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Publication Date

2001-09-24

NEPA AND TRANSPORTATION: NEED AND STRATEGIES FOR EARLY INVOLVEMENT

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Abstract: The National Environmental Policy Act (NEPA) is to encourage "productive and enjoyable harmony" between humans and their environment, and to encourage wise, i.e., sustainable, decisions. The CEQ implementing regulations require early involvement to "insure planning and decisions reflect environmental values; avoid delays later in the process; and head off potential conflicts." Additional benefits of early involvement as well as the consequences and symptoms of late involvement are discussed. Based upon EPA Region 10's experience, the attributes of early involvement are outreach; integration of land use planning, transportation planning, and environmental review; revised/standardized guidance for elements of the NEPA EIS process and other topics; programmatic procedures for legal compliance where appropriate; advance planning for compensatory habitat mitigation; and adoption of an Environmental Management System for construction, operation, and maintenance of transportation infrastructure. The Oregon "Collaborative Environmental and Transportation Agreement on Streamlining" (CETAS) process is highlighted as an example that embodies all six attributes.

What is NEPA?

The National Environmental Policy Act (NEPA) of 1969 is a statement of national environmental policy for the purpose of encouraging "productive and enjoyable harmony" between humans and their environment such that we "fulfill the responsibilities of each generation as trustee of the environment for succeeding generations". The intent of the NEPA is to foster wise decisions – those that are productive, harmonious, and sustainable.

To carry out this intent, the NEPA also establishes a process that is integral to the decision making of all federal agencies whenever they propose to take an action that may have significant environmental impacts. For such proposed actions, Federal agencies must prepare an Environmental Impact Statement (EIS) that discloses to the public and decision makers key information such as (1) the purpose and need for the action; (2) a reasonable range of alternatives for meeting the stated need; (3) a description of the affected environment; and (4) the anticipated environmental impacts, including any unavoidable effects, effects on long-term productivity, and irreversible and irretrievable commitments of resources should the proposed action be implemented.

Why Have Early Involvement?

The regulations for implementing the NEPA require early involvement. Early involvement is described as the integration of the NEPA process with other planning at the earliest possible time in order to "insure planning and decisions reflect environmental values; avoid delays later in the process; and head off potential conflicts." [Council on Environmental Quality (CEQ) regulations, Section 1501.2] The CEQ offers further guidance in their document entitled, the "Forty Most Asked Questions Concerning CEQ's NEPA Regulations." Here the CEQ indicates that Federal agencies are required to "take steps...to ensure that environmental factors are considered at an early stage in the planning process and to avoid the situation where the applicant for a federal permit or approval has completed planning and eliminated all alternatives to the proposed action by the time the EIS process commences or before the EIS process has been completed." CEQ indicates that those steps or procedures should include an "outreach program" to bring about consultations with private parties and state and local entities.

The benefits of early involvement include those stated above and much more. A process crafted to ensure early involvement also provides the potential for establishing good working relationships and partnerships among agencies and other participants; for enabling decisions that "stick", which needn't be revisited unless there is significant new information or changes in circumstances; for maximizing avoidance of environmental harm; for developing compensatory mitigation plans that maximize environmental benefits; and for lowering project delays and costs, thereby realizing the desired effect of "streamlining" the environmental review process.

In EPA Region 10 (the states of Alaska, Idaho, Oregon, and Washington), and we suspect elsewhere in the U.S., late involvement, i.e., the application of NEPA after substantive land use and transportation decisions have been made, has been “the norm” since the NEPA’s passage more than 30 years ago. Late involvement results when there is a chasm between land use planning, transportation planning, and the initiation of the EIS process. In theory and according to intent, the NEPA process begins as soon as the potential for needed federal action can be foreseen. The reality is that it has not, because the NEPA process has been viewed as equivalent to the EIS process when, in fact, it is much more than that. To be legally sufficient and to be effective in practice, the NEPA process must include early involvement in planning.

Unfortunately, in most cases land use planning and transportation planning have occurred separately in a linear or sequential manner, or they may have some level of integration, such as factoring in comprehensive land use plans when transportation plans are developed. Once the planning decisions have been made, the state and/or local entities may turn to the Federal government for funds, permits, or other actions, to implement their transportation decisions. This is when project proponents have initiated the EIS process, which has and still does result in a process that is geared to support pre-determined outcome(s). Within the NEPA EIS process, the symptoms of this condition include:

- Excessively narrowed purpose and need statement;
- Constricted range of alternatives, including lack of consideration of changes to land use and/or transportation plans;
- Incomplete analyses of impacts, especially with respect to cumulative and secondary effects (induced growth, sprawl, climate change), high value habitats and listed/candidate/sensitive species, community impacts and environmental justice;
- Public participation process that does not effectively engage and respond to the affected public;
- Heightened reliance upon compensatory mitigation as a response to project impacts; and
- Project proponents’ reliance upon project momentum to overcome objections.

These procedural deficiencies, ensuing conflicts, and the environmental costs associated with the outcomes have driven resource agencies, particularly EPA, to proactively seek opportunities for earlier involvement, while conflict, costs, project delays, and legislation (TEA-21, the Transportation Equity Act for the 21st Century) have moved transportation entities to seek avenues for “streamlining.” It appears the solutions for both early involvement and streamlining are the same.

What Are the Attributes of Early Involvement, a.k.a. Streamlining?

While the stimulus and emphasis of this paper is primarily upon the need for early incorporation of environmental concerns into land use and transportation planning, effective environmental management in transportation actually requires early action at all stages -- from planning through decision making, implementation and evaluation. Thus, the attributes of a comprehensive early involvement process are identical to many of those being pursued for the environmental streamlining of transportation projects in various states. These include:

1. Outreach to land use and transportation planning entities;
2. Integration of land use planning, transportation planning, and environmental protection;
3. Revision and standardization of guidance for implementing key elements of the NEPA EIS process;
4. Application of programmatic procedures for legal compliance, such as with the Endangered Species Act (ESA);
5. Advanced planning for compensatory habitat mitigation; and
6. Adoption of an Environmental Management System for construction, operation, and maintenance of transportation infrastructure.

This paper will address attributes 1, 2 and 3 as they relate to EPA Region 10 activities.

The Oregon Collaborative Environmental and Transportation Agreement on Streamlining (CETAS) process is highlighted as an example, where the state of Oregon has undergone joint interagency process improvement to eventually incorporate all six attributes.

Outreach

Other than suggesting outreach in the form of pre-application consultations and publication of pre-application procedures, the CEO simply directs federal agencies to “take steps” to ensure early involvement in planning. Outreach is defined in Webster’s dictionary as “an organized effort to extend services beyond usual limits, as to particular segments of a community.”

In response to the need for earlier involvement, EPA Region 10 developed and published a document referred to as the Region’s “transportation message.” Entitled, *Transportation Planning in the Northwest: Framework for Sustainability* (EPA 910-F-00-001, January 2000) the document is intended for land use planning and transportation planning entities, decision makers, and the public. Dissemination of the transportation message is a proactive effort to urge all communities and Metropolitan Planning Organizations to integrate land use planning, transportation planning, and environmental review. The hope is that this integration will enable and foster the generation of a range of alternatives that is potentially more protective of environmental, as well as social and economic, values. Joint agency letters and presentations (such as, FHWA and EPA) to target audiences, the use of websites, and resource agency liaisons to state and local entities are also possible means of outreach.

Integration of Land Use Planning, Transportation Planning, and Environmental Protection

The integration of land use planning, transportation planning, and environmental review is clearly the most daunting, yet critical of all early involvement endeavors. Federal agencies are hampered by the stigma of Federal meddling in local land use decisions. At the state level, the transportation departments claim no control over this aspect. State growth management or land use laws—where they exist—have some influence over local land use planning processes, but none in the Pacific Northwest have successfully brought about this critical integration.

There appear to be two general approaches to solving this problem: (1) Resource agencies can collectively or individually pursue strategic, proactive involvement in specific regional and/or local land use plans, and/or in state, regional and local transportation plans; or (2) resource agencies, state and Federal transportation agencies, and appropriate regional and local entities can engage in joint interagency process improvement. In EPA Region 10, both approaches are being tried, but the most efficient, desirable, and hopefully successful one may be the latter collaborative approach. Pilot projects are now underway in the states of Washington and Oregon to test new processes.

An example of the collaborative approach that serves as a showcase for all the desired attributes of early involvement is the Oregon “Collaborative Environmental and Transportation Agreement on Streamlining” (CETAS) process. The CETAS process formed from attempts to revise or replace the Oregon NEPA/404 Accord. The Accord, or Merger Agreement as it is called in some states, was a process deemed necessary and promoted by Federal Highway Administration (FHWA) in 1992. For agencies signatory to the agreement, there are in most cases concurrence points at specific points in the NEPA EIS process, such as for purpose and need, the range of alternatives, the preferred alternative, and proposed mitigation. The object was to engage resource agencies earlier in the NEPA process and to merge the reviews needed for compliance with the NEPA and Clean Water Act Section 404, permitting for wetlands dredge and fill.

The status quo in Oregon was that, as in so many other states, the NEPA EIS process and application of the Accord with resource agency involvement occurred too late in the process, i.e., not until the project development phase, to affect land use and transportation decision making. Land use planning, transportation systems planning, and corridor or “Refinement Planning” as it is called in Oregon, in which modal and location decisions are made, had all taken place prior to resource agency involvement. Figure 1: “The Way It Was,” illustrates this sequence of events. The result of the CETAS was a new charter, a new process agreement, and a vision that fully integrates land use planning, transportation planning, and environmental review.

	Planning Policies	Management System	Plans	STIP Process	STIP	Project Development	Final Design	Construction	Maintenance
Products	OTF, C&P, MODAL PLANS, Transit, etc. TRR, FHWA	Inventory of conditions for example: Pavement, Budget, etc.		Projects Prioritized	Funded Prioritized Program	Design of Alternatives, NEPA, Approval	Permits and Approvals, ROW	Project Built	Maintain Mitigation, Rehab Mitigation
What happens	Establishes Goals and Direction	Model Decision	<p>Solution Development within Modes, some intermodal consideration</p> <p>Location of Facilities, Development of Solution Concept</p> <p>Concept Incorporated in Comp Plans, Prioritized for Future Funding</p>	Projects complete for Priority & Funding	Project Funded	NEPA Applies. May reject Alternatives. Environmental Analysis of all viable Alternatives Refined	Final Mitigation Design. Permits & Clearances Secured. ROW Purchased	Adoption of Permit Regulations. Construction of Mitigation resources	If Mitigation fails, it is rehabbed. MA areas ID'd by signing & protected. Other actions to protect resources
Decision	Standard Goals	Problem Areas ID'd	<p>Purpose and Need, Modal Solution</p> <p>Alternatives for type of facility and general location</p> <p>Proposed Alternative</p>	Funding, Priority of Development	Schedule	Need Design Solution Mitigation	Precise ME Design. Permit Form	Permit Compliance	Performance Evaluated
Resource Agencies	Minimal Review if any	None	<p>Larger MPO's may invite Review, Smaller NO</p> <p>Minimal Involvement or Review might Occur</p> <p>Minimal Involvement might Occur</p>	Minimal involvement might occur	NONE	Scoping, Accord Process, Consultation, NEPA Commenting	May question any previous action or joint. Issue Permits, BO's, Consequences	Monitor Performance Demand Compliance	Monitor Performance Demand Compliance
Decision Makers	OTC, LCOG, FHWA	COOT, Local Government	<p>Local Gov</p> <p>COOT & Local Gov</p> <p>Local Planning Orgs., OTC, LCOG</p> <p>Local Gov, COOT</p> <p>Stakeholders, including general public and local interests.</p> <p>Hearings Participants</p>	COOT, OTC, ACTS, Local Gov. Stakeholders usually political participants, open to public	OTC, FHWA	FHWA COOT Project Team, Agency Reps, Local Gov, Reps	COOT Project Team, Agencies, FHWA	COOT Construction Team, Agency Reps	COOT Maintenance Team, Agency Reps
		First Opportunity for Natural Resource Agencies to Comment							

Figure 1: The Way It Was. Note that the resource agencies are not involved until the Project Development stage.

The new charter (see Appendix), signed in February 2001, is the "Collaborative Environmental Group Charter" (Charter). It is an umbrella agreement among agencies that sets the stage for further collaborative work to achieve their collective vision. The new process agreement, which is to be signed in November 2001, is called the "Agreement for Environmental Streamlining of Major Transportation Projects" (Agreement). The objectives of this agreement are to ensure full communication, participation, and early involvement in Oregon Department of Transportation's (ODOT) major transportation projects: those processed with an EIS or Environmental Assessment (EA) that are likely to impact natural resources.

The process as per the Agreement (see Figure 2: The Way It Almost Is Now) covers projects in Oregon's Refinement Planning stage, which is equivalent to a NEPA Tier 1 EIS process, and it covers projects in the Project Development stage, which is equivalent to a NEPA Tier 2 EIS process. Refinement plans are typically used for large, long-term projects that will result in a location decision. There are agency concurrence points at key junctures: purpose and need, range of alternatives, preferred alternative, and selected alternative. The Project Development or Tier 2 stage is for projects where mode and location have been determined. The same concurrence points are applied at this stage, except that Purpose and Need concurrence occurs only if the project did not go through Refinement Planning (Tier 1).

Products	Planning Policies	COOT Management Systems	Plans	STIP Process	STIP	Project Development	Final Design	Construction	Maintenance
	OTF, O-EP, MCDOL Plans, Transit, etc. TR, FHWA	Inventories of conditions, for example Pavement, Bridges, etc.	<p>Local Planning Organizations → TSPs, RTPs → Refinement Plans (Review with NEPA approval) → Incorporation in Comp Plans</p> <p>COOT → Corridor Plans</p>	Funded Prioritized Program	Project Prioritized	Alternatives Design, NEPA Approval	Permits and Approvals, ROW	Project Built	Maintain Mitigation, Rehab, Mitigation
What's Happens	Establishes Goals and Direction	ID of Deficiencies	<p>Location of Facilities, Development of Solution Concept, NEPA applied, Env. Analysis of Alt., May include Mode</p> <p>Model Decision, Solution Development within Mode</p> <p>Concept incorporated in Comp Plans, Prioritized for Future Funding, ROW can be purchased by Loc Gov, Corridor Protection</p>	Projects complete for Priority & Funding		Design Alternatives Evaluated through NEPA Process, Mitigation Calibrated	Final Mitigation Design, Permits & Clearances Secured, ROW Purchased	Activation of Permit Stipulations, Construction of Mitigation	Mitigation reviewed, Mitigation areas ID'd by signing & protected, Other actions to protect resources
Decision	Standard Goals	Problem Areas ID'd	<p>Purpose and Need, selection criteria, Ranges of alt., reviewed and approved, Mode, preferred location and type of facility addressed</p> <p>Define Purpose & Need, Modal Research</p> <p>Lens Use actions for Proposed Alternative are taken.</p>	Funding, Priority of Development	Schedule	Design Alt. Selected, Mitigation Concepts	Finalize Mitigation Design, Permit from Permitting Agencies	Permit Compliance	Performance Evaluated
Natural Resource Agencies			<p>Significant Resource Agency involvement through Major Projects Agreement</p> <p>Review, advise and provide data resources</p>				Continuing Involvement Follow through on previous commitments, Issue Permits, BOA, Commenting		
Decision Makers	Minimal Review if any	None		Minimal involvement might occur	NONE	Major Project Process, NEPA	Monitor Performance, Demand Compliance	Monitor Performance, Demand Compliance	Monitor Performance, Demand Compliance
	OTC, LCDC, FHWA	COOT, Local Government	<p>Local Gov</p> <p>COOT & Local Gov.</p> <p>Local Gov, COOT</p> <p>Local Planning Orgs., OTC, LCDC</p>	COOT, OTC, ACTS, Local Gov, FHWA	COOT, OTC, ACTS, Local Gov, FHWA	FHWA, COOT Project Team, Agency Reps, Local Gov, Local Gov, FHWA	COOT Project Team, Agencies, FHWA	COOT Construction Team, Agency Reps	COOT Maintenance Team, Agency Reps
Stakeholders			<p>Stakeholders, including general public and local interests.</p> <p>Hearing Participants</p>	usually political participants, open to public		Public			
		Major Projects Agreement / NEPA Planning Merger							
		TSP Guidelines							
		Reviewers							

Figure 2: The Way It "Almost" Is Now. This diagram shows implementation of the CETAS Major Projects Agreement, which includes resource agency involvement in the Refinement Planning (NEPA EIS Tier 1) and Project Development (NEPA EIS Tier 2) stages. Signatory agencies have both concurrence authority and opportunities for comment and active participation.

It is the overall Vision (Figure 3) developed by the CETAS group that embodies the full process, where resource agencies are involved in the earliest stages of land use and transportation planning. Key elements of the Vision model include the following:

- Natural resource plans and resource mapping (including watershed plans) are developed and integrated with comprehensive land use and transportation planning;
- Federal lands management planning is integrated with transportation planning;
- Resource agencies have the opportunity for participation, comment, and concurrence at key points in the Refinement Planning and Project Development phases;
- There are programmatic applications, where appropriate, for regulatory requirements, such as under the Endangered Species Act (ESA);
- ODOT has a Habitat Mitigation Program, which includes advanced mitigation and mitigation banking;
- ODOT adopts a total Environmental Management System, ISO 14001, which is a structured process for analyzing, implementing, and accounting for a business enterprise's environmental aspects in all its processes, products, and services; and
- ODOT works with local government, consultants, and contractors for seamless performance. This means that ODOT will:
 1. encourage local governments to also participate in the CETAS to enable early involvement of resource agencies. This early involvement includes using resource agency plans and resource mapping to inform the land use planning process, and to invite participation of resource agency staff;
 2. move environmental awareness into their transportation systems planning; and
 3. ensure that ODOT contractors perform in accord with the environmental commitments that ODOT has made.

	DDOT Management Systems	DDOT	STP Process	STP	Project Development	Final Design	Construction	Maintenance
Planning Policies	DTP, CHP, MOU, Park, etc. - TRR, FHWA, Natural Resource Plans	DDOT	Projects Proposed	Funded	Final Design Approval	Permits and Approvals	Project Built	Maintenance of
Prerequisites	DDOT	Local Planning Organizations	Projects Proposed	Funded	Final Design Approval	Permits and Approvals	Project Built	Maintenance of
What Happens	DDOT	Local Planning Organizations	Projects Proposed	Funded	Final Design Approval	Permits and Approvals	Project Built	Maintenance of
Decision	DDOT	Local Planning Organizations	Projects Proposed	Funded	Final Design Approval	Permits and Approvals	Project Built	Maintenance of
Market Resources	DDOT	Local Planning Organizations	Projects Proposed	Funded	Final Design Approval	Permits and Approvals	Project Built	Maintenance of
Decision Makers	DDOT	Local Planning Organizations	Projects Proposed	Funded	Final Design Approval	Permits and Approvals	Project Built	Maintenance of

Figure 3: The Vision. This diagram shows resource agency early involvement and streamlining at every stage, including local land use planning, transportation systems planning, refinement planning (NEPA EIS Tier 1), project development (NEPA EIS Tier 2), mitigation, and incorporation of an Environmental Management System (EMS) during construction/operations/maintenance.

ODOT and the CETAS Group are moving forward with each of the above elements of streamlining, but at this point, they are further ahead with some elements than with others. Presently, the most ambitious element--the integration of land use planning, transportation planning, and environmental review--is still largely in the conceptual stage. A report on the successes, failures, and lessons learned concerning these efforts would be valuable.

Revised/Standardized Guidance for Key Elements of the NEPA EIS Process

Both in Washington, and in Oregon pursuant to the CETAS Charter, ad hoc workgroups are convening to revise or develop standardized guidance for elements of the EIS process as well as for aspects that are not addressed within NEPA. Examples under NEPA include purpose and need guidance, public participation guidance, guidance for assessing cumulative and secondary effects, community impacts assessment guidance, and landscape level/watershed based approaches to mitigation. Outside NEPA, for example, the Oregon CETAS group intends to address storm water.

These proactive efforts to develop procedures contribute to project streamlining, because they eliminate the need to "reinvent the wheel" for each project. They also contribute to the integrity of the NEPA process, because the process for developing them is collaborative, which enables the purpose, spirit, and intent of NEPA to be fully incorporated.

Conclusion

Oregon is not alone in their quest for a new, more enlightened process for implementing the NEPA. Many other states in the U.S. are in the process of revising their NEPA/404 Merger agreements, and they seem to be moving toward the same outcome, albeit at their own pace. While six attributes of early involvement have been discussed, it is the second attribute--to integrate land use planning, transportation planning, and environmental review--that this author believes is most central to the concept of early involvement and vital to effecting more desirable, sustainable environmental outcomes. Unfortunately, it is also the most elusive and challenging element to implement. Future conferences and other appropriate forums on progress in this area would be very beneficial.

Biographical Sketch: Elaine Somers has been with the EPA since 1983. For the past six years, Elaine has worked in the NEPA/309 Environmental Review program, and has served as the lead on Transportation. She has a B.S. in Botany and a Masters in Forest Resources Management (Natural Ecosystems Management program) from the University of Washington. Elaine's graduate studies emphasis was upon wildlife and conservation biology.

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APPENDIX
A VISION FOR JOINT ENVIRONMENTAL AND TRANSPORTATION SYSTEM
STEWARDSHIP IN OREGON COLLABORATIVE ENVIRONMENTAL AND
TRANSPORTATION AGREEMENT FOR STREAMLINING (CETAS)

CHARTER AGREEMENT

I. Introduction

The CETAS Group was formed in June of 2000 in response to several issues: a greater and greater sense of urgency about environmental stresses; the response to TEA-21 streamlining; the complexity of environmental regulation and planning requirements; and the need to update and fully implement the existing NEPA/404 Accord. Old processes were no longer adequate for the tasks at hand. The CETAS group was formed out of a desire for a more harmonious and streamlined process for meeting agencies' missions.

II. Goal

The goal of this Group is to identify and implement collaborative opportunities to help each participating agency realize its mission through sound environmental stewardship, while providing for a safe and efficient transportation system. Our direction for achieving this goal is derived from Table 1, which sets out the Group's vision.

III. Balancing of Values

In pursuing this goal, the ethic is one of balancing environmental and transportation values. Through earlier and more effective communication, mutual education, and process change, greater environmental benefits can be accomplished, while minimizing costs and delays. The ultimate goal is the improved outcome for each agency's mission.

When making environment-related decisions, CETAS participants share the responsibility to balance competing business needs and requirements with appropriate environmental stewardship. Schedule, cost, safety, quality, public input, regulatory input, fish and wildlife habitat and other factors are all top priority, while none have first priority.

Under §7(a)(1) of the Endangered Species Act, the Federal Highway Administration and the Oregon Department of Transportation shall use all of their authorities to conserve listed species and the ecosystems upon which they depend. With that vision, transportation planning and programs will use this authority to protect and restore habitat for listed species.

Under the authority of the National Environmental Policy Act, the Fish and Wildlife Coordination Act, the Clean Water Act, and other statutes, typically avoidance of environmental impacts is the highest priority. The best stewardship of the resource is to avoid harm in the first place. If the resource cannot be avoided, then minimize harm to the maximum extent possible and practicable. Where the resource cannot be avoided, and where minimization leaves harm to the resource, mitigate or offset the harm. In addition, sound environmental stewardship requires that, on all projects, decision-makers be mindful of environmental enhancement opportunities, and take advantage of them when appropriate.

IV. Membership and Responsibilities

A. The CETAS is composed of one representative, and one alternate from each of the following agencies:

- the Oregon Department of Transportation,
- the Federal Highway Administration,
- the Oregon Division of State Lands,
- the Oregon Department of Environmental Quality,
- the Oregon Department of Fish and Wildlife,
- the Department of Land Conservation and Development,
- the Environmental Protection Agency,

- the US Fish and Wildlife Service,
- the US Army Corps of Engineers, and
- the National Marine Fisheries Service.

B. CETAS members agree to:

- come to the CETAS meetings to share their individual opinions and knowledge,
- represent their agency's position fully,
- listen respectfully ,
- ensure that the CETAS decision reflects agency positions rather than individual opinions, and receives full understanding and full agency ratification, and
- ensure that their agency develops an implementation plan, where relevant, for CETAS work products and the long-term implementation of CETAS agreements.

C. Decision-Making. Subject to statutory and legal constraints the following will occur:

- Decisions will be made by consensus of the participants. Consensus is defined as the willingness of all the participants to accept the decision and abide by it. It is understood that the decision may not represent the optimal outcome for any one participant, but it is an acceptable outcome to all.
- By agreeing to consensus, each member supports the decision.

D. Attendance

- Members agree to attend regular meetings of the CETAS.
- An alternate will be thoroughly briefed on the issues by their agency's CETAS representative prior to the meetings.
- Seven participants constitutes a quorum.

V. Meetings

A. Timing of Meetings

- ODOT representative will convene quarterly CETAS meetings for the purpose of information sharing, monitoring of ongoing CETAS work products, and addressing other work issues,
- ODOT may convene additional meetings as the need arises;
- At the request of two or more agencies, or as specified in any of the CETAS work products, ODOT shall convene additional meetings.

B. ODOT will provide for minutes.

C. Annually, ODOT Environmental Services shall prepare and present a report summarizing and evaluating the work of the CETAS, its workgroups, and the implementation of its work products.

VI. Task of the CETAS

It is the task of the CETAS to:

- provide a forum for exchange of information and perspectives;
- establish collaborative opportunities for its work groups to resolve;
- establish work groups;
- monitor the progress of work groups;
- approve work group products;
- implement CETAS agreements;
- monitor the implementation of CETAS agreements; and
- engage in other activities as the group decides.

VII. Workgroups

A. Workgroups may be used to prepare specific proposals or draft agreements. Workgroups will:

- be subject to the groundrules established by this charter, unless otherwise specifically directed;
- to the extent possible, reflect a balance of interests;
- make regular progress reports to the CETAS Group.

B. The work products should include the following:

- conditions of the agreement
- education plan
- implementation plan
- monitoring and assessment mechanism
- durability of the agreement
- conflict resolution process, if appropriate

C. The Work product shall not be considered final until approved by the CETAS.

VIII. Elevation of Contested Issues

Elevation should be used whenever participants feel the decision needs to be made at a higher level, participants feel the agreement is not being upheld, or participants cannot concur with a proposed activity. Elevation is a positive step in appropriately resolving issues. The sequence for each of the agencies identified in Table 2.