

# Environmental Review Process for NCTA Projects

11/21/06



NORTH CAROLINA

**Turnpike Authority**

# Reference Materials

- Section 6002 of SAFETEA-LU
- FHWA/FTA Final Section 6002 Guidance
  - With Federal Register notice
- NCTA/FHWA Letters re: Use of 6002
- Draft Section 6002 Coordination Plan
  - With NCTA Overview

# Presentation Topics

- NCTA's Proposed Approach to 6002
- Draft Coordination Plan
- Monthly Meetings
- Next Steps

# Proposed Approach to 6002 for NCTA Projects

11/21/06

# NCTA – Approach to 6002

## ■ Background

- NCTA is not a signatory to Merger 01.
- NCTA approach FHWA earlier this year and proposed to use 6002 in lieu of Merger 01
- FHWA has approved that request for:
  - Mid-Currituck
  - Cape Fear
  - Monroe

# NCTA – Approach to 6002

- Why is NCTA Proposing This?
  - Challenged by legislature to try new approaches to project development.
  - Fewer projects – opportunity to customize process to meet needs of each project.
  - Time-sensitivity – using “borrowed money” to develop projects.

# NCTA – Approach to 6002

- What's different about this approach?
  - Seeking comments, not concurrence.
  - Monthly meetings
    - "Constant coordination"
  - Expanded opportunities for public input
  - Flexibility to vary from standard requirements re: level of detail and methodology
    - Customize to needs of each project.

# NCTA – Approach to 6002

- What's similar to Merger 01?
  - Agency permitting authorities are unchanged.
  - NEPA study and Section 404 application are developed in parallel; not sequentially
  - Potential permitting obstacles are identified and addressed as part of the NEPA process.

# NCTA – Section 6002

- What are the anticipated benefits?
  - Process customized to needs of each project
  - Regular opportunities for agencies to raise environmental/permitting concerns
  - Emphasizes early identification and resolution of potential permitting obstacles
  - Allows flexibility in deciding *how and when* to resolve those obstacles.

# NCTA – Approach to 6002

- What are the risks?
  - NCTA bears the risks:
    - Risk of having to “circle back” during NEPA to re-visit issues.
    - Risk of not obtaining a permit after NEPA is over.
  - NCTA intends to manage these risks through close, regular coordination with the agencies.

Section 6002  
Coordination Plan

11/21/06

# Coordination Plan

- Section 6002 requires a Coordination Plan
- Applies to entire “environmental review process,” which is defined to include both NEPA and other federal laws.
  - Including Section 404, Section 7, etc.
- Provides opportunity to customize process to meet needs of each project.

# Coordination Plan

- Drafting the Plan
  - Few examples or models available; still a new process
  - States experimenting with different approaches
  - NCTA has developed a draft plan as starting point for discussion with agencies
  - Seeking input from agencies on this draft.

# Coordination Plan

- Key elements of the Draft plan
  - Project Initiation
  - Project Schedule
  - Agency Roles
  - Agency Meetings
  - Identification and Resolution of Project Issues
  - Methodologies and Level of Detail  
(more ...)

# Coordination Plan

- Key elements of the Draft plan
  - Development of Purpose and Need
  - Development and Screening of Alternatives
  - Selection of Preferred Alternative/LEDPA
  - Avoidance, Minimization, Mitigation, and Enhancement
  - Section 401 and 404 Permitting

# Monthly Meetings

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# Monthly Meetings

- Objectives:
  - Keep agencies up to date on all projects
  - Provide regular opportunity for discussion
  - Seeking agency input; not “decisions”
- Approach:
  - Hold meetings at NCTA
  - Hand out materials at each meeting for next meeting; also make available for download.
  - Manage agenda to use agencies’ time efficiently.

# Next Steps

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# Next Steps

- Further discussion with agencies about 6002
- Develop Coordination Plans for:
  - Mid-Currituck
  - Cape Fear
  - Monroe Connector/Bypass