

LPA MANUAL SECTION 4 ENVIRONMENTAL REVIEW

Danielle Tetreau,
Environmental Team Lead

ENVIRONMENTAL REVIEW - OVERVIEW

1. MaineDOT Environmental Office

- MaineDOT Environmental Office vs. Local Responsibility
- National Environmental Policy Act

2. Project Milestones and ENV Documentation

Kickoff

PDR - Letter 10 & 11 - NEPA Checklist

Permits – Letter 12

Construction Contract Documentation

3. Questions and Contact Information

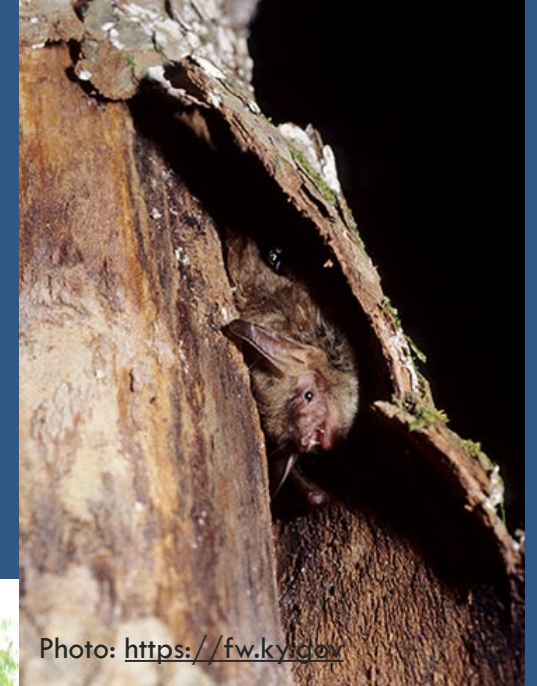


Photo: <https://fw.ky.gov>



1. MAINEDOT VS. LOCAL RESPONSIBILITY

This table is in the LPA handbook, Chapter 4, page 4-3

TASK	RESPONSIBILITY
National Environmental Policy Act (NEPA)	Federal funds: MaineDOT State funds only: Local Agency through federal permit
Section 106 of the Historic Preservation Act	Federal funds: MaineDOT State funds only: Local Agency through federal permit
Section 4(f) of the Department of Transportation Act	Federal funds: MaineDOT No U.S. DOT funds: 4(f) does not apply
Endangered Species Act (Section 7) and Essential Fish Habitat	Federal funds: MaineDOT State funds only: Local Agency through federal permit
Hazardous Materials	MaineDOT with assistance from Local Agency
Wetland and Stream Surveys, Environmental Permits, Dredged Material Evaluation and Approvals, Mitigation, All Stormwater Permits (Chapter 500, MPDES, Erosion & Sedimentation Control Law)	Local Agency
MaineDOT Environmental Office contact: Danielle Tetreau, Environmental Team Leader	207-592-2358 (Danielle.Tetreau@maine.gov)

2. PROJECT MILESTONES

Project Kick off

- Meeting or notification
- Provide scope of work and extents/locations
- Review NEPA Checklist

PDR

- Letter 10/Public Notification Documentation
- Submit Letter 11/NEPA Checklist
- May require additional coordination if ROW impacts are
- MaineDOT will approve NEPA after all coordination is complete
- No negotiations with landowners are allowed before NEPA

Permits/PS&E

- Letter 12 – certifies no permits needed, or provide copies of approvals. Local Agency makes this determination.
- MaineDOT provides Environmental Summary Sheet for Contract Package, may include General Note or other Specification documents related to Environmental Commitments.



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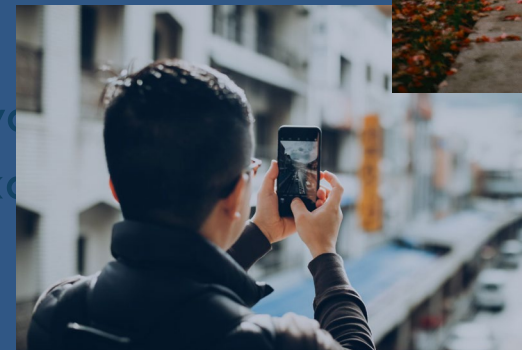
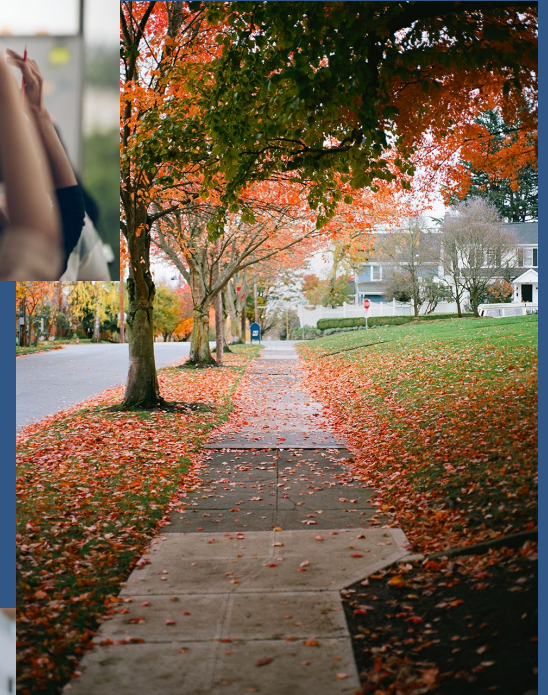
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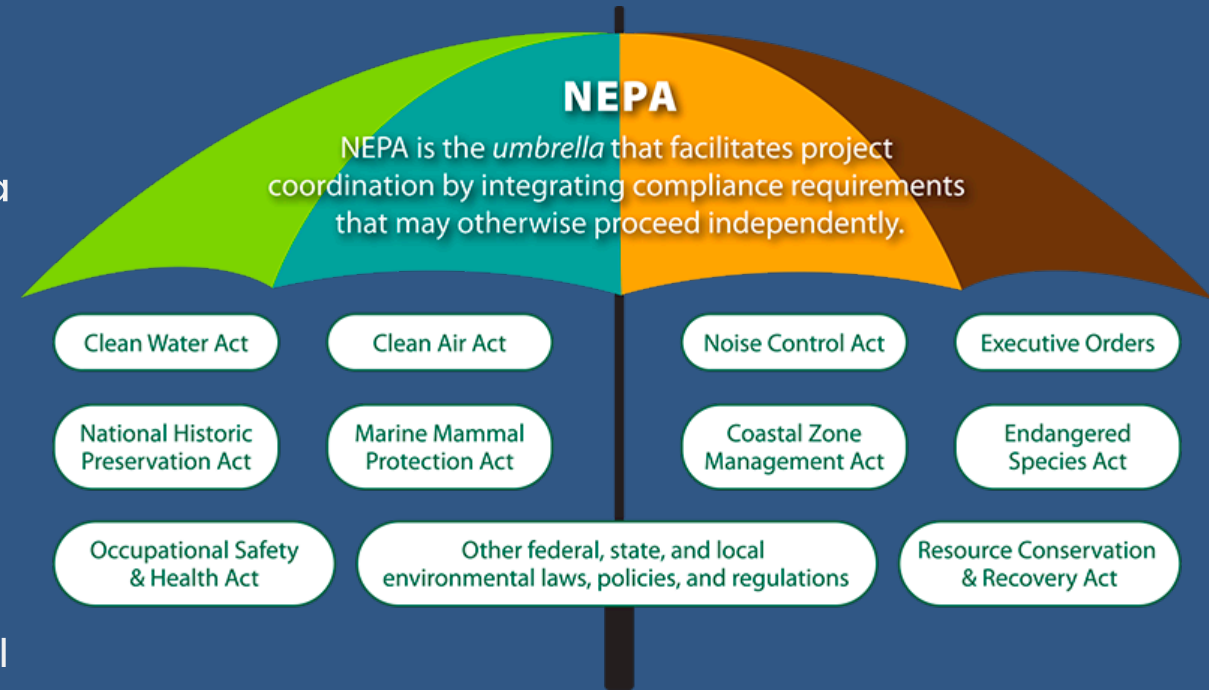
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2. PROJECT MILESTONES - NEPA

National Environmental Policy Act (NEPA)

- Required for any Federal Action
 - Federal funds, Federal (ACOE) Permit
- Involves documenting compliance and consultation with a variety of federal laws and Executive Orders
- Must be approved before negotiating ROW
- Categorical Exclusion (most common)
- Valid for 5 years, then requires re-evaluation.
- More coordination may be required for projects with:
 - In water work and stream crossings
 - Work around historic districts, public parks, schools/recreational facilities
 - Clearing trees in certain areas
 - Excavation in potentially contaminated areas



2. PROJECT MILESTONES - NEPA

Sections of NEPA which often cause delays or require additional coordination with MaineDOT

- Section 106 of the National Historic Preservation Act
 - Additional survey or review, coordination with state and local historic groups; mitigation or documentation
- Section 4(f) of the USDOT Act, and 6(f) LAWCON
 - Details on ROW impacts, temporary vs. permanent
 - Publicly-owned parks, refuges, recreational areas
 - Coordination with LAWCON Stewardship Managers
- Section 7 of the Endangered Species Act
 - Details on scope, in water work, noise, clearing, lighting.
- Contaminated Materials and Substances
 - Subsurface borings, coordination with MDEP



NOT a NEPA umbrella

2. NEPA CHECKLIST

Updated in 2025.
Please use newest version.

<https://www.maine.gov/mdot/lpa/>

1.) <u>Public Involvement:</u> Is there substantial public opposition to proposed action? <i>The answer should become apparent at a public meeting.</i>	Yes <input type="checkbox"/>	No <input type="checkbox"/>
Documentation: Approved capital plan; meeting records; letters from the public; board meeting minutes; or <u>Communication 10</u> (Public Process).		
2.) <u>Right-of-Way:</u> Does action include a residential or commercial displacement or acquisition of property rights that will result in substantial abutter impacts? <i>For help with "substantial," contact your Project Manager at MaineDOT.</i>	Yes <input type="checkbox"/>	No <input type="checkbox"/>
Documentation: Design Plan Impacts Complete for the project		
3.) <u>Endangered Species & Essential Fish Habitat:</u>		
a. Has a qualified person surveyed the project area for streams, rivers, tidal waters, wetlands, or vernal pools? Provide details on any identified resources below.	Yes <input type="checkbox"/>	No <input type="checkbox"/>
b. Is any work proposed in or adjacent to a stream, river or coastal waters?	Yes <input type="checkbox"/>	No <input type="checkbox"/>
c. Does the project require clearing trees or trimming limbs 3" or greater in diameter?	Yes <input type="checkbox"/>	No <input type="checkbox"/>
d. Does the project require night work or percussive noise (e.g. pile driving)? <i>See below</i>	Yes <input type="checkbox"/>	No <input type="checkbox"/>
e. Can clearing or limbing be completed between November and April? <i>See below</i>	Yes <input type="checkbox"/>	No <input type="checkbox"/>
Additional Details: _____		
Documentation: Resource delineation and plans with location of resource and work planned. The project will be screened by the MaineDOT Environmental Office for intersection with habitat for Endangered Species and fish habitat. If in-water work is proposed, additional coordination with the Environmental Office will be required for compliance with the Maine Atlantic Salmon Programmatic Agreement or other bat species considerations.		
4.) <u>Section 4(f) or 6(f):</u>		
a. Does project area include or abut resources protected by Section 4(f) of the Department of Transportation Act: publicly owned land, parks, recreation areas, wildlife and waterfowl refuges, or historic sites?	Yes <input type="checkbox"/>	No <input type="checkbox"/>
b. Will project require temporary or permanent rights on any protected 4(f) resource listed above?	Yes <input type="checkbox"/>	No <input type="checkbox"/>

2. PROJECT MILESTONES - PERMITS

These permits must be included with the Letter 12 submittal.

Environmental Permitting

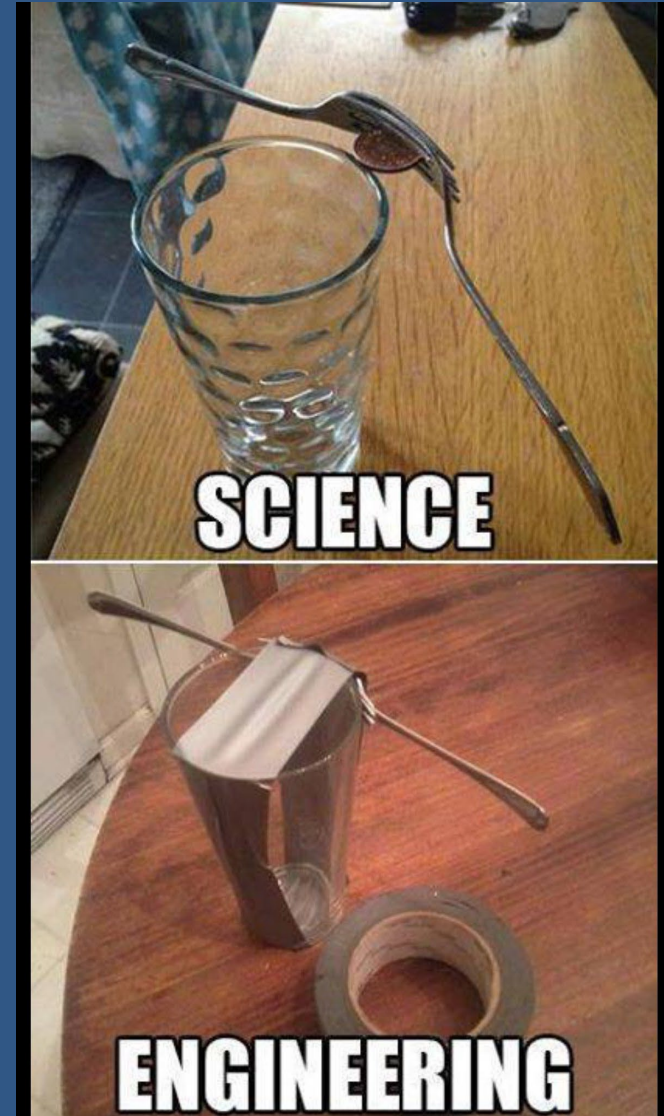
- State and federal wetland, stormwater permits, construction general permit, etc.) is the responsibility of the Local Agency
- See www.mainewetlands.org for a list of wetland delineators and contact information

Maine Natural Resources Protection Act (NRPA)

- Required if impacting wetlands or adjacent to certain resources
- Local Agency *cannot* use PBR 11 for Transportation
- Call MDEP for guidance or assistance: <https://www.maine.gov/dep/land/contacts/>

Clean Water Act (USACE)

- All wetland or stream impacts are regulated activities
- PCN Application required for adverse effects to Endangered Species.
- Threshold for requiring compensation is expected to be changed to 5,000 SF in 2023 (currently 15,000 SF).
- Call the Maine Projects Office of the Corps for guidance: 207-623-8367



2. PROJECT MILESTONES – PS&E CONTRACTS



Letter 12 – Environmental Certification

- Include copies of all approved environmental permits.
- MaineDOT provides summary sheet with any related contract specification documents.

After Advertise

- Contractor provides Soil Erosion and Water Pollution Control Plan (SEWPCP) to the Resident.
- Town is responsible for environmental compliance and/or oversight.




2. ENVIRONMENTAL CONTRACT PACKAGE

MaineDOT provides summary sheet

Language or Special Provisions for federal commitments

Contractor provides Soil Erosion and Water Pollution Control Plan (SEWPCP) to the Resident.

Town is responsible for environmental compliance and/or oversight.

**MaineDOT**

LAP Environmental Summary Sheet

Date Submitted:

WIN:

Town:

MaineDOT ENV Team Leader: Danielle Tetreau

ENV Compliance Monitor: Locally Administered

NEPA Complete:

Programmatic CE -

Letter 11 Submitted:

Section 106

SHPO Concurrence

Approved date

Special Conditions: none

Section 4(f) and 6(f)

Section 4(f)

Section 6(f)

Maine Department of Inland Fisheries and Wildlife Essential Habitat

Section 7

Species of Concern:

Essential Fish Habitat

Stormwater Review

Hazardous Waste Review

State and Federal Permits

Letter 12 submitted

Copies of approvals submitted n/a

NOTE: Local Town/Municipality is responsible for obtaining and providing copies of Maine Department of Environmental Protection and Army Corps of Engineers Permits.

Special Provisions Required

Standard Specification 656-Erosion Control Plan

General Note for Hazardous Waste

Special Provision 105-Timing of Work Restriction

Special Provision 656-Minor Soil Disturbance

Special Provision 203-Dredge Spec

Special Provision 203-Hazardous Waste

N/A

N/A

N/A

N/A

N/A

N/A

Applicable

Applicable

Applicable

Applicable

Applicable

Applicable

Comments:

QUESTIONS?



MAINEDOT
ENVIRONMENTAL OFFICE

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