

# Successes In Stewardship

## The 2015 Red Book: Synchronizing Environmental Reviews for Transportation and Other Infrastructure Projects

Under the National Environmental Policy Act (NEPA) of 1969 and other environmental statutes, transportation and infrastructure projects often require multiple Federal permits and reviews to ensure that potential adverse impacts to the environment and communities are avoided, minimized, or mitigated. On September 22, 2015, an update to the 1988 handbook, "[Applying the Section 404 Permit Process to Federal-Aid Highway Projects](#)," also known as the "Red Book," was released.

Developed by the U.S. Army Corps of Engineers (USACE), the Federal Highway Administration (FHWA), the U.S. Environmental Protection Agency (EPA), the U.S. Fish and Wildlife Service (USFWS), and the National Oceanic and Atmospheric Administration, the original Red Book provided a suite of tools and techniques to improve highway project reviews required by USACE, including concurrent NEPA compliance and Section 404 (Clean Water Act) reviews. The new Red Book includes input from the U.S. Coast Guard (USCG) and the Federal Railroad Administration (FRA). The handbook provides Federal, State, and local practitioners with a variety of methods to streamline NEPA and other regulatory reviews and encourages increased use of synchronization and other tools to reduce project timelines and impacts to the environment.

### Updated Red Book Encourages Early and Open Communication with Partner Agencies

The updated Red Book is the result of a collaborative effort among six agencies, promoting processes and tools that can benefit multiple agencies and stakeholders. The Red Book encourages more widespread adoption of concurrent review processes and supports more effective coordination among transportation, resource, and regulatory agencies during NEPA and permit review processes.

The Red Book does not contain new policy or guidance. It serves as a regulatory "how-to" guide for Federal field staff that review environmental permit applications, as well as Federal, State, and local agencies that fund or develop transportation projects. It captures lessons learned, dispels the misconceptions of synchronization (e.g., high cost, need for formal agreements), and includes information regarding the use of programmatic approaches, dedicated transportation and infrastructure liaisons, and compensatory mitigation.

#### **Red Book Key Messages**

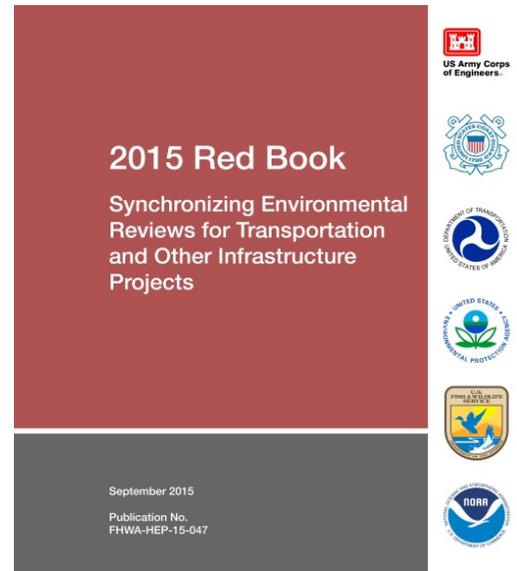
- Early and open communication with other agencies.
- Be flexible within the constructs of existing laws and regulations.

An update to the 1988 handbook was highlighted as an action item in the Obama Administration's "[Implementation Plan for the Presidential Memorandum on Modernizing Infrastructure Permitting](#)" released in May 2014. The updated Red Book is recognized as a successful outcome of this initiative.

## What Is in the Updated Red Book?

The updated Red Book includes five chapters that describe a variety of tools that can help practitioners understand and implement synchronization.

- Chapter 1: [Synchronization](#) describes the concurrent review procedure in a series of steps, the content of a typical formal agreement, and provides a question and answer section to provide further clarification on certain aspects of synchronization, such as the role of formal agreements and concurrence.
- Chapter 2: [Programmatic Approaches](#) describes the purpose and benefits of programmatic approaches that can be used to support or complement a synchronized review, such as USACE's abbreviated permit processes and programmatic consultations under the Endangered Species Act (ESA).
- Chapter 3: [Transportation and Other Infrastructure Liaisons](#) describes the role of dedicated transportation and infrastructure liaisons in facilitating synchronized reviews.
- Chapter 4: [Communication and Technology](#) features examples of geospatial and coordination tools that can support improved coordination and synchronized processes, including FHWA's [eNEPA](#) and the USFWS/FHWA [ESA Webtool](#).
- Chapter 5: [Mitigation](#) describes various mitigation concepts that can support a synchronized review, with a focus on compensatory mitigation for losses of aquatic resources. These include mitigation and conservation banking, in-lieu fee programs, and the watershed approach.



Cover of the 2015 Red Book and logos of participating agencies. (Courtesy of FHWA)

## Synchronization Approaches are Essential Strategies Suggested in the Red Book

Synchronization can be used with multi-modal projects and across modes, including transit, rail, airport, and maritime projects, as well as with other infrastructure projects, such as transmission lines, pipelines, and seaports. The Red Book describes a variety of approaches to synchronization that can be tailored to the agency's needs. Several examples are featured below.

### *Programmatic Approaches for Bridges*

In January 2014, FHWA, FRA, and the Federal Transit Administration (FTA) developed a multimodal Memorandum of Understanding (MOU) with the USCG to coordinate and improve bridge planning and permitting. In addition, FHWA also entered into an agency-specific Memorandum of Agreement (MOA) with the USCG. The purpose of both the MOU and MOA is to improve efficiencies and reduce redundancies for projects requiring USCG Bridge Permits by: (1) determining bridge design concepts that unreasonably obstruct navigation as soon as practicable and prior to or concurrent with the NEPA scoping process; (2) preparing a coordinated environmental document that satisfies both the USCG and FHWA, FTA, FRA, or NEPA implementing procedures, and results in a shared or joint environmental decision document; and (3) where practicable, concurrently conducting the environmental evaluation and processing of the Bridge Permit application.

### *Watershed Approach*

Mitigation concepts in the Red Book focus primarily on USACE and EPA's 2008 Mitigation Rule and explore the flexibility of the rule in developing compensatory mitigation proposals that can allow for more efficient review of upcoming

### What Is Synchronization?

*"Synchronize" means to cause things to agree in time or make things happen at the same time and speed.*

A **synchronized review process** refers to performing the various environmental review and permitting procedures or consultation requirements necessary for a proposed project concurrently, to the extent allowable and feasible. Ideally, this leads to a single environmental analysis that satisfies the needs of all agencies that have a role to play in proposing, funding, or permitting the project.

The terms "synchronization" and "concurrent reviews" are used interchangeably throughout the Red Book and refer to the process of conducting reviews at the same time.

transportation projects. One such mitigation concept is the watershed approach. Changes in land use and cover, including transportation and urban development, can adversely impact nearby bodies of water. Water resources and the areas that drain into these resources are not constrained by city, county, or State boundaries. Accordingly, selecting a mitigation site based on watershed characteristics, instead of geopolitical boundaries or proximity to the impact site, can result in more ecologically successful mitigation. A leading example of effective use of the watershed approach to mitigation by a transportation agency is Maryland's [Watershed Resources Registry](#). This tool offers Geographic Information System based spatial analyses to assist in prioritizing areas for mitigation or restoration based on desirable land qualities, such as soil drainage and forest cover, that are agreed upon by the participating agencies.

## Next Steps

The updated Red Book can be found on FHWA's [Environmental Review Toolkit](#). A webinar series is currently being planned by the Red Book workgroup that will feature specific synchronization approaches and describe specific agency processes and best practices. More information on the webinar series will be announced later this year.

Along with the Red Book, the [Permitting Dashboard](#) is part of an overarching effort to reduce timelines for permit decisionmaking and review and promote better environmental outcomes. Agencies with permitting and review responsibilities have created this database of permitting and review information, including the NEPA process, to help streamline and modernize Federal infrastructure project delivery.

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### Look What's New!

- The White House [released a new memorandum](#) directing Federal agencies to factor the value of ecosystem services into Federal planning and decisionmaking.
- The Office of Management and Budget and Council on Environmental Quality issued a [guidance memorandum](#) that establishes a set of metrics for Federal agencies to track the permitting and environmental review of infrastructure projects.
- The FHWA Office of Planning, Environment and Realty launched the third video in its series, "[Seek, Simplify, Solve through Research](#)," that highlights recent research activities. This video features the [eNEPA](#) tool.
- FHWA will host Eco-Logical Webinar "[Crucial Habitat Assessment Tools \(CHAT\) and Wildlife Data](#)" on Thursday, November 12, from 3:00 – 4:00 PM ET. This webinar is free, but registration is encouraged.

*Successes in Stewardship* is a Federal Highway Administration newsletter highlighting current environmental streamlining and stewardship practices from around the country. [Click here](#) to subscribe, or call (617) 494-3719 for more information.