



Leading Teams Through Environmental Decision-Making



Leading teams through Environmental Decision-Making is the process of coordinating with team members, stakeholders, citizens, and agency partners to evaluate and determine the appropriate action to address the transportation needs while also considering the potential natural and human environmental impacts. The project team then develops comprehensive documentation of the proposed project’s effects (both positive and negative) to support good decision-making, regulatory compliance, and transparency as designs are advanced.

Why Important


Multiple disciplines and agencies must work together to evaluate the environmental consequences of the project improvements (proposed actions), make reasonable findings, and develop sound project decisions that are summarized in the environmental document. Project Managers serve as the primary point of contact to drive coordination, promote better decisions (not just better documents), and use an interdisciplinary approach to ensure everyone is informed and aligned toward addressing transportation deficiencies (purpose and need) while avoiding and minimizing adverse effects to the extent possible.

NEPA/SEPA, and its implementing regulations, is an essential law outlining the decision-making framework used to consider and document environmental and community effects. The foundation of this framework is identifying the purpose and need of the project, which establishes the project scope, the basis for many of the decisions that will be made, and may be used to justify the expenditure of public funds to address transportation deficiencies. The Project Manager must ensure the team is working toward decisions related to:


- The transportation deficiencies being addressed,
- The alternatives considered,
- The potential human and natural environment impacts,
- Public engagement,
- How the selected design avoids and minimizes impacts.

The environmental document is a major milestone in SAP and a significant decision-point in a project’s development and design progression. The document should be completed prior to any right of way authorization (including early acquisition).


Key PM Responsibilities




Timely Decisions
Understand the project needs and issues and remove obstacles and address conflicts promptly.




Drive Coordination
Plan, direct and coordinate activities with project team & stakeholders to ensure progress & goals are met.




Foster Relationships
Foster stakeholder, agency, and public relationships to enhance quality decisions.




Manage Decision Log
Document all the important decisions the team makes to deliver the project.




Administrative Record
Ensure documents are properly uploaded to SharePoint and ATLAS, as applicable.



Project Commitments
Track project commitments throughout the development of the project.



Maintain P&N Focus
Ensure changes & decisions are made with P&N in mind through letting.



Consider Permit Needs
Consider permits, certification, & agreements needed and how that affects decisions.

Key Things to Consider

Agency Coordination

- Is the Lead Federal Agency identified or has the lead agency changed? How could this impact the studies and/or the type of environmental document required?
- What regulatory coordination is needed? Was the project screened for Merger?
 - o If the project is in Merger, which agencies need to be on the Merger Team? Is a Merger Plan initiated and aligned with the project scope and schedule?
 - o If the project is not in Merger, what regulatory coordination is appropriate to help inform decisions?
 - o Are the proper team members engaged in the agency coordination and leading our regulatory decision-making?

Project Team Coordination

- Are project commitments identified and incorporated into the project?
- Are project decisions and supporting data documented, e.g., how does the project avoid and minimize impacts?
- What does the project Public Involvement Plan include? Are public engagement methods right-sized to meet the needs and complexity of the project?
- Are there any considerations that would significantly affect the project schedule? Including but not limited to:
 - o Complex alternative analyses
 - o Construction moratoria's
 - o Section 7 Formal Consultation
 - o Section 4(f) or 6(f) coordination
 - o Section 106 compliance and coordination
 - o Lengthy permit coordination (Coast Guard, FERC, Federal Lands)
 - o Public involvement timeframes

Other Considerations

- Is the project study area accommodating to design modifications?
- Are the appropriate resource impact assumptions communicated clearly, such as 25- or 40-foot buffer from slope stakes?
- On large projects with multiple segments, does the project team have a clear strategy for the environmental document and permitting (i.e. one or multiple enviro. documents/permitting)?

Best Practices & Common Pitfalls

Best Practices	Common Pitfalls
<p><u>Agency Coordination</u></p> <ul style="list-style-type: none"> ✓ If the project is in Merger, use the Merger Plan throughout project development and coordinate updates as needed. ✓ If the project is not Merger, work with the team to mimic merger decision points to ensure regulatory & engagement. ✓ Identify less frequently involved agencies or stakeholders and their requirements or permits. (e.g. TVA, NPS) <p><u>Project Team Coordination</u></p> <ul style="list-style-type: none"> ✓ Review PDN Stage 1 documentation & ask questions about the assumptions & limitations of those analyses. ✓ Document and maintain a decision log (environmental & design). ✓ Maintain an updated contact list. ✓ Use the risk assessment worksheet to identify items that may impact the decisions. ✓ Conduct early and sustained engagement with stakeholders and team members to minimize surprises. <p><u>Environmental Compliance</u></p> <ul style="list-style-type: none"> ✓ Use programmatic agreements when applicable. ✓ Consult with EPU on policy and environmental document questions. ✓ Ensure study area limits are communicated & maintained; take necessary steps to expand, if needed. ✓ Environmental justice and community/ business needs are considered early. 	<p><u>Agency Coordination</u></p> <ul style="list-style-type: none"> ✗ Not accounting for agency & regulatory review times and/or approvals in project schedule. ✗ Not documenting decisions that affect regulatory permits/approvals (CAMA, Section 404, Coast Guard, etc.). ✗ Not coordinating with additional agency stakeholders and tribes based on project needs. <p><u>Project Team Coordination</u></p> <ul style="list-style-type: none"> ✗ Not involving the full project team at critical decision points. ✗ Vague Purpose and Need risk for scope creep. ✗ Purpose and Need dictates a solution rather than the desired performance. ✗ Too specific P&N increases risks for the project to be reprioritized or create legal challenges. ✗ If Federal funds are added to the project, the type of environmental document required may be impacted. <p><u>Environmental Compliance</u></p> <ul style="list-style-type: none"> ✗ Specialized regulatory needs (such as narrow protected species survey windows) are not incorporated into the schedule. ✗ Not capturing unusual permit requirements (FERC, 408, etc.). ✗ Continually having to expand the study area if not inclusive of all potential impacts.

Tools

- [Project Initiation Guidance \(EPU\)](#)
- [Distributing Environmental Documents \(EPU\)](#)
- [Project Commitment Dashboard & Guidance](#)
- [Merger Plan and templates](#)
- [2023 NEPA/404 Merger Process Update](#)
- [Statewide Public Involvement Quick Guide](#)
- [ETRACS](#) (NCDOT's Environmental Tracking & Coordination System)
- [ATLAS Resources](#) (Advancing Transportation through Linkages, Automation, and Screening)
- [2019 CE Programmatic Agreement](#)

Terms/Acronyms

The [404/NEPA Merger Process Glossary](#) has many useful definitions and hyperlinks, including more detailed definitions of the terms below.

Alternative Evaluation:	<i>A reasonable range of improvement options or concepts that have potential to meet the needs expressed in the P&N statement.</i>
Avoidance & Minimization:	<i>Avoidance – not impacting jurisdictional areas to meet transportation needs. Minimization – reduction of adverse impacts to jurisdictional areas.</i>
Class of Action:	<i>The process that determines how compliance with NEPA is carried out and documented. The significance of the social, economic, and environmental impacts, not project size or cost, will determine the class of action and the documentation required. The three NEPA classes of action are known as: Categorical Exclusions (CE), Environmental Assessment (EA) and an Environmental Impact Statement (EIS).</i>
Environmental Document:	<i>For simplicity, this term includes a state or federal Draft Environmental Impact Statement (EIS)/Final EIS/Record of Decision (ROD), a state or federal Environmental Assessment (EA)/Finding of No Significant Impact (FONSI), a federal Categorical Exclusion (CE), and a state Minimum Criteria Determination Checklist (MCDC). CEs and MCDCs are not officially “environmental documents”, but their documentation is still vital to NEPA/SEPA compliance.</i>
Lead Federal Agency:	<i>Agency with the primary responsibility for compliance with NEPA or SEPA. This is FHWA for federally funded projects and typically USACE for non-federally funded projects.</i>
LEDPA:	<i>The Least Environmentally Damaging Practicable Alternative must meet the purpose of the project and comply with the 404 Guidelines. Practicable – available and capable of being done after considering cost, existing technology, and logistics in light of overall project purpose.</i>
Merger:	<i>Refers to merging the NEPA/Section 404 permit processes, which is used on some projects to streamline the project development and permitting processes by including formal concurrence points between agencies. NCDOT is responsible for pre-screening all projects for potential Merger applicability.</i>
NEPA/SEPA:	<i>The National or North Carolina (State) Environmental Policy Acts, both of which direct agencies to consider the significant environmental consequences of their proposed actions and inform the public about their decision-making.</i>
Project Study Area:	<i>The area in which alternatives are developed to meet the Purpose and Need for the proposed improvement and boundary in which potential direct impacts are most likely to occur.</i>
Purpose and Need:	<i>The need describes the transportation deficiency. The purpose describes how the system should perform after the action is implemented. This is critical foundation for successful decision making.</i>

Permits and Certifications that can Significantly Impact Schedule:

- Section 106:** *Refers to the process that analyzes the severity of any impacts to historic resources within a project, in coordination with the NC State Historic Preservation Office (NCHPO).*
- Section 401:** *Refers to a Section 401 Water Quality Certification, which the NC Division of Water Resources (DWR) requires if there are impacts to Waters of the US.*
- Section 404:** *Refers to a Section 404 permit, which the USACE issues if a project impacts jurisdictional wetlands or streams.*
- Section 408:** *USACE program that oversees impacts or changes in use to properties classified as USACE Civil Works Projects.*
- Section 4f:** *Refers to the USDOT requirement to evaluate impacts to any publicly owned parks, recreation areas, wildlife and waterfowl refuges, or historic properties, within a project.*
- Section 6f:** *Refers to the federal requirement to evaluate impacts to any properties acquired or developed with Land and Water Conservation Fund (LWCF) money.*
- Section 7:** *Requires agencies to consult with USFWS to determine the effects to threatened and endangered species that occur within a project's study area.*
- CAMA:** *Refers to the state permit required for projects that affect Areas of Environmental Concern within the 20 CAMA counties in NC.*
- Coast Guard Permits:** *Bridge Permits required by the USCG for projects that cross navigable waters.*
- FERC:** *Refers to the approval and land conveyance that is required for projects that impact Federal Energy Regulatory Commission (FERC) licensed facilities (typically hydropower or nuclear, such as Duke Energy lakes/dams).*
- 508 Compliance:** *The requirement that all federal electronic content be accessible to any disabled member of the public that may need assistance in viewing/accessing information within a public document.*