities to the extent possible, reflect a balance of interests; and

Whereas CETAS agencies extended the number of signatory agencies from ten to eleven; and

Whereas the signatory agencies have agreed that CETAS decisions will be made by consensus of the participants;

Therefore it is the consensus of the ten CETAS signatory agencies that an eleventh agency, the Oregon State Historic Preservation Office, be added to the Charter as a participating member this 6th day of December, 2001.

12/6/01
Date



Dave Cox, Division Administrator
Federal Highway Administration

12/6/01
Date

Michael R. Cruise

For: D. Robert Lohn, Regional Administrator
National Marine Fisheries Service

1/16/02
Date

Stephanie Hallock

Stephanie Hallock, Director
Oregon Department of Environmental Quality

12-06-01
Date


Lindsay A. Ball

Lindsay Ball, Director
Oregon Department of Fish and Wildlife

**Collaborative Environmental and Transportation
Agreement for Streamlining (CETAS)**

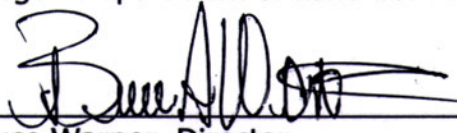
**Charter Agreement
Amendment Number 1**

12/6/01
Date




William Blosser, Director
Oregon Department of Land Conservation and Development

12/6/01
Date



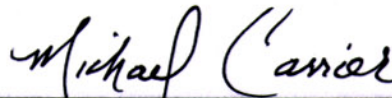
Bruce Warner, Director
Oregon Department of Transportation

12/6/01
Date



Ann Hanus, Director
Oregon Division of State Lands

12-6-01
Date



Michael Carrier, State Historic Preservation Officer
Oregon Department of Parks and Recreation

6 Dec 01
Date



Colonel Randall J. Butler, Commander/District Engineer
U.S. Army Corps of Engineers

12/6/01
Date



for John Iani, Regional Administrator
U.S. Environmental Protection Agency

12/4/01
Date



Kemper McMaster, State Supervisor
U.S. Fish and Wildlife Service

**Collaborative Environmental and Transportation Agreement for Streamlining
Table 1**

	Planning Policies	ODOT Management Systems	Plans	STIP Process	STIP	Project Development	Final Design	Construction	Maintenance
Products	OTP OHP, MODAL Plans -Transit, etc, TPR FHWA, Natural Resource Plans	Inventories of conditions, for example Pavement, Bridges, etc, Natural Resource Gap Analysis		Projects Prioritized, Conservation Planning included as a product, Established before construction of facilities	Funded Prioritized Program, Projects include conservation projects	Final Design Alternative, Mitigation amount ID'd	Permits and Approvals, ROW, Take credits from Mitigation bank	Project Built	Maintenance of Mitigation bank Is performed by bank owner, not ODOT
What Happens	Establishes Goals and Direction, Resource agencies establish goals and direction for resources.	Problem ID, GIS Resource maps available to local planners		Projects complete for Priority & Funding, resource agencies review STIP and are involved in prioritizing	Project Funded	Design Alternatives Evaluated through NEPA Process, Mitigation Defined	Final Mitigation Designed, Permits & Clearances Secured, ROW Purchased	Actions are driven by pre-approved BMP's	BMP's already established and followed. All practices reviewed for environmental efficiency and effectiveness. ISO 14001. ODOT Operations treated programmatically.
Decision	Standard Goals	Problem Areas ID'd		Funding, Priority of Development	Schedule	Design Alt Selected. Mitigation Concepts.	Precise Mit Design, Permission from Permitting Agencies	Permit Compliance	Performance Evaluated
Natural Resource Agencies	Have Plans, staff committed to liaison with local Government	Purpose and Need, Modal Decision Review		Prioritize Resource based projects.		Scoping, /Major Project Process for Design projects, Consultation, NEPA Commenting	Determine mitigation credits. Issue Permits, BO's, Concurrences	Monitor Performance BMP's	Maintain Mitigation Banks, Conservation Plan Sites
Decision Makers	OTC LCDC FHWA, Resource Agencies	ODOT, Local Government		ODOT, OTC, ACTS, Local Gov., Natural Resource Agencies	OTC, FHWA	FHWA ODOT Project Team Agency Reps Local Gov. Reps, CEAP members	ODOT Project Team, Agencies, FHWA	ODOT Construction Team, Agency Reps.	ODOT Maintenance Team, Agency Reps.
	Stakeholders			Stakeholders usually political participants, open to public		Stakeholders, including general public and interest groups, hearing participants.			

- Major Projects Agreement and NEPA-Planning Merger
- TSP Guidelines Revisions
- Wetland Banks, Conservation Plans, etc
- Natural Resource Plans
- Total Env. System Management (ISO 14001)/ Programmatic Approach

Charter Table 2

Elevation Sequence

Agency	CEA Member	2nd Level	3rd Level	4th Level
DLCD	Transportation Planning Coordinator/Coastal Zone Coordinator	Urban Services Manager/Coastal Services Manager	Director	Director
EPA	Staff	State Office Director	State Office Director	Regional Administrator
FHWA	Staff	Assistant Division Administrator	Division Administrator	Division Administrator
NMFS	Staff	Branch Chief	Assistant Regional Administrator	Regional Administrator
ODEQ	Staff	Program Manager	Division Administrator	Director
ODFW	Staff	Lands Resource Protection Manager	Habitat Division Director	Director
ODOT	Environmental Section Manager	Technical Services Manager	Deputy Director	Director
ODSL	Staff	Policy and Planning Assistant Director	Director	Director
USACE	Staff	Section Chief	Branch Chief	District Engineer
USFWS	Staff	Division Manager	Assistant Project Leader	Deputy State Supervisor/State Supervisor

Major Transportation Projects Agreement

I. Objectives of the Agreement for Environmental Streamlining of Major Transportation Projects (Agreement)

The signatory agencies to this Agreement wish to ensure full communication, participation, and early involvement in the Oregon Department of Transportation's (ODOT) major transportation projects: those processed with an Environmental Impact Statement (EIS) or Environmental Assessment (EA) that are likely to impact cultural or natural resources. The anticipated benefits are:

- improved cooperation and efficiency among agencies;
- greater environmental protections; and
- projects completed within budget and on time.

II. Background

In a May 1, 1992 agreement, the U.S. Department of Transportation, the U.S. Department of Army Civil Works, and the U.S. Environmental Protection Agency (EPA) asked for (1) improved interagency coordination; and (2) integration of National Environmental Policy Act (NEPA) and the Clean Water Act Section 404 procedures. The 1996 Oregon Accord implemented this policy and integrated the Oregon Fill and Removal Law to enhance coordination within the State.

On February 6, 2001, the state and federal agencies signed the Collaborative Environmental Group Charter (Charter), setting the context for further collaborative agreements.

On April 1, 2001, the Accord, now the Agreement for Environmental Streamlining of Major Transportation Projects (Agreement) was amended to more fully address Endangered Species Act (ESA) issues, to reflect ODOT's shift towards earlier NEPA analysis within its own planning process, and to ensure full implementation of this Agreement.

III. Applicability

- A. This Agreement applies to projects that are or may be included in the State Transportation Improvement Plan (STIP); are processed with an EIS or EA; and impact cultural or natural resources.
- B. The strength of this Agreement lies in its ability to provide a framework within which the signatory agencies and others can develop as an effective, collaborative community. It is not intended to modify any legal authority. Thus, nothing in this Agreement or its Appendices is intended to diminish, modify, or otherwise affect the statutory or regulatory authorities of the agencies involved.

- C. This Agreement may be modified upon approval of all signatory agencies. Modification may be proposed by one or more signatory agencies. Proposals for modification will be addressed in the next Collaborative Environmental and Transportation Agreement on Streamlining (CETAS) meeting. Any signatory may terminate participation in this Agreement upon written notice to all other signatories.

IV. Definition of Terms

The Glossary (Appendix A) provides additional definition of terms.

- “Concurrence” means that an agency representative believes, to the best of the agency’s knowledge, that the information is sufficient for the decision point under consideration and all-relevant issues, which appropriately can be raised at this time, have been raised and resolved satisfactorily. This is not a legal approval.
- The State Transportation Improvement Program (STIP), as defined in 23 Code of Federal Regulations, Part 450. 216, lists projects that are funded for development or construction. The STIP contains the Planning Program, the Development STIP and the Construction STIP. All NEPA products included in this agreement would appear in the Development STIP until a ROD or FONSI are achieved. The STIP is first circulated as a Draft STIP for public comment and revisions before it is formally adopted as the ODOT work program. Note: as the STIP process evolves, the Major Transportation Project Agreement may require amendment.
- A “major project” is a project that is or will be included in the STIP and processed with an EIS or EA, and that impacts cultural or natural resources.
- A “Major Project during Refinement Planning,” for purposes of this Agreement, refers to a project in a process that will result in a location decision (i.e., the general location of a proposed transportation facility). Typically, this will be for very large, long-term projects in the planning phase, with no immediate expectation of implementation. The Major Project in a refinement plan will fall under section IX, below.
- A Location EIS will discuss a facility in generalized terms, without specific engineering detail. Mitigation strategies will be discussed in the Location EIS, but specific mitigation planning, as well as alignment, design decisions, and other specific issues, will be addressed during the Design EIS development.
- A “pipeline project” is a major project that is on the STIP or is part of a NEPA process in the refinement planning stage as of the date of this Agreement.

V. Communication and Collaboration

The agencies recognize that the success of this agreement likely will be based on the foundation of communication established prior to the formal commenting process outlined in Section VI. Thus, the agencies agree that:

- A. ODOT and the Federal Highway Administration (FHWA) will provide opportunity for signatory agencies to review all major transportation projects in ODOT's program with potential impacts to cultural or natural resources through distribution of prospectuses and Environmental Classification Requests (ECRs). The purpose of the review is to provide project development status information and to receive input, preliminary consensus, and recommendations regarding projects in the program.
- B. Project updates will be presented at regular CETAS meetings.
- C. The fundamental purpose of these meetings is to increase communication and enhance the quality of decision making, while greatly reducing the number of issues left outstanding. To increase the effectiveness of the meetings, the signatory agencies agree to the following:
 - 1. ODOT distributes a list of projects and concurrence request points to be considered at the next meeting, along with an information packet at least 30 days prior to the CETAS meeting.
 - 2. Signatory agencies comment at least 7 days prior to the meeting. The sender will copy the other signatory agencies. ODOT will use these comments to structure the agenda.
 - 3. Signatory agency representatives attend the meeting and participate freely.
 - 4. Signatory agencies indicate their concurrence or non-concurrence, in writing, within 30 days of the meeting.
 - 5. Extensions may be given with timely written (including e-mail) notice to ODOT and other parties. The written notice will describe any knowledge of possible difficulties with the project.
- D. Standard Operating Procedures will be developed and approved by sitting CETAS agency representatives and used as guidance.

VI. Commenting and Concurrent Process

- A. Concurrence points are specified in sections VIII and IX. ODOT/FHWA may not proceed with the steps following concurrence points until it/they receive written concurrence, or a designation of "nonparticipation," from each of the commenting agencies. Additionally, in the absence of concurrence, FHWA agrees not to approve a Final Environmental Impact Statement (FEIS)/Record of Decision (ROD), or a Revised Environmental Assessment (REA)/Finding of No Significant Impact (FONSI).

- B. The time limits in this Agreement apply only to this Agreement, and shall not affect, limit, or alter scheduling or timing provisions of any other statutes, regulations, or rules.
- C. Commenting agencies may opt to be ‘nonparticipating’ if the project, or the concurrence point, does not involve a priority issue for that agency.
 - 1. If ODOT receives no response within 45 days of the meeting, ODOT will formally notify that agency that it will be considered “nonparticipating” for this particular project.
 - 2. The nonparticipating agency may notify ODOT at any time that it wishes to be considered a participating agency. However, that agency cannot revisit past decisions already processed through this Agreement unless all signatory agencies agree.
 - 3. It is ODOT’s responsibility to notify nonparticipating agencies if the magnitude of impacts is likely to increase.
- D. If the agency representatives conclude that the decisions on certain issues can more appropriately be made at a higher level, those issues will be elevated according to the process outlined in the Charter.
- E. Non-concurrence is written documentation that:
 - 1. the information to date is not adequate for this stage; or
 - 2. the potential impacts of the project are unacceptable according to the agency’s area of expertise and/or scope of review.
- F. The documentation will provide an explanation of the basis for an agency’s non-concurrence and will include documentation and suggestions for correcting the perceived deficiency.
- G. If a signatory agency, within its area of expertise and/or scope of review, does not concur, and the issues cannot be resolved, the issues will be elevated according to the process outlined in the Charter.
- H. Stability of decisions. To the extent possible:
 - 1. comments appropriately made by an individual on behalf of an agency shall represent that agency; and
 - 2. once ODOT has received concurrence from participating agencies, the issues so decided shall not be addressed again by commenting agencies unless there is:
 - a) relevant new scientific information;
 - b) relevant new species listings or resources impacted;
 - c) relevant new law/regulation/policies;
 - d) substantial changes in the proposed facility; or
 - e) substantial change in the study area of the project.

VII. Determination of Eligibility for Application of this Agreement (Triage) to Class 3 Projects

- A. ODOT submits Class 3 projects to the CETAS to determine the interest in applying the Agreement to those projects.
- B. The presumption is that Class 1 projects will always fall under this Agreement.
- C. ODOT has the responsibility of notifying nonparticipating agencies if the magnitude of impacts increases.

VIII. Purpose and Need Review Prior to Inclusion in STIP

- A. ODOT develops rudimentary purpose and need, focusing only on transportation features, for all projects to be considered on the Development STIP (DSTIP) for which NEPA work is planned.
- B. After compilation of the Draft STIP and before adoption of the STIP, the CETAS Technical Group will be asked to review project purpose and need for all Class 1 and 3 projects proposed for the DSTIP.
- C. CETAS Technical Group will identify projects that potentially would fail to gain later concurrence at the Purpose and Need Concurrence Point.
- D. Projects or programs of projects proposed for adoption into the STIP between update cycles will be reviewed through an ad hoc process.

IX. Implementation of this Agreement During Refinement Planning

- A. This process applies to those projects going through the Refinement Planning or other early development process to make a location decision that meets NEPA, the Highway Plan, cultural or natural resources, and land use requirements. The location decision includes the purpose and need, criteria for selection, range of alternatives, and the preferred alternative at the location scale. Once the location decision is finalized, the project may move to development of the Design EIS.
- B. The process is as follows:
 - 1. The project is identified as a Refinement Plan Study in the Planning Program and is scheduled.
 - 2. ODOT gathers preliminary information regarding the environmental inventory and impact evaluation and prepares an ECR.
 - 3. ODOT/FHWA determines the NEPA classification of the proposed study (assumed here to be a Class 1-EIS).
 - 4. ODOT requests the Local Planning Organization to become a cooperating agency.
 - 5. FHWA publishes the Notice of Intent (NOI) in the Federal Register.

6. Comment Point: ODOT circulates the prospectus and ECR to the signatory agencies to seek agency issues and resource concerns regarding the proposal, facility concept, and scope. Agencies are invited to comment.
- C. ODOT/FHWA begin project development and preliminary environmental impact analysis, which includes the following:
1. ODOT/FHWA develops the purpose and need statement and the criteria for deciding among alternatives, and identifies the potential alternatives through the public involvement processes.
 2. ODOT responsibilities:
 - create an Environmental Baseline Report to evaluate potential impacts of alternatives; and
 - hold official scoping meeting and provide scoping information to signatory agencies, including:
 - statement of purpose and need,
 - methods,
 - quality and/or adequacy of data used as a basis for analysis,
 - description of potential alternatives, and
 - preliminary assessment of the impacts to cultural or natural resources.
 3. Concurrence Points: ODOT requests concurrence on:
 - the purpose and need statement (see Purpose and Need Guidance);
 - the range of alternatives being considered;
 - the list of criteria and evaluation measures being used to evaluate the resource impacts of the alternatives. (See Criteria and Evaluation Measures Guidance); in addition,
 - agencies may offer any other comments.

ODOT may indicate its preferred alternative, if known. However, this does not eliminate consideration of other alternatives.

ODOT/FHWA will not proceed to the next point without concurrence from the signatory agencies.

D. Alternatives and EIS Analysis

1. ODOT will seek signatory agency contribution to the development of the alternatives and Location Draft Environmental Impact Statement (LDEIS) through such activities as:

- informal staff coordination and review of draft technical reports, etc., as appropriate; and
 - attendance at Project Development Team and Technical Team meetings, and meetings and field reviews with staff and other resource and regulatory agencies as needed. Selected agencies may be requested to be permanent decision team members.
2. ODOT:
 - prepares all necessary research reports regarding cultural or natural resources;
 - develops conceptual conservation options using the mitigation sequencing of avoidance, minimization, and compensatory mitigation as appropriate;
 - identifies the land use requirements and analysis necessary to support land use amendments; and
 - prepares first draft of the Location DEIS.
 3. ODOT sends first draft of the Location DEIS for internal review and to participating agencies. ODOT will incorporate suggestions as appropriate.
 4. FHWA approves the Location DEIS.
- E. Location DEIS circulation and development of the public notice.
1. Agencies may choose to engage in a joint public notice process at this point.
 2. ODOT/FHWA formally circulates the Location DEIS for agency and public reviews.
 3. ODOT holds public hearing.
- F. Selection of Preferred Alternative and Development of the Location FEIS.
1. ODOT/FHWA evaluates the comments received on the Location DEIS and at the hearing.
 2. ODOT selects the Preferred Alternative and prepares the Recommendation Document.
 3. Concurrence: ODOT invites signatory agencies to concur on the acceptability of the selected alternative.
 4. ODOT/FHWA will not proceed to the next step without concurrence from the signatory agencies.
 5. ODOT prepares the Location FEIS stating the Preferred Alternative.
 6. FHWA approves the Location FEIS.

7. ODOT distributes the Location FEIS.
- G. Development of the ROD.
1. ODOT/FHWA evaluates any Location FEIS comments received.
 2. ODOT prepares a preliminary ROD for FHWA use. ODOT submits draft ROD to cooperating Agencies for review and requests comments sent to ODOT. ODOT revises as necessary.
 3. FHWA issues the ROD.
- H. The project is now eligible to advance to the Design EIS and for right-of-way acquisition. ODOT sends copies of ROD to all signatory agencies.
- I. When the project is advanced to the next step, the project will be analyzed under sections X.B.4. et seq., except as provided in VI.H.2.

X. Implementation of this Agreement for Project Development

- A. This section applies when either there is no Location EIS or after the completion of the Location EIS (e.g., after the location has been determined through application of section IX, above).
- B. For projects to become eligible for consideration in the STIP:
1. ODOT gathers preliminary information regarding the environmental inventory and impact evaluation and prepares prospectus and an ECR.
 2. Project is selected for the Draft STIP.
 3. Review Point: CETAS reviews purpose and need for potential Class 1 and 3 projects (projects in the Draft STIP) and comments.
 4. Project is placed in the adopted STIP.
 5. ODOT/FHWA determines the NEPA classification of the proposed study.
 6. FHWA publishes the NOI in the Federal Register.
 7. Comment Point: ODOT circulates the prospectus and ECR to the signatory agencies to seek agency issues and resource concerns regarding the proposed project, facility concept or design concept, and scope. Agencies are invited to comment.
 8. ODOT/FHWA develop Purpose and Need Statement for inclusion in the DEIS or EA. Projects with a Location DEIS are presumed to carry the purpose and need forward into the Design DEIS.
 9. Concurrence Point: ODOT requests concurrence on Purpose and Need for the project from signatory agencies. For projects with a Location EIS, the Purpose and Need Statement is assumed to already have concurrence unless the purpose has become more refined.

C. Developing Alternatives and Impact Analysis

1. ODOT/FHWA develops criteria for deciding among alternatives, and identifies potential alternatives with stakeholders during the public involvement processes.
2. ODOT creates an Environmental Baseline Report and evaluates potential impacts of alternatives.
3. ODOT holds official scoping meeting and provides scoping information to signatory agencies, including statement of purpose and need, description of potential alternatives, the methodologies, quality and adequacy of data used as a basis for decisions, and preliminary assessment of the impacts to cultural or natural resources. ODOT may also indicate its preferred alternative, if known. However, this does not eliminate consideration of other alternatives.
4. Concurrence Points: ODOT requests concurrence on:
 - the range of alternatives being considered;
 - the list of criteria and evaluation measures being used to evaluate the resource impacts of the alternatives (See Criteria and Evaluation Measures Guidance); in addition,
 - agencies may offer any other comments.
5. ODOT will seek signatory agency contribution to the development of the alternatives and Design DEIS, DEIS or EA through such activities as:
 - informal staff coordination and review of draft technical reports, etc. as appropriate; and
 - attendance at Project Development Team and Technical Team meetings, and meetings and field reviews with staff and other resource and regulatory agencies as needed.
6. ODOT:
 - prepares all necessary research reports regarding cultural or natural resources;
 - develops conceptual conservation options using the mitigation sequencing of avoidance, minimization, and compensatory mitigation as appropriate;
 - identifies the land use requirements and analysis necessary to support land use amendments;
 - prepares preliminary Design DEIS, DEIS or EA;
 - sends preliminary DEIS or EA for internal review, and to participating agencies; and
 - incorporates suggestions as appropriate.

7. FHWA approves Design DEIS, DEIS, or EA and circulates to signatory agencies.
8. ODOT determines which agencies will be combining hearings with ODOT to satisfy public notice and hearing requirements. ODOT prepares a strategy to meet the multiple needs and gains approval of the joint hearing agencies in the strategy and schedule.
9. ODOT submits initial application for the U.S Army Corps of Engineers (USACE)/Oregon Division of State Lands (DSL) permit, with the Design DEIS, DEIS, or EA attached.
10. ODOT/FHWA formally circulate the Design DEIS, DEIS, or EA for agency and public reviews.
11. USACE/DSL/Oregon Department of Environmental Quality (DEQ)/Oregon Department of Land Conservation and Development (DLCD)¹ issue the Public Notice (coordinate release of DEIS with Public Notice for possible joint FHWA/ODOT/USACE/DSL hearing if appropriate.)
12. ODOT/DSL/DEQ/DLCD holds joint public hearing, as appropriate.

D. Selection of Preferred Alternative

1. ODOT/FHWA evaluate the comments received on the Design DEIS, DEIS, or EA and the public hearing.
2. ODOT selects the Preferred Alternative and prepares the Decision Statement (ODOT internal document).
3. Concurrence Point: For the Preferred Alternative that has been selected through ODOT's project development and public involvement process, ODOT invites participating agencies to concur on the acceptability of the selected alternative.
4. FHWA/ODOT submits Biological Assessment on the Preferred Alternative.
5. National Marine Fisheries Service (NOAA Fisheries)/U.S. Fish and Wildlife Service (USFWS) issue a Biological Opinion (BO).
6. State ESA process must be followed when applicable.
7. ODOT prepares the Design FEIS, FEIS, or REA.
8. FHWA approves the Design FEIS, FEIS, or REA/FONSI.
9. ODOT distributes the Design FEIS, FEIS, or REA/FONSI.
10. Signatory agencies evaluate the Design FEIS or FEIS comments received

¹ DLCD is involved if there are Coastal Zone Management Act (CZMA) issues.

11. ODOT prepares a preliminary ROD for FHWA use.
12. ODOT submits draft ROD to participating agencies for review for consistency with applicable statutes and requests comments.
13. ODOT revises as necessary.
14. FHWA issues the ROD.
15. ODOT develops final design of Preferred Alternatives.

E. Permitting Decisions

1. ODOT submits amended or completed application materials for USACE/DSL permit, including the Design FEIS or FEIS and ROD, or REA/FONSI.
2. For Class 1 projects, USACE/DSL/DEQ/DLCD issue public notice if required.
3. USACE/DSL evaluates the comments received on Public Notice.
4. DSL makes determination of compliance with ORS 196.800-196.990/ permit decision.
5. USACE makes public interest review/determination/findings/ permit decision; DEQ makes Section 401 certification decision; and DLCD makes CZMA concurrence determination, where appropriate.
6. NOAA Fisheries/USFWS may need to submit amended BO.

XI. Pipeline Projects

Pipeline projects will be addressed at CETAS meetings, applying the next immediate concurrence point in the Agreement. A retrospective review may be negotiated.

Standard Operating Procedures for CETAS Major Transportation Projects Agreement

Agency	STEP 1: Planning—TSP, RTP, and Corridor Planning
ODOT/FHWA	<ol style="list-style-type: none"> 1. ODOT determines what TSPs, and RTPs to fund, develops Planning Work Program 2. ODOT develops traffic analysis for selected TSPs or RTPs 3. ODOT develops contracts, statements of work, defining expected products to result from funding 4. Determines if IGA necessary to gain desired results 5. ODOT participates in Growth Management grants program 6. ODOT prepares Needs Assessments and Corridor Plans, Facility Plans
MPO/Local Planning Organization (LPO)	<ol style="list-style-type: none"> 1. Develop system analysis, develop proposals to address gaps identified by analysis 2. Conduct a public involvement process 3. Do a high level analysis of environmental aspects of plans, applying avoid, minimize, mitigate 4. Complete Conformity Determination (Clean Air Act) 5. Review plans proposals with regulating agencies 6. Integrate land use and the transportation system 7. Determine if Refinement Plans are needed on certain plan elements. 8. Prioritize implementation of transportation elements 9. Adopt plans, request acknowledgement by LCDC 10. Develop Purpose and Need Statements for major projects
CETAS Technical Team	<ol style="list-style-type: none"> 1. Review and comment if elements of plans are presented to CETAS
Specific Regulatory Agency Actions	
SHPO	<ul style="list-style-type: none"> ▪ Supply data as requested
USACE	
EPA	<ul style="list-style-type: none"> ▪ Supply data as requested
USFWS	<ul style="list-style-type: none"> ▪ Supply data as requested
NMFS	<ul style="list-style-type: none"> ▪ Supply data as requested
ODFW	<ul style="list-style-type: none"> ▪ Supply data as requested
DSL	<ul style="list-style-type: none"> ▪ Supply data as requested

DEQ	<ul style="list-style-type: none"> ▪ Supply data as requested
DLCD	<ul style="list-style-type: none"> ▪ Supply data as requested
Agency	STEP 2: Initiate Refinement Planning with a Location EIS (MPTA VII, A-C, VIII A-B.6.)
ODOT/FHWA	<ol style="list-style-type: none"> 1. ODOT/FHWA determine whether it is appropriate to apply Location EIS/EA process to the proposed Refinement Plan element or elements 2. Places project in the Planning Work Program at MPO's/LPO's request, and OTC approval 3. ODOT gathers preliminary information regarding the environmental inventory and impacts to prepare Environmental Classification Request (ECR) for submission to FHWA 4. ODOT processes ECR, determines NEPA classification with FHWA approval 5. ODOT may request the MPO/LPO to become a cooperating agency 6. If the proposal is multimodal, and FHWA does not represent the mode, seek joint lead or cooperating agency status with federal agency representing the mode 7. ODOT/FHWA prepare and publish Notice of Intent in the Federal Register 8. ODOT circulates the prospectus and ECR to CETAS members
MPO/Local Planning Organization	<ol style="list-style-type: none"> 1. MPO/LPO determine if appropriate to apply the Location EIS process to the Refinement Planning effort to be undertaken 2. If in a Regional Transportation Plan (RTP), part of project needed in the 20-year planning horizon must appear in the 20-year constrained plan for funding 3. MPO/LPO determine whether to become a cooperating agency
CETAS Technical Team	<ol style="list-style-type: none"> 1. CETAS receives list of proposed projects and triages list with respect to CETAS' desire for involvement. 2. CETAS members review ECR, comment as appropriate
Specific Regulatory Agency Actions	
SHPO	<ul style="list-style-type: none"> ▪ Provide information as requested.
USACE	<ul style="list-style-type: none"> ▪ Provide information as requested.
EPA	<ul style="list-style-type: none"> ▪ Provide information as requested
USFWS	<ul style="list-style-type: none"> ▪ Provide information as requested
NMFS	<ul style="list-style-type: none"> ▪ Provide information as requested

ODFW	<ul style="list-style-type: none"> ▪ Provide information as requested
DSL	<ul style="list-style-type: none"> ▪ Provide regulatory and propriety jurisdictional information
DEQ	<ul style="list-style-type: none"> ▪ Provide information as requested
DLCD	<ul style="list-style-type: none"> ▪ Provide information as requested
Agency	STEP 3: Location EIS—Purpose and Need (MTPA VIII C 1-3)
ODOT/FHWA	<ol style="list-style-type: none"> 1. ODOT forms Project Team 2. ODOT gathers reconnaissance level data, including base map, aerial photography, pre-existing resource data, Comprehensive Plans, etc. 3. Requests State and Federal ESA Listed Species list 4. Project Team develops Stakeholder Involvement Strategy, project budget, and schedule 5. Project Team holds scoping meeting that may include a field trip with CETAS; includes preliminary methodology, quality of data to be used in analysis, general description of potential alternatives and environmental aspects, if known 6. Project Team takes Purpose and Need Statement to CETAS for concurrence
MPO/Local Planning Organization	<ol style="list-style-type: none"> 1. MPO or LPO may take the lead on the project and be the Project Manager; if not, they would serve as team members in a decision-making role
CETAS Technical Team	<ol style="list-style-type: none"> 1. Provides feedback if scoping session held. May be combined with the first concurrence point 2. Identify and discuss critical issues and concerns 3. Define agency roles, potential permit needs, and corresponding jurisdictional authority 4. Provide existing resource information, where available 5. Review and comment on assessment methodologies 6. Concur and comment on Purpose and Need Statement
Specific Regulatory Agency Actions	
SHPO	<ul style="list-style-type: none"> ▪ Maintain information on known historic and archaeological sites ▪ Make information available
USACE	
EPA	
USFWS	<ul style="list-style-type: none"> ▪ Provide information on existing T&E species in study area ▪ Provide guidance on habitat evaluation methodologies ▪ If no effect, Section 7 consultation completed; otherwise, continue informal Section 7 consultation

NMFS	<ul style="list-style-type: none"> ▪ Provide information and identify concerns relative to Essential Fish Habitat, Threatened and Endangered Species, anadromous fish, important aquatic habitats not included in EFH, within NMFS purview ▪ Provide guidance on habitat evaluation methodologies ▪ If no effect, Section 7 consultation completed; otherwise, continue informal Section 7 consultation
ODFW	<ul style="list-style-type: none"> ▪ Provide information on streams, non-listed species ▪ Provide concepts for avoidance, minimization, and mitigation
DSL	
DEQ	<ul style="list-style-type: none"> ▪ Maintain information on known haz-mat sites ▪ Make information available
DLCD	<ul style="list-style-type: none"> ▪ Provide information on land use concerns in the project area
Agency	STEP 4: Identify Possible Alternatives and Determine Range of Alternatives (MTPA VIII C 3-4)
ODOT/FHWA	<ol style="list-style-type: none"> 1. Beyond Purpose and Need, identify other goals or objectives of the project 2. With MPO/LPO, develop possible alternatives, including modal alternatives, and low cost alternatives; develop highway elements to 10% design level 3. Develop List of Criteria for Selection and Evaluation Measures used to evaluate the alternatives 4. Seek concurrence on List of Criteria for Selection and Evaluation Measures from CETAS 5. Apply reconnaissance level of data to eliminate proposals with excessive impacts or proposals that do not meet the purpose and need of the project 6. Apply sequencing of avoid, minimize, and compensatory mitigation 7. Seek concurrence from CETAS on Range of Alternatives to be forwarded for study 8. Conduct public involvement throughout this time period
MPO/Local Planning Organization	<ol style="list-style-type: none"> 1. If lead or cooperating agency, follow steps listed above
CETAS Technical Team	<ol style="list-style-type: none"> 1. Concur and comment on List of Criteria for Selection and Evaluation Measures used to evaluate the resource impacts of the alternatives 2. Concur and comment on Range of Alternatives to be forwarded for study

	Specific Regulatory Agency Actions
SHPO	<ul style="list-style-type: none"> ▪ Provide continued consultation and information as requested
USACE	<ul style="list-style-type: none"> ▪ Provide continued consultation and information as requested
EPA	<ul style="list-style-type: none"> ▪ Provide continued consultation and information as requested
USFWS	<ul style="list-style-type: none"> ▪ Provide continued consultation and information as requested ▪ Attend meeting and field reviews as appropriate
NMFS	<ul style="list-style-type: none"> ▪ Provide continued consultation and information as requested ▪ Attend meeting and field reviews as appropriate
ODFW	<ul style="list-style-type: none"> ▪ Provide continued consultation and information as requested ▪ Attend meeting and field reviews as appropriate
DSL	<ul style="list-style-type: none"> ▪ Provide continued consultation and information as requested
DEQ	<ul style="list-style-type: none"> ▪ Provide continued consultation and information as requested
DLCD	<ul style="list-style-type: none"> ▪ Provide continued consultation and information as requested
Agency	STEP 5: Alternatives Development, Analysis, and Completion of Location DEIS (MPTA VIII D 1.-4.)
ODOT/FHWA	<ol style="list-style-type: none"> 1. Finalize discussions with regulating agencies on level of detail, methodologies appropriate for analysis of alternatives for location only decision, special concerns of the agency relating to the study area 2. Conduct additional studies in all disciplines and NEPA topics 3. Preliminary ESA effects determination, indirect and interrelated effects on listed species, and reasonable and prudent measures 4. Determine Area of Potential Effect, conduct preliminary survey of historic properties and districts, prepare cultural report 5. Since detail is not available at this stage, develop data on reasonable worst case impact zone 6. Develop explanation for elimination of alternatives that were not forwarded 7. Document stakeholder involvement and disposition of substantive issues 8. Develop preliminary copy of Location Draft EIS for ODOT Study Committee and circulate to ODOT staff, local partners, and CETAS members; ODOT amends document as appropriate, may seek further consultation 9. Submit Location DEIS for FHWA approval 10. FHWA approves Location DEIS for circulation

MPO/Local Planning Organization	<ol style="list-style-type: none"> 1. Determines if project is consistent with local plans 2. May take the lead, in which case performs all the activities listed for ODOT above
CETAS Technical Team	<ol style="list-style-type: none"> 1. Review preliminary draft of Location DEIS (Study Committee) and comment
	Specific Regulatory Agency Actions
SHPO	<ul style="list-style-type: none"> Assist in defining level of detail, methodologies appropriate for analysis of alternatives for location only decision Provide data and consultation, as requested
USACE	<ul style="list-style-type: none"> Assist in defining level of detail, methodologies appropriate for analysis of alternatives for a location only decision
EPA	<ul style="list-style-type: none"> Assist in defining level of detail, methodologies appropriate for analysis of alternatives for a location only decision
USFWS	<ul style="list-style-type: none"> Assist in defining level of detail, methodologies appropriate for analysis of alternatives for a location only decision Attend meeting, field reviews, review draft technical reports as appropriate
NMFS	<ul style="list-style-type: none"> Assist in defining level of detail, methodologies appropriate for analysis of alternatives for a mode and/or location only decision Participate in Essential Fish Habitat consultation, as necessary Attend meeting, field reviews, review draft technical reports as appropriate
ODFW	<ul style="list-style-type: none"> Assist in defining level of detail, methodologies appropriate for analysis of alternatives for a mode and/or location only decision Participate in consultation related to both endangered and game species Provide in-water work period and other information Attend meeting, field reviews, review draft technical reports as appropriate
DSL	<ul style="list-style-type: none"> Assist in defining level of detail, methodologies appropriate for analysis of alternatives for a mode and/or location only decision
DEQ	<ul style="list-style-type: none"> Assist in defining level of detail, methodologies appropriate for analysis of alternatives for a mode and/or location only decision
DLCD	<ul style="list-style-type: none"> Assist in defining level of detail, methodologies appropriate for analysis of alternatives for a mode and/or location only decision
Agency	STEP 6: Circulate Location DEIS, Hold Hearing, Select Preferred Alternative (MTPA VIII E 1-3, F 1.-4.)
ODOT/FHWA	<ol style="list-style-type: none"> 1. ODOT/FHWA circulate Location DEIS for 30 day formal review period 2. ODOT/FHWA hold formal hearing (during 30 day formal review period) 3. After 10-day hearing comment period, Project Team reviews and responds to public and agency comments, chooses Preferred

	<p>Alternative, makes any needed minor changes to alternative, prepares Decision Document recommending the Preferred Alternative</p> <ol style="list-style-type: none"> 4. ODOT requests CETAS concurrence on Preferred Location Alternative 5. ODOT prepares findings for land use goal exceptions and any other land use actions which can effectively be acted upon at this time 6. Develop IGA with local government on any outstanding issues that are an adjunct to accomplishing the project, but are not directly actionable by ODOT
MPO/Local Planning Organization	<ol style="list-style-type: none"> 1. If local government takes the lead, take steps as outlined for ODOT/FHWA 2. Process goal exceptions, land use actions as appropriate 3. Participates with Local Government in developing an IGA and developing a plan and schedule for achieving items that are not actionable by ODOT
CETAS Technical Team	<ol style="list-style-type: none"> 1. CETAS concurs and comments on Preferred Location Alternative
Specific Regulatory Agency Actions	
SHPO	<ul style="list-style-type: none"> ▪ Perform formal review and comments on DEIS, submit to ODOT
USACE	<ul style="list-style-type: none"> ▪ Perform formal review and comments on DEIS, submit to ODOT ▪ Circulate preliminary public notice
EPA	<ul style="list-style-type: none"> ▪ Perform formal review and comments on DEIS, submit to ODOT
USFWS	<ul style="list-style-type: none"> ▪ Perform formal review and comments on DEIS, submit to ODOT
NMFS	<ul style="list-style-type: none"> ▪ Perform formal review and comments on DEIS, submit to ODOT
ODFW	<ul style="list-style-type: none"> ▪ Perform formal review and comments on DEIS, submit to ODOT
DSL	<ul style="list-style-type: none"> ▪ Perform formal review and comments on DEIS, submit to ODOT
DEQ	<ul style="list-style-type: none"> ▪ Perform formal review and comments on DEIS, submit to ODOT
DLCD	<ul style="list-style-type: none"> ▪ Perform formal review and comments on DEIS, submit to ODOT
Agency	STEP 7: Prepare Location FEIS and ROD (MTPA VIII F 5.-7, G 1-3)
ODOT/FHWA	<ol style="list-style-type: none"> 1. If topic analysis needs updating, this is performed at this time 2. Prepare a management plan or update an existing management plan, as needed, for any state-listed endangered species the project may affect 3. Prepare Study Committee draft of Location FEIS and circulate to ODOT staff, local partners, and CETAS members; ODOT amends documents as appropriate

	<ol style="list-style-type: none"> 4. Submit Location FEIS to FHWA for approval 5. FHWA approves Location FEIS 6. ODOT circulates Location FEIS for formal 30 day review 7. ODOT prepares Record of Decision 8. ODOT submits the draft ROD to CETAS members for comments 9. ODOT considers comments and submits ROD to FHWA 10. FHWA approves and issues the Record of Decision 11. ODOT circulates Record of Decision to CETAS members 12. ODOT may elect to purchase ROW to protect the corridor selected in the Location FEIS
MPO/Local Planning Organization	<ol style="list-style-type: none"> 1. If local government is the lead agency, it follows the steps above; the Location FEIS would be submitted through ODOT for approval by FHWA
CETAS Technical Team	<ol style="list-style-type: none"> 1. Review the Study Committee draft of the Location FEIS and comment within the allowed time period 2. Review and comment on the draft ROD
Specific Regulatory Agency Actions	
SHPO	<ul style="list-style-type: none"> ▪ Respond as appropriate to the Location FEIS.
USACE	<ul style="list-style-type: none"> ▪ Respond as appropriate to the Location FEIS.
EPA	<ul style="list-style-type: none"> ▪ Respond as appropriate to the Location FEIS.
USFWS	<ul style="list-style-type: none"> ▪ Prepares BO on listed species ▪ Respond as appropriate to the Location FEIS
NMFS	<ul style="list-style-type: none"> ▪ Prepares BO on listed species ▪ Respond as appropriate to the Location FEIS
ODFW	<ul style="list-style-type: none"> ▪ Respond as appropriate to the Location FEIS
DSL	<ul style="list-style-type: none"> ▪ Respond as appropriate to the Location FEIS
DEQ	<ul style="list-style-type: none"> ▪ Respond as appropriate to the Location FEIS
DLCD	<ul style="list-style-type: none"> ▪ Respond as appropriate to the Location FEIS
Agency	STEP 8: Project Placed in the Development or Construction STIP (MTPA VIII H-I, IX A, B 1-7)
ODOT/FHWA	<ol style="list-style-type: none"> 1. ODOT, through its Area Commissions on Transportation (ACT), identifies proposals for inclusion on the Development or Construction STIP 2. ODOT submits Purpose and Need Statements for all major projects to CETAS for review and Concurrence 3. ODOT develops budget and schedule for proposal

	<ol style="list-style-type: none"> 4. ACTs prioritize proposals and select which ones to forward 5. OTC approves list for inclusion in STIP 6. FHWA approves STIP 7. ODOT gathers preliminary information regarding environmental inventory and impacts for use in preparing the ECR 8. ODOT prepares Environmental Classification Request (ECR) for projects placed on the STIP, may request data from agencies to complete the ECR 9. FHWA approves NEPA classification requested on the ECR 10. ODOT circulates ECRs to CETAS Technical Team 11. ODOT requests Triage of major projects to determine CETAS interest in MTPA review of each project.
MPO/Local Planning Organization	<ol style="list-style-type: none"> 1. Prepares Purpose and Need Statement for any major project proposal that has not been subject of a Location EIS process 2. Submits proposals to CETAS for concurrence on Purpose and Need 3. Submits proposals to ACTs for consideration for inclusion in the STIP
CETAS Technical Team	<ol style="list-style-type: none"> 1. CETAS reviews Purpose and Need Statements of all major projects submitted for inclusion on the STIP for Purpose and Need Concurrence 2. Reviews ECRs, raises issues as appropriate 3. Performs triage on list of major projects included in the STIP to determine if the MTPA will be applied to each
Specific Regulatory Agency Actions	
SHPO	<ul style="list-style-type: none"> ▪ Respond to requests for information from preparer of the ECR
USACE	<ul style="list-style-type: none"> ▪ Respond to requests for information from preparer of the ECR
EPA	<ul style="list-style-type: none"> ▪ Respond to requests for information from preparer of the ECR
USFWS	<ul style="list-style-type: none"> ▪ Respond to requests for information from preparer of the ECR
NMFS	<ul style="list-style-type: none"> ▪ Respond to requests for information from preparer of the ECR
ODFW	<ul style="list-style-type: none"> ▪ Respond to requests for information from preparer of the ECR
DSL	<ul style="list-style-type: none"> ▪ Respond to requests for information from preparer of the ECR
DEQ	<ul style="list-style-type: none"> ▪ Respond to requests for information from preparer of the ECR
DLCD	<ul style="list-style-type: none"> ▪ Respond to requests for information from preparer of the ECR

Agency	STEP 9: Initiate Design Level Project (MTPA IX B 6.)
ODOT/FHWA	<ol style="list-style-type: none"> 1. ODOT identifies Project Team members; if there are very significant impacts to resources regulated by an agency, may request that agency serve as a Project Team member; large projects may have an Oversight Committee, as well, that are decision makers 2. Project Team develops Stakeholder Involvement Strategy, project schedule, and project budget 3. ODOT seeks cooperating agency status from Local Government, if a local project, and from other state and federal agencies, as appropriate 4. FHWA publishes Notice of Intent for EIS projects 5. May present scoping to CETAS Technical Team if project warrants
MPO/Local Planning Organization	<ol style="list-style-type: none"> 1. If Local Government is the lead agency, performs steps as above
CETAS Technical Team	<ol style="list-style-type: none"> 1. May receive scoping information on proposals
Specific Regulatory Agency Actions	
SHPO	<ul style="list-style-type: none"> ▪ Provide information and technical assistance as requested
USACE	<ul style="list-style-type: none"> ▪ Provide information and technical assistance as requested
EPA	<ul style="list-style-type: none"> ▪ Provide information and technical assistance as requested
USFWS	<ul style="list-style-type: none"> ▪ Provide information and technical assistance as requested
NMFS	<ul style="list-style-type: none"> ▪ Provide information and technical assistance as requested
ODFW	<ul style="list-style-type: none"> ▪ Provide information and technical assistance as requested
DSL	<ul style="list-style-type: none"> ▪ Provide information and technical assistance as requested
DEQ	<ul style="list-style-type: none"> ▪ Provide information and technical assistance as requested
DLCD	<ul style="list-style-type: none"> ▪ Provide information and technical assistance as requested

Agency	STEP 10: Identify Possible Design Alternatives and Determine Range of Alternatives (MTPA IX C 1.-4)
ODOT/FHWA	<ol style="list-style-type: none"> 1. Beyond Purpose and Need, identify other goals or objectives of the project 2. Develop baseline resource information to evaluate alternatives 3. Request State and Federal ESA listed species list 4. Develop possible alternatives 5. Develop Criteria for Selection between alternatives 6. Seek concurrence from CETAS on List of Criteria for Selection and Evaluation Measures 7. Apply reconnaissance level of data to eliminate alternatives with excessive impacts or alternatives that do not meet the purpose and need of the project 8. Seek concurrence from CETAS on Range of Alternatives to be forwarded for study 9. Conduct Stakeholders Involvement throughout this time period
MPO/Local Planning Organization	<ol style="list-style-type: none"> 1. If Local Government is the lead agency, follow steps outlined for ODOT above
CETAS Technical Team	<ol style="list-style-type: none"> 1. Concur and comment on List of Criteria for Selection and Evaluation Measures used to evaluate the resource impacts of the alternatives 2. Concur and comment on Range of Alternatives to be forwarded for study
Specific Regulatory Agency Actions	
SHPO	<ul style="list-style-type: none"> ▪ Provide information and technical assistance as requested
USACE	<ul style="list-style-type: none"> ▪ Provide information and technical assistance as requested
EPA	<ul style="list-style-type: none"> ▪ Provide information and technical assistance as requested
USFWS	<ul style="list-style-type: none"> ▪ Provide information and technical assistance as requested
NMFS	<ul style="list-style-type: none"> ▪ Provide information and technical assistance as requested
ODFW	<ul style="list-style-type: none"> ▪ Provide information and technical assistance as requested
DSL	<ul style="list-style-type: none"> ▪ Provide information and technical assistance as requested
DEQ	<ul style="list-style-type: none"> ▪ Provide information and technical assistance as requested
ODA	<ul style="list-style-type: none"> ▪ Provide information and technical assistance as requested

DLCD	<ul style="list-style-type: none"> ▪ Provide information and technical assistance as requested
Agency	STEP 11: Alternatives Development, Analysis, and Completion of the Design DEIS/EA (MTPA IX C 5-7)
ODOT/FHWA	<ol style="list-style-type: none"> 1. Develop forwarded alternatives to a 30% design level 2. Develop explanation for elimination of alternatives that were not forwarded 3. Apply avoid, minimize, and mitigate strategies to potentially impacted resources, reflect in design 4. Consult with agencies on methodologies, impact issues, proposed mitigation 5. Conduct detailed studies in all disciplines and NEPA topics 6. ODOT prepares a Biological Assessment that includes ESA effects and cumulative effects determinations, as well as indirect and interrelated effects on listed species 7. Complete 106 documentation, Finding of Effect, Prepare 4(f) Statement 8. Determine impact quantities, mitigation requirements, mitigation strategy 9. Conduct informal consultation, in disciplines where appropriate 10. Document Stakeholder Involvement and resolution of issues 11. Develop preliminary copy of Design Draft EIS/EA (Study Committee) and circulate to CETAS members; ODOT amends document as appropriate, may seek further consultation 12. Submit Design DEIS/EA for FHWA approval 13. FHWA approves Design DEIS/EA for circulation
MPO/Local Planning Organization	<ol style="list-style-type: none"> 1. Determines if project is consistent with local plans and ordinances 2. May take the lead, in which case performs all the activities listed for ODOT above
CETAS Technical Team	<ol style="list-style-type: none"> 1. Review preliminary draft of Design DEIS and comment
	Specific Regulatory Agency Actions
SHPO	<ul style="list-style-type: none"> ▪ Review and respond to Determination of Eligibility and Determination of Effect ▪ Make data available and provide consultation as requested
USACE	
EPA	
USFWS	<ul style="list-style-type: none"> ▪ Participate in informal or formal Section 7 consultation, as required; consultation will be completed in Step 13
NMFS	<ul style="list-style-type: none"> ▪ Participate in informal Section 7 and Essential Fish Habitat consultation, or formal consultation as required; consultation will be completed in Step 13

ODFW	<ul style="list-style-type: none"> ▪ Participate in consultation related to both endangered and game species ▪ Provide in-water work period and other information ▪ Consult on fish passage and other mitigation issues
DSL	
DEQ	<ul style="list-style-type: none"> ▪ Make available data related to haz-mat sites
DLCD	<ul style="list-style-type: none"> ▪ Provide input related to land use or coastal zone issues
Agency	STEP 12: Circulate Design DEIS, Hold Hearing, Select Preferred Alternative (MTPA C 8.-12, D 1.-3.)
ODOT/FHWA	<ol style="list-style-type: none"> 1. Submit Design DEIS for 30-day review period to agencies and public 2. ODOT consults with USACE/DSL/DEQ/DLCD to determine if their participation in a joint public hearing would be appropriate for the project; all alternatives evaluated in the NEPA document would be presented (a second notice would be required later when detail on the selected alternative is known) 3. ODOT submits initial application for the Corps/DSL permit, with the DEIS/EA attached (this step is taken to allow combined hearings, not for actual final permit action) 4. Hold Hearing for the project; joint hearing if USACE/DSL/DEQ and/or DLCD have elected to do so 5. After 10-day hearing comment period, Project Team meets, evaluates comments from hearing and DEIS review, recommends preferred alternative 6. Prepare Decision Document 7. ODOT requests CETAS concurrence on Preferred Design Alternative 8. ODOT prepares findings for any outstanding land use actions required 9. ODOT determines if conditions of any IGA outstanding with local government have been accomplished
MPO/Local Planning Organization	<ol style="list-style-type: none"> 1. Issues public notice if hearing will be combined with a planning hearing
CETAS Technical Team	<ol style="list-style-type: none"> 1. CETAS concurs and comments on Preferred Design Alternative
	Specific Regulatory Agency Actions
SHPO	<ul style="list-style-type: none"> ▪ Perform formal review and comments on DEIS, submit to ODOT

USACE	<ul style="list-style-type: none"> ▪ Perform formal review and comments on DEIS, submit to ODOT ▪ Issue Public Notice if hearings are to be combined ▪ Hold joint hearing, if appropriate
EPA	<ul style="list-style-type: none"> ▪ Review and rate Design DEIS for NEPA compliance ▪ Submits comments
USFWS	<ul style="list-style-type: none"> ▪ Perform formal review and comments on DEIS, submit to ODOT
NMFS	<ul style="list-style-type: none"> ▪ Perform formal review and comments on DEIS, submit to ODOT
ODFW	<ul style="list-style-type: none"> ▪ Perform formal review and comments on DEIS, submit to ODOT
DSL	<ul style="list-style-type: none"> ▪ Coordinates with USACE in Public Notice if hearing are to be combined ▪ Hold joint hearing if appropriate ▪ Perform formal review and comments on DEIS, submit to ODOT
DEQ	<ul style="list-style-type: none"> ▪ Perform formal review and comments on DEIS, submit to ODOT
DLCD	<ul style="list-style-type: none"> ▪ Perform formal review and comments on DEIS, submit to ODOT
Agency	STEP 13: Prepare, Design FEIS and ROD/or REA and FONSI (MTPA IX D 4-16)
ODOT / FHWA	<ol style="list-style-type: none"> 1. ODOT reviews results of hearing and decision process for any minor changes to the alternative and to determine selected options 2. If topic analysis needs updating, this is performed at this time 3. ODOT updates BA on any T & E species 4. Submit Determination of Effect (106) and Memoranda of Agreement, complete 4(f) documentation 5. ODOT prepares preliminary wetlands and/or compensatory mitigation plan 6. Prepare Study Committee draft of Design FEIS/ REA and FONSI, circulate to ODOT staff, local partners, CETAS members; amend document as appropriate 7. Submit Design FEIS/REA to FHWA for approval 8. FHWA approves Design FEIS/REA 9. ODOT circulates Design FEIS/REA for formal 30 day review 10. If comments are received on FEIS, circulate comments to CETAS members 11. ODOT prepares Record of Decision 12. ODOT circulates draft Record of Decision to CETAS members 13. FHWA approves Record of Decision 14. ODOT circulates Record of Decision to CETAS members

MPO/Local Planning Organization	1. If Local Government is lead agency, follows steps as above
CETAS Technical Team	2. CETAS reviews and comments on preliminary Design FEIS/ REA and FONSI 3. CETAS members review draft ROD
Specific Regulatory Agency Actions	
SHPO	<ul style="list-style-type: none"> ▪ Submits comments on Design FEIS if any are still outstanding
USACE	<ul style="list-style-type: none"> ▪ Submits comments on Design FEIS if any are still outstanding
EPA	<ul style="list-style-type: none"> ▪ Determines if comments on the DEIS were addressed
USFWS	<ul style="list-style-type: none"> ▪ Prepares Biological Opinion and/or Concurrence Letter if necessary ▪ Submits comments on Design FEIS if any are still outstanding
NMFS	<ul style="list-style-type: none"> ▪ Prepares Biological Opinion and/or Concurrence Letter if necessary ▪ Submits comments on Design FEIS if any are still outstanding
ODFW	<ul style="list-style-type: none"> ▪ Submits comments on Design FEIS if any are still outstanding
DSL	<ul style="list-style-type: none"> ▪ Submits comments on Design FEIS if any are still outstanding
DEQ	<ul style="list-style-type: none"> ▪ Submits comments on Design FEIS if any are still outstanding
DLCD	<ul style="list-style-type: none"> ▪ Submits comments on Design FEIS if any are still outstanding
Agency	STEP 14: Final Design, Final Mitigation Coordination, Permits, Contract Letting (MTPA IX, E. 1-6)
ODOT/FHWA	<ol style="list-style-type: none"> 1. Prepare final survey and foundation testing 2. Develop final design of the project 3. Determine if final design changes impacts to natural resources 4. Amend wetlands and habitat restoration or mitigation plans, BA, 106 documentation, etc. as required 5. Submit Revised BA, if necessary 6. Purchase right-of-way or easement for mitigation with covenants for maintaining the habitat in perpetuity 7. Submit 106 documentation and MOA (if not submitted earlier) 8. Submit amended or complete DSL/Corps combined removal/fill permit application 9. Hold a Plans-in-Hand review of plans; Environmental Services participates 10. Develop Plans, Estimates, and Specifications, incorporating

	<p>commitments made to resource agencies</p> <ol style="list-style-type: none"> 11. In highly sensitive projects, may hold pre-bid conference to explain unusual environmental requirements 12. Bid Letting 13. ODOT holds pre-construction conference with successful bidder to point out requirements, including environmental requirements
MPO/Local Planning Organization	<ol style="list-style-type: none"> 1. If Local Government is lead, follows steps as above.
CETAS Technical Team	
Specific Regulatory Agency Actions	
SHPO	<ul style="list-style-type: none"> ▪ Completes 106 process ▪ Comments to Corps notice
USACE	<ul style="list-style-type: none"> ▪ If project had an early application for hearing purposes, upon receiving amended permit application, circulates a second public notice (design detail sufficient for permit) ▪ Reviews comments if any ▪ Makes permitting decisions on Section 10 & 404 permits
EPA	<ul style="list-style-type: none"> ▪ Comments to Corps notice
USFWS	<ul style="list-style-type: none"> ▪ Issues revised BO, if necessary ▪ Comments to Corps notice
NMFS	<ul style="list-style-type: none"> ▪ Issues revised BO or Concurrence Letter, if necessary
ODFW	<ul style="list-style-type: none"> ▪ Makes in-water work period determination ▪ Review management plan for state listed species
DSL	<ul style="list-style-type: none"> ▪ Issues public notice if required ▪ Reviews comments if any ▪ Processes combined DSL/Corps permit application
DEQ	<ul style="list-style-type: none"> ▪ Issues public notice if required ▪ Reviews comments, if any ▪ Makes Section 401 Certification decision
DLCD	<ul style="list-style-type: none"> ▪ Issues public notice if required ▪ Makes CZMA concurrence determination (where coastal zone is involved)

Agency	STEP 15: Construction Period
ODOT/FHWA	<ol style="list-style-type: none"> 1. Contractor constructs project, including mitigation, as required in the contract; contractor's bond will provide financial assurance that the planned mitigation will be constructed 2. ODOT inspects work of contractor for compliance with contract and permits 3. ODOT maintains copies of permits and BOs on the worksite 4. ODOT reports deviation from permits and BOs to respective agencies 5. ODOT requests amendments in permits, if changes necessary
MPO/Local Planning Organization	<ol style="list-style-type: none"> 1. If Local Government is lead agency, follows steps as above
CETAS Technical Team	<ol style="list-style-type: none"> 1. If repetitive issues arise during construction, bring the issue to CETAS for referral to the ODOT Construction Forum for resolution
Specific Regulatory Agency Actions	
SHPO	<ul style="list-style-type: none"> ▪ Provides consultation or technical assistance as required
USACE	<ul style="list-style-type: none"> ▪ Responds to requests to revise 10/404 permit
EPA	
USFWS	<ul style="list-style-type: none"> ▪ Provides reconsultation, coordination, and/or technical assistance as required
NMFS	<ul style="list-style-type: none"> ▪ Provides consultation or technical assist as required
ODFW	<ul style="list-style-type: none"> ▪ Provides consultation as required ▪ Responds to requests to change in-water work period
DSL	
DEQ	<ul style="list-style-type: none"> ▪ Review request to revised 404 permit. ▪ Issues letter of amendment to 401 as necessary
DLCD	
Agency	STEP 16: Post Construction and Maintenance
ODOT/FHWA	<ol style="list-style-type: none"> 1. Monitor wetlands and habitat restoration projects yearly for required monitoring period; write and submit monitoring reports to DSL and the Corps; send also to NMFS and USFWS, as requested 2. Monitor cultural resource mitigation projects as required 3. If site is not performing at an adequate level, prepare a remediation plan, and execute the plan.

MPO/Local Planning Organization	
CETAS Technical Team	1. Brings long term issues regarding mitigation to CETAS meetings for resolution
	Specific Regulatory Agency Actions
SHPO	<ul style="list-style-type: none"> ▪ Review monitoring reports and comment as appropriate
USACE	<ul style="list-style-type: none"> ▪ Review monitoring reports and comment as appropriate
EPA	<ul style="list-style-type: none"> ▪ Review monitoring reports and comment as appropriate
USFWS	<ul style="list-style-type: none"> ▪ Consult and/or technical assistance as necessary
NMFS	<ul style="list-style-type: none"> ▪ Consult and/or technical assistance as necessary
ODFW	<ul style="list-style-type: none"> ▪ Provide technical assistance as necessary
DSL	<ul style="list-style-type: none"> ▪ Review monitoring reports and comment as appropriate
DEQ	<ul style="list-style-type: none"> ▪ Review monitoring reports and comment as appropriate
DLCD	

Purpose and Need Statement

Instructions for ODOT Projects

Background

A Purpose and Need Statement is a fundamental requirement when developing a proposal that will require future NEPA documentation—an Environmental Impact Statement or Environmental Assessment. In addition, some other federal processes, such as granting a 404 permit, also require the generation of a Purpose and Need Statement in order to apply for the permit. Clarity of purpose and confirmation of need are in themselves sound practices when developing large-scale proposals requiring public expenditure. The intention of this guidance is to create a uniform approach within ODOT and with ODOT partners in developing Purpose and Need Statements.

Legal Guidance

The fundamental legal guidance on Purpose and Need Statements comes from the NEPA CEQ regulation, Section 1502.13—the Purpose and Need Statement “shall briefly specify the underlying purpose and need to which the agency is responding in proposing the alternatives including the proposed action.” Each federal agency has its own guidance on NEPA products. FHWA Technical Advisory T 6640.8A and 40 CFR 1502.13 directs state DOTs to “identify and describe the proposed action and the transportation problem(s) or other needs which it is intended to address.” The advisory goes on to list nine factors that may be helpful in establishing the need for a proposed action. Eight of those are relevant to this discussion and include: system linkage, capacity, transportation demand, legislation, social demands or economic development, modal interrelationships, safety, and roadway deficiencies. The ninth addresses project status and is not relevant to this discussion.

Writing the Purpose and Need Statement

The Purpose and Need Statement sets the stage for consideration of the alternatives. It has three parts: the Purpose, the Need, and Goals and Objectives. The Purpose defines the transportation problem to be solved. The Need provides data to support the problem statement (Purpose). The Goals and Objectives describe other issues that need to be resolved as part of a successful solution to the problem.

The Purpose and Need Statement is intended to clarify the expected outcome of public expenditure and to justify that expenditure— what you are trying to accomplish and why you think it is necessary. As such, it should be the first step in the project development process. It will be used to guide the development of alternatives, and it will be a fundamental element when developing criteria for selection between alternatives.

Purpose

- The Purpose is analogous to the problem. It is the “what” of the proposal.
- The Purpose should focus on the state transportation system. Other important issues to be addressed by the project such as local transportation systems, livability, and the environment should be identified as Goals and Objectives.
- The Purpose should be stated in a single sentence.
- The Purpose should be stated as the positive outcome that is expected. For example, the purpose is to reduce congestion in the interstate corridor.
- It should avoid stating a solution as a purpose as in, “the purpose of the project is to build a bypass.”
- Where appropriate, it should be stated broadly enough so that more than one transportation mode can be considered and multi-modal solutions are not dismissed prematurely.
- Where appropriate, it should be stated broadly enough so that more than one alternative can be considered and alternatives are not dismissed prematurely.
- The Purpose should be stated in a manner so that a suite of intermediate steps could be posed as the solution, scaled to the needs of the community, if appropriate.

Need

- Should establish the evidence that the problem exists, or will exist if projected population and planned land use growth are realized.
- Should be factually and numerically based.
- Should support the assertion made in the purpose statement. For example, if the purpose statement is based on safety improvements, the need statement should support the assertion that there is or will be a safety problem to be corrected.

Goals and Objectives

Issues that will be addressed by the project beyond the state transportation issue identified in the Purpose should be included in the Purpose and Need Statement as Goals and Objectives. The Goals and Objectives should balance environmental and transportation values. They should support early and effective interagency involvement in environmental issues to improve the outcome of each natural and cultural resource agency's mission while minimizing costs and delays. In addition, the Goals and Objectives should consider equally the project's schedule, cost, quality, cultural resources, fish and wildlife habitat, public input, and regulatory input.

The Goals and Objectives will be different for each project and may include the following:

- Broad community goals—for example, improving air quality, supporting economic development, or creating an uncongested, pedestrian-friendly downtown business district.
- Environmental goals such as avoidance and minimization of impacts, or enhancement opportunities—for example, avoiding impacts to nesting migratory birds or improving riparian habitat beyond what is required for mitigation.
- Regulatory compliance—for example, protecting wetlands or complying with the Oregon Highway Plan.

Applicability

A Purpose and Need Statement should be developed for all projects on the state highway system or receiving federal funding that may require an Environmental Impact Statement (EIS) or an Environmental Assessment (EA). An EIS is prepared for projects that will have significant impacts to the human and/or natural environment. An EA is prepared for projects when it is unclear whether significant environmental impacts will occur.

Timing and Process

The Purpose and Need Statement should be developed when the proposal concept is first developed, whether that is during the development of a Transportation System Plan, a Corridor Plan, the forwarding of a Management System generated project, or other manner of initiation. Once the developing team has drafted the Purpose and Need Statement, concurrence on this point should be solicited from the CETAS Technical Team. In any event, a Project Team engaged to develop a project for construction must confirm the Purpose and Need as the first step in the development process.

Documentation

The Purpose and Need Statement must be included in the permanent record for any proposal that is intended to result in a constructed transportation facility. The documentation will be used in later environmental documentation and will be required for the project to enter onto the STIP for development and construction.

Range of Alternatives Concurrence Point Instructions for ODOT Projects

Background

The Range of Alternatives Concurrence Point determines how many and which alternatives will be evaluated fully in the Environmental Impact Statement or Environmental Assessment. There may be many proposed solutions at the beginning. The objective of this concurrence point is to satisfy all stakeholders that the final range of alternatives to be evaluated fairly address the purpose, need, goals, and objectives of the project.

Legal Guidance

Determination of the range of alternatives to be evaluated is guided by CEQ 40 CFR 1502.14, FHWA 23 CFR 771.123(c) and by FHWA Technical Advisory T 6640.8A. A compilation of guidance and interpretation may be found at www.fhwa.dot.gov/environment/nepa/alts.htm.

Beyond CEQ and FHWA regulations and guidance, there are other more action-limiting requirements for alternatives under Section 4 (f), the Executive Orders on Wetlands and Floodplains, and the Section 404 (b)(1) guidelines.

Council on Environmental regulations 40 CFR 1502.14 requires that agencies shall:

- (a) Rigorously explore and objectively evaluate all reasonable alternatives, and for alternatives that were eliminated from detailed study, briefly discuss the reasons for their having been eliminated.
- (b) Devote substantial treatment to each alternative considered in detail, including the proposed action, so that reviewers may evaluate their comparative merits.
- (c) Include reasonable alternatives not within the jurisdiction of the lead agency.
- (d) Include the alternative of no action.
- (e) Identify the agency's preferred alternative or alternatives, if one or more exists, in the draft statement, and identify such alternative in the final statement unless another law prohibits the expression of such a preference.
- (f) Include appropriate mitigation measures not already included in the proposed action or alternatives.

FHWA regulations CFR 771.123(c) states that "the draft EIS shall evaluate all reasonable alternatives to the action and discuss the reasons why other alternatives, which may have been considered, were eliminated from detailed study."

FHWA Technical Advisory T 6640.8A directs that the following range of alternatives should be considered when determining reasonable alternatives:

- (1) “No-action” Alternative. This may include short-term minor restoration types of activities such as safety and maintenance improvements that maintain continuing operation of the existing roadway.
- (2) Transportation System management alternative.
- (3) Mass Transit.
- (4) Build Alternatives. Both improvement of existing highway and alternatives on new location should be evaluated. A representative number of reasonable alternatives must be presented and evaluated in detail.

Consideration of logical termini and segmentation also influence alternatives. FHWA regulation 23 CFR 771.111(f) requires that:

In order to ensure meaningful evaluation of alternatives and to avoid commitments to transportation improvements before they are fully evaluated, the action evaluated in each environmental impact statement (EIS) or finding of no significant impact (FONSI) shall:

- connect logical termini and be of sufficient length to address environmental matters on a broad scope;
- have independent utility or independent significance, i.e., be usable and be a reasonable expenditure even if no additional transportation improvements in the area are made; and
- not restrict consideration of alternatives for other reasonably foreseeable transportation improvements.

Action-limiting requirements may either limit the alternatives or cause more to be developed. Section 4(f) requires that if a selected alternative negatively impacts a protected resource, it may only do so if there is no feasible and prudent alternative to doing so. This requires development of avoidance alternatives, and proof that they are not prudent or feasible. A wetland or floodplain encroachment requires demonstration that there is no practicable alternative to the proposed action.

Determining the Range of Alternatives in a Context Sensitive Approach

Successfully negotiating the development of alternatives and staying true to the concept of context sensitive solutions relies on using three tools for project development.

The first tool is a sound Purpose and Need Statement. The first test of any proposed solution is, does it respond to the purpose and need for the project? And next, how well does it accomplish the goals and objectives of the project?

The second tool is the Environmental Baseline Report. This will measure and locate features that are sensitive on the geographic site on which the project will be placed so that proposed alternatives anticipate issues rather than respond to late discoveries. This will determine what environmental issues are likely to arise from each alternative, though a full impact analysis will not be performed at this stage.

The third tool is the stakeholder involvement plan. The NEPA process requires meaningful interaction with all stakeholders during the development of alternatives. Environmental Justice directives are meant to insure that everyone in the community has an equal chance to suggest alternatives and impact the decision making.

These three tools used together will both generate all useful ideas and provide a basis for screening them, resulting in the best representative alternatives for detailed study. Written screening criteria should be developed with stakeholders to help reduce alternatives to best representatives of the various approaches. The screening criteria should start with the purpose and need statement; should focus heavily on the transportation effectiveness of the alternatives; should include an identification of significant environmental impacts; and should include a community acceptance element. The criteria at this point should be broad. Selection Criteria that are more precise and measurement based will be applied later during the environmental analysis.

Identification of significant environmental impacts determines if there are issues that could not be overcome by the alternative, given that there are other alternatives that could meet the purpose and need of the project without the impacts. Alternatives that would give rise to significant impacts in the following areas should cause the team to weigh the value of considering them:

- use of 4(f) property when other viable alternatives exist;
- a jeopardy finding on an endangered species;
- a major land use goal exception requirement when viable alternatives not requiring a goal exception exist;
- impacts to prime aquatic resources;
- alignments that cross unmitigated Superfund hazmat sites; and
- alignments that disproportionately impact but do not equitably benefit low income and minority communities.

If there are alternatives that meet the need without significant impacts that cannot be mitigated, then alternatives with these impacts should be dropped. When all the alternatives have one or more of these impacts, often the alignment can be adjusted so that the impact is minimized or avoided.

The No-Build or No-Action Alternative must be carried forward for study. This alternative serves as a baseline from which to judge the other alternatives. It may contain minor improvements. The Project Team may also decide that the No-Build offers a viable choice, or is sometimes the choice where no workable alternatives emerge from the process.

Presentation and Concurrence on Range of Alternatives

Once the team has narrowed the alternatives to a group that fairly represents the range supported by stakeholder interest, and has evaluated them against environmental baseline information to determine that the set of alternatives is viable, the alternatives should be presented to the CETAS Technical Team for concurrence on the Range of Alternatives.

Treatment of the Alternatives Not Carried Forward

All alternatives that were suggested for consideration but not advanced need to have the reasons for dismissal documented. The reasons should rely largely on the screening criteria developed by the stakeholders group. The dismissed alternatives will be summarized and addressed in the DEIS or EA. This communicates to interested parties that did not participate in the alternative development activities that the process was thoughtful and that decisions had a sound basis. Ideas for alternatives resurface during the development process. A well-documented process allows the staff to be consistent when explaining why certain ideas did not move forward.

Practical Considerations

Teams that work closely together can often reach a point of agreement among themselves that there is one best alternative and in the interest of efficiency try to limit the alternatives to one Build and the No Build alternatives. While this may be appropriate for projects with no significant impacts and which require only an Environmental Assessment (EA), it is rarely the right course to pursue under an EIS.

Projects requiring an EIS, by definition, have a significant impact on the environment. It is therefore necessary that the public, regulatory agencies and decision-makers have an array of alternatives from which to choose. Usually, the in-depth analysis of the alternatives reveals additional important information, not offered by the screening criteria. Having more than one alternative makes a far more convincing case for selected alternatives that have significant impacts, demonstrating either that the project cannot be completed without the impacts, or that diminishing these impacts causes greater impacts in another area. This analysis is made legally strongest and the most socially acceptable by giving several alternatives a full evaluation, documenting it, and disclosing the information through the EIS or EA. Large projects are more likely to succeed when the range of alternatives represents the full range of ideas expressed in the community.

However, alternatives should not be offered if they are not buildable. Alternatives offered for consideration should be selectable, even if they are unlikely to be the final choice.

Documentation

Purpose and Need Statements, screening criteria, proposed alternatives, and the reasons for forwarding or dismissing them should all be documented in memos to the file and meeting minutes. One cannot simply depend on the documentation in the NEPA document to establish the administrative trail. Projects of this size frequently take several years to complete. During that period, staff may change and understandings about what was decided may erode. In order for projects to make orderly progress, new team members need to be able to review decisions that were already made and the logic for the decisions. This information should therefore be contained in the documentation for each decision as it is made. Memos to the file should be kept in a central, accessible file. If there are legal actions against the project, these memos and minutes will form the basis of the administrative record for the project. They will allow ODOT's attorney to demonstrate that ODOT followed the appropriate alternative development process and had a reasonable, supportable method for eliminating alternatives.

Criteria for Selection and Evaluation Measures Guidance

Instructions for ODOT Projects

Background

Criteria for Selection of the Preferred Alternative was one of the original Major Transportation Projects Agreement concurrence points established by CETAS. Originally, the concurrence point was understood to mean CETAS agreement on a single set of selection criteria applied to the project alternatives when the preferred alternative is determined. Application of the MTPA to a large project reviewed by CETAS has revealed that this concurrence point has more facets and subtlety than indicated in the MTPA or Standard Operating Procedures. The purpose of this guidance is to explore the issues surrounding this concurrence point, and give guidance for its application to future projects.

Nature of the Concurrence Point

This concurrence point is understood as a hierarchy with three levels—objectives, criteria, and measures—each growing out of the higher level. The objectives are established as part of the Purpose and Need Statement, and are identified as Goals and Objectives. Criteria determine if the objectives are being met. Measures are precise determiners that support the criteria. Examples of each are:

- **Objective:** Improve existing natural environmental conditions and avoid/minimize/mitigate adverse impacts to natural environmental resources
- **Criteria:** Minimize impacts to the natural environment
- **Measure:** Area of high, medium, and low value wetlands directly affected

Stated in other terms, **Objectives** describe the broad outcome desired from the project; **Criteria** describe how the team will determine if the objective is being met; and **Measures** provide the means to determine by how much the objective is met. **Measures** also offer concrete, usually numerical, means to compare alternatives.

CETAS Involvement in the Development of the Objectives, Criteria, and Measures

CETAS has an active role at all three levels, but the CETAS role and authority vary from level to level. CETAS has significant influence over the Objectives through its interaction with planning at early stages and with the Project Team during development stages, as well as with the Purpose and Need Concurrence Point. CETAS has a concurrence point where the List of Criteria is approved.

The List of Criteria should be developed as a joint process between the Project Development Team, Steering Team, stakeholders groups, and CETAS members. While it is usually possible to develop many criteria and measures, the larger the number, the less influence any one measure or criteria has on the ultimate outcome. Generally, anything over 30 measures has very limited value. The Measures, therefore, that should be selected

are ones that have the ability to indicate the broader health or impact to the environment, as opposed to Measures that are focused on small and isolated issues.

CETAS members have particular authority in Criteria that respond directly to their agency's mission. CETAS members may be the ultimate resource for determining how measures are determined and applied. Finally, CETAS members may have authority to direct or define certain measures through their regulatory authority. For example, the project may have to meet particular water quality standards that are prescribed by regulations administered by DEQ. As such, DEQ standards "determine" the measure that will be used. On the other end of the spectrum, since ODOT is a transportation agency first and foremost, the Goals and Objectives will primarily center on transportation goals and objectives. ODOT Teams, in consultation with stakeholders, will determine the secondary objectives of the project, which may be environmental objectives.

Concurring in the Concurrence Point

Concurrence in the Criteria for Selection Concurrence Point means concurring with the List of Criteria, and determining that the Measures of the criteria are appropriate, professionally sound, and adequately applied so that the Criteria can be successfully applied. Since each CETAS member has a different set of expertise, each member should pay closest attention to Criteria that address resources managed by their agency. Each member should feel satisfied that the Measures proposed give adequate feedback to their agency to be able to judge project alternatives.

Applying the Criteria for Selection during Selection of the Preferred Alternative

It is understood by CETAS that while the Criteria and Measures taken together will indicate to the Project Team or Project Steering Team how well each alternative meets the goals and objectives of the project; they will not be used in any numerical formula to automatically determine the final alternative. Weighting one goal and criteria against another is necessarily a subjective value judgment. The Project Team or Project Steering Team will weight the objective information generated for each criteria against other criteria, along with information from other sources including the comments on the DEIS, and their own experience. See Instructions for applying the Preferred Alternative Concurrence Point.

Preferred Alternative Concurrence Point

Instructions for ODOT Projects

Background

The Preferred Alternative Concurrence Point confirms ODOT's recommended alternative for advancement to the FEIS/ROD or REA/FONSI. It is a significant part of the process for determining which alternative will reach final approval for construction. It is at this point that CETAS members and ODOT must reach concurrence on which alternative best meets the purpose, need, goals, and objectives of the project with an acceptable level of impacts to the natural and human environment for the project to advance. The Preferred Alternative will be recommended by the Project Team, confirmed by the Steering Team if applicable, and then referred to CETAS for concurrence. Local government will be requested to place the alternative in its comprehensive and transportation plans and to provide the necessary goal exceptions. Then, the preferred alternative will be declared as ODOT's final choice in the FEIS or REA/FONSI. FHWA declares its final decision in the ROD or FONSI.

Legal Guidance

Each agency regulating a resource or function involved in the transportation development process has a slightly different perspective on what are the best traits of a preferred alternative. A project that involves impacts to several regulated resources may not have an alternative that reflects the least impacts to all resources. Impacted resources that are not regulated may also be an important factor in selecting a preferred alternative.

FHWA Guidelines

FHWA guidelines (Technical Advisory T 6640.8A) are silent on how the preferred alternative should be determined. However, in the instructions on preparation of the FEIS and the ROD, certain directions can be deduced:

“The ROD must explain the basis for the project decision as completely as possible, based on the information contained in the EIS (40 CFR 1502.2).”

And in the Alternatives Considered section:

“This information can be most clearly organized by briefly describing each alternative and explaining the balancing of values which formed the basis for the decision. This discussion must identify the environmentally preferred alternative(s) (i.e., the alternative(s) that causes the least damage to the biological and physical environment) (40 CFR 1505.2(b)). Where the selected alternative is other than the environmentally preferable alternative, the ROD should clearly state the reasons for not selecting the environmentally preferred alternative. If lands protected by Section 4(f) were a factor in the selection of the preferred alternative, the ROD should explain how the Section 4(f) lands influenced the selection.”

“The values (social, economic, environmental, cost-effectiveness, safety, traffic, service, community planning, etc.) which were important factors in the decision-making process should be clearly identified along with the reasons some values were considered more important than others. The Federal-Aid highway program mandate to provide safe and efficient transportation in the context of all other Federal requirements and the beneficial impacts of the proposed transportation improvements should be included in this balancing. While any decision represents a balancing of the values, the ROD should reflect the manner in which these values were considered in arriving at the decision.”

Alternatives that Impact 4(f) Properties

Selection of alternatives that impact Section 4(f) (49 USC 303) properties is guided by 23 CFR 771.135 (a)(1)(i) and (ii).

“(a)(1) The Administration may not approve the use of land from a significant publicly-owned public park, recreation area, or wildlife and waterfowl refuge, or any significant historic site unless a determination is made that: (i) there is no feasible and prudent alternative to the use of land from the property; and (ii) the action includes all possible planning to minimize harm to the property resulting from such use.”

Alternatives that Impact Floodplains or Regulated Floodways

FHWA regulations 23 CFR Ch. 1 ss 650.113 (a) direct that:

“A proposed action which includes a significant encroachment (on a floodplain) shall not be approved unless the FHWA finds that the proposed significant encroachment is the only practicable alternative.”

The proposed action must result in no net rise to the 100-year flood elevation plus one foot, which defines the regulated floodway. The regulated floodway may be altered to achieve the no net rise with the approval of the local government and FEMA. The state is required to compensate all property owners who would be adversely affected by a change in the regulated floodway.

Alternatives that Impact Wetlands

If a proposed action is to be located in a wetland, a finding must be made that (1) there is no practicable alternative to construction in the wetland, and (2) that all practicable measures to minimize harm have been included. (DOT 5660.1A 7 h.)

Selecting alternatives that fill in wetlands regulated under the Clean Water Act Section 404(b)(1), would fail to comply with the requirements of the guidelines where:

“(i) there is a practicable alternative to the proposed discharge that would have less adverse effect on the aquatic ecosystem, so long as such alternative does not have other significant adverse environmental consequences; or
(ii) the proposed discharge will result in significant degradation of the aquatic ecosystem under 230.10(b) or (c); or
(iii) the proposed discharge does not include all appropriate and practicable measures to minimize potential harm to the aquatic ecosystem; ...”

Stated positively, compliance with the Section 404 process requires the selection of the Least Environmentally Damaging Practicable Alternative, the LEDPA (The Highway Methodology Workbook, Corps of Engineers).

Alternatives with Threatened and Endangered Species

Selecting alternatives where threatened or endangered species are involved requires an understanding of the goal of the Endangered Species Act. The act is applied to species that are already threatened with or in danger of extinction. The process identifies critical habitat for the species to survive and aims to develop a recovery for the species. This means that the goal is to have no further deterioration of habitat, and to actually foster an improvement in the species condition, which means an improvement or increase in habitat. Alternatives that kill or injure or effect the breeding cycle of (take) individuals of an endangered species or harm their habitat are not favorable choices, though they may be allowed under specified terms and conditions. Alternatives that can be determined to jeopardize the survival of a species shall not be selected. The best choice is an alternative that avoids involvement with the species or enhances the survival of the species.

Alternatives with Environmental Justice Issues

Environmental Justice seeks equity for low-income and minority populations in how federal programs affect human health and the human environment. Health impacts of roadways include noise, air quality, water quality, and operational safety of the facility for cars and other modes such as pedestrians and bicycles. Human environmental issues may include neighborhood cohesion, access to public institutions such as emergency, police, and education services, ability to use the facility or other modes, and effects on local businesses and opportunities for employment. Alternatives that advantage one population over another, or disproportionately disadvantage low-income and minority populations in ways that are not fairly compensable, should be subjected to a reasonability test, and only selected if there is no other reasonable way to achieve the project purpose.

Alternatives with Significant Land Use Impacts

Alternatives can differentially impact land use. The most desirable alternatives are ones that are compatible with the comprehensive land use plan for the jurisdiction, with the transportation system plan (TSP) and with the Oregon Highway Plan. Selection of an alternative that differs from the plans would require at least a plan amendment and may require a goal exception. The most common goal exceptions for transportation projects have been exceptions to Goal 3, Agricultural Lands. This occurs when some or all of a new facility lies outside an Urban Growth Boundary. The requirements to select alternatives with these impacts, according to the Department of Land Conservation and Development regulations Division 4, 660-004-0020 (B), are:

“To show why the particular site is justified, it is necessary to discuss why other areas which do not require a new exception cannot reasonably accommodate the proposed use. Economic factors can be considered along with other relevant factors in determining that the use cannot reasonably be accommodated in other areas. Under the alternative factor, the following questions shall be addressed:

- (i) Can the proposed use be reasonably accommodated on non-resource land that would not require an exception, including increasing the density of uses on non-resource land? If not, why not?
- (ii) Can the proposed use be reasonably accommodated on resource land that is already irrevocably committed to non-resource uses, not allowed by the applicable goal, including resource land in existing rural centers, or by increasing the density of uses on committed lands? If not, why not?
- (iii) Can the proposed use be reasonably accommodated inside an urban growth boundary? If not, why not?"

How the Preferred Alternative is Derived

Many stakeholders are involved in arriving at a final selected alternative. For ODOT, the final choice is indicated in the FEIS or REA. FHWA's signature on the ROD or FONSI indicates its final decision.

CETAS has a role in the selection process of the preferred alternative through the Preferred Alternative Concurrence Point. For CETAS, application of the Criteria for Selection is a critical part of arriving at concurrence with the Preferred Alternative. CETAS does not arrive at the selection of the Preferred Alternative independently, but is asked to concur in the recommendation made by the Project Team, or the Project Team with an Oversight Team. CETAS concurrence is sought prior to requesting local government to take land use actions that lead to adoption of the alternative into local land use plans. By this point, CETAS will have resolved concurrence issues on the Criteria for Selection, which will be applied during the determination of the Preferred Alternative. The process of concurring on the Preferred Alternative inherently includes agreement (or not) that the Criteria for Selection were applied correctly. It is recognized by CETAS that it is inappropriate to weight criteria against each other, and that impacts that may not be measurable are also important to decision makers in the process leading to final selection. The process of deciding is then the subjective balancing of the measurable criteria against one another and other intangibles.

The order of process during this stage is:

1. The DEIS or EA is published and circulated to all interested parties. Comments are requested. (Required comment period: 30 days for EA; 45 days for EIS; 45 days for EA or EIS with a 4(f).)
2. A hearing is held (or offered) where the public may express preference for an alternative. (Hearing offered for EA, hearing required for EIS. Hearing may be held 15 days into the comment period.)
3. ODOT's Project Team meets and based on comments, testimony, and the NEPA evaluation, recommends an alternative to forward. (Time indeterminate: 30 to 60 days average.)
4. If there is an executive steering team, the team meets to confirm or change the recommendation. (Time indeterminate: 30 to 60 days average.)

5. The recommendation is submitted to CETAS for the Preferred Alternative Concurrence Point. ODOT submits the concurrence request 30 days prior to the formal concurrence request. CETAS has 30 days to respond past the formal request point. CETAS members may request an extension. If any CETAS member issues a non-concurrence and the issue cannot be resolved at the staff level, then the issues must be elevated and resolved for the project to go forward from this point. Resolution may require moving back to earlier steps. (Sixty days minimum to complete the process. Average is running longer.)
6. ODOT formalizes the recommendation by requesting ODOT (and Local Government, if applicable) executive signatures on the Recommendation Document. (5 to 10 days.)
7. ODOT applies to local government for goal exceptions and plan amendments as needed to forward the project. (Typically preparation of findings and application: 30 to 90 days. Approval process and plan amendments may take 6 months to a year or longer.)
8. ODOT declares its Preferred Alternative in the FEIS or REA/FONSI. (Six months average time to prepare and gain approval on the FEIS.)
9. FHWA approves the alternative selection by signing the ROD or the FONSI. At this point, it is a fully approved Selected Alternative and FHWA is granting approval to proceed to Final Design. (Thirty days minimum must be allowed between the circulation of the FEIS and the signing of the ROD. FONSI are approved with the REA, and have no waiting period or circulation requirements.)

GLOSSARY

4(f): Properties referred to as 4(f) properties enjoy special protection under the 1966 Transportation Act. The law applies to historic properties, parks, public recreation areas, and wildlife refuges. It allows impacts to these properties by a transportation facility only if there is no prudent and feasible alternative.

Access Controlled Facility: Most state and federal highways have some level of access control. The level varies with the type of facility and historic use of the highway. The highest level of control exists on interstate highways where the only access is through interchanges. Lesser degrees of control would result in access allowed only at intersections, access allowed only at a certain distance from intersections, consolidated driveways, and other devices. Access control is managed through administrative rules.

ACTS: Area Commissions on Transportation. These advisory committees are made up of local decision makers and decision influencers for the purpose of assisting ODOT in making decisions about funding priorities within the department's Areas. Areas are subdivisions of ODOT's Regions, usually representing up to three counties.

ADT: Average Daily Traffic. This is a common statistic generated in traffic studies. It is used in formulas to determine the level of functioning of a state transportation facility.

BA: Biological Assessment. See Biological Opinion.

BO: Biological Opinion. The BO documents the potential impacts to a threatened, endangered, or candidate species for listing under the Endangered Species Act. A Biological Opinion is the federal agency (National Marine Fisheries or U. S. Fish and Wildlife) response to the BA, outlining measures the petitioning agency must take for permitting to progress.

Citizens Advisory Team (or Community Advisory Team): May also be referred to as a Stakeholders Group. By any name, this is a group assembled for input during project development.

Class 1 and 3 projects: Refers to the NEPA classification system. Class 1 and 3 projects require a public involvement process and specific NEPA documentation. Class 1 projects have a significant impact and require an Environmental Impact Statement (EIS), including a DEIS, FEIS, and ROD. Class 3 projects have an impact, but do not rise to the level of being considered significant. Class 3 projects require an Environmental Assessment (EA) and a Revised EA coupled with a Finding of No Significant Impact (FONSI). Class 2 projects are called Categorical Exclusions. They do not require a primary document concerning the impacts. However, class 2 projects may require separate technical analysis such as a biology report.

COG: Council of Government

Comment Point: A comment point is an opportunity to express an opinion about information that has been circulated, but does not require concurrence. Agencies are free to comment at any point in the process.

Comprehensive Plans (Comp Plans): Land use plans required of all jurisdictions statewide in Oregon. These govern all land use actions and should be integrated with the Transportation System Plan for the area.

Concurrence: Concurrence means that an agency representative believes, to the best of the agency's knowledge, that the information is sufficient for the decision point under consideration and all relevant issues, which appropriately can be raised at this time, have been raised and resolved satisfactorily. This is not a legal approval.

Congestion: Increasing congestion is considered a negative indicator of highway and street functioning. One indicator of congestion is referred to as the V/C ratio, or volume to capacity. Congestion increases as the volume of vehicles approaches the capacity of the roadway.

Corridor Plan: Plan for future actions on ODOT National Highways or regional and district highways carrying significant traffic. These plans are developed by ODOT for inclusion in local Transportation System Plans.

Cultural Resource: As used in the context of the Major Transportation Projects Agreement(MTPA), cultural resource refers to all historical, archaeological, and paleontological resources in the project area.

CZMA: Coastal Zone Management Act

DEIS: Draft Environment Impact Statement (see EIS)

DEQ: Oregon Department of Environmental Quality

Design EIS or EA: Design EIS or EA is used to distinguish this product from the Location EIS. The Design EIS or EA is prepared for a project that is included in the STIP for development and construction. The product will lead to approval to develop full construction design plans and to the construction of a transportation facility.

DLCD: Oregon Department of Land Conservation and Development

DSL: Oregon Division of State Lands

ECR: Environmental Classification Request, a document prepared by ODOT to obtain NEPA classification concurrence from FHWA. It is also referred to as Part 3 of the Prospectus.

EFU: Exclusive Farm Use, a category of land use designation. Land in this category has restrictions on how the land can be used, even when transportation facilities can be constructed on them. These lands in turn are taxed at a lower rate.

EIS: Environmental Impact Statement. (See DEIS and FEIS) NEPA Class 1 projects require the preparation of an EIS, FEIS and ROD (Record of Decision).

Environmental Baseline Report: This is a product in the ODOT project delivery process. The report is designed to identify and locate environmental and community resources within an area of potential impact (API) prior to the development of project alternatives. As such, it supplies the context in ODOT's effort to develop context sensitive solutions.

EMS: Environmental Management System, a structured process for evaluating, implementing, and accounting for environmental aspects in all of a business or enterprise's processes, products, and services.

EPA: U.S. Environmental Protection Agency

FHWA: Federal Highway Administration

Foreign Trade Zone: This is a land use overlay zoning mechanism that places special requirements within the geographic area it applies to. The City of Medford has a Foreign Trade Zone around its airport. Other ports that receive shipments of goods by international transport may also employ this mechanism to protect the area for development related to this specialized use. Typically, customs activities would take place within this zone.

LEDPA: Least Environmental Damaging Practicable Alternative. This concept arises from interpretations of the Clean Water Act and applies to projects that will require a 404 permit. This approach would lead decision makers to select the least environmentally damaging project alternative, of the alternatives that adequately meet the underlying project purpose and satisfy the need.

Level of Service (LOS): An indicator of roadway and operational soundness of a transportation facility. The indicator varies from A to F with A being free flowing, and F indicating a complete breakdown to traffic flow. A "D" LOS is considered the lowest acceptable level. "F" level is sometimes accompanied by a number such as F-4 indicating how many hours of the day the facility is at F level.

LPO: Local Planning Organization. Could be an MPO (Metropolitan Planning Organization), city, or county planning commission.

Location EIS: An Environmental Impact Statement done during Refinement Planning where the effort is focused on determining the mode of the transportation element and its general location or corridor. Further environmental analysis such as a Design EIS or EA, or appropriate research reports will be required when the specific design and exact location of the facility are being determined. The Location EIS is appropriate when the facility under consideration has significant environmental issues affecting the location of the facility to be placed in a plan, but the facility is not ready for the development of design detail. Examples would be the locating of a bypass or new interchange that is being considered in a TSP, but is not yet funded for development and construction.

MPO: Metropolitan Planning Organization

Natural Resource: As used in the MTPA, natural resource refers to all naturally occurring flora and fauna, and to such geographic features as water bodies, wetlands, water quality, coastal zone features, subsurface features, etc. that are protected by law and regulation, as well as those that are generally evaluated in a NEPA context. It does not generally refer to domestic animals or to landscape that is purely ornamental in nature.

NEPA: National Environmental Policy Act. Usually this term is used broadly to refer to all the subsequent regulations that guide development of a federal project or process. NEPA describes a decision process where the public and pertinent agencies have access to the development process and decision process, and where appropriate environmental information is integrated into the decision process. NEPA also requires that the process be documented through an EIS or EA or is Categorically Excluded. Approval of the Record of Decision related to this document constitutes approval of the project.

NMFS: National Marine Fisheries Service

ODFW: Oregon Department of Fish and Wildlife

ODOT: Oregon Department of Transportation

OTC: Oregon Transportation Commission. The OTC is similar to the Board of Directors for a company, with oversight of ODOT operations. This group has final funding approval for items within the legislative budget.

OTP: Oregon Transportation Plan, a high-level planning document which guides development of transportation projects. It establishes goals and directions for subordinate planning efforts, and the Oregon Transportation Commission approves it.

OHP: Oregon Highway Plan. Subordinate to the OTP are the modal plans. The OHP guides development of highways. There are modal plans for Transit, Bikeways, and Pedestrian Ways, and for Safety Programs. These plans are high-level guidance.

Preferred Alternative/Selected Alternative (as referred in FHWA NEPA guidance): Preferred Alternative refers to the alternative that the state DOT or local government hopes to build. The state has the option of indicating a preferred alternative even in the DEIS or EA, but normally, these would be identified in the FEIS or REA. FHWA does not consider an alternative to be a selected alternative until the ROD or FONSI is signed.

Prospectus: A four-part document that ODOT uses to initiate a project. It contains a sketch level of data regarding the nature of the proposal, purpose and need, type of facility being considered, costs, and the Part 3-ECR.

PDT: Project Development Team, ODOT's standard project development team structure. The membership of the Project Development Team varies from project to project. For medium-sized projects, membership is usually technical in nature. For very large projects, the team may have local government or agency members. On very large projects, the decision structure may vary from the standard. Elected or appointed officials may serve on a steering team. The decision structure in this case is usually defined specifically for the project.

Permanent Decision Team Member: From Major Transportation Projects Agreement (MTPA), VIII.D.1, permanent decision team member refers to membership on the PDT or other decision team formed uniquely for the project. Where a project is expected to have a very significant impact on one or more regulated resources, and significant, ongoing input is required to successfully develop the project, ODOT may request that a representative from the regulating agency become a member of the PDT or other project team to facilitate appropriate decision making.

REA: Revised Environmental Assessment, the second and last document, for a NEPA Class 3 project. A REA must result in a FONSI (Finding of No Significant Impact) or be reclassified as a Class 1 or 2 project.

Refinement Plan: Refinement plans and refinement planning refer to a more in-depth planning effort applied to an area of a Transportation System Plan where more detail is determined to be needed. This process may be applied to varying problems, such as the determination of the type of facility that is needed, locating a facility, determining what accesses need closing to upgrade a facility, or other issues needing close examination. When the term refinement plan is used in the Major Transportation Projects Agreement, it refers to a project in a process that will result in a location decision. It will be accompanied by a Location EIS, with data at a very generalized level. Typically, this will be for very large, long-term projects in the planning phase, with no immediate expectation of implementation. Some time later, when the project is funded for construction, the project will be subject to the steps outlined for projects in project development. A Design EIS or other environmental documentation will be prepared. At that time, a close analysis of specific impacts will be made, mitigation, if required, will be planned and designed, and permits sought.

Regulatory Agencies: Agencies represented at CETAS that have a regulatory authority over some aspect of ODOT's operations. These include DEQ, DSL, USACE, ODFW, SHPO, NMFS, USFWS, FHWA, and EPA. There are other agencies regulating ODOT, but are not represented on CETAS at this time.

ROD: Record of Decision, the last NEPA document for a NEPA Class 1 project. It is preceded by a DEIS, a hearing, and an FEIS.

RTP: Regional Transportation Plan. Similar to a TSP, RTPs are required from metropolitan areas that exceed a certain population. When this occurs, these areas are required to have a Metropolitan Planning Organization, and to produce an RTP. These requirements are from FHWA and apply nationally. They are somewhat redundant with the TSP required under Oregon's Transportation Planning rule. One distinguishing characteristic is that RTPs must be fiscally constrained, whereas a TSP may not be. There are additional requirements involving air quality conformity.

Safety: Projects that are identified because of a safety deficiency, indicated by accident data, are frequently eligible for a funding category directed at improving safety. Safety is a key strategic goal of both the FHWA and ODOT. When evaluating the function of an ODOT facility, safety is one of the highest ranked criteria in decision making.

Selected Alternative: See Preferred Alternative.

SHPO: Oregon State Historic Preservation Office

Signalized Intersection: An intersection controlled by signal lights.

Signatory Agencies: Includes all the agencies that have signed the Charter and subsequent agreements for the CETAS Group. Agencies included are ODOT, FHWA, DLCD, ODFW, DEQ, DSL, USACE, EPA, SHPO, NMFS, and USFWS.

STIP: State Transportation Improvement Program. Contains projects that are funded for construction. The STIP is approved by the Oregon Transportation Commission and is required by FHWA.

Technical Project Team: For projects where there is a Steering Team and/or PDT that consists mostly of local officials, a Technical Project Team may be formed to develop the staff work for the decision team.

Tier 1, Tier 2: The Council on Environmental Quality, CEQ, governs the overall administration of NEPA. Tiering is a process by which environmental decisions are made at varying levels of detail, each accompanied by its own environmental document. In Oregon, we are referring to the first tier document as a Location EIS and the second as a Design EIS. In this structure, the location alternatives are narrowed in the first document

using broad, high level information. In the Design EIS, only design alternatives of the selected location alternative are considered. This document is prepared using much more precise measurement of resources and impacts, and utilizes finer highway design information.

TOD: Transit Oriented Development. An area designation focused for transit.

TPR: Transportation Planning Rule. The Transportation Planning Rule is the Administrative Rule that implements Goal 12—the Transportation Goal of Oregon’s Statewide Planning Goals and Guidelines.

TSP: Transportation System Plan. Prepared by a Local Planning Organization for inclusion in the Comprehensive Plan for the jurisdiction. These are a requirement of the Transportation Planning Rule for Oregon.

USACE: U.S. Army Corps of Engineers

USFWS: U.S. Fish and Wildlife Service

Weaving: When vehicles must move from one lane to another in order to exit a facility or enter the main flow of a facility, this activity is referred to as weaving. This typically occurs near on and off ramps to an interchange. The length of roadway over which this maneuver is usually performed is referred to as the length of the weave or weaving distance. There are standard distances which designers try to maintain. Shortening this distance forces drivers to make changes in a pressured situation, which can lead to safety problems.