

### I. INTRODUCTION

The purpose of this Public Involvement Plan (PIP) is to provide guidance to Maine Department of Transportation (MaineDOT) Environmental Office staff and Project Managers engaged in development of transportation projects funded or approved by the Federal Highway Administration's Maine Division Office (FHWA). The intent of this PIP is to outline the process for carrying out public involvement in accordance with the requirements of the National Environmental Policy Act (NEPA), its associated implementing regulations, and other federal environmental laws and regulations. These procedures describe coordination of public involvement activities, including meetings and public hearings. Also, these procedures seek to ensure early and continuing opportunities during project development for the public to be involved in the identification of social, economic, and environmental (SEE) impacts, as well as impacts associated with relocation of individuals, groups, or institutions. This PIP pertains to NEPA actions classified as Categorical Exclusions (CE), Environmental Assessments (EA), and Environmental Impact Statements (EIS). Additionally, this PIP fulfills the requirements of 23 CFR 771.111(h), ensuring that States have procedures approved by FHWA to carry out public involvement. The *MaineDOT Public Involvement in Transportation Decision-making Plan* should be used for all other purposes not stated in this PIP.

During the development of this PIP, FHWA and MaineDOT reviewed MaineDOT's three-year workplan, the Statewide Transportation Improvement Program (STIP) and Long-Range Transportation Plans. Based on the projects proposed and anticipated in the future, coupled with the historical decline in the number of Environmental Impact Statement (EIS) projects in Maine, FHWA and MaineDOT have prepared this PIP to focus on project actions processed with a CE. EISs, as defined in 23 CFR 771.115(a), are actions that significantly affect the environment. EAs, as defined in 23 CFR 771.115(c), are actions in which the significance of the environmental impact is not clearly established. If a project may result in significant environmental impacts and an EA or EIS is prepared, early consultation between FHWA and MaineDOT is required. FHWA and MaineDOT may develop a project-specific PIP as appropriate to ensure compliance with NEPA, its associated implementing regulations, 23 CFR 771.111(h), and other federal environmental laws and regulations. Public involvement requirements for EISs and EAs are briefly described within this document.

### II. PUBLIC INVOLVEMENT METHODS

The project team will determine the appropriate format and techniques to involve the public based on the type of project and its potential for SEE impacts. Table 1 summarizes what level of public involvement is generally appropriate. The types of public involvement tools are described further below.

#### A. Notification

The publication of the STIP and MaineDOT's three-year workplan provide an initial opportunity during the planning process for the public to comment on federally funded projects (for more information, see the *MaineDOT Public Involvement in Transportation Decision-Making Plan*).

For any project that is expected to have minimal impact on abutters, the traveling public, and the environment, letters will be sent to municipalities. This type of public involvement typically only occurs for minor projects such as a paving project with no impacts beyond the existing pavement. The letter content will include the project description, schedule, an explanation of expected impacts, and an offer of a public meeting, if it is requested by the municipality. If there will be minor impacts to abutters, property owners along the project will also receive a letter.

#### B. Virtual Public Involvement (VPI)

Virtual Public Involvement includes but is not limited to live virtual meetings, on demand virtual meetings, and web-based platforms for information sharing and public comments. Initially developed to supplement notification and in-person forums, the COVID-19 pandemic has accelerated adoption of virtual practices and has become an essential part of MaineDOT Public Involvement. Additional information on Virtual Public Involvement is provided in the *MaineDOT Public Involvement in Transportation Decision-making*

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Plan. MaineDOT will continue to incorporate virtual tools and methods to enhance public involvement as they become available.

### **Virtual Meetings**

On-Demand virtual meetings consist of recorded videos of the types of presentations that would typically be given at an in-person meeting to provide project information and request public input, comments, and local information. The videos and any supporting information to help the public understand the project are loaded onto the MaineDOT website. Standard public meetings are used to disseminate information, provide a setting for public discussion, and get feedback from the community.

In accordance with 23 CFR 771.111(h)(2)(iv), MaineDOT provides the public with reasonable notice of virtual meetings. Notification occurs at least two weeks prior to the date of the meeting. A public notice is published in the official local newspaper(s) where the proposed project is located. Appendix A shows an example public notice format that is typically used for MaineDOT projects. Other notification methods may also be used, such as publication on MaineDOT's web site, direct mailings to adjacent landowners and Tribal officials with interest, municipal notification forums, social media, etc.

The public notices for each project direct people to the MaineDOT Virtual Public Involvement website. The Virtual Public Involvement site has a video explaining the process and lists all projects with an active Virtual Public Meeting. For each project, it lists the timeframe, typically two weeks, that it is accepting comments. After that comment period, the project information can still be viewed at the Public Meeting Library page. <https://www.maine.gov/mdot/vpi/library/>

It is important to solicit comments from and accommodate people who may not have internet or mobile access. MaineDOT will request that public meeting notices provided to municipalities be posted at municipal buildings and/or public libraries whenever possible. Notification of virtual public involvement opportunities includes all contact information (mail, email, and phone number) of the Project Manager. This allows those without internet and mobile access to contact the project manager via multiple methods to learn about the project. The Project Manager can provide additional contact information for Environmental Office staff who can address environmental and NEPA-related comments, concerns, or questions.

### **Virtual Information sharing and comment solicitation**

MaineDOT is exploring and using other technologies and web-based platforms for information sharing and public comment. These are described further in the *MaineDOT Public Involvement in Transportation Decision-making* and are used to complement virtual meetings as needed.

## C. In-person Public Involvement

**Public Meetings** have historically been the most common public meeting format type used in Maine. Standard public meetings are used to disseminate information, provide a setting for public discussion, and get feedback from the community. Standard public meetings provide an opportunity for agencies and the public to interact, in addition to allowing MaineDOT and FHWA to gather community comments, local knowledge and information for incorporation into the public record. The need to have a court reporter present should be considered.

**Open Houses and Forums** provide an informal setting in which people receive information about a plan or a project. Unlike a standard public meeting, there are no formal discussions or presentations. Instead, the community receives information through a variety of media, including written products, exhibits, and open dialogue with attendees. All attendees are encouraged to give opinions, comments, and preferences to

staff. Comments are obtained verbally or in writing, are included in the project record, and should be made available to the public. The need to have a court reporter present should be considered.

***Other***

Collecting public input can occur in a variety of ways and largely varies on the scope of the project and proposed impacts. The public meeting formats can be combined when circumstances fit; a standard public meeting with a presentation can be combined with other engagement formats, such as workshops, or design charettes. In some cases, MaineDOT will engage community advisory committees or stakeholder groups that inform and participate in decision making on project details during specific design phases. The key is to determine what type of engagement is best for the project and the audience, and to ensure feedback is received.

***Notice of In-person Public Involvement Opportunities***

In accordance with 23 CFR 771.111(h)(2)(iv), MaineDOT provides the public with reasonable notice of in-person meetings. Notification occurs at least two weeks prior to the date of the meeting. A public notice is published in the official local newspaper(s) where the proposed project is located. Appendix A shows an example public notice format that is typically used for MaineDOT projects. Other notification methods may also be used, such as publication on MaineDOT's web site, direct mailings to adjacent landowners and Tribal officials with interest, municipal notification forums, social media, etc.

It is important to solicit comments from and accommodate people who may not have internet or mobile access. MaineDOT will request that public meeting notices provided to municipalities be posted at municipal buildings and/or public libraries whenever possible. Notification of public involvement opportunities includes all contact information (mail, email, and phone number) of the Project Manager. This allows those without internet and mobile access to contact the project manager via multiple methods to learn about the project if they are unable to attend the in-person meeting and/or address accessibility concerns prior to the meeting. The Project Manager can provide additional contact information for Environmental Office staff who can address environmental and NEPA-related comments, concerns, or questions.

In accordance with 23 CFR 771.111(h)(2)(iii), MaineDOT will work to ensure the meeting is held at a convenient time and place. In-person meetings should take place close to the project (within the municipality) and be held in the early evening (e.g. 6:00 – 8:00 pm). The Project Manager is named in the notification and it contains information to contact the Project Manager. Project Managers coordinate with MaineDOT's Environmental Office for talking points concerning NEPA and SEE impacts prior to the meeting.

D. In-Person Public Hearings

In-person Formal public hearings are held for any project which requires substantial amounts of right of way, substantially changes the layout or functions of connecting roadways or of the facility being improved, has a substantial adverse impact on abutting property, otherwise has a major SEE or other effect, for which FHWA determines that a public hearing is in the public interest. When completing an EIS, procedures in 23 U.S.C. 128 must be followed for NEPA required public hearings.

Per 23 CFR § 771.111(h) public hearings require explanation of the following information, as appropriate:

- The project's purpose, need, and consistency with the goals and objectives of any local or regional planning documents,
- The project's alternatives, and major design features,
- The SEE and other impacts of the project,

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- The relocation assistance program and the right of way acquisition process, and
- The procedures for receiving both oral and written comments from the public.

Public hearings should also provide:

- An opportunity for public involvement in defining the purpose and need and the range of alternatives, for any action subject to the project development procedures in [23 U.S.C. 139](#); and
- Public notice and an opportunity for public review and comment on a Section 4(f) *de minimis* impact finding, if applicable, in accordance with [23 CFR 774.5\(b\)\(2\)\(i\)](#).

Public hearings should always have a court reporter present, to record the meeting and publish a formal transcript to be included in the project record and made available to the public. MaineDOT will submit a transcript of each public hearing to FHWA and a certification that a required hearing or hearing opportunity was offered to the public. The transcript will be accompanied by copies of all written comments received at the public hearing or during an announced period after the public hearing.

### ***Notice of In-Person Public Hearings***

For all projects that have a public hearing or meeting, the public notice will be published in the official local newspaper(s) where the proposed project is located.

In accordance with 23 CFR 771.111(h)(2)(iv), MaineDOT provides the public with reasonable notice of in-person meetings. Notification occurs at least two weeks prior to the date of the meeting. A public notice is published in the official local newspaper(s) where the proposed project is located. Other notification methods may also be used, such as publication on MaineDOT's web site, direct mailings to adjacent landowners and Tribal officials with interest, municipal notification forums, social media, etc.

It is important to solicit comments from and accommodate people who may not have internet or mobile access. MaineDOT will request that public meeting notices provided to municipalities be posted at municipal buildings and/or public libraries whenever possible. Notification of public involvement opportunities includes all contact information (mail, email, and phone number) of the Project Manager. This allows those without internet and mobile access to contact the project manager via multiple methods to learn about the project if they are unable to attend the in-person meeting and/or address accessibility concerns. The Project Manager can provide additional contact information for Environmental Office staff who can address environmental and NEPA-related comments, concerns, or questions.

In accordance with 23 CFR 771.111(h)(2)(iii), MaineDOT will work to ensure the public hearing or meeting is held at a convenient time and place. Public hearings must take place close to the project (within the municipality) and will typically be held in the early evening (e.g. 6:00 – 8:00 pm). The Project Manager is named in the notification and there is a link to communicate with the Project Manager on the website. Project Managers coordinate with MaineDOT's Environmental Office for talking points concerning NEPA and SEE impacts prior to the public hearing or meeting.

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Table 1. MaineDOT Public Involvement Guidelines

Level of Public Involvement	Typical NEPA Class of Action	Project Characteristics
<b>Notification</b> <ul style="list-style-type: none"> <li>➤ <i>Publication in STIP and MaineDOT Work Plan</i></li> <li>➤ <i>Written notice to Municipality/Abutters</i></li> </ul>	<ul style="list-style-type: none"> <li>➤ Categorical Exclusions</li> </ul>	<ul style="list-style-type: none"> <li>➤ Minimal Impact on abutters, travelling public, and environment (e.g., paving/resurfacing projects)</li> </ul>
<b>Virtual Public Involvement</b> <ul style="list-style-type: none"> <li>➤ <i>On-Demand Virtual Meeting</i></li> <li>➤ <i>Web-based Platforms</i></li> </ul>	<ul style="list-style-type: none"> <li>➤ Categorical Exclusions</li> <li>➤ Environmental Assessments</li> </ul>	<ul style="list-style-type: none"> <li>➤ More than minor/minimal Social, Economic, Environmental (SEE) Impacts</li> <li>➤ Municipal Request</li> </ul>
<b>In-Person Public Involvement</b> <ul style="list-style-type: none"> <li>➤ <i>Public Meetings</i></li> <li>➤ <i>Open Houses &amp; Forums</i></li> <li>➤ <i>Other Formats (workshops, etc.)</i></li> </ul>	<ul style="list-style-type: none"> <li>➤ Categorical Exclusions</li> <li>➤ Environmental Assessments</li> </ul>	<ul style="list-style-type: none"> <li>➤ Public Concern/Controversy</li> <li>➤ Established and/or Varied Stakeholder Groups</li> <li>➤ Limited Broadband/Cellular Service in Project Area</li> <li>➤ Municipal or Legislative Requests</li> <li>➤ Minority population within the project defined area <math>\geq 5\%</math> or other environmental justice concerns (<i>Contact group/community leaders to discuss project and identify needs</i>)</li> <li>➤ Environmental Assessment required</li> </ul>
<b>Public Hearing</b> <ul style="list-style-type: none"> <li>➤ <i>In-Person Public Hearing</i></li> </ul>	<ul style="list-style-type: none"> <li>➤ Environmental Assessments</li> <li>➤ Environmental Impact Statements</li> </ul>	<ul style="list-style-type: none"> <li>➤ Substantial Right of Way Impact</li> <li>➤ Substantial changes to the layout or functions of connecting roadways or of the facility being improved</li> <li>➤ Major Social Environmental, Economic or other impact</li> <li>➤ Substantial Adverse Impact on Abutting property</li> <li>➤ FHWA Determination that a public hearing is in the public interest</li> </ul>

### III. PUBLIC INVOLVEMENT- CATEGORICAL EXCLUSIONS

*The publication of the STIP and MaineDOT's three-year workplan provide an initial opportunity during the planning process for the public to comment on federally funded projects (for more information, see the MaineDOT Public Involvement in Transportation Decision-Making Plan).* At this stage the Environmental Office completes a preliminary and high-level screening of candidate projects for potential SEE impacts. Once the project has been incorporated in the final approved STIP and workplan, the project is officially "kicked off" by the MaineDOT Project Manager. The kick-off (or initiation) stage begins the initial review of potential SEE impacts of a project. The Environmental Office begins coordination with federal, state, local and tribal agencies and the public to identify resources within the area and potential project impacts to the environment and community. Examples include Section 106 notifications requesting information on historic resources, or information concerning the presence of threatened and endangered species for Section 7 compliance. A preliminary public meeting may occur approximately two months after the kick-off meeting. Information about the need for the project and the project site is gathered. Once a project has been preliminarily determined to be classified as a CE, the processes and procedures in this PIP must be followed.<sup>1</sup> CEs, as defined in 23 CFR 771.117(a), are actions which do not involve significant environmental impacts.

Public outreach is often in the form of public meetings or hearings, but it may also be addressed in less formal dialogues with municipal officials, interested parties and other stakeholders. The public involvement process may be different for each effort as projects vary in size, scope, complexity, and the length of time required for preliminary engineering, NEPA and final design. Table 1 summarizes the typical approach to public involvement based on project characteristics.

Virtual or in-person public meetings are completed for any project with impacts to abutters or the traveling public which are expected to be more than minor. A public meeting (virtual or in person) is used to inform the public of a proposed project, identify and resolve issues of concern as early as practicable, and invite public participation or engagement.

Typically, a for CE project with more than minor impacts MaineDOT conducts two public meetings: a preliminary public meeting and a final public meeting. The MaineDOT Project Manager is responsible for scheduling and coordinating all public meetings related to the project. The Environmental Office coordinates development of talking points concerning NEPA and environmental impacts with the Project Manager. At the preliminary public meeting, which is held typically within two months of the project kick-off, minimal design has occurred, and the content is focused on project purpose and need, information about the site, environmental resources, potential right of way needs, and public concerns and input. It is critical for the Project Manager to provide information to the Environmental Office subsequent to the public meeting concerning potential environmental impacts and input from the public on potential impacts. At the final public meeting, typically options/alternatives have been considered and a Preliminary Design Report has been completed that recommends an engineering design solution. Discussions focus on the preferred preliminary design and impacts. For complex projects, additional public meetings or public involvement may be completed depending upon potential impacts.

FHWA and MaineDOT are required to consider all comments received from the public. Public input can help to inform the decision on the project. While there are no specific requirements for FHWA and MaineDOT to respond to all comments for a CE-level project, a response should be provided to all substantive comments. A substantive comment is one which suggests the modifications of an alternative, suggests the development and evaluation of an alternative not previously considered, supplements, improves or modifies analyses, or corrects a factual error. FHWA has specific guidance on responses to comments on EAs and EISs, which is addressed later in this document.

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<sup>1</sup> An individual public involvement plan may be developed and established for an individual project separately from this public involvement plan, subject to FHWA review and approval.

#### **IV. PUBLIC INVOLVEMENT-ENVIRONMENTAL ASSESSMENTS**

Public involvement requirements for the development of an EA are described in 23 CFR 771.119.

For actions that require an Environmental Assessment (EA), MaineDOT, in consultation with FHWA will, at the earliest appropriate time, begin consultation with interested agencies and others to advise them of the scope of the project and to achieve the following objectives:

- ✓ determine which aspects of the proposed action have potential for SEE impacts;
- ✓ identify alternatives and measures which might mitigate adverse environmental impacts; and
- ✓ identify other environmental review and consultation requirements which should be performed concurrently with the EA.

MaineDOT will accomplish this through an early coordination process or through a scoping process. Public involvement will be summarized, and the results of agency coordination will be included in the EA.

The EA is subject to FHWA approval before it is made available to the public as an FHWA document.

The EA need not be circulated for comment, but the document must be made available for public inspection at MaineDOT and at FHWA. Notice of availability of the EA, briefly describing the action and its impacts, will be sent by MaineDOT to the affected units of government.

##### **EAs with a Public Hearing**

When a public hearing is held, the EA will be made available at the public hearing and for a minimum of 15 days in advance of the public hearing. The notice of the public hearing in local newspapers will announce the availability of the EA and where it may be obtained or reviewed. MaineDOT will post the EA on its website for public review and comment. Comments will be submitted in writing to MaineDOT or FHWA within 30 days of the availability of the EA unless MaineDOT and FHWA determine, for good cause, that a different period is warranted. Public hearing requirements are described above.

##### **EAs with no Public Hearing**

When a public hearing is not held, MaineDOT will place a notice in a newspaper(s) similar to a public hearing notice and at a similar stage of development of the action, advising the public of the availability of the EA and where information concerning the action may be obtained. MaineDOT will post the EA on its website for public review and comment. The notice will invite comments from all interested parties. Comments will be submitted in writing to MaineDOT or FHWA within 30 days of the publication of the notice unless MaineDOT and FHWA determines, for good cause, that a different period is warranted.

FHWA will review the EA and any public hearing comments and other comments received regarding the EA and will respond to all substantive comments in writing. If FHWA agrees with MaineDOT's recommendation to issue a Finding of No Significant Impact (FONSI), it will publish a separate written FONSI incorporating by reference the EA and any other appropriate environmental documents.

After a FONSI has been made by FHWA, a notice of availability of the FONSI will be sent by MaineDOT to the affected units of Federal, State, and local government and the document will be available from MaineDOT and FHWA upon request by the public.

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### V. PUBLIC INVOLVEMENT-ENVIRONMENTAL IMPACT STATEMENTS

Public involvement requirements for the development of an Environmental Impact Statement (EIS) are described in 23 CFR § 771.111(h), 771.123 through 771.125 and 40 C.F.R. § 1506.6, as amended and FHWA Technical Advisory T 6640.8A (October 30, 1987).

As soon as practicable after determining that a proposal requires an environmental impact statement, the lead agency shall publish a notice of intent to prepare an environmental impact statement. MaineDOT and FHWA may complete preliminary scoping activities before publication of the NOI to ensure that the proposal is sufficiently developed to allow for meaningful public comment. The notice shall include, as appropriate:

- (1) The purpose and need for the proposed action;
- (2) A preliminary description of the proposed action and alternatives the environmental impact statement will consider;
- (3) A brief summary of expected impacts;
- (4) Anticipated permits and other authorizations;
- (5) A schedule for the decision-making process;
- (6) A description of the public scoping process, including any scoping meeting(s);
- (7) A request for identification of potential alternatives, information, and analyses relevant to the proposed action (see § 1502.17 of this chapter); and
- (8) Contact information for a person within the agency who can answer questions about the proposed action and the environmental impact statement.

After publication of a Notice of Intent to prepare an EIS, MaineDOT and FHWA will continue the scoping process which may consider any planning work already accomplished, in accordance with 23 CFR 450.12 or 450.318. The scoping process will be used to identify issues to be addressed in the EIS.

A draft EIS will be circulated for comment by the applicant and posted to MaineDOT's website. The draft EIS will be made available to the public and transmitted to agencies for comment no later than the time the document is filed with the Environmental Protection Agency in accordance with 40 CFR 1506.9. The draft EIS will be transmitted to public officials, interest groups, and members of the public known to have an interest in the proposed action or the draft EIS; Federal, State and local government agencies expected to have jurisdiction or responsibility over, or interest or expertise in, the action; and States and Federal Land Management entities which may be significantly affected by the proposed action or any of the alternatives.

#### **EIS Formal Public Hearings**

A formal public hearing must be held for all EIS projects. FHWA procedures for formal public hearings are provided above in Section II.D. This section of the NEPA lays out additional requirements unique to EISs.

Whenever an EIS public hearing is held, the draft EIS will be available at the public hearing and for a minimum of 15 days in advance of the public hearing. The availability of the draft EIS will be mentioned, and public comments requested, in any public hearing notice and at any public hearing presentation. If a public hearing on an action proposed for FHWA funding is not held, a notice will be placed in a newspaper similar to a public hearing notice

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advising where the draft EIS is available for review, how copies may be obtained, and where comments should be sent. MaineDOT will post the Draft EIS on its website.

After circulation or publication of a draft EIS and consideration of comments received, a final EIS will be prepared by the lead agencies.

- ✓ The final EIS will identify the preferred alternative and evaluate all reasonable alternatives considered. It will also discuss substantive comments received on the draft EIS and responses thereto, summarize public involvement, and describe the mitigation measures that are to be incorporated into the proposed action.
- ✓ The final EIS will be transmitted to any persons, organizations, or agencies that made substantive comments on the draft EIS or requested a copy, no later than the time the document is filed with the Environmental Protection Agency.
- ✓ The applicant will also publish a notice of availability in local newspapers and publish the final EIS on Maine DOT's website.
- ✓ When filed with the Environmental Protection Agency, make the Final EIS available for public review at the applicant's offices and at the FHWA Maine Division Office. A copy should also be made available for public review at institutions such as local government offices, libraries, and schools, as appropriate.

When the final EIS is not combined with the Record of Decision (ROD), the FHWA will complete and sign a ROD no sooner than 30 days after publication of the final EIS notice in the Federal Register or 90 days after publication of a notice for the draft EIS, whichever is later. The ROD will present the basis for the decision, summarize any mitigation measures that will be incorporated in the project, and document any required Section 4(f) approval. All substantive comments received on the final EIS should be identified and given appropriate responses. Other comments should be summarized, and responses provided where appropriate. To minimize hardcopy requests and printing costs, the FHWA encourages the use of project websites or other publicly accessible electronic means to make the ROD available.

### **VI. PUBLIC INVOLVEMENT REQUIREMENTS OF SPECIFIC FEDERAL LAWS & REGULATIONS**

Sections I. through VI. of this Public Involvement Plan discuss general approaches to public involvement based on project characteristics and NEPA Class of Action. This section addresses the public involvement requirements specific to federal environmental laws and regulations under the NEPA umbrella that apply to all NEPA Classes of Action. Understanding the potential environmental impacts associated with a proposed transportation project is critical, from a variety of different viewpoints. MaineDOT's Project Managers and Environmental Office staff work together to complete the public involvement process in accordance with the federal laws and regulations listed below.

#### **A. Section 106 of the National Historic Preservation Act**

In accordance with Section 106 of the National Historic Preservation Act and its implementing regulations (36 CFR 800.2(d)), FHWA and MaineDOT are required to seek and consider the views of the public on a proposed undertaking and its effects on historic properties. To meet these requirements, MaineDOT's Environmental Office solicits early in the process for information about potential historic and archaeological properties. This solicitation occurs by sending letters to the municipality, tribes and Maine Historic Preservation Commission (Maine State Historic Preservation Officer or Maine SHPO). Specific public involvement procedures for Section 106 are regularly updated in MaineDOT's Section 106 Standard Operating Procedures (SOP).

Tribal Consultation procedures have been established through previous consultation efforts between FHWA, MaineDOT and each federally recognized tribe in Maine. Project specific consultation may be initiated by MaineDOT. The initial consultation will provide information which includes a map of the project area, a detailed description of the project, identifies project limits, and includes photographs of the project area, if available. FHWA will become involved in the consultation if there is a determination of adverse

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effect on historic properties to which a Tribe attaches religious or cultural significance or during government to government consultation.

Additionally, prior to the preliminary public meeting and final public meeting for a project, MaineDOT's Environmental Office will research and identify any historic resources within the project's Area of Potential Effect (APE). If there are historic resources present, MaineDOT's Environmental Office will coordinate with the Project Manager to ensure the historic resources are discussed and input regarding potential effects is received at the preliminary public meeting. In accordance with 36 CFR Part 800, it is required to receive public input on the eligibility of historic properties within the APE, effects on historic properties, and measures to minimize harm for adverse effects. Comments received from the public specific to historic properties will be provided to MaineDOT's Environmental Office for consideration during the Section 106 process. The Environmental Office also utilizes a public notice and posting information to the MaineDOT website at <https://www.maine.gov/mdot/env/comments/> for public review and comment on historic properties and effects.

On some projects, if Section 106 consulting parties are identified, Section 106 consulting parties' process is established. The Section 106 consulting parties' process can occur concurrently with the Section 106 public involvement process. However, the Section 106 consulting parties' process is separate from the Section 106 public involvement process.

B. Section 4(f) of the Department of Transportation Act

In accordance with Section 4(f) of the Department of Transportation Act and its implementing regulations (23 CFR 774.5(b)) and 23 CFR 771.111(h)(2)(viii) and FHWA Technical Advisory T 6640.8A *Guidance for Preparing and Processing Environmental and Section 4(f) Documents*, MaineDOT's Environmental Office will provide for public notice and an opportunity for public review and comment on Section 4(f) de minimis impact findings specifically on publicly owned parks, recreational areas, wildlife and waterfowl refuges.

MaineDOT's Environmental Office will identify Section 4(f) resources and associated de minimis use. MaineDOT's Environmental Office will coordinate with the Project Manager to ensure the de minimis use is discussed and input regarding potential effects is received at a public meeting. Or, input will be provided by a public notice and posting information to the MaineDOT website for public review and comment on the de minimis use.

C. 23 CFR 772 – Highway Traffic Noise and Construction Noise

Abatement of highway traffic noise and construction noise is also part of the environmental analysis for federally funded transportation projects. If a technical analysis determines a noise barrier is warranted to mitigate the noise associated with a project, a public meeting is required. Adjacent landowners and abutters to the project will be notified of the public meeting and invited to participate. MaineDOT's Project Manager, in cooperation with MaineDOT's Environmental Office and MaineDOT's Air Quality and Noise Specialist, will work together to determine appropriate public involvement activities and conduct public involvement in accordance with MaineDOT's most current Highway Traffic Noise Policy and this PIP.

D. Environmental Justice

Environmental Justice issues must be considered when planning any public involvement activity. Through MaineDOT's public process, comments and concerns regarding disproportionately high and adverse human health or environmental effects on low income and minority populations will be identified and addressed. If a population of low-income or minority populations is identified or comments are received on Environmental Justice issues, MaineDOT will ensure engagement of the population through public involvement procedures outlined in FHWA's *Guidance on Environmental Justice and NEPA* (2011).

MaineDOT shall implement the following procedures to the maximum extent practicable to ensure effective Outreach to Underserved People:

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- Utilize tools such as EPA's EJ Mapper and American Community Survey to identify populations in the project area;
- Ensure the participation of identified minority and low-income populations located within the limits of a proposed project by holding meetings that are close to or adjacent to the project areas;
- Provide good access for public participation by holding public forums and meetings at facilities that are ADA-accessible, at times that are convenient considering the work hours of the affected population, and offering translation services for non-English speaking populations upon request;
- Provide adequate notice of virtual or in person meetings that are accessible to low income populations/limited internet populations (e.g., providing meeting materials in a mobile-phone accessible format, and/or placing meeting notice at public libraries and schools); and
- Offer alternative methods of sharing information and obtaining feedback as suggested by community leaders and/or community members.

The NEPA document shall include in the appropriate section a discussion of major proactive efforts to ensure meaningful opportunities for public participation including activities to increase low-income and minority participation. Include in the document the views of the affected population(s) about the project and any proposed mitigation, and describe what steps are being taken to resolve any controversy that exists. Document the degree to which the affected groups of minorities and/or low-income populations have been involved in the decision-making process related to the alternative selection, impact analysis and mitigation.

Should changes to a project occur after all public involvement requirements have been met, FHWA and MaineDOT will determine whether the changes or new information warrant additional public involvement, based on the reevaluation of project environmental documents required by 23 CFR 771.111(h)(3).

### VII. RE-EVALUATIONS

Based on the reevaluations of project environmental documents required by 771.129, the FHWA and MaineDOT will determine whether changes in the project or new information warrant additional public involvement. Re-evaluations generally do not require public involvement. However, public involvement may be required in situations where there are changes to the project or circumstances that involve other environmental review laws that have their own public involvement requirements (for example, Section 4(f) (23 U.S.C. 138/49 U.S.C. 303) requirements and Section 106 of the National Historic Preservation Act). Although re-evaluations generally do not require public involvement, the Agency, in consultation with the project sponsor, may determine that some form of public involvement is appropriate.

### VIII. REVISIONS TO THIS PLAN

MaineDOT or FHWA may request revision of the PIP at any time, as additional coordination efforts and processes are identified. If the PIP is revised, it must be made available for public comment.

  
\_\_\_\_\_  
Joyce N. Taylor, P.E.  
Chief Engineer  
Maine Department of Transportation

Date

  
\_\_\_\_\_  
Todd D. Jorgensen  
Maine Division Administrator  
Federal Highway Administration

11/01/21

Date

**Appendix A- Example Public Notice Format**

**Notice of *Insert Preliminary or Formal***

**ON-DEMAND VIRTUAL  
PUBLIC MEETING  
*(Insert Town(s))***

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**To Discuss *(replace with project description here)***

**Access to this and all other Virtual Public Meetings  
are available at <http://mainedot.gov/vpi>  
This meeting gives the opportunity for public comment.**

MaineDOT will have an on-demand presentation available that will act as our *(Insert Prelim, Formal or Informational)* Public Meeting. This meeting will give information about the proposed project, including video presentations and other pertinent information to help the public understand the project. These on-demand meetings allow for increased engagement and convenient viewing at any time. The meeting also provides the ability for online comments and questions that will be answered by MaineDOT staff.

The Department is conducting the public meeting to inform the public and invite public comments. We are particularly interested in learning local views, discovering local resources, and identifying local concerns and issues. Anyone with interest is asked to view the presentation at the above website.

MaineDOT invites and encourages you to review the meeting and share your thoughts on this project until *(Insert the date comments close)*. While the official comment period closes on that date, the meeting will still be available for viewing beyond that date at our Project Library page located at this site. <https://www.maine.gov/mdot/vpi/library/>

Accommodations will be made for persons with disabilities. Translation services for non-English speakers will be provided upon request with reasonable advance notice.

Questions, comments, or inquiries can be made directly through the on-demand meeting or can be directed to the Project Manager listed below.

*(Add Name)*, Project Manager,  
Maine Department of Transportation,  
24 Child Street, 16 State House Station,  
Augusta, Maine 04333-0016.  
Telephone: (207) 624-xxxx.  
Email: *(Add email)*

**Work Identification Numbers 000000.00  
Federal Aid Project Number STP-000000**



**Notice of  
AN INFORMATIONAL  
PUBLIC MEETING  
IN BLUE HILL**

**TO DISCUSS  
THE BLUE HILL FALLS BRIDGE**

**Tuesday, AUGUST 8, 2017  
AT 6:30 P.M.  
IN THE AUDITORIUM  
OF THE BLUE HILL TOWN OFFICE  
LOCATED ON 18 UNION STREET**

Please join MaineDOT on Tuesday, August 8<sup>th</sup> at 6:30pm for an informational public meeting to discuss the future of the Falls Bridge (#5038) which carries Route 175 over the Salt Pond in Blue Hill.

Representatives of the Maine Department of Transportation and local Bridge Advisory Committee are investigating rehabilitation and replacement options of the existing bridge and would like to hear the community's concerns, receive comments and answer questions from anyone with an interest in the project.

The Department will present information on the existing condition of the Falls Bridge and identify the rehabilitation & replacement options currently being considered. No specific design or detailed plans will be presented. This meeting is an opportunity for the public to ask questions and provide comment for further consideration by the Department and Bridge Advisory Committee.

Accommodations will be made for persons with disabilities. Auxiliary aids will be provided upon advanced request.

Any inquiries regarding this project may be directed to the attention of Andrew Lathe, Project Manager, Maine Department of Transportation, Highway Program, 16 State House Station, Augusta, Maine 04333-0016. Telephone: (207) 441-7362. Email: [andrew.w.lathe@maine.gov](mailto:andrew.w.lathe@maine.gov).

**Work Identification Number 017712.00  
Federal Aid Project Number STP-1771(200)X  
TTY Telephone (888) 516-9364**