



# Alaska Department of Transportation & Public Facilities

## NEPA permitting process

Marc Luiken, Commissioner  
Lance Mearig, Chief Engineer

January 31, 2017

*Keep Alaska Moving* through service and infrastructure

# Our DOT&PF People: Alaskans Serving Alaskans

## Brett Nelson

Northern Region Environmental Manager



- Brett is married with three teenagers and is a U.S. Air Force veteran. He earned a Bachelor of Science in Wildlife from UAF and a Master of Science in Biology from Northern Michigan University. Before coming to the department, Brett worked for Michigan Department of Natural Resources and Michigan Department of Agriculture. He enjoys spending time with family, hunting, fishing, hiking and living in Alaska.
- Nine and a half years with DOT&PF
- As environmental manager, Brett helps to ensure the department remains in compliance with environmental regulations through completion of the National Environmental Policy Act and acquires necessary permits. He also acts as a liaison with resource agencies.
- Environmental compliance is part of every DOT&PF project and many operations. Brett's job is to help keep projects and operations moving as effectively and efficiently as possible through the environmental processes.
- Brett has acquired a wide range of experience. He exemplifies the department's core value of excellence by utilizing that experience to further projects through completion of environmental documents and permits.
- Brett earned an honorable mention in the Crisis Responder Team category for the 2011 Governor's Denali Peak Performance Awards for his work on the Taylor Highway flood response



- Mission
  - Mission statement
  - Statutory responsibilities
  - RBA/Core Services
- Alaska's transportation program
  - Average annual \$\$ amount of work



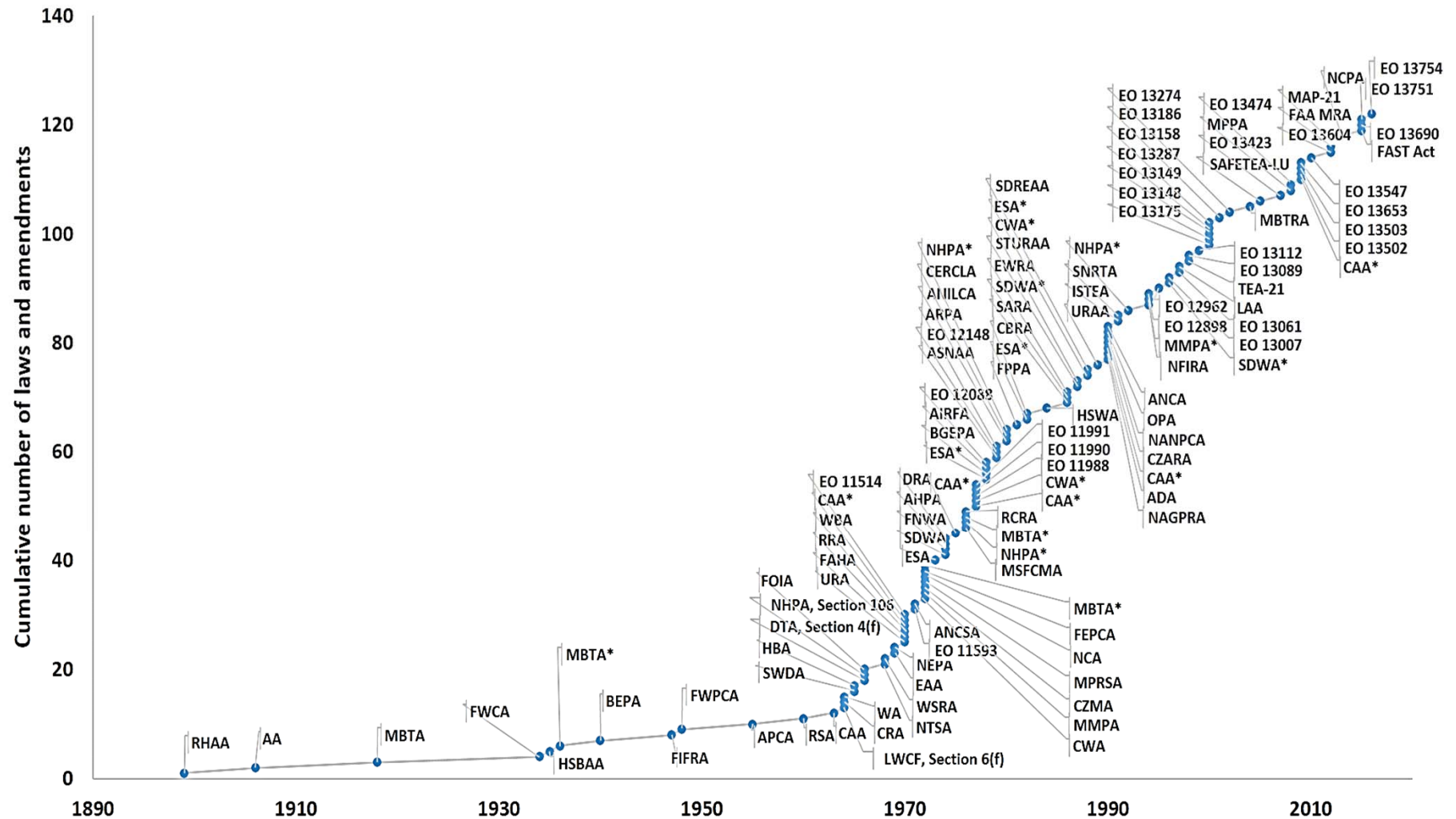
# Outline

- NEPA Process
  - The “Hockey Stick”
  - Flow chart
  - Causes of delay
- Ideas for Streamlining the Permitting Process
- Project Development Process
  - Number of projects per year
  - Average amount of time
  - Bridge permitting
  - Airport permitting
  - Costs of wetlands mitigation



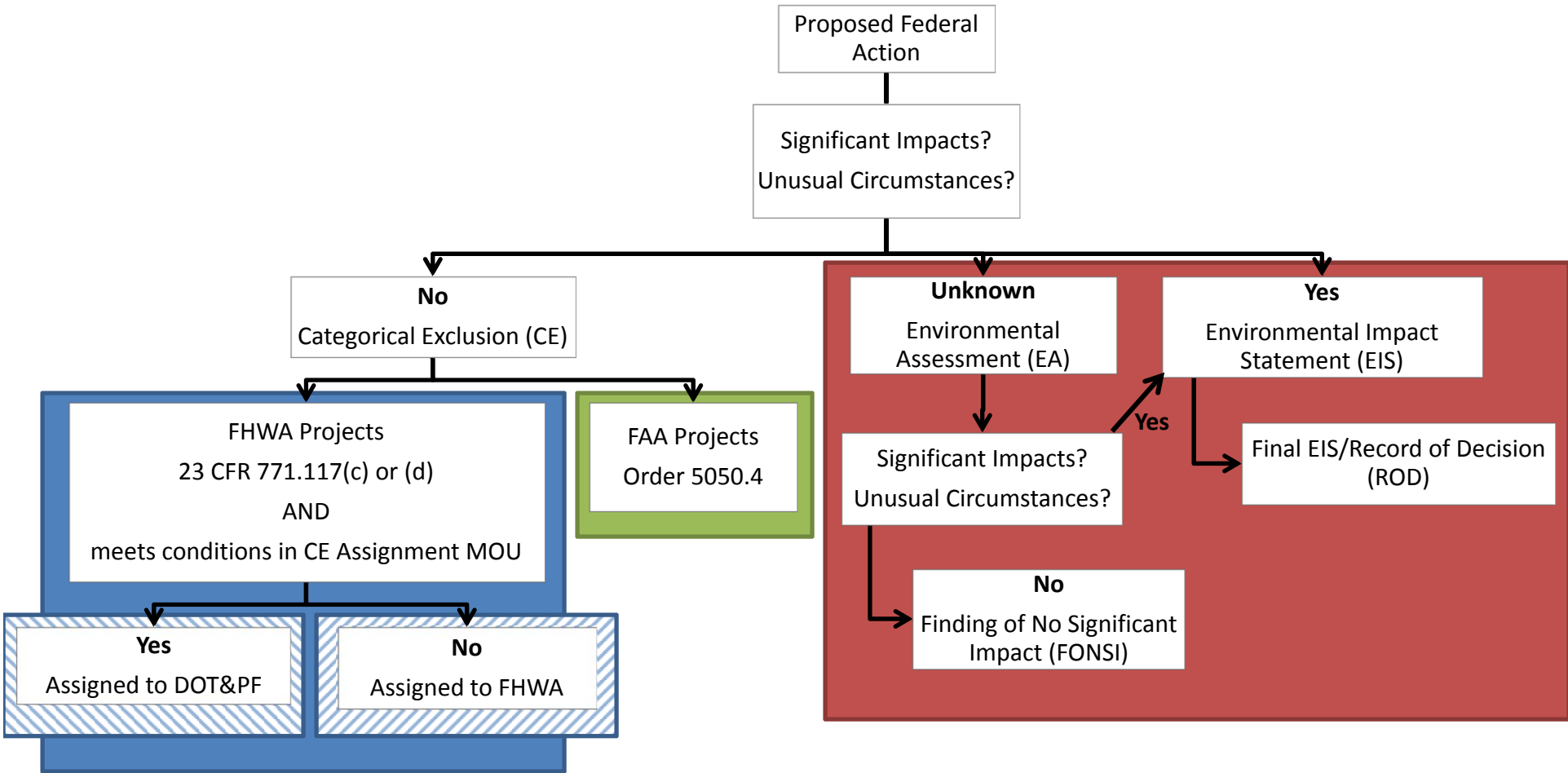


# Federal Laws & Executive Orders affecting DOT&PF projects





# NEPA Process





# Potential causes of delay

## Prior to NEPA Approval

- Section 4(f)
- Section 106
- ESA Biological Opinions
- MMPA Authorizations
- Other resource impacts

## Concurrent with/after NEPA Approval

- USCG Sect. 9 (Bridge) permit
- USACE Sect. 10/404 permit
- Bald Eagle Take permits
- Other applicable permits



# Ideas for streamlining environmental permitting (1)

- NEPA Assignment Program: DOT&PF approval of EA and EIS projects
- Section 404 wetlands permitting: exemption for evacuation/emergency infrastructure
- ESA/MMPA authorizations: consultation process coordination





# Ideas for streamlining environmental permitting (2)

- Section 4(f)/Section 106: relax the requirement to offer historic bridges for sale before demolition
- Bald eagle permits: programmatically approve common DOT&PF activities



# 2015 FAST Act – included reforms

## **NEPA Coordination & Acceleration**

- **Sec. 1304** – Heart of NEPA & Federal Permitting Integration

## **Federal Permitting Efficiencies**

- **Sec. 1301** – Section 106 and Section 4(f) in single decision

## **Bridge Efficiencies**

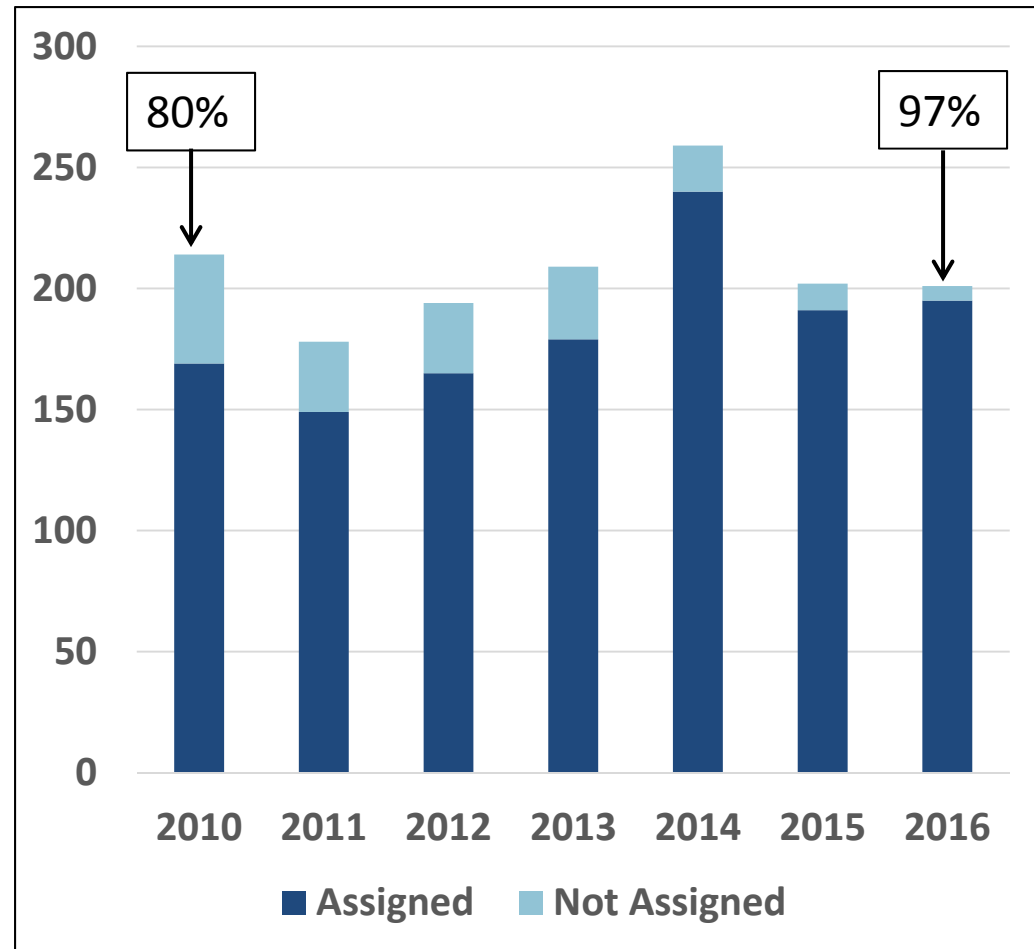
- **Sec. 1111** – Bundling bridge permits
- **Sec. 1303** – Bridge exemption from Section 4(f)

## **Incorporation of Wider Scope Planning Documents**

- **Sec. 1305** – Integration of Planning and Environmental Review
- **Sec. 1306** – Programmatic Mitigation Plans

# DOT&PF NEPA performance (since 2009 CE assignment)

- Average 190 highway projects starts (NEPA Initiation) annually
- 97% are CEs assigned to DOT&PF
  - 91% are programmatically approved in the regions
  - Average CE approval time is 112 days
- EAs and EISs are rare, but more complicated





# Bridge Permitting

- Required for projects constructing or altering bridges across navigable waters.
- Bridge permitting is relatively rare
  - One permit in last 5 years
  - FHWA exemption (23 U.S.C. § 144(c) and 23 CFR part 650, Subpart H)



# Airport Permitting

- FAA leads agency coordination and approves all environmental documents
  - DOT&PF project teams prepare CEs and EAs; FAA prepares EISs
  - Permitting process otherwise similar to highway projects
- FAA cannot delegate NEPA responsibilities





# Wetlands Permitting and Mitigation

- USACE regulations require DOT&PF to avoid, minimize, mitigate project impacts
- Options when mitigation is required:
  - Mitigation Bank
  - In-lieu Fee Provider
  - Permittee Responsible Mitigation
- Cost of mitigation varies based on:
  - # acres impacted
  - Quality and function of wetlands
  - Price per mitigation credit
  - Location



# Thank you

## Contact Information:

**Marc Luiken**

Commissioner

[marc.luiken@alaska.gov](mailto:marc.luiken@alaska.gov)

(907) 465-3900

**Lance Mearig**

Chief Engineer

[lance.mearig@alaska.gov](mailto:lance.mearig@alaska.gov)

(907) 465-6958

### **Transportation is an *economic driver***

- Preserve, operate, and modernize existing infrastructure
- Provide transportation services
- Federally funded capital improvement projects

### **Impacts *daily quality of life***

- Safety
- Mobility
- Connectivity

