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200.01 Introduction and overview

This chapter describes how considering environmental context informs decisions during transportation planning, and how the planning process can inform WSDOT's environmental review process. It also describes the federal Planning and Environmental Linkages (PEL) process and the authorities supporting federal PEL.

Transportation planning is a decision-making process that develops and evaluates alternatives to achieve environmental, community development, multimodal mobility, accessibility, safety, and other goals. The process leads to recommendations at a corridor, network, or subarea level. The recommendations are data driven and community informed to yield the desired future outcome. This process involves engagement with the public, government agencies (federal, state, local, tribal), organizations, and transportation interests to reach federal, tribal, state, regional, and local goals and inform decision-making. This is achieved by:

- Identifying current and desired future multimodal transportation outcomes.
- Providing opportunities for public engagement and input on plans, programs, and transportation decisions that affect them.
- Identifying environmental resources that need to be protected.
- Maximizing health, safety, and the economic well-being of transportation system users and the surrounding community.

Federal, state, local, and tribal governments develop transportation plans that are subject to federal regulations, state laws, legislative provisos, agency guidelines and expectations, and/or local ordinances. For more information on transportation planning, see the Joint Transportation Committee's [Transportation Resource Manual](#) and the [Washington Transportation Plan Phase 2, Appendix A](#).

See WSDOT's [Environmental Guidance for Planning Studies](#) webpage for more information on integrating transportation planning and environmental review, including technical guidance for PEL teams. Refer to the WSDOT [PEL webpage](#) for our agency's PEL guidance and resources.

200.02 Applicable statutes, regulations, and executive orders

This section provides WSDOT Secretary's Executive Orders, Policy Statements, and other state requirements that direct agency planning activities related to considering environmental context.

Secretary's Executive Order [E 1018.03](#) is the agency's Environmental Policy Statement. This policy statement requires cultural, historic, and environmental context to be considered in all WSDOT plans. It also directs WSDOT to engage all communities that are likely to be affected by proposed transportation plans, including minority and low-income populations and those with limited English proficiency (LEP).

The Secretary's Executive Order on Protections and Connections for High Quality Natural Habitats ([E 1031.02](#)) directs WSDOT to promote and support PEL processes that identify potentially affected fish and wildlife habitats as early as possible. This work should be done during the planning process. Early consideration of fish and wildlife habitat protection and connectivity increases the likelihood that reasonable approaches can be incorporated into projects.

Secretary's Executive Order [E 1102](#) directs WSDOT to protect and preserve Washington's wetlands, to ensure no net loss of wetlands caused by department actions, and to increase the long-term quantity and quality of wetlands. Planners must identify areas of potential wetland impact as early as possible in system and corridor planning processes and use the information to inform project scoping and advance mitigation planning.

A 2013 federal court injunction requires WSDOT to significantly increase efforts to remove barriers in western Washington that block salmon and steelhead from accessing upstream habitat. The injunction specifically applies to culverts in the Puget Sound and Washington coast area, within Water Resource Inventory Areas (WRIAs) 1-23. More information about the injunction, a list of relevant fish passage barriers, and WSDOT's progress in complying with the injunction can be found in [WSDOT's Annual Fish Passage Progress Report](#). The [WSDOT Fish Passage Corrected Barriers Statewide](#) web portal and [WSDOT Fish Passage Uncorrected Injunction Barriers](#) web portal provide spatial information for corrected and uncorrected injection barriers.

See WSDOT's [Environmental Guidance for Planning Studies](#) webpage for technical guidance on how to include fish and wildlife habitat connectivity information in transportation plans and refer to the [PEL webpage](#) for more on how our agency conducts PEL studies.

200.03 Right-sizing

Transportation plans can vary greatly in size and scope. Therefore, it is important to right-size efforts to incorporate environmental information.

This section describes flexible, scalable, and adaptable approaches to including environmental context in transportation plans and planning studies. Planning and environmental staff should work together to develop the best approach for the planning effort. Collaboration should begin at the earliest stages of the planning study.

An early review of the likely environmental issues, analysis, and other information can inform future planning level or project level decisions. Examples of planning level decisions include identifying desired performance and recommendations to close performance gaps. Examples of project level decisions include developing the Purpose and Need, refining alternatives, identifying interested parties and potential site-specific concerns. Project level decisions can be scaled based on the depth of the planning analysis or process. For example, some planning studies may develop alternatives to be analyzed during future phases, during environmental review, and some may develop and evaluate alternatives to identify recommendations. These efforts can also be spatially scaled, from studying a corridor to planning for service levels for a particular mode of transportation (such as Amtrak Cascades service).

WSDOT develops two types of modal plans: state owned plans and state interest plans. State owned plans include recommendations for facilities or services that WSDOT owns or manages. These plans include the [Highway System Plan](#), Washington State Ferries [2040 Long Range Plan](#), and other public transportation plans. These plans may include recommendations for projects.

State interest plans may include recommendations for facilities or services that are not WSDOT owned or managed but have a statewide impact. These plans may also include recommendations for WSDOT projects. These plans include the [Active Transportation Plan](#), [Aviation System Plan](#), [Public Transportation Plan](#), [Freight Systems Plan](#), and [passenger rail plans](#).

Additionally, WSDOT develops corridor plans and master plans for state routes. Depending on the need of the study and location, these location specific plans can also be a PEL study.

The [Washington Transportation Plan Phase 2](#) is a roll-up of the state owned and state interest plans and meets Federal Highway Administration (FHWA) requirements for the long-range statewide transportation plan. This plan may include a financially constrained project list.

For every transportation plan, follow:

- WSDOT's Planning Studies Review and Approval Process found on WSDOT's [Planning study guidance](#) webpage.
- WSDOT's [guidance on climate change](#) (for example, [Guidance for Considering Impacts of Climate Change in WSDOT Plans](#)).
- WSDOT's [Community Engagement Plan](#) and federal Environmental Justice (EJ) requirements, which include identifying EJ and LEP populations in the study area. It is also recommended that PEL studies include consideration of EJ impacts including the state level HEAL (Healthy Environment for All) Act in their recommendations for implementation and future National Environmental Policy Act (NEPA) analysis. More information about EJ and the state level HEAL Act can be found in [Chapter 460](#) and on WSDOT's [Environmental justice webpage](#).
- Applicable state and federal laws, rules, and guidance.

In developing recommendations, plans and studies should use the Geographic Information Systems (GIS) Environmental Workbench to conduct a planning-level environmental screening of the following environmental contextual factors that are associated with state highways and right of way:

- Fish passage barriers.
- Climate vulnerability.
- Stormwater facilities and retrofit priorities.
- Hazardous materials contamination sites.
- Wetland mitigation sites.
- Habitat connectivity priorities and areas with high risk of animal vehicle collisions.
- Chronic environmental deficiencies (streambank erosion risks).
- Noise walls.
- Historic bridges.

Note: GIS information mentioned above can also be found on WSDOT's [Community Planning Portal](#).

This level of environmental screening should:

- Identify existing environmental assets that must be protected.
- Detect other key environmental factors that have the potential to influence the scope of future investments.
- Determine if additional environmental review is necessary prior to project development.

The plan should describe how each of the environmental assets, public and agency involvement, and regulatory requirements influenced decision-making.

The review steps described above serve as a high-level screening, which does not examine the full range of environmental and social issues that may need in-depth review during site-specific project development. Additional environmental data will likely need to be collected and analyzed in more detail once potential project locations and solutions become clearer. Refer to the discipline chapters (Chapters 420 through 460) to learn more about the natural and human environmental project-level review requirements.

If a planning effort is leading to a defined project, please work with your regional environmental staff to determine the likely environmental classification. There are two primary paths depending on the significance of anticipated future project impacts.

The first path is for plans that are likely to lead to a project that will be classified as a NEPA Categorical Exclusion, State Environmental Policy Act (SEPA) Categorical Exemption, or require a SEPA checklist. Typically, these are less complex projects that do not require a formal process for defining Purpose and Need, alternatives screening, or public involvement. For these plans, conduct a planning-level environmental review that includes some or all relevant information in WSDOT's Environmental Review Summary and Environmental Classification Summary database forms. The review should be right-sized for the project and include as much environmental information as is useful for developing early strategies to avoid or minimize environmental impacts.

The second path is for plans that are likely to recommend a large or complex transportation project that would typically require a NEPA Environmental Assessment (EA) or NEPA/SEPA Environmental Impact Statement (EIS). This includes projects that will consider alternatives and require public engagement. For these plans, we recommend following the federal PEL process described in Section 200.04.

200.04 Federal Planning and Environmental Linkages (PEL)

PEL represents a collaborative and integrated approach to transportation decision-making that considers environmental, community, and economic goals early in the transportation planning process; and uses the information, analysis, and products developed during planning to inform the environmental review process.

WSDOT uses the phrase “federal PEL”, or simply “PEL” or “PEL study”, to describe planning efforts that follow the requirements of one or more federal authorities for integrating planning and environmental review. Compliance with the federal requirements described in the following sections can result in a planning product that the federal lead agency (FHWA or Federal Transit Administration (FTA)) agrees may be adopted or used in NEPA.

PEL studies are generally recommended for plans or planning studies that are likely to lead to a major capital improvement or policy decision. PELs provide transportation and environmental context and can be used to make project or planning decisions. Examples of project decisions include developing a Purpose and Need statement, recommending alternatives to be evaluated in NEPA, establishing logical termini and independent utility, and identifying interested parties and community partners. Examples of planning decisions include tolling and modal choice. WSDOT can also use PEL to recommend the NEPA classification of future projects, for example, EA or EIS.

PEL studies are not recommended for funded projects that already have a clear solution. Instead, these projects should move directly into NEPA.

The outcome of a federal PEL study is incorporated into a NEPA EA or EIS, either by reference (for example, as a chapter or appendix) or adopted directly into the NEPA document. A similar process can also be used to inform a SEPA EIS.

The following sections describe the requirements and benefits of a federal PEL and the benefits of complying with these requirements.

200.04(1) Benefits of considering environmental context during planning

There are many benefits of considering the environmental context and human and natural resource trends during the transportation planning process. Here is a list of some key benefits of linking planning and environment.

- **Building relationships** – Early consultation and collaboration with tribes, local agencies, and resource agencies improves communication and strengthens relationships.
- **Improving the quality of environmental information** – Early interagency and tribal coordination and data sharing helps to quickly identify environmental priorities and project constraints. It also helps ensure that the best available environmental information is used in planning decisions.
- **Reducing duplication of effort** – A planning-level environmental review can minimize duplication of effort by carrying forward planning decisions and analysis into the NEPA/SEPA process. This includes Purpose and Need, identification of preliminary alternatives, and the elimination of unreasonable alternatives.
- **Focusing the NEPA/SEPA review** – Early identification of key environmental resources can help tailor the NEPA/SEPA environmental review ([Chapter 400](#)). These include environmentally sensitive areas and resources in the project area that have lengthy environmental clearance processes that can affect the project schedule and budget.
- **Identifying potential mitigation strategies** – Assessing potential impacts and coordinating with the appropriate resource agencies can help determine the types of mitigation needed. Early collaboration can also help identify mitigation partners and the types of mitigation that are available. At the planning-level, mitigation is typically discussed at a regional or watershed scale.
- **Shortening permitting timelines** – Building relationships with permitting agencies can help resolve differences on key issues early in the transportation planning process. This ultimately leads to streamlined permit decisions and project delivery.
- **Delivering better on-the-ground outcomes** – Early and continued coordinated involvement with interested parties, community partners and the public, including historically disadvantaged populations helps WSDOT create programs and projects that effectively serve the community's transportation needs.

200.04(2) **PEL authorities**

Federal regulations applicable to FHWA and FTA have included provisions on PEL ([40 CFR 1500.4](#) and [1501.12](#)) for State DOTs since 1978 when the Council on Environmental Quality (CEQ) first published their NEPA regulations that encourage integrating planning and environmental processes.

There are three other main authorities that support PEL:

- [23 CFR 450.318](#) and [450.212](#) – Metropolitan, statewide and nonmetropolitan transportation planning and programming.

Note: The requirements in [23 CFR 450.212 \(a\)-\(c\)](#) and [23 CFR 450.318 \(a\)-\(d\)](#) are identical, but [23 CFR 450.318](#) refers to metropolitan planning and [23 CFR 450.212](#) refers to non-metropolitan planning. Select and cite the appropriate authority used in the PEL or cite both authorities if applicable.

- [23 USC 168](#) – Integration of planning and environmental review.
- [23 USC 139](#) – Efficient environmental reviews for project decision-making and One Federal Decision.

The WSDOT [PEL Authorities chart](#) provides a visual summary of these authorities.

WSDOT planning and environmental staff and the federal lead (FHWA or FTA) should work together to decide which one or more PEL authorities should be used to support the planning effort. This decision is usually based on the desired outcomes for NEPA and the authority or authorities that the environmental staff believe would result in the most useful and relevant information.

The PEL must clearly state which one or more authorities will be used throughout the planning effort, and the PEL must meet all requirements for the authority or authorities chosen.

See [Section 200.04\(5\)](#) for information on adoption and use of planning products in NEPA, which can help determine which authority to use during the PEL effort.

200.04(3) **Internal roles and responsibilities**

The PEL process is a collaborative approach that involves experts from several offices within WSDOT. The following offices have a key role.

Region/Modal Planning Office

- Leads the PEL effort.
- Identifies any other relevant planning efforts within or adjacent to the study area and determines how they relate to the PEL.
- Determines scope and goals of PEL with assistance from Region/Modal Engineering Office.
- Leads participants and agency coordination with assistance from the Region/Modal Environmental Office.

Region/Modal Engineering Office

- Assists Region/Modal Planning Office with determining scope and goals of PEL.
- Coordinates with Region/Modal Environmental Office to review potential environmental impacts of future projects and PEL recommendations.

Region/Modal Environmental Office

- Advises the Region/Modal Planning Office on the types of planning information that are useful and relevant for NEPA.
- Assists coordination with federal, tribal, state, and local environmental resource agencies.
- Researches and provides information describing the environmental context for the PEL study area and the potential environmental impacts of future projects and PEL recommendations.
- Helps right-size the study and analysis using GIS data, windshield surveys, coordination with subject matter experts, or site-specific analysis as appropriate.
- Communicates environmental information to the PEL team so that potential budget, schedule, and permitting issues are clearly understood and taken into consideration throughout the process.

Region/Modal Communications Office

- Leads public engagement efforts.

M2 (multimodal, multidisciplinary) Team

- Core team of subject matter experts from headquarters, modes, and divisions.
- Includes representation from WSDOT's Active Transportation Division, Capital Program Development and Management, Development Division (which includes the Environmental Services Office), Maintenance, Office of Equity and Civil Rights, Public Transportation Division, Rail, Freight, and Ports Division, Traffic, and Transportation Safety and Systems Analysis.
- Reviews and provides subject matter expertise and statewide perspective on draft and final PEL products.
- Provides web based guidance on planning study subject review areas via the WSDOT [planning study guidance](#) webpage.
- Focuses on consistency between plans, policies, and agency messaging.
- Identifies performance gaps.

Headquarters Multimodal Planning and Data Division

- Facilitates review by Headquarters subject matter experts.

Headquarters Environmental Services Office

- Provides statewide experience and technical assistance.
- Provides direction for compliance with applicable FHWA/FTA and WSDOT policies, rules and regulations.
- Reviews work products, like coordination plans and draft documents.
- Acts as liaison between the federal lead and the project team throughout the PEL process.
- Serves as quality assurance reviewer before PEL document is submitted to federal lead agency for review and approval.

PEL Document Signatory

- Typically includes the Region/Modal Planning Manager, Region/Modal Administrator, Director of Multimodal Planning and Data Division, and Director of Headquarters Environmental Services Office.
- The [Planning Studies Review and Approval Process](#) found on WSDOT's [planning study guidance](#) webpage provides guidance on obtaining signatures for PEL studies.
- FHWA or FTA approves final PEL studies as the federal lead agency.

200.04(4) PEL documentation

The federal requirements for PEL are written with larger, NEPA EA/EIS, projects in mind.

A PEL should include enough information to show that it fulfills all requirements of one or more federal PEL authorities discussed later in this chapter. The study should be right-sized, with the appropriate type and amount of analysis for use in future planning or NEPA.

WSDOT updated FHWA's [PEL questionnaire](#) that helps with documentation and the transition from planning to NEPA. The questionnaire is consistent with the planning regulations for FHWA and FTA and should be included in the final PEL document as an executive summary, chapter, or appendix. These questions should be used as a guide throughout the PEL process, not just completed near the end of the process.

The final PEL must contain all substantive materials, for example, technical letters, memos, reports, and studies, that were used to make decisions during the PEL process.

The PEL may include other content, such as:

- Purpose and Need.
- Project goals.
- Alternatives development and evaluation criteria.
- Recommended alternative(s).
- Logical termini and independent utility.
- Transportation analysis.
- Affected environment and mitigation strategies.
- Agency coordination and public involvement.
- Recommendations for future systems planning, NEPA, or implementation.

The PEL objective and desired outcomes for NEPA should determine which content is relevant. This will be coordinated with the PEL study team, [NEPA-SEPA Program](#), and federal lead agency.

200.04(5) Adoption and use of PEL planning products in NEPA

A primary benefit of PEL is that it allows planning analyses and decisions to be carried forward into the environmental review process. This helps reduce duplication between the planning and environmental review processes which can lead to more efficient project delivery. However, it is important to remember that planning and NEPA are separate processes.

The current federal authorizations for PEL define a statutory process for adopting or using PEL planning products in NEPA ([23 CFR 450.212](#) and [450.318](#), [23 USC 168](#), [23 USC 139](#), and [40 CFR 1500.4](#) and [1501.12](#)).

The term “planning product” means a decision, analysis, study, or other documented information that is the result of an evaluation or decision-making process during transportation planning. Common examples of planning products include the establishment of a Purpose and Need statement and preliminary screening of alternatives, including the elimination of unreasonable alternatives. Refer to [Chapter 400](#) for information on Purpose and Need and reasonable alternatives.

To “adopt” a planning product means to take the planning product into the NEPA process without being subject to the NEPA analysis process (in other words where it could remain unchanged). An adopted planning product is still circulated and made available for comment with other environmental documents during NEPA, but generally the product was finalized during the PEL process and does not need to be re-evaluated.

IMPORTANT: [23 USC 168](#) is the only PEL authority that allows planning products and decisions (for example, the Purpose and Need statement or the elimination of unreasonable alternatives) to be adopted into the NEPA process.

To “use” a planning product in the NEPA process means to introduce the planning product as useful and relevant information to be evaluated through the typical environmental review process. Unlike a planning product that is adopted under [23 USC 168](#), these products are considered “draft” and remain subject to analysis during NEPA. Examples of this include a draft Purpose and Need statement or a recommendation to eliminate unreasonable alternatives – to use these planning products during NEPA, they would need to be circulated and subject to revision based on agency and public review. [23 CFR 450.212](#) and [450.318](#), [23 USC 139](#), and [40 CFR 1500.4](#) and [1501.12](#) allow planning products and decisions to be “used” in the NEPA process.

200.04(6) Requirements for 23 USC 168

PEL authority [23 USC 168](#) provides a process by which agencies may adopt or incorporate by reference a planning product to use during the environmental review process.

There are ten requirements that must be met for FHWA or FTA to adopt planning products into the environmental review process under PEL authority [23 USC 168](#). These requirements are provided in [23 USC 168\(d\)](#), illustrated in the [PEL Authorities chart](#) on WSDOT’s [PEL webpage](#) and listed below (paraphrased) by project phase.

During planning, the federal lead agency should concur that the following are met:

- The planning product is developed through a planning process that was conducted in accordance with applicable federal law.
- The planning product is developed in consultation with the appropriate federal and state resource agencies and tribes (See [Section 200.04\(13\)](#)).
- The planning product is the result of a planning process that included multidisciplinary consideration of systems-level or corridor-wide transportation needs and potential effects on the human and natural environment.
- Public notice is provided that resulting planning products may be adopted during a subsequent environmental review process.
- The planning product has a rational basis centered on reliable and reasonably current data and scientific methods.
- The planning product is documented in sufficient detail to support the decision or results of the analysis and to meet requirements for use in the environmental review process.

During project scoping and programming:

- The federal lead agency must agree that there is no significant new information or circumstance that has reasonable likelihood of affecting the continued validity or appropriateness of the planning product.
- The federal lead agency must agree that the planning product is appropriate for adoption and use in the environmental review process.
- The planning product must be approved no more than five years before the environmental review process is initiated. (If more than five years have passed, you must verify that the planning information is still valid, i.e., there are no significant changes, to use the information in the environmental review process).

During environmental review:

- A notice of intent to incorporate a planning product must be provided. The planning product must also be provided for review and comment by the public, as well as interested federal, state, local, and tribal governments. Any resulting comments must be considered (See Sections [200.04\(13\)](#) and [200.04\(14\)](#)). Contact the NEPA-SEPA Program for more information about public comments during PEL.

If the planning product is necessary for a cooperating agency to issue a permit, review, or approval for the project, then there must also be concurrence with that agency ([23 USC 168\(d\)](#)). See Section 400.02(4) for more information on cooperating agencies.

If the requirements under [23 USC 168\(d\)](#) are met, then the planning product can be adopted into the NEPA document and any planning decisions that were made during the PEL process do not need to be re-evaluated during NEPA.

200.04(7) Requirements for 23 CFR 450.318 and 450.212

There are five requirements that must be met for FHWA or FTA to use planning products in the environmental review process under PEL authorities [23 CFR 450.318](#) and [450.212](#). These requirements are provided in [23 CFR 450.318\(a\)-\(d\)](#) and [23 CFR 450.212 \(a\)-\(c\)](#), illustrated in WSDOT's [PEL Authorities chart](#) and are listed below (paraphrased) by project phase.

During planning, the federal lead agency must concur that the following are met:

- The planning process involves interested federal, state, local, and tribal agencies.
- The planning products go through a public review process.
- There is a reasonable opportunity for anyone interested to comment.
- FHWA and FTA review the planning documents, as appropriate.

During project scoping and programming:

- The federal lead agency must agree that decisions are documented in a form that is identifiable and available for review during the NEPA scoping process and can be used or incorporated by reference in the NEPA document.

During environmental review the federal lead agency must agree that incorporating the planning products will help establish or evaluate the NEPA Purpose and Need, reasonable alternatives, impacts, or mitigation of impacts.

If the requirements under [23 CFR 450.318\(a\)-\(d\)](#) and [23 CFR 450.212 \(a\)-\(c\)](#) are met, then the planning product can be used as relevant information to be evaluated through the typical environmental review process.

200.04(8) Requirements for 23 USC 139

When the desired outcomes of a federal PEL include elimination of unreasonable alternatives, the requirements of [23 USC 139](#) must be met in addition to the primary federal authority being used for the study. Refer to WSDOT's [PEL webpage](#) and the [PEL Authorities Chart](#) for additional PEL authority guidance.

There are six requirements that must be met to eliminate unreasonable alternatives under PEL authority [23 USC 139](#). These requirements are provided in [23 USC 139\(f\)\(4\)\(E\)\(ii\)](#) and are (paraphrased):

- The federal lead agency must independently review the alternative evaluation process.
- There is a reasonable opportunity for public review and comment.
- The eliminated alternative must be reasonably considered.
- The lead agency provided guidance regarding analysis of alternatives and the requirements of NEPA, and any other federal law necessary for approval of the project.
- The alternative is eliminated only after considering public comments.
- Participating and cooperating agencies must be consulted to ensure that the eliminated alternative is not necessary for compliance with NEPA. Agencies with jurisdiction must also be consulted to ensure that the eliminated alternative is not necessary for a permit or approval.

If the requirements under [23 USC 139\(f\)\(4\)\(E\)\(ii\)](#) are met, then the planning product can be evaluated through the typical environmental review process.

Note: FHWA recommends using PEL authority [23 USC 139](#) to eliminate alternatives because it is the most directly applicable authority for considering and eliminating unreasonable alternatives. However, if using [23 USC 139](#) to eliminate unreasonable alternatives, then you must also use one of the other authorities discussed in previous Sections [400.04\(6\)](#) and [400.04\(7\)](#) ([23 USC 168](#), [23 CFR 450.318](#) and [450.212](#), or [40 CFR 1500.4](#) and [1501.12](#)) to establish the Purpose and Need that is required for eliminating the alternatives. Ultimately, WSDOT may decide which PEL authority to use to eliminate alternatives.

200.04(9) Requirements for 40 CFR 1500.4 and 1501.12

If you cannot meet the requirements listed in Section [200.04\(7\)](#) or [200.04\(8\)](#) to use the planning product in the NEPA process, then you can still introduce the planning product into the NEPA process as information that requires additional work or further action. For example, if there was no public review during the PEL process, then the planning products may still be referenced in the NEPA document and reviewed through the NEPA process in accordance with [40 CFR 1500.4\(l\)](#) and [1501.12](#).

To do this, WSDOT must:

- Cite the incorporated planning products within the NEPA document and briefly describe the content.
- Make the planning products reasonably available for inspection by potentially interested persons during the NEPA comment period.

Proprietary data that is not available for review and comment cannot be incorporated into the NEPA document.

200.04(10) Additional requirements applicable to all PEL Authorities

Decisions made during a PEL process must be documented in a format that can be included in the NEPA document as an appendix or by reference. A key consideration is how the PEL will meet standards established by NEPA regulations and guidance. One way to do this is to use NEPA-like language such as Purpose and Need, affected environment, and environmental impacts. Another example is to use the term logical termini instead of project area or study area. It is preferred to use the NEPA-like language in PEL, but if you choose to use planning terms, the PEL Questionnaire asks for the reason, definitions, and examples or a list of terms.

You must also verify that the information in the planning product is still valid if using it in the environmental review process more than five years after the planning product's approval. Any new information should be reviewed through the environmental review process, rather than through revisions to the approved planning product.

200.04(11) PEL Purpose and Need

The Purpose and Need is the foundation of NEPA and the environmental decision-making process. It allows for alternative development, analysis, and selection. See [Chapter 400](#) for more information about NEPA Purpose and Need. Federal statutes and regulations for developing a Purpose and Need statement during transportation planning that can be applied to the NEPA process are provided in [23 USC 168](#), [23 CFR 450.318](#) and [450.212](#), and [40 CFR 1500.4](#) and [1501.12](#).

It is necessary to establish a clear Purpose and Need during PEL that is compatible with the NEPA process. In PEL, the Purpose and Need statement can take various forms, depending on the desired outcomes of the planning study. Consult with the appropriate federal and state resource agencies and tribes when developing a PEL Purpose and Need statement. See [Section 200.04\(13\)](#) for additional information on consulting with agencies and tribes, and [Section 200.04\(14\)](#) for information on community engagement.

For large corridor studies, the Purpose and Need can be a general statement of the vision and goals for the corridor and to address the issues of each recommendation or decision. This approach is recommended for PEL studies that recommend multiple projects or program-level policies or decisions. A more specific Purpose and Need may be needed for each recommendation during NEPA. It is recommended to follow the requirements under [23 CFR 450.318](#) and [450.212](#) or [40 CFR 1500.4](#) and [1501.12](#) for establishing a Purpose and Need for a large corridor study that can be used and further evaluated during NEPA. Those requirements are listed in [Section 200.04\(7\)](#) and [200.04\(9\)](#).

For planning studies that are leading directly to a defined project, the Purpose and Need should have the same amount of detail as one that is developed during the NEPA process. In this case, the goal is to establish a Purpose and Need that can be adopted into NEPA unchanged. To do this, follow the requirements under [23 USC 168](#). The requirements are listed in the [Section 200.04\(6\)](#).

Note: PEL studies using [23 USC 168](#) must receive NEPA federal lead agency (FHWA or FTA) concurrence on the final PEL Purpose and Need statement to adopt it into NEPA.

For any PEL effort, it is strongly recommended to use the NEPA term "Purpose and Need", rather than using planning terms such as goals and objectives.

200.04(12) Alternatives development, evaluation and elimination of unreasonable alternatives

Unreasonable alternatives are those which do not meet the Purpose and Need or are infeasible, such as containing fatal flaws. Common examples of fatal flaws include alternatives with unacceptable significant environmental impacts, excessively high costs, or are impractical from an engineering standpoint. However, there may be other types of fatal flaws identified through the PEL process. Eliminating unreasonable alternatives during PEL allows for a more efficient environmental review because those alternatives can be excluded from the detailed analysis and evaluation that occurs during the NEPA process.

Alternatives only need to be developed to a “conceptual level” for evaluation and elimination during the PEL process. This means that alternatives may be evaluated, scored, prioritized, and/or screened out without the need to advance engineering designs beyond a very conceptual project area.

The requirements for eliminating unreasonable alternatives under [23 CFR 450.318](#) and [450.212](#), [23 USC 168](#), and [23 USC 139](#) are the same as those listed in [Section 200.04\(6\)](#), [200.04\(7\)](#), and [200.04\(8\)](#). REMEMBER - Use [23 USC 168](#) if the goal is to adopt the decision to eliminate alternatives and not re-evaluate that decision during NEPA.

Note: it is strongly recommended to use the NEPA term “alternative”, rather than using planning terms such as concept, strategy, or option.

200.04(13) Agency and tribal government coordination

WSDOT’s policy is to invite resource agencies and tribes with jurisdiction or permitting or approval authority to participate in the PEL process. The goal is to reach concurrence with these agencies and tribes on key planning decisions, such as establishing the Purpose and Need statement and eliminating unreasonable alternatives. However, concurrence is not required.

One benefit of PEL is to make decisions during the planning process that do not need to be revisited during the NEPA process. This means that the PEL process is the best opportunity for interested parties to shape future projects. Also, any resource agency and tribal government coordination that occurs during PEL counts toward NEPA/SEPA project-level scoping.

It’s especially important to engage any organization that will need to make a decision or take an action on a project resulting from a PEL effort. For example, an agency (such as the U.S. Fish and Wildlife Service (USFWS)) may require a multi-year study before concluding consultation. Learning this information during the PEL process can allow WSDOT to complete the study and consultation prior to starting NEPA and may lead to faster timelines for permits requiring consultation to be complete. These efficiencies are important for meeting the time limits in [40 CFR 1501.10](#) that require agencies to complete EAs within one year and EISs within two years.

Note: While early coordination with the Department of Archaeology and Historic Preservation (DAHP) may take place, formal consultation under Section 106 of the National Historic Preservation Act may not begin until NEPA has been formally initiated.

WSDOT may establish a resource agency or tribal committee, or a general technical advisory committee that includes any interested parties with jurisdiction or expertise. However, federal PEL regulations do not require the establishment of a formal resource agency, tribal, or technical advisory group.

WSDOT must consult with tribal governments on a government-to-government basis. This consultation is distinct from any invitations to participate as part of a general participant advisory group. Continue requesting tribal participation until you receive a response. Tribes may accept or decline the invitation to participate or may just request to stay informed during the PEL process.

WSDOT liaisons at USFWS, National Marine Fisheries Service (NMFS), U.S. Army Corps of Engineers (Corps), and the Washington State Department of Ecology (Ecology) may be able to assist in the PEL consultation process. Contact WSDOT's Endangered Species Act (ESA) Liaison Program Manager to discuss the PEL study with WSDOT's ESA liaisons (USFWS and NMFS). Contact WSDOT's Multi Agency Permitting Team Manager to discuss the PEL study with WSDOT's permitting liaisons (Corps and Ecology).

WSDOT should make an extra effort to engage any agency that must make a future NEPA decision for a project resulting from a PEL study. For example, if the PEL is leading to a project that will require a [Section 404 of the Clean Water Act](#) permit, then WSDOT should strongly encourage the Corps to be involved during the PEL process.

If an invitation to participate in the PEL process is declined by an agency or tribe, the federal lead agency (FHWA or FTA) may still agree that the final planning products may be adopted or used in NEPA. In this case, document which agencies and tribes were invited, how WSDOT attempted to engage them initially and update them throughout the study, and whether they responded to the invitation. If an agency responded to the invitation but didn't actively participate in the PEL process, document any suggestions or comments they provided to WSDOT and how they were considered.

WSDOT must document all resource agency and tribal comments, including how each comment was considered. This should be done at major concurrence points such as establishing the Purpose and Need statement and eliminating unreasonable alternatives. For more information on concurrence points during PEL, refer to the [PEL Process Chart](#) on WSDOT's [PEL webpage](#).

WSDOT must also provide draft and final planning products to any interested federal, state, local, and tribal governments for review and comment, even if they declined to participate in the PEL process. WSDOT must document comments on the draft and final planning products, including how each comment was considered.

To use the final planning products in the NEPA process, the federal lead agency must determine that the resource agency and tribal consultation was adequate or that WSDOT provided a reasonable opportunity for resource agencies and tribes to comment.

200.04(14) Community Engagement

Including members of the affected community in the PEL process helps to identify issues, improve their understanding of the study's recommendations, foster relationships with the public, and generates a stronger PEL. WSDOT policy for community engagement is detailed in [Design Manual](#) Exhibits 210-1 through 210-4, [23 CFR 450.210](#), and in WSDOT's [Community Engagement Plan](#).

Refer to [Chapter 460](#) for EJ requirements for planning studies and WSDOT's [Environmental justice](#) webpage for additional guidance. The planning team determines the appropriate community engagement strategy based on the affected community's needs and values.

One recommended method for ensuring community engagement throughout the entire PEL process is to establish a community advisory group. This helps ensure public input at major concurrence points, such as establishing the Purpose and Need statement and eliminating unreasonable alternatives. However, federal PEL regulations do not require the establishment of a formal community advisory group. For more information on concurrence points during PEL, refer to the [PEL Process Chart](#) on WSDOT's [PEL webpage](#).

If using PEL authority [23 USC 168](#), then WSDOT must provide public notice that resulting planning products may be adopted for use in NEPA ([23 USC 168 \(d\)\(4\)](#)). The public notice intent is to ensure awareness that planning products developed during the PEL study may be adopted directly into the NEPA process without being revisited later. The WSDOT [PEL Authorities chart](#) provides information on how public notices fit into the PEL study process. Contact the NEPA-SEPA Program for guidance on the PEL public notice process.

WSDOT should make planning materials available to the public throughout the PEL process and make additional efforts to engage the public at key decision points in the process. For example, this is important when establishing the Purpose and Need statement and eliminating unreasonable alternatives. These are the best practices for making public comment most effective. However, at a minimum, WSDOT must provide the final PEL products to the public for review and comment.

WSDOT must consider any public comments received during the PEL process. WSDOT should document each comment and how each comment was considered. Any public engagement that occurs during PEL counts toward NEPA/SEPA project-level scoping.

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