POLICY AND CULTURAL RESOURCES

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NATIONAL UPDATES

- ODOT and AASHTO are working with the new administration to identify streamlining measures:
  - Section 6(f)—trying to establish a *de minimis* process for Section 6(f) impacts
ODOT and AASHTO are working with the new administration to identify streamlining measures:

- **Section 106:**
  - Possibility of changing the “50-year rule”
  - Streamline Section 4(f) and Section 106 process
  - ODOT and AASHTO are working with National Trust for Historic Preservation
Transportation Tribal Summit:

- November 2016 in Columbus, Ohio
- Planned by ODOT environmental staff, FHWA staff, consultant facilitator (SRI), and OHC staff
- Invited 17 tribes; 9 tribes were able to send representatives
STATEWIDE UPDATES: OHIO TRANSPORTATION TRIBAL SUMMIT

What we learned:

- Each tribe has different requirements for how, when, and how much they would like to be consulted on projects—a one-size-fits-all approach is not appropriate
- Face-to-face meetings and relationship development/maintenance is very important
STATEWIDE UPDATES: OHIO TRANSPORTATION TRIBAL SUMMIT

- Tribal consultation must be customized to the tribe’s needs
- ODOT has an online environmental documentation system—EnviroNet
STATEWIDE UPDATES—ENVIRONET

- Major update to EnviroNet system:
  - Tribal Consultation
    - Each tribe will set up their own profile
    - Tribes will receive email notifications at points in the process they choose
    - Comments and responses will be in the system
    - Does not eliminate the personal relationship but streamlines process for both ODOT and tribes
  - New Tribal Liaison Position in OES
Major update of EnviroNet system:

- SHPO Coordination
  - Will take place within the system
- Transmittals and approvals will be electronic and embedded in the tabs
- Comments and responses will be in the system
STATEWIDE UPDATES—ENVIRONET

* Major update of EnviroNet system:
  * Ecological Survey Report:
    * Will be embedded into the system
    * Agency coordination and approvals will be in the system
    * Comments and responses in the system
    * Electronic approvals
STATEWIDE UPDATES—ENVIRONET

- **Major update of EnviroNet system:**
  - Environmental Commitments:
    - Expanded environmental commitments tab includes the ability to track who is responsible for commitment completion and progress
STATEWIDE UPDATES—SECTION 106 PA

- Section 106 Programmatic Agreement between ODOT, FHWA, SHPO, and the ACHP
- Will be executed before the end of November
STATEWIDE UPDATES—SECTION 106 PA

- Changes:
  - Updated format
  - Addresses NEPA Assignment
  - Clarifies tribal consultation responsibilities
  - Aligns Appendix A Projects with C1 CE project types
  - Updates Appendix B project types
  - Allows for future expansion of ODOT’s ability to clear No Historic Properties Affected projects in-house
STATEWIDE UPDATES-SECTION 6(F) PA

We are working with ODNR and NPS to update our Section 6(f) PA
Underserved Populations Guidance (July 2017)

- Broadens Environmental Justice Guidance to include Title VI, Limited English Proficiency, Older Adults, and Individuals with Disabilities
- Provides guidance for identifying and assessing impacts
- Provides guidance for when and how to prepare an Underserved Populations Impact Analysis Report (UPIAR)
- Updated instructions for accessing data using ODOT’s TIMS website
Online training—coming soon!
One major change to CE Guidance (March 2017):

Early right-of-way acquisition:

- Changes to real estate regulations under the FAST Act
  - Real estate can be acquired in advance of NEPA clearance and still receive federal reimbursement
Early right-of-way acquisition

- Must meet conditions:
  - Each parcel to be acquired must have environmental clearance
  - Not eminent domain
  - Project must be on the STIP
  - Early acquisition must be done under a separate Federal Project Number from the main project but PID can be the same
Early right-of-way acquisition

- Environmental Process:
  - Complete C1 Form - Early Acquisition of R/W
    - List out each parcel to be acquired
  - Answer questions:
    - Acquisition must be for a transportation purpose
    - Cannot cause significant environmental impact
    - Cannot limit alternatives
    - Cannot prevent impartial decision
Answer questions (continued):

- Must have independent utility
- Public must have had an opportunity to comment on the preferred alternative; comments taken into consideration
- Parcel cannot be historic or subject to Section 4(f)
- Hazardous Materials review must be completed and no superfund sites or sites requiring extensive clean-up are present (unless costs are accounted for)
Early right-of-way acquisition (cont.)

- DEC Approves C1 form
- Upload to EnviroNet under project PID
- Will be incorporated into EnviroNet eventually
Purpose and Need Quick Guidance (June 2017):

- 2015 guidance under revision
- Purpose of Quick Guidance is to provide an interim update:
  - At what point in PDP is P&N developed?
  - Who is involved?
  - What goes into it?
  - Why do we need it?
  - What is Performance Based Project Development and how does that affect P&N development?
    - Primary and Secondary Needs
QUESTIONS

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