

Maine State Library

**Digital Maine**

---

Transportation Documents

Transportation

---

5-19-2010

## **Local Project Administration : Environmental Process, Review and Documentation, 2010**

Maine Department of Transportation

Follow this and additional works at: [https://digitalmaine.com/mdot\\_docs](https://digitalmaine.com/mdot_docs)

---

# Local Project Administration

## Environmental Process *Review and Documentation*

*Matt Steele*

*Coordination &  
Permits Division,  
Manager*



# Outline of Presentation

- Responsibilities of MaineDOT
- Responsibilities of the Municipality
- National Environmental Policy Act
- Letter 11 and CE Documentation
- Letter 12
- Compliance
- MaineDOT Inter-Agency Meetings
- Contacts FMI

# Responsibilities of MaineDOT

- Overall NEPA Compliance
- Section 106 of the National Historic Preservation Act (not always)
- Sections 4(f) and 6(f) of the USDOT Act
- Section 7 of the Endangered Species Act (not always)
- Hazardous Materials
- Air and Noise Policy via STIP
- Scenic Byways

# Responsibilities of the Municipality

- Local, State and Federal Permits
  - Natural Resource Permits (NRPA, §404)
  - NPDES Phase II, StormWater Ch. 500
  - ACOE permits
- Natural Resource Identification
- Identification of Dredge material (if necessary)
- Compensatory Mitigation (if necessary)
- Erosion and Sedimentation Control Plans

# National Environmental Policy Act

- Commonly referred to as NEPA (nēpǎ)
- Signed into Law by Nixon in 1970
- 3 Levels of NEPA
  - Environmental Impact Statement
  - Environmental Assessment
  - **Categorical Exclusions**
- Regulates *"major federal actions significantly affecting the quality of the human environment."*
- This translates to: **any federal-aid transportation project.**

# Categorical Exclusions

- Most Common NEPA approval at MaineDOT
- Programmatic Agreement between MaineDOT and FHWA
- 3 Levels of CEs
  - Self-Certifying-STIP Certified
  - Programmatic-Dept. Review and Certification
  - Individual-FHWA Review and Certification

# Categorical Exclusions

- Original Agreement Signed in 2002
  - Established the Maine Checklist Questions
  - Self-certifying vs. Programmatic vs. Individual
  
- Revised Agreement Signed in 2006
  - **Emphasis on Documentation**



# Categorical Exclusions

## Maine Checklist Questions

- A. Public Involvement
- B. Right of Way
- C. Hazardous Materials
- D. Section 106
- E. Section 4(f)/6(f)
- F. Wetlands
- G. Water Quality
- H. Scenic Byways
- I. Endangered Species
- J. Noise
- K. Air Quality
- L. Natural Resources
- M. Other

# Categorical Exclusions

- New Emphasis On Documentation
- WE NEED YOUR HELP!!!
  
- Letter 11 and the Letter 11 Worksheet

Date

*MaineDOT Project Manager, Project Manager*  
Bureau of Project Development  
Department of Transportation  
16 State House Station  
Augusta, ME 04333

Subject: Categorical Exclusion Checklist Submission  
PIN #

*MaineDOT Project Manager:*

Attached is the Categorical Exclusion Documentation in regards to *project scope, PIN* in the town/city of *town/city*. If you need additional information, please let me know.

Sincerely,

*municipal administrator*

Enclosure

# Letter 11 Worksheet

The NEPA Maine Checklist Questions that we need the Project Administrator to complete and submit with all supporting documentation.

# Letter 11 Worksheet

- A. Public Involvement
- B. Right of Way
- E. Section 4(f) and 6(f)
  - Use = Take or Easement (should be identified early in the development of the project)
- F. Wetlands
- M. Other

# Letter 11 Worksheet

# Right of Way and NEPA

IMPORTANT! IMPORTANT! IMPORTANT!

Right of Way Negotiations with Property Owners Cannot Begin Until the CE has been Certified



Date

*MaineDOT Project Manager, Project Manager*  
Bureau of Project Development  
Department of Transportation  
16 State House Station  
Augusta, ME 04333

Subject: Environmental Certification  
PIN #

*MaineDOT Project Manager:*

This document serves as official certification that all Environmental Permits required for *project scope, PIN* in the town/city of *town/city* was obtained and approved by the Maine Department of Environmental Protection in accordance to requirements identified in the executed Local Project Agreement dated *local project agreement execution date*. Attached is the approved MDEP permit. If you need additional information, please let me know.

Sincerely,

*municipal administrator*

Enclosure



# Compliance

- MaineDOT trusts that the Municipality will do the “Right Thing”
- In saying that...the Municipality is responsible for all non-conformance with the Environmental Aspects we entrust in them.

# Compliance

- Most Federal-Aid projects have a funding formula of 70-80% federal obligation.
- If there is an issue that results in Federal **Non-Participation**. There is a good chance **MaineDOT will not either**.
- For Example: A \$200,000 STP project
  - Federal Obligation = \$160,000

# Inter-Agency Meetings

- Monthly Opportunity to Present Projects to Environmental Resource Agencies
- Typically occur on 2<sup>nd</sup> Tuesday of the Month
- Requires Some Preparation
- Q & A Fact Sheet in Manual

# Contacts FMI

NEPA, State & Federal Permits: Matt Steele 624-3100  
[matt.steele@maine.gov](mailto:matt.steele@maine.gov)

Section 106, 4(f), 6(f): David Gardner 624-3100  
[david.gardner@maine.gov](mailto:david.gardner@maine.gov)

Hazardous & Dredge Materials: Dwight Doughty 624-3100  
[dwight.doughty@maine.gov](mailto:dwight.doughty@maine.gov)

Erosion & Sedimentation Control: Peter Newkirk 621-3100  
[peter.newkirk@maine.gov](mailto:peter.newkirk@maine.gov)

Fish Passage & Hydrology: Charles Hebson 624-3100  
[charles.hebson@maine.gov](mailto:charles.hebson@maine.gov)

Endangered Species: Richard Bostwick 624-3100  
[richard.bostwick@maine.gov](mailto:richard.bostwick@maine.gov)

Compensatory Mitigation: Deane Van Dusen 624-3100  
[deane.vandusen@maine.gov](mailto:deane.vandusen@maine.gov)