



Welcome!

CUG Environmental Summit

VIRTUAL attendees: To receive attendance credit in Workday, you must enter your first and last name in the chat.

IN-PERSON attendees: Lunch orders accepted until 9:30am.

Day 1 Order #: 56269

littleloisafe.com/GroupOrderSubmission.php or (503)362-8422

Day 1 Agenda

9:00 am	Welcome!	<u>CUG Co-Chairs:</u> Tiffany Hamilton, ODOT Ryan Crowther, Marion County <u>ODOT Environmental:</u> John Raasch, State Environmental Manager Jim Collins, State NEPA & Cultural Resources Manager Rod Thompson, State Environmental Engineering & Natural Resources Manager
9:15 am	NEPA Basics and NEPA Practice at ODOT	Melanie Ware, NEPA Program Leader
10:15 am	Discretionary Grants and ODOT Environmental (Non-) Involvement	Cece Gilbert, Statewide Programs Unit Manager Melanie Ware
10:30 am	BREAK – Informal Networking	
10:45 am	Environmental Considerations in Project Initiation • Environmental Prospectus • Environmental Project Description • Statement of Work	Daniel Ohrn, Environmental Unit Manager (Region 2)
11:50 pm	Navigating Updates to LAG Chapter 6 and SOW Task 3	Tiffany and Hanne Eastwood, ODOT
12:30 pm	LUNCH – Informal Networking! Order from Little Lois Cafe using group number 56269 (Day 1) until 9:30 am.	
1:30 pm	DAP to PS&E	Daniel Ohrn
2:30 pm	Environmental Commitment Tracking and Project Files	Jim Collins
2:55 pm	BREAK – Informal Networking	
3:05 pm	Stump the ODOT Experts (Q&A Panel)	ODOT Environmental Staff
3:25 pm	Closing Comments and End of Day Feedback <i>Adjourn 3:30 pm</i>	Tiffany, Ryan, and ODOT Environmental Managers



**Shout
Out!**

**Roll call! Who's
with us today**



**At your tables, take
5 minutes to share:**

- Your name
- Role
- Agency
- Experience working with environmental requirements
- One thing you hope to takeaway from this Summit

Summit Objectives

Strengthen the partnership between ODOT and Certified Local Agencies through:

- Understanding of Environmental requirements and processes
- Clarity of ODOT and Agency roles
- Knowledge and ease of using project forms and resources



John Raasch

State Environmental Manager

- **ODOT Environmental Manager**
2001 - Current
- **ODFW Fish Biologist**
1997 - 2001



Rod Thompson

State Environmental Engineering & Natural Resources Manager

- **ODOT Environmental:**
2005 - Current (21+ years)
- **Conf. Tribes of Grand Ronde Environmental:**
1999 - 2005
- **ODFW Biologist:**
1994 - 1999
- **US Forest Service Biologist:**
1990 - 1993



Jim Collins

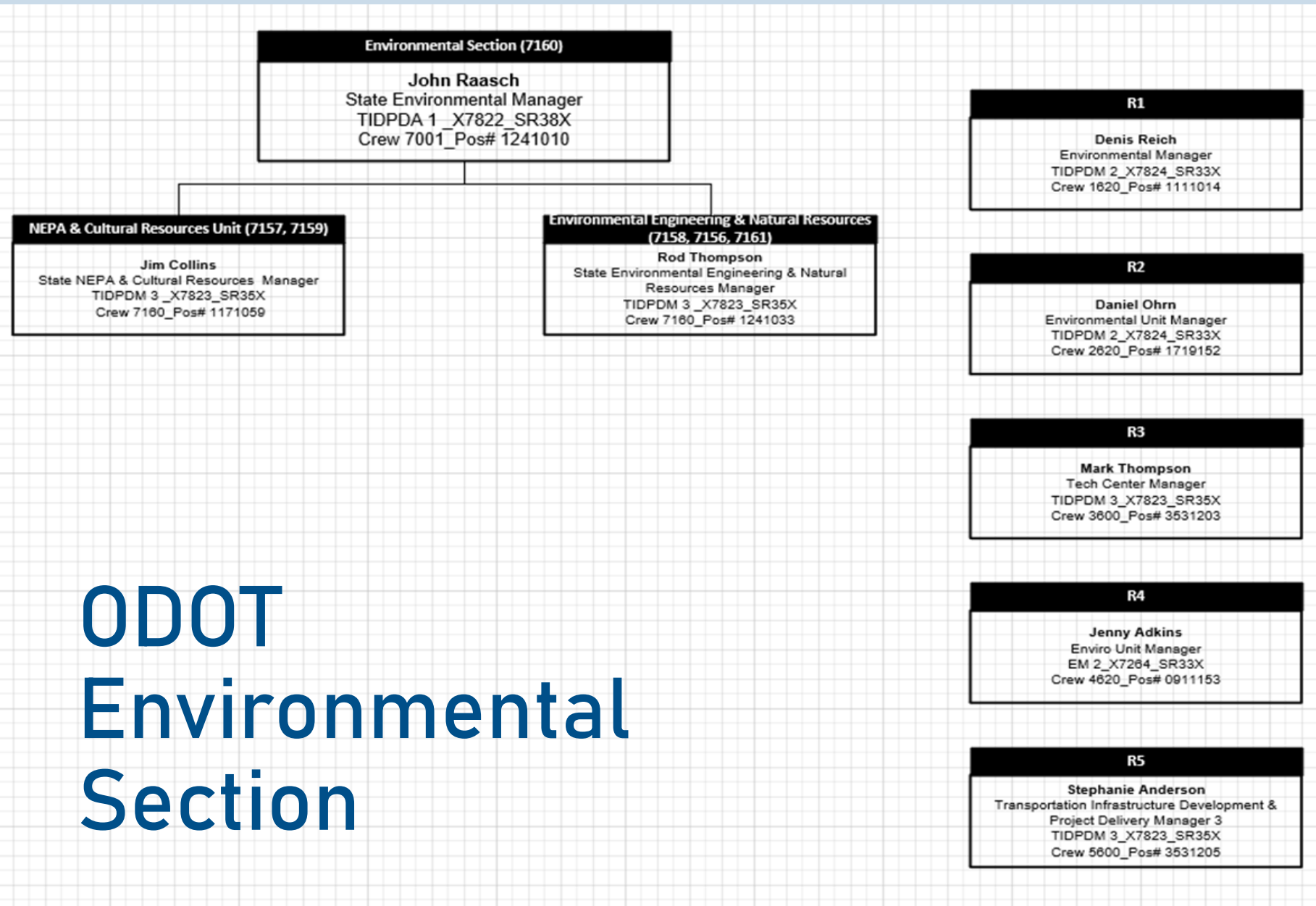
State NEPA & Cultural Resources Manager

- **ODOT Environmental**
2000 - Current
- **ODFW Fish Biologist**
1994 - 2000



ODOT Environmental Structure





ODOT Environmental Section

ODOT Environmental

Who we are...

Air Quality

**Archaeology &
Tribal Relations**

**Aquatic &
Terrestrial
Biology**

**Erosion &
Sediment Control**

Fish Passage

**Historic
Resources**

**National
Environmental
Policy Act (NEPA)**

Noise

**Roadside
Development**

**Water Quality &
Stormwater**

Wetlands

Wildlife Crossings

and what we do.

ODOT's environmental programs and staff support compliance with federal and state environmental regulations and conduct Tribal coordination to avoid or minimize impacts to the natural and historic elements that make Oregon unique.

Environmental HQ/Program Staff

- Subject matter expertise (SME)
- Policy, procedures, manuals, standards, and best practices (includes LAG Manual, SOW templates)
- Quality Assurance / Quality Control
- Training
- Agency relationships with regulatory community, FHWA, and federally recognized Tribes
- Project support

Region Environmental Staff

- Environmental compliance and permitting for projects at all stages of planning and development
- Project coordination with local, state, federal agencies and tribal governments
- Environmental project management
- Environmental compliance for Certified LPA projects

ODOT Environmental Oversight of Certified LPA Projects



Through Stewardship & Oversight (S&O) Agreement, FHWA delegates certain project / oversight responsibilities to ODOT → ODOT then delegates to qualified LPAs through certification



ODOT not authorized to delegate responsibility for the environmental review process (i.e., NEPA and other federal environmental laws)



Because ODOT has oversight, certified LPAs must comply with ODOT's environmental programs and processes, performing work needed for ODOT or FHWA to make approval/decision (as applicable)

Questions?

Jim Collins

NEPA/Cultural Resources Manager

(541) 414-5080

James.D.COLLINS@odot.oregon.gov



NEPA Basics and NEPA Practice at ODOT



Melanie Ware

Statewide NEPA Program Team Lead

- NEPA policy and project support
- With ODOT since 2016
- Previously worked for consultant firm in CA specializing in CEQA and NEPA compliance



National Environmental Policy Act (NEPA) Basics Takeaways

1. What is NEPA and when does it apply
2. NEPA umbrella concept and why it is important
3. NEPA class of action – what it is and how it is determined



What is NEPA and what does it require?



- Federal law that establishes a national environmental policy and provides a framework for federal agency environmental decision-making
- Requires federal agencies to consider the effects of their actions on the natural and human environment
- Requires documentation, disclosure, interagency coordination & public involvement
- Procedural, does not require specific decisions/outcomes
- For FHWA, FRA, and FTA, regulations implementing NEPA in *Environmental Impact and Related Procedures* at 23 CFR § 771

When does NEPA apply?



NEPA applies to major federal actions – projects that involve any of the following:



Federal funding



Federal approval



Federal permit

- 
- Section 4(f) of 1966 U.S. DOT Act (49 USC 303)
 - Clean Air Act and amendments
 - Endangered Species Act Section 7
 - Migratory Bird Treaty Act
 - Clean Water Act Section 401(b)
 - E. O. 11988 (Floodplain Management)
 - Resource Conservation and Recovery Act
 - Comprehensive Environmental Response, Compensation and Liability Act
 - Clean Water Act Section 404
 - Farmland Protection Policy Act
 - National Historic Preservation Act Section 106
 - Land and Water Conservation Fund Act Section 6(f)(3)
 - Wild and Scenic Rivers Act
 - Clean Air Act and amendments
 - Highway Noise Standards
 - Public Involvement Requirements
 - NEPA case law
- In Oregon:*
- Land Use Actions / Goal Exceptions
 - Fish Passage Statute
 - Removal/Fill Law
 - AND MORE, including state and local requirements...

NEPA Umbrella

Most Federal agencies, including FHWA, manage the NEPA process as an "umbrella" under which all applicable environmental laws, executive orders, and regulations are considered and addressed during the NEPA process, prior to NEPA document approval.

NEPA Class of Action

- Determines NEPA process and documentation
- Based on significance of impacts

Categorical Exclusion

- Project types that normally do not involve significant environmental impacts

Environmental Assessment (EA)

- Significance of effects is unknown, or project does not fit a CE category and is not expected to require an EIS

Environmental Impact Statement (EIS)

- Prepared for projects expected to have a reasonably foreseeable significant effect on the quality of the human environment
- Per 23 CFR 771.115(a) - new controlled access freeway, highway project of four or more lanes on a new location, construction or extension of fixed transit facility, new construction or extension of separate roadway for buses not in ROW, new construction of major railroad lines or facilities

Environmental Assessments (EAs) & Environmental Impact Statements (EISs)

EA



Concise, focused on potentially significant impacts



Can limit analysis to No Build/Build alternatives



Leads to either a Finding of No Significant Impact (FONSI) or preparation of an EIS



Must be completed in 1 year

EIS



Full disclosure document of benefits and impacts of project



Requires analysis of range of reasonable alternatives



Leads to a Record of Decision (ROD)



Must be completed in 2 years

Categorical Exclusions

- Most projects are classified as categorical exclusions
- Categorically-excluded FHWA actions are listed in 23 CFR 771.117 (see **HANDOUT 1**)
- Categorical exclusion process and documentation focuses on demonstrating that the project:
 - Qualifies for the categorical exclusion, does not have unusual circumstances, AND
 - Complies with all other applicable federal environmental requirements.
- Categorical exclusion timelines, documentation requirements, and approval authorities vary depending on project specifics

Identify the categorical exclusion from 23 CFR 771.117...

1. A multiuse path project that will infill a section of bicycle and pedestrian path between an earlier segment and an existing built portion.

C(3) - Construction of bicycle and pedestrian lanes, paths, and facilities

2. A project to upgrade curb ramps, close unneeded crosswalks, and upgrade pedestrian push buttons at 3 intersections.

C(15) - Alterations to facilities or vehicles in order to make them accessible for elderly and handicapped persons

3. A project to construct a new 4-lane highway connecting two urbanizing areas.

TRICK QUESTION! This is a type of project that would normally require an EIS per FHWA's NEPA regulations.

NEPA Practice at ODOT Takeaways

1. Understanding the PCE Agreement – when it applies and how it benefits project schedule
2. Types of PCE and CE documentation and process
3. How to address project changes



ODOT-FHWA Programmatic Categorical Exclusion (PCE) Agreement

- Authorizes ODOT to approve categorical exclusions on behalf of FHWA for projects below certain impact thresholds (i.e., PCE kickouts)
- Identifies documentation, process requirements for PCEs and minimum qualifications for preparers/approvers
- Cannot be used for direct recipient projects or other projects where ODOT does not have oversight

ODOT Misc. Contracts and Agreements
No. 73000-00042251

PROGRAMMATIC AGREEMENT

BETWEEN

THE FEDERAL HIGHWAY ADMINISTRATION, OREGON DIVISION

AND

THE OREGON DEPARTMENT OF TRANSPORTATION

REGARDING APPROVAL OF ACTIONS CLASSIFIED AS
CATEGORICAL EXCLUSIONS FOR FEDERAL-AID HIGHWAY PROJECTS

THIS PROGRAMMATIC AGREEMENT ("Agreement") made and entered into this 10th day of March 2025, by and between the FEDERAL HIGHWAY ADMINISTRATION, UNITED STATES DEPARTMENT OF TRANSPORTATION ("FHWA") AND THE STATE OF OREGON, acting by and through its DEPARTMENT OF TRANSPORTATION ("ODOT"), each herein referred to individually as "Party" and collectively referred to as "Parties", hereby provides as follows:

WITNESSETH:

- A. **Whereas**, the National Environmental Policy Act of 1969 (NEPA), 42 United States Code (U.S.C.) §§ 4321-4370h (2014), direct Federal agencies to consider the environmental impacts of their proposed major Federal actions through the preparation of an environmental assessment (EA) or environmental impact statement (EIS) unless a particular action is categorically excluded from those requirements;
- B. **Whereas**, the Federal Highway Administration's (FHWA) distribution and spending of Federal funds under the Federal-aid Highway Program and approval of actions pursuant to Title 23 of the U.S. Code are major Federal actions subject to NEPA;
- C. **Whereas**, the United States (U.S.) Secretary of Transportation has delegated to FHWA the authority to carry out functions of the Secretary under NEPA as they relate to matters within FHWA's primary responsibilities (49 CFR 1.81 (a)(5));
- D. **Whereas**, the FHWA's NEPA implementing procedures (23 CFR part 771) list a number of categorical exclusions (CE) for certain actions that FHWA has determined do not individually or cumulatively have a significant effect on the human environment and therefore do not require the preparation of an EA or EIS (23 CFR 771.117(c)-(d));
- E. **Whereas**, the Oregon Department of Transportation (ODOT) is a State agency that undertakes transportation projects using Federal funding received under the Federal-aid Highway Program and assists FHWA in fulfilling its obligations under NEPA for the ODOT projects with a FHWA-nexus (23 CFR 771.109);
- F. **Whereas**, by the authority granted in Oregon Revised Statutes (ORS) 190.110 and 283.110, an Oregon state agency may enter into agreements with units of local government or other state

Categorical exclusion approved by ODOT = PCE
Categorical exclusion requiring approval by FHWA = CE

Does my project meet the criteria to be a PCE?

Consider the “PCE Kickouts”

(see HANDOUT 2)

- i. Involves use of properties protected by Section 4(f) of the U.S. Department of Transportation Act (49 U.S.C. 303) that requires preparation of an Individual Section 4(f) Evaluation;
- ii. **Results in a determination of adverse effect on historic properties pursuant to Section 106 the National Historic Preservation Act (54 U.S.C. § 306108);**
- iii. Requires a U.S. Coast Guard bridge permit (33 U.S.C. § 401);
- iv. Requires an Individual Permit under Section 404 of the Clean Water Act or Section 10 of the Rivers and Harbors Act;
- v. Results in an increase in the designated regulatory floodway elevation, or an increase of more than 1 foot of surface water elevation in the 100-year floodplain when no regulatory floodway is designated;
- vi. Requires a formal Wild and Scenic River Section 7(a) consultation with, and determination from, the official river administering regulatory agency;
- vii. **Results in changes that substantially affect traffic patterns temporarily or permanently;**
- viii. **Requires the acquisition of more than minor amounts of right-of-way or displacement of businesses, nonprofit organizations and/or residents;**
- ix. Does not conform to the State Implementation Plan which is approved or promulgated by the U.S. Environmental Protection Agency in air quality non-attainment areas;
- x. Requires an individual project-level formal consultation under Section 7 of the Endangered Species Act;
- xi. Requires an exception to Oregon Statewide Planning Goals;
- xii. Involves capacity expansion by construction of a new highway or local roadway where none existed previously or by addition of new through lanes (excludes bus on shoulder improvements and passing lanes);
- xiii. Is required by FHWA to be processed as a CE for reasons that are not reflected in the above impact thresholds.

PCE Consult Clauses

Thresholds, or
triggers, for a
discussion with
FHWA

(see HANDOUT 2)

FHWA consultation is required to confirm a project is a PCE if the action:

- Is defined as a “Type I project” per 23 CFR 772.5 and the current ODOT Noise Manual for purposes of a noise analysis;
- Will result in more than 1.5 acres of impacts to wetlands and waters.
- **Will result in detours of more than 20 minutes out of direction travel for any mode.**
- **ROW - Requires more than 10 percent of a parcel for parcels under 10 acres in size, 1 acre for parcels 10 to 100 acres in size, and 1 percent of the parcel for parcels greater than 100 acres in size, or acquisition will impair existing land functions (such as net loss of parking, and substantial loss of residential front yards).**
- Is anticipated to result in controversy on environmental grounds.

My project is a PCE, what documentation do I need? What process do I follow?

“Standard” PCE

Projects in 23 CFR 771.117 that don't exceed kickouts

No Ground Disturbance (NGD) PCE

No direct or indirect ground disturbance

Advanced Investigation (AI) PCE

Advanced investigation projects with a FHWA nexus

Emergency Repair (ER) PCE

Repair projects under FHWA's ER Program

Surplus ROW and Advanced Acquisition (ROW) PCE

Coming soon

All PCE documentation:

- Should be prepared by an environmental specialist:
 - With experience addressing NEPA compliance for transportation projects
 - Knowledgeable with FHWA and ODOT procedures for environmental analysis and NEPA compliance
- Must be reviewed and approved by ODOT; consultants and/or local agencies cannot sign PCE documentation as preparers or approvers.

Standard PCE Documentation

- **Environmental Prospectus (EP)**
 - Environmental scoping
 - Preliminary NEPA class of action
 - Helps determine PCE or CE
- **PCE Determination and Approval form (PCED/A)**
 - Confirms project does not exceed PCE kickouts
 - Requires project vicinity map to be attached
 - **Allows final design to proceed and ROW authorization to be requested**
- **PCE Validation (PCEV)**
 - Summarizes how environmental issues identified on EP were addressed during project development
 - Documents compliance with environmental laws and required consultation with agencies/tribes
 - Identifies environmental commitments
 - **Allows any construction activities (including reimbursable utility relocation) and/or purchase of construction materials or rolling stock to proceed**

The image displays two forms from the Oregon Department of Transportation (ODOT) and the Federal Highway Administration (FHWA). The top form is the "FHWA and Oregon DOT PCE Determination and Approval Form". It includes fields for Project Name, Federal Aid #, City / County, Project Sponsor, Project Description, Project Termini, Beginning MP, Ending MP, and Required Attachments. The bottom form is the "FHWA and Oregon DOT PCE Validation Document". It includes fields for Project Name, Federal Aid #, City / County, Project Sponsor, Project Description, Project Termini, Beginning MP, Ending MP, and Attachments. The main body of the form is a table with three columns: Discipline / Resource, Required Compliance / Status Information (click for Guidance), and Required Attachments. The table lists 19 disciplines/resources, including Right-of-Way, Land Use, Community Impacts, CWA §404 / Wetlands / Waters & U.S. Coast Guard, Floodways & Floodplains, Water Quality, ESA / T&E Species, NHPA §106 (Cultural Resources), Visual Resources, §4(f) USDOT Act, §6(f) LWCF Act, Air Quality, Noise, Hazardous Materials, Tribal Coordination, Public Outreach, Other Required Federal Agency Approvals, Environmental Commitments, and Preliminary Investigation (PI) Activities. The table also includes a section for "This project qualifies as a categorical exclusion as outlined in 23 CFR §771.117 under the following listed CE:" and a section for "ODOT Preparer" and "ODOT Approver".

FHWA and Oregon DOT PCE Determination and Approval Form

Project Name: _____ ODOT Key #: _____
Federal Aid #: _____ Region: _____
City / County: _____ FHWA Nexus: _____
Project Sponsor: _____ Highway Name: _____
Project Description: _____
Project Termini: _____
Beginning MP: _____ Ending MP: _____
Required Attachments: Environmental Prospectus ☐ Project Vicinity Map ☐

FHWA and Oregon DOT PCE Validation Document

Project Name: _____ ODOT Key #: _____ Region: _____
Federal Aid #: _____ FHWA Nexus: _____
City / County: _____ Highway Name: _____
Project Sponsor: _____
Project Description: _____
Project Termini: _____
Beginning MP: _____ Ending MP: _____
Attachments: Revised Project Vicinity Map (if project scope change since date of PCE Determination / Approval) ☐

Discipline / Resource	Required Compliance / Status Information (click for Guidance)	Required Attachments
1. Right-of-Way		None
2. Land Use		List Attachment(s) or None
3. Community Impacts		None
4. CWA §404 / Wetlands / Waters & U.S. Coast Guard		List Attachment(s) or None
5. Floodways & Floodplains		List Attachment(s) or None
6. Water Quality		None
7. ESA / T&E Species		List Attachment(s) or None
8. NHPA §106 (Cultural Resources)		List Attachment(s) or None
9. Visual Resources		List Attachment(s) or None
10. §4(f) USDOT Act		List Attachment(s) or None
11. §6(f) LWCF Act		List Attachment(s) or None
12. Air Quality		None
13. Noise		None
14. Hazardous Materials		None
15. Tribal Coordination	See Attached	Tribal Coordination Summary
16. Public Outreach		None
17. Other Required Federal Agency Approvals		None
18. Environmental Commitments		None
19. Preliminary Investigation (PI) Activities		List Attachment(s) or None

ODOT certifies that this project has been reviewed and documented following the provisions of the [FHWA and ODOT Programmatic Categorical Exclusion Agreement](#). ODOT certifies that neither significant environmental effects, as described in [23 CFR §771.117\(a\)](#) nor unusual circumstances, as described in [23 CFR §771.117\(b\)](#) will result. Such unusual circumstances include: significant environmental impacts; substantial controversy on environmental grounds; significant impacts on properties protected by Section 4(f) requirements or Section 106 of the National Historic Preservation Act; or inconsistencies with any Federal, State, or local law, requirement or administrative determination relating to the environmental aspects of the action.

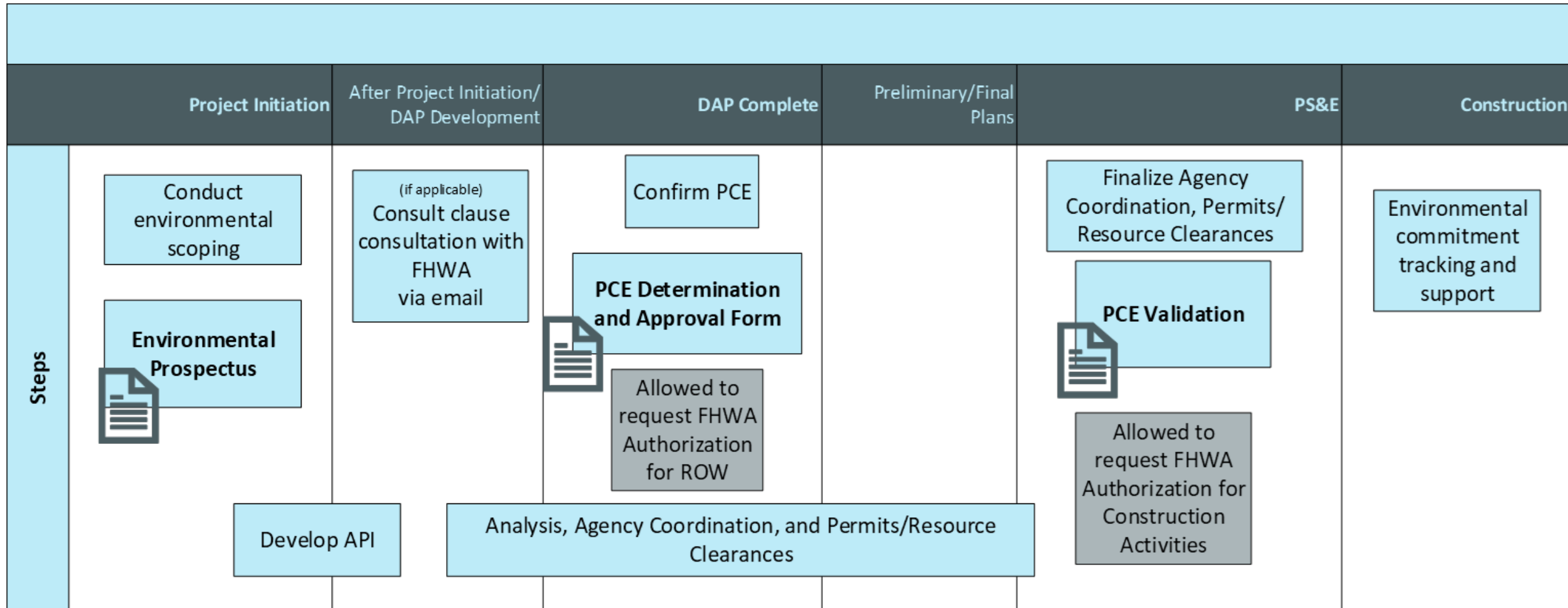
This project qualifies as a categorical exclusion as outlined in [23 CFR §771.117](#) under the following listed CE:

☐ ☐ ☐

ODOT Preparer _____ **ODOT Approver** _____
Upon completion, upload this form (with required attachments and PCE Peer Review Checklist and Comment Log) to the appropriate Location per current filing protocols.

Form # 734-5467 (5/2025) <http://www.oregon.gov/ODOT/GeoEnvironmental/pages/index.aspx>
Level 2 - Limited May 2025

Standard PCE Process (avg 14 – 24 months)



(see HANDOUT 7)

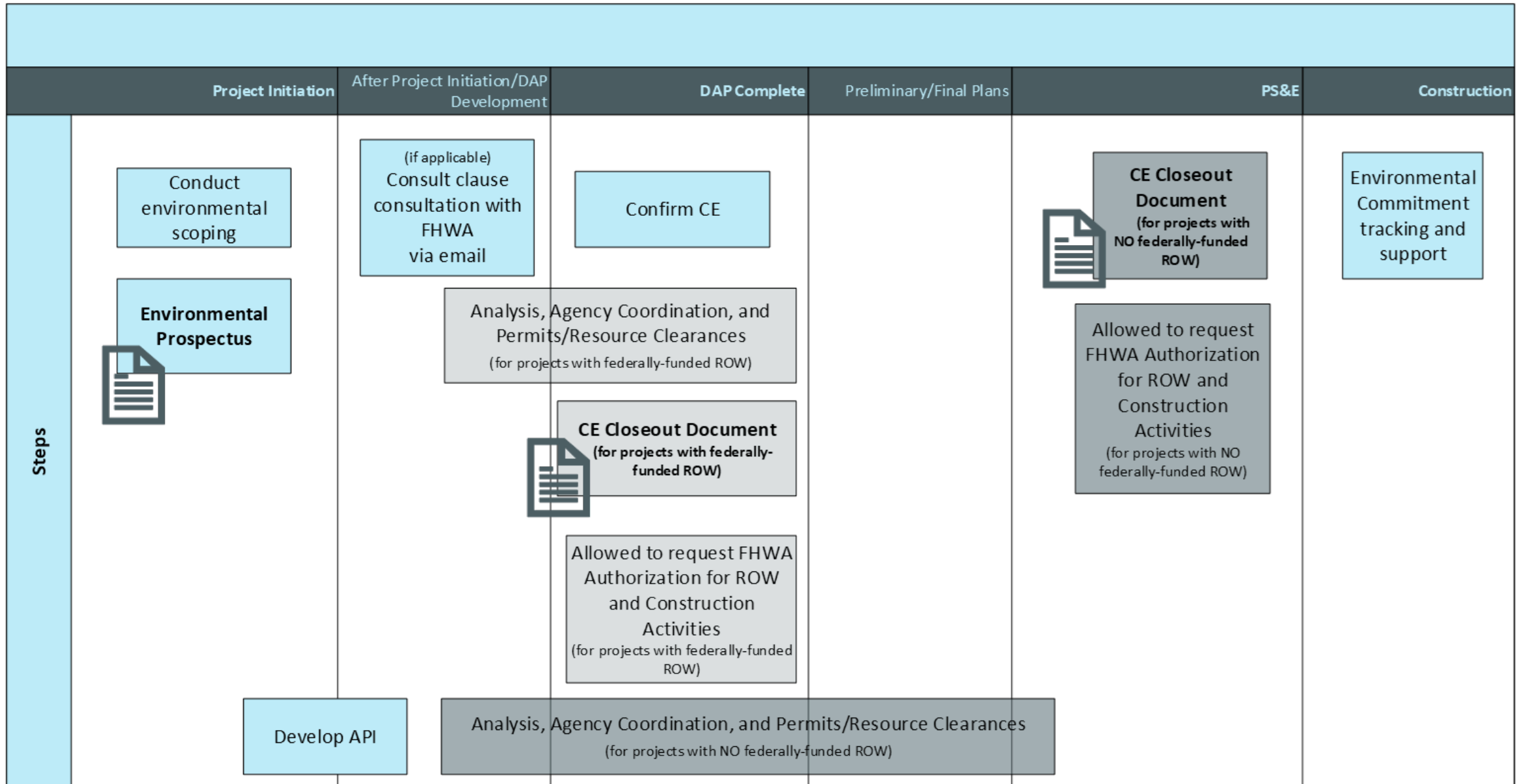
CE Documentation

- CEs are prepared when a categorical exclusion project exceeds a PCE kickoff(s)
- CEs must be individually reviewed and approved by FHWA OR Division
- Requires Environmental Prospectus and project vicinity map
- **CE Closeout**
 - Summarizes how environmental issues identified on EP were addressed during project development
 - Identifies PCE kickoff(s)
 - Documents compliance with environmental laws and required consultation with agencies/tribes
 - Identifies environmental commitments
 - **Allows final design, ROW acquisition, and any construction activities (including utility relocation) and/or purchase of construction materials or rolling stock to proceed**

(see HANDOUT 6)

CE Process (avg 30+ months)

(see HANDOUT 7)



Project Changes and NEPA Re-evaluations

- Notify the REC of project changes occurring **during project development/environmental review**, providing them with the updated project description and map
- If project changes are made **after a PCE or CE has been completed or during construction**, a NEPA re-evaluation is required – coordinate with REC to determine required re-evaluation documentation

Project changes related to the environmental review can include but are not limited to:

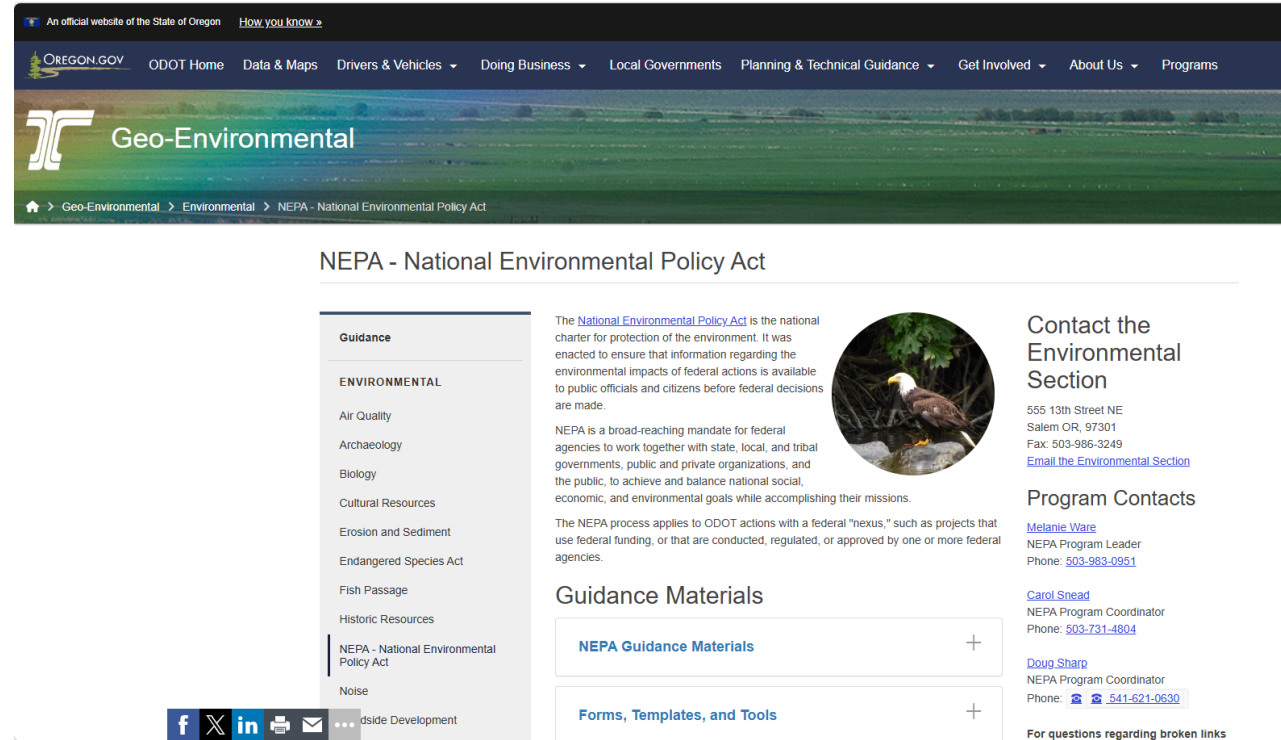
- refinements to project limits
- adjustments to project scope
- additions or removal of project elements
- updates to key assumptions or construction timing

EAs and EISs for Certified LPA Projects

- Need for an EA or EIS is generally identified during early planning efforts, before project is programmed in the STIP and well before project initiation
- EA/EIS documents and related environmental studies are generally prepared by consultants, and the process supported by ODOT Environmental Project Manager (EPM)
- For projects expected to require an EA or EIS, approach to NEPA compliance should be determined in coordination with ODOT NEPA Program staff, EPM, and FHWA

NEPA Resources

- **ODOT REC**
Most important resource!
Coordinate early and often.
- **ODOT NEPA Manual**
Currently being updated, NEPA Manual website will always have most current version
- **ODOT Geo-Environmental NEPA website**
Includes all forms and links to manual
- **LAG Manual – Section C, Chapter 6**



The screenshot shows the ODOT Geo-Environmental website. The header includes the Oregon.gov logo and navigation links: ODOT Home, Data & Maps, Drivers & Vehicles, Doing Business, Local Governments, Planning & Technical Guidance, Get Involved, About Us, and Programs. The main banner features the text "Geo-Environmental" over a landscape image. Below the banner, a breadcrumb trail reads: Home > Geo-Environmental > Environmental > NEPA - National Environmental Policy Act.

NEPA - National Environmental Policy Act

Guidance

ENVIRONMENTAL

- Air Quality
- Archaeology
- Biology
- Cultural Resources
- Erosion and Sediment
- Endangered Species Act
- Fish Passage
- Historic Resources
- NEPA - National Environmental Policy Act**
- Noise

The [National Environmental Policy Act](#) is the national charter for protection of the environment. It was enacted to ensure that information regarding the environmental impacts of federal actions is available to public officials and citizens before federal decisions are made.

NEPA is a broad-reaching mandate for federal agencies to work together with state, local, and tribal governments, public and private organizations, and the public, to achieve and balance national social, economic, and environmental goals while accomplishing their missions.

The NEPA process applies to ODOT actions with a federal "nexus," such as projects that use federal funding, or that are conducted, regulated, or approved by one or more federal agencies.



Contact the Environmental Section

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Fax: 503-986-3249
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Program Contacts

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NEPA Program Coordinator
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Guidance Materials

[NEPA Guidance Materials](#) +

Forms, Templates, and Tools

[Forms, Templates, and Tools](#) +

For questions regarding broken links

Questions?

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NEPA EDITION

- Your table (or Zoom breakout room) is your team.
- 6 questions with one tie-breaker.
- 30 seconds per question to discuss and finalize answers with your team. Zoom teams have 5 minutes to complete the Trivia Q&A sheet.
- Record answers on provided answer sheet. Zoom groups email answer sheets to ODOTCertification@odot.oregon.gov after scores are tallied.
- **No** external assistance (e.g., Google, AI, phone a friend).
- Winners (to be announced after lunch) get bragging rights and a small prize for the table!

Question #1

Which of the following statements best describes the primary purpose of the National Environmental Policy Act (NEPA)?

- a) NEPA mandates environmental protection by requiring the mitigation of adverse impacts that result from agency actions.
- b) NEPA requires Federal agencies to select the project alternative that results in the least environmental harm.
- c) NEPA requires Federal agencies to consider the environmental impacts of their actions prior to making a decision on a particular course of action.
- d) NEPA requires State and local agencies to consider the environmental impacts of their actions prior to making a decision on a particular course of action.

Question #2

What does the NEPA umbrella concept mean?

- a) NEPA requirements comprise all of the applicable environmental regulations on a project.
- b) All applicable environmental laws, executive orders, and regulations are considered and addressed as part of the NEPA process, prior to the NEPA document decision and approval.
- c) Requires federal agencies to fund a centralized mitigation bank to offset the cumulative ecological impacts of all projects within a single watershed.
- d) Requires state and local agencies to comply with NEPA requirements for transportation projects.

Question #3

What are the 3 basic “classes of action” that determine how compliance with NEPA is carried out and documented?



Question #4

TRUE or FALSE:

ODOT's PCE Agreement allows ODOT to approve certain types of categorical exclusions without additional FHWA review.



Question #5

Which of the following projects could not be documented and processed as a PCE?

- a) Project where all work will occur within the existing agency right-of-way (i.e., no ROW acquisition).
- b) Project that requires a 10 minute out-of-direction detour during construction.
- c) Project that will result in the displacement of one occupied residence.
- d) Project that will not increase impervious surface, change drainage patterns, or substantially modify the existing stormwater conveyance system.

Question #6

TRUE or FALSE:

A NEPA re-evaluation is only required when new, potentially significant impacts are identified during construction.

Tiebreaker

(Price is Right Rules)

According to the U.S. DOJ, NEPA is the most frequently litigated federal environmental statute.

Between 2006 – 2024, the U.S. Court of Appeals issued 439 NEPA case decisions.

How many of those decisions were in the 9th Circuit, which covers western states including Oregon?

Discretionary Grants and ODOT Environmental (Non-) Involvement



Cece Gilbert

Statewide Programs Unit Manager

Melanie Ware

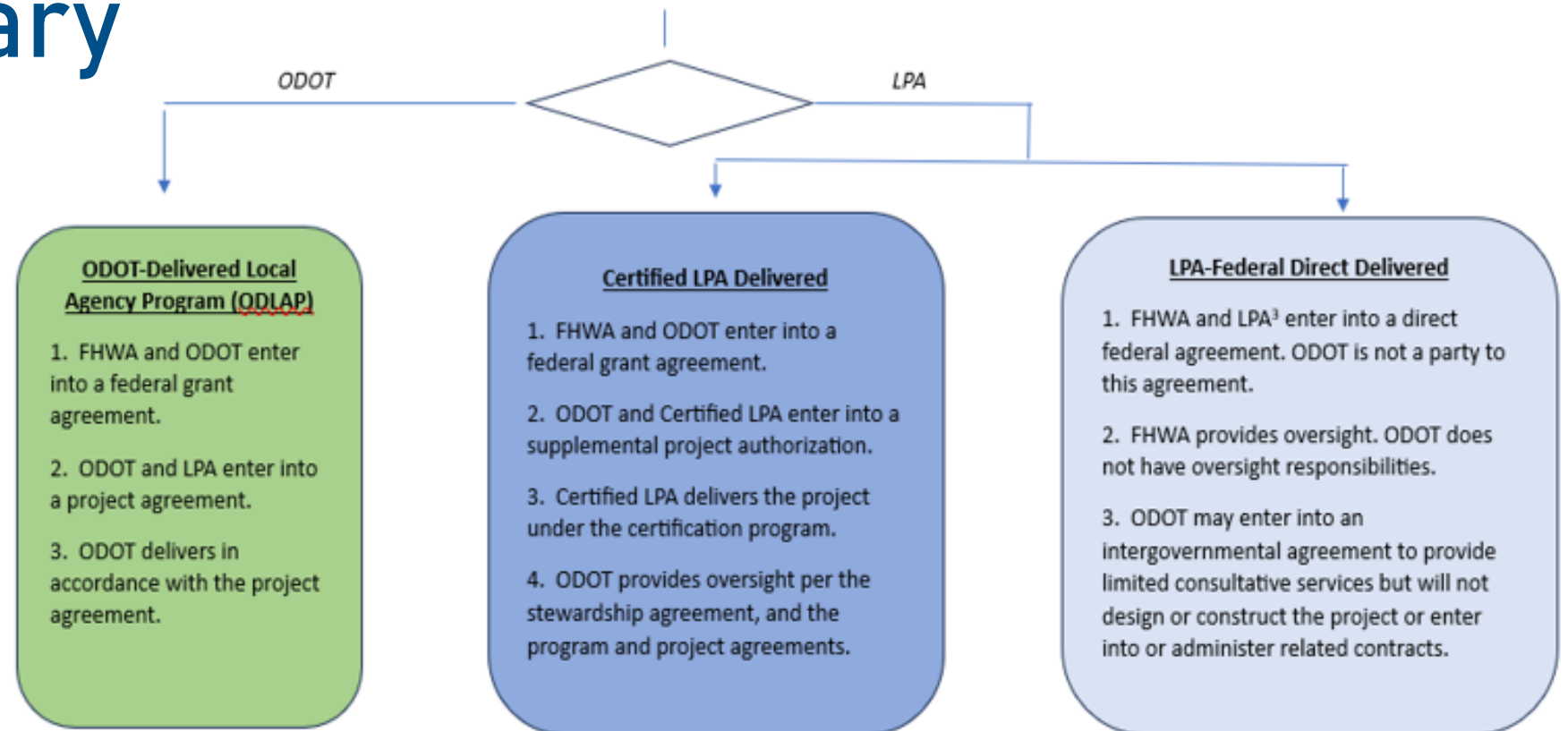
Statewide NEPA Program Team Lead



Discretionary Grant Delivery Options

LOCAL PUBLIC AGENCY (LPA) AWARDED FHWA DISCRETIONARY GRANTS¹

Which agency (LPA or ODOT) will deliver the project?^{1, 2}



FHWA Discretionary Grants – ODOT Guidance

- Analyze project delivery options
- Determine project roles and responsibilities
- Develop consultative services project agreements, if necessary



FEDERAL HIGHWAY ADMINISTRATION (FHWA) DISCRETIONARY GRANTS – INTERNAL ODOT GUIDANCE

Purpose:

The purpose of this guidance document is to assist ODOT Region Staff in developing Federal Highway Administration (FHWA) discretionary grant agreements and project agreements and to determine project roles and responsibilities. Regions are the primary contact between FHWA and the Local Public Agency (LPA). The LPA, as the grant awardee, is responsible for project delivery, not ODOT. However, the LPA may request that the project be delivered by:

1. ODOT, as an ODOT Delivered Local Agency Program (ODLAP) project, or
2. A Certified Agency under the Certification Program

Determining delivery options (ODOT Delivered, Certified Agency Delivered, or Local Agency Federal Direct Delivered) is at the discretion of the Region and the LPA. FHWA and ODOT developed the [“Determining How a Federally Funded Project Will be Delivered”](#) form (734-5440)* to assist LPAs in evaluating the preferred project delivery option. The LPA may also request consultative services to be provided by ODOT when the LPA is a Federal Direct recipient. Providing consultative services is at the Region’s discretion.

Acronyms:

A&E	Architectural and Engineering
DOJ	Department of Justice
FAHP-ESA	Federal-aid Highway Programmatic-Endangered Species Act
FHWA	Federal Highway Administration
FMIS	Financial Management Information System
LAL	Local Agency Liaison
LPA	Local Public Agency
MTIP	Metropolitan Transportation Improvement Program
NEPA	National Environmental Policy Act
NHPA	National Historic Preservation Act
OAR	Oregon Administrative Rule
ODLAP	ODOT Delivered Local Agency Program
ODOT	Oregon Department of Transportation
OPO	ODOT’s Procurement Office
ORS	Oregon Revised Statute
CE	Categorical Exclusion
PS&E	Plans, Specifications, and Estimate
ROW	Right of Way
SPU	Statewide Programs Unit
STIP	Statewide Transportation Improvement Program
STIP-FP	Statewide Transportation Improvement Program – Financial Plan
TPM	Transportation Project Manager

Environmental Compliance for Direct Recipients of FHWA Funding

- FHWA (not ODOT) is responsible for oversight of recipient's compliance with federal environmental requirements
- ODOT's standard environmental review processes and documentation only apply when ODOT is responsible for oversight
- Direct recipient projects cannot use the PCE Agreement or have ODOT staff/liaisons apply the Federal-aid Highway Program-Endangered Species Act or National Historic Preservation Act Section 106 Programmatic Agreements
- ODOT's environmental consultative services are limited to advice and non-binding recommendations to help the LPA understand general compliance requirements or pathways
 - ODOT staff cannot develop or approve environmental deliverables
 - ODOT liaisons cannot coordinate with tribes or regulatory agencies

Questions?



Break Time



Environmental Considerations In Project Initiation



Daniel Ohrn

ODOT Region 2 Environmental Unit Manager

Daniel came to ODOT in 2009, starting his ODOT career in Region 1 and later making the move to Region 2 in 2015.

In his time at ODOT, Daniel has held several positions, including Erosion Control Specialist, Biologist, and Region Environmental Coordinator (REC). He currently manages the Region 2 Environmental Unit.



Project Initiation Takeaways

1. Early & Often Coordination with the REC
2. Be Aware of Environmental “Triggers”
3. What Information the REC Needs



Region Environmental Coordinator (REC)

- Primary ODOT contact for Environmental topics
- Coordinates the work of ODOT Environmental Specialists
- Prepares the Environmental Prospectus
- Coordinates Environmental Review of Statement of Work (SOW)
- Alerts Local Agency Liaison (LAL) and Local Agency (LA) Project Manager (PM) of any red flags
- Keeps the project on-track
- Make friends with the ODOT REC!



Critical Times to Communicate with the REC



- Project Initiation
 - Environmental Prospectus Preparation
 - Discuss scope, schedule, environmental “triggers”
- Project changes (even “minor”)
- Project delivery milestones

Environmental Prospectus

Purpose

- Identify a preliminary NEPA class of action
- Assist in determining whether a project can be processed as a PCE
- Determine whether the project exceeds one or more of the “consult clause” thresholds in the PCE Agreement
- Inform the environmental statement of work for a consultant
- Provide a “roadmap” for completion of the environmental work

Snapshot in time

- Lays out the knowns and unknowns

Environmental Prospectus – Overview (Part 1)

(HANDOUT 3)

[LINK TO GUIDANCE](#)

[SHOW SUMMARY](#)

PRELIM. NEPA CLASS



ODOT ENVIRONMENTAL PROSPECTUS

PROJECT NAME			REGION	KEY NUMBER	FEDERAL AID NUMBER	
CITY	COUNTY	FHWA NEXUS		PROJECT SPONSOR		
HIGHWAY NAME					BEGIN MP	END MP
LATITUDE	LONGITUDE	TOWNSHIP	RANGE	SECTION		
PROJECT DESCRIPTION (FIELD WILL EXPAND AS YOU TYPE. CLICK TAB TO SEE TEXT IN EXPANDED FIELD.)						

Checklist questions marked with an asterisk (*) indicate that the question is related to the qualifying thresholds ("kickouts") identified in the 2015 PCE Agreement.

Estimated Right of Way Impacts

Right of Way

1. * Will the project involve temporary or permanent acquisition of right-of-way?..... ☐ Yes ☐ No ☐ Unknown
2. * Will the project result in the temporary or permanent displacement of persons or businesses?.. ☐ Yes ☐ No ☐ Unknown

Railroads

3. Will the project involve work on or adjacent to railroad-owned property? ☐ Yes ☐ No ☐ Unknown

Environmental Prospectus – Overview (Part 2)

Estimated Traffic/Transportation Impacts

5. What are the current and future ADT volumes for the project?.....	CURRENT ADT	FUTURE ADT	☐ Unknown ☐ N/A
TRAFFIC/TRANSPORTATION COMMENTS (FIELD WILL EXPAND AS YOU TYPE. CLICK TAB TO SEE TEXT IN EXPANDED FIELD.)			

Estimated Land Use Impacts

6. Is the project outside of an Urban Growth Boundary?	☐ Yes ☐ No ☐ Partially
7. If the project is outside the UGB, is it expected to require new right-of-way?.....	☐ Yes ☐ No ☐ N/A
8. If the project is outside the UGB, is the project allowed, or conditionally allowed, by the rules for Transportation Planning on Rural Lands (OAR 660-012-0065)?	☐ Yes ☐ No ☐ N/A
9. Region Planner's opinion that the project conforms with:	
a. Transportation Planning Rule	☐ Yes ☐ No
b. * Statewide Planning Goals	☐ Yes ☐ No
c. Comprehensive Plan and/or Transportation System Improvement Plan (city, county or both)	☐ Yes ☐ No
10. Is the project located within the Oregon Coastal Zone?	☐ Yes ☐ No
11. Will areas of Forest or Exclusive Farm Use (EFU), or Open Space Reserve zoning be impacted by the project?	☐ Yes ☐ No
12. Will the project result in the conversion of prime farmland, unique farmland, or land of statewide or local importance by the Farmland Protection Policy Act?	☐ Yes ☐ No
13. What are the general uses of land adjacent to the project area?	☐ Residential ☐ Commercial ☐ Farm/Forest ☐ Public ☐ Other (explain below)

Environmental Prospectus – Overview (Part 3)

Estimated Water Resources and Wetlands Impacts

Stormwater

20. Will the project trigger the need for stormwater treatment? ☐ Yes ☐ No ☐ Unknown

Waters of the U.S./State

21. Are there waters of the U.S. or State within the project area? (If no, skip to Question 30) ☐ Yes ☐ No

22.* Is the project within a FEMA 100-year flood plain? ☐ Yes ☐ No

23.* Is the project within a FEMA regulated floodway? ☐ Yes ☐ No

24. Will the project occur in or over publically owned submerged or submersible lands? ☐ Yes ☐ No ☐ Unknown

25.* Will the project require a new USCG Bridge Permit? ☐ Yes ☐ No ☐ Unknown

26. Will the project require modification to an existing USCG Bridge Permit or Temporary Rule Change? ☐ Yes ☐ No ☐ Unknown

27. Will there be any fill or removal from waters of the U.S. or state? ☐ Yes ☐ No ☐ Unknown

28. Will fill or removal take place in waters of the State listed by DSL as Essential Salmonid Habitat? ☐ Yes ☐ No ☐ N/A

29. Will fill or removal take place in waters of the State that are Aquatic Resources of Special Concern? ☐ Yes ☐ No ☐ N/A

Water Supply Wells

30. Will any active wells be impacted by the project? ☐ Yes ☐ No ☐ Unknown

Wetlands

31. Are wetlands potentially present in the project area? ☐ Yes ☐ No

32. Do soil surveys indicate hydric soils in the project area? ☐ Yes ☐ No

33. Is wetland vegetation evident from visual inspection? ☐ Yes ☐ No

34. Will the project fill or remove material from wetlands? ☐ Yes ☐ No ☐ Unknown

Example (Part 1)

[LINK TO GUIDANCE](#)[SHOW SUMMARY](#)

ODOT ENVIRONMENTAL PROSPECTUS

PRELIM. NEPA CLASS
CE

PROJECT NAME		REGION	KEY NUMBER	FEDERAL AID NUMBER
Verda Lane: Dearborn Ave to Salem Pkwy (Keizer)		2	20741	3850(019)
CITY	COUNTY	FHWA NEXUS	PROJECT SPONSOR	
Keizer	Marion	PE & CON funding	LPA	
HIGHWAY NAME				BEGIN MP
NA				END MP
LATITUDE	LONGITUDE	TOWNSHIP	RANGE	SECTION
44.985264	-123.008101	Salem West 7S	3W	1 and 2

PROJECT DESCRIPTION (FIELD WILL EXPAND AS YOU TYPE. CLICK TAB TO SEE TEXT IN EXPANDED FIELD.)

ODOT is designing this bicycle and pedestrian project on Verda Lane on behalf of City of Keizer. The project of approximately 3,000 feet in length, will add sidewalks and bike lanes on both sides of Verda Lane from Dearborn Ave. at the north to just north of Salem Parkway. These improvements will help serve as multi-modal facilities for both Claggett Creek Elementary and Whittaker Middle Schools. The project also proposes to realign approximately 225 feet of Claxter Rd. to tee up with Alder Drive at Verda Lane. In addition, a left turn pocket is proposed at Alder, increasing the road width at this location. All curb ramps will be upgraded or newly installed to meet current ADA standards. Any existing sidewalk sections will remain in place. Rain gardens are anticipated for treatment of stormwater. Permits unlikely as no ditches were observed. This project is a kick-out from the PCE due to likely displacement of one residence to realign Claxter Rd. with Alder Dr.

Example of
prospectus
providing
clarifying
“roadmap”
language

Example (Part 2)

Estimated Right of Way Impacts

Right of Way

- | | | | |
|---|---|-----------------------------|----------------------------------|
| 1. * Will the project involve temporary or permanent acquisition of right-of-way?..... | ☒ Yes | ☐ No | ☐ Unknown |
| 2. * Will the project result in the temporary or permanent displacement of persons or businesses?.. | ☒ Yes | ☐ No | ☐ Unknown |

Railroads

- | | | | |
|---|------------------------------|--|----------------------------------|
| 3. Will the project involve work on or adjacent to railroad-owned property? | ☐ Yes | ☒ No | ☐ Unknown |
|---|------------------------------|--|----------------------------------|

Utilities

- | | | | |
|---|------------------------------|-----------------------------|---|
| 4. Will the project involve substantial impact to or relocation of existing reimbursable utilities that could create a disruption to service or additional environmental impacts??..... | ☐ Yes | ☐ No | ☒ Unknown |
|---|------------------------------|-----------------------------|---|

RIGHT OF WAY IMPACTS COMMENTS (FIELD WILL EXPAND AS YOU TYPE. CLICK TAB TO SEE TEXT IN EXPANDED FIELD.)

Right-of-way will consist most commonly of linear strips of permanent roadway easement, along with temporary construction easement. The City wishes to realign Claxter Rd. from an offset with Alder, to a four-way intersection; this may affect one residence on the south side of Claxter Rd. by displacement.

Example (Part 3)

Estimated Water Resources and Wetlands Impacts

Stormwater

20. Will the project trigger the need for stormwater treatment? ☒ Yes ☐ No ☐ Unknown

Waters of the U.S./State

21. Are there waters of the U.S. or State within the project area? (If no, skip to Question 30) ☐ Yes ☒ No

Water Supply Wells

30. Will any active wells be impacted by the project? ☐ Yes ☒ No ☐ Unknown

Wetlands

31. Are wetlands potentially present in the project area? ☐ Yes ☒ No

32. Do soil surveys indicate hydric soils in the project area? ☐ Yes ☒ No

33. Is wetland vegetation evident from visual inspection? ☐ Yes ☒ No

34. Will the project fill or remove material from wetlands? ☐ Yes ☒ No ☐ Unknown

35. * Will the project require an Individual Permit, Nationwide Permit, General Authorization or General Permit? ☐ Yes ☒ No ☐ Unknown

WATER RESOURCES AND WETLANDS IMPACTS COMMENTS (FIELD WILL EXPAND AS YOU TYPE. CLICK TAB TO SEE TEXT IN EXPANDED FIELD.)

The project area is urban residential in nature. There were no wetlands or waterways observed within the project area. Claggett Creek is west of the project area by about 500 feet, runs parallel to Verda Lane, but does not cross the project area. NWI GIS does not indicate any wetlands in or adjacent to the project area. Permits are unlikely as no ditches or wetlands were observed.

The project will trigger stormwater treatment by adding curb, gutter, and sidewalk where there is none currently.

Example (Part 4)

BIOLOGICAL RESOURCES IMPACTS COMMENTS (FIELD WILL EXPAND AS YOU TYPE. CLICK TAB TO SEE TEXT IN EXPANDED FIELD.)

ORBIC GIS Indicates species last observed long ago. The list includes Willamette Valley Daisy (1924), Howellia (1935), Oregon Giant Earthworm (1950, Bradshaw's Lomatium (1916), Golden Paintbrush (1916), and Kincaid's Lupine (1916). Due to residential development, it is unlikely that any of these species or their habitat would be found in the project area. An ESA Determination of No Effect is anticipated for USFWS species.

Conversion of roadside infiltration to curb, gutter, and sidewalk, along with some roadway widening to provide a consist roadway with, is triggering stormwater treatment for the contributing impervious area. FAHP ESA informal consultation with the ODOT NMFS Liaison early in project development and FAHP documentation is required for this project.

A number of large trees will need to be cut in order to build new pedestrian facilities. Trees should be cut during the non-nesting season of approximately October 1 to March 1.

Environmental Prospectus - Roles



- Most often prepared by the ODOT REC, but qualified LPA staff meeting minimum qualifications may also prepare the prospectus
- An ODOT REC is always responsible for reviewing and approving the Environmental Prospectus
- Anticipate approximately two weeks for ODOT review and approval of an Environmental Prospectus prepared by LPA staff



Environmental Prospectus - Professional Qualifications

Must be prepared by an individual who demonstrates:

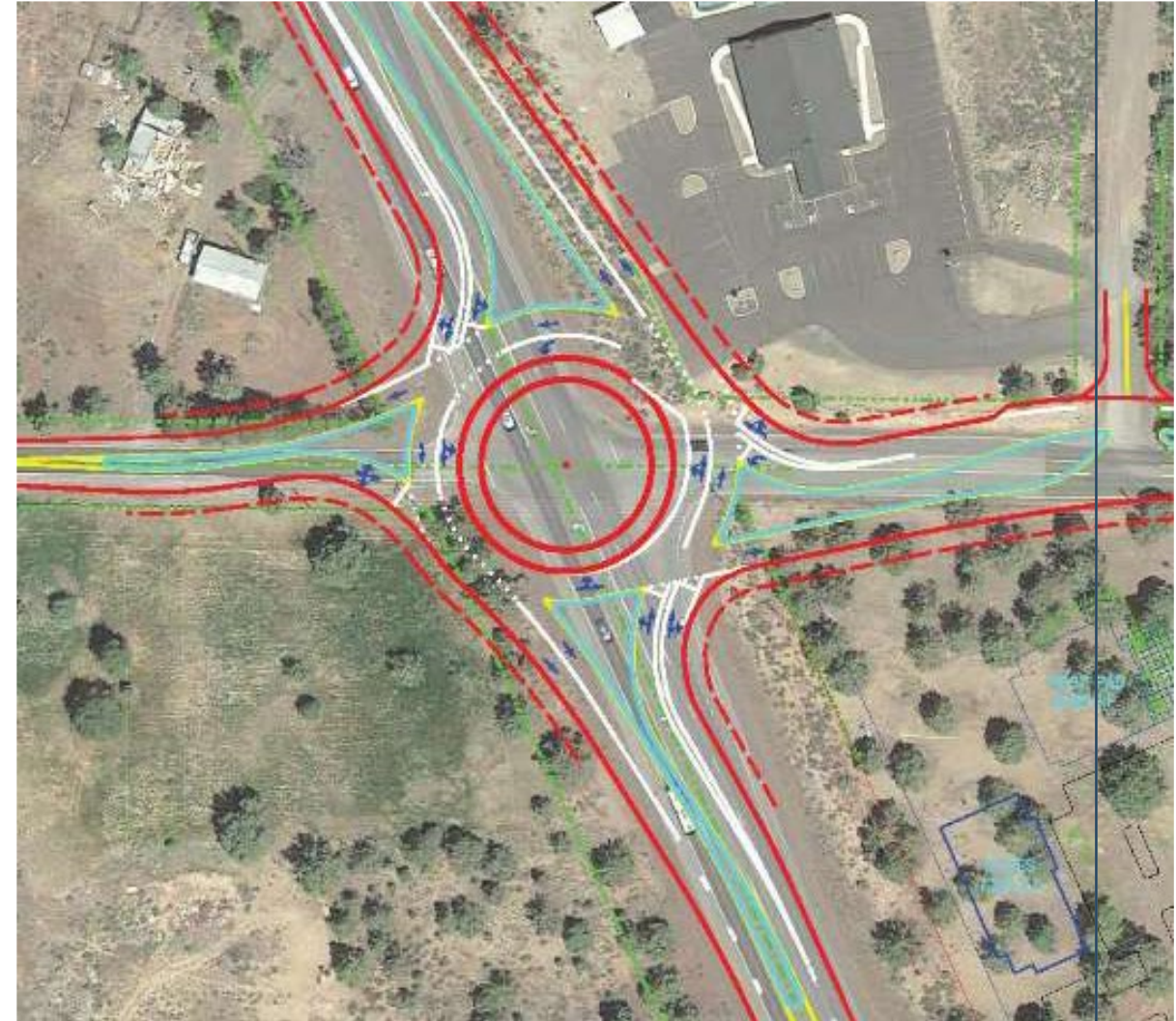
- Experience in addressing NEPA compliance for transportation projects
- Knowledge of FHWA and ODOT procedures for environmental analysis and NEPA compliance.

Environmental Prospectus - Timing

As soon as sufficient information is available to evaluate the project, and an Expenditure Account is open.

Information needed:

- Detailed project description
- DRAFT Area of Potential Impact map
- Technical Scope Sheet (TSS)
- STIP Scoping Notes



Footprint Considerations

- Stormwater Management
- Wetland / Waters Mitigation
- Riparian Plantings
- Bridge Clear-span Length (FAHP fluvial criteria)



Schedule Considerations



PE

- Programmatic kick-outs (e.g. FAHP, PCE)
- Historic & Archaeology Effects (Adverse effect = mitigation, MOA)
- Permits (DSL, Corps, US Coast Guard)
- Botanical Blooming periods



Construction

- MBTA & ESA Bird Timing Restrictions
- ODFW In-water Work Period
- Temporary impacts (parks)
- Archaeological monitoring

Risk Awareness



Key Environmental Issues and Requirements

KEY ENVIRONMENTAL ISSUES AND REQUIREMENTS COMMENTS (FIELD WILL EXPAND AS YOU TYPE. CLICK TAB TO SEE TEXT IN EXPANDED FIELD.)

- Preliminary environmental clearances before geotechnical investigation.
- Early coordination with the ODOT NMFS Liaison for the use of FAHP ESA.
- Migratory Bird Treaty Act compliance by timing of tree or shrub removal, and bird exclusion on the structure to be removed. Determine if USDA APHIS is needed.
- Early coordination with the ODOT Historian should occur regarding the status of the bridge if it is determined eligible for the National Register. The type of additional evaluation could affect the project classification and schedule.

Environmental Prospectus

Key Environmental Triggers

(EP Triggers)

EP Triggers – Stormwater (Part 1)



Stormwater Treatment Triggers

- Increase contributing impervious area
- Construct new pavement that increases capacity or widens the road prism
- Reconstruct pavement below asphalt surface
- Substantial bridge rehabilitation
- Replace a stream crossing
- Change stormwater conveyance



EP Triggers – Stormwater (Part 2)

Stormwater Detention Triggers

- Increase net impervious area by more than 0.25 acres; and
- Discharge treated stormwater runoff into a stream with an upstream drainage area less than 100 mi²



EP Triggers – Stormwater (Part 3)

Exemptions

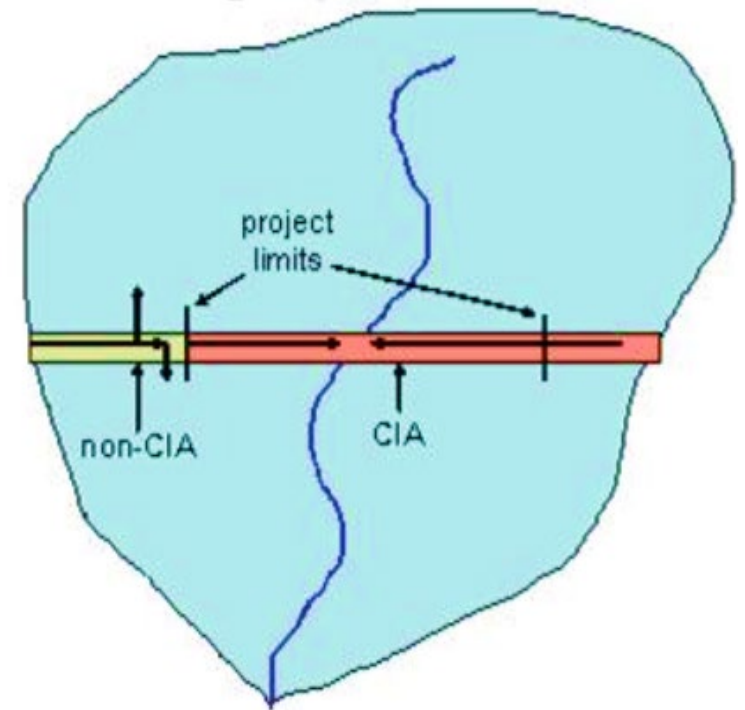
- Signals or signs, including ATM signs.
- Minor non-structural pavement repairs
- On-street parking modifications that reduce pollution generating impervious surface
- Emergency repair of slides and sinkholes
- Seismic retrofit not affecting bridge deck or drainage
- Americans with Disabilities Act (ADA) facility retrofits



EP Triggers – Stormwater (Part 4)

Contributing impervious area – The area of impervious surface that drains to a certain point or area, and for which stormwater management is required. In common practice, a project's contributing impervious area (CIA) consists of impervious areas that are either owned by the project's proponent agency or are being constructed or reconstructed by the project, and is the sum of

- (a) the impervious footprint of the action that constitutes a stormwater management trigger,
- (b) the contiguous impervious areas that discharge runoff into the trigger area over the pavement surface, and
- (c) additional contiguous areas that drain through or adjacent to the trigger area through a ditch or pipe, in cases where the ditch or pipe are modified by the project.



EP Triggers – Fish Passage (Part 1)

Key Scope Component for Bridges and Culverts

ODFW Clear span

- $1.2 \times \text{ACW} + 2'$

NOAA

- $1.5 \times \text{ACW}$ (single span)
- $2.2 \times \text{ACW}$ (multi-span)
- Clear unobstructed opening above general scour prism



EP Triggers – Fish Passage (Part 2)

Applicability

- Native migratory fish present or historically present
- Artificial obstruction present

ODFW Fish Passage Triggers (Excerpted)

- Widen fill footprint
- New road, culvert, bridge, overflow, apron wingwall
- Culvert extensions (with some caveats)
- Replace any part of a culvert (with some caveats)
- Reduce inside diameter of a culvert
- Cumulative repairs/mods to 50 percent of structure
- Modifications that otherwise worsen fish passage

EP Triggers – Cultural Resources (Part 1)



- Known cultural resources
- Adverse effects require a MOA & mitigation



EP Triggers – Cultural Resources (Part 2)



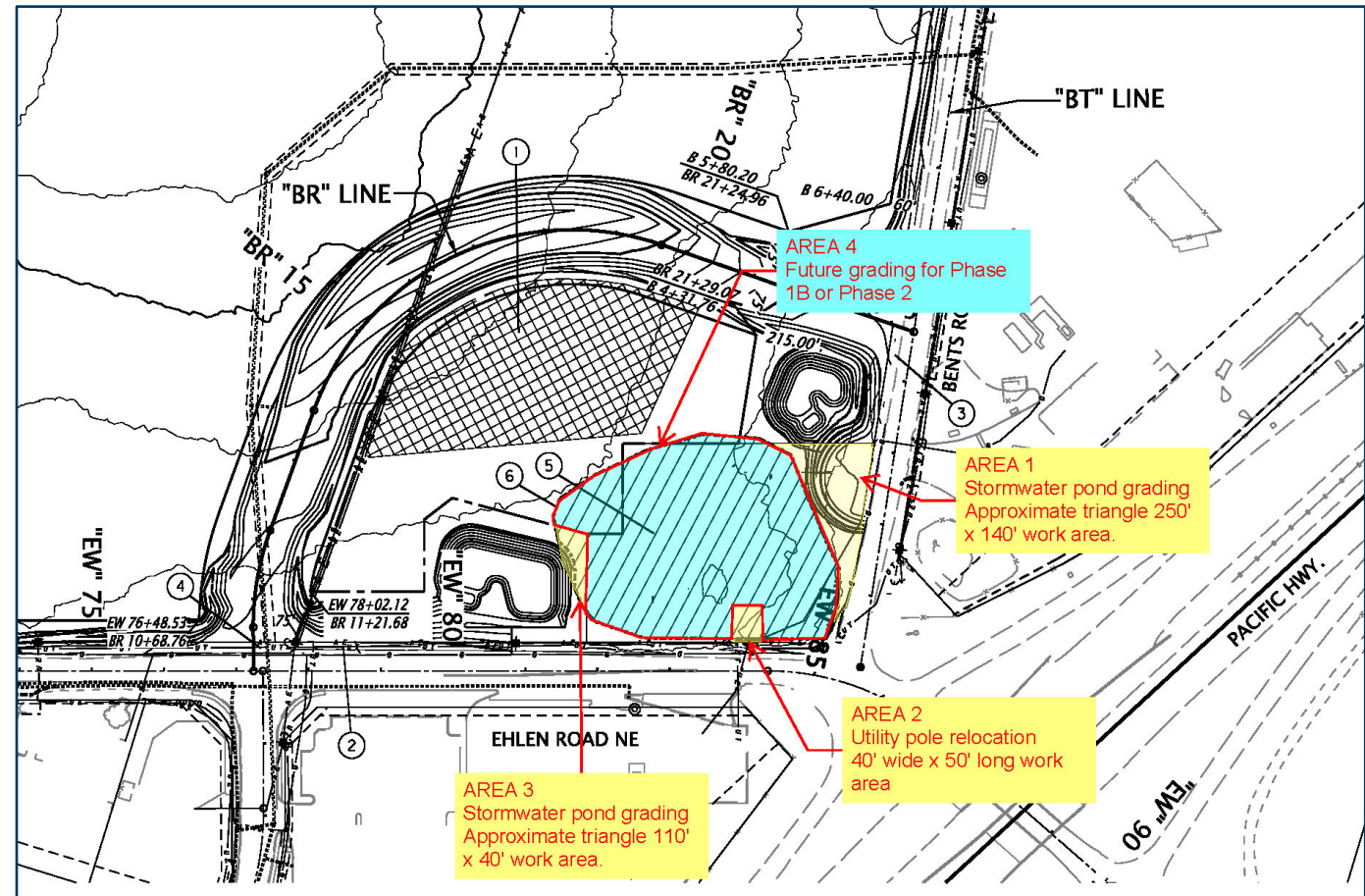
Mitigation measures

- Photographic and historic documentation
- ESRI storymap
- Interpretive signage
- Bridge design elements

EP Triggers – Cultural Resources (Part 3)

Mitigation measures

- Data recovery & curation
- Articles for public dissemination
- Digital media
- Regional education & research
- Oral history interviews



EP Triggers – Cultural Resources (Part 4)



I-5 Aurora-Donald Archaeological Data Recovery



EP Triggers – Cultural Resources (Part 5)



EP Triggers – Cultural Resources (Part 6)

Katagami stencilware
made in Japan
(scale in inches)



Hand-painted redware
fragment with impressed
“OGN”



Glass slag marble ~1920s



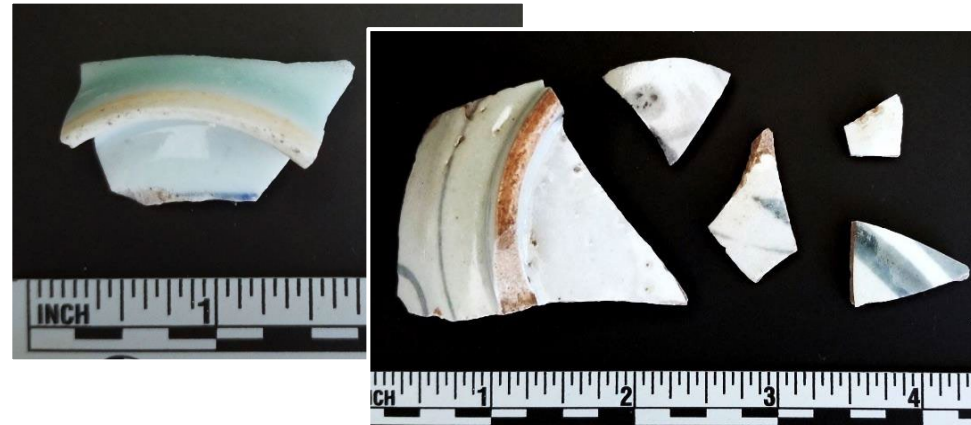
Partial glass medicinal vial
made in China



Bamboo bowls



Imported Chinese porcelain



Chinese coin (wen)



EP Triggers – Wetlands & Permits (Part 1)

- Triggered by fill/removal in waters of the state or US
- PE timing considerations
- Post-construction monitoring
- Mitigation
 - Banking can be \$100,000+ per acre
 - Permittee-responsible mitigation



DEPARTMENT OF THE ARMY
U.S. ARMY CORPS OF ENGINEERS, PORTLAND DISTRICT
P.O. BOX 2946
PORTLAND, OR 97208-2946

January 10, 2023

Regulatory Branch
Corps No. NWP-2022-328

Mr. Andrew Morris
Washington County LUT-CPS
1400 SW Walnut Street
Hillsboro, OR 97133
andrew.morris@co.washington.or.us

Dear Mr. Morris:

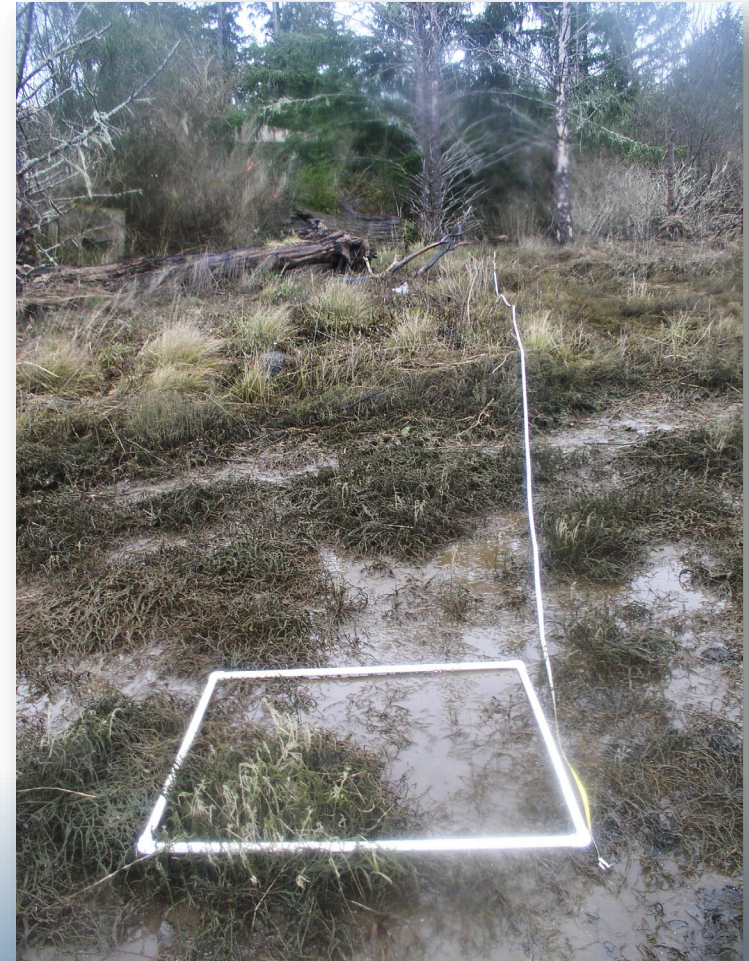
The U.S. Army Corps of Engineers (Corps) received your request for Department of the Army authorization to place fill into 794 square feet below the ordinary high water mark (OHWM) of the Tualatin River. The project is proposed in the Tualatin River adjacent to South Road near Gaston, Washington County, Oregon at Latitude/Longitude: 45.526553°, -123.084315°. This letter verifies your project as depicted on the enclosed drawings (Enclosure 1) is authorized by Nationwide Permit (NWP) No. 14, Linear Transportation Projects (Federal Register, December 27, 2021, Vol. 86, No. 245).

The authorized work includes removal and replacement of a roadway and bridge crossing over the Tualatin River. The permittee is authorized to permanently discharge below the OHWM of the Tualatin River approximately 64 cubic yards (cy) of rock and streambed gravel in 794 square feet and excavate approximately 112 cy of material from 896 square feet. The permittee is also authorized to temporarily discharge approximately 23 cy of sandbags in 155 square feet below the OHWM of the Tualatin River for work area isolation.

In order for this authorization to be valid, you must ensure the work is performed in accordance with the enclosed Nationwide Permit 14 Terms and Conditions (Enclosure 2); the Oregon Department of Environmental Quality (DEQ) 401 Water Quality Certification Conditions (Enclosure 3); and the following special conditions:

- This Corps permit does not authorize you to take an endangered species in particular those species identified in Enclosure 4. In order to legally take a listed species, you must have separate authorization under the Endangered Species Act (ESA) (e.g., an ESA Section 10 permit, or a biological opinion under ESA Section 7, with "incidental take" provisions with which you must comply). The National Marine Fisheries Service (NMFS) Stormwater, Transportation and Utilities programmatic biological opinion dated March 14, 2014 (NMFS Reference

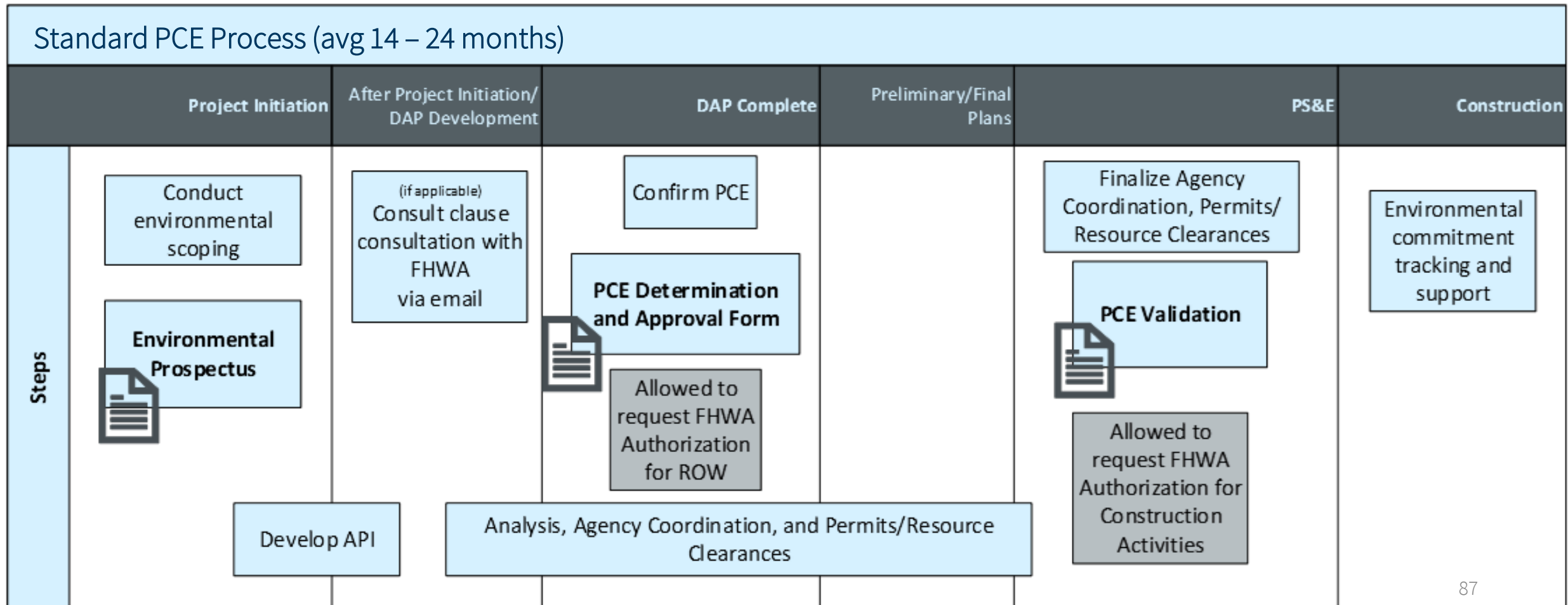
EP Triggers – Wetlands & Permits (Part 2)



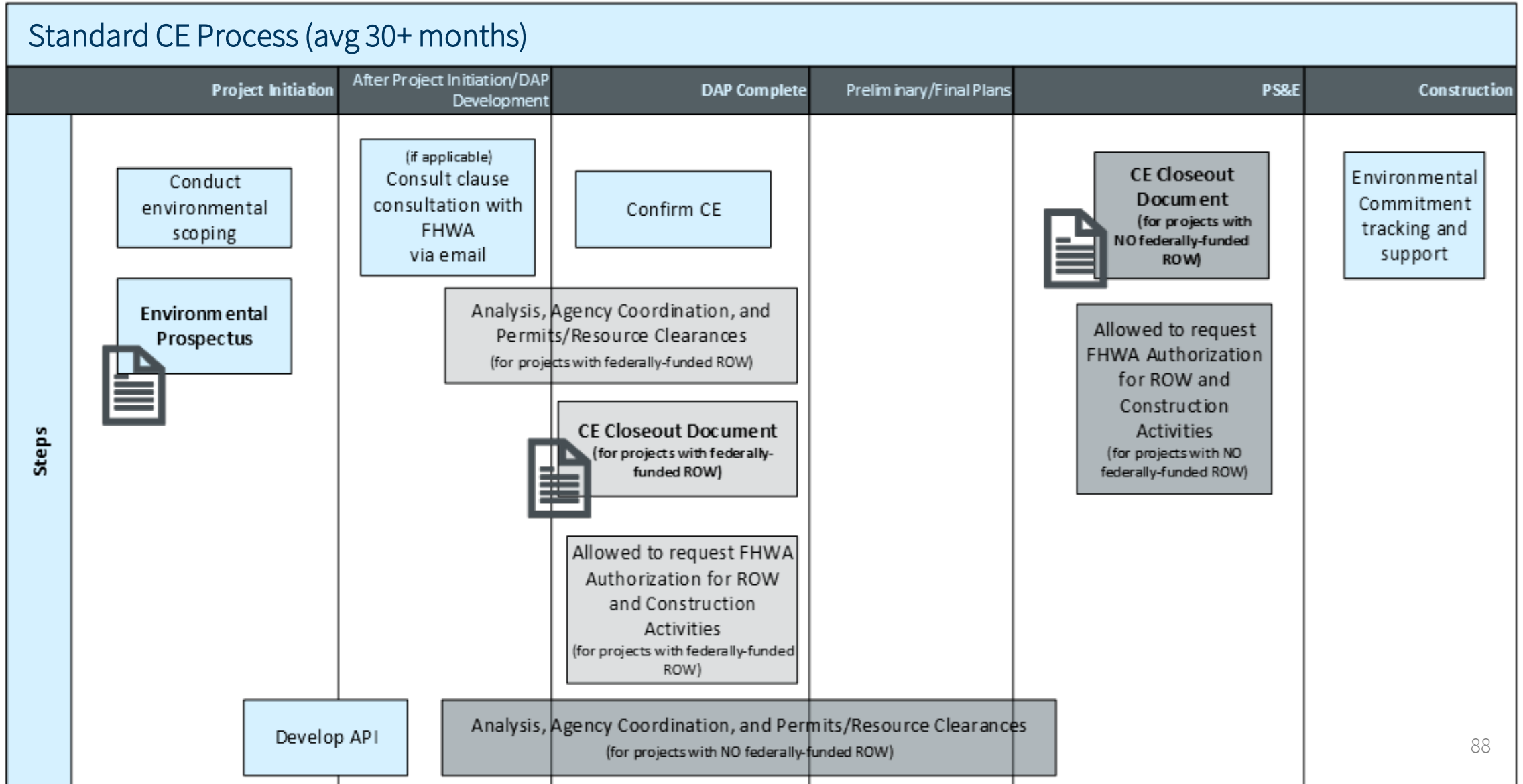
EP Triggers – NEPA

- PCE Kickouts, effect to schedule

HANDOUT 7



EP Triggers – NEPA (Part 2)



Environmental Prospectus – Changes

What happens if things change?



Environmental Prospectus – Best Practices



Meet with REC to review the project and ask/answer questions.



Be ready to field questions as the REC works through the Environmental Prospectus checklist.



Read it! Ask questions. Make sure you understand the recommendations.

A Pause for Questions



Project Descriptions

- Foundation of all environmental work
- Becomes more specific over time
- REC takes in project scope information, translates to the NEPA Project Description
- Existing documents can be a starting point
 - STIP Scoping notes
 - Technical scope sheet
 - Grant applications as applicable
- Necessary scope Information to support the Environmental Prospectus:
 - Description of project elements - as specific as possible
 - Identify any unknowns
 - Include a map (DRAFT API)
- Best practice is to meet with REC to ask/answer questions

Description of work from Project Manager

(Part 1)

“This project proposes to upgrade the existing signal at SW 9th and SW Mill Street to improve traffic flow and meet current standards.”

- Signal heads only?
- New or existing poles?
- New or existing conduit?
- Geotech drilling needed?
(Clearances needed)



Description of work from Project Manager

(Part 2)

“This project proposes pedestrian facility improvements throughout the downtown corridor from Mountain View Road to Union Street by providing ADA accessible ramps, modifying curbs, and installing high visibility crosswalks.”

- Extending curb?
- Adding inlets/drainage system?
- Installing sidewalk as well?
- Will pedestrian facilities be separated from the roadway?



Description of work from Project Manager

(Part 3)

“This project will rehabilitate the Church Street (Alder Creek) bridge.”

- What is the problem the project seeks to address?
- What part(s) of the bridge?
- Will there be work in the water?
- Ancillary elements (diversion structure)?



NEPA Project Description

A clear, accurate, and well-written project description in PCE and CE documentation is essential for the environmental review process by:

- Ensuring decision makers, reviewers, and environmental resource/discipline specialists understand the full scope and context of the proposed action;
- Establishing the basis for identifying and evaluating the project's reasonably foreseeable environmental effects; and
- Documenting that the project qualifies for a CE per 23 CFR 771.117.

NEPA Project Description (continued)

- The PCE/CE project description should provide more detail than the descriptions in relevant planning documents, the State Transportation Improvement Program (STIP), and funding agreements, but it must not conflict with them.
- The PCE/CE project description should clearly explain all activities relevant to the environmental review, with the level of detail scaled to the project's size and complexity.
- The project description should focus on design elements that influence environmental outcomes and include timing or avoidance measures intended to reduce impacts. It should be written in clear, accessible language for someone with no prior knowledge of the project to understand what is being proposed.

NEPA Project Description – Required Elements

1. Transportation objective
2. The scope of the work, including:
 - Required mitigation
 - Construction phasing
 - Traffic management activities
(e.g., detours, diversion bridges)
3. Project Limits



Exercise (part 1)



“REPLACE BRIDGE”

What information would you expect to provide to the REC?

Exercise (part 2)



“REPLACE BRIDGE”

How would you develop a project description for use in CE/PCE NEPA documents?

Exercise (part 3)

1. Transportation objective

“The existing bridge at [location] is a critical link between emergency services and a population center; it is structurally and seismically deficient and lacks pedestrian facilities. This project proposes to replace the bridge to extend the service life of the crossing, maintain access to emergency services during an earthquake, and improve pedestrian mobility.”

Exercise (part 4)

2. The scope of the work.

“The proposed bridge will be approximately 80 feet in length and will accommodate two lanes of traffic, bike lanes, and sidewalks. The project proposes to maintain one lane of traffic during construction via a traffic diversion bridge and a temporary signal or flaggers. Required stormwater treatment facilities will be constructed near the bridge ends. An adjacent gravel pullout area will be offered as a prospective staging area.”

Exercise (part 5)

3. Project Termini.

“Approach paving will extend to the project termini: the intersection of [street] and [street] to the north and [street] and [street] to the south.”

Exercise (part 6)

The existing bridge at [location] is a critical link between emergency services and a population center; it is structurally and seismically deficient and pedestrian facilities are substandard. This project proposes to replace the bridge to extend the service life of the crossing, maintain access to emergency services during an earthquake, and improve pedestrian mobility.

The proposed bridge will be approximately 80 feet in length and will accommodate two lanes of traffic, bike lanes, and sidewalks. The project proposes to maintain one lane of traffic during construction via a traffic diversion bridge and a temporary signal or flaggers. Required stormwater treatment facilities will be constructed near the bridge ends. An adjacent gravel pullout area will be offered as a prospective staging area.

Approach paving will extend to the project termini: the intersection of [street] and [street] to the north and [street] and [street] to the south.

Review Best Practices

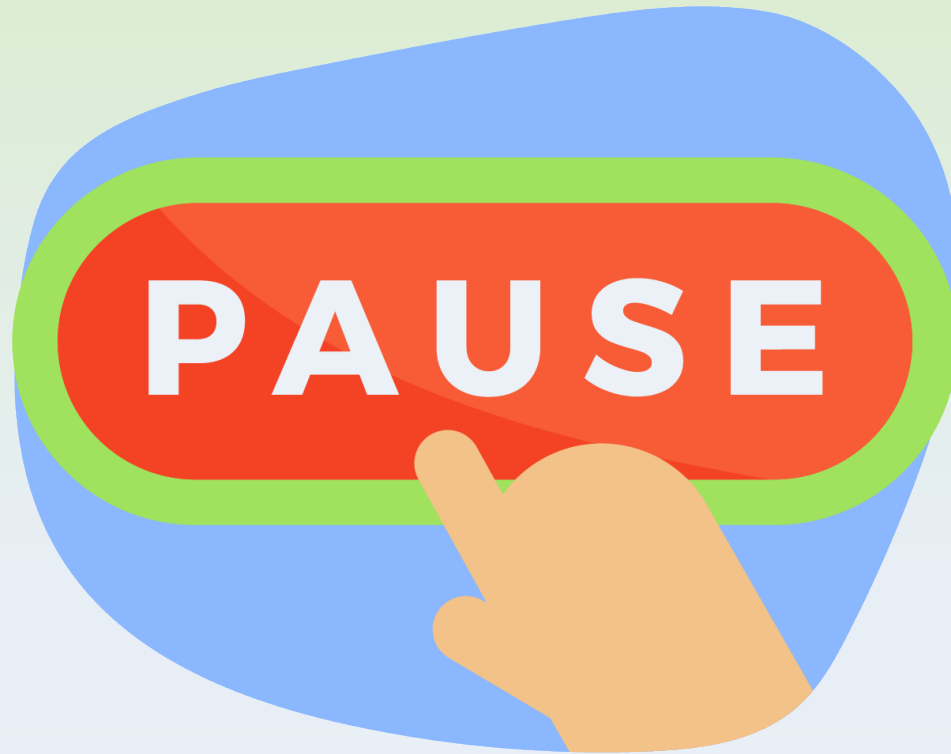
Meet with the REC at the outset. Other relevant participants include:

- Local Agency Liaison
- Local Agency Engineer
- ODOT R/W representative

If there is scope change (even minor) – alert the REC



An Opportunity For Questions



Area of Potential Impact

Uses, Process, Common Pitfalls





Area of Potential Impact (API) Defined

“The Area of Potential Impact is the physical footprint of all project activities.”

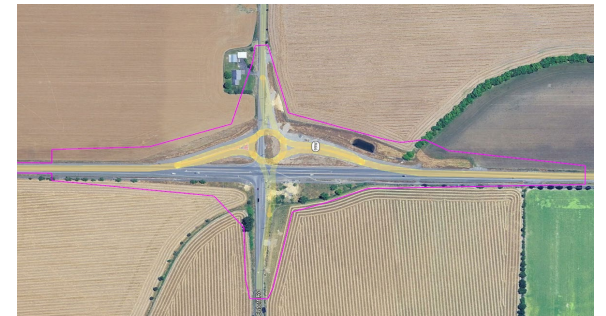
“It comprises the area where direct effects to environmental resources may occur, including all design elements, space to construct those elements, all reasonably foreseeable access routes, and mandatory & prospective staging areas.”

Examples of elements to include:

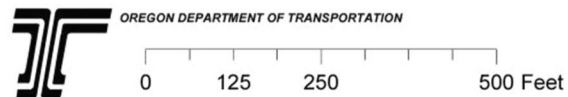
- Cuts/Fills
- Right-of-way Acquisition
- Sign installation
- Access routes
- Detour routes if any physical improvements are proposed
- Barge spudding
- Environmental Mitigation
- Conduit installation
- Other construction activities

How We Use the API

- Identify where Rights-of-Entry are needed
- Geographic basis for identifying environmental resources
- Determine where No Work Areas and Regulated Work Areas need to be shown on plans
- Support Environmental clearances
- Each environmental discipline develops their own discipline-specific impact boundary



API Example



OR18 Spur: South Yamhill River Br #06758
KN 19389
Environmental Resources, API, Proposed Structures

Offsite API Example



Oregon Department of Transportation

OR18 spur: South Yamhill River Bridge (McMinnville) Vicinity Map

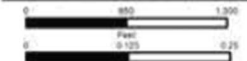
Federal Aid-Number: S483(000)

ODOT Key Number: 19389

County: Yamhill

City: McMinnville

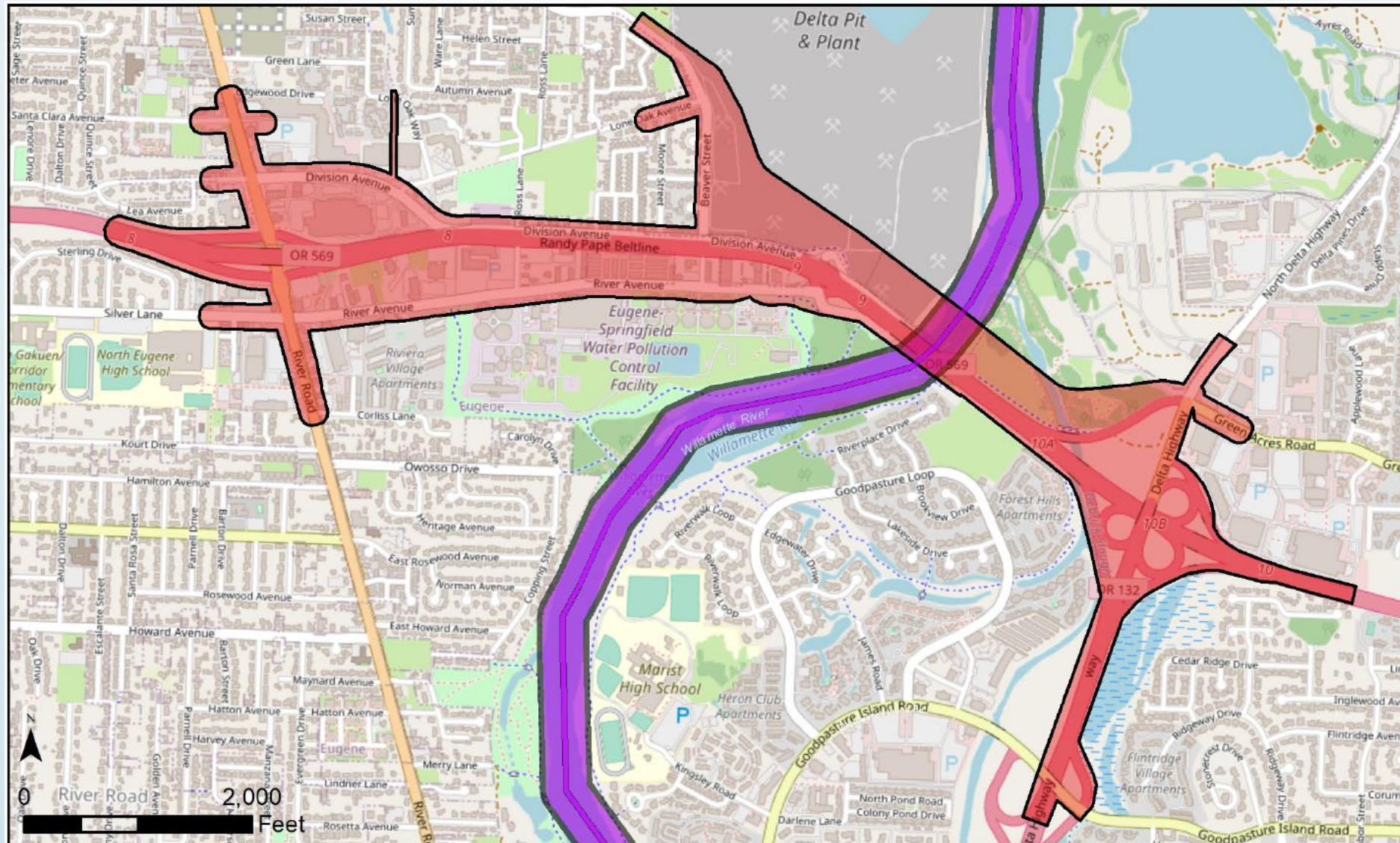
Disclaimer:
This product is for informational purposes and may not be suitable for legal, engineering, or surveying purposes. Users of this product should review and consult the primary data sources to determine the usability of the information. Conclusions drawn from this information are the responsibility of the user.



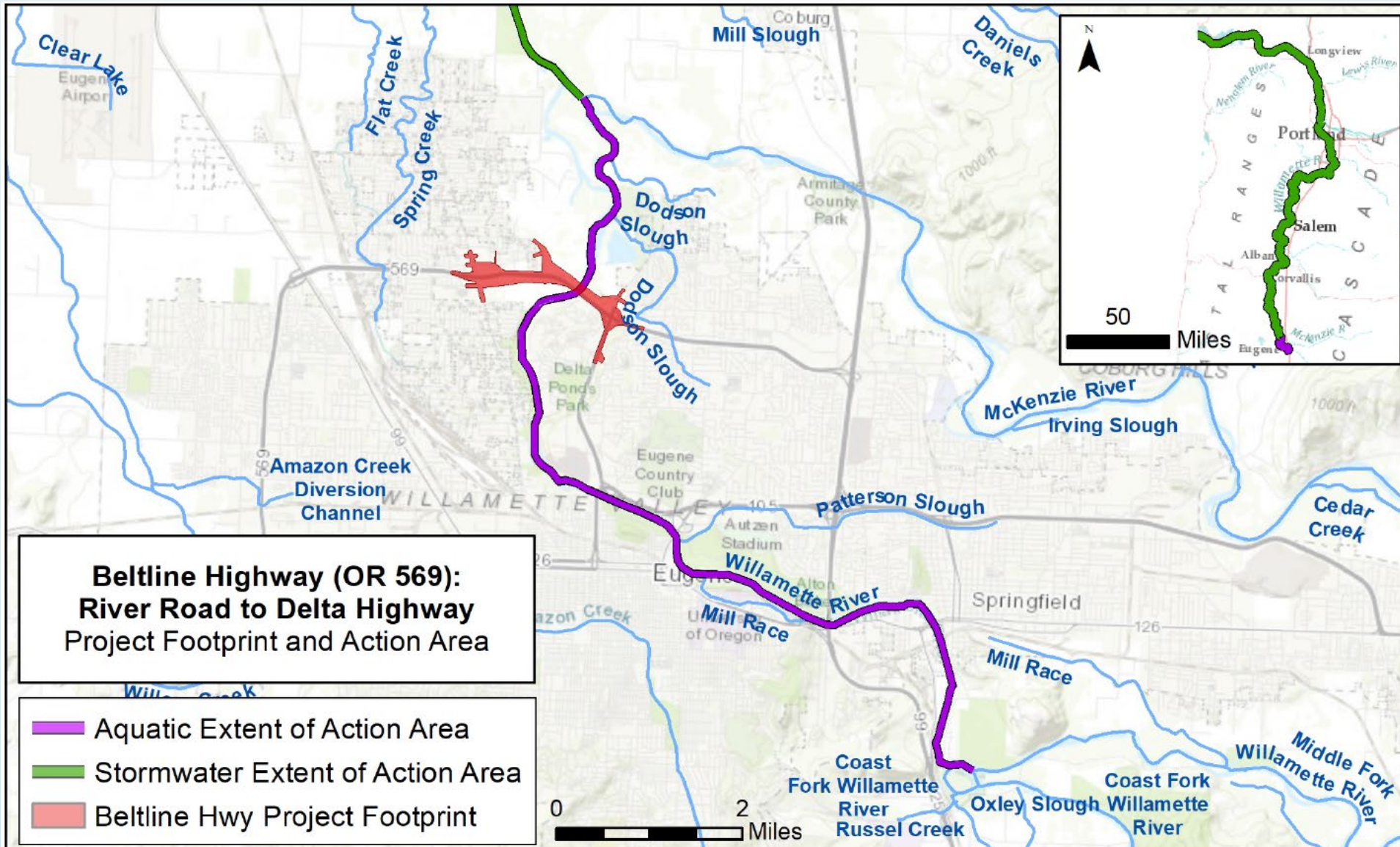
- Area of Potential Impact
- South Yamhill River

- NRCS Wetland Reserve Program Easement
- Willamette Valley Medical Center

Discipline-Specific Use of API



Discipline-Specific Use of API Continued



API Changes

API changes during the DAP phase are sometimes necessary. API changes close to or after DAP Completion should be avoided.

The entire team should be aware of the API and on the lookout for design or scope changes that may affect it.

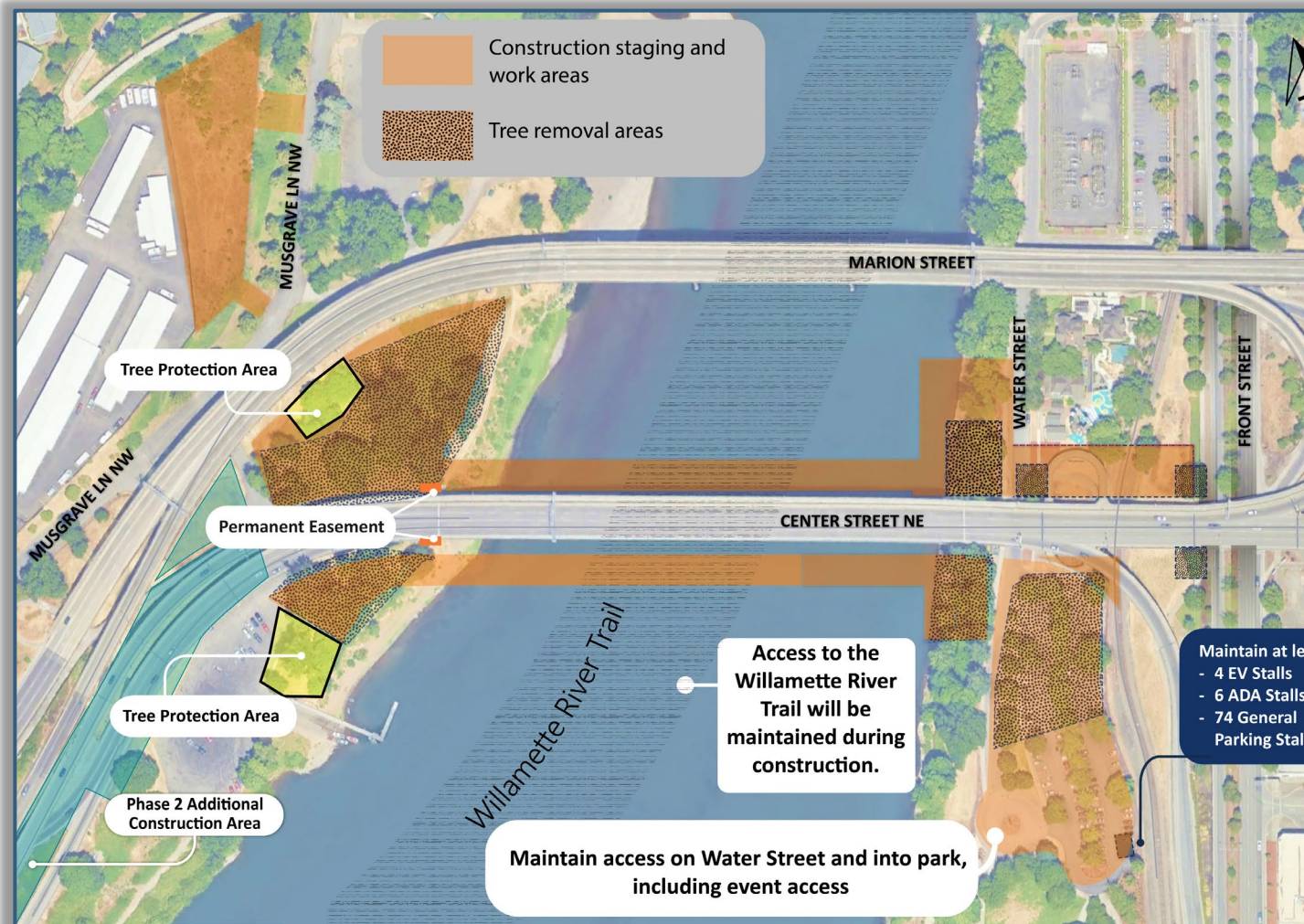
Any changes to the API should be communicated to the REC immediately.

Increases in API size after Environmental has initiated field investigations may result in additional work. Depending on resources present, schedule may be affected.

Common Pitfalls and Special Cases

- Environmental Mitigation
 - Riparian plantings
 - Permittee-responsible wetland mitigation
 - Offsetting for fill in the functional floodplain
- Offsite stormwater treatment
- Turbidity monitoring easements
- Construction Access
- Waiting too long to create an API to get it exactly right

Special Case - Staging Areas



- Contractor-designated
- Prospective
- Mandatory

Special Case - Utilities

If reimbursable or included in the construction contract, they must be included in the API and environmental clearances



A Moment For Questions



Statements of Work



Certified Program SOW Library is the required starting place for environmental task language



SOW language translates the work described in the Environmental Prospectus into a contract.



Use contingency tasks for unknowns



REC reviews SOW for adequacy (REC coordinates internal Specialist review)

Questions?

Daniel Ohrn

Region 2 Environmental Unit Manager

(503) 798-5818

Daniel.K.OHRN@odot.oregon.gov

Please refer project specific questions to your REC.



Navigating Updates to LAG Chapter 6 and SOW Task 3



Tiffany Hamilton

*Local Agency Certification
Program Manager*

Hanne Eastwood

*Certification Compliance
Coordinator*



LAG Chapter 6 and SOW Task 3 Takeaways

1. Gain familiarity with updates to Local Agency Guideline (LAG) Chapter 6: NEPA and Environmental Processes and Certified LPA Statement of Work (SOW) Task 3.
2. Identify areas where future revisions to LAG Chapter 6 are anticipated.
3. How to use the updated LAG Chapter 6 and updated SOW Task 3 to develop draft environmental task provisions.



Chapter 6: NEPA and Environmental Processes, Updated Organization:

6.1 Overview

6.2 NEPA

6.3 Certified LPA Use of Consultants (includes guidance on preparing the environmental statement of work)

6.4 Environmental Commitments

6.5 Environmental Project Files

6.6 Other Applicable Laws and Regulations

6.7 Resources

Summary of July 2026 Updates to Chapter 6

- Focused on summarizing requirements for processing and documenting NEPA and other environmental compliance for certified LPA projects
- Updated NEPA section with new forms and processes to comply with the new ODOT-FHWA Programmatic Categorical Exclusion Agreement
- Added:
 - Certified LPA responsibilities
 - Qualifications for individuals who prepare the Environmental Prospectus
 - Summary of PCE and CE Considerations by Project Delivery Phase/Milestone
 - Certified LPA use of Consultants section
- Updated guidance on environmental commitment tracking and maintaining environmental project files/records
- Identified areas of anticipated near-future updates

Summary of June 2026 Updates to Task 3

- **General** – Added more instructions on coordination with ODOT on project responsibilities and scopes of work. Added discipline-specific quality reviews to comply with ODOT’s Project Delivery QA/QC Program.
- **3.1 NEPA** – Updated forms, processes, and qualifications to comply with new ODOT-FHWA Programmatic Categorical Exclusion Agreement.
- **3.2 Archaeological Resources** – Updated SHPO standards throughout and deliverables in 3.2.1; added language limiting distribution of deliverables; added permit requirement to survey in 3.2.2; and added subtasks 3.2.4 Determination of Eligibility, 3.2.5 Monitoring Construction-related Activities, 3.2.6 Damage Assessments and Inadvertent Finds During Construction, 3.2.7 (quality reviews).
- **3.3 Historic Resources** – Made clarifying edits and updates; and added subtask 3.3.4 (quality reviews)
- **3.5 Biological Resources Compliance and Permitting** – Various updates; added 3.5.10 subtask provisions and deliverables for Bald & Golden Eagle Protection Act and 3.5.11 Bat Colony Avoidance
- **3.6 Wetlands and Water Resources** – Added highest measured tide (HMT) references; and at 3.6.2 added new DSL GIS Data requirements and deliverables
- **3.7 Environmental Permits and Clearances** – Added draft and final Section 401 Water Quality Certification application to deliverables.

See copies in Activity packet

SOW Task 3

Preparation and Submittal Process

Start with the ODOT Certified LPA SOW Library Task 3 template

USE TRACK CHANGES

Timing of submission to ODOT REC for review

- Prior to advertisement
- Prior to execution
- Bottom line (see section 6.3):
 - Must be done prior to execution
 - Budget at least 2 weeks for ODOT REC review



Packet of Materials

At your tables and online, you will find the following:

- Chapter 6
- Task 3
- Example Environmental Prospectus Form (Example 1 or 2)
- Scavenger Hunt Questionnaire

Virtual attendees: All materials are posted at the bottom of the event page:
<https://www.oregon.gov/odot/LocalGov/Pages/cug-summerworksession.aspx>

The report-out person for your “room” will email your group’s results to
ODOTCertification@odot.oregon.gov



Lunchtime



Wall of Champions!

Trivia Winners

- In-Person
- Virtual

Scavenger Hunt Winners

- In-Person
- Virtual



DAP to PS&E



Daniel Ohrn

ODOT Region 2 Environmental Manager



Daniel came to ODOT in 2009, starting his ODOT career in Region 1 and later making the move to Region 2 in 2015.

In his time at ODOT, Daniel has held several positions, including Erosion Control Specialist, Biologist, and Region Environmental Coordinator. He currently manages the Region 2 Environmental Unit.



Design Acceptance Package Complete (DAP) to PS&E Takeaways

1. Manage environmental risks to resolution
2. Understand NEPA form & process requirements
3. Manage task completion to support NEPA documentation



DAP Requirements

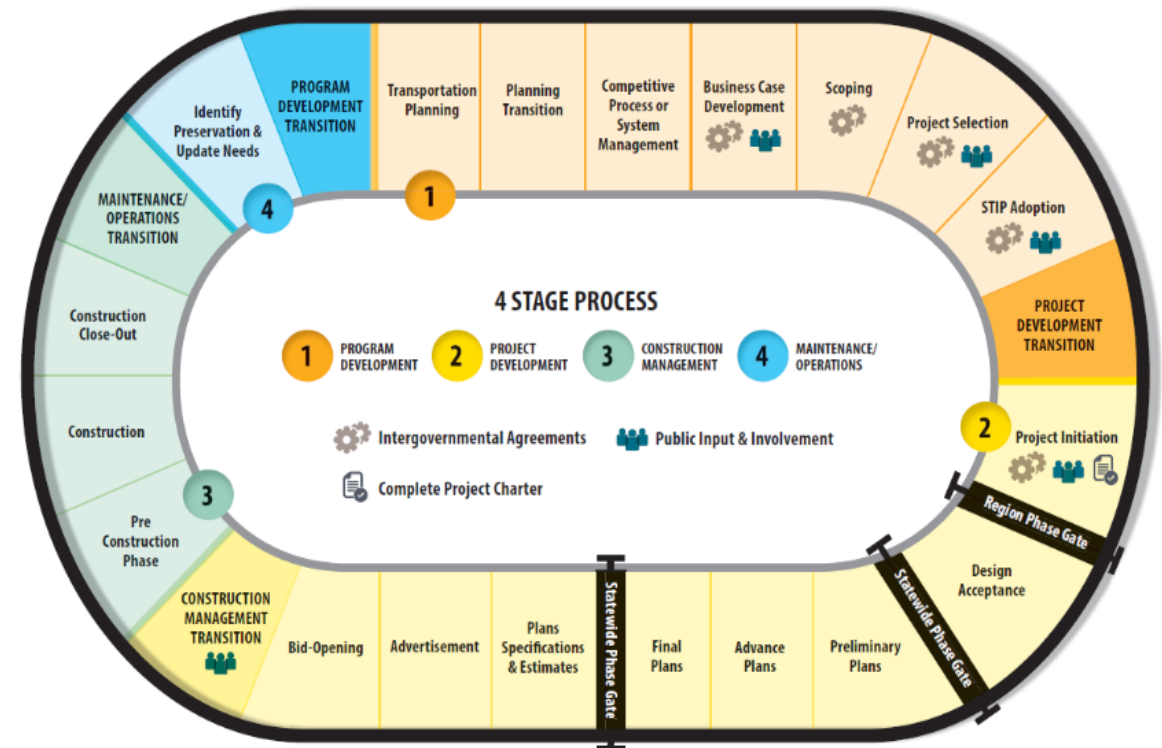
PCE Determination & Approval Form

CE (with federally participating R/W)

Verify API

- Should not change after DAP

TRANSPORTATION SYSTEM PROJECT LIFECYCLE



PCE Determination & Approval Form (part 1)



FHWA and Oregon DOT PCE Determination and Approval Form



Project Name:			ODOT Key #:		
Federal Aid #:			Region:		
City / County:			FHWA Nexus:		
Project Sponsor:			Highway Name:		
Project Description:					
Project Termini :					
Beginning MP:			Ending MP:		
Required Attachments:		Environmental Prospectus: ☐	Project Vicinity Map: ☐		

Before preparing this form, complete and sign the Environmental Prospectus. This form attests that ODOT has reviewed the project's potential impacts relative to the project impact threshold criteria contained in section VI.A.1.b. of the [FHWA / ODOT Programmatic Categorical Exclusion Agreement](#). If the response to all questions below is "No" the project meets the criteria of the PCE Agreement and upon completion of this form the project has been classified as a PCE and FHWA authorization of R/W acquisition can be requested. A PCE Validation Document must be completed prior to requesting FHWA authorization of funding for construction.

In accordance with the Federal Highway Administration's NEPA regulations (23 CFR 771), NEPA documents should reflect consultation with appropriate agencies and document compliance, to the extent possible, with all applicable environmental laws and Executive Orders, or provide reasonable assurance that those requirements can be met. The following list summarizes the anticipated compliance pathways and permits that are anticipated for implementation of the proposed project. Conditions of all consultations and permits obtained will become requirements of the construction contract issued for the project. Final compliance with the conditions of all issued permits will be the responsibility of the ODOT.

If the response to any question below is "Yes" the project cannot be classified as a PCE. A signed CE Closeout Document and required attachments must be submitted to and approved by FHWA Oregon Division before Federal-Aid funding for R/W acquisition or construction can be authorized.

PCE Determination & Approval Form (part 2)

Contact [ODOT NEPA Program Staff](#) for detailed information regarding any question below.

Will the action:	Yes / No
1. Involve use of properties protected by Section 4(f) of the U.S. Department of Transportation Act (49 U.S.C. 303) that requires preparation of an Individual Section 4(f) Evaluation?	☐
2. Result in a determination of adverse effect on historic properties pursuant to Section 106 the National Historic Preservation Act (54 U.S.C. § 306108)?	☐
3. Require a U.S. Coast Guard bridge permit (33 U.S.C. § 401)?	☐
4. Require an Individual Permit under Section 404 of the Clean Water Act or Section 10 of the Rivers and Harbors Act?	☐
5. Result in an increase in the designated regulatory floodway elevation, or an increase of more than 1 foot of surface water elevation in the 100-year floodplain when no regulatory floodway is designated?	☐
6. Require a formal Wild and Scenic River Section 7(a) consultation with, and determination from, the official river administering regulatory agency?	☐
7. Result in changes that substantially affect traffic patterns temporarily or permanently?	☐
8. Require the acquisition of more than minor amounts of right-of-way or displacement of businesses, nonprofit organizations and/or residents?	☐
9. Fail to conform to the State Implementation Plan which is approved or promulgated by the U.S. Environmental Protection Agency in air quality non- attainment areas?	☐
10. Require an individual project-level formal consultation under Section 7 of the Endangered Species Act?	☐
11. Require an exception to Oregon Statewide Planning Goals?	☐
12. Involve capacity expansion by construction of a new highway or local roadway where none existed previously or by addition of new through lanes (excludes bus on shoulder improvements and passing lanes)?	☐
13. Be required by FHWA to be processed as a CE for reasons that are not reflected in the above impact thresholds?	☐
This project qualifies as a categorical exclusion as outlined in 23 CFR §771.117 under the following listed CEs:	
☐ ☐ ☐	

PCE Determination & Approval Form (part 3)

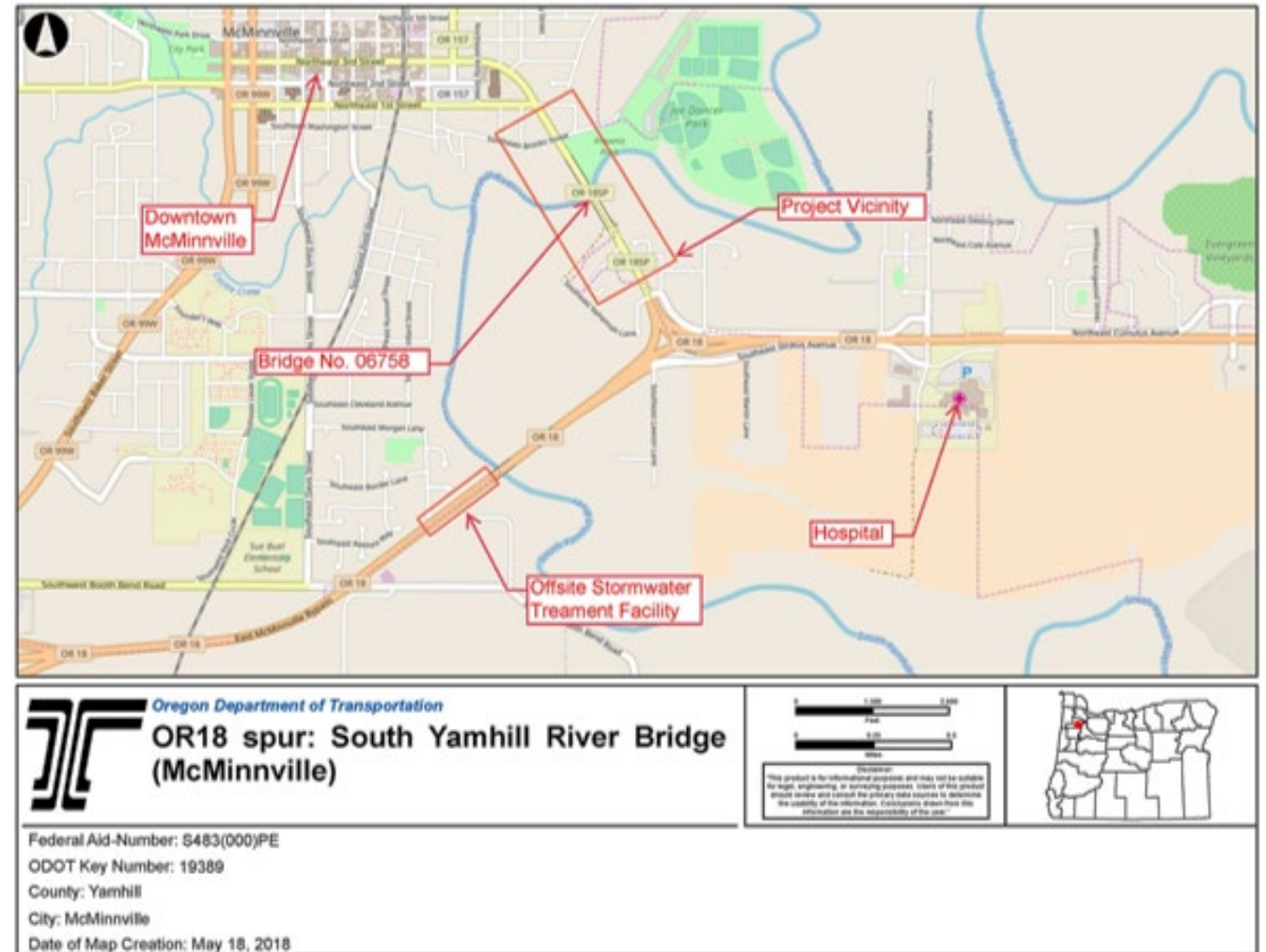
This information demonstrates that the specific conditions/criteria for an FHWA categorical exclusion are satisfied and that neither significant environmental effects, as described in [23 CFR §771.117 \(a\)](#) nor unusual circumstances, as described in [23 CFR §771.117 \(b\)](#) will result. Such unusual circumstances include: significant environmental impacts; substantial controversy on environmental grounds; significant impacts on properties protected by Section 4(f) requirements or Section 106 of the National Historic Preservation Act; or inconsistencies with any Federal, State, or local law, requirement or administrative determination relating to the environmental aspects of the action.

	
ODOT Preparer	ODOT Approver
Upon completion, upload this form (with the Environmental Prospectus and Project Vicinity Map) to the appropriate location per current filing protocols.	

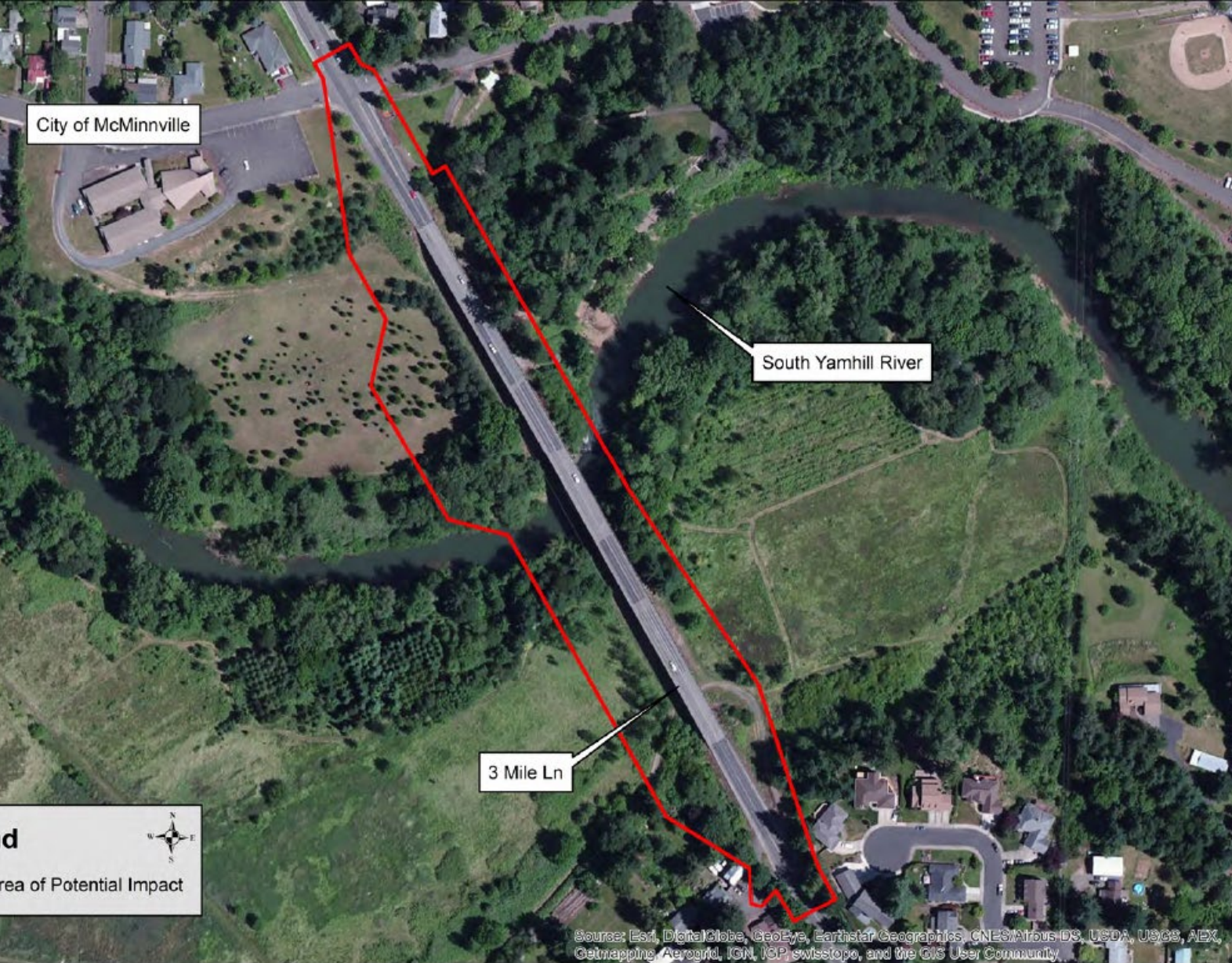
Project Vicinity Map

Requirements include

- Project Name
- Fed aid no.
- Key number
- City, County
- North arrow
- Scale bar
- Inset map
- ODOT Logo
(consultant or LA logos are not permitted)



- [ODOT Vicinity Mapping tool](#)

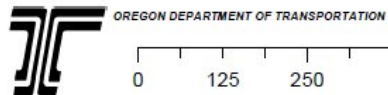


API Refinement & Verification (Part 1)

API Refinement & Verification (Part 2)



API Refinement & Verification (Part 3)



OR18 Spur: South Yamhill River Br #06758
KN 19389
Environmental Resources, API, Proposed Structures

API Refinement & Verification (Part 4)



Oregon Department of Transportation

OR18 spur: South Yamhill River Bridge (McMinnville) API-Stormwater

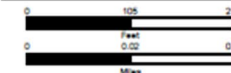
Federal Aid-Number: S483(000)

ODOT Key Number: 19389

County: Yamhill

City: McMinnville

Disclaimer:
"This product is for informational purposes and may not be suitable for legal, engineering, or surveying purposes. Users of this product should review and consult the primary data sources to determine the usability of the information. Conclusions drawn from this information are the responsibility of the user."



Area of Potential Impact

API Refinement & Verification (Part 5)



Moving on From DAP

- Prepare Environmental “approvals”
 - National Historic Preservation Act (Section 106) Determinations of Eligibility, Findings of Effect, Programmatic Agreement Memos
 - Endangered Species Act Section 7 Consultation (FAHP Notification)
 - ODFW Fish Passage Plan
 - Wetlands/Waters Permitting
 - Etc.
- Track previously identified risks – REC will assist (check in periodically)
- Develop construction specifications
- Continue public outreach (REC will need a summary)

PE Schedule Risks

What are some schedule risks that you've experienced on projects?



Manage PE Schedule Risks

Programmatic kick-outs (e.g. FAHP, PCE)

Historic & Archaeology Effects (Adverse effect = mitigation, MOA)

Permits (DSL, Corps, US Coast Guard)

Botanical Blooming periods

Develop Construction Plans & Specifications

- Must be reviewed by the REC (REC coordinates ODOT Specialist review)
- Conditions of Permits & Clearances that will be the responsibility of the construction contractor must be reflected in the construction contract.
- Key sections from ODOT template include:
 - 00245
 - 00280
 - 00290
 - 01030
 - 01040

Public Outreach

- REC will need a summary of public outreach
- Public involvement should begin during project planning and continue through construction.
- Public involvement efforts should be commensurate with reasonably foreseeable effects to the public. These could be effects to the traveling public, businesses, residences, or other user groups (e.g. park users). Work with the REC to determine the appropriate level of public involvement for the specific project.
- Public involvement should cast a wide enough net to capture input from all reasonably foreseeably affected parties.
- Documentation should include any effects to the public that were identified through the public involvement process, and how public input is reflected in the project, including:
 - Accommodations made to avoid, minimize, or mitigate effects to the public, or
 - Reasoning for why such accommodations were not made.

PCE Validation (Part 1)



FHWA and Oregon DOT PCE Validation Document



Project Name:		Region:	
Federal Aid #:	ODOT Key #:		
City / County:	FHWA Nexus:		
Project Sponsor:	Highway Name:		
Project Description:			
Project Termini:			
Beginning MP:	Ending MP:		
Attachments: Revised Project Vicinity Map (if project scope change since date of PCE Determination / Approval ☐)			

PCE Validation (Part 2)

Discipline / Resource	Required Compliance / Status Information (click for Guidance)	Required Attachments
1. Right-of-Way		None
2. Land Use		List Attachment(s) or None
3. Community Impacts		None
4. CWA §404 / Wetlands / Waters & U.S. Coast Guard		List Attachment(s) or None
5. Floodways & Floodplains		List Attachment(s) or None
6. Water Quality		None
7. ESA / T&E Species		List Attachment(s) or None
8. NHPA §106 (Cultural Resources)		List Attachment(s) or None
9. Visual Resources		List Attachment(s) or None
10. §4(f) USDOT Act		List Attachment(s) or None
11. §6(f) LWCF Act		List Attachment(s) or None
12. Air Quality		None
13. Noise		None
14. Hazardous Materials		None
15. Tribal Coordination	See Attached	Tribal Coordination Summary
16. Public Outreach		None
17. Other Required Federal Agency Approvals		None
18. Environmental Commitments		None
19. Preliminary Investigation (PI) Activities		List Attachment(s) or None

PCE Validation (Part 3)

ODOT certifies that this project has been reviewed and documented following the provisions of the [FHWA and ODOT Programmatic Categorical Exclusion Agreement](#). ODOT certifies that neither significant environmental effects, as described in [\[23 CFR §771.117\(a\)\]](#) nor unusual circumstances, as described in [\[23 CFR §771.117\(b\)\]](#) will result. Such unusual circumstances include: significant environmental impacts; substantial controversy on environmental grounds; significant impacts on properties protected by Section 4(f) requirements or Section 106 of the National Historic Preservation Act; or inconsistencies with any Federal, State, or local law, requirement or administrative determination relating to the environmental aspects of the action.

This project qualifies as a categorical exclusion as outlined in [23 CFR §771.117](#) under the following listed CEs:

▼	▼	▼
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RETURN	RETURN
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ODOT Preparer

ODOT Approver

Upon completion, upload this form (with required attachments and PCE Peer Review Checklist and Comment Log) to the appropriate Location per current filing protocols.

Form # 734-5467 (5/2025)

Level 2 - Limited

<http://www.oregon.gov/ODOT/GeoEnvironmental/pages/index.aspx>

May 2025

Quality Control

- QC is required
- Discipline-specific forms available at:

<https://www.oregon.gov/odot/GeoEnvironmental/Pages/Environmental-QC.aspx>



PS&E Requirements

- PCE Validation
- CE Closeout
- Environmental Permits
- Bid documents reflect environmental requirements



Certified LPA PS&E Submittal Checklist (Part 1)

Submit electronic files to the Regional Local Agency Liaison (LAL) as noted below.¶

REQUIRED SUBMITTALS¶		
1. Submittal Package Requirements¶	Format¶	¶
a. Completed and signed PS&E Submittal & Completeness Checklist¶	Submit one electronic PDF copy¶	☐ ¶
b. Final Stamped and Signed Design Plans including temporary traffic control plans and temporary pedestrian accessible route plans ¶	Submit one electronic PDF copy¶	☐ ¶
c. Completed Environmental Documentation¶	Submit one electronic PDF copy of signed ROD, FONSI, CE Closeout, PCE Approval, or No Ground Disturbance forms. ¶	☐ ¶
d. Final Bid Book with Stamped and Signed Project Special Provisions¶	Submit one electronic PDF copy¶	☐ ¶
e. Applicable DBE goals and OJT hours provided by ODOT Office of Civil Rights¶	Submit one electronic PDF copy of the e-mail from Office of Civil Rights¶	☐ ¶
f. Bid Book approval by ODOT Office of Civil Rights¶	Submit one electronic PDF copy of the e-mail from Office of Civil Rights¶	☐ ¶
g. Final PS&E Cost Estimate (Form 734-5096)¶	Submit one electronic file in Excel format¶	☐ ¶
h. Right-of-Way Certification signed by the ODOT Region Right-of-Way Manager¶	Submit one electronic PDF copy¶	☐ ¶
i. Utility Certification (Form 734-5162) signed by the State Utility Liaison¶	Submit one electronic PDF copy¶	☐ ¶
j. Railroad Agreement Assurance (Form 734-5285) signed by the LPA's Railroad Coordinator¶	Submit one electronic PDF copy¶	☐ ¶

Certified LPA PS&E Submittal Checklist (Part 2)

REQUIRED SUBMITTALS IF APPLICABLE TO THE PROJECT		Yes	N/A
k. Signed copies of federal or state environmental permits	Submit one electronic PDF copy of each permit	☐	☐
l. ODOT Approved ADA Design Exceptions	Submit one electronic PDF copy of each exception	☐	☐
m. ODOT Approved Roadway Design Exceptions	Submit one electronic PDF copy of each exception	☐	☐
n. ODOT Approved Bridge Design Deviations	Submit one electronic PDF copy of each deviation	☐	☐
o. ODOT Approved Letter(s) of Public Interest Findings (LPIF)	Submit one electronic PDF copy of each LPIF	☐	☐
p. ODOT Right of Way access permits	Submit one electronic PDF copy	☐	☐
q. Signed Mobility Considerations Checklist for work on or along or impacting a state highway	Submit one electronic PDF copy	☐	☐
r. Storm Water Operations and Maintenance (O&M) Manual(s) for work on or along a state highway	Submit one electronic PDF copy of each manual	☐	☐
s. FHWA approved Buy America waiver	Submit one electronic PDF copy	☐	☐

Certified LPA PS&E Submittal Checklist (Part 3)

3. Design Documentation	Location	Completed?	Notes
i. All required environmental reports, such as hazardous materials reports, wetland reports, storm water management reports and biological reports are complete and available for FHWA, ODOT, and Contractor review.	On file	Yes → ☐ No → ☐	Reference LAG-C-6

Questions?

Daniel Ohrn

Region 2 Environmental Manager

(503) 798-5818

Daniel.K.OHRN@odot.oregon.gov

Please refer project specific questions to your REC.



Environmental Commitment Tracking and Project File



Jim Collins

State NEPA & Cultural Resources Manager

- ODOT Environmental since 2000
- ODFW Fish Biologist 1994-2000



Environmental Commitment Tracking and Project File Takeaways

1. 2025 FHWA Environmental Program Review
2. Environmental Commitment tracking
3. Environmental project file



2025 FHWA Environmental Program Review

- ODOT must update its NEPA manual and process to include a definition [of environmental commitments].
- ODOT should consider committing additional resources to a training program for environmental staff to promote consistency in documentation and oversight.
- ODOT should develop a statewide formalized tracking tool for monitoring and implementing environmental commitments for all federal-aid highway program projects.

2025 FHWA Environmental Program Review continued

- ODOT should take a more proactive role in the review and oversight of environmental processes for Local Public Agencies (LPA) and fully outsourced projects.
- ODOT should finalize all outstanding sections of its NEPA manual by September 30, 2026.
- ODOT should develop guidance on how to accurately capture project details in project descriptions.
- ODOT should develop a documentation process for gathering feedback between construction and environmental staff.
- ODOT should consider having dedicated staff for performing environmental construction inspection and tracking implementation of environmental commitments on projects.

Which ones directly apply to certified Local Public Agencies? Part 1

ODOT should take a more proactive role in the review and oversight of environmental processes for Local Public Agencies (LPA) and fully outsourced projects.

- Update LAG manual
- Update SOW
- Training: Environmental Summit
- Environmental commitment tracking
- Environmental project file

Which ones directly apply to certified Local Public Agencies? Part 2

ODOT should develop a statewide formalized tracking tool for monitoring and implementing environmental commitments for all Federal-Aid Highway Program projects.

Environmental Commitment Tracking

What are we tracking? Project Tracked Environmental Commitments (PTEC)

General	Air Quality and Noise	Biology/ESA	Archaeology	Historic-Built Environment	Wetlands/ Permit
Environmental Right-of-Way Acquisition, Temporary Easements, etc.	Noise Abatement Procedures (includes voting, design options etc.)	In-Water Work Timing variances	Tribal or Archaeological Monitoring	MOA/PA mitigation and other Commitments.	Construction of Wetland and Waters Mitigation Features

Coming Soon!



Local Agency Environmental Commitment Record Form



Project Name:		ODOT Key #:		Region:	City / County:	
Project Sponsor:		Highway Name:			Project Termini:	
Beginning MP:		Ending MP:				
Project Description:						
Attach Description						
Discipline	Commitment Type		Source	Description		Status
	Commitment Period	Commitment Deadline	Completion Date	Responsible Party	R.P. Sign-off Date	
Comments:						
DRAFT						
Add Commitment Remove Commitment						
		Local Agency Preparer		ODOT Local Agency Liaison		
Upon completion, upload this form to the appropriate location per current filing protocols.						

Due to ODOT REC at PS&E

Coming Soon! continued

Key No	Module Discipline	Source	Commitment Period	Commitment Deadline	Status	Commitment Description	General Comments	Responsible Party Name	Completion Date	Responsible Party Sign Off
22663	Other	Other	Construction		In-Progress	Was the bridge demo successfully implemented per the contractor's bridge removal plan?; Was the bridge containment plan successfully implemented per the contractor's approved containment plan?		Inspector		
22663	ESA/ T&E Species	State, regional and local permits	Construction		In-Progress	Was work completed during the in-water work window (July 15-October 15) or within the regulatory agreed upon work window?	In-water work timing is further discussed in 290.34(a).	Inspector		
22663	Other	Other	Construction		In-Progress	Were the no work zone(s) installed per the Special Provision/Design Plans and periodically inspected throughout construction to ensure they were still functioning as intended?		Inspector		
22663	Other	Other	Construction		In-Progress	Did the contractor successfully utilize, implement, and maintain pollution control measures outlined in the Pollution Control Plan?		Inspector		
22663	NHPA §106 (Cultural Resources)	Other	Construction		In-Progress	Was the Inadvertent Discovery Plan (IDP) shared with the contractor?; Was the Inadvertent Discovery Plan followed in the event of an inadvertent discovery?		Inspector		
22663	ESA/ T&E Species	State, regional and local permits	Construction		In-Progress	Was the fish salvage successfully implemented?	Was the fish salvage successfully implemented?	Jessica Bochart-Leusch (ODOT REC)		
22663	NHPA §106 (Cultural Resources)	Memoranda of Agreement under the National Historic Preservation Act	Other	Post-Construction (10-year MOA)	In-Progress	Where the MOA commitments successfully completed by 6/23/2036?	Per the Section 106 Memorandum of Agreement, ODOT, in cooperation with Jackson County, will research, design, and install an outdoor interpretative sign describing the transportation and economic history of the area as well as an ArcGIS story map to supplement the information on the interpretive panel. ODOT agrees to complete this work in the next ten years and will provide yearly updates to SHPO and FHWA.	Larissa Rudnicki (ODOT Historian)		

ODOT REC will include in the PS&E package

Which ones directly apply to certified Local Public Agencies? Part 3

ODOT should standardize filing requirements for all project environmental documentation. This should include tracking of all NEPA, permitting, and post-construction monitoring documentation.

ODOT will file the NEPA documentation and related documents in Projectwise?

CLG will be responsible for keeping a complete environmental project file?

Questions?

James (Jim) Collins

State NEPA & Cultural Resources Manager

(541) 414-5080

James.D.COLLINS@odot.oregon.gov



A wooden canoe is positioned on a calm lake, surrounded by a dense forest of evergreen trees. The water reflects the surrounding greenery and the sky. The text "Take a break." is overlaid in the center of the image in a large, white, sans-serif font.

Take a break.

STUMP THE EXPERTS!



Insights Day 1

