



MaineDOT

NEPA 23 U.S.C. 326 MOU Self-Assessment Report

MaineDOT Self-Assessment Report 2

Report Date: July 1, 2026

Report Period: May 1, 2025 – June 30, 2026

Introduction

This report is to ensure the Maine Department of Transportation (MaineDOT) is compliant with the 23 USC 326 Memorandum of Understanding (MOU) between MaineDOT and the Federal Highway Administration (FHWA), dated October 9th, 2024. As required by Section Part IV(F)(2) of the MOU, MaineDOT must submit an annual Self-Assessment Report.

The Assessment Team conducted a self-assessment of MaineDOT's environmental and NEPA processes, and of projects approved within the report period. The Review Team reviewed projects from all Project Development Programs (Bridge, Highway, Multimodal, and Regional). The Assessment Team also assessed MaineDOT's NEPA program management processes and guidance.

Results of the Self-Assessment

The Assessment Team found MaineDOT to be compliant with the MOU and all assumed laws and regulations.

Overview

MaineDOT's QA/QC process is contained within MaineDOT's CE Guidance document and attached appendices. This guidance document provides processes and instructions for determining when certain analysis is required under various environmental laws. It also guides conducting and documenting analysis in ProjEx and the project files, and includes other guidance developed by ENV subject matter experts. MaineDOT relies on compliance with the processes and instructions in the CE Guidance document to ensure compliance with all applicable Federal statutes and regulations. Therefore, compliance with those processes and instructions is an appropriate measure of compliance with applicable Federal statutes and regulations. However, it is important to note that a failure to comply with a specific process or instruction does not always mean that compliance with a Federal statute or regulation is lacking. The guidance may contain elements not specifically required by any statute or regulation but needed for proper management of the environmental review process.

The assessment team found satisfactory self-monitoring done by MaineDOT which covers compliance with all of the various processes and instructions set forth in our CE Guidance document. It covers and all environmental laws applicable to FHWA projects in Maine, including NEPA, Section 7 of the Endangered species Act, Section 106 of the National Historic Preservation Act, Section 404 of the Clean Water Act, and many other Federal environmental laws.

Best Practices:

Through self-monitoring the assessment team found three practices that allowed MaineDOT to succeed in meeting and improve upon its NEPA program processes and guidance.



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- MaineDOT established an annual training program and filing system to track environmental office employee training records. This practice will aid new environmental office employees receiving NEPA training and track personal training records.
- Collaborative problem-solving was used by team leaders and specialists to address any errors or inconsistencies that appeared during the NEPA program process. The team members and specialists gathered to discuss and work through issues as they arose to keep the process efficient.
- The Environmental Specialist- NEPA (ES-NEPA) position is essential to meet the standards of the NEPA program. Playing a large role, the ES-NEPA position is responsible for QA/QC reviews, NEPA training, coordinating NEPA monitoring events and the creation, editing, and organization of NEPA documents. The ES-NEPA is also available to answer questions about the NEPA program and processes whenever they arise.

Areas identified as needing improvement:

The NEPA assignment MOU calls for “areas where improvement is needed” for which MaineDOT has identified the areas listed below for the period from May 1, 2025, through June 30, 2026. The phrase “improvement is needed” is not entirely accurate with respect to some of the areas listed below. For example, for some of these areas, the “improvement needed” was not related to a pre-existing deficiency in ENV’s guidance or process, but rather was a response to change, for example federal regulation change. Additionally, for many of these areas, MaineDOT’s existing guidance or processes were not necessarily inadequate but were determined to be areas which could be further improved as part of MaineDOT’s continuous improvement efforts.

- MaineDOT identified need to provide training in multiple areas of the project file system due to re-occurring inconsistencies.
 - Document naming convention.
 - Project file naming convention.
 - Re-organization of the CPD e-file sub file structure
- MaineDOT identified a need to consolidate guidance documents. *After the execution of 327 NEPA Assignment MOU between FHWA and MaineDOT, MaineDOT worked to combine the guidance documents for 326 and 327 assignments. While most of the information between the two documents covered the regulations and laws, MaineDOT ensured that the information specific to 327 and 326 assignments respectively was maintained in the document. Many benefits were seen for combining documents including reductions in the time needed to locate guidance, preventing the duplication of information, and ensures updates will be consistent across versions.*

In addition to the combining of guidance documents the following sections of MaineDOT’s NEPA Guidance were updated:

- :
 - Section 14.1 “Certification of NEPA Compliance”.
 - Section 15 “NEPA Flow Chart”



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- Appendix T – NEPA Filing and Documentation Guidance
- Appendix U – MaineDOT Org/ENV Roles
- Appendix V – Project Development Process
- QA QC Guidance
- Throughout the Guidance Documents:
 - Changed the role to which the Environmental Office Reports.

Previous Self-Assessment Resolution/Follow up

MaineDOT held meetings following Self-Assessment and Monitoring Event #1 with the Environmental Office to review the results and to discuss what action should be taken to address the areas identified for improvement.

Both MaineDOT's Self-Assessment #1 and Monitoring Event #1 identified several Observations and Recommendations. The following list of observations and recommendations MaineDOT has identified as areas in need of improvement. MaineDOT has worked to address these observations and recommendations or will ensure they are remedied in the immediate future.

- Observations:
 - Section 4(f) procedural improvements needed.
 - Lack of Section 106 documentation to support the determinations made.
 - Improvements needed for CE re-evaluation procedure and documentation requirements.
 - The disclosure language used in NEPA documentation does not match the language in the MOU.
 - CE format lacks specific project location, limits, and scope of work.
 - Greater clarity needed in public involvement procedures and documentation.
 - Project File documentation requirements
 - Incomplete Quality Assurance (QA) and Quality Control (QC) process.
- Recommendations:
 - Update the CE guidance to provide direction and/or information on how to make the CE category determination and document the 23 CFR 771.117 (E) criteria in detail.
 - Consider updating filing nomenclature to include identifiers.
 - Update the Section 4 (f) guidance.
 - Update MaineDOT's CE Guidance to clearly identify the role of LPA.
 - Provide training to all MaineDOT staff.

Discussion of corrective actions that have been or will be implemented

The NEPA assignment MOU calls for "measures the State is taking to undertake those improvements" for which MaineDOT provides the list below for updates and changes for the period from May 1, 2025 through June 30, 2026. Again, most of these updates and changes were improvements to MaineDOT's existing processes and guidance, rather than actions needed to correct an actual deficiency in our program.



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October 2025

- MaineDOT made updates throughout its guidance, changing the role the Environmental Office reports to from Chief Engineer to Deputy Commissioner after staffing changes.
- MaineDOT added the NEPA flow chart to the final page of the 326 NEPA Guidance.

January 2026

- MaineDOT updated the language in Section 6.8 to clarify the process for a CE to be recorded in FMIS.

March 2026

- MaineDOT held a day long training for all Environmental Office employees. This training covered both NEPA 326 & 327 assignment.

April 2026

- MaineDOT in partnership with FHWA, FRA, ACHP, and SHPO executed a revised 106 Programmatic Agreement.
- MaineDOT addressed numerous observations and recommendations brought up during the previous Monitoring Event. A summary of the improvements include:
 - MaineDOT has updated the dropdown options in ProjEx to identify the level of Section 4(f) needed. The Section 4(f) Guidance (Appendix K) was updated to reflect these changes.
 - MaineDOT updated the Section 106 Guidance (Appendix J) to ensure clarity on recording 106 compliance.
 - MaineDOT updated the disclosure language used in NEPA documentation to match that of the MOU exactly.
 - MaineDOT updated its Public Involvement section of the NEPA Guidance and Appendix A to better address the levels of public involvement and where public involvement is documented and where substantial comments are recorded.
 - MaineDOT updated its NEPA Filing and Documentation Guidance (Appendix T)
 - To address naming convention.
 - To address in which subfiles files are located.
 - MaineDOT updated its QA QC Guidance document.
 - MaineDOT added language to Section 2.1 to address projects that do not meet the constraints in paragraph e.
 - MaineDOT updated Section 6.6 to clarify the role of LPA.
- MaineDOT added language for the identification of Human Remains to section 4.11 of the Section 106 SOP document (Appendix J).
- MaineDOT updated Figure 1. of the Project Development Process Appendix V.

May 2026



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- MaineDOT removed Appendix S (Work Plan Process Graphic) from the 326 NEPA Assignment Guidance due to being out of date. June 2026
- MaineDOT combined the guidance documents for 326 and 327 NEPA Assignment.
- MaineDOT updated its NEPA Filing and Documentation Guidance (Appendix T) and provided training to all Environmental Office employees on the project file naming convention.

Summary of actions taken as part of quality control efforts

MaineDOT's program review is completed by the assessment team who is dedicated to constant review of the project files, guidance documents, and other materials to assess the adequacy of our QA/QC process. The NEPA specialist performs reviews for select project files shortly after environmental certification, records any deviations from the processes and instructions in the CE Guidance document, and provides direct feedback to environmental staff regarding any such deviations, including instructions on how to correct and recommend edits as needed.

Additionally, the assessment team and/or environmental staff raise issues when they observe any instructions, guidance, etc. that they believe may not be in-line with requirements under current environmental laws or regulations. The assessment team also routinely reviews existing guidance documents and revises or develops additional guidance as needed. MaineDOT staff also monitor federal rulemaking changes and adjust our instructions, guidance, etc. as needed.

May 1, 2025 – June 30, 2026 Self-Assessment	Total	Reviewed in Self- Assessment
CE C List	228	26
CE D List	16	16
Section 4(f) De minimis	7	7
Section 4(f) Programmatic	1	1
Section 4(f) Individual/Legal Sufficiency	1	1
Section 106 Adverse Effects/MOAs	2	2

Conclusion

The Self-Assessment is designed to ensure environmental documents prepared and approved following the execution of the 23 U.S.C. 326 MOU between FHWA and MaineDOT comply with the Memorandum of Understanding (MOU) as well as the applicable laws and regulations. This review verifies that all projects receive approval at the appropriate document level and that all related NEPA activities are conducted in accordance with federal and state regulations.

MaineDOT continuously monitors the NEPA Assignment Program and updates guidance documents as necessary. MaineDOT pays special attention to areas requiring improvement, as



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identified during monitoring events and self-assessments, reinforcing our commitment to the integrity of the NEPA Assignment Program in Maine.

Previous Self-Assessment Follow-up

Immediately following Self-Assessment and Monitoring Event #1, the MaineDOT assessment team presented the results to the entire environmental office. The goal of the original presentation was to provide the office with an opportunity to celebrate the success of the first monitoring event while beginning to strategize how to address the review findings. The assessment team worked to schedule meetings with appropriate individuals and teams to address specific findings from the Monitoring Event.

The assessment team held meetings with specialists and team leaders to review aspects of Self-Assessment and Monitoring Event #1 applicable to their work and areas identified in need of improvement, if any. When applicable the assessment team worked together with specialists and team leaders to make the appropriate changes to guidance documents, databases, and SOPs. Specific changes are discussed in the “Previous Self-Assessment Resolution/Follow up” and “Discussion of corrective actions that have been or will be implemented” sections of this Self-Assessment.

Self-Assessment Review Team

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