

The Changing Fabric in Environmental Process

AASHTO Joint Policy Conference, 2018

10:45 – 12:30





Transforming Environmental Programs

- Desire and Vision?
- Research and Development?
- Marketing Strategy/Messaging?
- Launch
- Reflection and Refinement?

Land and Water Conservation Fund Act Creating Flexibility

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NEPA

NEPA is the *umbrella* that facilitates project coordination by integrating compliance requirements that may otherwise proceed independently.

Clean Water Act

Marine Mammal
Protection Act

National Historic
Preservation Act

Occupational Safety
& Health Act

Clean Air Act

Land & Water Conservation Fund ACT

Other federal, state, and local
environmental laws, policies, and regulations

Noise Control Act

Executive Orders

Coastal Zone
Management Act

Endangered
Species Act

Resource Conservation
& Recovery Act







LWCF 101

- * Protect important land, water and recreation areas
- * 3 programs: NPS; USFS; USFWS
- * NPS State and Local Assistance [grant] program
- * Delegation to State Liaison Officer (SLO)
- * 50% match

LWCF 101

- * Boundary Maps; in perpetuity unless... Section
- * Up to 900 million/year (\$400 million)
- * 2.4 million acres; 30,000 sites
- * Applies to state and federally-funded projects
- * Up for Reauthorization September 30, 2008





Section 6(f) Challenges

- * Uncertainty = unnecessary project delay
 - * Lack of access to LWCF project file to verify LWCF status
 - * Slow response times of SLO/NPS; 18-24 month process; short staffed
 - * Poorly drawn Boundary Maps (Sharpie, reconciliation, excess)
 - * Inadvertent discovery's during file review (no way to correct 40 year old error except replacement)

More challenges

- * No wiggle room
 - * TNCU only 6 months
 - * No statutory authority for PAs.
 - * Banking limited to 5 years
 - * Conversions: Sliver Takes take just as long as full acquisition
- * SLO Implementation
 - * small grants but entire park protected
 - * Replacement property acquisition approval needed from a Commission (3 months between meetings)

And More Challenges

State DOTs

- * Guidance
- * Training
- * Lack of communication between R/W and Environmental
- * Lack of understanding by Planners and Project Managers

Local Agencies

- * Dilapidated Recreational Facilities such (e.g. playgrounds)

Enhancements

- * Allow *de minimis* approach, similar to Section 4(f)
- * Expand TNCU to similar interpretation of Section 4(f) temporary occupancy
- * Expanding banking to include payment in-lieu and advanced banking (like Section 404)
- * Statutory Authority for NPS and SLO to enter into Programmatic Agreements.
- * All LWCF project files accessible in real time.
- * Options to handle the whoopsie-daisys

What is the strategy?

- * Organize
- * Prepare Materials (LCs, Case Studies, summary of challenges, supporting documentation)
- * Build Relationships: NPS/NASORLO/ECOS/LWCF Coalition, NAOC, NLOC
- * Listen
- * Advocate

Framing the Message

- * We support protecting and enhancing recreational opportunities.
- * We can reduce infrastructure project delays if we adopt approaches already proven to be effective in other statutes, without diminishing environmental outcomes.
- * We can put money otherwise spent on process, into filling the millions of dollars of unmet recreation needs due to lack of permanent funding.



What States can help?



Most Influential

- **Alaska**
- **California**
- Idaho
- Maine
- Maryland
- Minnesota
- **Mississippi**
- Missouri
- Montana
- Nevada
- **New Jersey**
- New Mexico
- Ohio
- Oklahoma
- Utah
- Washington
- West Virginia

IF "Plan A"
Didn't Work.
The alphabet has
25 more letters
Stay Cool.