District 8 LPA Days
Environmental Updates

District 8 Environmental Team

Andy Fluegemann, P.E., District Planning Engineer / DEC
Scott Brown, P.E., D8 LPA Coordinator / Env Project Lead

Keith Smith, P.E., Environmental Team Leader
Anthony Pankala, P.E., Environmental Project Lead

Outline

• “NEPA Assignment”
  Andy Fluegemann, P.E., Planning Engineer / District Environmental Coordinator

• Scoping Environmental Work
  Scott Brown, P.E., LPA Coordinator / Environmental Team Member

• Important Updates to Policy/Procedures
  Tony Pankala, E.I.T., Environmental Team Member

• Important Reminders
  Keith Smith, P.E., Environmental Team Leader
What is NEPA Assignment?

- Effective December 28, 2015
- No coordination with FHWA on environmental projects/actions, except for:
  - Tribal Coordination
  - Projects over state lines
  - Program Issues
  - Training
  - Audit/Performance Measurements

Under the NEPA Assignment program, ODOT assumes all of FHWA's responsibilities for environmental review, interagency consultation, and other environmental related actions in Ohio.

NEPA Assignment - Changes

- Major updates to EnviroNET (formerly Online CE System)
- EnviroNET is the documentation management tool for all NEPA actions so...

If it’s not in EnviroNET = IT DIDN’T HAPPEN!

- Faster Project Delivery!
- Expect $23 million savings each year!
- FHWA responsible for an annual Audit on ODOT's performance
NEPA Assignment - Changes

• 30 different processes for which guidance was developed from scratch or existing guidance updated!
• 16 more actively under development

See “Resources” section of NEPA Assignment web page
(link from OES home page)

NEPA Assignment Guidance

• NEPA Assignment File Management and Documentation Guidance
  • Naming conventions
  • How and where to upload documents to EnviroNET
• NEPA Assignment Language Guidance
  • Disclosure statement required to appear in certain documents

“The environmental review, consultation, and other actions required by applicable Federal environmental laws for this project are being, or have been, carried out by ODOT pursuant to 23 U.S.C. 327 and a Memorandum of Understanding dated December 11, 2015, and executed by FHWA and ODOT.”
NEPA Assignment Guidance

• NEPA Assignment Public Involvement Requirements
  • NEPA Assignment Language Disclosure Statement required on all PI Materials
    • Brochures and posters must be made available at public meetings
  • Documentation must show
    • PI was conducted appropriately and met minimum requirements
    • Comments addressed in timely manner and/or incorporated into project

NEPA Assignment Expectations for LPAs

• LPA documentation must:
  • Be equal to ODOT's
  • Be sound, complete, and decisions legally defensible
  • Support conclusions and demonstrate decision-making process
  • Show that Public Involvement activities were conducted appropriately and public comments addressed and/or incorporated into project
NEPA Assignment Expectations for LPAs

- **STRONGLY** encourage LPAs to take any and all OES Training
- Follow ODOT's Project Development Process (PDP)
  - Build in time for environmental process in project scope
- Follow ODOT's Manuals
- Follow NEPA Assignment Guidance
- Select pre-qualified consultants

NEPA Assignment Contacts

District 8
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ODOT NEPA Assignment Web Site:
www.dot.state.oh.us/NEPA-Assignment
Scoping Environmental Work

• District Environmental Staff / DEC should be involved in developing an environmental scope of work at the start of each project.

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District will fill out Section M (Environmental) in the LPA Scope of Services Form

• Defines required tasks & who will be responsible for completion (LPA vs. District)
Scoping Environmental Work

• For tasks the LPA is responsible to complete, make sure to hire ODOT Pre-qualified Consultants

Spreadsheet with a list of pre-qualified consultants can be found on OES’ Training webpage:
Scoping Environmental Work

When reviewing consultant Scope & Fee submissions, utilize the “ODOT Consultant Fee Estimation Guidance”

- Available on ODOT's Consultant Services webpage
- Will be updated on occasion

Scoping Environmental Work

Each Environmental deliverable is covered:

- Guidance provides acceptable hours (not cost) for each task/deliverable
- Uses a “low, medium, high intensity” methodology and provides guidance on how to determine the appropriate intensity for your project
Scoping Environmental Work

ODOT Consultant Fee Estimation Guidance (Reminders)

• Remember this is just “guidance” and not “gospel”
• Consult with your District Environmental Coordinator with questions and for assistance
• District can assist with review of consultant scope and fee

Questions?

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Important Updates

Bat Programmatic Agreement & Cutting Restrictions

http://www.dot.state.oh.us/Divisions/Planning/Environment/Ecological_Resources_Permits/Ecology/Documents/Agreements/FINAL BO FOR PRINTING.pdf

• Suitable Wooded Habitat (SWH)
  • ≥ 0.5 ac of any tree* covered area
  • Patch of trees* within 1,000 feet of a SWH or connected by a travel corridor to PMRT or SWH.

• Perennial Stream
  • Perennial stream is a stream with a drainage area > 1 square mile.

• Edge of Pavement (EOP)
  • Existing edge of a paved surface, not edge of lane (white line).

*One tree needs to be a PRT then all trees are considered to be PRT
Important Updates

Bat Programmatic Agreement & Cutting Restrictions

Categories of SWH impacts which dictate level of coordination and potential mitigation that may be required.

- SWH < 100 feet from EOP.
- SWH ≥ 100 feet from EOP.
- SWH < 50 feet from perennial stream & ≥ 100 feet from EOP.
Important Updates

Bat Programmatic Agreement & Cutting Restrictions

ODOT Bridge Bat Inspection Form:
• Applies for bridges 20 feet and longer.
• Does not apply for bridges with signs of frequent flooding or bridges without any suitable roosting habitat (uncommon).
• Survey needs to be conducted during active season (April 1 to September 30).
• A survey has to happen within 1 year before start of construction.

ENDANGERED BAT HABITAT REMOVAL
THE PROJECT IS LOCATED WITHIN THE KNOWN HABITAT RANGES OF THE FEDERALLY LISTED AND PROTECTED INDIANA BAT AND NORTHERN LONG-EARED BAT. NO TREES SHALL BE REMOVED UNDER THIS PROJECT FROM APRIL 1 THROUGH SEPTEMBER 30. ALL NECESSARY TREE REMOVAL SHALL OCCUR FROM OCTOBER 1 THROUGH MARCH 31. THIS REQUIREMENT IS NECESSARY TO AVOID AND MINIMIZE IMPACTS TO THESE SPECIES AS REQUIRED BY THE ENDANGERED SPECIES ACT. FOR THE PURPOSES OF THIS NOTE, A TREE IS DEFINED AS A LIVE, DYING, OR DEAD WOODY PLANT, WITH A TRUNK THREE INCHES OR GREATER IN DIAMETER AT A HEIGHT OF 4.5 FEET ABOVE THE GROUND SURFACE, AND WITH A MINIMUM HEIGHT OF 13 FEET.
OES Environmental Justice Guidance


Important Updates

• ODOT-OES EJ Guidance Revised June, 2016
  • Updated instructions on documenting EJ populations via EJSCREEN.
  • Details when an Environmental Justice Analysis Report is needed.
  • Lists projects exempt from Detailed Analysis (C1/Exempt Projects).

• Environmental Justice Questions Form
  • EJ form used for C2 projects to determine the need of a Environmental Justice Analysis Report.
Important Updates

OES Environmental Justice Guidance

Environmental Justice C2 Form.

Important Updates

Section 106 Programmatic Agreement
&
Section 106 SRF

http://www.dot.state.oh.us/Divisions/Planning/Environment/Cultural_Resources/Pages/CulturalResourcesManual.aspx
Important Updates

New Section 106 Programmatic Agreement

Coming Soon!

Important Updates

Section 106 Scoping Request Form

- No longer using Section 106 Request For Review form
  - New form is simple and shorter.
  - New form should take between 16-20 hours to complete.
  - Manual has been updated to reflect this change.
Important Updates

Section 106 SRF can be found here.

Questions?

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Important Reminders

Prequalified Environmental Consultants
• Ensure that Consultants are on the Prequalified list:
  [Link to Prequalified Environmental Consultants]
  • Include sub-consultants
  • Inquire about training
  • Use Consultant Fee Estimation Guidance as a “Guide” for anticipated hours

Important Reminders

Environmental (NEPA) Commitments
• Carry through the Construction Contract
• Review the Environmental Commitments listed in the NEPA Document
  • Are they buildable?
  • Are they affordable?
  • Will they affect project schedule?
Important Reminders

Environmental (NEPA) Commitments

- Make sure that commitments are carried through into your Plans (if necessary)
- Inform Contractor of Commitments and the possibility of Agency Reviews (Pre-Con Meeting)
- Inspect Construction Projects to ensure Commitments are being met

Important Reminders

Permitting

- Make sure that Waterway Permits are obtained during detailed design
- Watch for changes in Plans that were not accounted for in your Permit
Important Reminders

Permitting

- Ensure Contractor understands Permit limitations and conditions
  - Changes in construction methods could impact permitted areas
  - Agencies have been doing spot inspections for compliance

- Keep a copy of Waterway Permit available on site at all times
  - Look for weekly inspection Sediment and Erosion Control logs to comply with NOI requirements

Questions?

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