Creating a Project File
to Support the Administrative Record

Effective November 2024

Use this document to set up your project's administrative record. Please also reference *Environmental Manual* Chapter 400 and the **Best Practices and Tips** section at the end of this document.

1. **Create** a filing system to document major decisions. The system should provide for both electronic and hard copy documents. *Please note*: hard copy documents should be minimized/avoided if possible. If used, a scanned PDF version should be saved to the electronic project file.

2. **Develop** a plan for how major project decisions are made. *Example:* will historical versions of drafts be maintained as separate files, or will drafts be "living documents" edited over time, with significant changes be memorialized elsewhere (memos to file, meeting notes, confirmation email communications)?

3. **Create** a standard naming system for all files.
    a. Include the name of the project in the subject line for all emails related to the project.
    b. Use standard fonts for names, text, and signature blocks on all emails related to the project.
    c. Do not use colored text in email correspondence.

4. **Require** all staff (Region/Modal Project Office, Region Environmental Coordinator, HQ Environmental Staff, and Consultants) to comply with the standard naming system.
    a. It is recommended that the Project Lead require staff to copy email and electronic documents to the project file on a regular basis to keep the system up to date and minimize the effort required to create the administrative record. One option for doing this is a project email address that can be copied on all email communication and regularly organized to save substantive communications and delete transitory/junk emails.
    b. Require all project staff to actively manage their project emails. They should be maintained consistent with the agency's retention schedule unless the Attorney General's office issues a Litigation Hold in coordination with WSDOT Business Support Services.

5. **Follow guidance** in Section 400.10(2) and 400.10(2)(c) to determine the type of documents to include in the project file.
    a. Consult with the Attorney General's Office to determine if the project will need an administrative record.
    b. If the AG's Office recommends that an administrative record be prepared, the project team should coordinate closely with the Assistant Attorney General when preparing the record.
    c. For federal funds/federal nexus projects, the federal lead agency will be ultimately responsible for certifying the administrative record, but the task of collecting and compiling the administrative record is likely WSDOT's responsibility. Be prepared to collaborate with federal partners (i.e., FHWA) on the administrative record.

Best Practices and Tips

What is the administrative record (AR) and what purpose does it serve?

- The administrative record is a public record of the decision-making process (in this case the NEPA process) and contains all documents relevant to the final decision.

- If there is litigation on the project, it is (usually) the sole source of information that is used for the defense and is also (usually) the only information turned over to the plaintiffs. If something is not in the record, it is like it did not happen—we want to have what we need to defend FHWA and we also do not want relevant information found outside of the record that could put the completeness and accuracy of our record in question.

What kind of records end up in an AR? (This list is not all inclusive.)

- Documents vital to the "decision" such as the DEIS, FEIS, ROD.
- Federal register notices (for example the NOI).
- Agency and public comments and responses.
- Public transcripts, handouts, and exhibits from public meetings.
- Final versions of discipline reports/technical reports, modeling inputs, preliminary reports, studies, site evaluations, screening documents, memos and any other documents showing the basis and reasoning for conclusions/decisions.
- Emails documenting process and smaller and larger decisions throughout the NEPA process.
- Guidance relied upon during the NEPA process (for example, the 4(f) Policy Paper).
- Anything used by the agency in the decision-making process, even if not specifically mentioned by the final decision-maker.

What files might not be included in an AR? (This list is not all inclusive.)

- Personal notes taken by an individual unless they are transmitted to someone or if they are in the agency file for a specific purpose.
- Privileged documents such as attorney-client privileged communication—although these documents are still technically part of the record, they can be left out of the record (usually with an explanation in the record of why it was removed).
- Internal "working" draft documents—but sometimes these can be included if relevant to an important decision or shows process.
- Non-"relevant" information such as emails containing lunch plans or chit-chat between people working on the project—if this is mixed in with information relevant to a decision it might be included anyway.
- Duplicates of documents already in the record.

How to retain records/files while the project is ongoing for the AR?

- Create a project folder in Outlook for all project emails. (Do not delete emails except for clearly transitory emails (schedule availability, spam/listserv emails, etc.) consistent with the agency retention schedule. Sometimes issues do not necessarily seem important until later.)
- Paper records should be avoided/minimized to the greatest extent possible. If paper records are generated, keep all paper records/files for the project together.
- Label all created and paper files with a date, author, and version number (preferably on each page if multi-page).
- Make a note of resources used during the NEPA process. For example, make note of guidance used to make decisions.
- Keep meeting agendas not transmitted via email with the paper file for the project and label with a date and attendees if not already included.
- Timing—ideally, all documents that should be in the record should be readily accessible allowing the AR to be finalized shortly after the final decision.

Process for getting together records/files to go into an administrative record when the final AR is being compiled:

- Project staff should be prepared to assist the Attorney General's Office (AGO), federal partners, and WSDOT Technology Services Division (formerly Information Technology) with collecting or producing project files for the administrative record in a timely manner. Each project is unique, and collection/production efforts may differ depending on project circumstances.

Helpful Resource on Administrative Records for NEPA Decisions:
AASHTO's Maintaining a Project File and Preparing an Administrative Record for a NEPA Study