



MaineDOT

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

MaineDOT Self-Assessment Report 1

Report Date: July 2, 2025

Report Period: October 9, 2024 – April 30, 2025

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's NEPA Self-Assessment to be compliant.

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 are required under various environmental laws, conducting and documenting those various analysis in ProjEx and the project files, and 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, as they contain some 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 and therefore covers 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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- Within the period of this monitoring event, MaineDOT saw a period of high turnover and the creation of new positions. All open positions were quickly filled and training on the NEPA program was provided for new employees within their first two months.
- Collaborative problem-solving was used by team leaders 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 October 9, 2024, through April 30, 2025. 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 a need for training of the ENV team on the Commitments process.
- MaineDOT identified missing 4(f) documentation from the project files.
- MaineDOT’s CE guidance document was determined to need updates in the following areas:
 - Section 14.0 “Categorical Exclusion Process”.
 - Appendix R – Commitment Guidance.
 - Appendix K – Section 4(f) Guidance and Standard Operating Procedure.
 - Appendix D – Federal Endangered Species Guidance.
 - Throughout the document:
 - Language that did not align with 2025 Federal Administration policies.
 - Reference to removed regulations.
 - Website links in need of update.

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 October 9, 2024 through April 30, 2025. 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.

November 2024

- MaineDOT completed commitment training sessions for all members of the Env department.



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- MaineDOT updated Appendix R – Commitment Guidance of its CE guidance document.
- MaineDOT revised Section 14.0 “Categorical Exclusion Process” of its CE guidance document.

February 2025

- MaineDOT revised its CE Guidance document to remove language that is no longer aligned with 2025 Federal Administration policies.
- MaineDOT revised its CE guidance document to remove references to the CEQ which is no longer a NEPA regulation.

March 2025

- MaineDOT updated Appendix D – Federal Essential Fish Habitat to align with the General Concurrence for Atlantic salmon Essential Fish Habitat Consultation in Maine, signed February 12, 2025.
- MaineDOT identified missing 4(f) documents that were not uploaded to the project files. These were uploaded to the correct project file locations and discussion began on updating 4(f) procedures.

April 2025

- MaineDOT updated the links within the CE guidance document to direct to its new website.
- MaineDOT is revising Appendix K – Section 4(f) Guidance and Standard Operating Procedures to better define the process of review and documentation record keeping.

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 provide 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 review existing guidance documents and make changes or develop additional guidance as needed. MaineDOT staff also monitor federal rulemaking changes and make adjustments to our instructions, guidance, etc. as needed.



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October 19, 2024 – April 30, 2025 Self-Assessment	Total	Reviewed in Self- Assessment
CE C List	222	24
CE D List	4	4
Section 4(f) De minimis	3	3
Section 4(f) Programmatic	0	0
Section 4(f) Individual/Legal Sufficiency	0	0
Section 106 Adverse Effects/MOAs	0	0

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 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

This is the first 23 U.S.C. 326 Self-Assessment Report

Self-Assessment Review Team

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