

**Mid Atlantic Transportation and Environment Team
Meeting Minutes
March 18-19, 1999
Wilmington, DE**

NEPA/404 Strengths (Pam Stephenson's Group)

1. Process allows people to know the names and faces of their counterparts
2. Establishes formalized concurrence points
3. Better documents and decisions
4. Improved interagency communication and interaction
5. Better understanding of the process
6. Created new initiatives
7. Forced higher management to understand the process

NEPA/404 Weaknesses

1. Not enough agency and public involvement in scoping process
2. Section 106 not well integrated
3. Lack of agreement on level of detail
4. Problems with lack of concurrence
 - when you don't get concurrence
 - lack of response & follow-up
5. Consistency of engineering for all preliminary alternatives
6. Lack of information sharing
7. Lack of buy-in from each agency (skewing process for own agency goal)
8. Competing goals
9. Mitigation commitment follow-up (time/manpower) not factored in process
10. Maintaining commitments after ROD

Actions

1. Identify how/what interest by stakeholder in scoping (ie, division of labor)
2. Agencies should stick to their area of expertise
3. Need to clearly define beginning expectations, products (when and how developed)
4. Map the Section 106 process and incorporate into process
5. Resolve disagreements and inaction by developing resolution process
6. Identify appropriate level of engineering and environmental information detail for the preferred alternative alignment
7. Develop and explore innovative technology approaches to a shared project file
8. Map mitigation commitments in process by consultants
9. Monitor for ACOE ? After Action Report

Strengths & Weaknesses

(Pete Stokely's Group)

Strengths

1. Concurrence Points
2. Combined Hearings
3. Improved Coordination & Communication
4. Some Burden sharing
5. Expedited project delivery
6. Alternative analysis is brought into the DEIS
7. Starting to ID environmental features before ID of Alternatives (has the potential)
8. Data needs white paper
9. Appropriate level of detail getting better
10. Concurrent analysis & compliance
11. Process can lead to permittable project

Weaknesses

1. Some Mis. ID Agency roles & responsibilities
2. All stakeholders not equally involved (Section 106 and Public)
3. Minimization concurrence point is not recognized or understood
4. Workload has increased
5. No input into planning
6. Unclear if 404 permit can be issued at ROD
7. Data needs White Paper is not used
8. Level of detail could be better
9. Concurrent analysis still not fully synchronized
10. Process does not always lead to a permit

Actions

1. What can be expected at the ROD ? Define what can be expected at the ROD.
The Corps Districts will meet to discuss this.
2. Examine each weakness individually
3. Revisit level of detail requirements at each step
4. Redefine agency roles and define roles of new stakeholders
5. Bring more decision makers to the table continuously
6. Look for ways to better incorporate burden sharing into process
7. Expand stakeholders: Section 106 -- ACHP and SHPO's, Park Service, environmental groups, hazardous waste - EPA and State, Air, MPO's, DOT

planners, Rural MPO's, State 404, other state environmental

Step A

Model Process and System Planning

1. Transportation and land use planning
2. Agencies need to define their roles and how they fit in the process
3. Planning involvement should not just be a presentation, it should be a have a process of it's own
4. Focus on the agency involvement
5. Break out planning into a process of it's own and how it fits with the project development process
6. Influence how the planners do their business
7. Investment of time needed for this involvement is the hardest area to work on.
8. This is one area which frustrate project development so should focus more effort in this area.
9. Need to define roles and need to bring other people into the process
10. Where is the influence? Input from agencies - Transportation plans and TIP/air quality.
11. System planning process has changed since 1992, MPO's role is stronger.
12. Advanced project planning
13. Does streamlining mean get the agencies out of our business
14. Alternative analysis gets most messed up in the systems planning phase
15. Options paper- a separate but connected process
16. Local Jurisdictions and land use plan, and master planning process
17. Agency sitting in on MPO meetings
18. ID what level of involvement is appropriate and what level of agency personnel and expertise
19. New partners and group to work out a process to see how we get involved in an efficient manner
20. Be realistic about Agency opportunity
21. Smarter way of doing things
22. Burdensharing - one agency contact person
23. DOT eyes and ears - alert everyone to needed involvement of agencies
24. Closing loop between the State DOT's and the planning group
25. SHA should get agencies to recognize ????
26. Training on transportation planning and on project planning
27. FWS is concerned about specific resources ... focus on these resources
28. Corridor preservation- wetlands areas-- these are the decisions that need to be changed--- Hot spot areas
29. Information sharing with local planning
30. Pilot project in State with a subgroup of MATE
31. Pilot- Wilmapco deals with 2 states -- influence on long range transportation plan

Step 1 Problem Scoping & Introduction

1. Scoping - preliminary
2. Introduction to the project and public involvement
3. Data supported Purpose and Need - fleshing out the purpose and need developed in the planning phases -- shapes what is established in Planning...
The Corps has a role in this process
4. Is process applicable
5. Public involvement may be designed at this stage
6. Public involvement in planning
7. This step includes: project notification, notice of intent, and scoping
8. Use this process for more than just EIS's
9. A Notice of Intent can be done if needed.

Step 2 Purpose & Need

Concurrence Point on Purpose and Need

Step 3 Alternatives Development

1. Data paper differentiates between steps 7 & 8
2. Scope data needs under alternatives also under scoping
3. During alternatives development - revisit and refine data needs
4. Two phased approach - conceptual alternatives and preliminary alternatives
5. Analysis moves from broad analysis to more refined analysis of alternatives
6. Level of detail becomes more refined as alternative analysis progresses from conceptual to preliminary to detailed analysis of alternatives in the Draft NEPA document.
7. Analysis is iterative, issues are analyzed and dismissed as the necessary information is obtained.
8. Conceptual Alternatives: Less Data/>number of Alternatives →→ Preliminary Alternatives: More Data/fewer alternatives →→ Detailed Alternatives

Concurrence point on alternatives carried forward

Step 4

Draft NEPA Document (Alternative Analysis)

1. Contains the Alternative Analysis and Screening steps from NEPA/404
2. DEIS preparation and documentation
3. Review of DEIS
4. All the actions under Steps 10, 11, 12, and 13

Step 5

Pre-Final NEPA Document Coordination

1. Evaluating responses to the DEIS
2. Identifying the preferred alternative and the Least damaging practicable alternative
3. Recognize that the Corps may not be able to say it is permissible.
4. Includes 14

Concurrence point on preferred alternative

★ ★ ★ ★ Corps Districts have to coordinate the issue of concurrence on preferred alternative. Question as to where this concurrence point occurs.... does it follow the draft NEPA document step ? If a preferred alternative is not identified the public does not have a chance to review and comment on it.

Concurrence on the preferred alternative vs concurrence on the least damaging practicable alternative.... if a permit is issued another public notice will have to be issued if the preferred is different from the LDPA.

Step 5

Final NEPA Document

1. Mitigation commitments
2. Commitments for continued coordination
3. Minimization occurs after the ROD and through out design process

Concurrence Point on Conceptual Mitigation

Record of Decision

Step 6

Project Design & Final Minimization & Mitigation Coordination

Step 7

Final Permit Reviews

1. Section 404 permits and other required permits

Permit Decision

Step 8

Project Implementation and Monitoring

1. Maintain coordination throughout the project construction
 2. Work on ensuring implementation of the mitigation commitments
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3/19 Agenda

1. Set up next meetings and define a detailed agenda
2. Briefly review handout on model process
3. AASHTO presentation
4. New Partners - compare with list generated
5. Define Streamlining - subgroup at 4/28 meeting
6. Identify regularly scheduled meetings
7. Implementation Plan - future meeting
8. Finish revising flow chart before we bring in new partners -- next meeting

New Partners

1. State: environmental agencies - 401 permitting, air quality, brownfields
2. State DOT Secretary contact the State Environmental Secretary
3. Virginia should be contacted by EPA, FHWA, CORPs
4. Pursue the new partners energetically (stalk) -- Agencies will be assigned a partner to contact
5. Wilmapco - Carolann from DeIDOT
6. WashCOG - Bruce & Pam FHWA
7. SPRPC- Ed and Wayne
8. STPP- Pam
9. ACHP- Mary Ann Naber - Denise and Pam
10. SHPO- Division FHWA and DOT
11. MPO's - How to bring them into the process
How: Pilot Group When: June 24 & 25 Wilmapco
MPO's will be part of the next meeting to discuss how to integrate transportation planning into the project development process

12. Public - Phase II Public Forum in the Fall
 13. Environmental Groups- STPP
 14. State Agencies
 15. DOT Planners - focus on systems planning
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Next Meeting

Timeframe: New Partners at next meeting. To do this we need help from the Agency Principles

Sell it !! FHWA and DOTs need to do outreach Division Administrator to SHPO
Informal visit with SHPO
Designate agency group
Next meeting April 28 and 29 in Gettysburg PA

Other Meetings

June 24 and 25 in Garrett County, Maryland
July 22 and 23 in Lewes, Delaware or Annapolis, Md

Agenda Committee for 4/28 and 4/29

Denise Rigney
Alice Allen-Grimes
Lee Emmons
William Hester

Goals/ Products

Split group on the 1st day --- One group will work with the new partners
Second group will continue to clean up the NEPA/404 Process and Refine the new Model

Streamlining Process Schedule

2nd Day -- Time and personnel comments
Travel \$\$\$
Schedule for completion

Refining Model - Clean-up the process steps

Subgroup will work on: Roles and Responsibilities
 Streamlining definition
 Summary of what has happened

Next Steps

Next Fall - Regional conference with MPO's, local planning, land use

AASHTO Presentation Planning

Areas to emphasize:

1. Group has been working together for 7 years
2. Revitalize efforts for streamlining and addressing transportation and environmental issues
3. Long way since prior to NEPA/404
4. There was a base relationship when needed to come back together for TEA-21
5. History of NEPA/404
6. We are acting as one government to the public
7. Group helps us to get to the "one government"
8. Summit - explain what, who, where,
9. Buy-in of the top management e.x. DelDOT and DNREC's signatures
10. Cooperative Signature process
11. Identify the goal in the beginning and at the end
12. Types of stakeholders
13. Fit with Wayne's presentation
14. Some things that need improvement
15. Conflict resolution
16. Use the existing process as basis for the new streamlining framework model
17. Handout the Cooperative Agreement and Draft Model
18. General Summary of the Model
19. In this Region all the partners are coming together to develop a streamlined process together
20. Framework Concept - Flexibility for States
21. People who helped put the process together are also partners at the state level
22. Why does this process work -- Implementors are part of developing the process
23. Planning- we want to understand the importance of the planning process, We want to learn from the key stakeholders how best to coordinate and interfaced into the streamlined process. Refer to the FHWA/FTA Options Paper
24. Goal: endorsement from AASHTO as a pilot

25. Examples of how the states are using the process - key points of NEPA/404 for example, Consensus & concurrence, interagency decisionmaking, collaboration and problem solving
26. Concurrence points at key steps
27. Results -- Better projects and better decisions, time and efficiency and environmental benefits, as well as timely
28. Send presentation notes to everyone
29. Don't mention the desentors
30. Build on the successes
31. Don't emphasize the planning process
32. Why is this the best approach ? Gaining buy-in, eliminate redundant efforts, share expertise, no dictators
33. Process for bringing in new partners
34. Emphasize importance of partners involvement
35. Background key points of what makes NEPA/404 work
36. Relate it to the law and Options paper

What is Streamlining?

Better decisions in a timely fashion --- completed through a coordinated process
It is not just shortening timeframes -- better decisions for transportation and the environment.