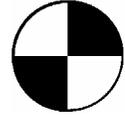




Highway Division Project Delivery Leadership Team Operational Notice



NUMBER PD- 04	SUPERSEDES N/A	EFFECTIVE DATE September 1, 2000	CANCELLATION DATE N/A
SUBJECT Environmental Guidance		ISSUING BODY Project Delivery Leadership Team (PDLT)	

PURPOSE: To provide direction to the business line relating to decisions concerning environmental issues.

RATIONALE: This operational notice further implements direction given by the Executive Deputy Director for the Highway Division pertaining to environmental roles and responsibilities.

GUIDANCE: Environmental Stewardship within ODOT is accomplished through a guidance statement, best management practices, a clear definition of enhancement and a process for enhancement related decisions, an Environmental Program statement, and clear roles, responsibilities and authorities throughout the organization

ODOT Environmental Guidance Statement

- ODOT conducts its mission consistent with sound environmental stewardship and best management practices. We strive to meet the spirit and intent of environmental laws. We comply with regulations, and we will enhance the environment, balancing such enhancement with the scope and purpose of our ODOT mission.

- The valuing of Oregon’s environment is a responsibility of every ODOT employee and it is reflected in our decisions and actions.

Best Management Practices

Many state and federal laws govern environmental work. These laws determine the process to follow when securing permits or “permission” to affect a protected resource. An example of a law ODOT frequently must work within and adhere to is the Endangered Species Act (ESA), which prohibits jeopardizing protected species or harming their habitats.

Cost avoidance is a major aspect of all work at ODOT. In fact, with the escalating cost of environmental compliance over the last few years, there is more pressure than ever – and growing scrutiny placed upon – environmental cost avoidance. Typically, environmental compliance adheres to the concept of “sequencing”. Borrowed specifically from wetlands compliance work, sequencing says that the normal course or “sequence” of work shall follow an orderly, prioritized progression in order of occurrence:

- **AVOIDANCE** – Avoidance of the resource is the highest priority. The best stewardship of the resource is to avoid harm in the first place.
- **MINIMIZATION** – If the resource cannot be avoided, then minimize harm to the resource to the maximum extent possible and practicable.
- **MITIGATION** – Where the resource cannot be avoided, and where minimization leaves harm to the resource, mitigate or offset the harm. Usual mitigation is in-place and in-kind, but more creative, productive, and cost-effective mitigations are being sought by many. Some regulatory agencies, however, are very restrictive in their response to much variability. As a last resort, compensation may be approved where resource mitigation is impossible, cost prohibitive, impractical, ill advised and so on.

Enhancement Defined

Enhancement with respect to the environment is an opportunity to be considered, not a requirement. Enhancement includes activities that go beyond the agreed upon regulatory requirements, whether in planning, design, construction, maintenance, or operations. For ODOT, enhancement is:

1. Above and beyond required mitigation and routine maintenance.
2. More than truly “routine and customary” work.
3. Related to transportation.
4. Opportunistic and typically low-cost when compared to the main activity from which it stems.
5. An outgrowth or extension of work already being engaged, constructed, or maintained or is similar in scope and location to such work.
6. Discussed or committed to in the 1990 FHWA Environmental Policy Statement, and the *1999 Oregon Highway Plan* (see p. 131, Goal 5).

Enhancement-related Decision Making

ODOT is committed to following both the spirit and intent of environmental laws, and sometimes exceed them through enhancements. When deciding whether (or not) to take advantage of an enhancement opportunity, a number of factors must be balanced. These include: magnitude and severity of impact, regulatory desires and requirements, mitigation (habitat) establishment and performance over time, professional opinions, business line interests and budgets, and so on. This is never easy, and it can easily become subjective in spite of the best science.

Not all projects provide opportunities for enhancement. However, sound environmental stewardship requires that, on all projects, decision-makers be mindful of environmental enhancement opportunities when they surface, and take advantage of them when appropriate. As in any complex decision-making activity, enhancement opportunities must be balanced with other equally important, sometimes competing business interests. The environment must be considered along with these other critical factors in order to reach the best balanced solution available.

ODOT'S Environmental Program Statement

When making environment-related decisions, ODOT managers, field line staff, and the environmental community (Environmental Services, Regional Environmental Coordinators, Environmental Operations Staff, Permits Staff, etc.) share the responsibility to balance competing business needs and requirements with appropriate environmental stewardship. Schedule, cost, safety, quality, public input, regulatory input and so on - all are top priority, while none have first priority. All must be weighed thoughtfully and lead to a comprehensive decision. (See Attachment A for decision-making flow chart).

Effective collaboration between various stakeholders (i.e., ODOT managers, line staff, and the environmental community) is a key to success when situations requiring the ability to balance competing priorities arise. It is the responsibility of each individual involved to resolve disagreements around competing priorities directly, at the lowest level. However, in cases where this is not possible, each should consult his/her manager for assistance in achieving an acceptable resolution.

The following clarity around organizational roles, responsibilities, and authority helps to reduce disagreements with respect to environmental decision-making. This guidance is provided to enhance the current level of collaboration internally.

Roles, Responsibilities, and Authorities for ODOT Employees

All ODOT Employees:

- Practice *ODOT's Environmental Guidance Statement* in the conduct of their work.
- Make sound environmental decisions on the job, balancing environmental needs with ODOT mission, schedule, budget, safety, product quality, public input, regulatory input, and so on.
- Collaborate with the ODOT environmental community to raise and resolve environmental issues.
- Seek to learn and employ best management practices when making environment-related decisions.
- Participate in ODOT team environmental learnings meetings.
- Seek help, as needed, to identify and deal with sensitive environmental resources.
- Use environmental tools, as available (salmon and resource mapping, seasonal maintenance practices, *Routine Road Maintenance Water Quality and Habitat Guide*, etc.).

ODOT Managers:

In addition to the roles, responsibilities, and authorities presented in the ODOT Employees section above, they will:

- Know when they and their crews need environmental help - and get it.
- Get environmental education for staff (including supporting educational programs like the Environmental Learnings Program, where appropriate).
- Fulfill requirements of environmental policy, streamlining, and other environmental directives.

- Be accountable for satisfying regulatory agency and permit requirements.
- Develop and track fulfillment of environmental responsibilities and expectations, including setting environmental expectations for the crews.
- Work collaboratively to resolve environmental issues brought to their attention and that cannot be resolved among staff members reporting to them.

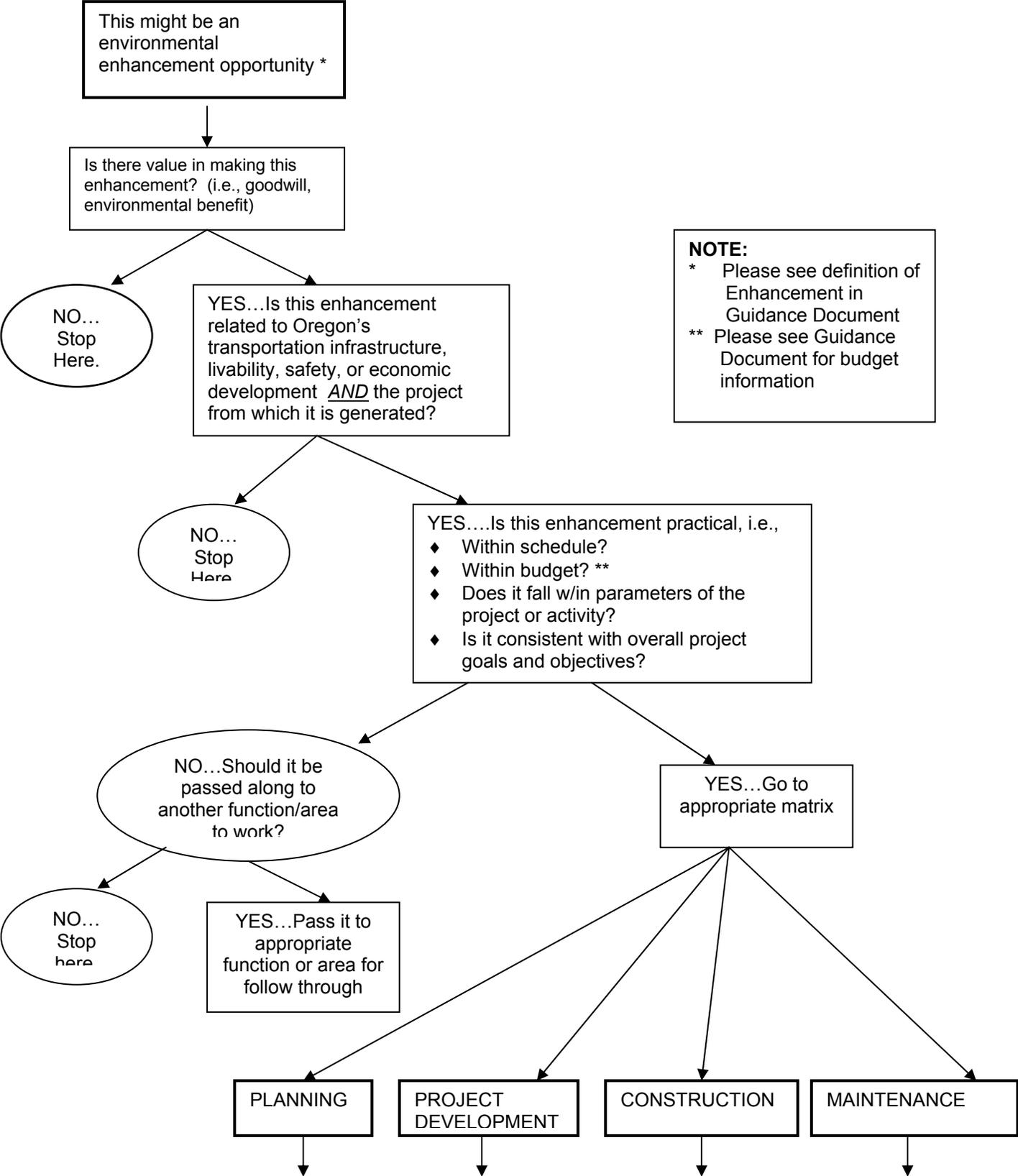
Environmental Staff:

In addition to roles, responsibilities, and authorities presented in the ODOT Employees section above, Environmental staff, inclusive of the environmental permitting staff and those supporting Maintenance and the Regions, will:

- Serve as the Department's environmental specialists and experts.
- Provide regulatory interpretation and guidance.
- Educate and inform ODOT staff and others on environmental topics, ensuring standardization in training on environmental issues across the state (e.g., utilize and support programs like the Environmental Learning Program).
- Produce environmental studies and documents as required.
- In collaboration with customers, are the Department leaders in developing environmental policy, environmental streamlining, and implementation guidance.
- In concert with project teams, commit ODOT to environmental actions, balancing environmental work with ODOT's mission and using the NEPA process as a primary guidance tool.
- Provide the environmental professional services for maintenance, construction and planning projects, serve on project teams, develop avoidance, minimization, and mitigation strategies for successful projects.
- Negotiate with regulatory agencies on behalf of ODOT.
- Expand/maintain personal expertise on environmental issues/practices through national/state involvement (AASHTO, TRB, Streamlining, etc.).
- Serve as a resource group for public, other agencies, FHWA, etc.

Attachment A - Generic Decision-Making Flow Chart

For use with Planning, Project Development, Construction, or Maintenance decision-making charts, which are under review.



NOTE:
* Please see definition of Enhancement in Guidance Document
** Please see Guidance Document for budget information