



Local Agency Programs & The National Environmental Policy Act (NEPA)

Eric Costa, Transportation Planner

MDOT – Environmental Services

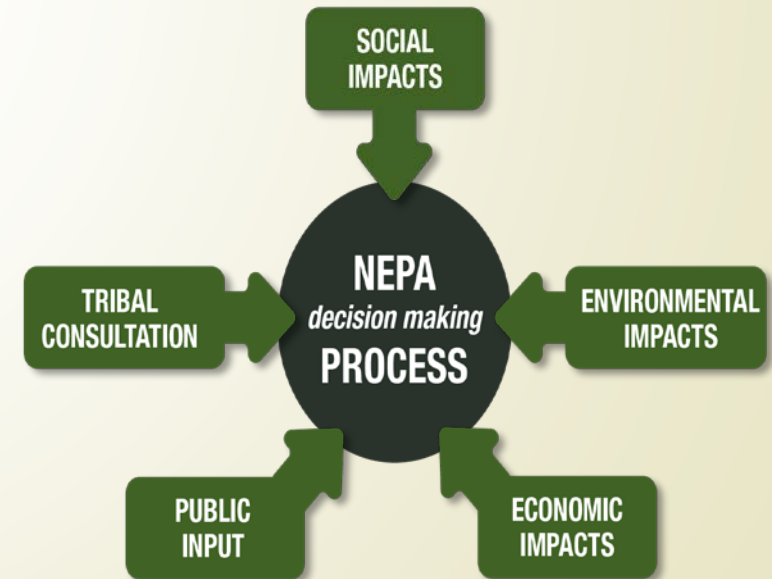
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Agenda

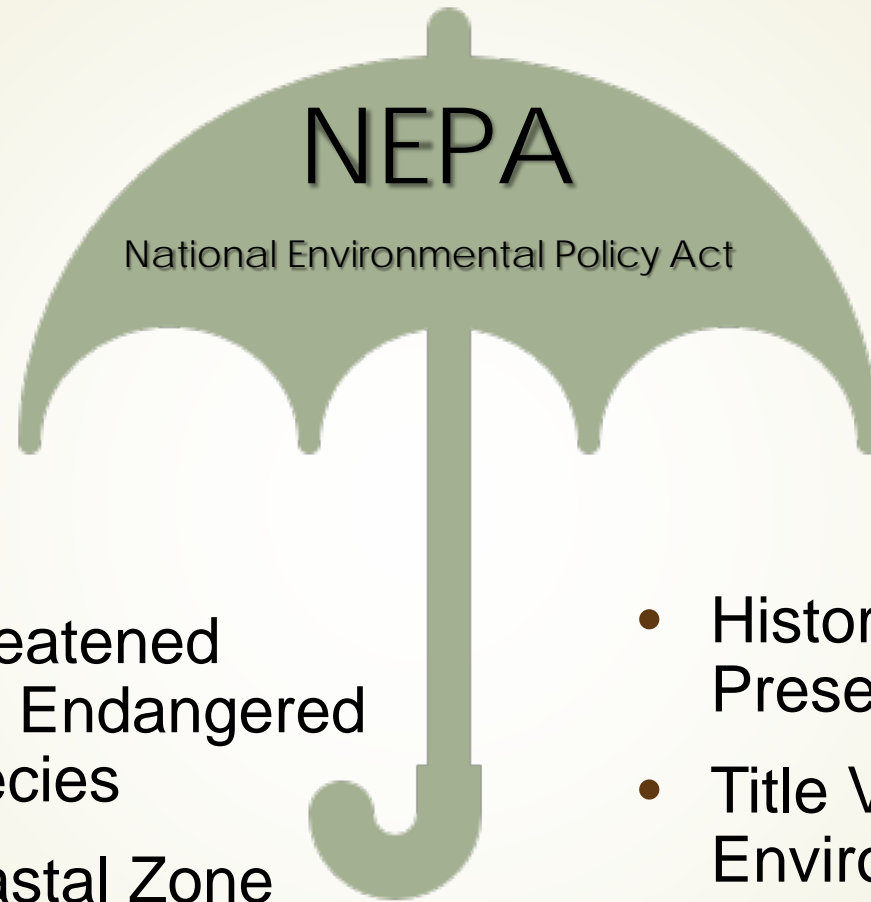
- ▶ NEPA – The basics: What is it and why do we do it?
- ▶ NEPA and the MDOT LAP Program: What does NEPA and the MDOT LAP program look like?
- ▶ Changes/Updates: NEPA application / timelines, SHPO, T&E

NEPA: The Basics

- ▶ Federal Law
- ▶ Impacts projects with a federal nexus (funding, permits)
- ▶ Addresses impacts to the human environment
 - ▶ Socio-Economic
 - ▶ Natural Environment
- ▶ Is a decision making process



NEPA: The Basics



- Public Involvement
- Wetland and Floodplain Permits
- Farmland Protection
- Water Quality Protection

- Threatened and Endangered Species
- Coastal Zone Consistency
- Air Quality Conformity

- Historic Preservation
- Title VI and Environmental Justice
- Recreation Area Protection

- Noise Abatement
- Sustainable Development
- Community Impact Assessment



NEPA and the MDOT LAP Program

Easy as 1, 2, 3... maybe...

01

Local Agency is responsible for evaluating environmental impacts and classifying the project on behalf of FHWA.

02

NEPA application submitted to MDOT LAP for review.

03

If MDOT concurs with the local agency findings for a CE, MDOT signs and approves the classification.

If no concurrence, re-examine impacts and submit additional info, OR, move to EA or EIS.



NEPA and the MDOT LAP Program

Major Federal Actions:

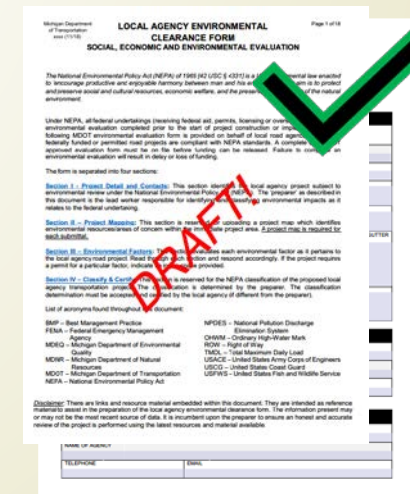
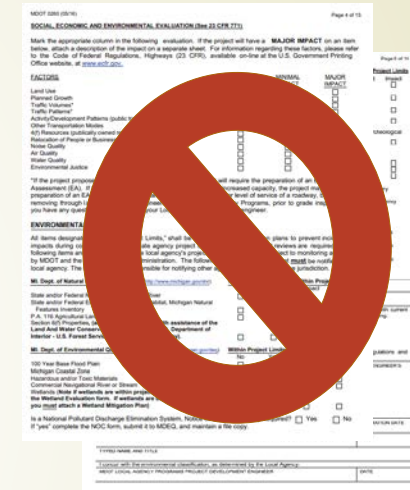
MDOT LAP averages <5 major federal actions per year

- ▶ Requires in-depth analysis of environmental factors
- ▶ Requires higher degree of public involvement and coordination with resource agencies
- ▶ Requires alternatives analysis including a no-build option
- ▶ Much larger time and resource commitment
- ▶ Requires review and comment of FHWA and EPA

Changes/Updates: NEPA application

A revised NEPA application is in development for the LAP program

- Replacing MDOT form 0260 (pages 4&5 in current LAP application) and wetland section
- Will become a standalone document which is due 2-6 months ahead of current program application
- Will be available for use starting 01/01/2019
- New standalone MDOT-LAP-NEPA webpage





Changes/Updates: NEPA application

Major Application Changes:

- Mapping: Will require a **project map** to be submitted which identifies project limits and impacted environmental resources (i.e. wetlands, historic properties...).
- Environmental Factor Review: **Supplemental questions** are asked to help derive the level of impact.
- Environmental Factor Review: In most sections, a comment space is provided for local agencies to **elaborate on impacts, mitigations, avoidance measures or collaboration with resource agencies.**
- Environmental Factor Review: In some instances supplemental **attachments are needed such as: public notices/minutes, noise/air analysis, resource agency correspondence**

**LOCAL AGENCY ENVIRONMENTAL
CLEARANCE FORM
SOCIAL, ECONOMIC AND ENVIRONMENTAL EVALUATION**

Changes/Updates: NEPA application

Application title page

The National Environmental Policy Act (NEPA) of 1969 [42 USC § 4331] is a US environmental law enacted to 'encourage productive and enjoyable harmony between man and his environment'. Its aim is to protect and preserve social and cultural resources, economic welfare, and the preservation/protection of the natural environment.

Under NEPA, all federal undertakings (receiving federal aid, permits, licensing or oversight) must have an environmental evaluation completed prior to the start of project construction or implementation. The following MDOT environmental evaluation form is provided on behalf of local road agencies to ensure federally funded or permitted road projects are compliant with NEPA standards. A complete and MDOT approved evaluation form must be on file before funding can be released. Failure to complete an environmental evaluation will result in delay or loss of funding.

The form is separated into four sections:

Section I - Project Detail and Contacts: This section identifies the local agency project subject to environmental review under the National Environmental Policy Act (NEPA). The 'preparer' as described in this document is the lead worker responsible for identifying and classifying environmental impacts as it relates to the federal undertaking.

Section II – Project Mapping: This section is reserved for uploading a project map which identifies environmental resources/areas of concern within the immediate project area. A project map is required for each submittal.

Section III – Environmental Factors: This section evaluates each environmental factor as it pertains to the local agency road project. Read through each section and respond accordingly. If the project requires a permit for a particular factor, indicate so in the space provided.

Section IV – Classify & Certify: This section is reserved for the NEPA classification of the proposed local agency transportation project. The classification is determined by the preparer. The classification determination must be accepted and certified by the local agency (if different from the preparer).

List of acronyms found throughout this document:

BMP – Best Management Practice	NPDES – National Pollution Discharge
FEMA – Federal Emergency Management Agency	Elimination System
MDEQ – Michigan Department of Environmental Quality	OHWM – Ordinary High-Water Mark
MDNR – Michigan Department of Natural Resources	ROW – Right of Way
MDOT – Michigan Department of Transportation	TMDL – Total Maximum Daily Load
NEPA – National Environmental Policy Act	USACE – United States Army Corps of Engineers
	USCG – United States Coast Guard
	USFWS – United States Fish and Wildlife Service

Disclaimer: There are links and resource material embedded within this document. They are intended as reference material to assist in the preparation of the local agency environmental clearance form. The information present may or may not be the most recent source of data. It is incumbent upon the preparer to ensure an honest and accurate review of the project is performed using the latest resources and material available.

[Clear Form](#)

Section I
Project Detail & Contacts

PROJECT DETAIL	
<input type="checkbox"/> NEW APPLICATION <input type="checkbox"/> REVISED APPLICATION	
RESPONSIBLE LOCAL AGENCY NAME	MDOT JOB #
DATE OF SUBMITTAL	ROUTE(S)
PROJECT LIMITS (FROM / TO)	
BRIDGE CROSSING(S) (EX: ELM @ 1 ST STREET)	
DETAILED WORK DESCRIPTION (INCLUDE <u>ALL</u> WORK ITEMS AS PART OF THIS PROJECT I.E. DRAIN CLEANING, CURB AND GUTTER REPLACE, GUARDRAIL REPLACEMENT)	
IF REVISED, LIST CHANGES MADE SINCE LAST SUBMISSION	

PREPARER INFORMATION		
FIRST	LAST	TITLE
COMPANY / AGENCY		
TELEPHONE	EMAIL	

LOCAL AGENCY CONTACT <input type="checkbox"/> SAME AS ABOVE		
FIRST	LAST	TITLE
NAME OF AGENCY		
TELEPHONE	EMAIL	

Changes/Updates: NEPA application

Project Detail and Contacts

Changes/Updates: NEPA application

Project Mapping

SECTION II PROJECT MAPPING

Mapping Documentation – Please attach a project map that displays the following:

- ❖ All locations/limits of the project (e.g. road limits, bridge and culvert locations, non-motorized pathways, ditching, utility relocation, streetscape items, new water retention/detention areas or any other item not described which could have potential environmental impacts).
- ❖ To the best of your ability, identify the following adjacent resources within the project limits. Please apply a 500' buffer.
 - Historic properties/districts (public and private)
 - Names of rivers/streams/drains – note if designated 'wild and scenic', 'natural' or 'commercially navigable'
 - Known hazardous/toxic sites
 - Wetlands
 - Public parks, recreation areas, refuges
 - USACE/MDEQ coastal zone
 - FEMA floodplain
 - PA 116 enrolled properties
- ❖ An aerial or street base map are both acceptable for providing spatial reference.
- ❖ A legend or key.

MDOT Mapping Tool – MDOT has published an online mapping tool to assist local agencies in identifying environmentally sensitive resources that may be impacted by their project. Local agencies are free to use this resource as the base for their project map.

Please note that the map tool contains public datasets which may or may not be owned and/or updated by MDOT. Due to the limited availability and reliability of data resources the applicant is responsible for ensuring all information is accurate as it relates to the environmental conditions and the prospective project.

Mapping Tips and Examples – [Click Here](#)

Attach map here:

Project Map

Changes/Updates: NEPA application

Environmental Factors

COMMERCIALLY NAVIGABLE RIVER OR STREAM

DO THE PROJECT LIMITS INTERSECT WITH A COMMERCIALY NAVIGABLE RIVER OR STREAM AS DESIGNATED BY THE USACE? IF NO, THIS SECTION IS COMPLETE. YES NO

IF YES, DOES THE PROJECT HAVE ANY DIRECT OR INDIRECT IMPACTS TO THE RIVER OR STREAM (WORK BELOW OHWM)? IF NO, THIS SECTION IS COMPLETE. YES NO

IDENTIFY THE NAME OF THE RIVER OR STREAM AND LIST KNOWN IMPACTS:

IF THERE HAS BEEN COMMUNICATION WITH MDEQ OR USACE REGARDING IMPACTS TO NAVIGABLE WATERS, PLEASE SUMMARIZE THAT CONVERSATION BELOW.

APPLICABLE PERMIT(S)	PERMIT NEEDED	
	YES	NO
USCG SECTION 9 NAVIGABLE WATERS - STRUCTURES: CONSTRUCTION/MODIFICATION OF ANY BRIDGE SPANNING NAVIGABLE WATERS	<input type="checkbox"/>	<input type="checkbox"/>
USACE - SECTION 10 NAVIGABLE WATERS	<input type="checkbox"/>	<input type="checkbox"/>



MORE INFO

**SECTION IV
CLASSIFY & CERTIFY**

Changes/Updates: NEPA application

Classify & Certify

PROJECT CLASSIFICATION	
<p>BASED ON THE SCOPE OF WORK, EVALUATION OF THE SOCIAL, ECONOMIC, AND ENVIRONMENTAL ISSUES, AND IN ACCORDANCE WITH FEDERAL GUIDELINES AND REGULATIONS, WE, THE PARTIES SIGNED BELOW, RECOMMEND THE PROJECT BE CLASSIFIED AS THE FOLLOWING:</p>	
<input type="checkbox"/>	CLASS I --PREPARATION OF AN ENVIRONMENTAL IMPACT STATEMENT -- 'MAJOR FEDERAL ACTIONS SIGNIFICANTLY AFFECTING THE QUALITY OF THE HUMAN ENVIRONMENT'
<input type="checkbox"/>	CLASS II -- CATEGORICAL EXCLUSION
<input type="checkbox"/>	CLASS III -- PREPARATION OF AN ENVIRONMENTAL ASSESSMENT
	FONSI DATE: <input type="text"/>

PROJECT CERTIFICATION		
<p>WE HEREBY CERTIFY THIS DOCUMENT TO BE TRUE AND ACCURATE FOR FULFILLING THE FEDERAL, STATE AND LOCAL LAWS, REGULATIONS AND REQUIREMENTS AND THAT THIS DOCUMENT HAS NOT BEEN MODIFIED IN ANY WAY FROM THE DATE OF CERTIFICATION DETAILED BELOW.</p>		
SIGNATURE OF PREPARER	DATE	NAME OF CONSULTANT/AGENCY
<input type="text"/>	<input type="text"/>	<input type="text"/>
LOCAL AGENCY SIGNATORY (IF DIFFERENT FROM PREPARER)	DATE	TITLE
<input type="text"/>	<input type="text"/>	<input type="text"/>
FOR MDOT USE ONLY		
<p>I APPROVE THE ENVIRONMENTAL CLASSIFICATION AS DETERMINED BY THE LOCAL AGENCY.</p>		
MDOT LOCAL AGENCY PROGRAMS PROJECT DEVELOPMENT ENGINEER:	DATE: <input type="text"/>	
<input type="text"/>	<input type="text"/>	
<input type="checkbox"/> THIS PROJECT REQUIRES FHWA CONCURRENCE	DATE RECEIVED	
<input type="text"/>	<input type="text"/>	

SUBMIT

Changes/Updates: NEPA application

SECTION 4(F) PUBLIC PARKS, RECREATION, REFUGE

DOES YOUR PROJECT RUN THROUGH OR ADJACENT TO A PUBLICLY DESIGNATED PARK, RECREATION, OR REFUGE PROPERTY? IF NO, THIS SECTION IS COMPLETE.

YES NO

WILL CONTINUED ACCESS TO THE 4(F) PROPERTY (INCLUDING TRAILS) BE MAINTAINED THROUGHOUT CONSTRUCTION?

YES NO

WILL CONSTRUCTION ACTIVITIES BE CONTAINED WITHIN THE ROAD ROW (NO PROPERTY ACQUISITION OUTSIDE ROAD ROW)? IF YES TO THIS QUESTION AND THE ABOVE QUESTION, THIS SECTION IS COMPLETE.

YES NO

DID THE AUTHORITY/ENTITY WITH OFFICIAL JURISDICTION OVER THE 4(F) PROPERTY GIVE PERMISSIONS (NOT OWNERSHIP OR EASEMENTS) TO USE THE 4(F) PROPERTY FOR TRANSPORTATION RELATED PURPOSES?

YES NO

IF THERE WAS A TRANSFER OF OWNERSHIP (NOT JUST PERMISSION) OR PERMANENT EASEMENT FROM A PUBLIC PARK, RECREATION, OR REFUGE AREA TO A ROAD ROW, WAS THE PUBLIC NOTIFIED AND ALLOWED TO COMMENT PRIOR TO THE TRANSFER/EASEMENT?

YES NO N/A

PLEASE DESCRIBE THE CURRENT USE OF THE PROPERTY (OPEN SPACE, PLAYGROUND, PICNIC, RECREATION ACTIVITIES...)

DRAFT!

SOCIAL, ECONOMIC AND ENVIRONMENTAL EVALUATION (See 23 CFR 771)

Mark the appropriate column in the following evaluation. If the project will have a **MAJOR IMPACT** on an item below, attach a description of the impact on a separate sheet. For information regarding these factors, please refer to the Code of Federal Regulations, Highways (23 CFR), available on-line at the U.S. Government Printing Office website, at www.ecfr.gov.

FACTORS

	NO IMPACT	MINIMAL IMPACT	MAJOR IMPACT
Land Use	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Planned Growth	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Traffic Volumes*	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Traffic Patterns*	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Activity/Development Patterns (public transit)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Other Transportation Modes	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
4(f) Resources (publicly owned recreation areas)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Relocation of People or Businesses	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Noise Quality	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Air Quality	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Water Quality	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Environmental Justice	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

ATTACH COPIES OF PUBLIC INVOLVEMENT MEETING MIN OFFICIAL WITH JURISDICTION OVER THE 4(F) PROPERTIES

Attach



MORE INFO

MI. Dept. of Environmental Quality (MDEQ) (<http://www.michigan.gov/deq>)

Within Project Limits **If Within Project Limits**

	No	Yes	No Impact	Impact
100 Year Base Flood Plain	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Michigan Coastal Zone	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Hazardous and/or Toxic Materials	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Commercial Navigational River or Stream	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Wetlands (Note if wetlands are within project limits, the Wetland Evaluation form. If wetlands are being you must attach a Wetland Mitigation Plan)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

SECTION III ENVIRONMENTAL CONSIDERATIONS

NATIONAL WILD AND SCENIC RIVERS AND STATE DESIGNATED NATURAL RIVERS

DOES THE PROJECT DIRECTLY ALTER, OR, INDIRECTLY IMPACT EITHER A FEDERALLY DESIGNATED NATIONAL WILD AND SCENIC RIVER OR STATE DESIGNATED NATURAL RIVER?

YES NO

IF YES, PROVIDE COMMENT ON THE PROJECTED IMPACTS, WHY THEY ARE NECESSARY, AND WHY THEY CANNOT BE AVOIDED. DESCRIBE WHAT IS BEING DONE TO MINIMIZE IMPACTS.

DRAFT!

APPLICABLE PERMIT(S)	PERMIT NEEDED	
	YES	NO
USFWS - SECTION 10 THREATENED AND ENDANGERED SPECIES / WILD-SCENIC RIVERS	<input type="checkbox"/>	<input checked="" type="checkbox"/>
MDEQ/USACE JOINT PERMIT:		
<input type="checkbox"/> INLAND LAKES & STREAMS	<input type="checkbox"/>	<input checked="" type="checkbox"/>
<input type="checkbox"/> DAM SAFETY	<input type="checkbox"/>	<input checked="" type="checkbox"/>
MDNR ZONING VARIANCE NATURAL RIVERS	<input type="checkbox"/>	<input checked="" type="checkbox"/>



MORE INFO

Changes/Updates: NEPA application

- 1) Qualifying question if/then
- 2) Supplemental questions
- 3) Supporting attachments
- 4) Comment / Additional info section
- 5) Resource / reference material

NOISE IMPACTS

DOES THIS PROJECT HAVE ANY OF THE FOLLOWING COMPONENTS? IF NO, THIS SECTION IS COMPLETE. 1

- CAPACITY INCREASE (TRAVEL THROUGH LANE OR AUXILIARY LANE [EXCEPT FOR TURN LANES])
- NEW ROAD
- NEW BOULEVARD

IF A NOISE ANALYSIS HAS BEEN CONDUCTED, PLEASE ATTACH HERE: 2

Attach 3

PLEASE DESCRIBE ANY NOISE MITIGATION EFFORTS: 4

MORE INFO 5

AIR QUALITY

IS THE PROJECT LOCATED IN A NON-ATTAINMENT OR MAINTENANCE AREA? IF NO, THIS SECTION IS COMPLETE. YES NO

FOR WHICH NAAQS LISTED CRITERIA POLLUTANT:

- PARTICULATE MATTER (PM_{2.5} OR PM₁₀)
- OZONE (O₃)
- CARBON MONOXIDE (CO)

OTHER:

IS THE PROJECT LISTED AS EXEMPT ON THE S/TIP FOR AIR QUALITY? IF YES, THIS SECTION IS COMPLETE. YES NO

PROJECT LEVEL HOT SPOT ANALYSIS FOR PM OR CO? YES NO

IF THE PROJECT UNDERWENT HOT SPOT ANALYSIS, PLEASE ATTACH A SUMMARY OF THE FINDINGS, OR, FORWARD A COPY TO MDOT LAP ONCE COMPLETE.

Attach

MORE INFO

DRAFT!

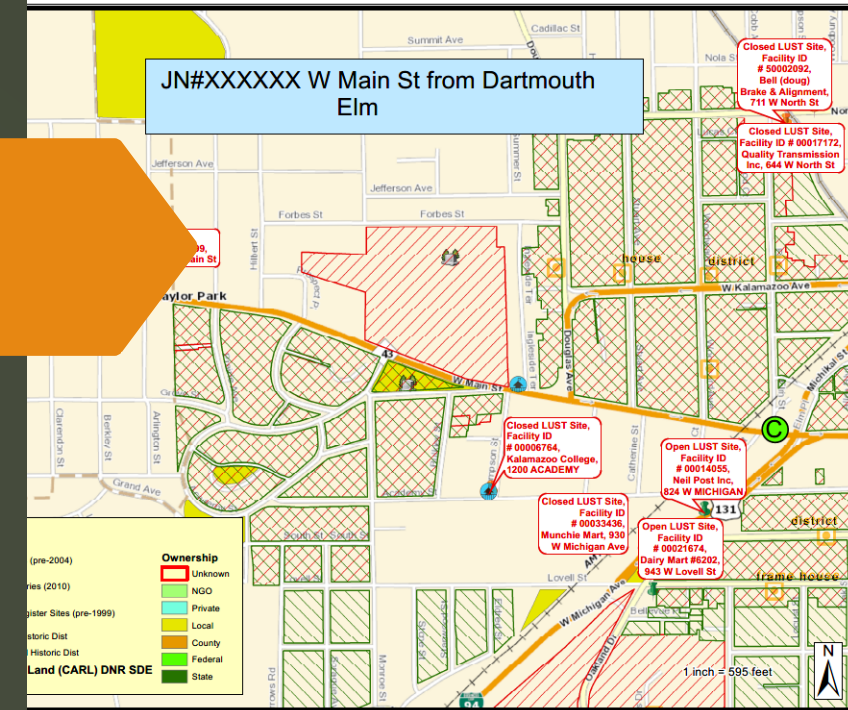
Changes/Updates: NEPA application

Examples: Environmental Maps

Use the future LAP web mapping portal, use your own GIS, or use a free online mapping tool.

Maps must:

- Symbology: Clear and discernable symbology depicting project limits and environmental factors.
- Legend/Key: A legend or key
- Scale: Select an appropriate map scale where items are clear
- Reference Features: To your best ability; road names, bridge IDs, lake/river/creek/drain names





Changes/Updates: SHPO

New programmatic SHPO Exemptions as of May 2018 (Posted to MDOT LAP webpage)

Major Changes:

- No 'Federal Nexus'
- Curb Ramps
- Traffic Signals
- Guardrail
- Bridge Preventative Maintenance



A Link to the August 2018 SHPO webinar should be posted to the MDOT LAP webpage as well.

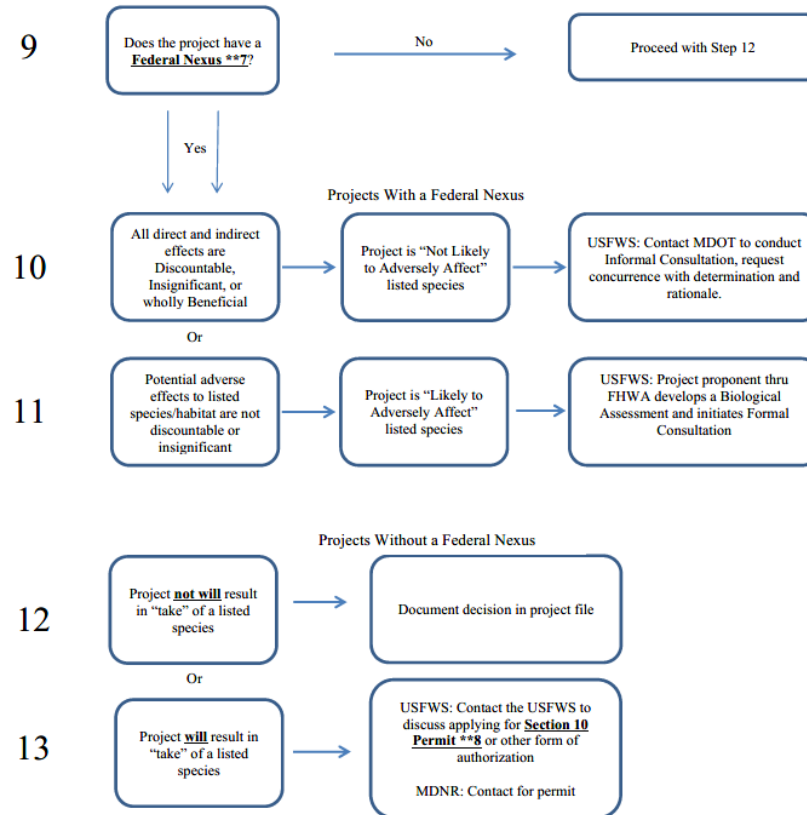
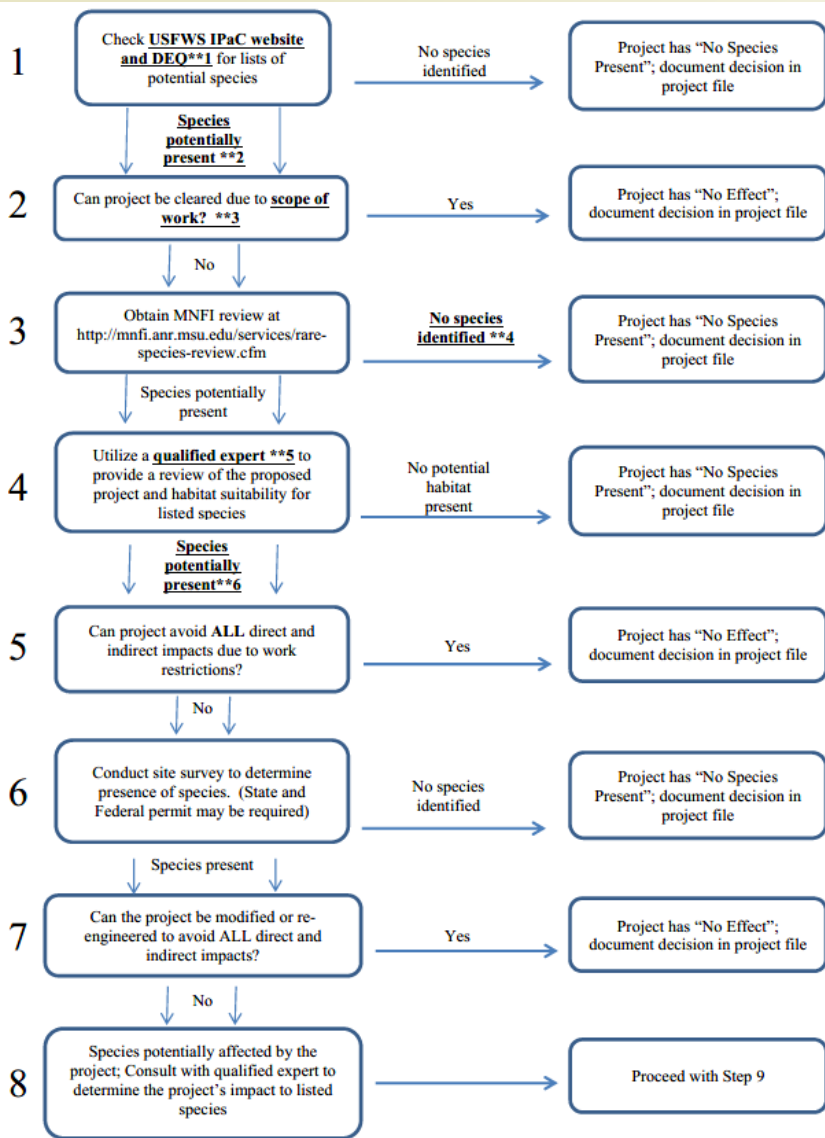
Changes/Updates: SHPO

Section 106 process has NOT changed. Agency responsibility remains the same.

- 1) Identify the Area of Potential Effect (APE)
- 2) Identify historic properties in the APE (above and below ground)
- 3) Assess the effects that the undertaking may have on historic properties in the APE
 - No historic properties identified, no affect
 - * Project is exempt based on 2018 exemption guidelines – document, no further action needed
 - Adverse affects on historic properties
- 4) Contact the SHPO for consultation. See MDOT LAP webpage for specifics on filling out the section106 form.



Changes/Updates: Threatened & Endangered Species



Threatened and Endangered Species Screening Process – As of October 2017

Webinar scheduled for January 17, 2019 (See MI LTAP webpage)

For additional information on conducting reviews and determinations for federally listed species see the USFWS technical assistance website at <https://www.fws.gov/midwest/Endangered/section7/s7process/index.html>.

This process is only for determining effects of the action to listed threatened or endangered species. This process does not exempt the project proponents from other protected resource reviews such as wetland impacts, migratory birds, bald eagles, etc.

Changes/Updates: Threatened & Endangered Species

Mussel Survey & Relocation Protocol, published February 2018.

Quick Tips:

- Get a project screen done for mussels through the MiWaters Transportation Service Request.
- If federal species found, coordinate with the USFWS. For State species, MDNR.
- Identify need for survey early in project planning to avoid delay!

Eastern Massasauga and bat screening documents available on MDOT LAP website

Quick tips:

- If there is potential to affect EMR or its habitat, contact USFWS.
- There are BMPs and maintenance practices for 'within known range' of EMR i.e. bio-degradable erosion control.
- For major bridge projects (heavy rehab or replacement) in bat territory, have a bat inspection done.
- If there are tree cuttings on a project within bat habitat, you need to contact USFWS, even if you plan on implementing winter tree clearing.





Thank you