



# LPA MANUAL SECTION 4 ENVIRONMENTAL REVIEW

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# ENVIRONMENTAL REVIEW - OVERVIEW

## 1. MaineDOT Environmental Office vs. Local Responsibility

## 2. Major Laws and Regulations

- National Environmental Policy Act (NEPA)
  - Section 106 of the Historic Preservation Act
  - Section 7 of the Endangered Species Act
  - Manguson-Stevens Fishery Conservation and Management Act (Essential Fish Habitat)
  - Section 4(f) of the Department of Transportation Act
  - Section 6(f) of the Land and Water Conservation Act
- Maine Natural Resources Protection Act (NRPA)
- Clean Water Act

## 3. Submittals to MaineDOT (Environmental)

- Letter 11 – NEPA Checklist
- Letter 12 – Environmental Certification

## 4. LAP Environmental Checklist



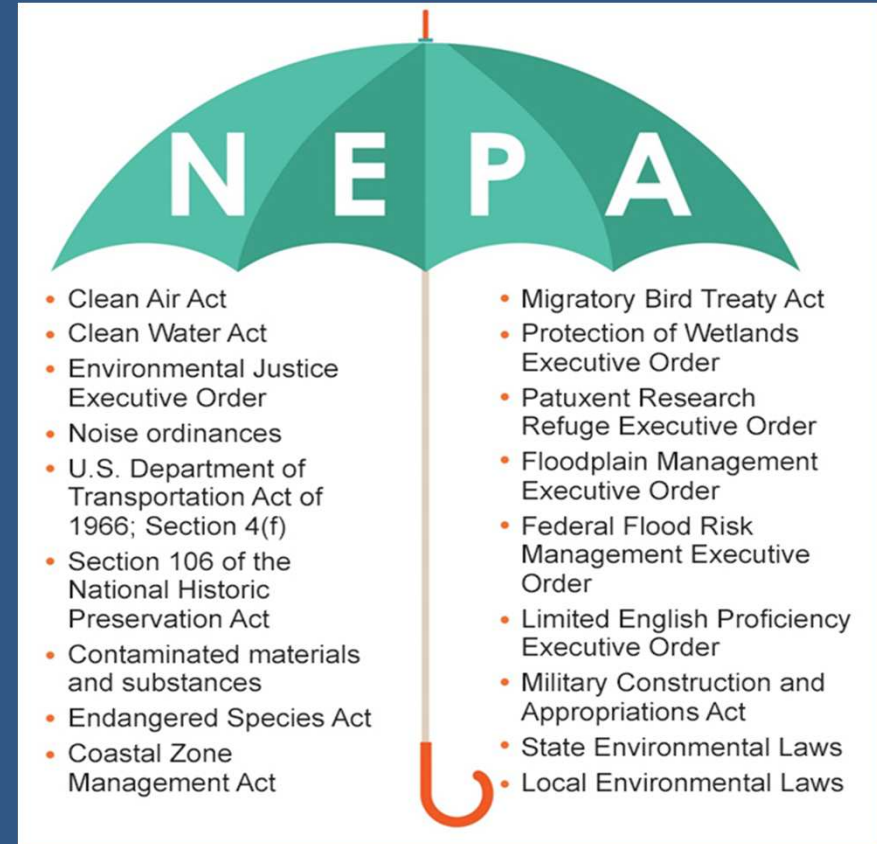
# 1. MAINEDOT VS. LOCAL RESPONSIBILITY

TASK	RESPONSIBILITY
National Environmental Policy Act (NEPA)	Federal funds: MaineDOT State funds only: Municipality through federal permit
Section 106 of the Historic Preservation Act	Federal funds: MaineDOT State funds only: Municipality 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)	Federal funds: MaineDOT State funds only: Municipality through federal permit
Hazardous Materials	MaineDOT with assistance from municipality
Environmental Permits	Municipality
Dredge Materials	Municipality
Natural Resource Surveys (wetlands, streams, fisheries, etc.)	Municipality
Mitigation	Municipality
All Stormwater Permits (Ch500, ESC law, MPDES)	Municipality
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## 2. MAJOR LAWS AND REGULATIONS

### National Environmental Policy Act (NEPA)

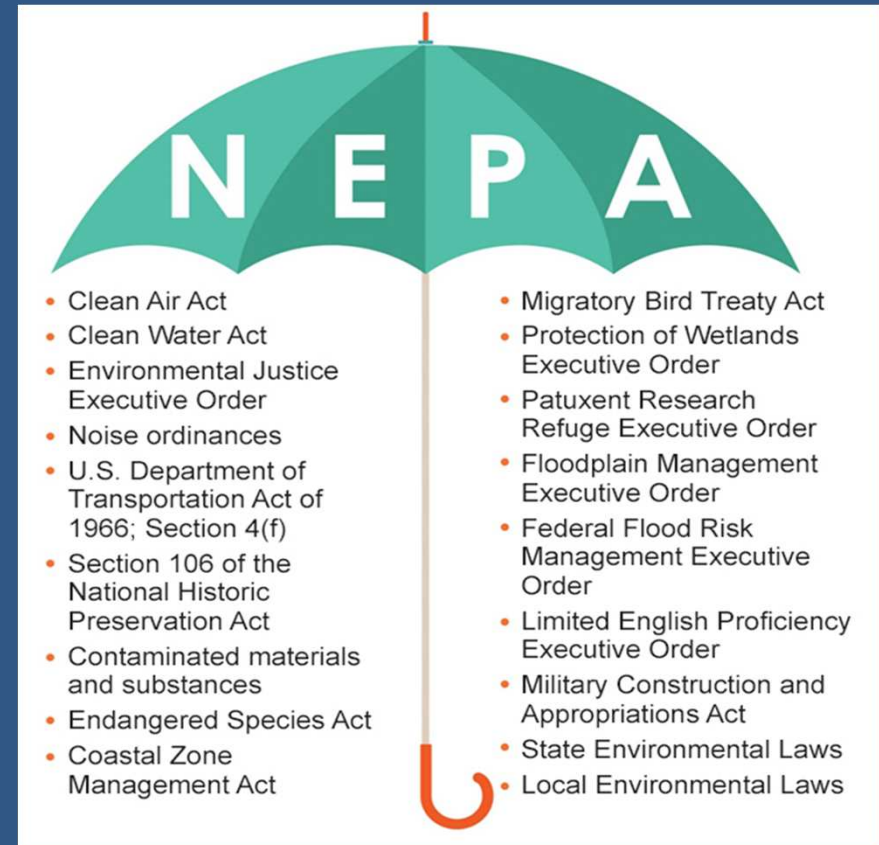
- Required for any Federal Nexus
  - Federal funds, Federal (ACOE) Permit
- Purpose and Need Statement
  - Important when evaluating project alternatives
- Types of NEPA review
  - Environmental Impact Statement
  - Environmental Assessment
  - Categorical Exclusion (most common)



## 2. MAJOR LAWS AND REGULATIONS

### Section 106 of the National Historic Preservation Act

- Completed by MaineDOT for Federally-Funded projects.
- Completed by Municipality for State Funded projects if requiring a federal permit.
- **Especially for projects**
  - **within historic districts,**
  - **near buildings more than 45 years old, or**
  - **Soil disturbance adjacent to rivers or streams.**



## 2. MAJOR LAWS AND REGULATIONS

### Section 7 of the Endangered Species Act

- Completed by MaineDOT for Federally-Funded projects.
- Completed by Municipality for State Funded projects if requiring a federal permit.
- **Especially for projects with:**
  - in stream work or
  - work in coastal waters,
  - tree clearing,
  - certain geographical areas.
- Updates to the species list expected in 2019.



## 2. MAJOR LAWS AND REGULATIONS

### Magnuson-Stevenson Fishery Conservation Act (Essential Fish Habitat)

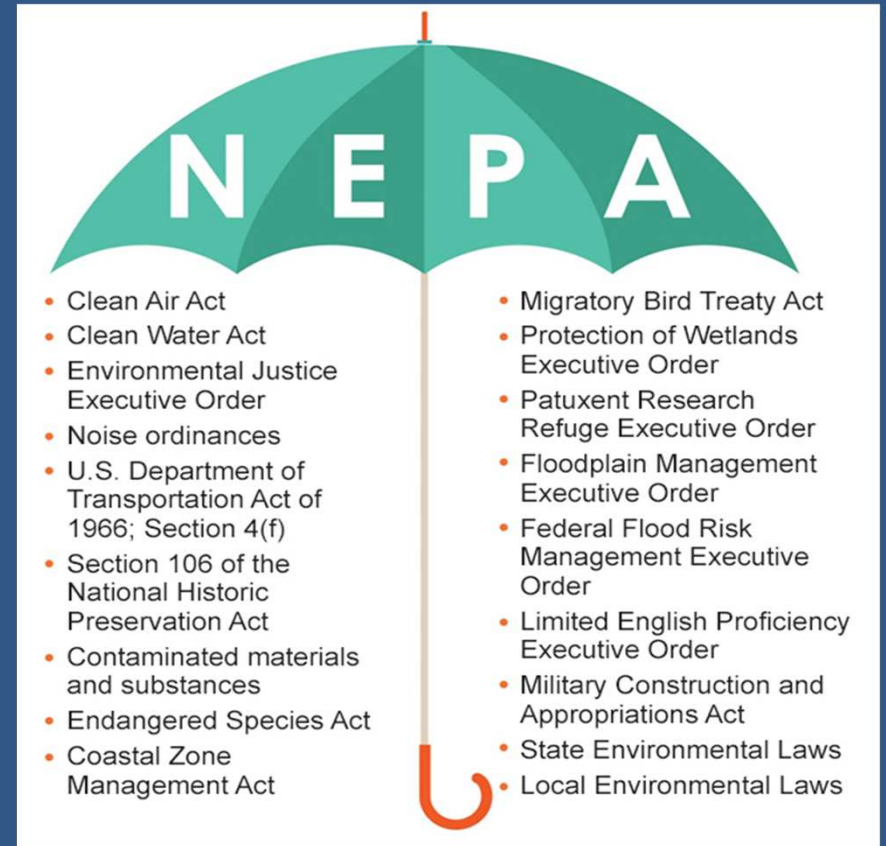
- Completed by MaineDOT for Federally-Funded projects.
- Completed by Municipality for State Funded projects if requiring a federal permit.
- **Especially for projects with**
  - in stream work or
  - work in coastal waters,
  - certain geographical areas



## 2. MAJOR LAWS AND REGULATIONS

### Section 4(f) of the USDOT Act of 1966

- Applies only to USDOT-funded projects
- **Especially for projects with**
  - **adverse effects to Section 106 resources**
  - **impacts to designated Parks or Public Space**

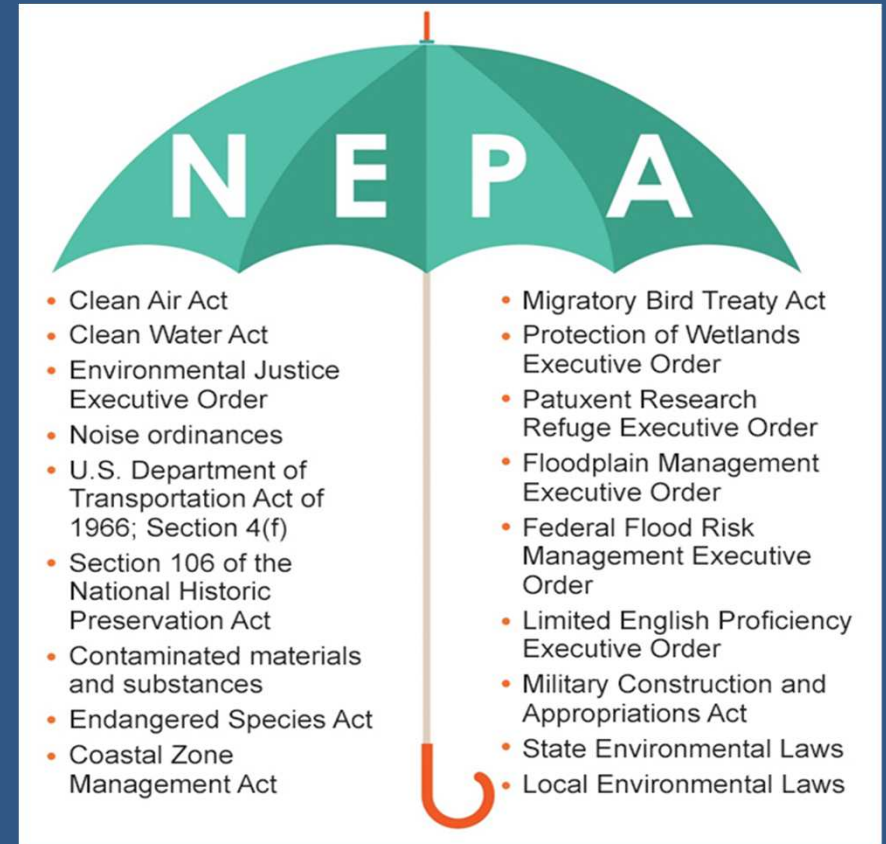




## 2. MAJOR LAWS AND REGULATIONS

### Section 6(f) of the LWC Act

- Applies to properties which received funds to promote recreation.
- Can be expensive, complicated, time consuming. We recommend avoiding it.
- **Potential for projects adjacent to**
  - **playgrounds,**
  - **parks,**
  - **other recreational facilities**
  - **boat launches, parking for access**



## 2. MAJOR LAWS AND REGULATIONS



### Maine Natural Resources Protection Act (NRPA)

- Required if impacting wetlands or adjacent to certain resources.
- Completed by Municipality
  - Check exemptions Title 38, Chapter 480-Q
  - Hire a consultant. See [www.mainewetlands.org](http://www.mainewetlands.org) for qualified wetland delineators.
- Permit-by-Rule 11 (Transportation) is not allowed.
- Call the Maine DEP for guidance.



**For projects with in-water work, wetland impacts, or adjacent to certain resources.**

## 2. MAJOR LAWS AND REGULATIONS



### Clean Water Act - Army Corps of Engineers

- Completed by Municipality for State- or Federally-Funded projects.
- All wetland impacts are regulated (permanent or temporary fill)
- Hire a consultant. See [www.mainewetlands.org](http://www.mainewetlands.org) for wetland delineation or permitting.



**For projects with in water work or wetland impacts.**

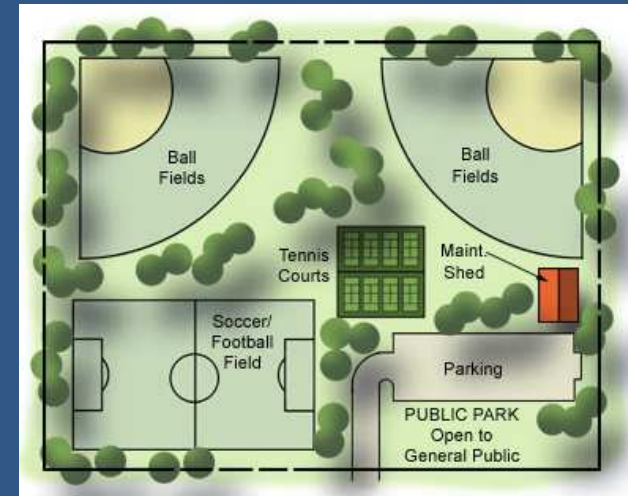
# 3. ENV SUBMITTALS TO MAINEDOT

## Letter 11 – NEPA

- NEPA Checklist
- Public Notification (Communication 10), show no public opposition.
- May require more coordination by MaineDOT before NEPA is certified complete.
- MaineDOT issues the Categorical Exclusion (CE)

## Letter 12 – Environmental Certification

- All approved environmental permits (ACOE and/or MDEP).
- MaineDOT issues summary sheet.



# 4. LAP ENVIRONMENTAL CHECKLIST

<b>1.) <u>Public Involvement</u>:</b> 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"/>
<b>Documentation:</b> Approved capital plan; meeting records; letters from the public; board meeting minutes; or <u>Communication 10</u> (Public Process).		
<b>2.) <u>Right-of-Way</u>:</b> 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"/>
<b>Documentation:</b> Design Plan Impacts Complete for the project		
<b>3.) <u>Endangered Species &amp; Essential Fish Habitat</u>:</b>		
a. Has a qualified person surveyed the project area for streams, rivers, coastal waters, wetlands, and vernal pools?	Yes <input type="checkbox"/>	No <input type="checkbox"/>
b. Were streams, rivers, coastal waters / wetlands, freshwater wetlands, or vernal pools identified?	Yes <input type="checkbox"/>	No <input type="checkbox"/>
c. Is any work proposed in or adjacent to a stream, river or coastal waters?	Yes <input type="checkbox"/>	No <input type="checkbox"/>
d. Does the project require clearing trees or trimming limbs 3" or greater in diameter?	Yes <input type="checkbox"/>	No <input type="checkbox"/>
<b>Documentation:</b> Resource delineation and plans with location of resource and work planned. If in-water work is proposed, project will be screened by the MaineDOT Environmental Office for intersection with habitat for endangered species and critical fish. Additional coordination with the Environmental Office will be required if the project is in one of these areas and includes in-water work or involves clearing.		
<b>4.) <u>Section 4(f) or 6(f)</u>:</b>		
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"/>
<b>Documentation:</b> Existing and proposed right-of-way plan, and a description of how impacts to these properties were avoided and minimized.		

# ENVIRONMENTAL OVERVIEW

The take-home messages for today:

NEPA must be re-evaluated AFTER 5 YEARS or IF THE PROJECT CHANGES (if NEPA was already completed).

Copies of ALL PERMITS AND APPROVALS are REQUIRED to complete the Environmental Summary Sheet and Contract Package.

PBR 11 – State Transportation Facilities CANNOT be used by Municipalities

# QUESTIONS?



MAINEDOT  
ENVIRONMENTAL OFFICE

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