



You are the Recipient of a Federal PIDP Grant, Congratulations! Now What?

By Margaret Schwertner, Senior Environmental Scientist, Moffatt & Nichol
September 21, 2023

Project Discussion Courtesy of Port of Bellingham

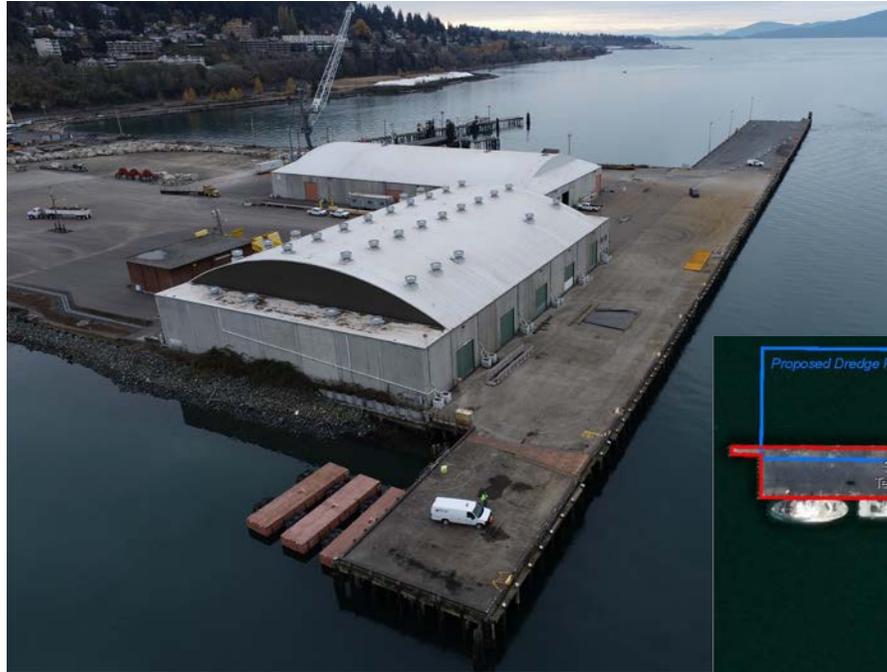


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Marine Infrastructure Maintenance and Rehabilitation Project

Bellingham Shipping Terminal, Port of Bellingham



❖ Project Overview

- Rehabilitate section of wharf
- Maintenance dredging
- Upland repairs/utility upgrades
- Other minor terminal repairs

Larry Scholten, Project Manager
Senior Project Engineer
Port of Bellingham
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Topics to Cover, with **Hot Tips**

1. **Moffatt & Nichol**
 2. **PIDP and MARAD**
 3. Prior to Release of Funds
 - Grant Agreement
 - MARAD NEPA
 4. Post Release of Funds
 - Bidding
 - Federal Procurement
 - Reporting
 5. Questions and Discussion
-

Moffatt & Nichol

<https://www.moffattnichol.com/>



moffatt & nichol

- ❖ Ranked No. 1 for marine facilities and ports
- ❖ Family-owned since 1945, transitioning to employee-owned, ~ 1,000 employees
- ❖ MARAD grant program experience since 2017, PIDP since 2019



*Margaret Schwertner, Senior Environmental Scientist
(22 years experience, 17 years with M&N)*

❖ Port Infrastructure Development Program (PIDP)

- Started in 2019 for projects that “*improve safety, efficiency, or reliability of the movement of goods into, out of, around, or within a port.*” **Commercial fishing included.**
- 25% reserved for “*small projects at small ports*”

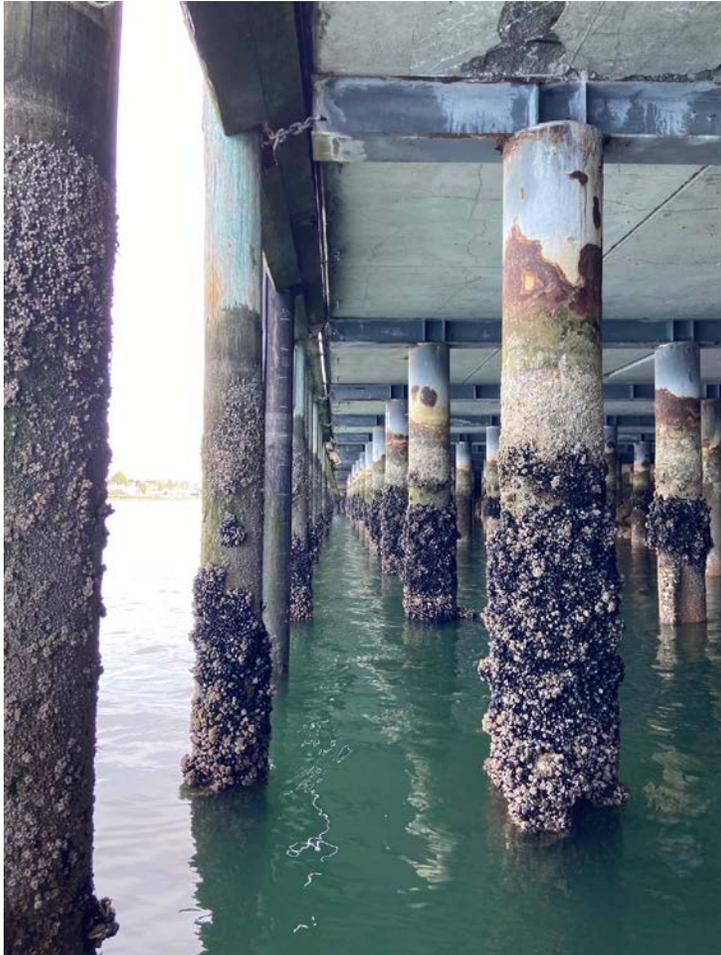


MARAD

- ❖ U.S. Department of Transportation Maritime Administration (MARAD)
 - Established to “*foster, promote and develop the maritime industry...*”
 - ~800 employees, most in Washington DC; gateway offices (Seattle)
 - For PIDP, we interact with regional contacts, grant managers, engineers, environmental compliance, counsel
 - Kris Gilson, Director, Office of Environmental Compliance
 - 6 staff supporting environmental compliance
 - kristine.gilson@dot.gov

<https://www.maritime.dot.gov/>

MARAD



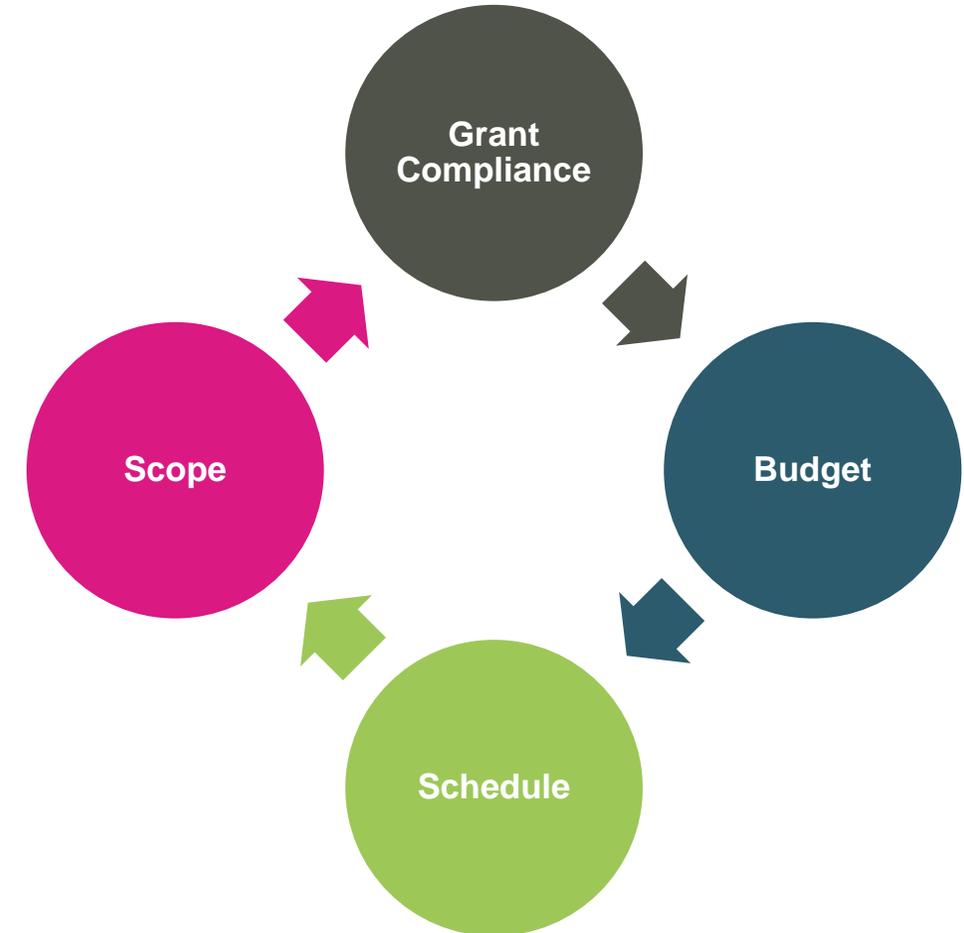
- ❖ **Hot Tip #1:** MARAD does not want to fund temporary infrastructure
 - MARAD staff – easy to work with, very responsive
 - MARAD wants to get you your awarded funds
 - Early calls/site visits to discuss the project description

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Prior to Release of Funds Grant Agreement

- ❖ Create early strategy to:
 - Execute grant agreement quickly
 - Maintain grant compliance
 - Obtain pre-award approval (i.e., early fieldwork)
- ❖ **Hot Tip #2:** Grant compliance can take time, plan accordingly
 - Scope, schedule, budget considerations
 - May need to front costs until reimbursement allowed



Prior to Release of Funds

MARAD NEPA

- ❖ National Environmental Policy Act (NEPA)
 - Required for actions with federal nexus, includes federal funds
 - **Is a process, not a permit**
 - Provides environmental consideration for decisions
 - Allows for public input
 - Can be adopted, combined with SEPA, SEPA can support NEPA
 - **NEPA guidelines vary**

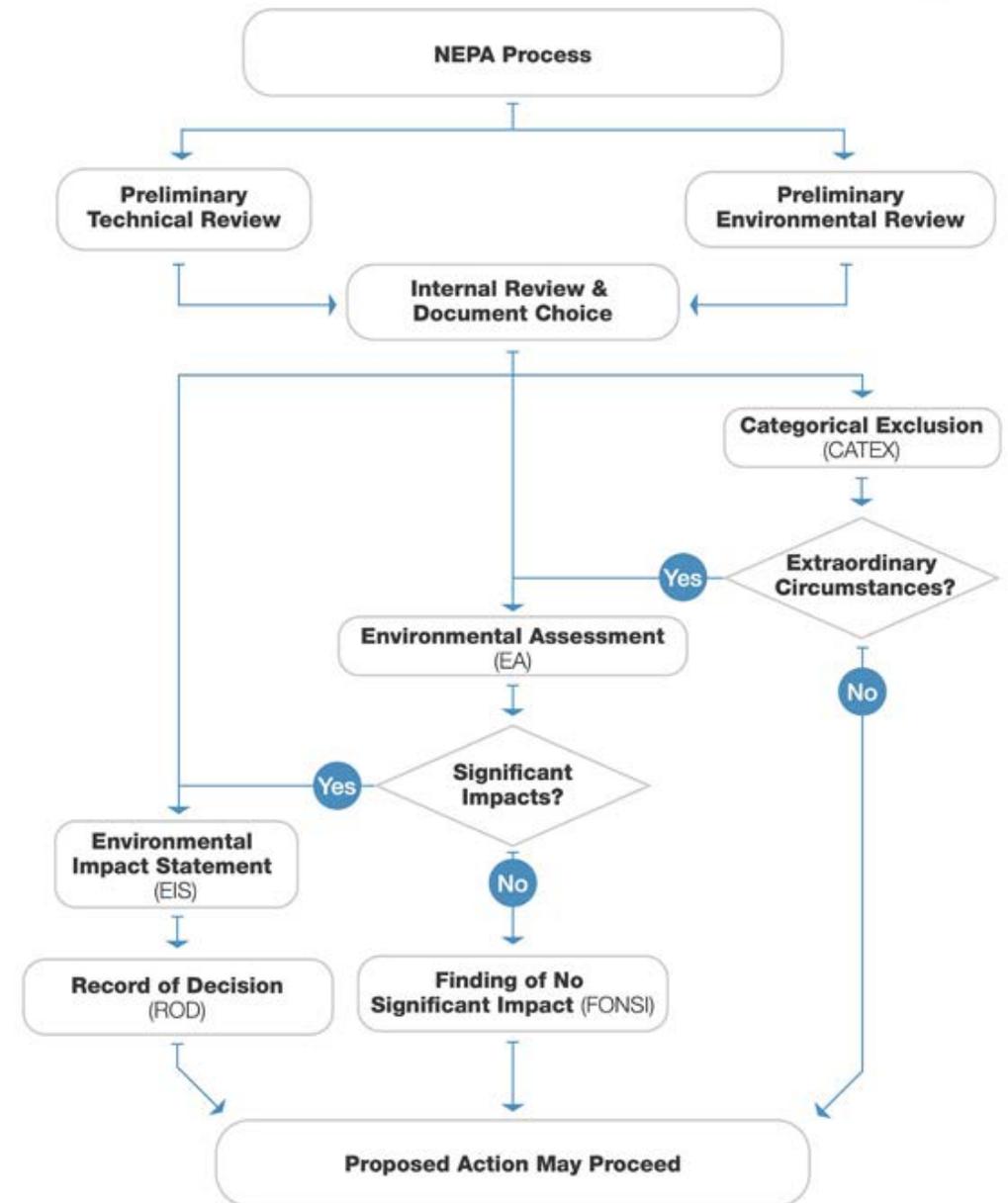


Image Source: FAA 2023

Prior to Release of Funds

MARAD NEPA

- ❖ **Categorical Exclusion (CE)**, *2-3 mo.*
 - Actions that individually or cumulatively have no significant effect on the human environment
 - ❖ **Environmental Assessment (EA)**, *6-12 mo.*
 - Actions for which significance of impacts are uncertain and require further review
 - ❖ **Environmental Impact Statement (EIS)**, *12-24 mo.*
 - Actions that have been determined to have significant environmental impact
- ❖ **Hot Tip #3:** MARAD requires a NEPA EA if the project touches water

Prior to Release of Funds

MARAD NEPA



- ❖ **Hot Tip #4:** Do not piecemeal, do not unnecessarily federalize

Prior to Release of Funds

MARAD NEPA

- ❖ **Hot Tip #5:** NHPA Section 106 and ESA Section 7 must be completed before MARAD will review NEPA document
- ❖ Section 106 Outreach
 - Use <https://egis.hud.gov/TDAT/>



National Historic Preservation Act (NHPA)
Endangered Species Act (ESA)

Prior to Release of Funds MARAD NEPA



- ❖ **Hot Tip #6:** MARAD cannot use SSNP consultations for ESA Section 7
- ❖ **Hot Tip #7:** NMFS and USFWS will not reinitiate completed ESA Section 7 consultation

Salish Sea Nearshore Programmatics (SSNP)

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Post-Release of Funds Bidding, Federal Procurement

- ❖ **Hot Tip #8:** NEPA must be completed before bidding, procurement, construction
- ❖ **Hot Tip #9:** Grant agreement must be signed before construction Notice To Proceed (NTP)
- ❖ **Hot Tip #10:** BA/BA Act exemptions can take months, see **Hot Tip #3**

- ❖ Reporting Tips? Stay Tuned!

PIDP **Hot Tip** Summary

- ❖ **Hot Tip #1:** MARAD does not want to fund temporary infrastructure
- ❖ **Hot Tip #2:** Grant compliance can take time, plan accordingly
- ❖ **Hot Tip #3:** MARAD requires a NEPA EA if the project touches water
- ❖ **Hot Tip #4:** Do not piecemeal, do not unnecessarily federalize
- ❖ **Hot Tip #5:** Section 106 and Section 7 completed prior to MARAD NEPA review
- ❖ **Hot Tip #6:** MARAD cannot use SSNP consultations for Section 7
- ❖ **Hot Tip #7:** NMFS and USFWS will not reinitiate completed Section 7 consultation
- ❖ **Hot Tip #8:** NEPA must be completed before bidding, procurement, construction
- ❖ **Hot Tip #9:** Grant agreement must be signed before construction NTP
- ❖ **Hot Tip #10:** BA/BA exemptions can take months, see **Hot Tip #3**

Questions and Discussion?

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