

1000 – Maintenance Support and Emergency Response

District Operations & Maintenance Project Support

RECs are often called upon to assist ODOT District Maintenance (DM) offices with non-STIP maintenance projects and responses to emergency situations. REC support is critical for ensuring that maintenance practices meet all applicable state and federal laws and regulations intended to protect natural and cultural resources. The REC is also responsible for coordinating the involvement of other ODOT environmental specialists (e.g., biologists, archaeologists) and ODOT regulatory liaisons as well as state and/or federal resource agencies, as appropriate. RECs and other environmental specialists bring a variety of technical expertise and provide statewide environmental support to non-STIP District projects as well as normal District maintenance activities.

RECs primarily support DM Offices by helping to determine whether maintenance work needs state or federal environmental permits, clearances, or approvals. If environmental permits, clearances, and/or approvals are needed, the REC is responsible to determine if a federal nexus (i.e., FHWA, USACE, USFS, BLM, NMFS, NPS, USFWS, etc.) exists and for ensuring that all appropriate state and/or federal environmental permits, clearances, and/or approvals are obtained prior to the onset of the (non-emergency) maintenance work.

The Maintenance “Blue Book” Guide

Since 1999, ODOT has implemented the “*Routine Road Maintenance: Water Quality and Habitat Guide Best Management Practices*” (commonly known as the “Blue Book”). District Maintenance crews and the RECs use the Blue Book to help minimize impacts to the environment while performing day-to-day highway maintenance activities and to comply with “take provisions” described in Limit 10(i) under Section 4(d) of the Endangered Species Act (ESA). Throughout the Blue Book, coordination between DM offices and RECs is emphasized. RECs play an important role in helping Maintenance implement best environmental management practices outlined in the Blue Book. Necessary forms and agency contact numbers are also found in the Blue Book.

Maintenance District Declared Emergencies

Coordination with Region Environmental Specialists & Regulatory Agencies: Once the REC is assigned to a District declared emergency and a course of action is determined, key

regulatory agencies such as the Oregon Department of Environmental Quality (DEQ), the U.S. Environmental Protection Agency (EPA), the U.S. Fish and Wildlife Service (USFWS), the National Marine Fisheries Service (NMFS), the Oregon Department of Fish and Wildlife (ODFW), the Oregon Department of Agriculture (ODA), and other agencies as appropriate may need to be contacted. The REC should work through ODOT's designated regulatory agency liaisons and/or region environmental specialists in close coordination with the DM Office to notify impacted agencies as to what has occurred and what corrective actions will be taken. The REC may also solicit input and recommendations from the regulatory agency liaisons and/or region environmental specialists.

Wetlands and Waterways: If the action involves wetland and watercourses regulated by the Oregon Department of State Lands (DSL) and/or the U.S. Army Corps of Engineers (USACE), these agencies need to be notified by telephone and a DSL Emergency Authorization Application And Expedited Corps/Request for Emergency Procedures form needs to be filled out and faxed to the two agencies. Normally, this form is filled out by the REC with the assistance of the DM manager in charge of the emergency. The form is found in the Blue Book.

The Oregon Emergency Response System: Occasionally, there are situations when the emergency is large and multiple resources, involving a number of agencies, will be impacted. In that case, Oregon Emergency Management (OEM) has a direct number where all agencies can be contacted through one telephone call. The system is called the **Oregon Emergency Response System (OERS)**. Usually the District Manager declares an emergency initially, and then based on whether that District emergency becomes part of a State or National declared emergency, the DM Office will also submit a form to the FHWA Operations Engineer to request FHWA reimbursement (NOTE: not all District emergencies end up as State or National declared emergencies/disasters). Maintenance personnel will make the determination to move forward with necessary repairs. The following section outlines how the REC works with DM Offices and FHWA for State and National declared emergencies/disasters as per the [FHWA Emergency Relief Manual](#).

Governor and Presidential Declared Emergencies

As per the [FHWA Special Federal-aid Funding Emergency Relief Program](#) and associated [Emergency Relief Manual](#), the REC works with the relevant DM Office/s on District-declared emergencies that qualify for either State or National Emergency/Disaster Declarations. The REC will work as per the guidance above in "District Declared Emergencies" to secure all appropriate environmental clearances (as per the *Blue Book* and in coordination with region environmental specialists and/or ODOT regulatory liaisons) in a timely manner as normal. If the District-declared emergency qualifies for FHWA Federal-aid reimbursement funding via the Emergency

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Relief Program, then either at the same time, or whenever it is apparent that FHWA ER funding is imminent for reimbursement, the REC will complete the FHWA Oregon Division *NEPA Disaster/Emergency Documentation for (c) List Categorical Exclusions Funded by FHWA Emergency Relief* ([ER Document](#)) in addition to any environmental clearances for the ER Program qualified work (see Section 425 - FHWA NEPA Documentation for State/National Declared Emergencies for directions on how to complete the form). FHWA only requires the ER Document. Other environmental clearances and/or Federal-nexus documentation should be filed according to DM Office instructions.

In summary, the REC will address emergencies as follows:

- **District Emergencies** (either by themselves, or prior to any state/national declaration for reimbursement)
 - Follow Blue Book (state funds only) AND coordinate with region environmental specialists and ODOT regulatory liaisons for environmental clearances/compliance (including any other Federal nexus such as the ACOE, guidance found in the Blue Book)
 - No FHWA funding or “reporting” needed until/unless there is FHWA reimbursement approval (see below if State/National ER declaration is approved)
- **State (Governor) and/or National (Presidential) Declared Disasters** (qualifies for FHWA reimbursement)
 - For **Governor Declarations**, *FHWA has to approve first* in order for the ER work to qualify for reimbursement
 - a) Use FHWA NEPA coverage document to cover ER fix (once FHWA approves the state declaration/work scope; ER funds available for 2 years after declaration date, work with District/Region lead and FHWA Operations Engineer to determine how ER funds applies to one or more phases of ER work)
 - b) If permanent fix encompassing more than the ER fix is required (and is deemed a “betterment” which is more than what was required in the initial ER scope), the normal FHWA NEPA documentation and process ensues at a later date once project is in STIP
 - For **Presidential Declarations**, *FHWA does not have to approve first or at all* in order for the ER work to qualify for reimbursement
 - a) See a) above.
 - b) See b) above.