

Table of Contents

<u>Section</u>	<u>Page</u>
2.1 PROJECT DEVELOPMENT PROCESS.....	2.1-1
Activity No. 1: Planning.....	2.1-3
Activity No. 2: Preliminary Engineering.....	2.1-4
Activity No. 3: Final Design.....	2.1-5
Activity No. 4: Construction/Maintenance	2.1-6
2.2 RECORDS AND FILES.....	2.2-1
2.2.1 Project Files.....	2.2-1
2.2.2 Email Requirements	2.2-1
2.2.3 Consultant File.....	2.2-2
2.3 PREPARING AN ADMINISTRATIVE RECORD	2.3-1
2.3.1 General.....	2.3-1
2.3.2 Using the NEPA Process to Build a Strong Administrative Record.....	2.3-1
2.3.3 Environmental Issue Areas.....	2.3-1
2.4 ENVIRONMENTAL COMMITMENTS/PERMIT OBLIGATIONS	2.4-1

List of Figures

<u>Figure</u>	<u>Page</u>
Figure 2.1-A — PROJECT DEVELOPMENT PROCESS	2.1-2
Figure 2.4-A — ENVIRONMENTAL COMMITMENT CHECKLIST	2.4-2

Chapter 2

PROJECT DEVELOPMENT

2.1 PROJECT DEVELOPMENT PROCESS

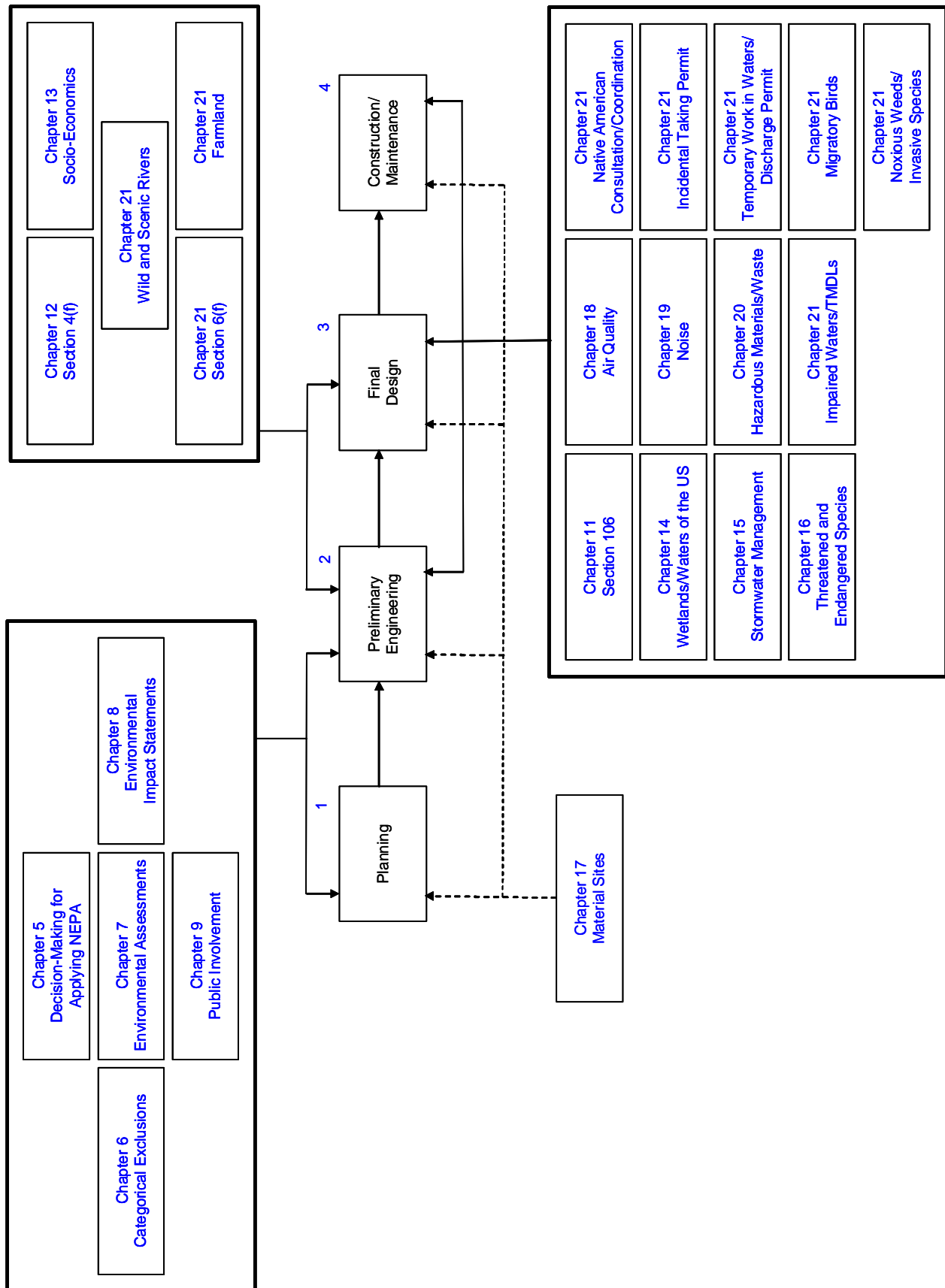


Figure 2.1-A — PROJECT DEVELOPMENT PROCESS

PROJECT ACTIVITY

Activity Title: Planning

Activity No.: 1

Activity Description:

During the Planning phase, decisions are made on project purpose and need, general scope, mode, location and cost. The Environmental Services Division will coordinate with the Planning Division and the Project Management Team (PMT) to assure the planning efforts and related coordination and public involvement are documented for NEPA compliance. This may include the following:

- integrating environmental studies with planning analyses, and identifying significant issues and concerns;
- involving the environmental regulatory and resources agencies in the planning process, including how transportation decisions fit with the plans of those agencies, and in developing potential mitigation options;
- participating in planning-stage public involvement and agency coordination;
- assuring planning-phase efforts are documented for incorporation into the NEPA process; and/or
- involving the PMT in defining project purpose and need, and the range of alternatives (see [Chapter 5 “Decision-Making Process for Applying NEPA”](#)).

PROJECT ACTIVITY

Activity Title: Preliminary Engineering

Activity No.: 2

Activity Description:

During the Preliminary Engineering phase, reasonable and feasible alternatives are evaluated and refined. The Environmental Services Division will identify and consider environmental issues for project decision-making and compliance with environmental requirements. This will include:

- determining the environmental impacts and the appropriate level of NEPA compliance (See [Chapter 5](#));
- conducting further analyses and coordination to identify and evaluate specific environmental issues (see the appropriate Chapter in [Part III “Environmental Studies”](#)) and ensuring that information regarding these issues is coordinated with the PMT for consideration in the evaluation and refinement of project alternatives, and measures for avoiding, minimizing and mitigating environmental impacts;
- preparing and processing documentation for compliance with NEPA (see [Chapter 6](#), [Chapter 7](#) and [Chapter 8](#)) and applicable laws and regulations (see the appropriate Chapter in [Part III “Environmental Studies”](#));
- participating in public involvement activities to address project issues (see [Chapter 9](#)); and
- ensuring that environmental commitments and permit obligations are provided to the PMT for inclusion in the project Construction Contract Documents (see [Section 2.4](#));

Upon completion of Preliminary Engineering the following are complete:

- project scope is set;
- right-of-way for the project is set including areas required for construction of the project;
- NEPA process is complete including FHWA approval; and
- coordination with local agencies (i.e., counties, cities, regulatory etc.).

PROJECT ACTIVITY

Activity Title: Final Design

Activity No.: 3

Activity Description:

During the Final Design phase, Construction Contract Documents (e.g., plans, specifications, estimates) are prepared for the selected project alternative. The Environmental Services Division will coordinate with the PMT to optimize impact avoidance, minimization and mitigation measures for specific resource issues (see the appropriate Chapter in [Part III “Environmental Studies”](#)) and to ensure that environmental commitments and permit obligations are included in the Construction Contract Documents (see [Section 2.4](#)). The Environmental Services Division will obtain permits and clearances for the selected alternative during the Final Design phase. Examples include:

- Section 401 Water Quality Certification;
- *Endangered Species Act*, Section 7 “Biological Opinion”;
- Section 106, mitigation plan approval;
- material site(s) environmental clearance;
- wetland mitigation plan approval;
- approval of noise abatement measures and designs;
- Section 6(f), land conversion approval;
- approval of protective measures for migratory birds and their nesting locations;
- approval of incidental taking permits for plant species included in the Nevada list of fully-protected species;
- approval of measures for mitigating air quality impacts; and
- approval of temporary and permanent erosion control measures.

PROJECT ACTIVITY

Activity Title: Construction/Maintenance

Activity No.: 4

Activity Description:

During the Construction phase, the Environmental Services Division will coordinate with the Construction Division to monitor construction operations and ensure compliance with environmental commitments and permit obligations (see [Section 2.4](#)). In addition, the Environmental Services Division will respond to environmental issues arising during construction and will ensure compliance with applicable requirements (see the appropriate Chapter in [Part III “Environmental Studies”](#)).

During the Maintenance phase, the Environmental Services Division will coordinate with the Maintenance Division to conduct monitoring of environmental commitments (e.g., establishment of mitigation sites) and permit obligations. In addition, the Environmental Services Division will coordinate with the Maintenance Division to address environmental issues arising after project construction is completed. Examples include:

- material site environmental clearance (see [Chapter 17](#));
- noise complaints (see [Chapter 19](#));
- hazardous materials spills or leaking underground storage tanks (see [Chapter 20](#));
- noxious weeds/invasive species (see [Chapter 21](#)); and
- air quality complaints (e.g., dust) (see [Chapter 18](#)).

2.2 RECORDS AND FILES

2.2.1 Project Files

A file is maintained for each project. Project files include the information necessary for preparing an Administrative Record. See [Section 2.3](#) for information on Preparing an Administrative Record.

The files will provide a history of the project and information on engineering studies and environmental analyses. The project file includes:

- NDOT project programming information;
- planning, preliminary engineering and final design information;
- NEPA documents and associated information on environmental analyses and coordination (see [Section 2.3.2](#) and [Section 2.3.3](#));
- project agreements (e.g., utilities, railroads, local governments, consultants);
- FHWA correspondence;
- internal Department memoranda;
- correspondence with resource agencies, organizations, individuals, governments, etc., outside of the NDOT; and
- other pertinent information related to the project.

Once a project is advertised for construction, information related to the Environmental Services Division's monitoring and environmental compliance responsibilities is included in the files.

[Section 2.4 "Environmental Commitments/Permit Obligations"](#) discusses these responsibilities in more detail.

2.2.2 Email Requirements

Each specialist in the Environmental Services Division will maintain an electronic file folder for project-related email correspondence.

Emails will contain the following project identifiers:

- Engineering Authorization (EA) number,
- project number,
- structure number, and
- a brief description of the project.

2.2.3 **Consultant File**

The Environmental Services Division maintains Consultant Files that include consultant agreements and billings.

See [Chapter 3](#) for information on consultant procedures.

2.3 PREPARING AN ADMINISTRATIVE RECORD

2.3.1 General

1. Contents. The Administrative Record will contain documents and materials considered by the NDOT in making its decision. If there are questions about which documents to include in the Administrative Record for a given project, consult with NDOT and FHWA legal counsel.
2. Administrative Record Completeness. If the court concludes that the NDOT showed bad faith in compiling the record, the court can allow for sworn testimony from individual NDOT personnel.
3. Supplementing the Record. Any party to litigation may request the court's permission to supplement the record with additional documents (e.g., expert testimony).

2.3.2 Using the NEPA Process to Build a Strong Administrative Record

The Administrative Record for a NEPA study will include the NEPA documents as well as the following:

- technical reports;
- meeting minutes/summaries;
- telephone memoranda;
- correspondence with agencies and stakeholders; and
- comments and responses.

2.3.3 Environmental Issue Areas

Additional items of information will be included in the Administrative Record, as applicable:

1. NEPA Documentation.
 - information from data gathering and field reviews;
 - compliance documentation and associated correspondence prepared pursuant to environmental laws and Executive Orders;
 - information on mitigation commitments;
 - the participation plan for coordinating with participating and cooperating agencies and the public; and/or
 - permits obtained.

2. Section 106.

- information, consultation history and preliminary plans that formed the basis for development and justification of the APE;
- background research, reports, maps, photographs, etc.;
- project contract documents used as the basis for review of the project effect determination as well as engineering information used to arrive at the final project effect determination; and
- other information pertinent to the Section 106 clearance process.

3. Section 4(f).

- documentation on the applicability or non-applicability of Section 4(f) to properties used by a project;
- information on the coordination efforts with officials having jurisdiction over or administering the land (relative to significance of the land, primary use of the land, mitigation measures, etc.);
- information on the location and design alternatives that would avoid the use altogether or minimize the use and harm to the 4(f) land;
- documentation of the analysis of impacts for avoidance and Section 4(f) use alternatives; and
- information on measures to minimize harm (e.g., design variations, landscaping, other mitigation).

4. Socio-Economic.

- information on socio-economic impact issues obtained at the project kickoff meeting and through other meetings, public involvement and coordination;
- information on the definition of the area affected by the project for purposes of the socio-economic impact analysis;
- results of data collection and research on socio-economic issues;
- information on the assessment of socio-economic impacts, including disproportionately high and adverse human health or environmental effects on minority populations and low-income populations;
- information on avoidance, minimization and mitigation measures analyzed for socio-economic impacts and incorporated into the project;
- documentation on the analysis of socio-economic impacts; and

- documentation of actions by the Environmental Services Division to monitor construction and ensure implementation of mitigation commitments.
5. Wetlands/Waters of the US.
- identification and description of wetlands and waters of the US impacted by the project;
 - analysis of impacts and avoidance, minimization and mitigation measures for impacted wetlands and waters of the US;
 - mitigation measures to be implemented for wetland impacts;
 - EO 11990 Finding for unavoidable wetlands impacts;
 - information on Section 404 permits;
 - documentation of coordination with regulatory and resource agencies regarding evaluation of wetland impacts; avoidance, minimization and mitigation measures; and permitting actions; and
 - reports on conformance with avoidance, minimization and mitigation commitments during and after construction.
6. Storm Water. Include data and information to support decisions and assumptions relating to storm water impacts and mitigation.
7. Threatened and Endangered Species.
- field study results;
 - documentation on affected species/habitat;
 - biological assessments;
 - results of informal consultation and formal consultation with the FHWA and the USFWS;
 - biological opinions; and
 - follow-up reports during and after construction.
8. Material Sites.
- information obtained through data collection (e.g., site location description, maps, legal description, pit sketch, deeds/grants, entry permits, information on environmental conditions of the site);
 - completed Material Site Field Checklist;

- reports of site field survey results;
- NEPA document;
- land management agency impact decision record;
- FHWA NEPA approval documentation; and
- environmental clearance memorandum, including permits, documentation of consultations with regulatory agencies, evidence of fee payment and description of mitigation.

9. Air Quality.

- site observations;
- site photographs;
- locations of identified concerns;
- correspondence;
- records of communications;
- regulatory file information reviewed;
- aerial photographs;
- maps, field logbooks and field data;
- specialty contractor or subcontractor contracts;
- data files;
- hardcopy printouts of MOBILE6.2 and CAL3QHC input and output files;
- technical documents on air quality modeling, including design and traffic data;
- digital versions of model printout files; and
- reports, plans and designs.

10. Noise.

- a description of noise sensitive areas contiguous to the project;
- a comparison of the predicted noise levels (in decibels) with the ambient noise levels and the noise abatement criteria for each sensitive area;
- reasonable and feasible noise abatement measures considered; and
- noise impacts for which no solution is reasonably available and the reasons why.

11. Noise Complaints.

- date of complaint;
- name and address of complainant/location of complaint;
- documentation of the on-site visit with complainant;
- copy of letter to complainant;

- copy of the report of the noise monitoring for the complaint investigation; and
 - documentation of whether or not the complaint was satisfactorily resolved and, if so, how.
12. Hazardous Materials/Waste.
- site observations;
 - site photographs;
 - locations of identified concerns;
 - correspondence;
 - records of communications;
 - regulatory file information reviewed;
 - aerial photographs;
 - maps, field logbooks and field data;
 - remediation plan documents;
 - specialty contractor or subcontractor contracts;
 - chain-of-custody records;
 - analytical laboratory data;
 - quality assurance and quality control reports;
 - computer files; and
 - reports, plans and designs.
13. Farmland Impacts.
- efforts made to identify and take into account the adverse effects of the project on farmland;
 - the alternatives and mitigation measures considered to lessen the adverse impacts on farmland;
 - documentation that, to the extent practicable, the project is compatible with State, local government and private programs and policies to protect farmland; and
 - a copy of Form AD-1006 showing the selected alignment.
14. Conversion of Section 6(f) Land.
- results of coordinating with the Nevada Department of Conservation and Natural Resources to identify properties acquired or developed with *Land and Water Conservation Fund Act* monies; and
 - results of evaluation and coordination to confirm that replacement property meets requirements in 36 CFR Part 59.
15. Noxious Weeds/Invasive Species.
- documentation of the results of field surveys of corridors/alignments for proposed projects to identify noxious weeds/invasive species;

- results of coordination with Noxious Weed groups; and
 - information on prevention or control measures.
16. Wild and Scenic Rivers. Include documentation of the results of coordination with the administering agency for the affected river segment and the measures to avoid or minimize adverse effects.
17. Migratory Bird Treaty Act.
- results of field surveys to identify migratory bird nesting locations;
 - documentation of coordination with US Fish and Wildlife Service, Nevada field office; and
 - information on measures to ensure construction operations will not result in killing of migratory birds.
18. Impacts to Nevada-listed Fully Protected Plant Species.
- results of field surveys for Nevada-listed protected plant species;
 - application for incidental taking permit; and
 - incidental taking permit issued by the State Forester Fire Warden.
19. Native American Consultation/Coordination.
- documentation of identified affected tribal lands and interests; and
 - documentation of the results of consultation/coordination with the affected Tribes.

2.4 ENVIRONMENTAL COMMITMENTS/PERMIT OBLIGATIONS

The term “environmental commitment” includes actions that (1) avoid, minimize and/or mitigate environmental impacts of a project and (2) are required to be implemented as a condition of project approval, or have been committed to by the NDOT as part of the project development process.

As part of the project development process, the NDOT may make specific commitments to avoid, minimize and/or mitigate environmental impacts. The Environmental Services Division ensures that commitments made during the environmental review process (i.e., preliminary engineering) are implemented during final design, construction and maintenance.

The Environmental Services Division will create an Environmental Commitment Checklist that will become part of the Administrative Record (see [Section 2.3](#)). See [Figure 2.4-A](#) for a sample Environmental Commitment Checklist.

Environmental Impact Category	Environmental Commitment Summary and Page Number	Permit & Approval Needed	Phase of Implementing Commitment/Responsible Division	Commitment in PS&E Package?		Construction Monitoring by NDOT?	Action Taken to Comply w/ Commitment
				Initial	Date		
Noise	Noise barriers will be placed at the Sunvilla Estates Residential area, which is predicted to have peak hour traffic noise levels that meet the NAC under 2025 build conditions. Noise barriers will be constructed prior to highway construction.		Prior to Highway construction-RE	EC	3/12/2006	<input type="checkbox"/> yes <input checked="" type="checkbox"/> no	noise barriers were constructed prior to road
Water Quality	Groundwater – no groundwater wells were found within the project area. Should groundwater wells be found and disturbed during construction, mitigation measures will be followed as outlined in the EA Section II-D Water Quality, Part 3.		Ongoing	EC		<input type="checkbox"/> yes <input checked="" type="checkbox"/> no	no action was required
Storm Water	The contractor shall apply for and receive a Construction Storm Water Permit from the Nevada Division of Environmental Protection.	NPDES	Pre-Construction			<input type="checkbox"/> yes <input checked="" type="checkbox"/> no	Permit Granted 3/31/2006
Floodplain & Hydrology	Within the project area and considering the planned storm drain improvements as shown in the plans and specifications, no unmitigated effects to upstream or downstream properties will take place.		Ongoing			<input type="checkbox"/> yes <input checked="" type="checkbox"/> no	no action was required
Social Impacts	Residences and Businesses. The ROW acquisition program will be conducted in accordance with the Uniform Relocation Act 1970.		Pre-construction/ Pre-ROW take			<input type="checkbox"/> yes <input type="checkbox"/> no	
Air Quality	An increase in the PM ₁₀ and CO levels may occur temporarily during the construction phase of the proposed project. The dust containment requirements of the specifications will be followed.					<input type="checkbox"/> yes <input type="checkbox"/> no	
Aesthetics	Freeway lighting at several ramps will increase light levels in the general area and to nearby residences. Special light shields will be used to reduce side spill.					<input type="checkbox"/> yes <input type="checkbox"/> no	
Secondary & Cumulative	Impacts to motorists from this proposed project and an adjacent ongoing project (Reno Spaghetti Bowl) will be reduced by a proactive and coordinated public information program.		Pre-construction Environmental-PM	N/A		<input type="checkbox"/> yes <input checked="" type="checkbox"/> no	
Project Name/Location: _____				Class of Environmental Action: Environmental Assessment _____		Date of E Doc: 2003 _____	
Did Environmental Services Division representatives attend Preconstruction Meeting? <input type="checkbox"/> Yes <input type="checkbox"/> No							

Figure 2.4-A — ENVIRONMENTAL COMMITMENT CHECKLIST