

ENV-11 - Approve Final Jurisdictional Determination

Description

This decision is a required step in the Section 404 permitting process. It is not integrated with other phases of transportation decision making or other decision making processes. Note that this is an approval of the final jurisdictional determination (JD), but a preliminary JD is a useful technical decision made before ENV-9 (Approve Draft EIS with Conceptual Mitigation) that informs the avoidance and minimization of impacts. This is likely the earliest point in the environmental review process that enough information is available to make this final determination.

There is information developed in prior key decisions that informs this step.

Purpose

Approve the final determination of the geographic jurisdiction of the Section 404 program and the applicability of the exemptions under Section 404(f) of the Clean Water Act.

Outcome

The jurisdictional determination is written agreement from USACE on the determination of wetlands, streams and navigable waters that are within the jurisdiction of the Clean Water Act. This mapped information will inform the avoidance and minimization for the LEDPA.

Partner	Role Type	Description
MPO	No Role	A decision-making partner has no interest in the key decision because the resulting action is outside the role/involvement of its agency.
FHWA/FTA	Observer	Observes the final jurisdictional determination by USACE.
State DOT	Decision Maker	Provides information necessary for USACE to make a jurisdictional determination.
Resource Agency	Decision Maker	USACE is a decision-maker, approving the jurisdictional determination. EPA has veto authority, but it is rarely exercised.
Public Transportation Operator(s)	Observer	Observes the final jurisdictional determination by USACE.

Policy Questions

Questions are a way to elicit information and to validate that the information has been considered. The partners should discuss the listed questions to ensure a broad array of interests is considered at a key decision. Discussions arising from these questions support collaborative decision making.

Questions Partners Discuss

Questions about purpose and roles

- Have partner interests been clearly identified?

Questions about stakeholders, including modal and operational partners

- No specific questions

Questions about the transportation process supporting the decision

- No specific questions

Questions about other phases

- No specific questions

Questions about non-transportation sectors/processes

- No specific questions

Stakeholder Inputs

'Questions to Gather Stakeholder Interests' allow staff to determine which stakeholders have interests at a key decision and to collect those interests for partner consideration. 'Questions to Incorporate Stakeholder Interests' ensure the interests of stakeholders are included in the decision. For more help with stakeholder collaboration visit the Stakeholder Portal

Questions to Gather Stakeholder Interests

- None

Questions to Incorporate Stakeholder Interests

- None

Data

The following is a list of data needed to support the key decision. Practitioners collect this information for decision makers to consider.

Supporting Data for the Key Decision		
From other phases of transportation decision making	Long Range Planning	No Specific Data.
	Programming	No Specific Data.
	Corridor Planning	No Specific Data.
	Environmental Review	No Specific Data.
From other sectors and processes	Land Use	No Specific Data.
	Transportation Conformity	No Specific Data.
	Natural Environment and Implementing Eco-Logical	No Specific Data.
	Capital Improvement	No Specific Data.
	Safety and Security	No Specific Data.
	Human Environment	No Specific Data.
	Economic Development	No Specific Data.
	Greenhouse Gas Emissions	Not applicable.
Freight	No Specific Data.	
From the transportation technical process supporting this key decision	Information about the waters occurring in the project area and how they compare to the definition of waters of the United States.	
From stakeholder collaboration	No Specific Data.	
From public private partnership	No Specific Data.	

Links to Decisions

This table identifies how a key decision is connected to other key decisions. The linkages are a two-way transfer of information. Understanding and applying these linkages means that partners will recognize how a decision will impact other specific key decisions. Recognizing that the transportation processes are linked will: (1) encourage practitioners to produce information that can be used later and (2) remind them to look at information from previous key decisions.

linkages to other phases of transportation decision making

Key Decision	What is Linked?	Purpose of Linkage
None		

Examples

In-depth case studies of successful practices in collaborative decision making were used to develop the Decision Guide. Links in this table point to a specific paragraph or section of a case study that supports a key decision. It is not necessary to read through an entire case study to find the example; however, full versions are available in the Library.

PlanWorks Case Study Examples

- None

Other Examples

- None

Integrated Planning

Integrated Planning looks at the interaction between the transportation decision making process and other processes. Considering these inputs will ensure that important values and goals outside the transportation process are recognized and considered. For a full understanding of a specific process and how it influences transportation decisions, visit Applications.

Process	Integration Type	Integration Description
Land Use	None.	None.
Transportation Conformity	None.	None.
Natural Environment and Implementing Eco-Logical	Data To IEF Step 9 - Update Regional Ecosystem Framework & Plan	The REF should be updated using the data from the jurisdictional determination.
Capital Improvement	None.	None.
Safety and Security	None.	None.
Human Environment	None.	None.
Economic Development	None.	None.
Greenhouse Gas Emissions	Not applicable.	Not applicable.
Freight	None.	None.
Bicycles and Pedestrians	None.	None.

Special Topics

This table provides an overview of the relationship between a key decision and individual special topics. A special topic may be an external process, a new regulation, or any emerging issue requiring collaboration. For a full understanding of a specific topic and how it influences transportation decisions, visit Applications.

Key Decision Relationship to Other Topics

Topic	Description
Streamlining a Congestion Bottleneck Project	Reach Consensus on Jurisdictional Determination - Required for Section 404 permit
	Data Transfer - None