

**Georgia Department of
Transportation**

**Draft Application for
Assumption of Federal
Highway Administration
Responsibilities**

Pursuant to the Surface Transportation Project
Delivery Program, 23 U.S.C. 327



June 24, 2026

This is the Georgia Department of Transportation's application to assume the U.S. Secretary of Transportation's and the Federal Highway Administration's responsibilities under an Assignment Program authorized by the Surface Transportation Project Delivery Program, 23 U.S.C. § 327.

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Glossary:

<u>Term</u>	<u>Description/Definition</u>
106	NHPA Section 106 pertaining to historic preservation; also refers to Section 106 Document
404	Nationwide or Regional Permit (for projects below certain impact thresholds to Waters of the US; section 404 of CWA)
4f	Section 4(f) of U.S. Department of Transportation Act of 1966 pertaining to publicly owned property: historic properties, public recreational/park lands, wildlife refuges; can be individual (full) or programmatic
A3M	Avoidance & Minimization Measures Meeting
AASHTO	American Association of State Highway and Transportation Officials
ACHP	Advisory Council on Historic Preservation
AOG	Assistant to the Office of General Council
AOH	Area Office Head
APE	Area of Potential Effect (Environmental Resources)
APHIS	(USDA's) Animal and Plant Health Inspection Service
AST	Aboveground Storage Tank; American Society for Testing and Materials (ASTM International)
ASTM	ASTM International
BV	Buffer Variance
CAA	Clean Air Act
CE	Categorical Exclusion
CEQ	Council on Environmental Quality
CFR	Code of Federal Regulations
COA	Class of Action
CRD	(DNR's) Coastal Resources Division
DEIS	Draft Environmental Impact Statement
DNR	Department of Natural Resources
DOI	United States Department of the Interior
EA	Environmental Assessment
EFH	Essential Fish Habitat
ESA	Endangered Species Act
EIS	Environmental Impact Statement
ERIT	Environmental Resource Impact Table (developed from the environmental commitments table)
FEIS	Final Environmental Impact Statement
FHWA	Federal Highway Administration
FMIS	Financial Management Information System
FOIA	Freedom of Information Act
FONSI	Finding of No Significant Impact
FPPA	Farmland Protection Policy Act
EPM	Environment Program Manager
FRA	Federal Railroad Administration

FWCA	Fish and Wildlife Coordination Act
FY	Fiscal Year (GDOT – July 1 to June 30; Federal – October 1 to September 30)
GDNR	Georgia Department of Natural Resources; see DNR
GDOT	Georgia Department of Transportation
GEPA	Georgia Environmental Policy Act
IGA	Interagency Governmental Agreement
IOEQ	(GDOT's) Inter-agency Office of Environmental Quality
JCP	Joint Coordination Procedure(s)
LAP	Locally Administered Project
LCP	Local Coordination Procedure(s)
LWCF	Land and Water Conservation Fund
MAP-21	Moving Ahead for Progress in the 21st Century Act (2012)
MMIP	Major Mobility Investment Program
MOA	Memorandum of Agreement
MOU	Memorandum of Understanding
MSAT	Mobile Source Air Toxics
NAGPRA	Native American Graves Protection and Repatriations Act
NEPA	National Environmental Policy Act (of 1969)
NHI	National Highway Institute
NHPA	National Historic Preservation Act; No Historic Properties Affected
NOAA	National Oceanic and Atmospheric Administration
NPS	National Park Service
NRCS	Natural Resources Conservation Service
NWP	Nationwide Permit (404 permit)
OCGA	Official Code of Georgia Annotated
OES	Office of Environmental Services
OLS	Office of Legal Services
OMAT	Office of Materials and Testing
OPD	Office of Program Delivery
P3	Public Private Partnership (Design Build); The P3 delivery model considers both the development and long-term operation of new infrastructure. Public agencies use the design-build-finance-operate-maintain (DBFOM) method to bundle and award lifecycle responsibilities to a private “partner” or consortium, following an extensive procurement and negotiation process.
P6	P6 Primavera
PA	Programmatic Agreement
PCE	Programmatic Categorical Exclusion
PDP	Plan Development Process
PE	Preconstruction/ Preliminary Engineering
PEL	Planning and Environmental Linkages
PI	Public Involvement
PIOH	Public Information Open House
PM	Project Manager

QA	Quality Assurance
QC	Quality Control
RCRA	Resource Conservation and Recovery Act
ROD	Record of Decision
ROW	Right-of-way
RP	Regional Permit (Section 404 under CWA; allows impacts higher than NWPs, but lower than IPs; submit PCN to ACE)
SAAG	Special Assistant Attorney General
SBV	Stream Buffer Variance, see also Buffer Variance (BV)
SEA	State Environmental Administrator
SHS	State Highway System
SHPO	State Historic Preservation Office(r)
SME	Subject Matter Expert
SOL	Statute of Limitations
SOP	Standard Operating Procedure(s)
SR	State Route
TIA	Transportation Investment Act
USACE	US Army Corps of Engineers; see Corps of Engineers
USC	United States Code
USCG	United States Coast Guard; see Coast Guard
USDA	United States Department of Agriculture
USDOT	United States Department of Transportation
USEPA	United States Environmental Protection Agency; see Environmental Protection Agency
USFWS	United States Fish and Wildlife Service; see Fish & Wildlife Service
UST	Underground Storage Tank
WRD	(DNR's) Wildlife Resources Division

Executive Summary

The Georgia Department of Transportation (GDOT) appreciates the opportunity afforded by Congress allowing states to assume the responsibilities of the Federal Highway Administration (FHWA) for the National Environmental Policy Act (NEPA) and related laws by applying to participate in the Surface Transportation Project Delivery Assignment Program (Program Assignment) pursuant to 23 United States Code (U.S.C.) § 327. Through submitting its application, GDOT expresses its commitment to successfully implement the responsibilities requested to be assigned to GDOT under the Program Assignment Program. This application follows the requirements established in 23 Code of Federal Regulations (CFR) 773.

As required by 23 CFR 773.107(b), GDOT's application was publicly announced for a 30-day comment period from DATE to DATE. A notice was published in the paper with the largest circulation in the following cities: Atlanta, Macon, Savannah, Columbus and Augusta, and on GDOT's website. GDOT also provided direct notice of availability of the application with request for comment to Federal and state resource agencies and American Indian tribes (tribal governments). Copies of all comments received during the public comment period and GDOT's responses to the comments are included in Appendix F of this application. GDOT is applying to assume FHWA's responsibilities for all NEPA actions for highway projects on the state highway system (SHS) and Local Agency Program (LAP) projects off the SHS in Georgia, with specific exclusions as described below. GDOT is also applying to assume all of FHWA's responsibilities for environmental review, resource agency consultation, and other environmental regulatory compliance-related actions pertaining to the review or approval of highway projects. This request for assignment excludes specific ongoing projects that are identified in the Program Assignment Memorandum of Understanding (MOU) and project types excluded in 23 CFR 773. Section 773.109(a)(1) of this application lists the specific ongoing projects that will be excluded from Program Assignment; this list is subject to change until the Program Assignment MOU is signed.

NEPA directs Federal agencies to consider the environmental effects of its actions, using a systematic, interdisciplinary approach. In the State of Georgia, as the agency responsible for providing safe and reliable transportation solutions for Georgia, GDOT is also responsible for achieving environmental compliance.

GDOT integrates environmental considerations into its activities to attain compliance with applicable laws, regulations, and standards. GDOT is focused on delivering safe, efficient transportation projects and making sound decisions based on a balanced assessment of transportation needs and of the social, economic, and environmental impacts of proposed transportation improvements.

As required by NEPA, 23 CFR 771 and in compliance with GDOT's policies and procedures, GDOT examines and discloses the environmental effects of its proposed activities; identifies ways that environmental impacts can be avoided or minimized; prevents significant, avoidable environmental impacts by modifying its projects and/or implementing mitigation when appropriate; and publicly discloses the impacts of its projects and its project decisions, while emphasizing balanced decision-making. As part of this process, GDOT undertakes timely and consistent outreach with the public, local jurisdictions, regional transportation planning agencies, resource and regulatory agencies, and tribal governments. GDOT will continue to work cooperatively with its agency partners, communities, and the general public under Program Assignment.

GDOT implements a notification process on projects that links land use, transportation, and environmental resource planning initiatives through early, interactive agency, stakeholder/consulting

party, and tribal government involvement, which is expected to improve transportation decisions and reduce the time and cost to implement transportation improvements. Project efficiency is gained by incorporating key environmental information into the transportation planning process via early notification and Initial Team Concept Meetings. This process provides agencies, stakeholders/consulting parties, and tribal governments with the opportunity for early input, involvement and coordination. It allows for the early identification of potential project environmental effects and informs the development of scopes of services for projects in the Project Development Process (PDP). The notification process is consistent with the streamlining objectives of the Moving Ahead for Progress in the 21st Century Act (MAP-21) and the Fixing America's Surface Transportation (FAST) Act.

FHWA currently delegates to GDOT certain aspects of its consultation responsibilities with the National Oceanic and Atmospheric Administration (NOAA) and the U.S. Fish and Wildlife Service (USFWS). Through memoranda entered pursuant to 50 CFR 402.08 and 50 CFR 600.920(c), FHWA designated GDOT to conduct informal consultations and prepare biological assessments on behalf of FHWA per the Endangered Species Act (ESA) and consultations under the Magnuson-Stevens Fishery Conservation and Management Act.

GDOT and FHWA executed tribal government consultation procedures in 2006. The MOU noted that GDOT, in partnership with FHWA, would notify Federally recognized tribal governments about individual undertakings and transmit project information including a description of the undertaking and location information, results of identification efforts, and if applicable, assessment of effects to historic properties so that tribal governments have a reasonable opportunity to identify its concerns about historic properties, advise on the identification and evaluation of historic properties, articulate its views on the undertaking's effects on such properties, and participate in the resolution of adverse effects. Under Program Assignment, GDOT will retain responsibility for the Federal-Aid projects that is being consulted on and any agreements reached with Tribes as it relates to consultation and coordination. However, FHWA retains responsibility for complying with all Federal requirements pertaining to direct government-to-government consultation with the tribal governments, upon tribal request. These efforts were incorporated into Section 106 Programmatic Agreement (PA) noted below.

In October 2023, GDOT and FHWA entered into a PCE (renewal) for Categorical Exclusions (CE) under 23 CFR 771.117(g). This agreement streamlines the environmental review process by allowing GDOT to make CE approvals on behalf of FHWA for certain projects. GDOT may review and make CE approvals on behalf of FHWA for project actions listed in 23 CFR 771.117(c) and identified in 23 CFR 771.117(d), which meet the criteria established in the PA. The 2023 renewed PCE replaced all previous CE agreements between FHWA and GDOT specific to Programmatic Categorical Exclusions (PCEs). GDOT is applying for 23 U.S.C. 326 CE Assignment. Upon signature of the 326 CE Assignment MOU and the 327 MOU this PCE agreement will automatically be superseded.

In 2023, GDOT signed a PA with FHWA, USFWS, the US Army Corps of Engineers, Savannah District (USACE), and the Georgia Department of Natural Resources (GDNR) entitled, *Collaborative Programmatic Agreement and Biological Assessment for Federally Listed and State Protected Bat Species in Georgia* (informally referred to as the Bat PA or BPA). The BPA greatly streamlines the approval process for environmental documents, removes costly restrictions that would be applied to contracts, and allows for a reduced formal Section 7 process to just 21 days per the ESA. Conservation payments are made by the project sponsor to GDNR, and these funds go toward bat

conservation efforts, primarily acquisition and preservation of forested bat habitat.

For many years GDOT and FHWA have executed PAs with the USFWS (Joint Coordination Procedures/JCP for the ESA) and the USACE (Local Coordination Procedures/LCP for the Clean Water Act). These agreements were renewed as recently as 2026 and 2025, respectively. These agreements outline processes and procedures to streamline the environmental process.

GDOT updated its current Highway Noise Abatement for Federal-Aid Projects policy that was approved by FHWA in July 2024. In addition, GDOT and FHWA executed a PA in 2017 pursuant to the Clean Air Act and carbon monoxide process and procedures. This PA was updated in 2020.

In December 2025, the PA between FHWA, the Advisory Council on Historic Preservation, the Georgia State Historic Preservation Officer (SHPO), the USACE, and GDOT regarding implementation of the Federal-Aid highway program in Georgia was amended to extend to December 13, 2026. In the PA, FHWA authorized GDOT to consult with the SHPO, tribal governments, and other consulting parties on its behalf in compliance with the Section 106 process by which the FHWA and Corps, with the assistance of GDOT, will meet its responsibilities pursuant to Section 106 of the NHPA.

GDOT has worked with FHWA for many years to meet NEPA requirements and to work cooperatively with its Federal and state agency partners and with tribal governments; and has developed procedures and tools to support its work. Because of GDOT's experience, expertise, and current level of involvement in consultations, it is well positioned to assume FHWA's responsibilities for resolving issues with external agencies. GDOT's existing staff capabilities and well-developed environmental compliance program, together with the steps that GDOT has taken and will continue to take to strengthen its program under Program Assignment, are summarized in this application.

Under Program Assignment, GDOT will continue to comply with applicable Federal environmental laws and FHWA environmental regulations, national policies, and guidance. The program will not change or weaken Federal environmental protection standards. Consistent with NEPA, FHWA regulation, state statutes and rules, GDOT currently makes decisions that consider and minimize impacts to the environment from its transportation projects and will apply these same rigorous environmental protection standards to projects under the Program Assignment.

To ensure success of Program Assignment, GDOT will annually conduct self-assessments to gauge its adherence under Program Assignment (as they do similarly pursuant to the PCE Agreement, LCP, JCP, Public Involvement Plan, etc.). In addition, FHWA will audit GDOT annually during the first four years of Program Assignment to ensure that GDOT is meeting its obligations, which will include the provisions in Program Assignment MOU.

Program Assignment will streamline Georgia's environmental review process and project delivery time. Once FHWA and GDOT execute Program Assignment MOU that assigns NEPA responsibilities, GDOT will be solely responsible and liable for its NEPA decisions without any involvement by FHWA on assigned highway and LAP projects in the state. This application contains the following components, as required by 23 CFR 773:

§ 773.107 Pre-application Requirements

§ 773.107 (a): Coordination Meeting

§ 773.107 (b)(1)(2): Public Comments

§ 773.107 (c) and § 773.107 (d): Sovereign Immunity and Comparable State Laws

§ 773.109 Application Requirements

§ 773.109 (a)(1): Classes of Highway Projects for which GDOT is Requesting NEPA Responsibility

§ 773.109 (a)(2): Federal Environmental Laws other than NEPA for which GDOT is Requesting Responsibility

§ 773.109 (a)(3)(i): Existing Organization and Procedures

§ 773.109 (a)(3)(ii): Changes to be made per Assumption of Responsibilities

§ 773.109 (a)(3)(iii): Legal Sufficiency

§ 773.109 (a)(3)(iv): Prior Concurrence

§ 773.109 (a)(3)(v): Project Delivery Methods

§ 773.109 (a)(4)(i): Staff Dedicated to Additional Functions

§ 773.109 (a)(4)(ii): Changes to the Organizational Structure

§ 773.109 (a)(4)(iii): Use of Outside Consultants for the Assignment Program

§ 773.109 (a)(5): Financial Resources under the Assignment Program

§ 773.109 (a)(6): Certification for Consent to Exclusive Federal Court Jurisdiction and Waiver of Sovereign Immunity

§ 773.109 (a)(7): Certification that the State of Georgia's Open Records Act (O.C.G.A. § 50-18-70 et seq.) is comparable to the Federal Freedom of Information Act

§ 773.109 (a)(8): Comments Received on the Assignment Program

§ 773.109 (a)(9): Point of Contact

This application also contains the following six appendices:

Appendix A § 773.107(a): Coordination Meeting

Appendix B Environmental Training

Appendix C Projects for which GDOT does not request NEPA Responsibility

Appendix D Federal Environmental Laws other than NEPA for which GDOT is Requesting Responsibility

Appendix E State Certifications for Consent to Exclusive Federal Court Jurisdiction and Waiver of Immunity and that the Georgia Open Records Act (O.C.G.A. § 50-18-70 et seq.) is comparable to the Federal Freedom of Information Act

Appendix F Copies of Public Comments Received on the Assignment Program Application and Responses Provided by GDOT

§ 773.107 Pre-application Requirements

This is the Georgia Department of Transportation's (GDOT's) application to assume the Federal Highway Administration's (FHWA) responsibilities for the National Environmental Policy Act (NEPA) and related laws under the Surface Transportation Project Delivery Program (Program Assignment), 23 U.S.C. § 327.

§ 773.107(a): Coordination Meeting

GDOT Office of Environmental Services (OES), Office of Legal Services/General Counsel (OLS) and several members of the Executive Team, met with FHWA Georgia Division, FHWA Legal Counsel, and the FHWA Office of Project Development and Environmental Review on December 8, 2025, to participate in a pre-application coordination meeting. Additionally, GDOT and FHWA Georgia Division established regular bi-weekly coordination meetings, which began on January 7, 2026. As required by Section 773.107(a), GDOT and FHWA held a formal coordination meeting on March 16, 2026, that included staff from GDOT, FHWA headquarters, and the FHWA Georgia Division to discuss Program Assignment and review the conclusion of the informal Gap Analysis Memo from FHWA headquarters.

GDOT invited Federal and state resource agencies, as well as tribal governments to participate in a webinar regarding Program Assignment. On April 20, 2026, GDOT held the Program Assignment Coordination Webinar with Federal/state resource agencies and tribal governments. (See Appendix A for list of attendees)

§ 773.107(b)(1)(2): Public Comments

Public notice of availability of GDOT's application was published on **Date**, in the paper with the largest circulation in the following cities: Atlanta (the South Fulton Neighbor and electronically via the AJC), Macon (Macon Telegraph), Savannah (Savannah Tribute), Columbus (Columbus Dispatch) and Augusta (Augusta Chronical). GDOT also included a notice on the GDOT website main page banner and utilized district social media pages. Comments were due no later than **Date**. GDOT also provided direct notice of availability of the application with request for comment to Federal and state resource agencies and tribal governments. In addition, GDOT posted the application and how to provide comments on GDOT's website.

GDOT also sent notice of the application with a request for comment to Federal and state agencies and all Federally recognized Tribes in Georgia.

Copies of all comments received during the public comment period and GDOT's response to comments and any changes made to the application in response to the public comments are included in Appendix F of this application. Additional information regarding GDOT's outreach efforts can be found in 773.109(a)(8): Comments Received on the Assignment Program.

§ 773.107(c) and § 773.107(d): Sovereign Immunity and Comparable State Laws

Per § 773.107(c)(d), Appendix E contains the following State of Georgia, Office of the Attorney General certifications:

- GDOT is legally authorized to assume the responsibilities of the United States Department of Transportation with respect to duties under NEPA and other Federal environmental Federal laws.
- GDOT expressly consents to exclusive Federal court jurisdiction with respect to the compliance, discharge, and enforcement of any responsibility of the United States Department of Transportation that is to be assumed by GDOT
- That Georgia's Open Records Act (O.C.G.A. § 50-18-70 et seq.) is comparable to the Freedom of Information Act (5 U.S.C. § 552) including providing that any decisions regarding the public availability of a document under Georgia law is review by a court of competent jurisdiction. Letters from Georgia's Attorney General are included in Appendix E.

§ 773.109 Application Requirements

§ 773.109(a)(1): Classes of Highway Projects for which GDOT is Requesting NEPA Responsibility

GDOT is requesting to assume FHWA's responsibilities for all NEPA actions for highway projects upon execution of the Program Assignment MOU with FHWA. In general, GDOT's assumption includes all highway and roadway projects in Georgia whose source of Federal funding comes from FHWA or which require FHWA approvals. Some projects may include funding from other Federal sources as well. For these projects, GDOT requests to assume only FHWA's NEPA responsibilities. This request does not include assuming the NEPA responsibilities of other Federal agencies. On the effective date of the Program Assignment MOU, FHWA will remain liable for its previous decisions [e.g. NEPA, Section 4(f)] and GDOT will be responsible for its decisions under Program Assignment.

GDOT is requesting FHWA's NEPA responsibilities for the following classes of projects:

1. All Environmental Impact Statement (EIS) projects, both on the state highway system (SHS), which includes the National Highway System, and Local Agency Program (LAP) projects off the SHS that are funded by FHWA or require FHWA approvals.

The following project is an on-going EIS project for which a Draft EIS (DEIS) has already been issued prior to execution of the Program Assignment MOU (this list is subject to change depending on the date that the MOU is signed) The following projects will not be assigned to GDOT:

For the lifecycle of Project DeRenne which includes the following Project PIs:

- PI 0008358; West DeRenne/Hampstead Avenue Connector
- PI 0008359; East DeRenne from Abercorn Street to Harry S. Truman Parkway
- PI 0010236; SR 21 From CS 346 / Mildred Street to SR 204

2. All Categorically Excluded, projects, both on the SHS and LAP projects off the SHS that are funded by FHWA or require FHWA approvals. The following projects will not be assigned to GDOT: None

3. All Environmental Assessment (EA) projects, both on the SHS and LAP projects off the SHS that are funded by FHWA or require FHWA approvals. The following projects will not be assigned to GDOT: None

GDOT will establish relationships with other Operating Administration(s) involved in multimodal projects, including cooperating agency, participating agency and lead or co-lead agency relationships under NEPA. In addition, GDOT may adopt other Federal agencies' NEPA analysis or documents consistent with the U.S. Department of Transportation (USDOT) and FHWA regulations, policies and guidance.

The following projects are specifically excluded from assignment:

- A. Any Federal Lands Highway projects authorized under 23 U.S.C. § 202 ("Tribal transportation program"), 203 ("Federal lands transportation program"), or 204 ("Federal lands access program"), unless such projects will be designed and constructed by GDOT.
- B. Any project that crosses State boundaries and any project that crosses or is adjacent to international boundaries (23 CFR 773.105(c)). For the purpose of this MOU, a project is considered "adjacent to international boundaries" if it requires issuance of a new, or the modification of an existing, Presidential Permit by the U.S. Department of State.
- C. Recreational Trails projects under 23 U.S.C. § 206.
- D. For the lifecycle of Project DeRenne which includes the following Project PIs:
 1. PI 0008358; West DeRenne/Hampstead Avenue Connector;
 2. PI 0008359; East DeRenne from Abercorn Street to Harry S Truman Parkway;
and
 3. PI 0010236; SR 21 From CS 346 / Mildred Street to SR 204
- E. Projects advanced by direct recipients of Federal aid highway funds other than GDOT, including but not limited to:
 1. Competitive grant programs
 2. Direct recipient tribal project
 3. Transportation Infrastructure Finance and Innovation Act Credit Program.

GDOT's assumption of these responsibilities program-wide will provide for the highest degree of consistency and efficiency in document review and agency coordination. It will also provide the greatest opportunity for streamlining benefits.

§ 773.109 (a)(2): Federal Environmental Laws other than NEPA for which GDOT is Requesting Responsibility

GDOT requests to assume all of FHWA's responsibilities for environmental review, interagency consultation, and other regulatory compliance-related actions pertaining to the review or approval of projects for which GDOT is requesting assumption of responsibilities under NEPA. GDOT requests

to assume these responsibilities under all applicable Federal laws and Executive Orders, including, but not limited to the Federal laws, regulations and Executive Orders listed in Appendix A of 23 CFR Part 773 (also listed in Appendix D of the application). GDOT requests assumption of these responsibilities upon execution (no program phasing) of the Program Assignment MOU with FHWA. GDOT's approach and practice in working with Federal resource agencies and their regulations are described in further detail within this application. The FHWA will use its best efforts to ensure that any new or revised Federal policy or guidance, which is final and applicable to FHWA's responsibilities under NEPA and other laws that will be assumed by GDOT under the MOU, are communicated to GDOT within 10 business days of issuance. Under Program Assignment, GDOT will be responsible for monitoring and complying with all regulatory and statutory changes, including Federal Register Notices related to FHWA responsibilities assumed, where compliance responsibility has been assumed by GDOT under Program Assignment.

§ 773.109 (a)(3)(i): Existing Organization and Responsibilities

GDOT is the legally authorized transportation department of the State of Georgia, as established pursuant to Title 32 Georgia Code of Public Transportation of the Official Code of Georgia Annotated (O.C.G.A.). GDOT is an executive agency. The Planning Director reports directly to the Governor. The Chief Executive Officer of GDOT is the Commissioner, who is selected by the State Transportation Board. GA CONST Art. 4, § 4, ¶ I(a); O.C.G.A. § 32-2-41. The Commissioner's office is located in the central office in Atlanta, Georgia (or General Office or GO). The State Transportation Board is composed of a member from each congressional district and elected by a majority vote of the members of the Georgia House of Representatives and the Georgia Senate. GA CONST Art. 4, § 4, ¶ I (b). (Figure 1 GDOT Organizational Chart).

GDOT's primary statutory responsibility is to plan, design, construct, maintain, improve, manage and control the state's transportation infrastructure as established mainly in Title 32 of the O.C.G.A. This includes all state and Federal roadways, bridges, and interstate highways within Georgia, providing a safe, viable and balanced state transportation system serving all regions of the state, assuring compatibility of transportation components, including multimodal facilities. Georgia's transportation system includes roadway, air, rail, sea, bus, transit, bicycle and pedestrian facilities.

GDOT operates with a combination of centralized and decentralized elements. While it has a central governing body and headquarters for executive management, administration, and Division offices, it also uses a district-based structure that manages day-to-day operations throughout the state. There are seven (7) Districts, each headed by a District Engineer. For purposes of this application, the term "District" includes one of seven GDOT District Offices in Georgia (see Figure 2. GDOT 7 District Office Designations). GDOT Districts report to GDOT's Deputy Commissioner, who in turn reports to the Commissioner. GDOT Districts are responsible for design, construction, and maintenance of state and interstate roads and bridges within their specific geographic area. Their duties include managing utility and railroad crossings on projects, ensuring compliance with GDOT policies and standards, and coordinating with state-level utility and railroad program managers on projects within their District. All Environmental duties, responsibilities, decisions, and environmental mitigation tracking are handled by the GDOT Office of Environmental Services, with the exception of hazardous materials. In addition, the appropriate district will assist with ensuring that under construction commitments are being completed. Any office with responsibilities related to responsibilities linked to Program Assignment will be subject to audit reviews and will be provided Program Assignment training (see § 773.109 (a)(3)(ii): Changes to be Made for Assumption of Responsibilities: Training to be Provided to Implement Program Assignment)

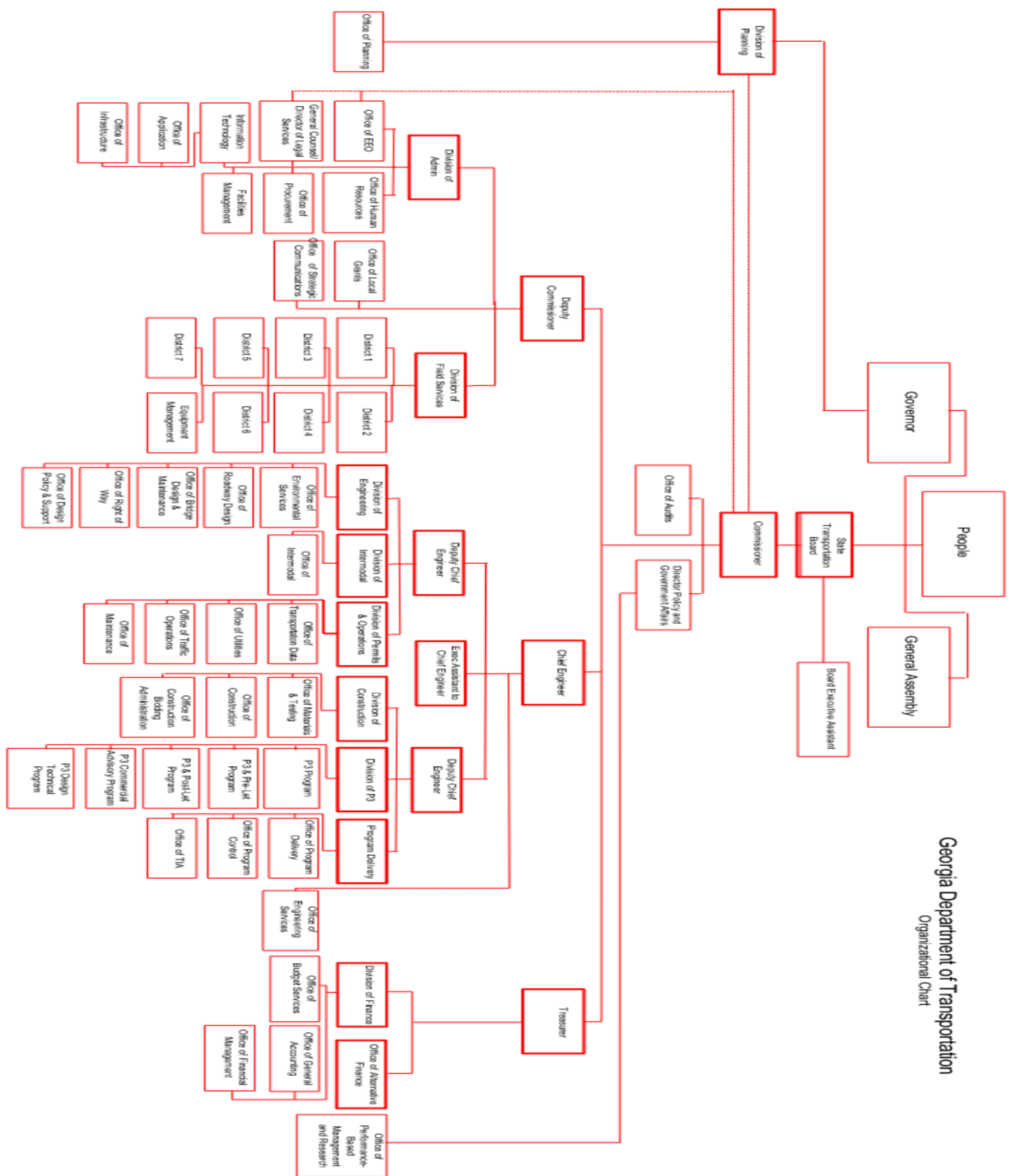


Figure 1 GDOT Organizational Chart

<https://www.dot.ga.gov/AboutGeorgia/Documents/OrgChart.pdf>

Office of Environmental Services (OES)

NEPA compliance during the Plan Development Process (PDP) - Planning, Concept, Preliminary Engineering, Final Design and Construction - is the responsibility of the Office of Environmental Services (OES). Overall, OES is responsible for developing and implementing the environmental program for GDOT as a whole. In this capacity OES develops, administers, and distributes GDOT's environmental policies, procedures, manuals, and guidance. OES also provides training and technical support to other GDOT organizational units on a regular basis. In addition, OES provides project specific technical expertise, agency coordination and project management oversight/assistance.

OES ensures environmental compliance for the entire GDOT Federal-aid work program through resource identification, technical studies/assessment of effects, document review and permitting activities (see additional description below). OES is located centrally in Atlanta; no environmental subject matter experts (SMEs) reside in District offices. OES is part of the Division of Engineering that also includes the following offices: Office of Bridge Design; Office of Design Policy and Support; Office of Right-of-Way; and the Office of Road Design. As single unit, the Division of Engineering coordinates efforts throughout the PDP to ensure project delivery efforts run parallel/in tandem with the responsibilities of each office so that projects make Lettings to construction. The Division of Engineering reports to the Deputy Chief Engineer, who reports to the Chief Engineer, who in turn reports to the Commissioner.



Figure 2 GDOT's 7 District Office Designations

Existing Office of Environmental Services Responsibilities

OES leads GDOT's efforts to plan, develop and implement environmental programs for transportation projects and facilities in support of GDOT's mission to promote and preserve Georgia's natural and cultural heritage, overall environmental quality, community values and economic prosperity. OES provides expertise by integrating environmental considerations into GDOT activities to achieve environmental compliance. GDOT SMEs provide technical expertise in the following areas, but not limited to, air quality, noise, archeology, project level tribal government consultation, history, biology (listed species and habitat), wetland sciences per the Clean Water Act, 404 permitting and water quality assessments, environmental project scheduling and program management, public involvement, NEPA, socio-economics, noise, and Section 4(f) determinations. OES environmental staff conduct initial environmental resource identification surveys, prepare or oversee preparation of environmental documents and assessment of effects, perform local interagency coordination, and implement public involvement as well as other activities related to NEPA compliance. OES also manages GDOT environmental programs, works to streamline state and Federal environmental processes, and monitors changing laws and regulations.

OES is ultimately responsible for ensuring that all environmental laws and regulations are followed. OES provides environmental reviews and clearances, technical assistance, and education to GDOT and its customers. OES develops environmental policies and procedures, including those for preparing and processing environmental documents; conducts specific environmental field studies; assists in the management of environmental NEPA actions/projects; conducts all agency coordination efforts; and works on a variety of environmental streamlining initiatives. OES provides policy, procedure, training, guidance, and technical studies/assistance to other organizational units of the department. Subjects of technical support include biology, air/noise, history and architecture, public/community outreach, NEPA Section 4(f) determinations, and water quality. OES also manages environmental programs and monitors changing laws and regulations. OES is responsible for reviewing plans to ensure they match what was covered in NEPA and ensuring that environmental compliance is complete, and that projects are ready for Let to construction.

OES staff work with many GDOT Divisions and Offices on an ongoing basis regarding various issues of mutual interest. The following are notable:

- OES works with local governments to communicate environmental policies, procedures, and guidance, and when necessary, coordinate training. GDOT is the steward of the Federal funds and is responsible for oversight of funded projects on behalf of FHWA. Accordingly, the LAP program involves a process used by certified local governments to develop, design, and construct local transportation facilities with Federal funds. All LAP environmental studies, reports, and documents are overseen and approved by GDOT.
- OES works with the Office of Strategic Communications to develop rules, policies, procedures, training, and other matters related to public involvement requirements during the environmental process.
- OES participates in the Office of Program Delivery Project Manager Training program to train GDOT's Project Managers on how to integrate scheduling and resource commitments into the PDP so that environmental considerations are automatically incorporated into overall project scheduling and development. OES also participates in District training via Environmental Roadshow events and consultant training.

- OES works with the Office of Right-of-Way (ROW) on projects involving early ROW acquisition, and when projects require continuing coordination regarding specific resource issues during the acquisition process (e.g. archaeology mitigation).
- OES works with the Office of Bridge Design to deliver historic bridge projects per the Georgia Historic Bridge Survey.
- OES and the Office of Planning work on planning and environmental linkages so planning work can be used to streamline environmental project development.
- OES works with the Office of Construction to ensure environmental commitments, including mitigation, are carried out and that construction staff are trained on environmental matters affecting their area.
- OES works with GDOT's Office of Legal Services (OLS) to develop policies, procedures and rules and provide OLS with background information relevant to legal issues. GDOT attorneys also provide legal advice and support on project environmental issues as requested by OES. OLS also coordinates responses to Georgia Open Records Act requests and would assist in the development of Administrative Records. OLS also negotiates, drafts and reviews various OES agreements.
- OES works with GDOT's Office of Performance Management to monitor and review/comment on legislation that may affect GDOT's environmental program.

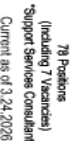
Existing Office of Environmental Services Organization

State Environmental Administrator

OES is led by the State Environmental Administrator (SEA). The SEA is ultimately responsible for ensuring environmental compliance during the preparation of environmental studies on all projects. OES includes five distinct sections of SME's who are responsible for individual environmental disciplines required for environmental compliance. These sections identify resources, complete technical study assessments, prepare/review environmental documents, provide document oversight, oversee mitigation commitments and ensure permitting requirements are completed in final design. Please see Figure 3 for the OES Organizational chart. In sum, OES has 83 internal GDOT staff, that is accentuated by 70 support service consultants, totaling 153 environmental SMEs. The five SME sections develop and maintain environmental policy, procedures, manuals and guidelines consistent with project delivery processes in compliance with Federal and state law. Each section ensures quality processes are developed and implemented within its functional area and provides training/guidance to GDOT/consultant staff and coordinates with other State DOTs, Federal agencies, and stakeholders.

Assistant State Environmental Administrator (4)

Under the SEA there are four (4) assistant administrators known as Assistant Office Heads (AOH) that manage the different sections of OES, identified below. They are responsible for assisting the SEA in ensuring environmental compliance during the preparation of environmental studies on all projects. The AOHs coordinate project decisions with their perspective sections providing direction to the groups they manage.



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Ecology Section – GDOT and consultant ecological staff conduct resource identification fieldwork for Waters of the US, state waters, and threatened and endangered species (both on the Federal and state level) and prepare/review ecological technical documents. All ecology SMEs must possess a combination of skills, experience, and training that meet the standards noted below. Ecology SMEs must have a degree in a related biology field and experience in preparing documents in compliance with Federal and state natural resource laws. They possess an understanding of the requirements of Federal and state laws concerning ecological resources, including but not limited to the Clean Water Act, the Endangered Species Act, the Migratory Bird Treaty Act, and the Georgia Erosion and Sedimentation Act. They also possess an understanding of the GDOT PDP and the ability to read and interpret project maps and plans. Ecology SMEs possess competencies in delineating jurisdictional waters of the US and state buffered waters. They also possess competencies in identifying protected species and their habitats and assessing project effects. Additionally, ecologists conduct public outreach and participate in agency and stakeholder coordination.

The Ecology Section includes 1 Assistant State Environmental Administrator, 3 Section Managers, 6 Team Leaders, 2 Special Projects Coordinator, and 15 internal GDOT SMEs. Consultant support service plays an integral role and under direct supervision of GDOT Ecology Team Leaders, support service consultants include 1 Team Leader and 26 SMEs that support GDOT ecology staff in completing natural resource compliance requirements (Figure 4).

Ecology Section Managers (3)

Ecology Section Managers are responsible for the day-to-day running and decision making on ecological related resources. They work on GDOT's programmatic agreements and provide section leadership.

Ecology Team Leaders (6)

The Ecology Team Leaders are responsible for hiring and training Ecology SMEs. They also serve in the role of QA/QC on documents. The Ecology Team Leaders, with assistance from their SMEs, ensure compliance with the federal processes and requirements under their purview. Team leaders sign/approve transmittals of reports for USFWS and NOAA. They also sign transmittals for Essential Fish Habitat (EFH) consultation from NOAA Fisheries when applicable. Under Program Assignment they will expand that role to signing transmittals to request formal Section 7 from USFWS and NOAA Fisheries.

Special Project Coordinators (2)

These positions are responsible for completing updates on projects under active construction, ensuring compliance with the laws under their purview. They are also responsible for the purchase of mitigation credits for all GDOT projects.

Ecology SMEs (15)

Ecology SMEs are responsible for collecting data, competing field work, coordinating with agencies, evaluating resources and project impacts, writing evaluations, and following processes to ensure compliance with laws that fall under the section's responsibilities. Ecology SMEs currently send reports and request informal section 7 consultation from USFWS and NOAA Fisheries. They also request EFH consultation from NOAA Fisheries when applicable. Under Program Assignment they will expand that role to requesting formal Section 7 from USFWS and NOAA Fisheries.

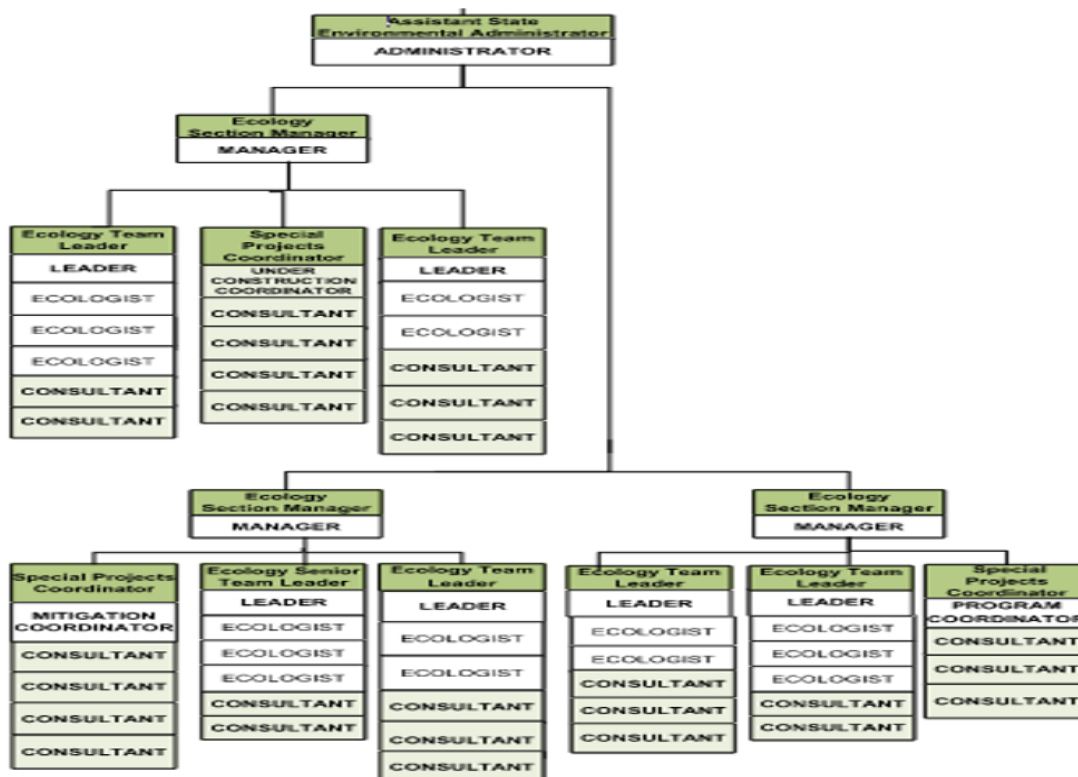


Figure 4 GDOT Ecology Section

Cultural Resource Section – GDOT cultural resource staff and consultants conduct resource identification fieldwork (for history/historic structures and archaeology resources) and prepare/review cultural resource technical documents. All cultural resource SMEs must possess a combination of skills, experience, and training that meet the standards noted herein. Cultural resource SMEs will have experience in preparing documents in compliance with Federal and state cultural resource laws, primarily Section 106. They must have a Master of Arts (MA) degree in keeping with the Secretary of Interior Qualification Standards. Cultural resource professionals must possess an understanding of the requirements of Federal and state cultural resource laws, including but not limited to the National Historic Preservation Act, Archaeological Resource Protection Act, and Section 4(f) of the USDOT Act of 1966 (codified at 49 U.S.C. 303). This includes competencies in identifying National Register eligible historic properties/resources, consulting with tribal government at the project level, public outreach, agency and stakeholder coordination, as well as assessing project effects. They also will possess an understanding of the GDOT PDP and the ability to read and interpret project maps and plans.

The Cultural Resources Section includes 1 Assistant State Environmental Administrator, 2 Section Managers, 4 Team Leaders, 1 Special Projects Coordinator, and 12 internal SMEs. Consultant support service plays an integral role under direct oversight of the GDOT Team Leaders, support service consultants include 2 Team Leaders and 26 SMEs that support GDOT staff in delivering Section 106 compliance (Figure 5).

Because it is a hiring requirement, every member of the Cultural Resources Section, from Section

Managers to SMEs, meets Secretary of Interior Qualification Standards.

History Section Managers (1)

The History Section Manager is responsible for the day-to-day running and decision making related to history resources. They work on GDOT's programmatic agreements and provide section leadership.

Archaeology Section Manager (1)

The Archaeology Section Manager is responsible for the day-to-day running and decision making related to archaeology resources. They serve as the lead in coordinating with tribes as well as work on GDOT's programmatic agreements and provide section leadership.

History Team Leaders (2)

The History Team Leaders are responsible for hiring and training History SMEs. They also serve in the role of providing QA/QC on documents. The History Team Leaders, with assistance from their SMEs, ensure compliance with the federal processes and requirements under their purview.

Archaeology Team Leaders (2)

The Archaeology Team Leaders are responsible for hiring and training archeology SMEs. They also serve in the role of providing QA/QC on documents. The Archeology Team Leaders, with the assistance from their SMEs, ensure compliance with the federal processes and requirements under their purview.

Special Project Coordinators (1)

The Cultural Resources Special Project Coordinator is responsible for supporting the Cultural Resource managers and staff by completing various tasks at both the project and program level.

History SMEs (6)

History SMEs are responsible for collecting data, competing field work, coordinating with agencies, evaluating resources and project impacts, writing evaluations, and following processes to ensure compliance with laws under their purview.

Archaeology SMEs (6)

Archaeology SMEs are responsible for collecting data, competing field work, coordinating with agencies, evaluating resources and project impacts, writing evaluations, and following processes to ensure compliance with laws that fall under the sections responsibilities.

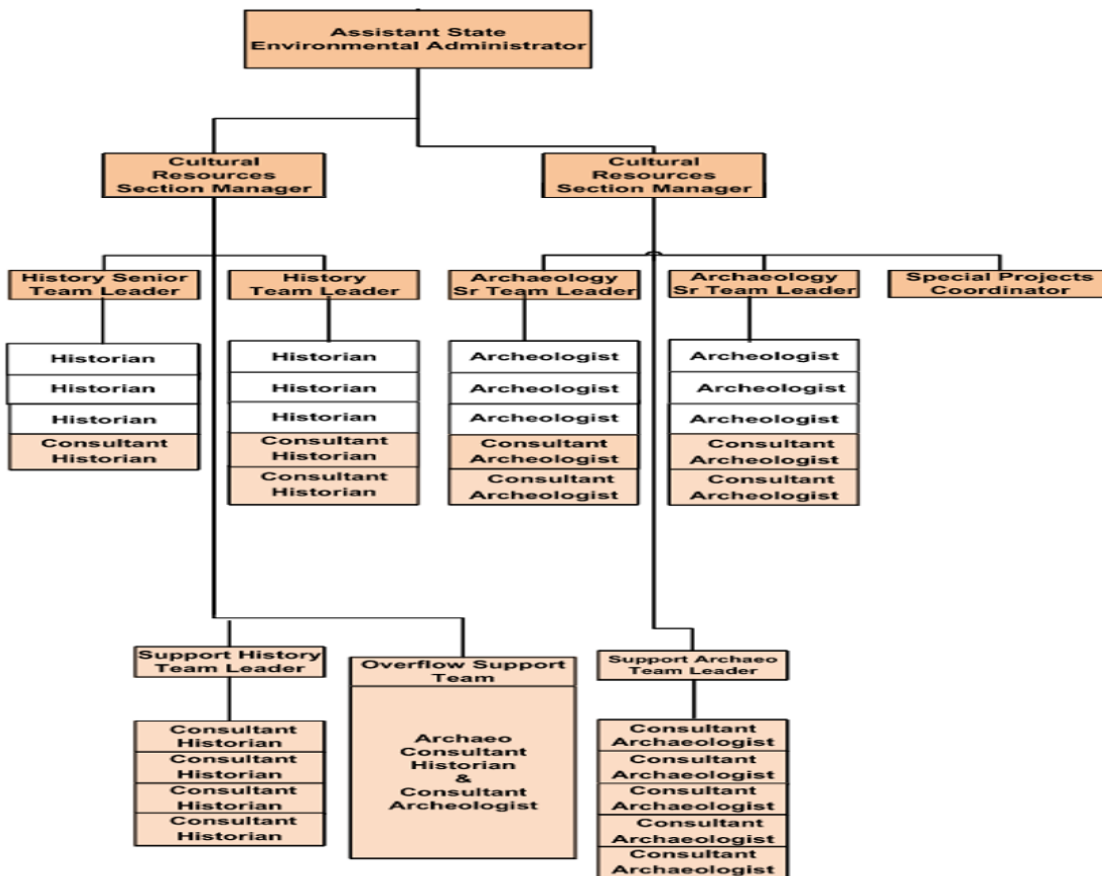


Figure 5 GDOT Cultural Resources Section (Archaeology and History)

NEPA Section - GDOT and consultant NEPA staff conduct fieldwork and resource identification of human/social/community resources. They conduct public involvement activities and prepare/review the NEPA decision document in compliance with NEPA. All NEPA SMEs must possess a combination of skills, experience, and training that meet the standards noted below. NEPA SMEs will have a degree in a related field and experience in preparing/reviewing documents in compliance with NEPA, as well as an understanding of the GDOT PDP. They also will possess competencies in the areas of Section 4(f), Direct and Indirect Impact analysis, and assessing project effects on communities. They are required to be proficient in reading and interpreting project maps and plans.

The NEPA Section includes 1 Assistant State Environmental Administrator, 2 Section Managers, 3 Team Leaders, and 12 internal Environmental Analyst's. Consultant support service plays an integral role in the success of this unit. Under direct oversight of the GDOT Team Leaders, support service consultants include 2 Team Leaders 14 SMEs, and three public involvement specialists that support GDOT staff in compliance with NEPA (Figure 6).

Environmental Section Managers (2)

Each Environmental Section Manager runs the day-to-day operations of the Section and is able to make final approvals on NEPA documents under the current PCE agreement. The Environmental Section Managers would also make approvals under the 326 MOU. Under Program Assignment the

SEA and the office of NEPA Program Assignment would make final approvals on NEPA documents (see § 773.109 (a)(3)(ii): Changes to be Made for Assumption of Responsibilities).

Environmental Team Leader (3)

The Environmental Team Leader is responsible for hiring and training Environmental Analysts. They also serve in the role of providing QA/QC on documents. They are responsible for ensuring that environmental projects are certified. They may also serve as the Environmental Analyst on complex projects (see below Environmental Analyst for duties).

Environmental Analyst (12)

The Environmental Analyst, sometimes known as the NEPA analyst or the environmental planner, develops the environmental document and related tasks. These tasks may include studies related to farmland protection, floodplain involvement, community impacts, and public outreach activities. The Environmental Analyst summarized all SME studies and drafts the NEPA document. They may also act as a first round of providing QA/QC on consultant submitted documents before submitting them to the Environmental Team Leader.

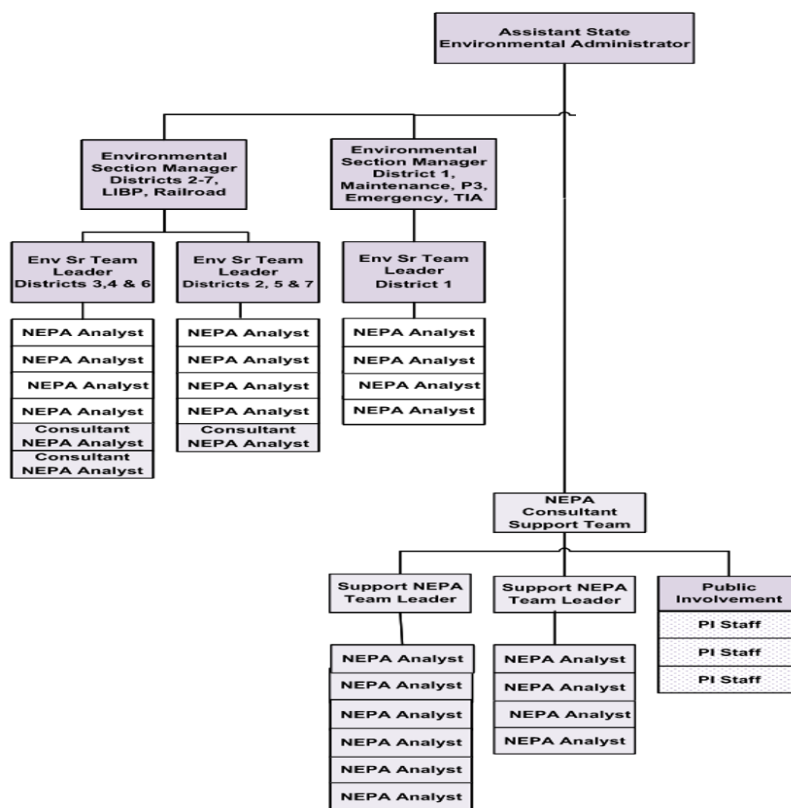


Figure 6 GDOT NEPA Section

Air/Noise Section - Georgia DOT and consultant noise staff conduct resource identification fieldwork for noise impacted receptors and prepare/review noise assessment technical documents. All noise SMEs must possess a combination of skills, experience, and training that meet the standards noted below. Noise SMEs must have a BA degree in a related field and experience in preparing documents in compliance with Federal noise assessment requirements. They possess an understanding of the requirements of 23 CFR 772 (Procedures for Abatement of Highway Traffic Noise) and GDOT's Working Guideline for Highway Noise Barrier Construction, as well as an understanding of the GDOT

PDP. They have the ability to read and interpret project maps and plans. Noise SMEs will possess competencies in assessing projects using FHWA's Traffic Noise Model (TNM), taking existing noise readings, assessing project effects and evaluating the reasonableness of abatement.

GDOT and consultant air quality staff conduct resource identification fieldwork (carbon monoxide/CO, particulate matter (PM) 2.5, Ozone, and MSAT) and prepare air quality assessment technical documents. All air quality SMEs possess a combination of skills, experience, and training that meet the standards noted below. Air quality SMEs will have a BA degree in a related field and experience in preparing/reviewing documents in compliance with Federal air quality regulations. They possess an understanding of the requirements of the Clean Air Act, as well as an understanding of the GDOT PDP. They must have the ability to read and interpret project maps and plans. Air quality SMEs will possess competencies in assessing project effects using FHWA's MOVES models.

The Air/Noise Section includes 1 Assistant State Environmental Administrator, 1 Section Manager, 2 Team Leaders, and 8 internal SMEs. Consultant support service is minimally used in this unit. Under direct oversight of the GDOT Team Leaders, this unit includes 1 support service SME consultant (Figure 7).

Air-Noise Section Manager (1)

The Air-Noise Section Manager is responsible for the day-to-day running and decision making related to air quality and noise requirements. They work on GDOT's noise policy, programmatic agreements, and provide section leadership.

Air-Noise Team Leaders (2)

The Air-Noise Team Leaders are responsible for hiring and training Air and Noise SMEs. They also serve in the role of providing QA/QC on documents. The Team leaders, with the assistance from their SMEs, ensure compliance with the processes and federal laws within their purview.

Air-Noise SMEs (8)

Air-Noise SMEs are responsible for collecting data, completing field work, coordinating, evaluating, and project impacts, writing evaluations, and following processes to ensure compliance with laws that fall under the sections responsibilities.

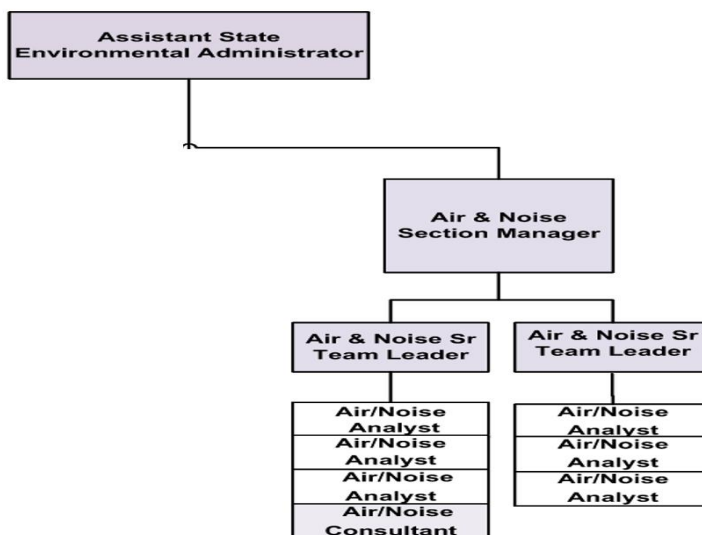


Figure 7 GDOT Air/Noise Section

Miscellaneous OES Sections – OES contains one other section, Environmental Program Managers (EPMs) and Scheduling, both units reside outside of the agency review and approval cycle (Figure 8). EPMs are responsible for ensuring on-time project delivery for OES and serving as the “one point of contact” for outside offices on all things related to environmental delivery, while providing support to OES SMEs. The Scheduling Section serves as the OES Primavera (P6) and Baseline Schedule experts, responsible for monitoring schedules, tracking office performance metrics/scorecards, and generally assisting SMEs in managing project delivery schedules.

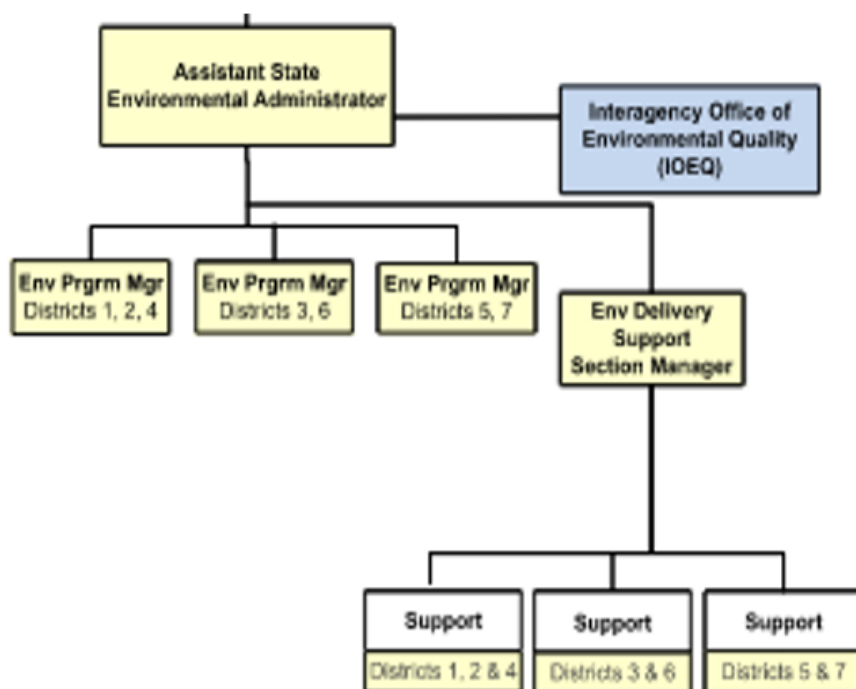


Figure 8 OES EPMs and Scheduling Sections

Within this Unit, GDOT's Interagency Office of Environmental Quality (IOEQ) also resides. The IOEQ is a partnership between Federal and state agencies, including GDOT, to streamline environmental reviews and facilitate coordination for transportation projects in Georgia. By bringing agencies together early in the project planning process, IOEQ promotes efficient communication and ensures compliance with environmental regulations, leading to better quality projects delivered more efficiently. This partnership makes GDOT uniquely ready to implement lead coordination efforts with state and Federal agencies as part of Program Assignment (see Table 1 for a complete listing of agency personnel located in the IOEQ). Agency personnel are paid by GDOT through a contract between GDOT and their respective agency.

Table 1 IOEQ Agency and Position Numbers

Agency Name	Number of Positions
USFWS	5
USACE	4
NPS	1
NOAA	1
EPD	4.5
WRD	2
SHPO	2
Total	19.5

Office of Materials and Testing – Environmental Branch

The Hazardous Materials section is not within GDOT's Office of Environmental Services and is instead in the GDOT Office of Materials and Testing (OMAT). GDOT's OMAT is responsible for the review and approval of consultant prepared Phase I and Phase II Environmental Site Assessments. OMAT's organization is an important factor in establishing the Quality Control (QC) and Quality Assurance (QA) process as well as defining Preparer, Reviewer, and Approval roles and qualifications.

OMAT's Environmental Branch includes a team of Engineers, a Senior Reviewer, Branch Supervisor, and Branch Chief. The Senior Reviewer, Branch Supervisor, and Branch Chief are SMEs with expertise and qualifications for the discipline. The Engineers, Senior Review, and Branch Supervisor all report to the Branch Chief, who in turn reports to the Assistant State Materials Engineer. The Assistant State Materials Engineer in turn reports to the State Materials Engineer. (Figure 9) The Hazardous Materials Report is summarized in the NEPA document, indicating final approval of this and all technical studies. The final NEPA document is currently signed and approved by OES and FHWA. Under Program Assignment projects will be approved by the OES Office Head and/or the Office of Program Assignment (a new office being set up as part of Program Assignment). See § 773.109 (a)(3)(ii): Changes to be Made for Assumption of Responsibilities

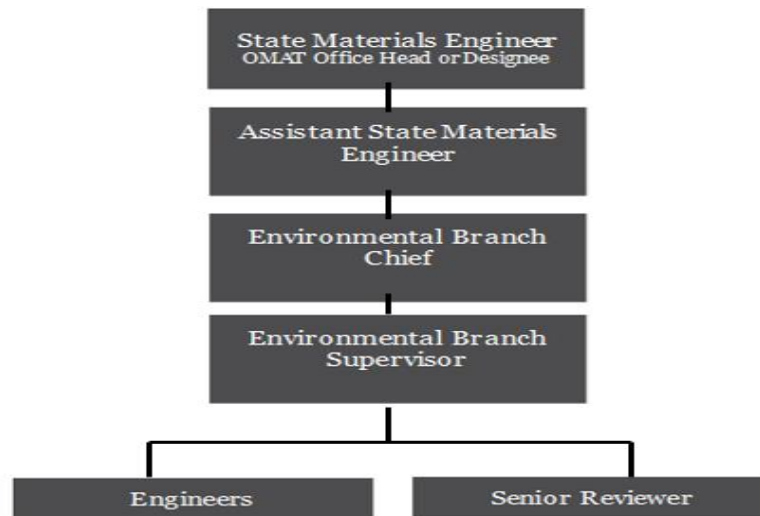


Figure 9 OMAT Materials Environmental Branch

GDOT's Existing Project Development Process (PDP)

GDOT has developed and implemented a PDP that includes regular communication among technical disciplines, results in quality plans, and minimizes cost overruns during ROW acquisition and project construction. The PDP is made up of five phases that all projects must advance. These phases are Planning and Programming, Concept Development, Preliminary Engineering, Final Design, and Construction.

The PDP is a project management and transportation decision-making process that outlines project development from Planning through completion of Construction. Each PDP activity is timed to facilitate informed decision making based on an appropriate level of project development and risk management. The PDP encourages communication among disciplines, requires documentation of the reasoning behind project related decisions, eliminates duplicated effort among disciplines, and provides for early identification of potential issues. Involvement of all disciplines during the early stages of project development ensures that issues affecting project type, scope, development schedule, and costs can be correctly evaluated and anticipated.

Selection of the appropriate project path is based on the anticipated level of project development complexity. The project path identifies the recommended level of analysis, amount of stakeholder involvement, and activities performed during each PDP phase.

GDOT's project development process is focused on identifying environmentally sensitive resources early on in the process and thus allows for the most effective consideration towards avoiding and minimizing direct impacts to such resources.

GDOT PDP:

Planning and Programming is the first phase of the PDP. The deliverables to come out of Planning and Programming are the Project Initiation Package, Draft Purpose and Need Statement, and the project scope.

GDOT's Concept Development process involves creating and refining potential solutions for transportation projects, beginning with technical analysis to identify needs and then progressing to public outreach to gather feedback on early concepts. The process culminates in the development of draft and final concept reports, including project evaluations, cost analysis, and the identification of a preferred alternative before moving into more detailed design. During this phase environmental resource identification is completed, along with agency concurrence. Also included in this phase is a Practical Alternatives Report, if applicable).

GDOT's Preliminary Engineering phase is the stage where designers and planners conduct early project-level planning to determine the overall design concept and location of a transportation facility. This phase includes detailed work such as traffic studies, surveys, geotechnical studies, environmental assessments, and preliminary utility and ROW investigations to prepare the project for physical construction. Environmental milestones include technical studies/assessments, NEPA approval, and ROW certification.

GDOT's Final Design Phase is the stage where preliminary engineering concepts are developed into a detailed construction plan. This includes producing comprehensive engineering drawings and documents necessary for bidding and construction. GDOT's approach will involve creating detailed drawings and plans from viable engineering alternatives to construct the project. During this phase, GDOT finalizes ROW acquisition for the project. The deliverables that come out of Final Design include all necessary components to submit the plan package for Plan, Specification and Estimate. Environmental Milestones include approval of a required NEPA reevaluation, 404 permitting/mitigation credit acquisitions (to include stream buffer acquisition if applicable), and completion of any pre-construction environmental commitments.

GDOT Construction is the fifth phase of the PDP. The purpose of the Construction Phase is to perform the final step of the PDP: construct the project and perform all necessary during and post-construction environmental commitment tasks. Requirements during this phase include Materials Specifications (C&MS), Letting the project, procurement of the contractor, field layout, and site work, culminating in the project's official opening to traffic. If there are changes required during construction, plan sheets are sent to the OES Environment Program Manager. The OES Environment Program Manager will review changes to determine if there was a change to the project footprint or resource. If so, the OES Environment Program Manager will ask the NEPA Analyst to send to the OES SMEs to assess how changes could affect resources. Where required, a reevaluation will be completed prior to approving the plan changes. Once the reevaluation is approved, construction activities related to the change may resume. Currently a reevaluation not subject to the programmatic agreement is sent to FHWA for approval. Under NEPA Program Assignment, GDOT will update our reevaluation template and approve under Program Assignment.

GDOT's Existing Approach to Environmental Documentation and NEPA Approval

GDOT integrates environmental considerations into its activities to achieve compliance with applicable laws, regulations, and standards. GDOT values the delivery of safe, efficient transportation projects and makes sound decisions based on the balanced consideration of transportation needs and of social, economic, and environmental impacts of proposed transportation

improvements. GDOT complies with NEPA and all other Federal environmental approval requirements on its projects requiring Federal funding or approval.

GDOT's OES staff is qualified to manage environmental compliance requirements. These requirements include requirements and standards for environmental documents and decisions, expectations for proactive resource agency engagement, and an approach to environmental commitments. GDOT OES works with GDOT internal offices through all phases of the PDP, from planning through construction. Through this coordination, GDOT employs a multi-phased project development process that integrates environmental requirements with planning and engineering design. Adhering to the NEPA process, OES conducts environmental analyses to determine project impacts on the environment. This determination is used as a guide for how a project should be developed to avoid, minimize, or offset/compensate for impacts on the environment.

As an integral part of the GDOT Division of Engineering, OES coordinates, prepares, and provides the environmental compliance for all GDOT projects. All construction projects receive an environmental clearance and certification from OES. OES integrates environmental considerations and impact analyses into its activities to achieve compliance with applicable laws, regulations, and standards and oversees the preparation of environmental documents in accordance with the requirements of NEPA when FHWA approval is required. OES also extends its commitment to environmental compliance in the absence of Federal actions that require NEPA by requiring a Georgia Environmental Policy Act (GEPA) clearance when no Federal funds/approval actions are involved in a project.

Before executing any Federal-aid project agreement for a physical construction contract GDOT will continue to provide to the FHWA GA Division, as part of the process, the NEPA classification and clearance date for the project as recorded in the Financial Management and Information System (FMIS). This will serve as GDOT's certification that GDOT has fulfilled all responsibilities under the MOU in accordance with relevant Federal laws, regulations, and policies.

Under Program Assignment documents will be updated to identify GDOT as a state agency that is assigned a responsibility under an agreement and shall be deemed to be an agency pursuant to 23 USC 327.

OES staff guide an interdisciplinary approach to environmental document preparation, maintaining expertise in a broad variety of environmental disciplines statewide. OES NEPA staff are tasked with providing oversight, guidance, management, and delivery of the overall NEPA program. OES SMEs are responsible for the guidance, expertise, and delivery of documentation in specialties including archaeology, architectural history, biology, noise, air quality, visual assessment, and water resources. This interdisciplinary interaction ensures that project environmental impacts and mitigation measures are addressed and implemented appropriately starting at Concept up to and through the Construction phase.

Office of Environmental Services: Major Activities

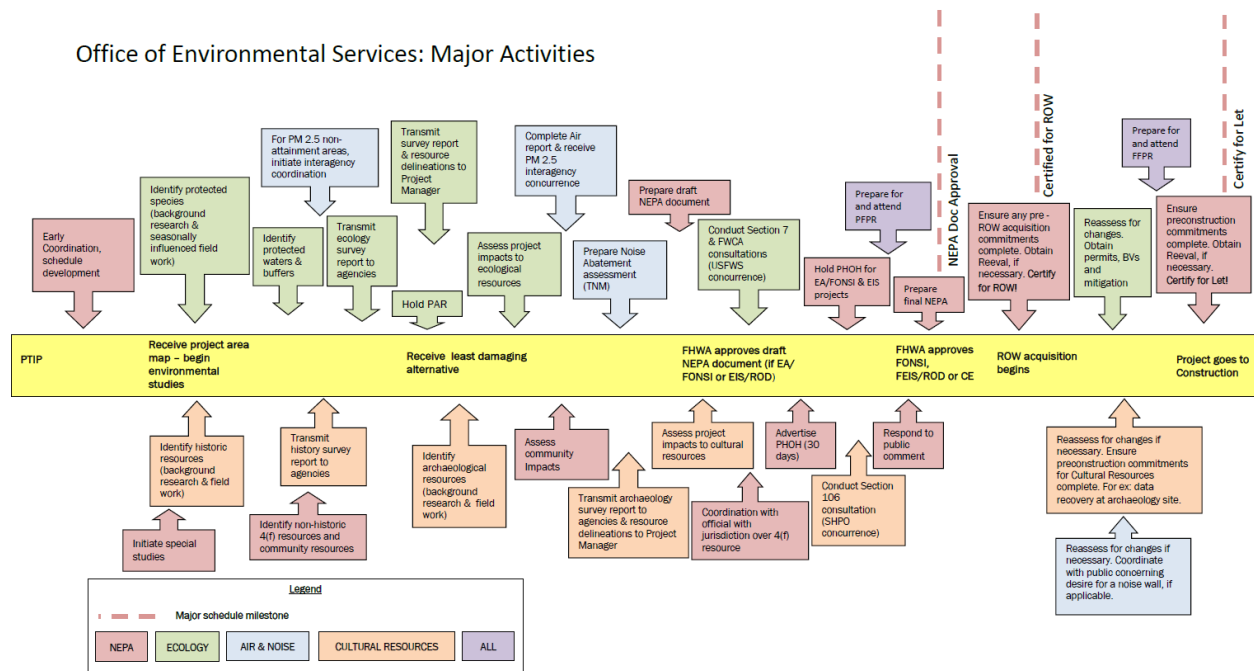


Figure 10 OES Current NEPA Compliance Activities During the PDP by Discipline

The OES NEPA staff work closely with the OES SMEs and OMAT to ensure that environmental documents comply with survey methodologies and protocols required by resource and regulatory agencies such as the USFWS, USACE, NOAA, GDNR (Wildlife Resources Division & Coast Resource Divisions), and the Georgia State Historic Preservation Office (SHPO). The OES SMEs work closely with state and Federal agency staff to stay current with guidance and to encourage efficient and timely environmental agency reviews. As noted earlier, GDOT's IOEQ facilitates these technical discussions and assists in streamlining resource agency reviews of GDOT environmental permitting and documentation when necessary.

For categorical exclusions (CEs), GDOT maintains detailed NEPA guidance and templates that aid in the planning, preparation, and submission of CEs in support of proposed transportation projects. This guidance provides information and technical directions to develop and review CE projects that follow applicable Federal laws. Projects that require environmental impact statements (EISs) and environmental assessments (EAs) follow well-established NEPA guidance and procedures as outlined in FHWA guidance for the preparation of such documents located in the FHWA Environmental Review Toolkit, as well as in GDOT environmental guidebooks and document templates. Guidelines for producing successful technical documents, and the environmental responsibilities associated with each, are provided through detailed technical guidance documents/guidebooks developed by GDOT OES and are also located by technical discipline on the GDOT website. (<https://www.dot.ga.gov/GDOT/Pages/EnvironmentalProcedures.aspx>)

Environmental & PDP Milestones

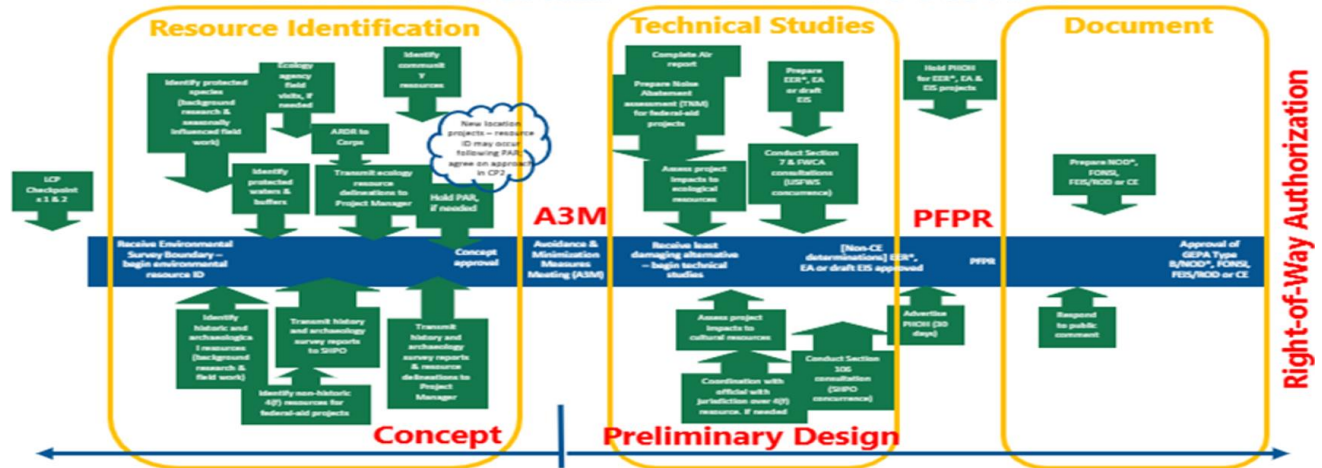


Figure 11 Current NEPA Compliance PDP Milestones: Concept and Preliminary Design

Environmental & PDP Milestones

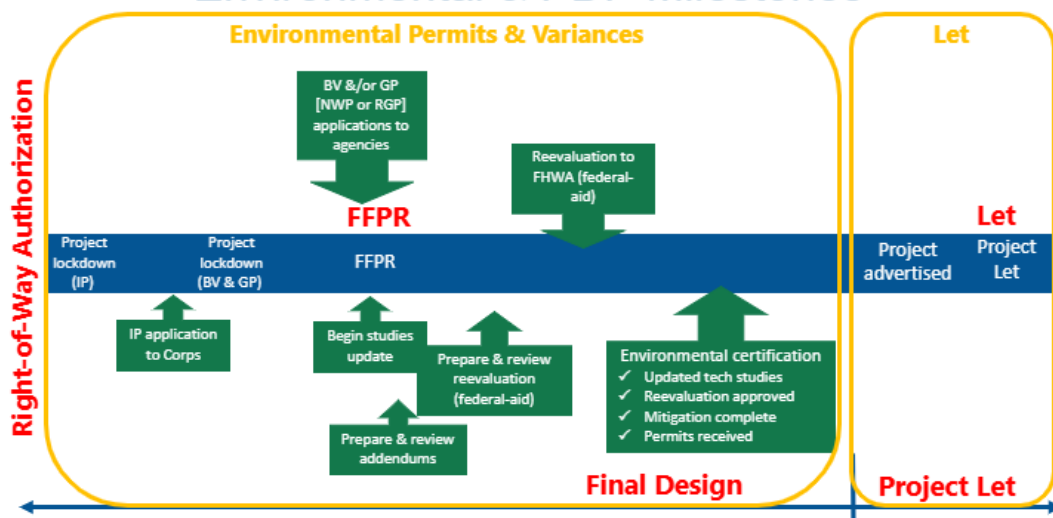


Figure 12 Current NEPA Compliance & PDP Milestones Through Final Design and LET

The vast majority of GDOT projects are completed with CEs. Each GDOT project is assigned to an

Georgia Department of Transportation's Application for Assumption of FHWA Responsibilities Pursuant to the Surface Transportation Project Delivery Program, 23 CFR 773

Environmental Analyst, who has overall responsibility for successfully directing and delivering the NEPA environmental document. In coordination with OES SMEs, a determination on the specific type of CE to be applied is made by OES; the determination depends on the type of project, project scope, and potential impacts. OES SMEs or qualified consultants are assigned to research, identify resources, and assess the project environmental impacts, ultimately preparing representative environmental technical documents, the NEPA document, permits, and other documentation. Environmental documents, as well as consultation letters and technical reports submitted by consultants, are reviewed and internally approved by GDOT environmental staff before they are submitted, if required, to FHWA for approval. (See NEPA Guidebooks for more details <https://www.dot.ga.gov/GDOT/Pages/EnvironmentalProcedures.aspx>).

Under Program Assignment documents will be approved by GDOT. See § 773.109 (a)(3)(ii): Changes to be Made for Assumption of Responsibilities. Also under the 326 MOU, being pursued by GDOT, GDOT's current PCE documents will be updated to Type I CE projects. CE's that currently go to FHWA and unlisted CE's will be considered Type II CE's. Templet names will be updated as part of Program Assignment.

The typical steps for preparing environmental documents [including CE's that meet the criteria defined in 23 CFR 771.117(a) and (b) but are not (c) list or (d) list actions] are outlined as follows:

- ☐ Receive environmental survey boundary
- ☐ Environmental Analyst requests resource identification
- ☐ Agency/consulting party/stakeholder early notification
- ☐ Resource identification, PIOH, and technical studies/resource assessments
- ☐ Draft environmental document development and review (consultants/project team)
- ☐ Administrative draft environmental document
- ☐ Review/approval of draft environmental document
- ☐ Public hearing (if required)
- ☐ Administrative draft final environmental document
- ☐ Review/approval of draft final environmental document
- ☐ Final approval of environmental document

Under Program Assignment checklists will also be used/updated to ensure project files are complete.

Process for Local Agency Program Projects

Local Agency Program/LAP (local governments) can be project sponsors for projects with Federal aid. Projects with designated local government project sponsors are managed the same as GDOT Federal-aid projects. Once received at GDOT, local government project environmental documents and studies are reviewed in the same manner as projects sponsored by GDOT and meet the same quality standards as GDOT projects. These local government projects follow standard environmental document production, review, and approval processes. Approval of any local government NEPA document will not be provided until it meets Federal environmental requirements.

Because LAP projects follow the same process as all other program projects there are no changes needed to complete this program under Program Assignment. These projects would follow the same processes laid out in this application.

Public Involvement Procedures

A Departments Public Involvement Plan is required under 23 CFR 771.111(h) and requires FHWA approval. GDOT's Public Involvement Plan has been approved by FHWA in compliance with this CFR. This section summarizes the GDOT Public Involvement (PI) process which is designed to go beyond simply meeting legal requirements. Public Involvement "Hear Every Voice" training focus on the fact that conducting PI simply to meet legal requirements neglects the purpose of informing, engaging, and meeting the needs of stakeholders and the public. Planning and conducting comprehensive PI assists decision-makers in understanding community needs and promotes meaningful dialogue to take place in order to develop viable transportation solutions. While meeting legal requirements is important, ensuring stakeholders and the public are part of the process is equally, if not more, important.

As a component of GDOT's environmental process, PI is conducted to:

- Establish early and continuous communication with stakeholders and the public
- Convey project needs in regard to existing transportation problems
- Understand and address, to the extent practicable, diverse concerns, needs, values, interests, and desires of the community
- Obtain alternate viewpoints
- Increase credibility, trust, and transparency
- Identify, reduce and resolve controversy
- Comply with Federal and State regulations

Furthermore, PI is integrated into GDOT's PDP so that each project incorporates the following strategies:

- Distribute information, materials, and project notifications in a timely fashion
- Provide adequate notice of PI activities
- Ensure sufficient time is built in for public review and comment at key decision points
- Consider and address all comments appropriately
- Consider and address the needs of all populations
- Conduct PI activities in accordance with Title VI requirements

Conducting PI ensures legal requirements are met, stakeholders, and public expectations are managed appropriately, and that the public is included in the transportation decision-making process. To achieve this, GDOT's PI process is designed to obtain an array of viewpoints and concerns that pertain to specific transportation and community needs. While the level of PI is dependent on a project's type and complexity, opportunities for proactive engagement and outreach occur not only during the early stages of project planning and development, but throughout the life of a project.

Transportation projects require PI opportunities during project planning and development in accordance with existing regulations found at 23 CFR 771.111. An appropriate level of PI is required to be conducted based on a project's type and complexity. A higher level of PI will be conducted for projects that require completion of an EA or an EIS versus those that are CEs. Public involvement activities for an EA may and EIS must include a public hearing per 23 CFR 771.119(b) and 23 CFR 771.123(b), respectively. GDOT implements a PI program that encourages opportunities and provides guidance for interagency coordination and public participation.

Based on project classification, project description, public interest, the potential for controversy on

environmental grounds, or potential impacts, the GDOT PI process prescribes when a project sponsor must meet with affected property owners, hold a public meeting, afford an opportunity for a public hearing, or hold a public hearing. GDOT conducts open houses, individual stakeholder and property owner meetings, neighborhood meetings, elected official briefings, and public meetings, as necessary, during the environmental process. A public hearing or the opportunity for a public hearing is offered for all EA projects. Scoping, public meetings, and public hearings are held for all EIS level projects.

GDOT OES determines the type of PI needed for a project, based on the context and intensity of the project and its potential impacts. The Office of Strategic Communications may act as a resource for advertising or review depending on a project's type and complexity. The Project Team may be comprised of, but is not limited to, the District Planning and Programming Engineer, the Project Manager, environmental SMEs planners, engineers, support staff, and consultants. The team reviews the layout and fact sheet, prior to it being sent to OES for approval. For an EIS, that plan is formalized as a component of the Coordination/PI Plan as required by 23 U.S.C. §139(g). The PI plan describes how the project team will establish and maintain communication with the public, ensures the public remains informed about the proposed project, and ensures the public has an opportunity to provide input, as may be appropriate given the nature of the project. Details regarding stakeholder/consulting party identification (stakeholder/consulting party database), strategies that will be used to convey information to the public (social media, newsletters, flyers, websites, newspapers, radio, TV, message boards, etc.), and anticipated small group involvement (meetings, open houses, etc.) may be described in the PI plan.

GDOT currently follows the requirements of 23 U.S.C. 139 and 771 for efficient environmental review and applies it to all projects for which an EIS is prepared. These requirements emphasize collaboration between Federal, state, local and tribal entities and the public when preparing an EIS. It defines the lead agency and provides direction on identifying participating and cooperating agencies. 23 U.S.C. 139 requires lead agencies to provide, as early as practicable in the environmental review process, an opportunity for the public and participating agencies to provide input in the development of the purpose and need and the range of alternatives to be considered. It states the lead agency will also collaborate with the cooperating and participating agencies during the study process on study methodologies to be used, and level of detail required for the analysis of project alternatives. Following the requirements of 23 U.S.C. 139(g), the Coordination Plan identifies the lead agencies for the project (Federal, State and Local) along with the cooperating and participating agencies and describes expectations for each of the roles. The plan also describes the coordination that will take place and includes guidance for inter-agency coordination and ways to encourage opportunities for agency and public participation during scoping, development of purpose and need and alternatives, and public review of the environmental document.

Environmental SMEs, Environmental Analysts, PMs, project designers, as needed, review public and agency comments received during meetings and hearings and evaluate the comments. Modifications to the alternatives or design concepts may then occur based on the comments received. All responses to public comments are signed off by the OES SEA and included in a public involvement response letter that is developed after each public meeting or hearing. Public meetings and public hearing response letters are then made available to the public.

The Public Involvement Process meets requirements under Program Assignment. Therefore, the process would continue under Program Assignment. Final approval that the Public Involvement Process was completed per state and federal requirements under Program Assignment, occurs with the approval of the project's NEPA document.

GDOT's Commitment to Quality and Quality Control Procedures

GDOT has worked diligently to implement FHWA's Every Day Counts initiative on quality documents. As part of this effort, GDOT has worked to streamline the PDP by implementing a "reader-friendly" approach to documentation. This process involves greater collaboration among environmental document preparers and reviewers, and a focus on shorter EAs and EISs that are centered on presenting the environmental and project information that is most important for public understanding and project decision-making. Technical studies are separately prepared and reviewed and then incorporated into the environmental document by reference, briefly summarized or included as appendices. These studies are usually evaluated before the environmental document is submitted for review, which prevents technical study errors from entering the environmental document and extending the duration of document review time.

GDOT's approach emphasizes collaboration between consultants, OES, and FHWA staff at key points during the environmental process to ensure that studies and documents are appropriately scoped and that finished products are acceptable prior to final review and decision. This approach is being implemented to reduce the level of effort of sequential production and review of studies and documents. Further, it serves to reduce rejection of documents because of preventable errors in technical work. Over the course of developing a project, OES staff considers preliminary environmental data, identify environmental constraints, and work in coordination with design staff to perform environmental impact analyses.

GDOT ensures quality assurance (QA), and quality control (QC) processes are built into everyday actions. QA is devoted to preventing problems, whereas QC is devoted to identifying and correcting problems. Both QA and QC steps are built into the project environmental document preparation and approval process as GDOT's responsibility per FHWA's Oversight Agreement.

GDOT's process is structured to include very high levels of QA throughout the project-specific environmental process. GDOT's projects are typically managed in a team format where the Environmental Analyst and SME's work closely together to foster an environmental focus on communication and problem solving. This team concept itself is a QA feature that ensures that the persons producing and approving documents communicate mutual expectations about what is needed for a project. Consistent interaction between the PM, Environmental Analyst, and involved SMEs is intended to resolve most, if not all, problems before the document is completed and ready for review. FHWA is also active in this review cycle for complex discipline specific areas, like Section 4(f), etc.

Environmental documents go through QA/QC at several stages during their development and review (Table 2). Project Team Initiation Process (PTIP) meetings and scoping analysis are the first early QA activity intended to prevent late identification of issues that could cause delays or lead to unsupported environmental decisions. Each phase of GDOT's PDP (described above) has decision and support documents that are generated and reviewed by GDOT and FHWA (for higher level projects). Each of these is supported by various guidance documents (described above), that help ensure the development of adequate and supported environmental documents and technical studies. The process for approving environmental documents has several QC points. As determined by GDOT's PDP and environmental procedures/guidebooks, key environmental technical studies and consultation documentation are subject to QC review by qualified OES SME staff/Consultant SMEs located at OES. Fundamental problems may be detected and corrected at any level within GDOT's review process. This process prevents unnecessary expenditures of time and resources

and ensures the necessary amount of detail and effort is developed on each project.

The next QC opportunity is when the environmental document is reviewed for content by the OES Team Leaders and FHWA, as appropriate. This QC step ensures that environmental documents are satisfactory for public disclosure. This process is managed by the Environmental Analyst, who works with SMEs to provide QC review of the draft environmental document and, later in the process, the final environmental document. Further technical review may be completed by SMEs for projects that have specific resource concerns or potential impacts. The project team identifies issues that must be addressed, and the assigned Environmental Analyst revises the document accordingly. This process continues until the project team determines that the document is ready for final review and approval. A standard QC matrix is used to document review comments and their resolution. This matrix acts as an internal record of the comment and response progression and is intended to ensure clarity and efficiency in the QC process. Currently FHWA has review oversight of NPEA document development and approval. Under Program Assignment GDOT would oversee the entire NEPA process and approval. See § 773.109(a)(3)(ii). Expanded Quality Assurance/Quality Control Procedures.

In addition to the technical review described above, a legal review is completed by FHWA for legal sufficiency on EIS actions and actions that require Individual 4(f) determinations. The primary goal of this review is to assess the document from the perspective of legal standards, litigation risk, and legal defensibility. Under Program Assignment GDOT will be responsible for completing legal reviews. See § 773.109 (a)(3)(ii): Changes to be Made for Assumption of Responsibilities, Legal Sufficiency Review.

Lastly, GDOT regularly assesses its environmental compliance program and identifies and implements actions designed to improve the program's effectiveness and timeliness. Its guidance tools are designed to support staff in accurate development and review of project environmental documentation to meet Federal and state standards and requirements. Since the first execution of GDOT's Programmatic CE Agreement, GDOT has regularly conducted routine performance reviews for projects classified as PCEs. These reviews conducted internally by OES, audit PCEs for file completeness and accuracy. This audit is provided to FHWA annually with correction recommendations, if any. Also, PCEs are evaluated by a joint GDOT and FHWA process review team to determine if findings were appropriate, decisions were made by authorized staff.

Under Program Assignment FHWA will conduct yearly auditing. GDOT will be responsible for submitting self-assessments to FHWA prior to FHWA beginning their audit. See § 773.109 (a)(3)(ii): Changes to be Made for Assumption of Responsibilities: Responsibilities of the Program Assignment Audit Team.

Environmental Commitments

Consideration of environmental commitments begins at the earliest phases of project development, although completion of commitments may not occur until the Construction phase of a project. Depending upon the nature of the commitment, environmental commitments may be implemented during final design; or prior to, during, or after construction is completed. GDOT requires that environmental commitments be communicated from environmental approval through pre-construction commitments, during construction commitments, and post construction commitments.

GDOT's environmental commitments table captures each environmental commitment and helps to communicate the commitments as the project is developed through GDOT's PDP. The

environmental commitments table tracks commitments during the PDP allowing the project team to better record how each commitment has been met and identify responsibility for the commitment. Environmental commitments that affect construction are communicated to contractors via the Environmental Resources Impact Table (ERIT). These ERIT commitments are discussed during the pre-construction meetings as well. It is the responsibility of the Office of Environmental Services to ensure commitments are complete and the responsibility of the GDOT Districts to ensure that the ERIT is followed. Since most under construct commitments are also part of the construction plans/ERIT the appropriate District will sign off on the commitments table indicating that all activities were complete at the end of construction. Environmental commitments are usually conveyed to the public in the NEPA decision document (CE determination, Finding of No Significant Impact (FONSI), or Record of Decision (ROD)). See below on how GDOT communicates commitments per the commitments table and ERIT (Figure 17).

No Changes to the Environmental Commitments process is expected with the exception that GDOT will now sign the final Environmental Document approving all commitments.

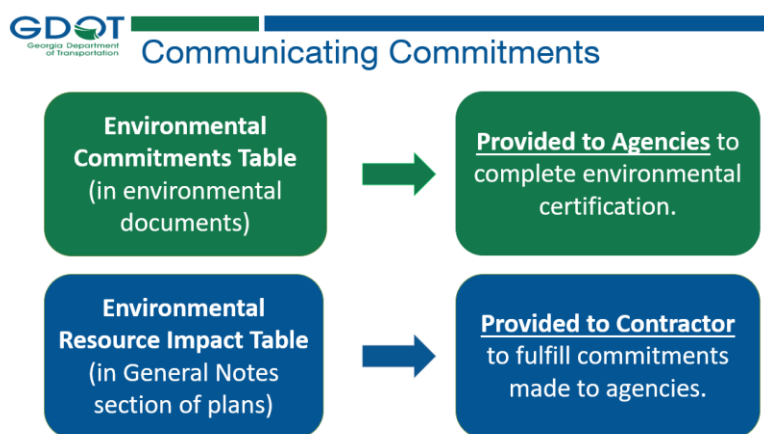


Figure 13 Communicating Commitments

Consultants

A project is kicked off with either a consultant being hired, or work is assigned to be completed internally with GDOT staff.

If a consultant is hired the consultant will complete Environmental field work reports, following the same environmental delivery approach as noted above, as well as completing a QA/QC prior to submitting to GDOT. Consultant work completed would be submitted to GDOT and a staff level employee reviews and acts as a QA/QC prior to a report being submitted for final review/approval.

GDOT also uses consultants to complete tasks as GDOT employees, under the supervision of a GDOT manager or Section Manager. These consultants work at GDOT offices. Such consultants may review consultant work and submit it to a manager for final review/approval.

NEPA - The NEPA section has consultants in the NEPA Manager role. These managers will make final recommendations like a GDOT manager to the GDOT approver who completes the final review

and signature. They are overseen by the GDOT Section Manager.

NEPA documents are signed by a GDOT employee in the role of NEPA Manager or higher, said GDOT employee having delegated signature authority on behalf of the State Environmental Administrator, currently the document is then sent to FHWA for approval. Under Program Assignment NEPA documents will be signed by the State NEPA Administrator or by the Office of Program Assignment.

PIOH Materials are approved for PI activities by a GDOT employee typically at the level of OES Assistance Office Head (AOH) or higher but in the event of the absence of the AOH, it could also be delegated to the NEPA Manager or higher.

PIOH Response letters receive final approval by an Office Head, typically the Environmental Administrator.

Cultural Resources - Cultural Resources has consultants acting as Team Leaders. Currently these consultant Team Leaders can make recommendations that documents are ready for approval with the exception of Memorandum of Agreements (MOAs). MOAs are recommended as ready for approval by the GDOT OES Cultural Resource Section Managers and signed by the GDOT State Environmental Administrator.

Ecology - Currently GDOT has some Ecology documents that are recommended as ready for approval by Senior consultant Ecology specialists who work specifically on the GDOT Transportation Investment Act (TIA) program projects. In addition, Ecology reports under our MMIP program are recommended for approval by consultants hired to do an independent review. Finally, GDOT has a consultant Special Projects Coordinator who advises on under construction activities and recommends for approval under construction reevaluations.

Air-Noise – Senior GDOT Noise Analysts have approver authority. Currently a consultant is a Senior Noise Analyst and can recommend for approval documents.

It should be noted that many of our consultants previously worked for GDOT and/or are among the best in their respective fields. In addition, the consultants are trained by GDOT, attend GDOT meetings/trainings, and are part of our internal Microsoft Teams chats/channels. They have GDOT e-mail addresses and attend office events.

Currently FHWA has final acceptance of all SME reports with the signature of the NEPA document. Under Program Assignment GDOT will serve in this role. All reports will be considered to have final approval upon GDOT signature of the NEPA document.

Tools and Guidance

To implement NEPA requirements effectively, GDOT has developed a broad array of policy and guidance materials and utilizes FHWA formal guidance documents that guide environmental document development and provide specific requirements for individual technical subject areas.

GDOT and its consultants use FHWA's NEPA guidance to develop environmental documents and studies. FHWA provides a set of online guidance (www.fhwa.dot.gov/environment) that covers a comprehensive variety of environmental topics. Each topic covers in depth direction and methodologies for performing studies ranging from community impact assessments to air quality

analyses. FHWA's Environmental Review Toolkit includes comprehensive guidance on a wide variety of topics, such as historic preservation, water resources, wetlands, wildlife, and Section 4(f) resources, to name a few. The American Association of State Highway and Transportation Officials (AASHTO) maintains a series of practitioner's handbooks for a wide range of environmental topics that assist with environmental project development and NEPA documentation.

As project sponsor and as the preparer of environmental documents for FHWA approval, GDOT has historically relied on FHWA's Technical Advisory – Guidance for Preparing and Processing Environmental and Section 4(f) Documents. The Technical Advisory was developed by FHWA for the purpose of providing the best available guidance to its field offices and applicants regarding the types of information needed to comply with NEPA, Section 4(f), and other environmental requirements. In addition, the FHWA Section 4(f) Policy Paper and FHWA Section 4(f) Tutorial contain all the guidance material needed to conduct Section 4(f) analyses. For GDOT's application for Program Assignment, the environmental review responsibility of Section 4(f), the Policy Paper states: "In situations where a State has assumed the FHWA responsibility for Section 4(f) compliance, this guidance is intended to help the State fulfill its responsibilities. Such situations may arise when Section 4(f) responsibilities are assigned to the State in accordance with 23 U.S.C. 326, 327, or a similar applicable law. Unless otherwise noted, references to "FHWA" in this document include a State Department of Transportation (State DOT) acting in FHWA's capacity pursuant to an assumption of FHWA's responsibilities under such laws."

These tools and guidance ensure that environmental documents and technical reports meet quality standards and are consistent with Federal and state requirements. Together with other Federal agencies, GDOT has also participated in the development of, and is signatory to, a number of PAs and MOUs that streamline the environmental review and project delivery processes.

GDOT's policy and guidance address the environmental requirements associated with planning and delivering highway projects. These policies and guidance are a compilation of environmental procedures and processes related to environmental, cultural, and social resources. These online reference materials are intended for use by project sponsors and environmental practitioners who conduct environmental work on behalf of GDOT, as well as by GDOT environmental staff. Policies and guidance are "living" documents that are updated as the need arises in response to changing environmental requirements, standards, and policies. In 2017 GDOT transitioned from an Environmental Procedures Manual to the current format of Environmental Guidebooks, which include technical areas for Air Quality, Noise, Ecology, Cultural Resources, and NEPA (Environmental Analysis and General topics). As part of Program Assignment, the guidebooks will be updated to include QA/QC, Training, and some new tools such as checklists to aid planners and practitioners in developing technical analyses. In addition, other environmental related policies such as USTs will be included as links within the environmental guidebooks. Environmental Guidebooks are located at:

<https://www.dot.ga.gov/GDOT/Pages/EnvironmentalProcedures.aspx>

The Environmental Analysis tab offers specific NEPA document guidelines and templates. Listed under this tab are the GDOT Categorical Exclusion (CE) Checklist and Guidelines, and the FHWA and GDOT Environmental Assessment template and guidelines that provide guidance and outline documentation requirements. These resources include guidance on the development of CEs and EAs for GDOT, as well as the assessment of resource categories considered in the preparation of NEPA documents.

As part of Program Assignment templates/documents will be updated Department-wide to indicate that GDOT has Program Assignment, to remove federal highway signatures, and to remove federal references unless they are referencing applicable Federal state, regulations, guidance or policy.

Additional Guidance

As noted previously, GDOT has implemented several key PDP tools designed to streamline project delivery and ensure environmental resources are incorporated into the transportation planning process. The GDOT Avoidance and Minimization Measures Meeting (A3M) <https://www.dot.ga.gov/PartnerSmart/EnvironmentalProcedures/General/Guidebooks/Avoidance%20and%20Minimization%20Measures%20Meeting.pdf>, is a collaborative meeting involving environmental OES SMEs and design teams to identify, incorporate, and track measures that avoid or reduce potential impacts of a project on environmentally sensitive areas. This process occurs during preliminary design to ensure environmental considerations are integrated into project plans, helping to fulfill the requirements of NEPA (Figure 18). In addition, GDOT developed a Lockdown Plan process to ensure impacts to protected waters & buffers are locked down prior to Letting projects to construction. The Lockdown Plan process provides a more consistent environmental permitting process and facilitates on-time project Lettings (Figure 19). Lockdown requires the following plan submittals for 404 permitting:

- 31 weeks for general permits (NWP & RGP below 35) and buffer variances (BV)
- 38 weeks for Individual Permits and RGP35s

The Lockdown Plan process can be found at:

<https://www.dot.ga.gov/PartnerSmart/EnvironmentalProcedures/Documents/Plan%20Lockdown%20Schedule.pdf>

In addition, Hot Button plan changes are required to be submitted four weeks prior to the scheduled Lockdown dates above for evaluation (per the Inter-departmental Correspondence dated October 15, 2013, October 21, 2016, and updated October 04, 2024). Hot Button changes include:

- Change in ROW or easement within an Environmentally Sensitive Area
- Change in construction limits within an Environmentally Sensitive Area
- Change in drainage structure within an Environmentally Sensitive Area
- Alignment or Edge of Pavement Shift (horizontal/vertical mainline or side road) even if the shift within existing ROW
- Project limits have changes beyond original Environmental Survey Boundary
- Traffic volumes have changed
- Thru, auxiliary or passing lanes have been added/removed within project
- Project description has changed
- New displacements, roadway access removal, and/or offsite detours

GDOT has also utilized the U.S. Department of Agriculture's Animal Plant and Health Inspection Service to annually inspect bridge structures scheduled for replacement across Georgia for migratory birds. These inspections occur prior to construction (and often times during construction) and have ensured GDOT's compliance with the Migratory Bird Treaty Act.

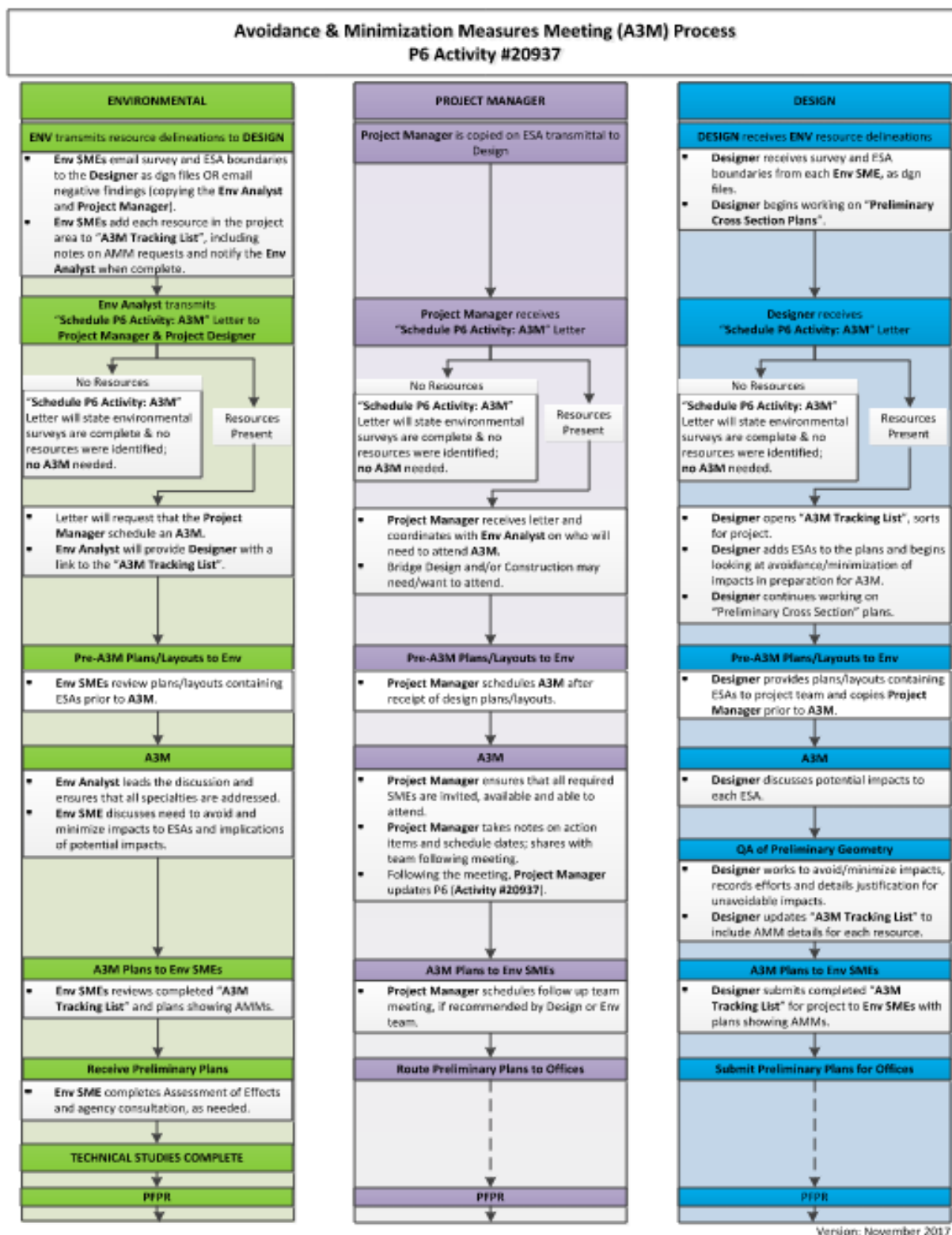


Figure 14 GDOT's A3M Process with GDOT Internal Office Responsibilities

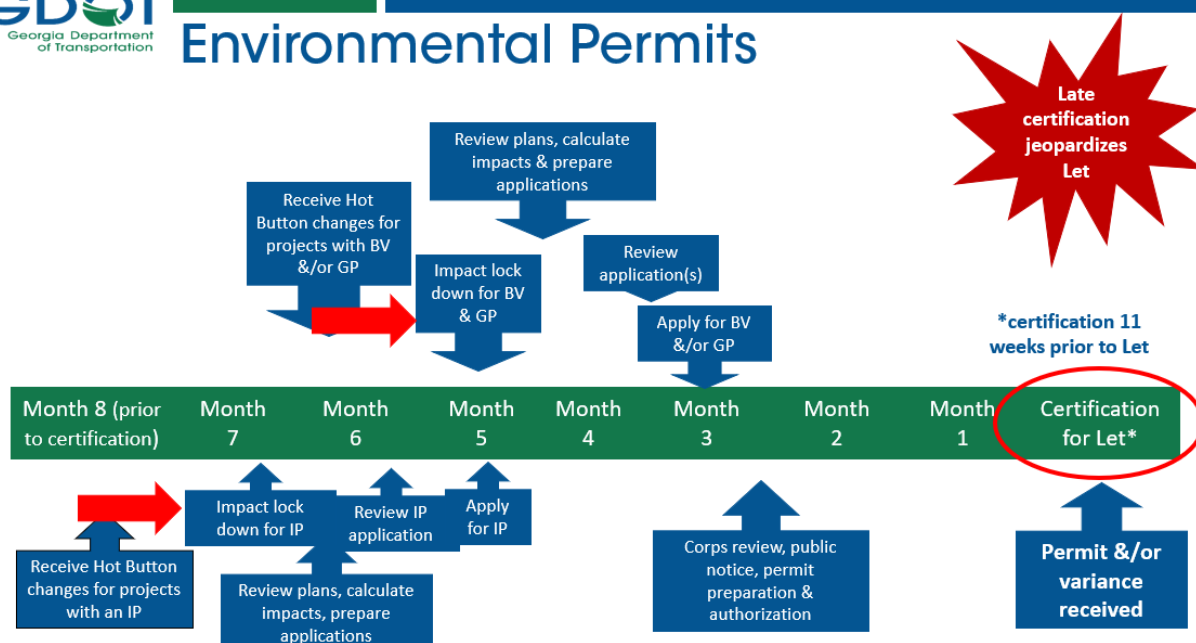


Figure 15 Environmental Permitting and Lockdown Requirement Prior to LET

File System

GDOT utilizes its ProjectWise electronic file repository system for all project documentation identified by discrete PI Number. Within the ProjectWise system the Environmental folders are located under the Preconstruction (PE) folder under the Environmental folder. The Environmental folder is broken into multiple sub-folders by discipline for Air, Archaeology, Ecology, Environmental Delivery Support Team, History, NEPA, and Noise. All NEPA project files, decisions, Public Involvement, etc. are saved in ProjectWise. Under NEPA Assignment this filing system will continue and be able to be accessed by FHWA for Audits with the exception of privileged documents. See § 773.109 (a)(3)(ii): Changes to be Made for Assumption of Responsibilities Record Keeping and Retention.

Agreements and Agency Consultation

Together with Federal and state agencies, GDOT has participated in the development of, and is a signatory to, a number of PAs, MOUs, Intergovernmental Agreements (IGAs), and policy memoranda that streamline environmental review and project delivery. These agreements address the terms and conditions, roles, and responsibilities between GDOT and their agency partners. Collectively, the goal of these agreements is to establish a process for consultation, alternative practices/methodologies, review, resolution of adverse effects, and/or compliance with one or more Federal and state laws. GDOT has several agreements, as described below:

NEPA

In May 2023, GDOT and the GDNr (Grants Program) entered into an IGA for coordination on highway projects that involve properties funded through the Land & Water Conservation program

(LWCF). The LWCF grant program in the State of Georgia provides that no property or portions of property acquired or developed with assistance from this funding Section 54 U.S.C. 2003 05 (f) (3) shall be converted to other than public outdoor recreation uses without first acquiring the requisite federal approval. This agreement focuses on streamlining coordination between the two agencies when LWCF is applicable on projects proposing real estate conversions from properties that have received LWCF funds.

<https://www.dot.ga.gov/PartnerSmart/EnvironmentalProcedures/Environmental%20Analysis/References/Land%20and%20Water%20Conservation%20Fund%20Act%20IGA%20-%20GDOT%20and%20GDNR%202023.pdf>

In October 2023, GDOT and FHWA entered into a PCE (renewal) for CEs under 23 CFR 771.117(g). This PCE streamlines the environmental review process by making GDOT responsible for CE approvals on behalf of FHWA for certain projects. GDOT may review and make CE approvals on behalf of FHWA for project actions listed in 23 CFR 771.117(c) and identified in 23 CFR 771.117(d), which meet the criteria established in the PA. The 2023 PA renewal replaced all previous CE agreements between FHWA and GDOT specific to Programmatic Categorical Exclusions (PCEs). <https://www.dot.ga.gov/PartnerSmart/EnvironmentalProcedures/Environmental%20Analysis/References/2023-2028%20Signed%20PCE%20Agreement.pdf>

In 2020, GDOT and GDNR Wildlife Resource Division (WRD) entered into an IGA on the replacement of existing public boat launching areas (boat ramps). The agreement defined roles and responsibilities between the agencies and streamlined the coordination process when GDNR boat ramps were proposed for replacement on GDOT projects.

In 2016, GDOT and FHWA developed a formal NEPA reevaluation agreement. Previously, the reevaluation policy was contained in FHWA correspondence dating from the 1990's. The new agreement provided much needed structure to when NEPA reevaluations were required, and the level of documentation needed to receive FHWA approval. This agreement has been renewed once and is currently being considered for further revisions.

<https://www.dot.ga.gov/PartnerSmart/EnvironmentalProcedures/Environmental%20Analysis/References/Reevaluation%20Policy.pdf>

Noise

In 2024, GDOT updated its current Highway Noise Abatement for Federal-Aid Projects policy that was approved by FHWA in July 2024.

<https://www.dot.ga.gov/PartnerSmart/EnvironmentalProcedures/Noise/References/Noise%20-%20Highway%20Noise%20Abatement%20Policy%20for%20Federal-Aid%20Projects.pdf>

Air

In addition, GDOT and FHWA executed a PA in 2017 pursuant to the Clean Air Act and Carbon Monoxide process and procedures. This PA was updated in 2020.

<https://www.dot.ga.gov/PartnerSmart/EnvironmentalProcedures/Air/References/Air%20-%20Example%20CO%20Agreement%20Memo%20May%202020%20-%20GDOT%20Office%20of%20Environmental%20Services.pdf>

Ecology

FHWA currently entrusts GDOT with certain aspects of its consultation responsibilities with NOAA and USFWS. Through signed memoranda pursuant to 50 CFR 402.08 and 50 CFR 600.920(c), FHWA designated GDOT as their non-Federal representative to conduct informal consultations and prepare biological assessments on behalf of FHWA per the ESA and consultations under the

Magnuson-Stevens Fishery Conservation and Management Act (memoranda signed in 2004 and 2024, respectively). In addition, the Federal Emergency Management Agency and the USACE have also designated GDOT as their non-Federal representative pursuant to 50 CFR 402.08, and 50 CFR 600.920(c).

In 2023, GDOT and the USACE renewed their Regional Permit, authorizing impacts to waters of the US for the construction of public transportation projects pursuant to Section 404 of the Clean Water Act and Section 10 of the Rivers and Harbors Act of 1899.

[RP 30-35 – Public Notice](#)

In 2023, GDOT signed a PA with FHWA, USFWS, USACE, and the GDNr entitled, *Collaborative Programmatic Agreement and Biological Assessment for Federally Listed and State Protected Bat Species in Georgia*. The BPA greatly streamlines the approval process for environmental documents, removes costly restrictions that would be applied to contracts, and allows for a reduced Formal Section 7 process to just 21 days per the ESA. Conservation payments are made by the project sponsor to GDNr (per separate agreement), and these funds go toward bat conservation efforts, primarily acquisition and preservation of forested bat habitat. [Bat Programmatic Agreement User's Guide](#)

For many years GDOT and FHWA have had PAs with the USFWS (Joint Coordination Procedures for the ESA) and the USACE (Local Coordination Procedures for the Clean Water Act). These agreements were renewed as recently as 2026 and 2025, respectively.

[Joint Coordination Procedures - 2026](#)

[Local Coordination Procedures - 2025](#)

GDOT and GDNr entered into an IGA allowing GDNr custodial management of several GDOT wetland mitigation properties. In combination with this, GDOT also entered into an IGA with the Georgia Forestry Commission to actively manage timber harvests on these properties to secure the health of the woodlands. These agreements were signed in 2008 and 2018, respectively.

GDOT has a long history of assisting in preserving/conserving threatened and endangered species and their habitat via Candidate Conservation Agreements. Listed below are three:

As part of the 2008 Gopher tortoise (*Gopherus polyphemus*) Candidate Conservation Agreement, GDOT agreed to participate in interagency efforts to survey for and safeguard populations of Gopher tortoise.

In 2014, GDOT signed the Georgia aster (*Symphyotrichum georgianum*) Candidate Conservation Agreement, committing to conducting surveys for aster populations, safeguarding high priority populations and monitoring high priority populations.

In 2020, GDOT signed the Monarch butterfly (*Danaus Plexippus*) Candidate Conservation Agreement, committing to restoration and creation of habitat, and pollinator habitat monitoring.

Cultural Resources

In 2015, GDOT and FHWA signed a PA with the Georgia SHPO regarding Historic Streetcar Archaeological Sites in Georgia outlining identification and documentation procedures during construction. The PA outlines roles and responsibilities between the agencies, methodologies on resource identification, monitoring during construction, and reporting requirements for these under

asphalt resources.

<https://www.dot.ga.gov/InvestSmart/Environment/CulturalResources/Pubs/StreetcarPA-Final.pdf>

Executed in 2018, GDOT, FHWA, and the Georgia SHPO signed an MOU for GDOT Traffic Operation projects associated with improvements to existing signalized intersections. The primary focus of the MOU was to better define the Section 106 area of potential effect (APE) to streamline the environmental process. The MOU was extended in 2023 via agreement with SHPO. The MOU is currently being incorporated into the statewide Section 106 Programmatic Agreement and Cultural Resources Manual that is anticipated to be ratified in early Summer 2026.

In 2018, GDOT and FHWA entered into a MOU with the Georgia SHPO that agreed upon a methodology for determining the APE for GDOT's Major Mobility Investment Program.

In 2020, GDOT and FHWA entered into a formal policy agreement with the Georgia SHPO related to Programmatic 4(f) evaluations for bridge replacements in historic districts. Centering on the FHWA 4(f) policy paper's Question 8D, the agreement states that the use of required ROW or easement resulting in no adverse effect to other contributing properties (other than the bridge) in the historic district would result in a *de minimis* finding by FHWA.

In December 2025, the PA between FHWA, the Advisory Council on Historic Preservation, the Georgia SHPO, the USACE, GDOT, and Participating Tribes regarding implementation of the Federal-aid highway program in Georgia was amended to extend to December 2026. In the PA, FHWA authorizes GDOT to consult with the Georgia SHPO, tribal governments, and other consulting parties on its behalf in compliance with the Section 106 process. The 2019 PA, and its accompanying Cultural Resources Manual, are in the process of being updated and a new Agreement is in the process of being executed. The fully executed agreement is anticipated in early Summer 2026.

https://www.dot.ga.gov/InvestSmart/Environment/CulturalResources/Documents/Section106PA_Amendment2.pdf

<https://www.dot.ga.gov/GDOT/pages/PA.aspx>

In addition, GDOT has agreements currently in place with Federal and State Agencies (Table 2).

Table 2 Current GDOT Agency Operating/Funding Agreements

Agency Name	Agreement(s)
FHWA, Georgia Division	Stewardship and Oversight Agreement
Georgia Department of Community Affairs, State Historic Preservation Office (SHPO)	Agency Operating Agreement Funding Agreement
Georgia Department of Natural Resources (DNR), Georgia Environmental Protection Division (EPD) Wildlife Resources Division (WRD)	Agency Operating Agreement Funding Agreement

Georgia Department of Natural Resources (Grant Program), LWCF	Agency Operating Agreement
DNR, WRD and the Coastal Resources Division, Boat Ramps	Agency Operating Agreement
National Oceanic and Atmospheric Agency (NOAA)	Agency Operating Agreement Funding Agreement
Department of Interior, National Park Service (NPS)	Funding Agreement
U.S. Army Corps of Engineers, Savannah District (USACE)	Agency Operating and Funding Agreement
U.S. Fish and Wildlife Service (USFWS)	Agency Operating and Funding Agreement
U.S. Department of Agriculture, Animal and Health Inspection Service (APHIS)	Agency Operating and Funding Agreement

Under Program Assignment some Programmatic Agreements such as the PCE and the Reevaluation Agreement will be used on FHWA retained projects, as needed upon MOU signature. Other agreements will remain in effect with FHWA, like the Highway Noise Abatement for Federal-Aid Projects. For those Agreements with other resource agencies that identify FHWA as the lead agency, GDOT will send a letter and obtain written concurrence reflecting the GDOT assignment under the 327 MOU. GDOT plans to update agreements upon their expirations and renewals to reflect GDOT assignment under the 327 MOU.

773.109 (a)(3)(ii): Changes to be Made for Assumption of Responsibilities

In the recent past, GDOT has aggressively ensured that its PA's, MOU's, policy documents, guidance, and manuals are up to date and go through continuous improvement reviews (to include audit reviews by FHWA). These constant updates are designed to further strengthen GDOT's well-developed environmental program. Because of this, further procedural changes are anticipated to be few. No changes are expected regarding the current OES staffing levels. OES has a robust staff of SME's and support service consultants to accommodate the Program Assignment. Although, a dedicated Program Assignment unit will be added to the OES Organizational Chart (described further below).

The major change that will occur under Program Assignment is GDOT's assumption of FHWA's role as environmental decision-maker. As a result, all of GDOT's guidebooks, templates, etc. will be updated to ensure that guidance referencing FHWA as being the responsible party under existing processes are updated to identify GDOT as the lead under Program Assignment, with the exception of those specifically excluded items identified in the 327 MOU. GDOT will assume sole legal responsibility and liability for these processes and decisions as described under Section

773.109(a)(3)(i).

Program Assignment will enable GDOT to expand its tradition of environmental compliance by GDOT assuming Federal responsibility and liability for making independent NEPA decisions on Federal projects. Program Assignment will also allow GDOT to deepen its strong proactive working relationships with its Federal and State resource agency partners already established through the IOEQ, and to continue its commitment to work collaboratively with its resource agency partners to develop and implement innovative environmental methodologies and mitigation. GDOT's existing staff experience and established environmental compliance program, together with the continuous improvement philosophy to strengthen its program and staff, will ensure success of Program Assignment. To that end, GDOT intends to add a separate, independent office outside of OES within the Division of Engineering. The new Program Assignment Office will assume the main duties of GDOT assumption for projects approved under Program Assignment. Meaning that this office will take the lead in reviewing and acting as the final approver of NEPA documents per the 327 MOU, take the lead on self-audit activities, act as a point on contact for FHWA on audit activities, update the federal dashboard, track NEPA Assignment training, coordinate with GDOT legal to complete legal sufficiency, etc. However, either structural organization OES, or the Program Assignment Office may approve documents under this agreement (see below).

This section describes how GDOT's existing environmental compliance program has been and will continue to be modified to implement its new responsibilities under Program Assignment. This section also describes the procedures that GDOT has been recently implementing to ensure that all NEPA documents meet quality standards, and that all NEPA decisions are compliant, sound, and supportable. As the need is identified, additional procedures will be developed to improve the program.

OES Organization and Procedures under the Assignment Program

As stated earlier, GDOT employs a continuous improvement process for all of its environmental standards and procedures. This ensures GDOT's environmental analysis and decision-making under NEPA is always up to date and reflects the best current practices. These standards and procedures, combined with GDOT's expert staff and resources, will provide appropriate tools and expertise in areas where GDOT has requested assignment of FHWA's environmental responsibilities. The program will rely on the professional experience and knowledge of GDOT's environmental staff SMEs in determining the necessary scope and environmental analyses for specific projects, supported by established standards for environmental documents and technical studies, and a strong QA/QC program. This approach will strengthen the environmental process GDOT uses for project development and environmental compliance. GDOT will continue strict adherence to FHWA's public outreach requirements as defined in 23 CFR 771.111 and EIS public and agency collaboration requirements at 23 U.S.C. § 139(g).

GDOT will use its procedures, guidance, manuals, and policies in undertaking Program Assignment responsibilities with the expectation that statewide use of those procedures, internal self-assessment and FHWA audit will identify opportunities to improve those standards and procedures, or staff implementation of those standards and procedures. Areas for improvement that are identified will be accompanied by development of corrective actions and adoption of recommendations for continuous improvement of GDOT's environmental program.

New Division of Engineering Office

As noted above, GDOT will introduce a group within GDOT's Division of Engineering named the Office

of Program Assignment (Figure 20). This office will be independent of OES and will be responsible for NEPA document approval. It will include a State Program Assignment Administrator, a Program Assignment review team, and a Program Assignment Audit team (responsibilities of the audit team described below). Figure 21 provides a high-level view of the new office. The Office of Program Assignment and the Office of Environmental Services will work closely together to ensure projects are delivered within required timelines.

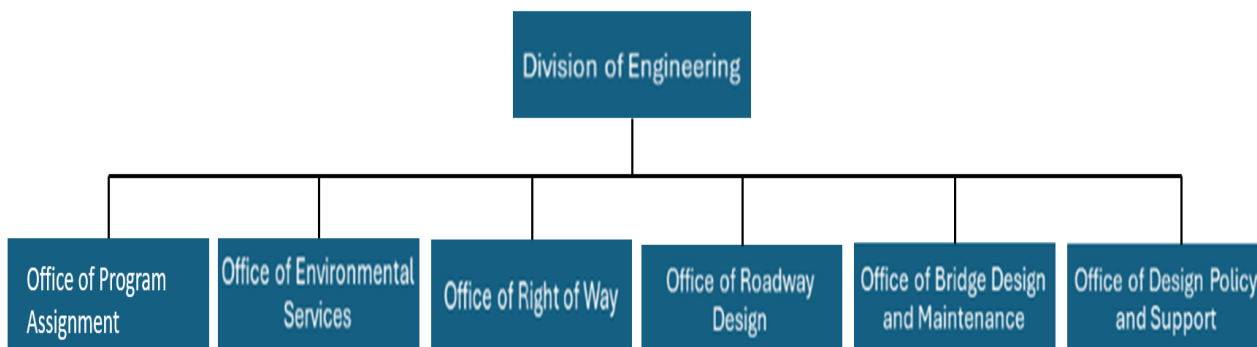


Figure 16 Addition of Program Assignment Office in the Division of Engineering

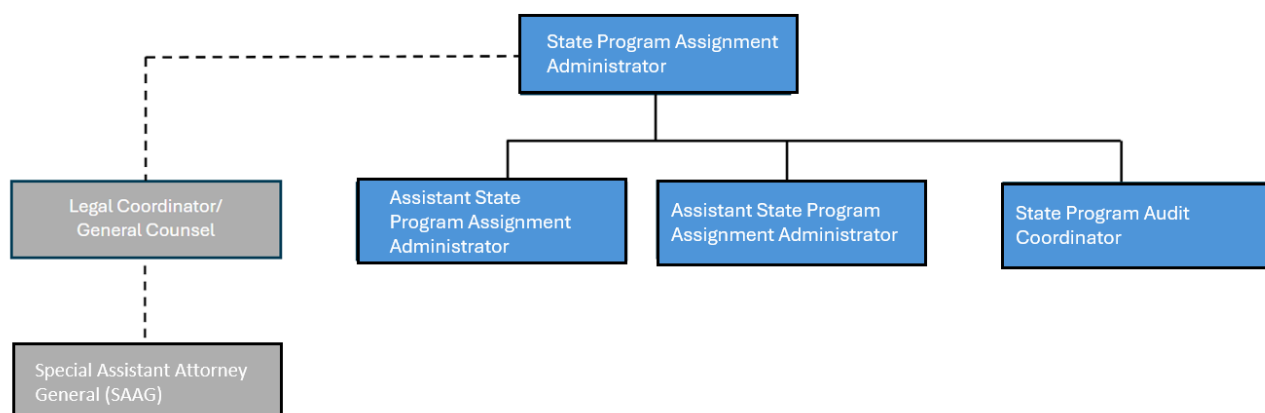


Figure 17 Office of Program Assignment High Level Proposed Organizational Chart

Independent Environmental Decision-Making

GDOT's organization supports environmental decision-making independent of administrative political or performance-based pressure. Approval of all environmental documents prepared under Program Assignment will be independent from project design decisions but usually performed in concurrence. The environmental team will collaborate with project designers throughout the PDP to avoid and minimize impacts on environmental resources of concern. OES staff reports to the State Environmental Administrator (SEA), while the Program Assignment Team reports to the State Program Assignment Administrator, both different and independent chains of command. These chains of command report to the Division Director of Engineering (Figure 16 and Figure 17). Project design decisions are the responsibility of either GDOT design offices within the Division of Engineering

or GDOT District Offices under the authority of individual District Engineers. Projects falling into the category of PCEs (will be renamed to CE Type I) will be prepared and approved by OES, which is the current practice today. Projects qualifying as CEs (will be renamed as CE Type II), excluded from the requirement to prepare an EA or EIS, will be prepared as CEs by OES. Projects falling under Program Assignment will mainly be approved by the Program Assignment Team after OES completes quality review of the document but may also be approved by the SEA. OES will be responsible for completing the document reviewer (QA/QC) step throughout environmental document development and review. All applicable projects will receive independent legal sufficiency reviews.

The primary difference between the current QA/QC process and the process to be used under Program Assignment is that the GDOT NEPA Assignment Office or the OES SEA is the QC review replacing the FHWA reviews of environmental documents prepared under Program Assignment. The QC Review developed for Program Assignment includes new formalized QC review checklists for EAs and EISs, similar to the CE checklist utilized by OES. These checklists will ensure proper technical reviews/QC reviews of the documents. Comment resolution, or verification that no comment resolution is needed, will be a required step. The Program Assignment Team will review the environmental documents along with any requested legal advice, as needed or required. The Program Assignment Team will verify that the QC review was performed before recommending that the environmental document is ready for signature by completing a QC Quality Control Form (the name of the form may change as the process is finalized) that indicates all required reviews have been conducted and the document can be approved by GDOT. The QC reviews verify that the environmental document followed all GDOT SOP's, templates and naming conventions, and that the summary is consistent with the supporting technical studies, and that all reports were correctly based on the project design concept and scope as described in the local or statewide plan. The QC review also verifies that the environmental document meets the requirements of Federal and state environmental statutes, regulations, and policy.

In addition, under Program Assignment GDOT will be responsible for updating the federal dashboard, tracking project schedule/timelines. This group will ensure that the federal dashboard is updated for all EA and EIS projects.

Legal Sufficiency Review

The primary goal of a legal sufficiency review is to assess the relevant document from the perspective of legal standards, litigation risk and legal defensibility. Legal sufficiency reviews will be conducted primarily by outside environmental counsel (Special Assistant Attorney General or SAAG) appointed by the Georgia Law Department (also called the Office of the Attorney General) with supervision and oversight by OLS, specially the GDOT Legal Coordinator. (Figure 17). GDOT may later assign counsel within OLS to conduct the legal sufficiency review in lieu of a SAAG.

Per 23 CFR 771.125 and 23 CFR 774.7, legal sufficiency review shall occur for final EISs and individual Section 4(f) evaluations prior to approval. The legal sufficiency review will occur after completion of QC review and after the State NEPA Administrator or SEA has determined that the document is ready for legal sufficiency review. There may be additional projects that require legal sufficiency review.

The State Program Assignment Administrator will contact the GDOT Legal Coordinator to start this review process. The GDOT Legal Coordinator will ensure that the SAAG has an appropriate administrative order from the AG's office for the subject project. The SAAG, under the supervision of the GDOT Legal Coordinator, will prepare and submit to the State Program Assignment Administrator written comments and suggestions to improve the document's legal defensibility. Attorney comments

may be protected as attorney work product or attorney-client privileged communication and will not be shared outside of GDOT. The SAAG will be available to discuss with GDOT staff the resolution of comments and suggestions. Once the SAAG and GDOT Legal Coordinator are satisfied that GDOT staff have addressed all comments and suggestions to the maximum extent reasonably practicable, the SAAG will provide the State Program Assignment Administrator, with a copy to the GDOT Legal Coordinator, written documentation that the legal sufficiency review is complete using a form supplied by the GDOT Legal Coordinator (Completion of Legal Sufficiency Review Form). The Completion of Legal Sufficiency Review Form shall later be part of the administrative record when required. GDOT will not finalize the draft NEPA document before receiving the Completion of Legal Sufficiency Review Form from the SAAG. The Completion of Legal Sufficiency Review Form will be kept in the specific project NEPA subfolder in ProjectWise.

The State Program Assignment Administrator may request a legal pre-review of any Draft EIS or Draft Individual Section 4(f) Evaluation. In addition, the State Program Assignment Administrator may request legal assistance for EAs and for any other matters. The State NEPA Administrator will contact the GDOT Legal Coordinator to request this legal assistance. The GDOT Legal Coordinator will coordinate with the SAAG where required. (Figure 17.)

A similar process will be followed for Notice of Statute of Limitation (SOL). The State NEPA Administrator will provide the SOL to GDOT Legal Coordinator and the SAAG for legal review. The State NEPA Administrator will discuss and incorporate suggestions and requirements from the legal reviews. Once finalized, the State NEPA Administrator or the SEA is responsible for coordinating the placement of the notice in the Federal Register with FHWA's Georgia Division (only Federal agencies may publish in the Federal Register, even under Program Assignment). Publication in the Federal Register starts the clock for the statute of limitations. The SOL will be saved in the project NEPA file in ProjectWise.

The GDOT Legal Coordinator and the SAAG will take the lead on compiling the administrative record when required as the result of a lawsuit, either filed or anticipated. OES will create an "administrative record team" to assist with the selection and production of documents that will compromise the administrative record.

As part of Program Assignment legal staff will attend training conducted by GDOT and FHWA. (See Appendix B Training)

The internal documentation of the EA, the Finding of No Significant Impact (FONSI) or approval of the EIS, the Record of Decision (ROD), is developed by OES staff or consultant and undergoes QA review that follows the same procedures as listed in Table 2. Following the completion of OES review, the State Program Assignment Administrator, SEA, or a member of the Program Assignment Review Team will ultimately approve the FONSI or ROD after QC review, signifying the final agency decision.

All Section 4(f) processing options (FHWA established procedures for how the process is documented) will involve QA review by appropriate GDOT SMEs. Once this review has been successfully completed, the State Program Assignment Administrator, SEA, or a member of the Program Assignment Review Team (depending on the class of action (COA)) will approve the final document for a Section 4(f) use with a de minimis impact or Programmatic Section 4(f) determination. Individual Section 4(f) evaluations will complete QC review, after comment resolution, and then be submitted to legal counsel for legal sufficiency review as noted above. Individual Section 4(f) evaluations will be approved by the State Program Assignment Administrator, SEA, or a member of the Program Assignment Review Team (depending on the COA).

The State Program Assignment Administrator, SEA, or a member of the Program Assignment Review Team will approve draft EAs and final EA/FONSI and the SEA will approve draft EISs for public and agency review, and final EIS/RODs. Signature authority for EISs and RODs will not be delegated, unless circumstances warrant. In that instance, a member of the Program Assignment Review Team will sign any EIS/ROD in the absence of the SEA.

Project activities that qualify as CEs and do not meet the criteria for processing under a CE level one will follow the current transmittal practice for CE/CE reevaluations in place with FHWA Georgia Division now. All CE's will be prepared and reviewed by GDOT/OES staff or consultants. OES NEPA Team Leaders complete the final QA/QC review to ensure the document is ready for transmittal to the Office of Program Assignment for final review and approval or comments that require revisions. Although OES already has rigorous review standards for CEs in place, OES Team Leader reviews may require revisions of the original document after their initial review. After submitting the CE to the Program Assignment Review Team and pursuant to 23 CFR 771.117(a) and (b), the Program Assignment reviewer will approve and sign the CE or return the document to OES with comments that require document revision before final approval. It is anticipated that the Program Assignment Review Team's document review assignments will align with current OES Environmental Program Manager assignments. CE's do not have to be approved exclusively by the State Program Assignment Administrator, or SEA but may be approved by any member of the Program Assignment Team (the primary reviewer, as is current practice).

CEs that meet the criteria for processing under the current PCE PA, as previously mentioned, will now be considered CE Type I projects and will continue to follow existing practice. CE Type I projects will follow the same QA/QC review and approval process as those outlined above within OES. Approval of the CE Type I will reside with either the NEPA Section Chief, OES Assistant State Environmental Administrator or the SEA, but may also be approved by the State Program Assignment Administrator or any of the Program Assignment Team.

Expanded Quality Assurance/Quality Control Procedures

GDOT believes that its approach to quality is sound, and that its emphasis on internal collaboration among the various internal offices, especially within the Division of Engineering, and OES NEPA staff, augmented by environmental OES SMEs, will result in quality environmental documents. GDOT will continue to strengthen its reliance on strong quality assurance and quality control under Program Assignment that will further support the development of NEPA-compliant environmental documents and decisions with quality built in.

QA and QC will occur at several stages during the development of all Program Assignment environmental documents. QA begins when the project environmental team initially receives assignment of the project, defining OES expectations for the project COA, environmental analysis, and need for environmental studies and extent of environmental study review needed (consultant vs. GDOT staff; see Table 2). Because there is increased reliance on development of environmental analysis as part of the environmental compliance process, rather than comprehensively reporting studies directly into the environmental document, the environmental document itself is more focused on the information necessary to support an informed decision.

QA and QC guidance will be modified and included in one guidebook and placed in our guidebook library at <https://www.dot.ga.gov/GDOT/Pages/EnvironmentalProcedures.aspx> and would reflect the changes resulting from transferring environmental review responsibility from FHWA to GDOT.

QA and QC will occur at several steps during the development of all Program Assignment environmental documents. QA begins when the project environmental team collaborates in the development of the project scope. The scope identifies expectations for the project COA, environmental analysis, and technical studies. Technical studies are then prepared following established standards. The first element of QC takes place when technical studies undergo QC by the SME technical expert prior to their approval. The environmental document itself may briefly summarize studies and focus on the information necessary to support an informed decision. The primary difference between the current QC process and the process to be used under Program Assignment is that a GDOT QC Review replaces the FHWA reviews of the environmental documents to be prepared under Program Assignment. Comment resolution, or verification that no comment resolution is needed, will be a required step.

In addition, as part of this program self-assessments will be completed annually at least a month prior to the FHWA audit to determine the effectiveness of guidance and procedures under Program Assignment as well as staff adherence to the provisions of Program Assignment MOU. Self-Assessments will be used to assess if there are any systemic issues and identify the following:

- identify areas that are working well, as well as areas that need improvement;
- make specific recommendations to improve adherence to standards and procedures;
- evaluate areas of concern previously identified in FHWA audits;
- assess the need for corrective action;
- evaluate improvements from previous corrective actions; and
- evaluate previous program areas where corrective actions have been implemented

Defining the Class of Action

The COA for projects is determined during the Concept Development process. The SEA approves the Environmental portion of a Concept Report. OES determines the proposed COA, and it is refined, if necessary, through environmental analysis (a proposed EA is downgraded to a CE based on minimal environmental impacts). For projects that are classified as EA or EIS level projects, OES will consult with the Program Assignment Team to ensure that the proposed COA is appropriate. In situations where the project scope changes or anticipated impacts change, the COA will be reconsidered as needed and noted above. In general, under Program Assignment, the COA process will be modified, and the Program Assignment Office and OES will replace FHWA in the role of Lead Federal Agency for projects as provided in the 327 MOU and as provided for under 23 USC 327.

Projects that are listed under 23 CFR 771.117 (c) and (d) will be covered under GDOT's 326 CE Assignment MOU. All other CE's will be covered under Program Assignment.

Consultation and Coordination with Resource Agencies

Coordination with resource agencies plays a vital role in project planning and environmental development of proposed projects. OES currently plays the primary role in interagency coordination through agreements with FHWA and various resource agencies. GDOT maintains a multi-disciplinary staff that works effectively and proactively with state and Federal environmental resource and regulatory agencies. Under current GDOT procedures, OES is responsible for interagency coordination during project planning and development. Under Program Assignment, this will remain the case for all project related coordination. GDOT's IOEQ team, the SEA and the State NEPA Program Assignment Administrator will work closely together to ensure the individual assigned as the

NEPA Approver is invited to project related agency coordination and compliance meetings that require broader project knowledge to assist in independent review. This process is intended to mirror FHWA's current role where project-related meetings will include the assigned GDOT NEPA Approver attending meetings (as FHWA currently does) with agencies, to participate in project discussions related to avoidance, minimalization of harm, and mitigation. GDOT is committed to continuing to work positively and collaboratively with its Federal and state resource agency partners.

This positive, collaborative approach with agency partners will become evident as GDOT assumes responsibility for NEPA scoping on EIS projects. GDOT/OES will meet the NEPA scoping requirements of the FHWA (23 CFR 771.123(b), as well as the early consultation and coordination plan requirements articulated in 23 U.S.C. 139. GDOT will request agencies, as appropriate, to become cooperating agencies, and will identify agencies to serve as participating agencies. All Federal, state, tribal, regional and local government agencies that may have an interest in the project will be invited to be participating agencies. Participating agencies and the public will be given an opportunity for input in the development of the purpose and need and the range of alternatives, and throughout the project development process as appropriate. GDOT will also collaborate with the cooperating and participating agencies during the environmental study process on methodology used and level of detail required for the analysis of project alternatives.

GDOT's Ecology Section or consultants supervised by OES currently prepare Section 7 biological evaluations and biological assessments. OES consultants and internal staff perform Informal consultation responsibilities with USFWS and NOAA on biological evaluations and essential fish habitat assessments. Under Program Assignment, OES will take on the FHWA role of Formal consultation with USFWS/NOAA under Section 7 of the ESA. Under Program Assignment, GDOT will be responsible for Informal and Formal ESA consultation and for compliance and oversight in general. Formal consultation correspondence and documentation prepared under Program Assignment will be submitted to the agencies from OES and will specify that consultation is being requested pursuant to 23 U.S.C. 327. In addition, OES works collaboratively with USFWS to develop conservation strategies (i.e., the BPA) to ensure that projects will not jeopardize the continued existence of any listed species or result in the destruction or adverse modification of critical habitat or essential fish habitat. GDOT also consults with the USFWS on projects which require review under the Fish and Wildlife Coordination Act (FWCA). Under Program Assignment, GDOT is requesting to assume responsibility for ESA compliance and will continue FWCA coordination, Informal ESA consultation responsibilities and assume responsibility for Formal Section 7 consultation on behalf of FHWA.

Under the Section 106 PA with the Georgia Historic Preservation Office (SHPO), Advisory Council on Historic Preservation (ACHP), the USACE and FHWA, GDOT is currently entrusted with responsibility of coordinating the transmittal of all project documentation/consultation directly with the SHPO on Section 106 issues. The PA provides for internal GDOT review and approval of documentation, ensuring quality is ingrained within the Section 106 process. For projects involving adverse effects to eligible resources, GDOT consults with the SHPO and other consulting parties to resolve adverse effects. The PA provides participation at the request of the public consulting parties as defined in 36 CFR 800.2 and at the request of FHWA or the ACHP. Under the Assignment Program, GDOT is requesting to assume responsibility for compliance with Section 106 of the National Historic Preservation Act and will continue coordination with the SHPO and ACHP on behalf of the FHWA regarding cultural resource issues through formal assumption of Section 106 responsibility.

GDOT is currently entrusted with responsibility for coordination with 20 Federally recognized tribal governments through agreement captured in the Section 106 PA (previously a separate 2006 MOU). FHWA cannot assign its government-to-government tribal consultation responsibilities to GDOT under

Program Assignment, but GDOT will utilize the Section 106 PA to coordinate meaningful input of tribal governments with interests in Georgia in the Section 106 process. A tribe may request government-to-government consultation on any and all matters and is not limited to cultural and 106 issues. If, at any time, a tribe requests FHWA government-to-government consultation, then that request will be honored and FHWA will be requested to actively participate.

The 106 PA will be updated to identify GDOT as the lead agency under Program Assignment, following MOU signature.

GDOT does not have a formal PA with the USACE (other than the Section 106 PA noted above and the LCP), but GDOT currently manages permit submittals when Section 10 and Section 404 permits are required. GDOT utilizes existing wetland/stream mitigation banks located in Georgia or uses the USACE's in-lieu fee mitigation program through the Georgia-Alabama Land Trust on projects that impact waters of the US and follows USACE expedited coordination and permitting procedures for emergency situations. Projects requiring an individual Section 404 permit are required to comply with the Section 404(b)(1) guidelines (40 CFR Part 230) and the LCP procedures that were established in agreement between GDOT and the USACE. GDOT will continue to follow Section 404(b)(1) guidelines and the LCP in analyzing project alternatives and determining the least environmentally damaging practicable alternative while working with USACE to obtain individual permits. Under Program Assignment, GDOT will assume FHWA's responsibility as the lead Federal agency to coordinate with USACE and will continue to perform this coordination and permitting functions. GDOT will be considered the "Lead Federal Agency" on actions under Program Assignment.

GDOT currently coordinates with the U.S. Coast Guard regarding projects within navigable waterways subject to the General Bridge Act of 1946, formerly known as Section 9 of the Rivers and Harbors Act of 1899. In addition, GDOT will ensure that the recently executed MOU addressing coordination of FHWA and the Coast Guard environmental review responsibilities for projects needing bridge permits is followed.

Although OES reviews and approves air quality analyses, FHWA would retain project-level transportation conformity determinations for projects assigned under Program Assignment but not projects assigned under the 326 MOU (CE Assignment). GDOT coordinates transportation air quality conformity determinations with the US Environmental Protection Agency (USEPA) in accordance with USEPA's transportation conformity program. Transportation conformity is a Clean Air Act requirement that serves as a bridge to connect air quality and transportation planning activities. GDOT is currently in attainment for all air toxins which include carbon monoxide (CO); Particulate Matter (PM) 2.5; Ozone; and MSAT. However, Georgia currently has maintenance areas for Ozone with active maintenance plans. In general, OES will review and approve project-level air quality analyses as part of environmental document review.

GDOT will work directly with the U.S. Department of Interior, and, as appropriate, other Federal agencies, on Section 4(f) issues. GDOT will also work with USDA/NRCS when necessary and to ensure compliance with the Farmland Protection Policy Act (FPPA).

GDOT completes coordination with the Natural Resource Conservation Service (NRCS). GDOT is also requesting to assume responsibilities for compliance with these acts and would continue to perform these coordination functions under Program Assignment.

Issue Identification and Conflict Resolution Procedures

Process with External Agencies and LAP projects - GDOT has long had a practice of proactive engagement with its resource agency partners and local governments. GDOT strives to be transparent in identifying impacts, working with agencies on appropriate mitigation to offset the impacts of its projects, and following through on its commitments. GDOT seeks to understand the basis for resource agency requirements and to diligently meet those requirements. Following this forthright approach, GDOT is largely successful in avoiding conflicts with external agencies. GDOT expects to continue this general approach under Program Assignment and will assume FHWA's role in resolving conflicts with external agencies without FHWA involvement via the new Program Assignment Team as the facilitator outside of the agency/OES conflict, if needed. In this way, GDOT will continue to be diligent in resource agency engagement, particularly with cooperating agencies and those agencies designated as participating agencies, following the requirements and spirit of 23 U.S.C. § 139(h). Where issues arise that create conflict between agencies, GDOT will be committed to forthright conflict resolution and good faith efforts to address concerns of the other party. Because of GDOT's experience, expertise, and current level of involvement in consultations, its existing resources will be adequate to assume FHWA's responsibilities for resolving issues with external agencies.

GDOT's long history of working cooperatively with its Federal and state partners and tribal governments is evidenced by the numerous PAs, MOUs, policy agreements, and MOAs developed over the years to entrust certain responsibilities to GDOT or to improve coordination between GDOT and Federal and state resource agencies. Under Program Assignment the process for handling project level PAs, MOUs or MOAs, GDOT would assume the FHWA role in the agreement as acceptable to the resource agency involved. The areas below specify procedures for resolving conflicts with external agencies. These procedures are recommended as part of Program Assignment.

Section 106 - If SHPO or any other consulting party, objects to any plans or proposed actions provided by GDOT, the general dispute resolution process would require that when GDOT and SHPO cannot concur on an eligibility or effect determination or if a consulting party does not concur with GDOT and/or SHPO on a finding, then GDOT will consult the Keeper of the National Register (eligibility) or the ACHP (effects) to obtain recommendations for consideration for a final decision. The current Section 106 agreement contains a formal process and operating guidelines in Stipulation XII.J. for dispute resolution. In this instance GDOT would take on the role/responsibility of the Lead Federal Agency as noted in the Stipulation.

Endangered Species Act, Section 7 Determinations and Coordination - If a difference between OES and Agencies arises at any point in the process, the issue will be referred to the next higher level in OES for review and decision within 10 working days. If the SEA of OES and the appropriate USFWS/NOAA Administrator are unable to agree on a decision, GDOT will initiate formal consultation and will assume FHWA's role in the formal consultation process. GDOT and USFWS/NOAA have dispute resolutions codified in their existing personnel funding agreements regarding all scope-of-work roles and responsibilities.

Tribal Government Coordination – GDOT will follow the following procedures:

- Tribal government coordinating procedures will be posted to GDOT OES website and can be found in Section 2.1 – FHWA/GDOT Tribal Consultation Protocol of the Cultural Resources Section Manual. <https://www.dot.ga.gov/GDOT/Pages/PA.aspx>
- For emergency discoveries situations where unanticipated resource impacts are encountered under construction, GDOT will follow post-review discovery procedures in accordance with Stipulation IX of the 2019 Section 106 Programmatic Agreement for the Transportation Program in Georgia and Chapter 5.3 of the accompanying GDOT Cultural Resource Manual

- (available on GDOT's website <http://www.dot.ga.gov/IS/Environment/CulturalResources/PA>).
- Emergency procedures for declared disasters are a different set of procedures that will follow Stipulation VIII of the 2019 PA and Section 8 of the CR Manual for Federal Emergency Relief Funded Projects.
- Consultation outside of 106 issues are typically covered at GDOT intertribal meetings

Where the issue needing resolution does not involve one of the regulatory processes described above, GDOT will implement the Issue Identification and Resolution Process under 23 U.S.C. § 139(h), assuming FHWA's role. The regulation provides a formal process for resolving major issues that may delay or result in denial of a required approval or permit for a project. This process may be invoked by the project sponsor or the Governor of the State and requires that the FHWA Division Administrator, heads of the lead agencies and affected participating agencies, and the project sponsor meet to resolve issues. Under Program Assignment, the GDOT Commissioner would assume the FHWA Division Administrator role.

Responsibilities of the Program Assignment Audit Team

As part of the new Program Assignment Team, GDOT plans to utilize the Program Assignment Audit Coordinator to ensure consistency with the following three items (Figure 21).

1. Record Keeping and Retention

GDOT utilizes its ProjectWise electronic file repository system for all project documentation identified by discrete PI Number. Within the ProjectWise system the Environmental folders are located under the Preconstruction (PE) folder under the Environmental Folder. The Environmental folder is broken into multiple sub-folders by discipline for Air, Archaeology, Ecology, Environmental Delivery Support Team, History, NEPA, and Noise. All NEPA project files, decisions, Public Involvement, etc. are saved in ProjectWise. The GDOT record retention policy is established by GDOT's Office of Legal Services. For documents pertaining to GDOT's discharge of responsibilities under Program Assignment, GDOT will comply with the requirements of FHWA Records Disposition Manual (Field Offices) Chapter 4, FHWA Order No. 1324.1B, issued July 29, 2013. GDOT will maintain its project and administrative files pertaining to its Program Assignment responsibilities, as required by the program. Because GDOT's filing system is electronic, files will be available for FHWA to review during audits. FHWA will be provided with on-demand access to this system utilizing a virtual GDOT account. These files include, but are not limited to, all letters and comments received from governmental agencies, the public, and others related to GDOT's Program Assignment responsibilities. Project files will include the NEPA document, technical reports and studies broken out by environmental SME discipline, consultation/coordination correspondence, and public comments and responses. E-mails that support project decision-making/reflect deliberation, and that demonstrate a "critical" decision under NEPA will be retained as part of the project file any privileged attorney-client documents will be kept in a separate file and will be made available for audit purposes where there is no concern about the waiver of any attorney-client privilege.

2. Expanded Internal Compliance and Self-Assessment Reviews

As required, GDOT will conduct self-assessments annually to determine the effectiveness of its standards, guidance, and procedures under Program Assignment and its staff's adherence to the Program Assignment MOU once executed, and to GDOT's established standards and procedures. Performance reviews will be on-going, with self-assessment reports provided to FHWA prior to the

annual 327 audit. In addition to problem identification, self-assessments will be used to evaluate root causes and to assess whether specific problems are systemic, confined to specific areas of the organization or to specific individuals. GDOT will use self-assessments to identify areas that are working well, as well as areas that need improvement; make specific recommendations to improve adherence to standards and procedures; assess the need for corrective action as well as implement necessary corrective actions; evaluate the improvements achieved from previous corrective actions; and reevaluate previous program areas where corrective actions have been implemented. Self-assessments will be conducted using a variety of monitoring tools, such as review of files and the data management system, interviews of GDOT and resource agency staff, and distribution of questionnaires. These self-assessments will gauge the success of Program Assignment.

It is anticipated that certain elements of Program Assignment will be evaluated with each self-assessment (e.g., record-keeping, documented compliance with Federal requirements, environmental approval timeframes), while other self-assessment components will be determined for each self-assessment based on input from the Program Assignment Audit Coordinator, OES recommendations, the Director of the Division of Engineering, and GDOT PMs.

The State Program Assignment Administrator and the State Environmental Administrator will be responsible for overseeing GDOT's implementation of Program Assignment, ensuring its success, and reporting on its performance to FHWA. The GDOT Commissioner is the highest-ranking official at GDOT and is committed to the success of Program Assignment, as is the entire GDOT administration. The entire GDOT Program Assignment Team will be responsible for day-to-day management of the program, in partnership with OES. The State Program Assignment Administrator and the State Environmental Administrator will serve as liaison to the FHWA Assignment Program audit team to assist them in setting up audits with GDOT offices that have responsibilities under Program Assignment.

Training to be Provided to Implement Program Assignment

GDOT implements training necessary to meet its environmental obligations. GDOT shall continually assess the need for training.

GDOT's approach to assessing training needs is as follows:

1. Identify the minimum competencies (education, training, experience) for technical or subject matter experts with review responsibilities, NEPA decision-makers, and non-environmental team members and managers.
2. Assess any individual training needs and track the competency status for individuals who are environmental subject matter experts or NEPA decision-makers.
3. Identify general training needs that may be based on the need for refresher training, or training on newly developed guidance, policy, or requirements (in statute, regulation, or Executive Order).
4. Ensure that consultants providing professional services are appropriately qualified and experienced and have access to training on State manuals and procedures.
5. Develop a strategy for informal training through periodic meetings, webinars, and teleconferences.

GDOT is committed to maintaining a quality training program for its employees. Training is developed to meet the identified needs of staff and is modified over time as necessary to meet evolving staff needs.

OES continues to rely heavily on on-the-job training and mentoring as an efficient and effective method of ensuring that environmental staff obtain the skills to successfully accomplish their tasks. Collaborative on-the-job training and mentoring also provide valuable professional development for career staff.

In addition to on-the-job training, OES will utilize virtual and in-person classroom training and conferences, including web-based training available through other agencies as well as conducting our own information sessions on environmental topics on as-needed basis.

To ensure that GDOT environmental staff have the knowledge and skills necessary to meet their new responsibilities under Program Assignment, the GDOT State Program Assignment Administrator and the GDOT State Environmental Administrator will hold training on Program Assignment MOU and its key provisions for OES staff. Training topics will include the content of the MOU and GDOT's application, environmental document review procedures, QA/QC protocols, the self-assessment process, FHWA regulations, and GDOT environmental procedures and guidance. OES will also hold an informational session summarizing Program Assignment for GDOT staff, partnering agencies, and consultants.

GDOT is committed to maintaining a quality training program for its employees. Training is developed to meet the identified needs of staff and is modified over time as necessary to meet evolving staff needs. Environmental Training will be reviewed annually and will be updated if a need to do so has been identified during the year. This includes addressing training needs arising from new policies and procedures; new or amended PAs, MOUs, and MOA; new or amended regulations and Executive Orders; the implementation of new technologies; GDOT directives; and other circumstances that necessitate specific training.

OES provides opportunities for national and state level training for staff. These courses include (but are not limited to) offerings through the National Highway Institute (NHI), the Advisory Council on Historic Preservation (ACHP), the National Preservation Institute (NPI), American Association of State Highway and Transportation Officials (AASHTO), and national/regional/state level trainings and conferences. Understanding that training courses change over time, OES does not have a set list but rather has an annual review and discussion between staff and their supervisors to develop a training plan. OES encourages training via in-person and virtual.

This application is not intended to identify every possible training opportunity. Environmental staff and their supervisors are encouraged to explore additional training opportunities not listed in this application as the supervisor deems appropriate.

In addition to this training, OES staff are encouraged to develop a personal library of resources to utilize in their day-to-day work. While an individual's go-to resources may grow and change over time, there are some basic online resources that environmental staff should become familiar with and utilize as part of their learning process. These include:

- [GDOT's Environmental Guidebooks](#). Organized by resource topic, this page provides links to other online tools to develop an analysis of project impacts.
- [FHWA's Environmental Review Toolkit](#). This website provides comprehensive information

regarding FHWA's implementation of the NEPA process, as well as guidance on several key topics such as Section 4(f) and Historic Preservation.

- [AASHTO's Center for Environmental Excellence](#). This is a comprehensive source for reference materials regarding environmental topics in relation to transportation activities.
- [National Highway Institute Courses](#). This website offers courses on transportation and environment-related topics.

In addition, environmental staff can join other appropriate sites that offer information about changing regulations, upcoming conferences, training, developing technologies, and other current news occurring in the environmental field.

In addition, legal staff will attend training conducted by FHWA. (See Appendix B Training)

§ 773.109 (a)(3)(iii): Legal Sufficiency

The primary goal of a legal sufficiency review is to assess the relevant document from the perspective of legal standards, litigation risk and legal defensibility. Legal sufficiency reviews will be conducted primarily by outside environmental counsel (Special Assistant Attorney General or SAAG) appointed by the Georgia Law Department (also called the Office of the Attorney General) with supervision and oversight by OLS, specially the GDOT Legal Coordinator. (Figure 21). GDOT may later assign counsel within OLS to conduct the legal sufficiency review in lieu of a SAAG.

Per 23 CFR 771.125 and 23 CFR 774.7, legal sufficiency review shall occur for the final EIS and individual Section 4(f) evaluations prior to approval. The legal sufficiency review will occur after completion of QC review and after the State NEPA Administrator or SEA has determined that the document is ready for legal sufficiency review. There may be additional projects that require legal sufficiency review.

The State NEPA Administrator will contact the GDOT Legal Coordinator to start this review process. The GDOT Legal Coordinator will ensure that the SAAG has an appropriate administrative order from the AG's office for the subject project. The SAAG, under the supervision of the GDOT Legal Coordinator, will prepare and submit to the State NEPA Administrator written comments and suggestions to improve the document's legal defensibility. Attorney comments may be protected as attorney work product or attorney-client privileged communication and will not be shared outside of GDOT. The SAAG will be available to discuss with GDOT staff the resolution of comments and suggestions.

Once the SAAG and GDOT Legal Coordinator are satisfied that GDOT staff have addressed all comments and suggestions to the maximum extent reasonably practicable, the SAAG will provide the State NEPA Administrator, with a copy to the GDOT Legal Coordinator, written documentation that the legal sufficiency review is complete using a form supplied by the GDOT Legal Coordinator (Completion of Legal Sufficiency Review Form). The Completion of Legal Sufficiency Review Form shall later be part of the administrative record when required. GDOT will not finalize the draft NEPA document before receiving the Completion of Legal Sufficiency Review Form from the SAAG. The Completion of Legal Sufficiency Review Form will be kept in the specific project NEPA subfolder in ProjectWise.

The State NEPA Administrator may request a legal pre-review of any Draft EIS or Draft Individual Section 4(f) Evaluation. In addition, the State NEPA Administrator may request legal assistance for EAs and for any other matters. The State NEPA Administrator will contact the GDOT Legal

Coordinator to request this legal assistance. The GDOT Legal Coordinator will coordinate with the SAAG where required. (Figure 17.)

A similar process will be followed for Notice of Statute of Limitation (SOL). The State NEPA Administrator will provide the SOL to GDOT Legal Coordinator and the SAAG for legal review. The State NEPA Administrator will discuss and incorporate suggestions and requirements from the legal reviews. Once finalized, the State NEPA Administrator or the SEA is responsible for coordinating the placement of the notice with FHWA's Georgia Division (only Federal agencies may publish in the Federal Register, even under Program Assignment). Publication in the Federal Register starts the clock for the statute of limitations. The SOL will be saved in the project NEPA file in ProjectWise.

The GDOT Legal Coordinator and the SAAG will take the lead on compiling the administrative record when required as the result of a lawsuit, either filed or anticipated. OES will create an "administrative record team" to assist with the selection and production of documents that will compromise the administrative record.

§ 773.109 (a)(3)(iv): Prior Concurrence

For selected projects, "prior concurrence" pursuant to 23 CFR 771.125(c) will be obtained before proceeding with key approvals under NEPA. Prior concurrence will come from the State NEPA Program Assignment Administrator or a member of the Program Assignment Review Team, after consulting with Assistant to the office of General Council (AOG) if desired, to ensure that the project and environmental document in question are acceptable from a policy and program perspective. Prior concurrence may apply to GDOT approvals of draft or FEISs. Projects that require prior concurrence will be decided on a case-by-case basis, based on input from OES and the Office of Program Assignment, and may include projects that meet one or more of the following criteria:

- impacts of unusual magnitude
- high level of controversy
- major unresolved issues
- emerging or national policy issues
- issues for which GDOT seeks policy assistance

For projects that are anticipated by GDOT to involve constructive use under Section 4(f), GDOT will coordinate with FHWA on the underlying policy issue before making a final determination of a Section 4(f) constructive use. Section 4(f) constructive use evaluations will undergo legal review before they are signed by the State NEPA Program Assignment Administrator.

Prior concurrence will apply to projects as determined by the State NEPA Program Assignment Administrator. In completing the prior concurrence review, the State NEPA Program Assignment Administrator or a member of the Program Assignment Review Team will review the EIS at issue in the prior concurrence review and seek advice and input, as appropriate, from technical SMEs and the AGO before the EIS that is the subject of prior concurrence is approved by the State NEPA Program Assignment Administrator.

§ 773.109 (a) (3)(v): Project Delivery Methods

GDOT considers a variety of project delivery methods to streamline and improve project delivery and provide opportunities for innovation without compromising the environment, safety or quality. GDOT project delivery is a comprehensive process including planning, design and construction. The delivery methods for design and construction include but are not limited to:

- Design-Bid-Build or traditional delivery
- Design-Build
- Innovative Contracting Techniques
- Public-Private Partnership (P3) Concession Agreements

GDOT will consider the appropriate delivery mechanism on a case-by-case basis, considering the nature and status of the project, risk factors applicable to the project, the project schedule, available funding, project goals, and other project-specific factors. The type of contract will be specified in the procurement solicitation documents. For design-build projects, GDOT will ensure the requirements outlined in 23 CFR Part 636 are met, which include those imposed to protect the objectivity and integrity of the NEPA process. Per 23 CFR 771.113, the NEPA document must be approved prior to authorization for any construction activities. GDOT makes all final decisions and approvals. GDOT's P3 Division follows this CFR requiring that NEPA approval must be obtained before the notice to commence construction.

§ 773.109 (a)(4)(i): Staff Dedicated to Additional Functions

GDOT currently has a staff of 83 environmental professionals that work in OES. Including experienced NEPA practitioners and a variety of technical specialists. In addition, GDOT environmental staff is augmented by the use of environmental support service consultants overseen by GDOT.

GDOT's existing environmental staff and organizational structure is sufficient to handle the responsibilities assumed under Program Assignment and the scale of projects it expects to assume. While additional staff is not needed to complete Program Assignment, GDOT plans to add a new team, see below.

Under Program Assignment, the new NEPA Program Assignment Office will be placed in the Division of Engineering (see Section § 773.109 (a)(3)(ii): Changes to be made for Assumption of Responsibilities). GDOT is anticipating adding four new positions that will include:

- One State Program Assignment Administrator.
- Two Program Assignment Review Team Members.
- One Program Assignment Audit Team Member.

Table 3 GDOT Quality Review and Approval Responsibilities

Document	Section	Preparer	Reviewer/QC	Approver
Environmental Impact Statement (draft or final)* / Record of Decision*	■	Env Analyst	Team / Section Lead	State Program Assignment Administrator/ State Environmental Administrator
Environmental Assessment / Finding of No Significant Impact	■	Env Analyst	Team Lead	Assistant State Program Assignment Administrator
Individual Section 4(f)*	■	Env Analyst	Team / Section Lead	Assistant State Program Assignment Administrator*
Programmatic Section 4(f)	■	Env Analyst	Senior Env Analyst	Assistant State Program Assignment Administrator
Categorical Exclusion (CE) Level 2	■	Env Analyst	Senior Env Analyst	Assistant State Program Assignment Administrator
CE Level 1	■	Env Analyst	Env Analyst	Team / Section Lead
Section 4(f) <i>De minimis</i>	■	Env Analyst	Env Analyst	Section Lead
Public Involvement	■	Env Analyst	Senior Env Analyst	Section Lead
Material				
Other Environmental Analysis Technical Deliverables	■	Env Analyst	Env Analyst	Section Lead
Section 7 Biological Assessment	■	Ecologist	Team / Section Lead	Team / Section Lead
Section 404 Individual Permit	■	Ecologist	Team / Section Lead	Team / Section Lead
Section 404 General Permit	■	Ecologist	Ecologist	Team / Section Lead
Other Ecology Technical Deliverables	■	Ecologist	Ecologist	Team / Section Lead
Section 106 Memorandum of Agreement	■	Historian / Archaeologist	Team / Section Lead	Team / Section Lead
Other Cultural Resources Technical Deliverables	■	Historian / Archaeologist	Historian/ Archaeologist	Team / Section Lead
Air & Noise Technical Deliverables	■	Air & Noise Specialist	Air & Noise Specialist	Section Lead
Environmental Site Assessment (Phase I and II)	■	Geologist or Engineer	Office of Materials and Testing (OMAT) Qualified Senior Engineer	Assistant State Materials Engineer
Technical Documents Produced by Other GDOT Offices	■	Technical documents produced by other GDOT offices may be referenced or included in environmental documents. They follow the quality procedures of their own offices, typically requiring approval		

from an office head.

Legend: ■ Environmental Analysis ■ Ecology ■ Cultural Resources ■ Air & Noise ■ Other GDOT Offices
*Document requires Legal Sufficiency Review before approval

Overall, OES will maintain its current role and responsibility matrix which is resource identification, technical study assessments, document preparation and QA/QC review (technical SME and NEPA documents) and final design permitting and discipline reevaluations. Approvers, as seen in Table 4 above, may be any position in a higher title. In addition, as previously mentioned, the SEA may also approve documents similar to the State Program Assignment office.

The Legal Sufficiency requirements consist of an appointed SAAG supervised by the GDOT Legal Coordinator who is a member of OLS, and responsible for the following:

- Legal sufficiency reviews
- Assisting with procedure and policy development as required
- Document review and project support
- Litigation support including gathering of the administrative record

GDOT will continue to review environmental staff roles and modify duties, as appropriate, based on the needs of Program Assignment.

§ 773.109 (a)(4)(ii): Changes to the Organizational Structure

There are no major organizational changes proposed that are necessary to provide for the efficient administration of the responsibilities to be assumed. OES is responsible for ensuring that the environmental process is completed and documents are prepared and reviewed for quality under the leadership of the SEA. Minor changes to the Division of Engineering are expected with the creation of the Office of NEPA Program Assignment. Under Program Assignment, the State NEPA Program Assignment Administrator and staff or the SEA will be responsible for signing/approving NEPA documents under Program Assignment. See the Proposed Office of Program Assignment in Figure 17.

§ 773.109 (a)(4)(iii): Use of Outside Consultants for the Assignment Program

GDOT will continue to contract with consultants to support Program Assignment as needed.

If a consultant is hired to complete resource identification the consultant will complete Environmental field work reports, following the same environmental delivery approach as noted above, as well as completing a QA/QC prior to submitting to GDOT. Consultant work completed would be submitted to GDOT and a staff level employee reviews and acts as a QA/QC prior to a report being submitted for final review/approval.

GDOT also uses consultants to complete tasks as GDOT employees, under the supervision of a

GDOT manager or Section Manager. These consultants work at GDOT offices. Such consultants may review consultant work and submit it to a manager for final review/approval. The use of consultants in preparing NEPA documents is allowed and full legal responsibility remains with GDOT.

NEPA - The NEPA section has consultants in the NEPA Manager roll. These managers will make final recommendations like a GDOT manager to the GDOT approver who completes the final review and signature. They are overseen by the GDOT NEPA Section Manager.

NEPA documents are signed by a GDOT employee in the role of NEPA Section Manager or higher.

PIOH Materials are approved for PI activities by a GDOT employee typically at the level of OES AOH or higher but in the event of the absence of the AOH, it could also be delegated to the NEPA Manager or higher.

PIOH Response letters receive final approval by an Office Head, typically the Environmental Administrator.

Cultural Resources - Cultural Resources has consultants acting as Team Leaders. Currently these consultant Team Leaders can make recommendations on documents with the exception of MOAs. MOAs are approved by GDOT Cultural Resource Section Managers and signed by the GDOT State Environmental Administrator.

Ecology -

Currently GDOT has some Ecology documents that are recommended for approval by Senior consultant Ecology specialists who work specifically on the GDOT TIA program projects. In addition, Ecology reports under our MMIP program are recommended by consultants hired to do an independent review. Finally, GDOT has a consultant Special Projects Coordinator who advises on under construction activities and recommends under construction reevaluations.

Air-Noise - Senior GDOT Noise Analysts have approver authority. Currently a consultant is a Senior Noise Analyst and can recommend documents.

It should be noted that many of our consultants previously worked for GDOT and/or are among the best in their respective fields. In addition, the consultants are trained by GDOT, attend GDOT meetings/trainings, and are part of our internal Microsoft Teams chats/channels. They have GDOT e-mail addresses and attend office events.

§ 773.109 (a)(5): Financial Resources under Program Assignment Program

GDOT's 4-Year Adopted Work Program (FYs 2024-2027) is approximately \$28 billion dollars. Over \$5.7 billion was projected in 2024 with an average of \$6 to \$7 billion per year thereafter OES's current annual budget comes from the Capital Program for FY 2025 and was approximately \$9.5 million dollars, which does not include budget for consultant resources to provide GDOT flexibility in meeting its project and program environmental compliance needs. OES typically maintains four general consultant contracts, funded annually at approximately \$20-25 million to provide environmental/NEPA support in all SME areas.

GDOT considers its budget to be sufficient to cover the costs of additional environmental activities

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necessary to successfully meet Program Assignment responsibilities, including: (1) consultation with state and Federal environmental resource agencies; (2) QA/QC of NEPA documents and supporting technical studies; (3) self-assessments; and (4) preparing for FHWA audits. GDOT commits to making adequate financial resources available to meet Program Assignment responsibilities it is assuming and the staff resources needed to successfully execute those responsibilities. GDOT will regularly assess financial and staffing resources available for Program Assignment as part of its self-assessments. The need for any future full-time employees would be identified as part of the routine GDOT budgeting process.

§ 773.109 (a)(6): Certification for Consent to Exclusive Federal Court Jurisdiction and Waiver of Sovereign Immunity

The certification is included in Appendix E.

§ 773.109 (a)(7): Certification that the State of Georgia's Open Records Act is Comparable to the Federal Freedom of Information Act

The certification is included in Appendix E.

§ 773.109 (a)(8): Comments Received on the Assignment Program

Included in Appendix F of the final application.

§ 773.109 (a)(9): Point of Contact

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Additional information on GDOT's Program Assignment can be found at GDOT's Program Assignment Overview website.

APPENDIX A

§ 773.107(a): Coordination Meeting

The following individuals attended the meeting on April 20, 2026:

FHWA

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APPENDIX B

Environmental Training

Table 4 Environmental Training

Course Title	Description	Training Source**	Assigned To	Frequency
Program Assignment Basics	Introduction to Program Assignment under 326 and 327	GDOT	All OES and OMAT	New staff, refresher, legal counsel
Intro to NEPA	Training on the National Environmental Protection Act (NEPA)	Adrian Collaborative	All OES	New staff, refresher
Overview of the NEPA Process/ESA/NHPA	Training on Endangered Species Act, Section 106 of the NHPA, NEPA	Shipley	ENV Analysts	New staff, refresher
Reviewing NEPA Documents		Shipley	Senior ENV Analysts	New staff, refresher
Public Involvement Process Training	A step-by-step overview of Georgia DOT's public involvement process	GDOT	ENV Analysts	New staff, refresher
Public Involvement in the Transportation Decision-making Process	Public involvement techniques about giving the public an opportunity to influence transportation decision making.	FHWA-NHI-142036, 484F14236	ENV Analysts	New staff, refresher
Applying Section 4(f): Putting Policy into Practice	Section 4(f) Compliance	FHWA-NHI-142073	ENV Analysts, Historians, Archaeologists	New staff, refresher
Phase I and II Environmental Site Assessment Training	Environmental Professional via most recent ASTM 1527-	ASTM and Environmental Institute	State Material Engineer, Assistant State Material Engineer, Environmental Branch Chief, Staff Engineers	New staff, refresher

Course Title	Description	Training Source**	Assigned To	Frequency
FHWA Air Quality & Transportation Conformity	Current law, regulations and guidance · Policy and technical guidance for transportation activities that are consistent with air quality goals.	FHWA-NHI-142071	A/N Analysts	New staff, refresher
Introduction to Transportation Conformity	Training in compliance with commitments made during the NEPA and permitting process, tracking, and roles.	ELMS 484PLN001	A/N Analysts	New staff, refresher
TNM 2.5/3.0	Traffic Noise Model to predict noise levels at specified measurement locations	Bowlby Associates (2.5) OR TBD (3.0)	A/N Analysts	New staff, refresher
Acoustics of Highway Traffic and Construction Noise	The modules in this course present participants with content that includes the basic principles of acoustics for highway traffic and construction noise.	FHWA-NHI-142086	A/N Analysts	New staff, refresher
Highway Traffic and Construction Noise Regulations	The modules in this course provide an overview of legislation, regulations, and policies that apply to highway traffic and construction noise.	FHWA-NHI-142087	A/N Analysts	New staff, refresher
How to Measure Highway Traffic Noise	The modules in this course focus on noise measurement	FHWA-NHI-142088	A/N Analysts	New staff, refresher
Abatement and Design Considerations for Highway Traffic Noise	The modules in this course focus on noise abatement considerations in association for noise studies.	FHWA-NHI-142089	A/N Analysts	New staff, refresher
An Introduction to the Traffic Noise Model (TNM) 3.0	The modules in this course focus on FHWA's Traffic Noise Model, version 3.0+	FHWA-NHI-142090	A/N Analysts	New staff, refresher
Public Involvement for Highway Traffic and Construction Noise Projects	The modules in this course focus on public involvement as it relates to noise projects	FHWA-NHI-142091	A/N Analysts	New staff, refresher
How to Mitigate Construction Noise	The modules in this course focus on construction noise including evaluation and abatement techniques	FHWA-NHI-142092	A/N Analysts	New staff, refresher

Course Title	Description	Training Source**	Assigned To	Frequency
How to Document Highway Traffic Noise Study Results	The modules in this course focus on the completion and documentation of a noise study.	FHWA-NHI-142093	A/N Analysts	New staff, refresher
Noise Compatible Planning (NCP) for Highway Traffic Noise	The modules in this course focus on the concepts of Noise Compatible Planning, their association with project noise studies, and how these concepts may be considered and shared with local planning and zoning officials.	FHWA-NHI-142094	A/N Analysts	New staff, refresher
Plan Development Process	This two-day course provides an in-depth view of how the PDP works in the Preconstruction Division. Emphasis of the instruction is on the process and will cover such topics as when to accomplish project activities.	ELMS 484PDP000	All OES	New staff, refresher
Stream Identification Course	This course teaches the North Carolina methodology for identifying intermittent and perennial streams and their origins. The course will focus on the widely used and applicable North Carolina Division of Water Quality (NCDWQ) stream identification methodology.	Blueline Environmental (or equivalent)	Ecologists	New staff, refresher
Basic Wetland Delineation	This course teaches participants how to identify wetland vegetation, hydric soils, and wetland hydrology in several different wetland systems, such as head-water streams, riverine, marshes, depressions, seeps, flats, and prepare a proper report for USACE approval.	Duncan & Duncan Wetland & Endangered Species Training**	Ecologists	New staff, refresher
Wetland Delineation Regional Supplement (Eastern Mountains and Piedmont)	This course is an advanced Wetland Science class that teaches the Regional Supplement.	Duncan & Duncan Wetland & Endangered Species Training**	Senior Ecologists	New staff, refresher

Course Title	Description	Training Source**	Assigned To	Frequency
Plant Identification	This is a series of courses in which participants are taught to identify a variety of plant species throughout the year.	Duncan & Duncan Wetland & Endangered Species Training**	Ecologists	New staff, refresher
Bats in Bridges & Emergence Survey Training	This one-day field training demonstrates methodology for inspecting transportation structures for bats and signs of bat use.	USFWS & GADNR-WRD	Ecologists	New staff, refresher
ACF Mussel Workshop	This course teaches identification and field survey techniques for common and protected mussels of the ACF River Basin.	USFWS	Ecologists	New staff, refresher
Introduction to Section 106	This course provides an introduction to Section 106	NPI or ACHP	Archaeologists, Historians	New staff, refresher
FHWA Section 106 Tutorial	Web based tutorial on the Section 106 Process for transportation projects.	FHWA Environmental Review Toolkit Website	Archaeologists, Historians	New staff, refresher
Evaluating Georgia's Ranch Houses	Ranch Guidelines	ELMS 484OESWB T23060	Historians	New staff, refresher
Advanced Section 106 Class	This course provides background for negotiations and agreement documents. Several courses including Section 106 Practitioners Workshop, Agreement Documents, etc. will count as Advanced Section 106. Advanced Section 106 courses are required after a staff member has taken Introduction to Section 106	NPI or ACHP	Archaeologists, Historians	Experienced staff who have taken Intro to Section 106, refresher

APPENDIX C

Projects for which GDOT does not request NEPA Responsibility

GDOT is requesting to assume the FHWA's responsibilities for all NEPA actions for all EIS projects, all CE Projects and all EA projects, both on the SHS and LAP projects off the SHS. GDOT is requesting FHWA to continue as Lead Federal Agency on the projects listed below because FHWA has had an active role in the environmental review process for these complex projects and/or because these projects are in the final phases of environmental review.

GDOT is not applying for assignment of the following projects under Program Assignment. This list is subject to change until the Program Assignment MOU is signed. These projects, together with their current environmental document status are identified below:

- A. Any Federal Lands Highway projects authorized under 23 U.S.C. § 202 ("Tribal transportation program"), 203 ("Federal lands transportation program"), or 204 ("Federal lands access program"), unless such projects will be designed and constructed by GDOT.
- B. Any project that crosses State boundaries and any project that crosses or is adjacent to international boundaries (23 CFR 773.105(c)). For the purpose of this MOU, a project is considered "adjacent to international boundaries" if it requires issuance of a new, or the modification of an existing, Presidential Permit by the U.S. Department of State.
- C. Recreational Trails projects under 23 U.S.C. § 206.
- D. For the lifecycle of Project DeRenne which includes the following Project PIs:
 - 1. PI 0008358; West DeRenne/Hampstead Avenue Connector;
 - 2. PI 0008359; East DeRenne from Abercorn Street to Harry S. Truman Parkway; and PI 0010236; SR 21 From CS 346/Mildred Street to SR 204
- E. Projects advanced by direct recipients of Federal aid highway funds other than GDOT, including but not limited to:
 - 1. Competitive grant programs
 - 2. Direct recipient tribal project
 - 3. Transportation Infrastructure Finance and Innovation Act Credit Program.

APPENDIX D

Federal Environmental Laws other than NEPA for which GDOT is Requesting Responsibility

GDOT is requesting to assume all of FHWA's responsibilities for environmental review, interagency consultation, and other environmental-related actions pertaining to the review or approval of projects assumed under Program Assignment under all applicable Federal environmental laws and Executive Orders, including, but not limited to, those listed below. GDOT will be responsible for complying with the requirements of any applicable Federal environmental law regardless of its inclusion on this list (this list is primarily derived from Appendix A of 23 CFR 773):

Air Quality

- Clean Air Act (CAA), 42 U.S.C. 7401–7671q, with the exception of any project level conformity determinations

Noise

- Noise Control Act of 1972, 42 U.S.C. 4901-4918
- FHWA noise regulations in 23 CFR Part 772

Fisheries and Wildlife

- Endangered Species Act of 1973, 16 U.S.C. 1531–1544
- Marine Mammal Protection Act, 16 U.S.C. 1361-1423h
- Anadromous Fish Conservation Act, 16 U.S.C. 757a–757f
- Fish and Wildlife Coordination Act, 16 U.S.C. 661–667d
- Migratory Bird Treaty Act, 16 U.S.C. 703–712
- Bald and Golden Eagle Protection Act, 16 U.S.C. 668-668d
- Magnuson-Stevens Fishery Conservation and Management Act of 1976, as amended, 16 U.S.C. 1801-1891d, with Essential Fish Habitat requirements at 16 U.S.C. 1855(b)(2)

Historic and Cultural Resources

- National Historic Preservation Act of 1966 (NHPA), as amended, 54 U.S.C. 300101 et seq.
- Section 4(f) of the Department of Transportation Act of 1966 [Section 4(f)], 23 U.S.C. 138, 49 U.S.C. 303 and implementing regulations at 23 CFR Part 774
- Archeological Resources Protection Act of 1979, 16 U.S.C. 470(aa)–470(mm)
- Native American Grave Protection and Repatriation Act, 25 U.S.C. 3001– 3013; 18 U.S.C. 1170
- Archeological and Historic Preservation Act, 54 U.S.C. 312501-312508

Social and Economic Impacts

- American Indian Religious Freedom Act, 42 U.S.C. 1996
- Farmland Protection Policy Act, 7 U.S.C. 4201–4209

Water Resources and Wetlands

- Clean Water Act, 33 U.S.C. 1251–1387 Coastal Barrier Resources Act, 16 U.S.C.

3501–3510

- Coastal Zone Management Act, 16 U.S.C. 1451–1466
- Safe Drinking Water Act, 42 U.S.C. 300f–300j–26
- General Bridge Act of 1946, 33 U.S.C. 525–533
- Rivers and Harbors Act of 1899, 33 U.S.C. 401–406
- Wild and Scenic Rivers Act, 16 U.S.C. 1271–1287
- Emergency Wetlands Resources Act, 16 U.S.C. 3901 and 3921
- Wetlands Mitigation, 23 U.S.C. 119(g), 133(b)(14)
- Flood Disaster Protection Act, 42 U.S.C. 4001–4130
- FHWA wetland and natural habitat mitigation regulations, 23 CFR Part 777

Parklands and Other Special Uses

- Section 4(f) of the Department of Transportation Act of 1966 [Section 4(f)], 23 U.S.C. 138, 49 U.S.C. 303 and implementing regulations at 23 CFR Part 774
- Land and Water Conservation Fund Act, 54 U.S.C. 200302–200310

FHWA-Specific

- Planning and Environmental Linkages, 23 U.S.C. 168, with the exception of those FHWA responsibilities associated with 23 U.S.C. 134 and 135
- Efficient Environmental Reviews for Project Decision-making and One Federal Decision, 23 U.S.C. 139
- Programmatic Mitigation Plans, 23 U.S.C. 169 with the exception of those FHWA responsibilities associated with 23 U.S.C. 134 and 135

Note:

1. Under these laws and Executive Orders, FHWA will retain responsibility for conducting formal government-to-government consultations with Federally recognized tribal governments. GDOT will continue to handle routine consultations with the tribal governments and understands that a tribal government has the right to direct consultation with FHWA upon request. GDOT may also assist FHWA with formal consultations, with the consent of a tribal government, but FHWA remains responsible to ensure this consultation occurs. FHWA's retention of formal consultation responsibilities under NAGPRA will not limit GDOT's existing activities under this law.

APPENDIX E

State Certifications for Consent to Exclusive Federal Court Jurisdiction and Waiver of Immunity and that the Georgia Open Records Act is comparable to the Federal Freedom of Information Act



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June 10, 2026

The Honorable Sean P. Duffy
Secretary
United States Department of Transportation
1200 New Jersey Ave., S.E.
Washington, DC 20590

The Honorable Sean McMaster
Administrator
Federal Highway Administration
1200 New Jersey Ave., S.E.
Washington, D.C. 20590

Re: GDOT's supplemental certification in support of its application for NEPA
delegation of responsibility

Dear Secretary Duffy and Administrator McMaster,

I write to provide this supplement to our office's letter dated October 17, 2025. As I understand it, you are seeking confirmation that the Georgia Department of Transportation has the authority to enter memoranda of understanding that waive Eleventh Amendment immunity, particularly in light of Article I, Section II, Paragraph IX of the Georgia Constitution. Given that GDOT is fully informed and voluntarily choosing to participate in the Program, I have concluded that GDOT has the statutory authority to enter into such agreements and accept Congress's requirement that GDOT "accept the jurisdiction of the Federal courts for the compliance, discharge, and enforcement of any responsibility of the Secretary assumed by the State." 23 U.S.C. § 327(c)(3)(B).

The starting point is that GDOT is a department of the State of Georgia. *See generally* O.C.G.A. § 32-2-1 *et seq.* As such, its authority is limited to those actions expressly delegated to it by the General Assembly or those that are necessarily implied. *See Republican National Committee v. Eternal Vigilance Action Inc.*, 321 Ga. 771, 795 (2025). In the context of transportation and the state highway system, GDOT has considerable powers.

In pertinent part, GDOT "shall have the authority . . . to enter into any contracts or agreements with the United States or its agencies or subdivision relating to the planning, financing,

construction, improvement, operation, and maintenance of any public road or other mode or system of transportation; *and to do all things necessary, proper, or expedient to achieve compliance with the provisions and requirements of all applicable federal-aid acts and programs.*” O.C.G.A. § 32-2-2(a)(7) (emphasis added). Further, GDOT is fully capable of suing and being sued as a department of the State of Georgia. O.C.G.A. § 32-2-5.

Article I, Section II, Paragraph IX(f) of the Georgia Constitution does not compel a different result. That subparagraph provides that “[n]o waiver of sovereign immunity under this Paragraph shall be construed as a waiver of any immunity provided to the state or its departments, agencies, officers, or employees by the United States Constitution.” But that provision stands for the unremarkable proposition that an otherwise valid waiver of the State’s *sovereign immunity* does not, by itself, amount to waiver of *Eleventh Amendment* immunity. For example, State agencies routinely waive sovereign immunity through execution of a written contract without waiving Eleventh Amendment immunity. *See generally Barnes v. Zaccari*, 669 F.3d 1295, 1308 (11th Cir. 2012).

Obviously, Congress has required that State agencies participating in the Surface Transportation Project Delivery Program “accept the jurisdiction of the Federal courts of the compliance, discharge, and enforcement of any responsibility of the Secretary assumed by the State.” 23 U.S.C. § 327. The Eleventh Circuit in *Garrett v. University of Alabama at Birmingham Board of Trustees*, 344 F.3d 1288 (11th Cir. 2003) held that “where Congress has unambiguously conditioned the receipt of federal funds on a waiver of immunity, [it] does not leave open the possibility that a state can continue to accept federal funds without knowingly waiving its immunity.” Thus here, as in *Garrett*, Congress has unambiguously conditioned participation in the Program on GDOT’s waiver of Eleventh Amendment immunity. And because GDOT has the statutory authority “to achieve compliance with the provisions and requirements of all applicable federal-aid acts and programs,” that necessarily includes the authority to waive its Eleventh Amendment immunity if doing so is a requirement of the program. *See generally Kendall v. Griffin-Spalding County Hosp. Authority*, 242 Ga. App. 821, 822 (2000) (government agency has authority that is “necessarily implied from the express grant of other powers”); *see also Miller v. Texas Tech University Health Sciences Center*, 421 F.3d 342 (5th Cir. 2005) (holding that state agencies waived their state’s Eleventh Amendment immunity even though agencies lacked express statutory authority to waive such immunity because authority to accept federal funds conditioned on such waiver necessarily includes the authority to accept the waiver condition itself).

Thus, neither GDOT nor any other State agency waives Eleventh Amendment immunity simply by virtue of waiving sovereign immunity through a written contract. Ga. Const. Art. I, Sec. II, Para. IX(f). But GDOT has the additional and express statutory authority to enter contracts with federal agencies and “do all things necessary, proper, or expedient” to comply with federal requirements. O.C.G.A. § 32-2-2(a)(7). Here, Congress has expressly conditioned participation in the Program on GDOT’s waiver of Eleventh Amendment immunity, and GDOT voluntarily elects to participate in the Program with full knowledge of the waiver requirement. I conclude that GDOT has the statutory authority to participate in the Program and all accompanying conditions, including the obligation to waive its Eleventh Amendment immunity.

I trust this addresses your remaining questions.

A handwritten signature in blue ink, appearing to read "C. Carr", with a long horizontal flourish extending to the right.

Christopher M. Carr
Georgia Attorney General



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October 17, 2025

The Honorable Sean P. Duffy
Secretary
United States Department of Transportation
1200 New Jersey Ave., SE
Washington, DC 20590

The Honorable Sean McMaster
Administrator
Federal Highway Administration
1200 New Jersey Ave., S.E.
Washington, D.C. 20590

Re: State of Georgia's application for NEPA delegation of responsibility

Dear Secretary Duffy and Administrator McMaster,

I represent the Georgia Department of Transportation ("GDOT"), which seeks your approval to participate in the Surface Transportation Project Delivery Program (the "Program"). GDOT further requests that you assign GDOT responsibility under the National Environmental Policy Act of 1969 ("NEPA") under 23 U.S.C. § 327. As part of that application process, I am providing the information required by the regulations at 23 C.F.R. § 773.109(a)(6)-(7).

The Georgia Attorney General is the legal advisor to the executive branch. GA. CONST. ART. V. SEC. III, PARA. IV. The Department of Law, which he leads, "is vested with complete and exclusive authority and jurisdiction in all matters of law relating to the executive branch of the government and every department . . . thereof." O.C.G.A. § 45-15-34. With that background, I provide the following as required by 23 C.F.R. § 773.109(a).

First, with respect to subpart (a)(6), GDOT has the statutory authority to assume the responsibilities of the Secretary for the Federal environmental laws and projects requested. Under Georgia law, GDOT has the “authority to accept and use federal funds; *to enter into any contracts or agreements with the United States . . . relating to the planning, financing, construction, improvement, operation, and maintenance of any public road or other mode or system of transportation; and to do all things necessary, proper, or expedient to achieve compliance with the provisions and requirements of all applicable federal-aid acts and programs.*” O.C.G.A. § 32-2-2(a)(7).

Additionally, under O.C.G.A. § 32-8-6(b), GDOT is “authorized to take necessary steps to secure the full benefits of any federal-aid program and to meet any contingencies not provided for in this chapter, abiding at all times by a fundamental purpose to plan, construct, reconstruct, and maintain, as economically as possible, the public roads and other major transportation facilities of Georgia which will best promote the interest, welfare, and progress of the citizens of Georgia.” GDOT has determined that the assumption of responsibility of the NEPA delegation is in the best interest of the State and citizens of Georgia, and it has the authority to enter a contract for the assumption of such responsibilities as set forth in 23 U.S.C. § 327(c).

Consistent with the Congressional requirements for participating in the Program, GDOT further agrees that any such written agreement will require GDOT to “accept the jurisdiction of the Federal courts for the compliance, discharge, and enforcement of any responsibility of the Secretary assumed by the State.” *See* 23 U.S.C. § 327(c)(3)(A); 23 C.F.R. § 773.109(a)(6). GDOT recognizes and accepts that this is an express condition imposed by Congress for allowing GDOT to participate in the Program. *See Garrett v. University of Alabama at Birmingham*, 344 F.3d 1288, 1293 (11th Cir. 2003) (state university waives Eleventh Amendment immunity where grant of federal funds is expressly conditioned on such waiver); *Diaz-Fonseca v. Puerto Rico*, 451 F.3d 13, 33 (1st Cir. 2006) (noting that state agency can waive Eleventh Amendment immunity where Congress expressly conditions participation on such waiver).

Second, with respect to 23 C.F.R. § 773.109(a)(7), the Georgia Open Records Act, O.C.G.A. § 50-18-70 *et seq.*, is comparable to FOIA. Among other things, the Georgia Open Records Act provides that “[a]ll public records shall be open for personal inspection and copying . . .” O.C.G.A. § 50-18-71(a)(1). Additionally, any person seeking public records under the Open Records Act is permitted to challenge decisions regarding the availability of such records or documents in Georgia courts. O.C.G.A. § 50-18-73. The Georgia Supreme Court has expressly held that the Open Records Act “creates a private right of action to enforce the obligations imposed on persons or agencies having custody of records open to the public under the Act.” *Blalock v. Cartwright*, 300 Ga. 884, 887-88 (2017). Thus, the Georgia Open Records Act is comparable to FOIA and provides adequate legal remedy for anyone challenging a decision to withhold public records.

I trust this satisfies the requirements contained in 23 C.F.R. § 773.109(a)(6) and (7).

Sincerely,

A handwritten signature in blue ink, consisting of a stylized 'L' followed by a long, sweeping horizontal line.

Logan B. Winkles
Deputy Attorney General

APPENDIX F

Copies of Public Comments Received on the Assignment Program Application and Responses Provided by GDOT

Public notice of availability of GDOT's application was published on **Date** in the paper with the largest circulation in the following cities: Atlanta, Macon, Savannah, Columbus, and Augusta and on GDOT's website. Comments were due no later than **Date**. GDOT also provided direct notice of availability of the application with request for comment to Federal and state regulatory and resource agencies and tribal governments. In addition to the notice posted on the agency website, GDOT posted the application and directions on how to provide comments on GDOT's Program Assignment website. The table below reflects how GDOT's application was publicly noticed:

PUBLIC NOTICE OF APPLICATION		
Agency / Group / Organization	How was the Application Noticed?	Date
Public Notice of Application:		
GDOT's Website	Notice of the Application was posted on GDOT's Agency Website with the ability to submit comments via a link provided to GDOT's Program Assignment Website.	
Newsprint in Atlanta, Macon, Savannah, Columbus, Valdosta, Augusta, Athens, Warner Robbins, Albany, and Rome	Application was publicly noticed in paper with the largest circulation	
Agencies Notified:		
U.S. Department of Transportation		
Federal Highway Administration; Georgia Division		
Federal Transit Administration		
Federal Railroad Administration		
Federal Aviation Administration		
U.S. Coast Guard, Southeast District		
U.S. Army Corps of Engineers, Savannah District		
U.S. Fish and Wildlife Service		
U.S. Environmental Protection Agency		

PUBLIC NOTICE OF APPLICATION		
Agency / Group / Organization	How was the Application Noticed?	Date
U.S. Department of Agriculture		
U.S. Department of Housing and Urban Development		
U.S. Department of Health and Human Services		
NOAA Fisheries Service		
National Park Service		
Federal Emergency Management Agency		
Tennessee Valley Authority		
Georgia Department of Agriculture		
Georgia Environmental Protection Division		
Georgia Department of Economic Development		
Georgia Department of State		
Georgia Department of Natural Resources (CRD, WRD)		
Atlanta Regional Commission		
Georgia Association of Metropolitan Planning Organizations		
Georgia Department of Community Affairs - SHPO		
State Road and Tollway Authority		
Metropolitan Atlanta Rapid Transit authority		
Georgia Emergency Management and Homeland Security Agency		

Georgia Department of Community Health		
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PUBLIC NOTICE OF APPLICATION

Agency / Group / Organization	How was the Application Noticed?	Date
Native American Tribes Notified		
Miccosukee Tribe of Indians of Florida		
Mississippi Band of Choctaw Indians		
Muscogee Nation		
Poarch Band of Creek Indians		
Alabama-Quassarte Tribal Town		
Seminole Tribe of Florida		
Coushatta Tribe of Louisiana		
Kialegee Tribal Town		
Thlopthlocco Tribal Town		
Alabama-Coushatta Tribe of Texas		
Cherokee Nation		
Eastern Band of Cherokee		
United Keetoowah Band of Cherokee		
Absentee-Shawnee Tribe of Oklahoma		
Eastern Shawnee Tribe of Oklahoma		
Seminole Nation of Oklahoma		
Shawnee Tribe		
Catawba Indian Nation		

Jena Band of Choctaw Indians		
Chickasaw Nation		
Elected Officials Notified:		
U.S. Senate		
U.S. House of Representatives: -Transportation Appropriations Subcommittee; -Transportation and Infrastructure Committee		
Georgia State Government – House and Senate Representatives		

GEORGIA DEPARTMENT OF TRANSPORTATION PROGRAM ASSIGNMENT PUBLIC NOTICE

DATE

DEPARTMENT OF TRANSPORTATION

Federal Surface Transportation Project Delivery Program

The Georgia Department of Transportation (GDOT) is applying to assume Federal Highway Administration's (FHWA) responsibilities under an Assignment Program authorized by the Surface Transportation Project Delivery Program, 23

U.S.C. § 327. Under this program, GDOT will assume responsibility for compliance with the National Environmental Policy Act (NEPA) and all other Federal environmental laws pertaining to the review or approval of GDOT's highway projects.

GDOT's application is available on GDOT's website at
website address

Comments on GDOT's application can be mailed or emailed to the person below or submitted directly through GDOT's website (above) and will be accepted until the close of business on Date. Public participation is solicited without regard to race, color, national origin, age, sex, religion, disability, or family status.

Please direct all comments to: Amber Phillips, State Environmental Administrator, One Georgia Center, 16th Street, 600 West Peachtree Street, NW, Atlanta, Georgia 30308, (404) 631-1117, aphillips@dot.ga.gov.

The following is a summary of comments that were received and GDOT's response to those comments. Copies of the comments and responses directly follow the summary table.

SUMMARY OF PUBLIC COMMENTS AND FDOT RESPONSES ON APPLICATION				
Date Submitted	Commenter	Summary of Comment(s)	Summary of Response(s)	Date GDOT Responded
