

Environmental Analysis

Federal Lands

Applicability
US Forest Service
US Army Corps of Engineers
Department of Defense
National Park Service

APPLICABILITY

GDOT projects may require use of federal lands. For such projects, the Environmental Analyst's responsibilities may vary depending on the funding source and the agency responsible for the federal property. Whatever the agency, the Environmental Analyst acts in a support role. The Project Manager (PM) and the Office of Right of Way (ROW) are primarily responsible for acquiring the rights to the use of federal lands. Rights to use will generally be provided through an easement or via permit. Federal agencies can directly deed property only through an Act of Congress, which is rare and not typically needed for transportation projects.

As part of supporting the acquisition, the Environmental Analyst's responsibilities include coordinating with counterparts at the responsible federal agency to ensure that the agency's National Environmental Policy Act (NEPA) requirements are discussed early. A primary goal of this coordination includes resolving whether the agency will accept the Federal Highway Administration (FHWA) NEPA document for federal-aid projects. If the FHWA NEPA document is not accepted or if the project is state funded, the Environmental Analyst must resolve whether GDOT or the federal agency will prepare the agency's NEPA document.

The discussion below includes some special considerations for each federal agency.

US FOREST SERVICE

For projects (both federal-aid and state funded) requiring transportation easement within US Forest Service (USFS) land, GDOT must acquire a Special Use Permit. GDOT has a Special Use Permit for all existing roadway alignments crossing USFS land. For projects on existing alignment with easement within USFS land, this permit may need to be reapplied for or modified. New location projects crossing USFS land require a new Special Use

Permit. The following steps offer a general outline of the Environmental Analyst's responsibilities for coordination:

- > Early in the project's development, the Environmental Analyst should identify the projects' involvement with USFS land. The Early Coordination Letters prepared by the Environmental Analyst should include the USFS District Office responsible for the USFS land within the National Forest. The only USFS National Forest in Georgia is the Chattahoochee-Oconee National Forest.
- > Prior to the Concept Team Meeting, the Environmental Analyst and the PM should coordinate with the USFS District Office to hold a pre-coordination meeting. The meeting typically includes the District Ranger, District Recreation Officer, the Special Use Officer (reviews the USFS easement application), the Recreation Officer (general point of contact for project), the Forest Ecologist (point of contact for ecology), and the Forest Archaeologist (point of contact for cultural resources). Topics of discussion include:
 - Information about known protected species,
 - Other areas of particular interests,
 - NEPA documentation
 - GDOT's anticipated NEPA documentation (for federal-aid projects),
 - USFS required NEPA documentation (for state funded projects)
 - Impacts to recreational facilities in the area of required transportation easement (for federal-aid projects where Section 4(f) requirements are a concern),
 - Payment for document review (typically not requested), and
 - Mitigation for project impacts.
- > Throughout project development, the project team should apprise USFS of design changes that impact its property, coordinate concerning the project delivery schedule, and Archaeological Resources Protection Act (ARPA) permit needs, developed by the Archaeologist.
- > For federal-aid projects, USFS must review the GDOT NEPA document. The USFS review may take up to 30 days. The review can be concurrent with FHWA's review, but the NEPA document must have been reviewed and approved by GDOT OES.
- > In addition, USFS land is typically recreational land, thereby, qualifying as a publicly accessible Section 4(f) recreational resource for federal-aid projects. USFS does recognize *de minimis* for Section 4(f) recreational impacts. USFS may accept the *de minimis* determination in the NEPA document, or USFS may require a Programmatic Section 4(f) Evaluation or an Individual Section 4(f) Evaluation. If either is required, it should be included in the NEPA document and reviewed by USFS and FHWA.

- > After NEPA document approval, USFS may prepare its own environmental document. Frequently, the GDOT NEPA environmental document is accepted whole and completes the NEPA process for USFS. For state funded projects, the USFS may request that GDOT prepare the NEPA document. The USFS will prepare a decision memo for the NEPA environmental document and distribute to other USFS departments including the Special Use Officer.
- > The USFS Special Use Officer will review the decision memo and review the application for a special use reapplication or special use modification. The Environmental Analyst will aid the PM and the Office of ROW with the completion of the special use application (Form USFS SP-299). The PM or the Office of ROW will submit the application to USFS. The USFS Special Use Officer will approve or deny the permit for GDOT to proceed with the transportation easement during the ROW phase.

Requiring easement from USFS typically would add at least four months to a project schedule. This timeline depends on USFS accepting the GDOT NEPA document. If USFS produces their own NEPA document or requires a Programmatic or Individual Section 4(f) Evaluation, the project schedule would require more time. The Environmental Analyst should coordinate with USFS early in the process to determine the timeline for the USFS NEPA analysis and requirements, which may include a decision memo or a USFS NEPA approval for the special use permit action.

US ARMY CORPS OF ENGINEERS

For projects requiring an alteration to US Army Corps of Engineers (USACE) owned property, often an easement and often surrounding USACE-managed lakes, GDOT developed the Real Estate Outgrant Process in coordination with USACE. This process is primarily led by the PM. The agreement that describes the process is available here:

USACE Real Estate Outgrants,
Georgia Department of Transportation

A flowchart detailing the process is available here:

USACE Real Estate Outgrant Process,
Georgia Department of Transportation

If the transportation project impacts USACE infrastructure (e.g., a dam or a levee, etc.), Section 408 permission is required. Note that the Outgrant Process and Section 408 permission are not the same. The difference is that Real Estate Outgrants do not impact USACE infrastructure, such as dams, hydropower production, levee systems, channels, sea walls, bulkhead, jetty, dike, wharf pier, and navigation. In cases where Section 408

permission is required, the Environmental Analyst should discuss USACE's needs regarding Section 408 documentation. USACE may be able to use GDOT's NEPA documentation to advance their own Finding of No Significant Impact while following their Section 408 regulations and procedures.

The primary responsibilities of the Environmental Analyst are to ensure USACE is included in Early Coordination and, for federal-aid projects, conduct the Section 4(f) requirements that may be needed if the project impacts the recreational facilities associated with the USACE property. Be aware that other Environmental Subject Matter Experts (SMEs) are coordinating with USACE concerning issues, such as the ARPA permit and related needs and the Section 404 permit process.

DEPARTMENT OF DEFENSE

For projects requiring access to Department of Defense (DOD) lands for survey activities or long-term transportation easement, the following steps offer a general outline of the Environmental Analysts responsibilities for coordination:

- > Early in the project's development, the Environmental Analyst should identify the project's involvement with DOD property. The Early Coordination Letters prepared by the Environmental Analyst should include the DOD public works office or commander responsible for the property.
- > Prior to the Concept Team Meeting, the Environmental Analyst and the PM should coordinate with the responsible DOD official to hold a meeting to introduce the project and identify any areas of concern. For federal-aid projects, this meeting would include a request for the DOD component (Army, Navy, Air Force, Reserve) to become a cooperating agency in support of the NEPA analysis. This is to reduce duplication efforts. If the component accepts their role as a cooperation agency, any additional requirements under their environmental regulations would need to be included into the environmental analysis to be documented in the NEPA document. The DOD component would use the approved NEPA document for their environmental clearance in supporting the real estate action. This meeting would determine any additional requirements such as applying for an ARPA permit, additional security clearance for performing any activities on their property, if any DOD recreational lands exist in the project location, etc.
- > If the DOD component declines the cooperating agency request, additional coordination with that component would be required to determine if a separate NEPA analysis would be required in support of the real estate action (and overall project, if needed). This coordination would also need to determine if USACE would be involved due to permitting and if additional funding would be required in support of any separate NEPA analysis/environmental studies as well as administering the real estate land transactions (i.e., easement).

- > Typically, USACE may act as the DODs real estate agent and is responsible for the administrative activities supporting the real estate transaction. USACE may require specific form submittals as well as separate funding to administer the request.
- > If the GDOT project is state funded, the DOD component would need to identify the appropriate environmental studies/analysis which may require funding by the project's sponsor.

NATIONAL PARK SERVICE

For projects requiring or potentially impacting National Park Service (NPS) land, GDOT collaborates with FHWA to follow the NPS Director's Order #87D. This order outlines the process for non-NPS Federal-aid roads and highways where the ultimate objective is obtaining a Highway Easement Deed (HED) from NPS. The step-by-step process assumes early involvement with NPS, beginning when GDOT (for state-funded projects) or GDOT and FHWA (for federal-aid projects) identify a project's potential to impact NPS land. It describes NEPA requirements as well as Section 4(f) requirements:

Director's Order #87D: Non-NPS Roads,
National Park Service

In addition to the process outlined by the order, the Environmental Analyst—working closely with the PM and the rest of the project team, must consider the following:

- > **Environmental Screening Form (ESF):** Once the scope of the project's involvement with the NPS land has been determined, NPS may fill out an ESF (either jointly with GDOT/FHWA or on its own). The ESF will identify which issues on the NPS land can be dismissed from consideration and which issues need to be carried forward for further analysis in the NEPA environmental document. This should be completed early in the process as possible to ensure the project advance on schedule.
- > **Compensatory Mitigation:** Typically, NPS will not accept monetary payment for a grant of easement. Their preference is to arrange compensatory mitigation, usually in the form of amenities or facilities improvements for the affected park. The authority to determine/negotiate suitable mitigation usually rests with the park superintendent. Mitigation should be addressed early, as it could change the scope of the environmental document and related special studies.
- > **Access to the NPS Land:** A Special Use Permit, typically issued by the park superintendent, and/or other permits, e.g., an ARPA Permit for archaeological investigations, may be necessary for access, depending upon the scope of work taking place on park land. This should be addressed early in the process, as permit acquisition can affect the schedule. Additionally, the permit should be broad enough to accommodate all anticipated activities (e.g., a Bridge Foundation Investigation).

- > **Standards for Special Studies:** Standards for special studies may be different for NPS land, particularly for waters delineations, species surveys and archaeological surveys. Both are more rigorous than what GDOT requires. In addition, for projects that involve the removal of trees on park land, NPS will likely request a tree inventory, identifying trees above a given diameter by species. The Environmental Analyst should coordinate early with the PM and NPS to determine the need for a tree inventory. A tree inventory can be included in the land surveyor's scope.
- > **Decision Documents:** NPS will typically accept a NEPA environmental document completed by GDOT/FHWA, provided all their concerns have been addressed. They will also require a separate decision document, e.g., Finding of No Significant Impact (FONSI). This is completed for their use specifically for the portion of the project that involves the NPS land.
- > **Section 4(f):** NPS follows the Department of Interior (DOI) *Handbook on Departmental Review on Section 4(f) Evaluations*. DOI prioritizes competent and timely reviews on Section 4(f) evaluations. NPS serves as the lead agency for preparing DOI's comments on projects that may affect units of the National Park System, but some Section 4(f) reviews involve lands and areas of interest to more than one agency. In these cases, NPS will ensure that the views of other agencies are considered for incorporation in the DOI's comments. The Environmental Analyst must coordinate the development of the Section 4(f) Evaluation with NPS so they can have input on the alternatives to be analyzed prior to submission of the document for review.

Value Analysis

Another consideration for projects potentially impacting NPS land is the Value Analysis (VA). The VA is an effort conducted by NPS for actions occurring within lands under their jurisdiction, and therefore can impact the schedule and progress of GDOT projects if they occur within or impact areas under NPS jurisdiction.

The Environmental Analyst and/or the PM should coordinate with NPS early in the project's development to determine if it requires a Value Analysis. This may occur through early coordination or through NPS's participation in concept activities. Background information and requirements for NPS to prepare a VA can be found in the NPS' Director's Order #90: Value Analysis:

Director's Order #90: Value Analysis,
National Park Service

The location of and impacts to environmental resources are included in the analysis, but the VA is not just an environmental process. The VA itself would begin early in the GDOT PDP process, during Concept Development, although much of the information needed for NPS

to prepare the VA involves project design activities that primarily occur within the Preliminary Design Phase.

Completion of the VA process is necessary to develop an alternative that the NPS supports, and therefore should occur early before detailed design occurs to avoid redesign or delays due to coordination on a preferred alternative later in the project schedule. The VA process can take a substantial amount of time to complete and involves not only input from the NPS at the local or Unit level, but also presentation at regional, and possibly national NPS review meetings. Based on the complexity of the project and impacts the steps to complete the VA can take 8-10 months, or longer.

Guidebook Revision History

Revision Description	Relevant Sections	Revision Date
Initial Publication	All	6/15/2021
Added Information about Value Analysis	National Park Service	5/15/2025