Michigan Department of Transportation

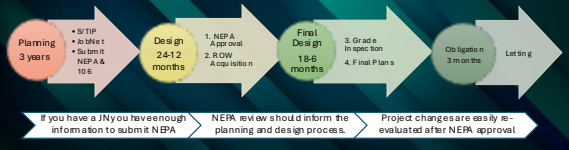
Local Agency Programs (LAP) Environmental Unit Process

Janet Arcuicci, AICP
LAP NEPA Coordinator

Michigan Department of Transportation

IDEAL PROJECT TIMELINE

TIME BEFORE CONSTRUCTION



If you have a JN you have enough information to submit NEPA

NEPA review should inform the planning and design process.

Project changes are easily re-evaluated after NEPA approval

*ROW acquisition can happen after Grade Inspection, but must happen after NEPA approval

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You've programmed your Job, now what?

A programmed job:

1. Has a budget
2. Has limits
3. Has a work type (reconstruction, rehabilitation, etc.)

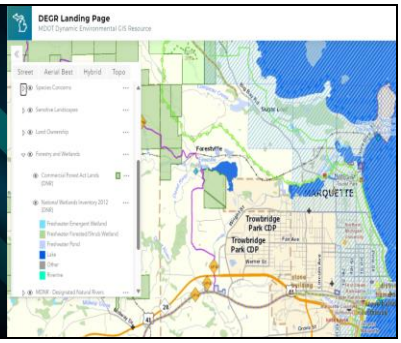
If you know these factors, you can start an environmental desktop review

If you know generally what you are doing and where, you can determine if there are potential impacts

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Mapping Resources

- DEGR Mapping is an MDOT Application
  - Join through MI Login
  - Compiles data from various sites

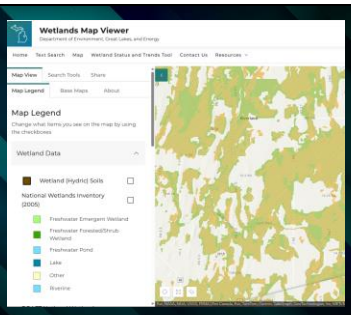


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Environmental Desktop Review

In addition to DEGR, you can go to direct sources to review what is adjacent to your project

Wetlands Map Viewer

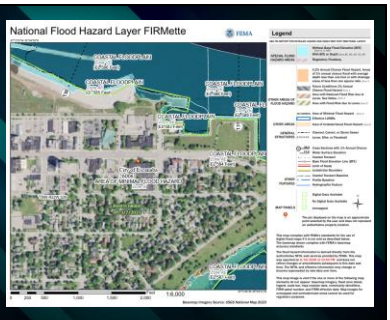


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Environmental Desktop Review

In addition to DEGR, you can go to direct sources to review what is adjacent to your project

FEMA Flood Map Service Center | Search By Address

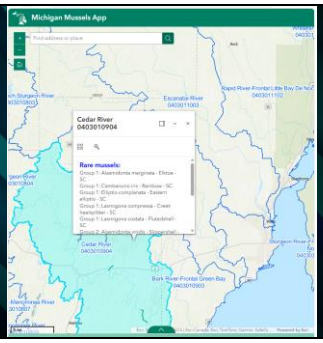


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Environmental Desktop Review

In addition to DEGR, you can go to direct sources to review what is adjacent to your project

Michigan Mussels App

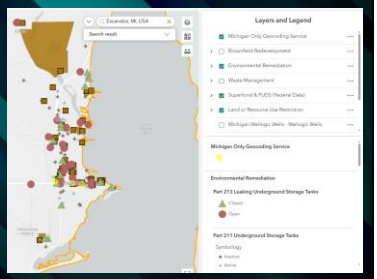


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Environmental Desktop Review

Once the job is programed, review resource websites

BIDE Mapper



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Environmental Desktop Review

Once the job is programed, review resource websites

Web Soil Survey



Summary by Map Unit — Kalamazoo County, Michigan (MI077)

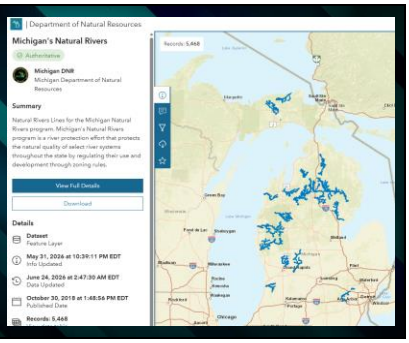
Map unit symbol	Map unit name	Rating	Acres in AOI	Percent of AOI
KaA	Kalamazoo loam, 0 to 2 percent slopes	All areas are prime farmland	28.6	42.2%
KaB	Kalamazoo loam, 2 to 6 percent slopes	All areas are prime farmland	38.4	56.7%
Sb	Sebewa loam, 0 to 2 percent slopes	Prime farmland if drained	0.8	1.1%
Totals for Area of Interest			67.7	100.0%

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Environmental Desktop Review

Once the job is programed, review resource websites

Michigan's Natural Rivers | Michigan Department of Natural Resources



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Section 106 Scoping

- A separate application process
  - Recommended in the early planning phase
  - Can be done before there is a Job Number
  - Project Area Map
  - Box around proposed area of disturbance
  - Use Google Earth or Google Maps
  - Need POB and POE
  - Width of existing and proposed ROW (if applicable)



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Regulatory agencies

Federal Highway Administration

EGLE
MICHIGAN DEPARTMENT OF ENVIRONMENT, GREAT LAKES, AND ENERGY

DEPARTMENT OF NATURAL RESOURCES
DNR
MICHIGAN

U.S. FISH & WILDLIFE SERVICE

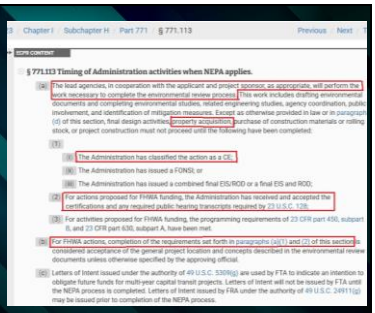
Michigan Department of AGRICULTURE & Rural Development

MICHIGAN SHPO
STATE HISTORIC PRESERVATION OFFICE

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WHY NEPA BEFORE ROW?

23 CFR 771.113(a) states property acquisition may not occur until NEPA review is complete.



§ 771.113 Timing of Administration activities when NEPA applies.

(a) The lead agencies, in cooperation with the applicant and project sponsor, as appropriate, will perform the work necessary to complete the environmental review process. This work includes drafting environmental documents and completing environmental studies, related engineering studies, agency coordination, public involvement, and identification of mitigation measures. Except as otherwise provided in law or in paragraph (d) of this section, final design activities, property acquisition, purchase of construction materials or rolling stock, or project construction must not proceed until the following have been completed:

(1)

(i) The Administration has classified the action as a CE;

(ii) The Administration has issued a FONSI; or

(iii) The Administration has issued a combined final EIS/ROD or a final EIS and ROD;

(2) For actions proposed for FHWA funding, the Administration has received and accepted the certifications and any required public hearing transcripts required by 23 U.S.C. 128;

(3) For activities proposed for FHWA funding, the programming requirements of 23 CFR part 450, subpart B, and 23 CFR part 630, subpart A, have been met;

(b) For FHWA actions, completion of the requirements set forth in paragraphs (a)(1) and (2) of this section is considered acceptance of the general project location and concepts described in the environmental review documents unless otherwise specified by the approving official.

(c) Letters of Intent issued under the authority of 49 U.S.C. 5309(g) are used by FTA to indicate an intention to obligate future funds for multi-year capital transit projects. Letters of Intent will not be issued by FTA until the NEPA process is completed. Letters of Intent issued by FRA under the authority of 49 U.S.C. 24911(g) may be issued prior to completion of the NEPA process.

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Ok, property acquisition may not occur until after NEPA review is complete, but why?

This rule prevents premature commitments that could limit environmental and design choices

- Ensures alternatives are fully evaluated: The basis of NEPA is about making sound decisions based on a balanced consideration of transportation needs and of social, economic and environmental impacts of proposed transportation improvements.
- Environmental details, including wetlands, endangered species, historic properties and 4(f), should inform the final project design, and acquisition details often depend on these findings.
- Some types of property acquisition require specific review, documentation and public outreach through the NEPA review.

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MDOT's Programmatic Agreement with FHWA requires any ROW acquisitions with ***relocations/displacements*** to receive FHWA oversight & approval.



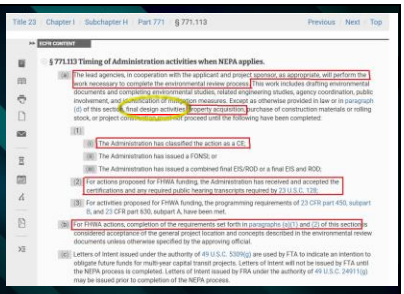


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What else does the regulation say?

23 CFR 771.113(a) states final design activities may not proceed until NEPA review is complete.

(submitting final plans and holding final review)



Title 23 Chapter I Subchapter H Part 771 § 771.113 Previous Next Top

NON-CONTENT

§ 771.113 Timing of Administration activities when NEPA applies.

(a) The lead agencies, in cooperation with the applicant and project sponsor, as appropriate, will perform the work necessary to complete the environmental review process. This work includes drafting environmental documents and completing environmental studies, related engineering studies, agency coordination, public involvement, and identification of mitigation measures. Except as otherwise provided in law or in paragraph (d) of this section, final design activities, property acquisition, purchase of construction materials or rolling stock, or project construction may not proceed until the following have been completed:

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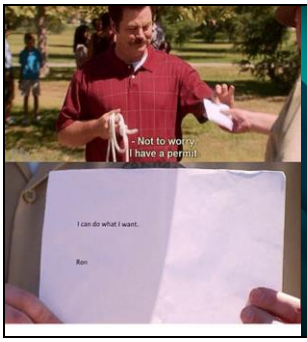
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REMINDER environmental laws still apply even when there are no federal funds – all endangered species, clean water/air (EGLE), river designations, MDARD, some historic/archeological, etc.

Not applicable: NEPA process, Section 106 and 4(f) recreational properties.

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REAL ESTATE PRELIMINARY ACTIVITIES

WHAT CAN BE DONE PRIOR TO NEPA?



- Title research/search
- Contracting Acquisition, Relocation, or Valuation Consultants
- Valuation Reports (Waiver Valuation or Appraisal/Review)
- Preliminary document & property map preparation
- Preliminary relocation planning activities
- Preliminary Interviews
- Explaining property owner's rights (e.g. MDOT booklets)

STOP No Negotiation

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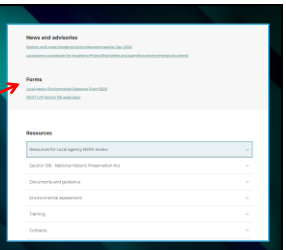
Frequent Errors

1. Never notified LAP of submission
2. Inadequate work descriptions
3. Inconsistent work descriptions across pages
4. No maps
5. No species lists
6. Missing Section 106 applications

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Resources





Michigan Department of Transportation

MDOT Local Agency Program Environmental Services Unit

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