

CONFERENCE WRAP-UP SESSION

The final conference session began with a report by CDR Associates on the previous day's facilitated breakout group discussions. Then, CDR Associates facilitated an audience discussion on tools and strategies that would improve and enhance environmental streamlining and stewardship. The focus of this discussion was to define the roles of TRB, FHWA, tribes, and state DOTs in creating and implementing these tools and strategies. The following are notes from this discussion:

Recommendations for TRB

- TRB should provide more training and technology transfer
 - Tribal technical assistance office can provide information; TRB can support this effort
 - TRB should provide national dissemination of Florida model (ETDM)
 - TRB should establish a national directory that includes contact information on who is doing what
 - TRB should compile the 50 state bridge inventories and integrate them into a national bridge inventory (in the form of an electronic database with photos); this would allow us to identify the truly outstanding bridges of the United States.
- Continue to use Local Technical Assistance Programs (LTAPs) and Tribal Technical Assistance Programs (TTAPs) for training
- TRB can help establish government-to-government training
 - For example: In Washington state, the Governor's Office of Indian Affairs provides training on: what a tribe is; the relationship between tribes and federal, state, and local government; non-recognized tribes
- TRB should hold conferences that include other relevant groups such as:
 - ICOE – International Conference of Ecology and Transport
 - APA – American Planning Association
 - NAEP – National Association of Environmental Planners
 - NCSHPO – National Conference of State Historic Preservation Officers (SHPOs)
 - Keeper of the National Register
- TRB should promote the development of partnerships within states:
 - TRB should co-sponsor joint conference(s) of transportation agencies, resource and regulatory agencies, land management agencies (US Forest Service, Bureau of Land Management, including advocacy groups for different resources
 - The purpose would be to engage in national-level dialogue around issues
- TRB should collect electronically all the programmatic agreements
 - Put them in PDF format
 - Make them available on the committee website
 - Add administrative procedure information on how programmatic agreements are carried out
- We need to celebrate our streamlining and stewardship accomplishments and publicize them
 - We need to bring them to our leadership in order to get buy in. TRB can collect and disseminate this information.

- Build on the synergy of this group – take presentations to leaders (TRB national, AASHTO)

Recommendations for state DOTs, FHWA, and Tribes

- Hold additional conversations (among all agencies, tribes, etc.) to increase understanding of each others' interests, outside of specific project-related conversations. Create open dialogue (such as occurred in the facilitated discussion circle) across agencies and interests, to learn what matters – use this as a basis for implementing streamlining and stewardship.
- Get environmental review agencies involved in the planning process
 - Hold monthly meetings with environmental agencies, including Metropolitan Planning Offices (MPOs) and Regional Planning Offices (RPOs) – present and discuss the system plan, not just projects
- Although the Florida ETDM model of having data and a comment-system on-line is valuable, it is essential also to maintain communication and direct dialogue among the agencies (not just on-line comments) [Florida combines its on-line activities with in-person activities.]
- Use video conferencing to create dialogue
- Build relationships
- We don't need to change laws/policies or how do compliance, but need to promote compliance activities earlier in process:
 - Provide training with environmental and engineering staff to develop ways to integrate compliance earlier (to make sure environmental, cultural, and archaeological issues are addressed correctly and to avoid the perception that these considerations “hold up projects”)
- Public Involvement (broadly defined) = Early Planning at local levels:
 - FHWA could issue additional guidance on Planning (early phases)
 - The need is to get everyone (at all levels) involved early and have broad public involvement; this should take place before FHWA involvement (at that point, public involvement usually becomes more narrowly focused on project development)
- Recognize that streamlining may only be important to project sponsors (it may not be so important to review agencies and the public)
 - The state DOT should establish and manage a timeline for document review
 - The state DOT is responsible for managing the review process with agencies – when review will happen (schedule)
 - Then DOT can have “big picture” of reviews
 - Can also be used to address staff resource issues (it can help identify the need for funded positions)
- Issue: Consultants often “reinvent the wheel,” don't always share/know what has been learned and developed through prior work
 - Within each state, the state DOT should have someone (intern) compile list of information gathered and studies conducted so that all know what has been done (in one place)
 - Use the summer intern positions to do grunt work

- Issue: Moving archaeological analysis earlier won't solve all concerns. In addition, we need to:
 - Use more sophisticated archaeological methods and provide education and training
 - Develop better means to identify what is significant. In New Mexico, 90% of properties are considered eligible for the National Register. Therefore, more rigorous criteria, standards, and decision-making processes are needed to define what is significant [this comment related to New Mexico; other states said that a much smaller percentage of properties are considered eligible and that this is less of a concern for them]
 - Provide examples of how to incorporate reconnaissance for archaeological resources and other issues into the context for planning.
- As each state DOT develops relationships with tribes, the DOT should ask them what other states they are interested in and then:
 - Share that information with other states
 - Share tribal info with other agencies
- Bring community concerns/needs into the Purpose and Need statement instead of just addressing them in mitigation; create a community Purpose and Need that articulates what the community wants to accomplish
- Incorporate environmental considerations into the Purpose and Need statement:
 - Have a conference that educates the engineers about performance standards, stewardship, and how this fits into Purpose and Need
 - Create dialogue with the planners – that's where it starts
- Use and build agreements – even if informal
- We need to move past 2 alternatives (one build alternative and the no-build alternative)
- Use context-sensitive solutions; start by identifying the context

Wrap-up Discussion by Plenary Speakers

After the audience discussion on the roles of TRB, FHWA, tribes, and state DOTs in creating and implementing tools and strategies for improving and enhancing environmental stewardship and streamlining, the plenary speakers were asked to review the conference proceedings and to present their top priorities in terms of streamlining and stewardship tools, strategies, and approaches. They were asked to identify approaches that were relatively easy to implement (i.e., the “low hanging fruit”) and those that required a more long term commitment of resources. They were also asked to react to each others’ remarks, and make recommendations on where to go from here. The speakers included:

Don Klima - Advisory Council on Historic Preservation

Wayne Kober - Wayne W. Kober, Inc.

Lamar Smith - FHWA Office of Project Development and NEPA Review

Michael Replogle - Environmental Defense

William Malley - Akin, Gump, Strauss, Hauer & Feld, L.L.P.

Discussion of the terms, “streamlining and stewardship”:

Don Klima

Words make a difference and set things in motion. We need to think about language and terminology.

- We need to find a different term than “Resource Agencies,” as this implies that DOTs are not concerned about resources. In reality, transportation agencies are also “resource agencies.”
- I recommend losing the term “streamlining.” The public perceives streamlining as self-serving for the project proponent agency. We are talking about and should focus on improving decision making.
- It is still not clear what “stewardship” means in the transportation context. It is being thought of as stewardship within the right-of-way.

Wayne Kober

The “streamlining” term has been used since 1986. Using this term has attracted funding when activities have been described as connected to “streamlining.” Other framings for such activities have not resulted in funding/support.

- Other terms, such as “process engineering” or “change management” aren’t necessarily any better, and it is easy to lose the concept of environmental commitment.
- The money still comes with the term “Streamlining.”

Lamar Smith

Although we currently use “streamlining” and “stewardship” interchangeably, this is not appropriate because “streamlining” may not equate to or produce “stewardship,” although that is the goal. Streamlining and stewardship are about doing things better and fostering better working relationships. What is the matter with the equation is that it may not be balanced. We are trying to balance it by providing training and education and by providing resources.

Michael Replogle

In today's political climate, we need to be aware of the implications of talking about streamlining and stewardship together.

- Streamlining sets up the wrong matrix. The risk is that a focus on streamlining can just enable bad projects to get through faster. That is not to say that we can't build better projects faster. A streamlined approach can really help all the agencies.
- We need to harness resources and work together for the public good. Overall, we need to make sure streamlining approaches are appropriate.

Recommendations

Michael Replogle

1. Celebrate approvals of projects that have obtained consensus of the agencies and the public.
2. Use the SAFETEA-LU provisions for an extra year in the planning cycle and extra dollars for MPO planning to do a better job of developing alternatives in planning, with an effort to:
 - Minimize fuel consumption
 - Integrate conservation plans into our transportation plans
 - Make better use of operations planning to provide better management of our existing transportation system
 - Take advantage of new provisions for investment to provide for pedestrians and develop other ways to meet safety and mobility needs with less traffic growth
3. Make sure that the NEPA Purpose and Need and alternatives are framed to include impact avoidance and mitigation. Purpose and Need and the alternatives should help us to work toward more coordinated decisions that include the interests of resource agencies.

Wayne Kober, response

It is easier said than done to bring conservation planning into transportation planning because conservation planning has not evolved, especially when compared to transportation planning which is highly developed. It is not appropriate to have conservation planning done by the DOTs. The environmental groups and agencies have to come to the table with their plans and not just push the transportation agencies to do their job of conservation planning. Environmental groups have to work to help secure funding for the resource agencies to do so.

Michael Replogle, response

However, we need to follow the money, and right now the money is in the transportation world connected to dealing with the adverse impacts of projects. So resource and regulatory agencies need transportation agencies to help them. It is not fair that this should be just the responsibility of resource and regulatory agencies; we need to act as partners.

Bill Malley

My recommendations are not necessarily the "low-hanging fruit." Here are five recommendations to promote streamlining and stewardship.

1. Build environmental considerations into the statewide and metropolitan planning process. Look at SAFETEA-LU section 6001 which encourages consideration of conservation, use of resource mapping, and development of mitigation opportunities during planning. We need to catch environmental issues earlier before there is a decision that a certain project must be delivered. However, this does not mean that you need an EIS in planning.
2. Expand use of GIS and web based tools. Florida is one example, but every state has GIS data. The value depends on the quality and usefulness of the data. We need to be clear about who can be responsible for the statewide system – for funding, maintaining, and updating the information. The DOT has done this, but it doesn't have to necessarily be the DOT.
3. Develop programmatic approaches that are not project specific, e.g., mitigation banking, programmatic approval of categorical exclusions, expediting reviews of similar projects. Working together to develop programmatic agreements is a different task than working on a project, and this provides an opportunity to build relationships with other agencies.
4. Institutionalize streamlining and stewardship so that when people leave and relationships dissipate, the change remains. Institutionalization can occur through:
 - a. The organization of the state DOT (do planners at the DOT know or talk to environmental design staff and vice versa?)
 - b. Description of the planning process to include environmental analysis in planning
 - c. Education and training – have a manual that lays out how we do streamlining and stewardship, and then train from the manual; provide systematic training versus a one-time program
5. Secure funding for non-project activities. Big investments by the state are needed to fund these non-project activities and may need to be redirected from project funds. In the long run, these activities will help expedite projects.

Lamar Smith

1. We need to focus on bringing together planning and the environment. This is important, broad in scope, and far-reaching. It is the essence of what we are trying to do and it is also the hardest thing to do. We need to institutionalize environmental thinking into planning and get environmental considerations up front in planning. We need to incorporate land use and conservation strategies in planning, but this is not “low-hanging fruit.” We need to do cumulative impact analysis at a regional scale during planning. This is not about doing an EIS in planning; it is about **integrating** environmental thinking (not NEPA) into planning.
2. Good technologies are available and we need to take advantage of the technology that is available.
3. Education and training are needed. It would be good to think about training systematically. Training should be part of individual development plans. States should think about comprehensive and institutionalized training programs and curriculum and invest in their staff.

Michael Replogle, response

Integrating planning and NEPA is an area of significant challenge for the future. A question is: to what degree can NEPA give credit for past planning activities, when planning studies have taken place years before? In order to use alternatives from the planning phase during NEPA, planning

must state its intent and conduct essentially a “tiered” NEPA process that includes such NEPA components as public involvement and agency interaction. The public and the agencies need to be able engage in discussions about alternatives and impacts and not just assume that the planning study has done this.

Wayne Kober

1. Engage others in helping us accomplish change. We need to move beyond “coping” to change management. People don’t know how to engage in the DOT world or the MPO world. We need to go out and engage tribes and conservation groups in helping the DOTs fix the assembly line – not just engage them on projects. External groups should help the DOTs figure out what works for them, both to change the paradigm and to develop tools.
2. Engage in tool development. The new transportation bill provides \$16 million for research, based on a list of problem statements. Your participation is needed to shape this research and refine the problem statements. On September 29 at 1:00 Eastern Time there will be a national CTE video conference, led by Marcy Swartz, focused on 8 new technologies. This will be available on the CTE website, www.cte.ncsu.edu.
3. Exercise leadership. You all need to take on the role of environmental leaders. Leadership is within all of us; we just need to find it.

Don Klima

I have three recommendations for TRB, using the principle that if you set modest goals you’ll never be disappointed.

1. Consultation. We need to give serious and hard thought to what consultation is. It needs to be more than just providing information; it really is about opening up the decision-making process so others can bring their values and point of view to shaping the project. I liked the analogy that consultation is like a marriage: we need to stick together in good times and bad, we need coping tools to get through rough times. TRB can act as a marriage counselor. *TRB should have a summer meeting focused on the concept of shared decision making.* We need to get beyond the notion that we can’t talk to tribes because it is just too complicated. Tribes bring an incredible value and perspective to our work, and we need to tap into that resource and make the tribes a huge part of what we do. We need to come to grips with the government-to-government concept.
2. Communication. It is crazy to say that in this day and age we can’t communicate. There are so many ways to communicate. We should identify the consulting parties and create an email broadcast group to facilitate communication. *I suggest that TRB explore with the Advisory Council on Historic Preservation how to make consultation a totally electronic, paperless process.*
3. Training. Mary Ann Naber (FHWA) has developed tribal consultation training, but the challenge is getting support for it. *We should all help each other take advantage of this program.* I don’t believe people in the transportation community realize how powerful they are. They should reach out to the SHPO, put money where their mouth is through funded positions, and help the SHPO deal with transportation reviews. If you are interested in establishing a good relationship with the SHPO, send a letter to the Governor and the appropriations committee in the state legislature citing how the SHPO

is helping you with program delivery. We should use programmatic agreements to work together and solve problems.

Wayne Kober, response

Programmatic agreements may be attempts to change organizational policies and procedures in the short term. We need to go to the next level and look at long-term permanent changes to organizational policies and procedures.

Closing Discussion

To close the conference, the audience was asked “Given what you have heard and discussed at this conference, what will you do differently when you return to your place of work?” The following are the audience’s responses to this question:

- Bring historical preservation back into planning; work with communities and tribes before the project happens, and get the results of this effort down on paper
- Bring cultural resources into the process much earlier
- Move context-sensitive solutions into planning
- (Consultant) Be a champion for the streamlining and stewardship message from the conference and work with my clients to improve the way we are doing a collaborative environmental compliance process; find good project examples and present them to my clients
- Assist each other in building relationships and working with tribes; for example, I can ask tribes that I am working with, what states they have an interest in, then I can help my counterparts in other states develop relationships with these tribes
- Strengthen my state’s ability to involve the community and support public involvement
- Promote thinking about resources for the tribes and recognition that the tribes need help in developing their own systems and capacities. The inclusion of tribal issues in the conference dialogue has been outstanding and long coming. We still need to understand the reality of where tribes are in their development and our relationship to them. We are currently in a paradigm change; we need to understand the history; tribes have felt wounded, tribes don’t necessarily have institutional capacity, and the cultures are different. Leadership development is important. Part of working with tribes is engaging in an exchange of information and building tribal capacity, so that tribes don’t have to rely on intermediaries.
- Take the ideas from this conference to the other six TRB environmental committees; promote cross-committee work, including design, construction, and maintenance groups
- Be a vehicle for best practices and get the word out regarding best practices in cultural resources and historic preservation, including developing a list of state examples of best practices.
- The TRB ADC50 Committees should work on:
 - Exploring the idea of how early in the process can we include cultural resource investigations. We need to get beyond the idea that we can mitigate any cultural resource impact. We need to get cultural resources into the thinking earlier.

- Addressing the issue of the archaeological problem – the idea that 90% of archaeological sites are eligible for the Federal Register (less than 10% of Pennsylvania’s sites are eligible). What really is the cause of the archaeological problem? Are there mistakes that have created a sense that there is an archaeological problem? What happened in the worst examples – or are archaeological resources a convenient excuse for not doing what is needed?
- Developing a national database of bridge inventories.