

LPA MANUAL SECTION 4 ENVIRONMENTAL REVIEW

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Environmental Team Lead

ENVIRONMENTAL REVIEW - OVERVIEW

1. MaineDOT Environmental Office

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

2. Milestones and Environmental Documentation

Kickoff

PDR - Letter 10 & 11 - NEPA Checklist

Permits – Letter 12

Construction Contract Documentation

3. Questions and Contact Information

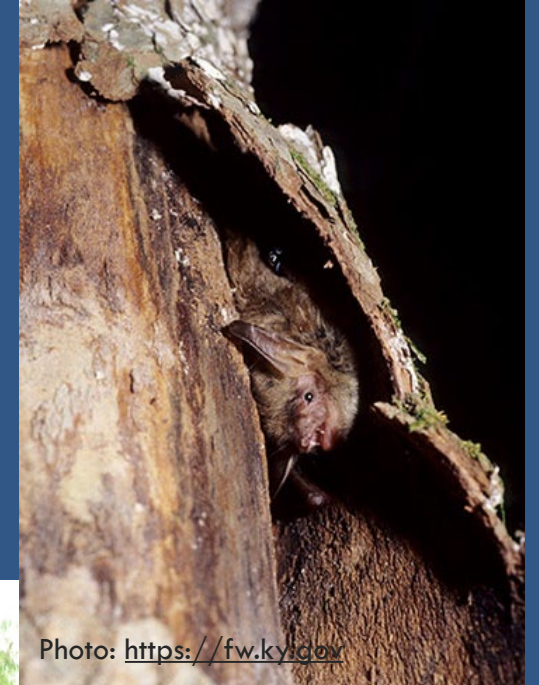


Photo: <https://fw.ky.gov>



1. MAINEDOT VS. LOCAL RESPONSIBILITY

This table is in the LPA Manual, 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
Executive Order 12898 (Environmental Justice)	Federal Funds: MaineDOT
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. MILESTONES

Project Kickoff

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

PDR

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

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.



2. MILESTONES

Project Kick off

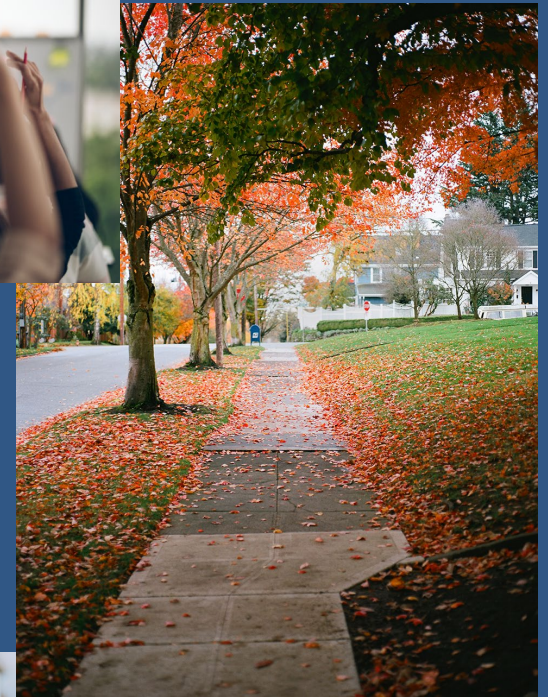
- Meeting or notification
- Provide scope of work and extents/locations

Preliminary Design Report (PDR)

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

Permits/PS&E

- Letter 12 – certifies no permits needed, or provide copies of approvals. Local
- MaineDOT provides Environmental Summary Sheet for Contract Package, may documents related to Environmental Commitments.



2. MILESTONES

Project Kick off

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

PDR

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

Permits/Final PS&E

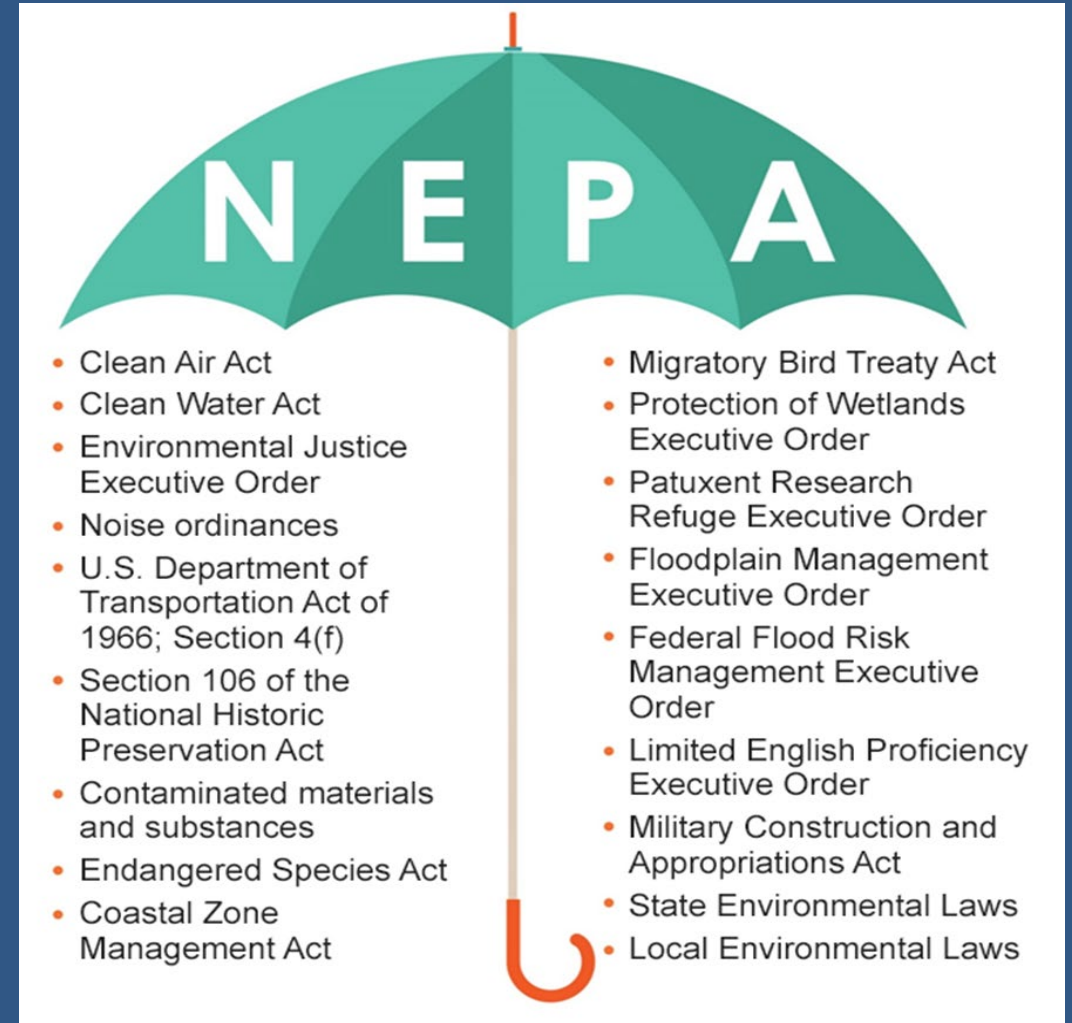
- Letter 12: Local Agency either certifies that no permits needed, or provides copies of approvals.
- MaineDOT provides Environmental Summary Sheet for Bid Package. May include General Note or other specification documents related to environmental commitments.



2. MILESTONES - NEPA

National Environmental Policy Act (NEPA)

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



2. MILESTONES - NEPA

Sections of NEPA that often cause delays or require additional coordination:

- **Section 106 of the National Historic Preservation Act**
 - Additional survey or review, coordination with local and state historic groups
- **Section 4(f) of the USDOT Act**
 - Details on ROW impacts, temporary vs. permanent
- **Section 7 of the Endangered Species Act**
 - Need scope, in-water work, noise, clearing, lighting.
- **Contaminated Materials and Substances**
 - Subsurface borings, coordination with MDEP
- **Executive Order 12898 (Environmental Justice)**
 - Public process and evaluation of burden vs. benefit.



2. NEPA CHECKLIST

Updated in 2022.

Please use newest version:

www.maine.gov/mdot/lpa/lpadocuments/

1.) Public Involvement: Is there substantial public opposition to proposed action? Yes No
The answer should become apparent at a public meeting.
Documentation: Approved capital plan; meeting records; letters from the public; board meeting minutes; or Communication 10 (Public Process).

2.) Right-of-Way: Does action include a residential or commercial displacement or acquisition of property rights that will result in substantial abutter impacts? Yes No
For help with "substantial," contact your Project Manager at MaineDOT.
Documentation: Design Plan Impacts Complete for the project

3.) Endangered Species & Essential Fish Habitat:

a. Has a qualified person surveyed the project area for streams, rivers, tidal waters, wetlands, or vernal pools identified coastal waters, wetlands, and vernal pools? Yes No

b. Any streams, rivers, tidal waters, wetlands, or vernal pools identified? Yes No

c. Is any work proposed in or adjacent to a stream, river or coastal waters? Yes No

d. Does the project require clearing trees or trimming limbs 3" or greater in diameter? Yes No

Documentation: 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.

4.) Section 4(f) or 6(f):

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 No

b. Will project require temporary or permanent rights on any protected 4(f) resource listed above? Yes No

Documentation: Existing and proposed right-of-way plan, and a description of how impacts to these properties were avoided and minimized.

5.) Executive Order 12898 (Environmental Justice): Does the project affect businesses, housing agency property, community services, public transportation or pedestrian access; or will it limit access to these services (permanently or temporarily)? Yes No

2. MILESTONES - PERMITS

These permits must be included with Letter 12 submittal:

Environmental Permitting

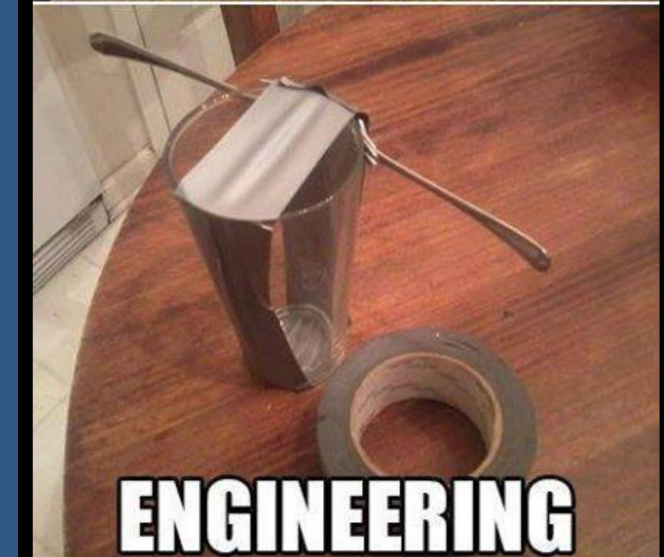
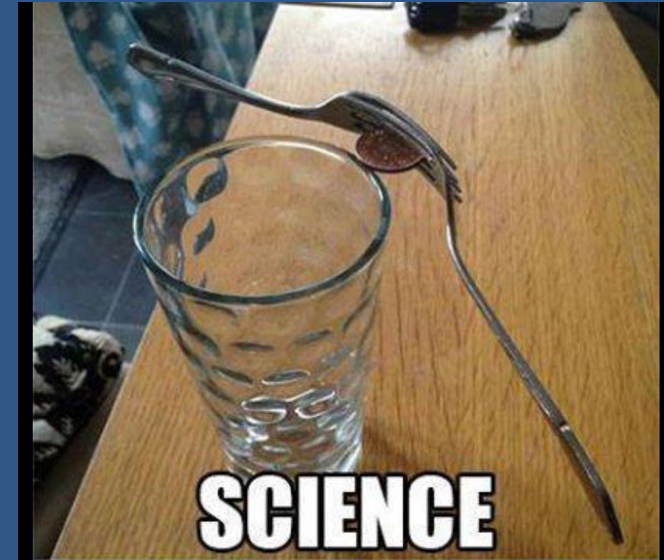
- State/federal wetland, stormwater permits, construction general permit, etc.) is the responsibility of the Local Agency
- See www.mainewetlands.org for list of wetland delineators and contacts

Maine Natural Resources Protection Act (NRPA)

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

Clean Water Act (US Army Corps of Engineers)

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



2. MILESTONES – FINAL PS&E

Letter 12 – Environmental Certification:

- Include copies of approved environmental permits.
- MaineDOT provides summary sheet for bid book, with any related contract specification documents.




After Advertise:

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



2. BID PACKAGE

- MaineDOT provides environmental summary sheet and any language or Special Provisions for federal commitments
- Contractor provides Soil Erosion and Water Pollution Control Plan (SEWPCP) to the Resident.
- Municipality is responsible for environmental compliance / oversight.



MaineDOT

LAP Environmental Summary Sheet

WIN: _____ Date Submitted: _____
 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	N/A <input type="checkbox"/>	Applicable <input checked="" type="checkbox"/>
General Note for Hazardous Waste	N/A <input type="checkbox"/>	Applicable <input type="checkbox"/>
Special Provision 105-Timing of Work Restriction	N/A <input type="checkbox"/>	Applicable <input type="checkbox"/>
Special Provision 656-Minor Soil Disturbance	N/A <input type="checkbox"/>	Applicable <input type="checkbox"/>
Special Provision 203-Dredge Spec	N/A <input type="checkbox"/>	Applicable <input type="checkbox"/>
Special Provision 203-Hazardous Waste	N/A <input type="checkbox"/>	Applicable <input type="checkbox"/>

Comments: _____

QUESTIONS?



MAINEDOT
ENVIRONMENTAL OFFICE

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