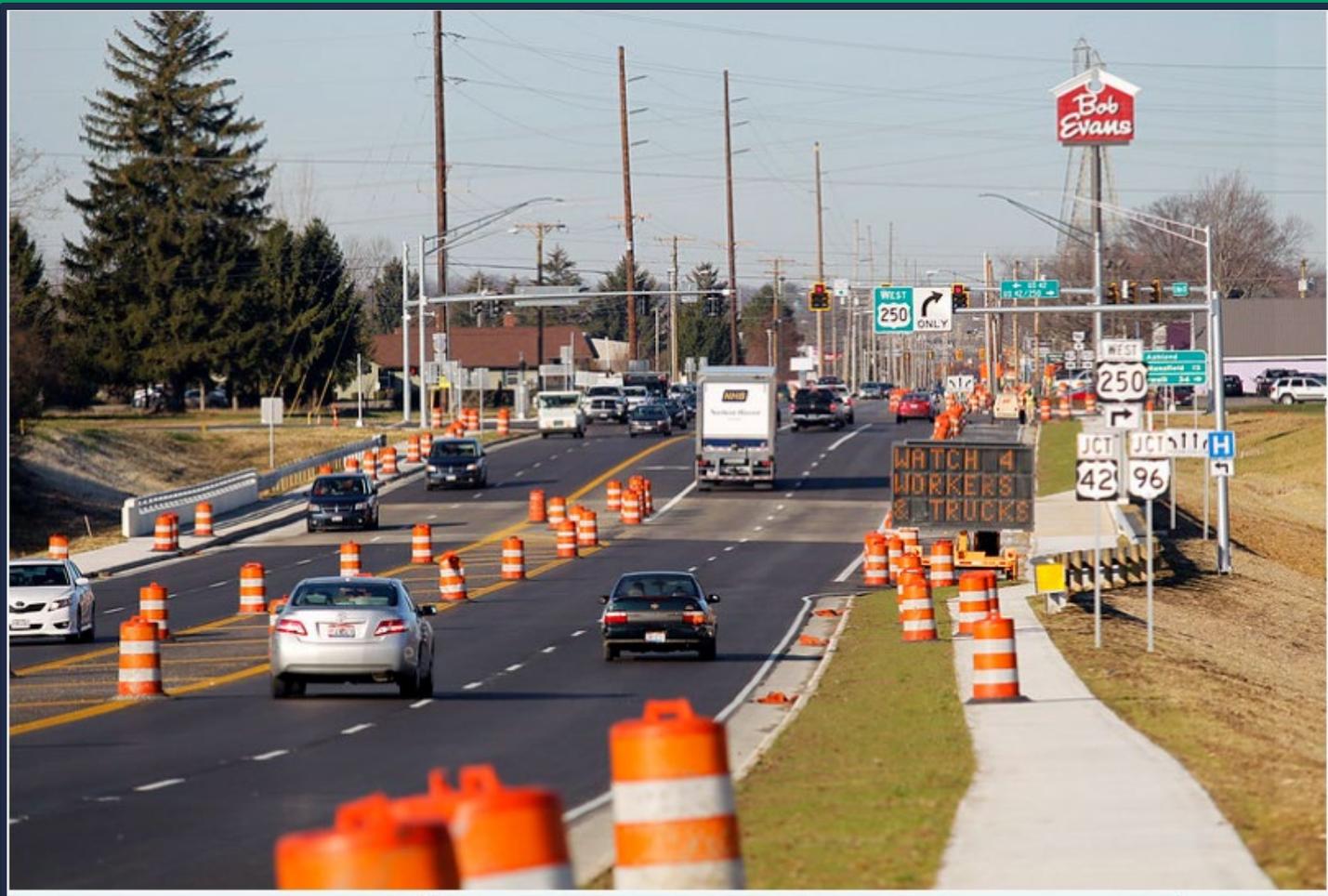


NEPA ASSIGNMENT PROGRAM

2020 Self-Assessment Report

1/01/20 - 12/31/20



The environmental review, consultation, and other actions required by applicable federal environmental laws for these projects are being, or have been, carried out by ODOT pursuant to 23 U.S.C. 327 and a memorandum of understanding dated December 14, 2020, and executed by FHWA and ODOT.

Office of Environmental Services 2020

Prepared by
The Office of Environmental Services



OHIO DEPARTMENT OF
TRANSPORTATION

INTRODUCTION

The Ohio Department of Transportation (ODOT) appreciates the opportunity afforded by Congress to allow states to assume the responsibilities of the Federal Highway Administration (FHWA) for the National Environmental Policy Act (NEPA) and related laws through applying to participate in the Surface Transportation Project Delivery Assignment Program (NEPA Assignment Program) pursuant to 23 U.S.C. 327.

The Memorandum of Understanding (MOU) between the Federal Highway Administration (FHWA) and the Ohio Department of Transportation (ODOT) concerning the State of Ohio's participation in the Project Delivery Program pursuant to 23 U.S.C. 327 was originally executed and went into effect December 28, 2015 and was amended June 6, 2018. The responsibilities assigned to ODOT are subject to the same procedural and substantive requirements as previously applied to FHWA. The NEPA Assignment Program does not preempt or interfere with any power, jurisdiction, responsibility, or authority of an agency, excluding FHWA, under applicable laws and regulations.

Since being accepted into the FHWA NEPA Assignment program, ODOT successfully completed four audits and are now in the monitoring phase of the program. Pursuant to 23 U.S.C. 327(h) and Section 8.2 of the current MOU, which is set to expire December 14, 2025.

ODOT and FHWA have a long history of working together collaboratively to expedite the environmental process for transportation projects in Ohio and we have continued that tradition with this program. The success of the NEPA Assignment Program in Ohio has been accomplished by building efficiency and consistency into our process while ensuring the required level of protection and accountability for environmental resources is maintained.

Overall, during this monitoring period, ODOT has not seen any major changes or deficiencies in the six NEPA Assignment Program elements of its program:

1. Program Management
2. Documentation and Records Management
3. QA/QC
4. Legal Sufficiency
5. Performance Measures
6. Training

The improvements made in these areas are detailed below and include additional enhancements to EnviroNet, such as the incorporation of the Ecological Survey Report and Tribal Coordination, and the development of additional online training modules to further enhance their robust training program.

Program Management

ODOT continues to manage the environmental program well. During this review period, ODOT placed a higher focus on project management (outlined in the training discussion below) and on ensuring processes and staff are in place to address increased workload resulting from the new transportation bill. To accomplish this, ODOT:

- Increased consultant contracts statewide
- Coordinated with each district to identify potential problem areas and challenges
- Made strategic updates to processes and guidance by updating or developing the following manuals, guidance, or forms:
 - ODOT NEPA Assignment CE Guidance
 - Permit Determination Request and Permit Determination Forms and Instructions
 - Waterway Permits Manual
 - Public Involvement Requirements
 - Public Involvement for NEPA and the Project Development Process Manual
 - Environmental Commitments Manual
 - Highway Operations Environmental Checklist Guidance
 - Ordinary High Water Mark Identification Manual
 - Guidance for ODOT Projects Involving Farmland
 - ODOT NEPA File Management and Documentation Guidance
 - Documentation Requirements for 100% State-Funded Projects
 - Standard Response to ODNR and Scenic River MOA Conditions
 - Regional General Permit Quick Guide
 - Special Provisions
 - Memorandum of Understanding Between the Ohio Department of Transportation, the Ohio Department of Natural Resources, and the U.S. Fish & Wildlife Service for the Coordination of Emergency Projects that Impact Listed Species
 - ODNR Division of Wildlife Updated Endangered and Threatened Wild Animal Designations
 - Ohio Environment Projection Agency's Isolated Wetland and Ephemeral Stream Permit
 - New Definition of Waters of the U.S.

Additionally, ODOT has made great strides over the past year in the FHWA Audit 4 focus areas of Environmental Justice (EJ) and Public Involvement (PI). Below is a summary of the specific activities and initiatives related to these focus areas that have taken place since the last audit:

Environmental Justice

The ODOT Social Equitability Task Team was created to review and assess the new Executive Order (EO) 13985 on Advancing Social Justice/Equity to ensure the state's transportation initiatives are equitable and inclusive of underserved communities. The multi-disciplinary team is comprised of

several offices within ODOT, including: Statewide Planning and Research, Environmental Services, Local Programs, Transit, Opportunity/Diversity/Inclusion, Systems Planning and Program Management, Construction Maintenance, and Finance. Additionally, the Team is strengthened by two District Offices (District 5 and 8), two Metropolitan Planning Organizations (Mid-Ohio Regional Planning Commission (MORPC) and Northeast Ohio Areawide Coordinating Agency (NOACA)) along with the Federal Highway Administration (FHWA) - Ohio Division.

The goals of the Task Team were to review and assess ODOT's existing policies and programs, identify areas that comply with the existing Environmental Justice Executive Order (12898), and recognize areas that go above and beyond what is currently required. Ultimately, the team aimed to learn from each other and to identify best practices to be implemented across the agency. The intent was to strengthen efforts to ensure ODOT's programs are equitable and inclusive and that they serve traditionally Underserved Populations (UP) throughout Ohio.

The Team has held four (4) meetings to date. So far, the focus has been on presenting current practices for addressing Underserved Populations reviews or analyses. Having a multi-disciplinary team has allowed us to identify potential gaps in our programs and policies and develop recommendations to ensure fair and equitable treatment for all citizens of the State of Ohio.

For the next steps, the Social Equitability Task Team desires to engage local groups and community representatives to hear their transportation concerns first-hand. The Task Team is interested in possible barriers that face traditionally underserved communities regarding project participation, application for additional funding, access to transportation, and contracting.

Public Involvement

Since the last audit, as part of the ODOT website redesign, the Projects gateway was created. The Projects gateway conveniently collects all project information in one place making the newly created public comment system a user-friendly feature that the public can interact with in a standardized way. A page under the Know Our Programs gateway dedicated to the topic of public involvement was created. Public Involvement is now a centerpiece of One ODOT and the new ODOT website. Collecting manuals and guidance and even high-profile program initiatives in one place was a start, but the coordination of this important activity required something more.

As an enhancement to the public involvement process, the Office of Environmental Services partnered with Communications staff, Regional Public Information Officers, and ODOT's Web Team, to develop training for things like how to plan for and conduct virtual public meetings, how to share information in a manner the public understands, and how to give effective presentations. As the team worked on the development of this training, they began to gather examples (both good and bad) to use as part of the training. As this information was gathered, the team noticed the brand guidelines weren't being followed and there was no consistency among the public involvement materials across the state. Additionally, every time these materials are developed incorrectly, it bogs down the review process. As a result, the team has been working hard to design templates, examples, and training for all ODOT PI activities to assist in streamlining efforts. To provide consistency in the development and implementation of public involvement activities and outreach, ODOT refreshed its Public Involvement Toolbox to provide the updated guidance, templates, and examples. Among the many tools developed, a few of the highlights are:

- Public Meeting Plan (Versions for In-Person or Virtual)
 - Includes a suggested timeline and checklist of items that may be needed for a public meeting
- Conducting a Virtual Public Meeting or Virtual Open House
- Writing for the Public
 - Translates engineering language into terminology the public will understand
 - Includes a list of don't say this, say that
 - For example, don't say mill 'n fill, say resurfacing

Additionally, at the beginning of the COVID-19 pandemic, ODOT not only began using Virtual Public Involvement to conduct public outreach but embraced it. Other states looked to Ohio for best practices and lessons learned. ODOT has given presentations at numerous national VPI webinars and established an AASHTO PI Working Group in June 2020 which allows states to share lessons learned and best practices related to public involvement.

Documentation and Records Management

ODOT implemented the following EnviroNet enhancements in 2020:

- Added help boxes to serve as the CE Manual
- Made improvements to the General/Section 4(f)/Cultural Resources tabs for usability
- Developed tabs to allow for the Ecological Survey Report Integration

Quality Control/Quality Assurance

There were no updates to ODOT's Quality Control/Quality Assurance (QC/QA) processes or guidance and no issues needed to be addressed during any of our training meetings. OES is not seeing any issues, concerns or errors that are being repeated or are in need of attention and 100% of the projects reviewed were in compliance with ODOT's QC/QA Guidance. Our process for reviewing environmental documents has yielded only minor comments. OES has been actively involved with the documentation and project development for many of Ohio's largest projects, such as:

- Stark U.S. Route 30 Relocation
- Chesapeake Bypass - State Route 7
- Brent Spence Bridge
- Mill Creek Expressway
- Route 23 Connect

Legal Sufficiency

There were no legal sufficiency reviews conducted during 2020.

Performance Measures

ODOT continued to meet or exceed the established Performance Measure goals during 2020.

Training

ODOT continues to offer a robust training program, evaluate training needs, and develop a training plan on an annual basis. The 2021 Training Plan is attached.

2020 DEC, EUM, NEPA Chats Summary

Air & Noise

- Noise PI Options, New Technology, and New Website For PI; PublicInput.Com
- Ongoing Air Quality & Noise Research Ideas and Projects
- Remember Lessons Learned
- Noise/AQ Online courses being updated/corrected! Thank you for the feedback!!
- ODOT Noise policy approved by FHWA 3/16/20. Includes HSR policy
- Look for opportunities for low berm construction with waste material adjacent to noise sensitive areas or complaint areas

- Notify OES of noise wall pre-con meetings/calls
- Provide feedback on how we can improve
- Noise Wall Maintenance & Future Funding

Ecological

- Emergency MOU
- Migratory Bird Treaty Act
- WOTUS
- Northern Long Eared Bat
- Eco Documentation for Culvert Linings
- ONHD Checks, ODNR Website
- New Species Listing
- CCAA
- Scenic Rivers
- MBTA

Waterway Permits

- Culvert Lining & 404 Exemption
- General Reminders
- Mitigation Funds
- July Updates - Permit Determination Request, Permit Determination, Special Provisions, and Waterway Permits Manual, RGP Quick Guide
- Special Provisions Requirements
- Mitigation Credit Purchase FY21
- Regulatory Updates:
 - Proposed NWP Reauthorization
 - 401 Process Changes
 - Section 408 Adjustments
- Types of JDs & Permitting Implications
- Special Guidance Releases
 - Waterway Permits Manual
 - 100% State Funded Guidance
 - Highway Operations Environmental Checklist

Environmental Compliance

- Program Review and Results, Year 1/Year 2 Comparison, Feedback, Next Steps
- District Waterway Permit Non-Compliance SOP

EnviroNet

- Help Boxes
- ESR Integration and Help Tips
- Planned Enhancements

Cultural Resources

- Cultural Resources Manual Updates
- Ohio Archaeology Manual (SHPO) update
- How to complete an OHI (SHPO) update
- SHPO Integrated Project System (IPS)
- Electronic Submittals
- Tribal Consultation Update
- Historic Markers added to SHPO website map

Policy Updates

- Recreational Boating Access
- Section 4(f) OWJ Templates, FAQ, Manual Updates

- Purpose & Need
- C1 CEs Approval and Floodplains
- NEPA Assignment Audit 4 & MOU Renewal Updates
- Pre-NEPA Real Estate Acquisition Guidance
- Project File Reminders
- Use of Federal Funds for Maintenance and Operations
- Upcoming NEPA Changes
- NEPA Approval Detail

Public Involvement

- New Tools Purchased for In-Person Events (PA System, to scale trucks/farm implements, etc.)
- Website Migration and Project Pages
- Virtual PI Tools (PublicInput.com, PollEverywhere, etc.), Lessons Learned, Best Practices
- Virtual Reality Demo
- Online Public Comment System (ODOT Website)
- PI Toolbox Overhaul with PI Templates
- AASHTO PI Workgroup
- Floodplain Statement of Findings on ODOT Website
- Virtual Open House vs Virtual Public Meeting
- PI Documentation
- Scoping Consultants
- Talking with the Public and Responding to Comments

Regulated Materials Review

- 27-13 is now 513
- Manual Updates - RMR, Asbestos
- Screening Form Revisions
- Ohio Regulatory Property Search Updates
- Historic Aerials
- Land Disposal Screening
- RMR Assessment & Investigation