

**The Process for obtaining Environmental Concurrences
and completing NEPA Documents for Local Public
Agency (LPA) Federally Funded Transportation Projects**



December 7, 2009

Process for obtaining NEPA Clearances for LPA Federal Aid Transportation Projects

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Step 1. The items below are the steps a Local Public Agency (LPA) must follow to contract an environmental consultant to complete a wetland determination and/or delineation (based on project scope). Refer to the LPA Manual Chapter 4 requirements for contracting a consultant to complete work on a Federally Funded Transportation Project. The LPA Manual can be found on the NDOR website at the following weblink:
<http://www.dor.state.ne.us/gov-aff/lpa-guide-man.html>

- a. The LPA submits a DR-530 to the LPD Project Coordinator
- b. The LPA completes an interview with the LPD Project Coordinator
- c. The LPA, LPD Project Coordinator and NDOR Environmental Staff attend a Red-Flag Analysis Site Visit
- d. The LPD Project Coordinator issues a notice to proceed to the LPA.
- e. The LPA contracts with a consulting firm to have a “Qualified Scientist” complete a wetland determination and/or delineation for the project. Information on the qualifications of the Qualified Scientist and the documentation required for the wetland review is available on the NDOR Website at the following link:
<http://www.dor.state.ne.us/gov-aff/downloads.htm>.

A wetland determination is a desktop review process which can be used for projects such as a mill and overlay project or a project with minor grading work not beyond the existing hinge point. If staging, borrow areas, etc. are anticipated within the ROW, on-site inspection to verify the desktop determination may be required.

A wetland delineation will be required if the project that has the potential to impact wetland and streams. Any project that involves grading/land disturbance activities below the existing hinge point will require an on-site determination and/or wetland delineation if wetlands are encountered within the project study area.

The wetland delineation should be completed during the growing season. If the wetland delineation is conducted outside the growing season, which is generally considered to be May through October, then written approval from the US Army Corp of Engineers (USACE) must be obtained. Failure to obtain written direction from the USACE prior to conducting the wetland delineation could result in risks to Federal Reimbursement for project costs.

- f. The LPA contracts a project designer for the project. The designer contracted by the LPA prepares 30% (plan-in-hand) plans and submits them to the LPD Project Coordinator.

Note: The LPA follows all requirements in Chapter 4 of the LPA Manual to contract a project designer and an NDOR certified environmental consulting firm to complete the environmental work required for FHWA approval of the project.

- g. The project designer takes the 30% project design plans (or more advanced plans) and overlays them on the wetland delineation completed by the “Qualified Scientist” and calculates stream and wetland preliminary impacts for the project. The designer must calculate preliminary wetland and stream impacts using the maximum construction project footprint to overestimate rather than underestimate stream and wetland impacts. The reason for this is to calculate the maximum wetland and stream impacts associated with this project so the concurrences issued for the project and the NEPA documents consider the maximum stream and wetland impacts in their review.
 - i. The Project Designer prepares a report which states the preliminary wetland and stream impacts for the project. The report will include a Figure which shows the project plans and shows preliminary stream and wetland impacts.

Step 2. The LPA and their consultant prepare a Biological Evaluation (BE) Form and a Section 106 (SHPO) Concurrence Request. These documents are used to obtain concurrence letters for historical and cultural resources and threatened and endangered species for the project. Once completed the LPA send the BE Form and the Section 106 Concurrence Request to the NDOR LPD Coordinator for processing. Both of these forms are on the NDOR Website at the following link: <http://www.dor.state.ne.us/gov-aff/downloads.htm>.

The Biological Evaluation (BE) Form must have a copy of the wetland delineation and/or delineation completed for the project along with a copy of the report the project designer prepared showing preliminary wetland and stream impacts.

Step 3. The LPD Project Coordinator receives the BE Form and the Section 106 Concurrence Request from the LPA and verifies that the project is on the current STIP/TIP, and if it is, then sends the BE Form to NDOR LPD Highway Biologist for review or if it is a Section 106 concurrence request the request and attachments are sent to the NDOR LPD Environmental Analyst for processing.

The LPD Project Coordinator will not send the Biological Evaluation Form to NDOR LPD Highway Biologist (Zach Cunningham) or the Section 106 Historic Concurrence Request to the NDOR LPD Environmental Analyst (Allison Zach) until the following three items are satisfied:

1. The project is on the current STIP/TIP
2. The Control Number, Project Number, Project Name and Project Description are correct
3. All required attachments detailed below attached to the Concurrence Request

The Biological Evaluation (BE) Form Completion Requirements:

- i. All items in the BE Form template completed (the template is on the NDOR website)
- ii. A wetland delineation report or a wetland determination checklist completed by a “qualified scientist” (requirements are found in the LPA Manual) must be attached to the request.
 1. The wetland delineation report must contain the information stated in the wetland delineation report section above and in the wetland attachment.
- iii. A copy of the report prepared by the project designer showing preliminary project wetland and stream impacts
- iv. A Location map attached to the request
- v. Site photos

The Section 106 (State Historic Preservation Officer) Concurrence Request Requirements:

- i. The same project description used in the Biological Evaluation Form must be in the concurrence request
- ii. The Section 106 template with all sections completed (it is on the NDOR website)
- iii. A location map attached to the request

Step 4. NDOR Environmental will send the LPD Project Coordinator the Section 106 concurrence and the Threatened and Endangered Species concurrence once they are issued.

- Step 5.** The LPD Project Coordinator transmits the Threatened and Endangered Species and the Section 106 concurrences to the LPA.
- Step 6.** The LPA receives the Section 106 and T&E concurrences and the LPA gives the concurrences to the consultant contracted to complete the environmental documents for the project. The consultant then prepared the NEPA Determination Form for the project.
- Step 7.** The consultant gives the completed NEPA Determination Form to the LPA and the LPA sends the NEPA Determination Form to the NDOR LPD Project Coordinator.
- Step 8.** The LPD Project Coordinator receives the NEPA Determination Form and verifies the following 3 items prior to sending to the LPD Environmental Analyst (Allison Zach):
1. The project is on the current STIP/TIP
 2. The Control Number, Project Number, Project Name and Project Description are correct
 3. All required attachments detailed below attached to the Concurrence Request
- Step 9.** The NDOR Environmental Analyst will transmit the approved NEPA Determination Form to the LPD Project Coordinator.
- Step 10.** Once the NEPA Determination Form is approved, a Categorical Exclusion Form (if one is required for the project) is prepared by the project's environmental consultant.
- Step 11.** The project consultant gives the completed CE Form to the LPA and it is sent to the NDOR LPD Project Coordinator for review and approval.
- Step 12.** Once all NEPA Documents for the project are approved by NDOR and FHWA, all permits and concurrences are obtained, right before PS&E turn in, the consultant prepares a green sheet and submits it to the LPD Project Coordinator.
- Step 13.** The LPD Project Coordinator transmits the Green Sheet to the LPD Environmental Analyst (Allison Zach) for processing once the following 3 items are verified:
1. The green sheet contains the correct Control Number, Project Number and Project Name
 2. All permits and concurrences for the project are attached to the Green Sheet