

ODOT Guidance for Environmental Inspections

This applies to ODOT (including local agency) construction projects that use ODOT's 2012 Programmatic Endangered Species Act Consultation on the Federal-Aid Highway Program (FAHP) other environmental permits, as indicated by the ODOT Region Environmental Unit (REU).

The “Environmental Inspector”

All projects implemented under the FAHP must undergo periodic environmental inspections completed by an ODOT REU employee, a biologist qualified by ODOT for Endangered Species Act compliance, or a certified Environmental Construction Inspector (see ODOT Environmental Inspection Manual;

http://www.oregon.gov/ODOT/HWY/CONSTRUCTION/erosion_control_manual.shtml#Erosion_Control_Inspection).

Environmental Inspections & Reports

The purpose of environmental inspections (i.e., construction monitoring) and the Environmental Inspection Report is to document compliance with environmental permit requirements, including effectiveness of best management practices and impact minimization measures, challenges encountered, and corrective actions. Environmental inspections are primarily for compliance with endangered species, wetlands, or cultural permits, not NPDES or DEQ water quality permits, which are evaluated separately through the erosion control program.

A minimum of one environmental inspection per project per construction year is required under the FAHP. Due to the variety of Federal-Aid Highway projects, inspections are not mandated for specified activities or at certain frequencies. Rather, **the individual authorized to perform the environmental inspection will determine the appropriate time for inspections and the nature of the inspections based on the complexity of the project, the timing of activities that affect regulated resources, and best professional judgment.** For example, if a project has over-water work, inspections should occur during installation of containment structures and with sufficient frequency to check/report on the efficacy of the containment. Environmental inspections may be warranted and scheduled to ensure that FAHP requirements are being met. Such times may include but are not limited to:

- Pollution and erosion controls – are they in-place and appropriately installed as specified
- Native materials designated for avoidance – are they sufficiently marked and avoided
- Cleared vegetation – is it clipped rather than grubbed whenever possible
- Native materials designated for restoration – are Contractors implementing requirements to conserve the materials
- Herbicide treatment buffers – are they being maintained
- Fish screens and work area isolation – are they being properly implemented and do they work effectively
- High stream flow events – is work that may impact protected resources halted
- In-water work – is it being completed as specified
- Containment practices and structures – are they functional at minimizing risk of pollutants entering habitat for covered species
- Treated wood – is it being implemented as specified
- Hydro-acoustic specifications – are they being followed

- Bank stabilization and/or site restoration – are they being implemented as specified

The inspection form is designed such that a separate form can be used for each site visit, or one form can be used for multiple site visits. The majority of the form involves evaluating construction activities that typically affect endangered species, wetlands or cultural resources using a three tiered ranking system: G(green) = good; Y(yellow) = at risk (needs minor adjustment); R (red) = poor (Needs major repair). Only those activities pertinent to the purpose of the inspection site visit need to be completed.

The purpose for an environmental inspection and the inspection report is to accurately describe construction activities, not to paint an unrealistic picture by only reporting on the “good” activities. If an activity is ranked Y or R, the inspector may wait to submit the form until it is fixed and include the repair date and description on the form. Alternatively, a problematic activity need not be fixed before submittal, but instead describe when the Contractor plans to attend to the issue, and report on the repair with another inspection site visit/report.

For FAHP projects, when inspection reports are completed, the investigator will upload the report to the project’s ftp folder (managed by the REU) and send an E-mail notice to the FAHP project stakeholders (including FAHP_ESA@odot.state.or.us, regulatory representatives, or others identified by the REU). For other projects, the reports will be sent to REU for distribution to appropriate regulatory authority, and copied to NRU_Trans@odot.state.or.us. Diligent inspections, honest and clear reporting, and easy access to Environmental Inspection Reports are vital for the future of ODOT’s programmatic environmental permits.

Additional guidance on the FAHP can be found on the FAHP website, <http://www.oregon.gov/ODOT/HWY/GEOENVIRONMENTAL/Pages/fahp.aspx>. Information about the ODOT Environmental Inspector Certification Program can be found on the Construction website, http://www.oregon.gov/ODOT/HWY/CONSTRUCTION/pages/inspector_cert.aspx#Environmental_Erosion_CECI.