# Mid-Atlantic Transportation & Environmental Streamlining Framework



Planning Level Purpose & Need Concurrence Point

| Agency | Step 1: Transportation Planning Process | Step 2: Scoping |
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| **State DOTs FHWA** | Oversight of CLRP/STIP process, including provisions for public involvement, consideration of community and environmental resources, and awareness of Federal, State, and local requirements, goals, and objectives (such as NEPA, Section 106, Section 404, Section 4(f), land use policies, livable communities, etc.).<br>FHWA Conformity Determination in cooperation with EPA.<br>Circulate final planning level Purpose & Need Statement, if applicable.<br>Request concurrence from agencies. | Introduce project at interagency review meeting, scoping meeting, or field meeting of project area to understand the general transportation, environmental resource, & community issues.<br>Identify preliminary study area with agencies and begin environmental inventory.<br>Determine appropriate participation of local officials, public, interested parties (Section 106), and other stakeholders.<br>Coordinate assessment methodologies, level of detail, project timeline, and resource needs, and identify applicable Federal, State, and local requirements, goals, and objectives (such as NEPA, Section 106, Section 404, Section 4(f), land use policies, livable communities, etc.).<br>Prepare Notice of Intent.<br>Send invitation to cooperating agencies.<br>Formal notification of Section 106 project initiation.<br>Start informal Section 7 consultation, if necessary. |
| **MPO** | Prepare LRP conformity analysis & meet with EPA & State air quality agencies to discuss conformity concerns, as appropriate.<br>Identify key priority projects in LRP, CMS (where applicable), and DOT/State agency programs.<br>Coordinate LRP through meeting with agencies to discuss priorities, information needs, and data available.<br>Develop planning level Purpose & Need Statements for priority projects with DOT.<br>Complete LRP conformity determination. | Review project scope for consistency with planning level Purpose & Need Statement.<br>Presentation with DOT on LRP to all stakeholders.<br>Explain rationale for mode selection in LRP.<br>Explain rationale for elimination of alternatives or options in LRP/CMS.<br>**At some point in process between LRP and prior to the ROD, a TIP Conformity Determination must be completed if applicable.** |
| **All State & Federal Resource & Regulatory Agencies** | Promote coordination of transportation & land use planning.<br>Identify information needed to expedite reviews at project stage.<br>Provide existing environmental data to MPO's when available.<br>Meet with MPO & DOT to discuss priority projects, and environmental concerns with LRP/TIP.<br>Review & comment on planning level Purpose & Need Statement.<br>Meeting with DOT to discuss comments on planning level Purpose & Need Statement.<br>Concurrence or non-concurrence, if applicable.<br>Initiate or Participate in conflict resolution. | Participate in interagency review meeting or field meeting of project area to understand the general transportation & environmental resource issues.<br>Identify & discuss critical issues & concerns with project based on presentation of LRP.<br>Define agency roles, potential permit needs, and corresponding jurisdictional authority.<br>Provide existing resource identification where available.<br>Identify public involvement process.<br>Review & comment on assessment methodologies.<br>Confirm cooperating agency status. |
| Specific Regulatory Agency Actions | | Specific Regulatory Agency Actions |
| **ACHP/ SHPO/ THPO** | **See All Agency Block** | Coordinate with FHWA to identify consulting parties. |
| **USACE** | Participate in the Transportation Planning Process, as staffing resources become available. | Coordinate joint public involvement process. |
| **EPA** | Meet with MPO & State air quality agencies to discuss conformity & resource impacts of LRP, as appropriate. | Provide information on wetland advanced identifications completed in study area, and other concerns such as environmental justice, secondary & cumulative effects, forest fragmentation, water supply, & sole source aquifers. |
| | | Provide information on existing T&E species in study area. |

# Mid-Atlantic Transportation & Environmental Streamlining Framework



| Agency | Step 3: Purpose & Need | Step 4: Alternatives Development |
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| State DOTs FHWA | Refine planning level Purpose & Need Statement from Transportation Planning Process.<br>If Purpose & Need Statement was not completed in planning, then develop project level Purpose & Need Statement.<br>Refine Study Area with agencies and continue environmental inventory.<br>Provide draft project level Purpose & Need Statement for review & comment.<br>Circulate final project level Purpose & Need Statement.<br>Request concurrence from agencies.<br>Initiate or participate in conflict resolution, as appropriate | Develop Measures of Effectiveness/Criteria for identification of alternatives.<br>Refine and coordinate level of detail & assessment methodologies.<br>Identify & map environmental & community resources, and potential compensatory mitigation opportunities, including sites.<br>Conduct and document stakeholder (State & Federal resource & regulatory agencies, local governments, community groups, etc.) sessions to develop a full range of alternatives, including consideration of avoidance, minimization, and compensation.<br>Distribute alternative analysis documentation.<br>Request concurrence on alternatives carried forward. |
| MPO | Provide technical data to DOT to assist in the refinement of the planning level Purpose & Need Statement from Transportation Planning Process or to develop project level Purpose & Need Statement. | Participate in development of Measures of Effectiveness/Criteria for identification of alternatives.<br>Ensure that range of alternatives are compatible with LRP/CMS.<br>Explain rationale for mode selection in LRP.<br>Explain rationale for elimination of alternatives in LRP/CMS.<br>Evaluate alternatives carried forward for consistency with local land use plans & test for conformity, if appropriate. |
| All State & Federal Review & Regulatory Agencies | Review & comment on project level Purpose & Need Statement.<br>Meeting with DOT to discuss comments on project level Purpose & Need Statement.<br>Concurrence or non-concurrence<br>Initiate or participate in conflict resolution, as appropriate. | Participate in development of Measures of Effectiveness/Criteria for Selection from Purpose & Need.<br>Identify required level of detail for conceptual, preliminary and detailed alternatives analysis.<br>Participate in development of a full range of alternatives at interagency meeting(s).<br>Investigate mitigation opportunities.<br>Participate in the development of general mitigation plan and goals.<br>Provide concurrence, non-concurrence, or comments.<br>Participate in a meeting to resolve issues or concerns. |
| Specific Regulatory Agency Actions | | Specific Regulatory Agency Actions |
| ACHP/ SHPO/ THPO | Coordinate with FHWA to assess information needs.<br>Reviewknown resources in study area for concurrence with eligibility. | Consult with FHWA/DOT to refine Area of Potential Effect.<br>Consider public input.<br>Refine proposals for reconnaissance surveys and predictive models.<br>Preliminary Assessment of Effects. |
| USACE | Review and concur on 404 Project Purpose. | Review & comment on adequacy of aquatic resource mapping and functional assessments.<br>Identify when jurisdictional determination will occur in process.<br>Ensure avoidance & minimization measures for aquatic resources incorporated into all alternatives, including early identification of compensatory mitigation sites. |
| EPA | Define 404 Project Purpose in conjunction with applicant. | EPA begins Clean Water Act Section 404(b)(1) review. |
| USFWS | See All Agency Block | Participate in informal Section 7 consultation, as necessary. |
| NMFS | See All Agency Block | Provide informal Endangered Species Act and Essential Fish Habitat consultation. |

Project Level Purpose & Need Concurrence Point

Alternatives Carried Forward Concurrence Point

# Mid-Atlantic Transportation & Environmental Streamlining Framework



| Agency | Step 5: Detailed Alternatives Analysis & Draft NEPA Document | Step 6: Identification of Preferred Alternative & Conceptual Mitigation Plan | Preferred Alternative & Conceptual Mitigation Plan Concurrence | Step 7: Final NEPA Document |
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| State DOTs FHWA | Collect additional field level environmental resource & community data.<br>Conduct detailed technical analyses and refine engineering of alternatives.<br>Write Biological Assessment & report results in Draft NEPA document.<br>Circulate pre-Draft NEPA document to cooperating agencies and others, if requested.<br>Resolve concerns to the fullest extent possible prior to issuing Draft NEPA document.<br>FHWA approves Draft NEPA document, circulates to agencies, advertises Notice of<br>Availability and Joint Public Notice.<br>Public Hearing (if necessary) to fulfill NEPA & Department of Army permit.<br>Submit Department of Army permit application. | Review public and agency comments/concerns & coordinate with Cooperating Agencies.<br>Refine alternative(s) and overall technical analyses, as needed.<br>DOT identifies preferred alternative and conceptual mitigation plan with stakeholder involvement.<br>Coordinate meeting to refine mitigation plans.<br>Initiate formal Section 7 consultation, if appropriate.<br>Develop MOA for Section 106 impacts.<br>Prepare preliminary Section 404 (b)(1) analysis for preferred alternative.<br>Distribute preferred alternative and mitigation plan documentation.<br>Make presentation to MPO on preferred alternative.<br>Request concurrence on preferred alternative and conceptual mitigation plan. | | Circulate pre-Final NEPA document to cooperating agencies.<br>Resolve concerns to the fullest extent possible prior to issuing Final NEPA document.<br>FHWA approves Final NEPA document, circulates to agencies, and advertises Notice of Availability. |
| MPO | Review pre-Draft NEPA Document for consistency with LRP/TIP.<br>If project is not in the TIP, than MPO should add it to the TIP.<br>TIP conformity determination, if necessary. | See All Agency Block | | See All Agency Block |
| All State & Federal Resource & Regulatory Agencies | Participate in the development of technical information and conclusions on impacts to resources.<br>Review and comment on pre-draft NEPA document.<br>Participate in meeting to discuss comments on pre-Draft NEPA document.<br>Review and comment on revised pre-Draft NEPA document.<br>Review & provide written comments on Draft NEPA document. | Review DOT's preferred alternative and proposed mitigation recommendation.<br>Meet to discuss DOT's preferred alternative, resolve outstanding issues, additional information requirements and conduct field views, if necessary.<br>Provide comments on mitigation goals and strategies and meet to develop overall plan.<br>Participate in field meeting to refine mitigation plan & select mitigation sites.<br>Develop checklist of minimization/mitigation measures to be incorporated into project design.<br>Concurrence, non-concurrence, or comment on preferred alternative and conceptual mitigation plan. | | Review and comment on pre-Final NEPA document.<br>Participate in a meeting to discuss & resolve comments.<br>Review revised pre-Final NEPA document.<br>Review and comment on Final NEPA document.<br>Initiate CEQ referral, if appropriate<br>Provide comments on issues to be considered in Record of Decision.<br>Submit final comments on Department of Army permit application. |
| Specific Regulatory Agency Actions | | | | Specific Regulatory Agency Actions |
| ACHP/ SHPO/ THPO | Review detailed studies of identification & evaluation of historic resources for concurrence.<br>Direct FHWA to seek formal Determination of Eligibility, if necessary.<br>Review, comment, and provide concurrence on Determination of Effects.<br>Include Determination of Effects in Draft NEPA document.<br>Suggest additional avoidance, minimization, & compensatory mitigation measures for historic resources. | Coordinate with FHWA/DOT to refine Area of Potential Effect & Determination of Effects for preferred alternative.<br>Consult to resolve adverse effects.<br>Develop Memorandum of Agreement.<br>Consider public input on recommended mitigation.<br>Review MOA for adequacy of mitigation and consistency with the preferred alternative.<br>Execute MOA. | | Ensure executed MOA is included in Final NEPA document |
| USACE | Review and determine adequacy of wetland and other aquatic resource mapping.<br>If a preferred alternative is recommended by the transportation agency in the pre-Draft NEPA document, then review and comment on preliminary 404 (b)(1) analysis.<br>Review permit application for completeness.<br>Issue Joint Public Notice advertising availability of Draft NEPA document, receipt of Department of the Army permit application, Joint Public Hearing as appropriate.<br>Participate in Joint Public Hearing as appropriate. | Coordinate and review comments received on a Public Notice/NEPA Document<br>Review and determine adequacy of wetland and other aquatic resource mapping.<br>Review DOT's response to comments.<br>Refine goals and concepts for aquatic resource compensation plans.<br>Review and comment on preliminary Section 404(b)(1) analysis for preferred alternative.<br>Identify Least Environmentally Damaging Practicable Alternative (LEDPA).<br>Develop checklist of minimization measures for aquatic resources to be incorporated into project design. | | Issue (Joint) Public Notice advertising availability of Final NEPA document & processing of Department of Army permit application for the preferred alternative.<br>Review comments on NEPA document & Public Notice, |
| EPA | Review and rate Draft NEPA document.<br>Arrange meeting to discuss critical issues.<br>Conduct conformity review if project is in TIP. | See All Agency Block | | Review & comment on Final EIS.<br>Provide internal rating to EPA Headquarters.<br>Initiate CEQ referral within 25 days from Notice of Availability of Final EIS. |
| USFWS | Continue informal Section 7 consultation - avoid & minimize impacts to T&E species. | Conclude informal Section 7 consultation.<br>Review biological assessment.<br>Biological opinion written if applicable, effects determination, & development of measures to minimize harm on T&E species.<br>Complete formal Section 7 consultation within 135 days, if initiated. | | Ensure biological assessment & biological opinion (as appropriate) are in the Final NEPA document. |

# Mid-Atlantic Transportation & Environmental Streamlining Framework



| Agency | Step 8: Record of Decision → | Step 9: Project Design & Final Minimization & Mitigation Coordination | Step 10: Final Permit Decison<br>**NOTE: This step may occur at the time of the Record of Decision, depending on the project and the level of design available.** → | Step 11: Project Implementation & Monitoring |
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| State DOTs FHWA | Address substantive comments received on Final NEPA document.<br>Coordinate key issues with cooperating agencies.<br>Prepare & sign ROD, identifying environmentally preferrable alternative, selected alternative & mitigation commitments.<br>Include checklist of mitigation/minimization measures to be incorporated into project design.<br>Provide copy of ROD to cooperating agencies and others upon request. | DOT coordinates development of final design plans, continuing to minimize impacts, where possible, in cooperation with appropriate stakeholders.<br>Submit final plans to appropriate agencies.<br>Incorporate mitigation commitments into final plans.<br>Carry out terms of MOA & other mitigation commitments. | DOT prepares and submits final permit(s) details. | Provide agencies with project schedule and updates, as appropriate.<br>Ensure all permit and mitigation commitments, including monitoring & enforcement programs, are implemented. |
| MPO | **Before ROD is signed, preferred alternative must be included in a conforming LRP and TIP.** | **See All Agency Block** | **See All Agency Block** | See All Agency Block |
| All State & Federal Resource & Regulatory Agencies | Federal agencies participate in CEQ referral activities prior to issuance of ROD, if appropriate. | Review project plans to verify previously agreed upon mitigation & minimization measures have been incorporated into design, including final mitigation plans.<br>Consult on changes to project & comment on further opportunities to minimize impacts to resources.<br>Participate in field views, if necessary.<br>Review & comment on issues related to final design details, such as stormwater management plans.<br>Review and comment on monitoring plans. | State 401/404 agencies complete review of Department of Army Section 404 permit.<br>Ensure Federal and State agency consistency.<br>EPA/FWS/NMFS/USACE complete 404(q) process, if applicable.<br>Review & comment on issues related to final design details, such as stormwater management plans.<br>Review and comment on monitoring plans. | Review & comment on issues related to final design details, such as stormwater management plans.<br>Review and comment on monitoring plans.<br>Work with DOT to develop plan for monitoring of construction activities & mitigation efforts.<br>Ensure implementation of permit conditions through field inspection.<br>Review monitoring reports. |
| Specific Regulatory Agency Actions | | | | |
| ACHP/ SHPO/ THPO | **See All Agency Block** | Monitor implementation of the terms of the MOA. | **See All Agency Block** | Monitor compliance with terms of MOA & mitigation of Section 106 resources through field inspection. |
| USACE | **See All Agency Block** | Comment on opportunities to minimize harm to aquatic resources. | Complete review of project plans, compensatory mitigation plans and public comments received to date.<br>Determine whether project complies with 404(b)(1) guidelines.<br>Prepare decision-making documents (NEPA document & ROD).<br>Review FHWA NEPA re-evaluation, if applicable, and determine adequacy for COE's NEPA requirements.<br>Issue or deny permit. Continue elevation process, if necessary.<br>**NOTE: This step may occur at the time of the Record of Decision, depending on the project and the level of design available.** | Ensure compliance with Department of Army permit conditions, including compensatory mitigation requirements.<br>Respond to requests for permit modifications. |
| EPA | **See All Agency Block** | **See All Agency Block** | Initiate 404 (c) veto, if appropriate. | See All Agency Block |
| USFWS | Ensure necessary actions are committed to in ROD, as required by Section 7 consultation and biological | Approve design of measures to minimize harm to T& E | **See All Agency Block** | See All Agency Block |