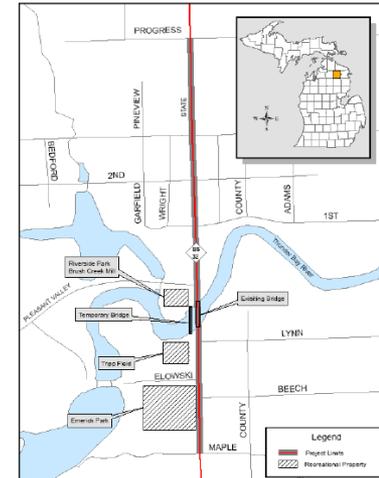


Overview of MDOT's Major Action Document Environmental Clearance Process

Environmental Assessment & Programmatic Section 4f Evaluation
November 2007

**M-32 Business Spur (BS) Bridge Replacement
over the Thunder Bay River and M-32 Improvements from
Veterans Memorial Highway to north of Progress Street
Village of Hillman
Montmorency County, Michigan**



Prepared by the:

MICHIGAN DEPARTMENT OF TRANSPORTATION

In cooperation with the

**U.S. DEPARTMENT OF TRANSPORTATION
FEDERAL HIGHWAY ADMINISTRATION**



U.S. Department of Transportation
Federal Highway Administration



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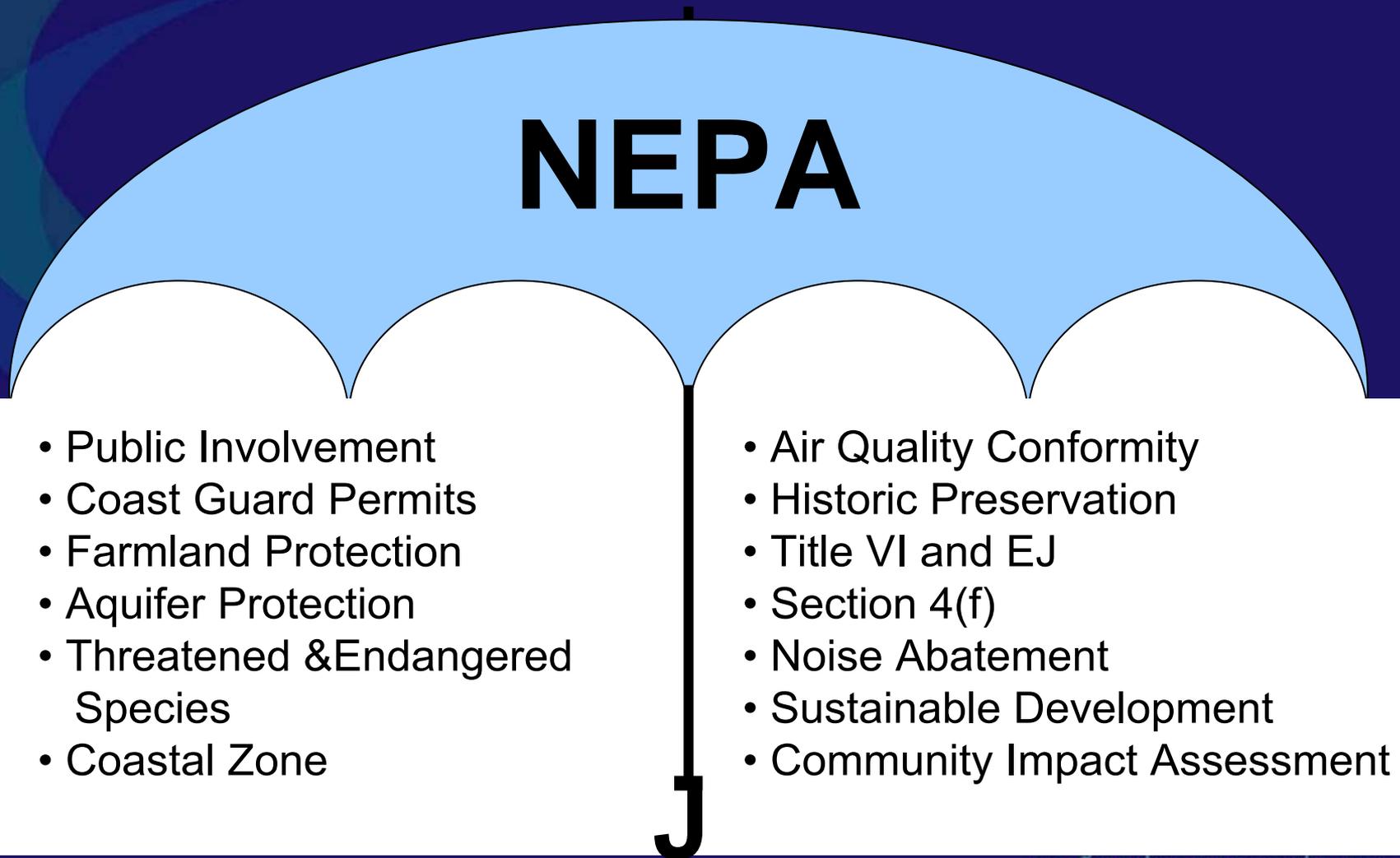


NEPA

- National Environmental Policy Act
 - Created in 1969
- Applies to any “highway or transit project proposed for FHWA or FTA funding”
- It also includes activities such as federal permits, change in access control on the interstate system (**essentially any Federal action**).

The NEPA Umbrella

NEPA



- Public Involvement
- Coast Guard Permits
- Farmland Protection
- Aquifer Protection
- Threatened & Endangered Species
- Coastal Zone

- Air Quality Conformity
- Historic Preservation
- Title VI and EJ
- Section 4(f)
- Noise Abatement
- Sustainable Development
- Community Impact Assessment

NEPA & Other Requirements

- Other environmental laws:
 - Section 106
 - Section 404, Clean Water Act
 - Clean Air Act
 - Executive Orders
 - Section 4(f)

NEPA Objectives

As government goes about its business:

- **Disclose environmental information**
- **Resolve environmental problems**
- **Foster coordination and cooperation**
- **Enhance public participation**
- **Establish an enforceable procedure**

NEPA analysis must be completed before action is taken

NEPA Objectives

Interdisciplinary approach

- ✓ Social
- ✓ Economic
- ✓ Environmental



NEPA Approach to Transportation Projects

- Seek first to **avoid** impacts
- When impacts are unavoidable goal is to **minimize** impacts on the human and natural environment
- Impacts are then **mitigated**

Types of NEPA Documents

Categorical Exclusion (CE)

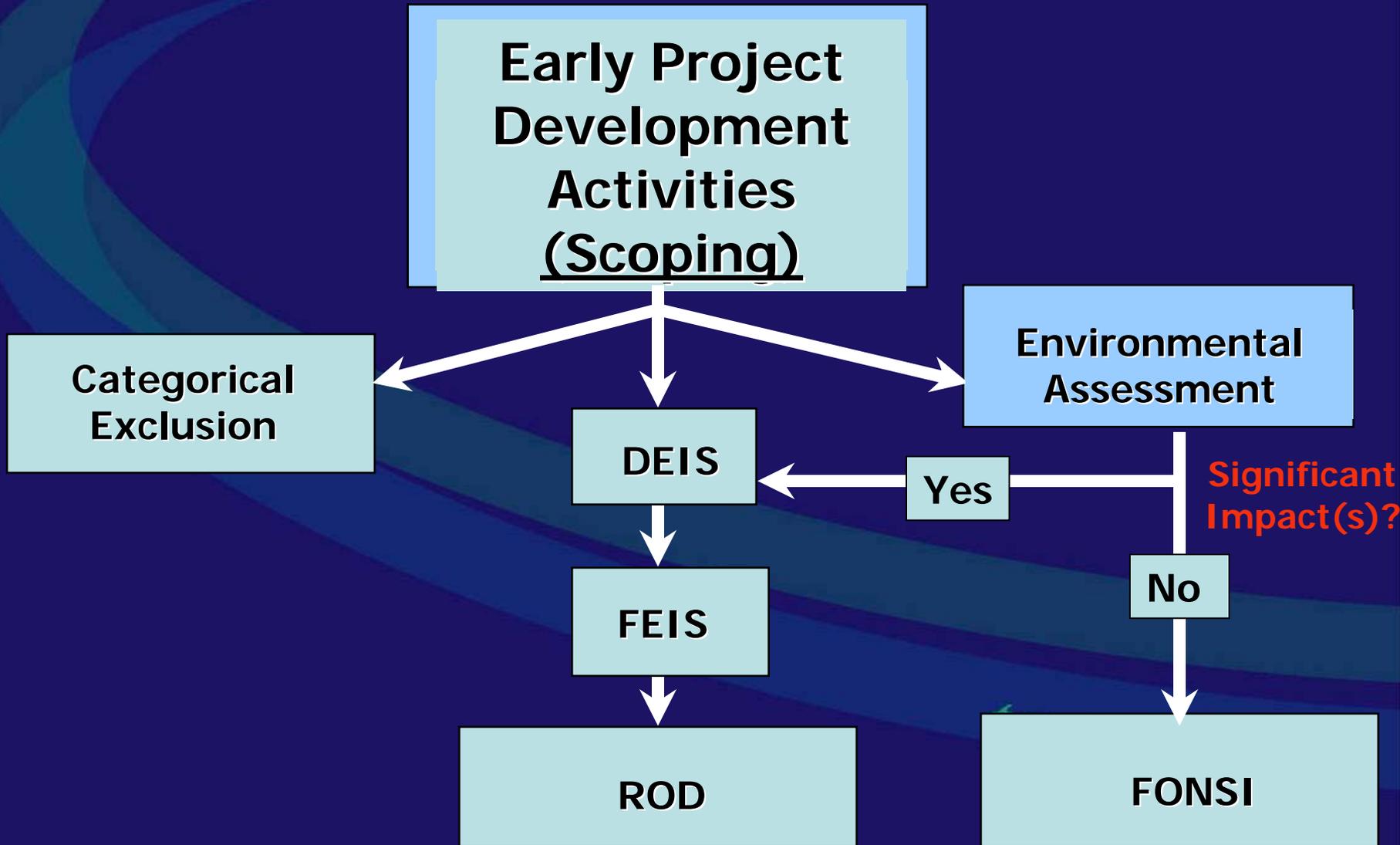
Environmental Assessment (EA)

- Finding of No Significant Impact (FONSI)

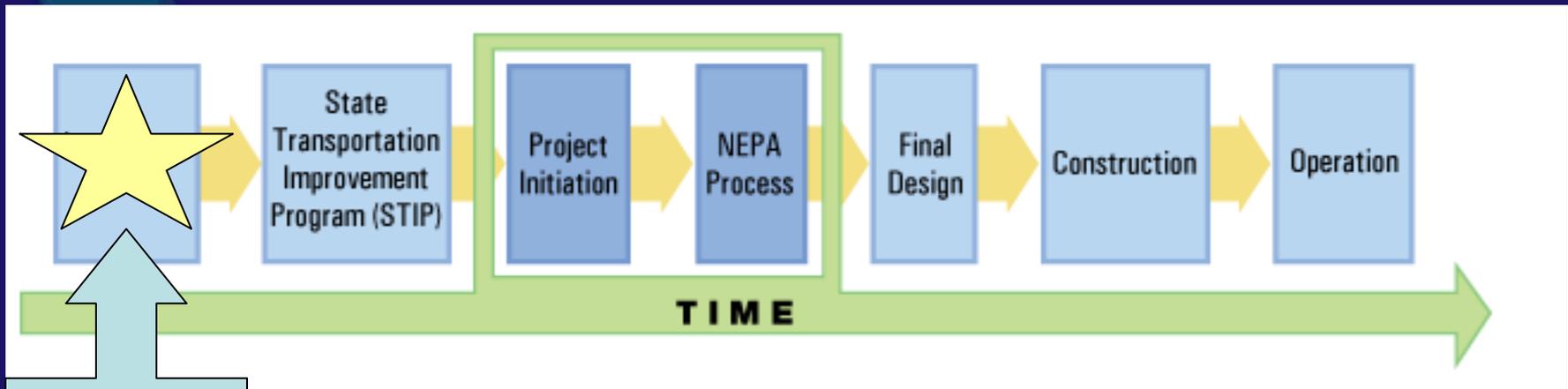
Environmental Impact Statement

- Record of Decision (ROD)

Environmental Classification

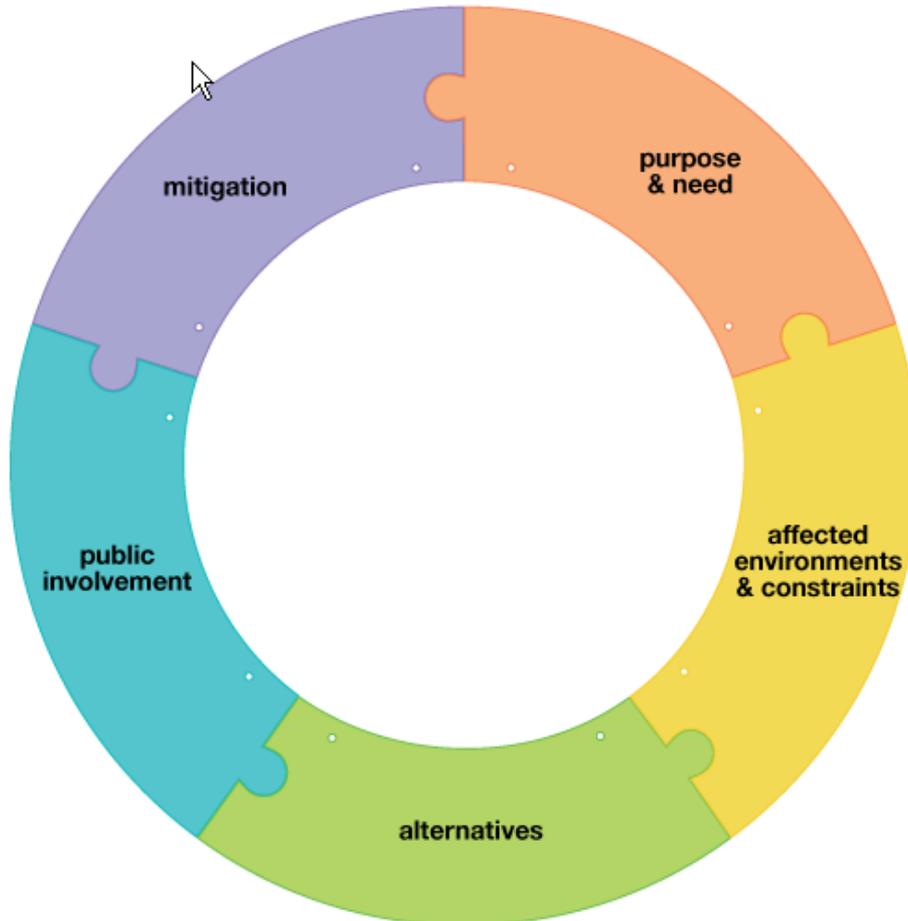


THE TRANSPORTATION DEVELOPMENT PROCESS



The
GRAND
VISION

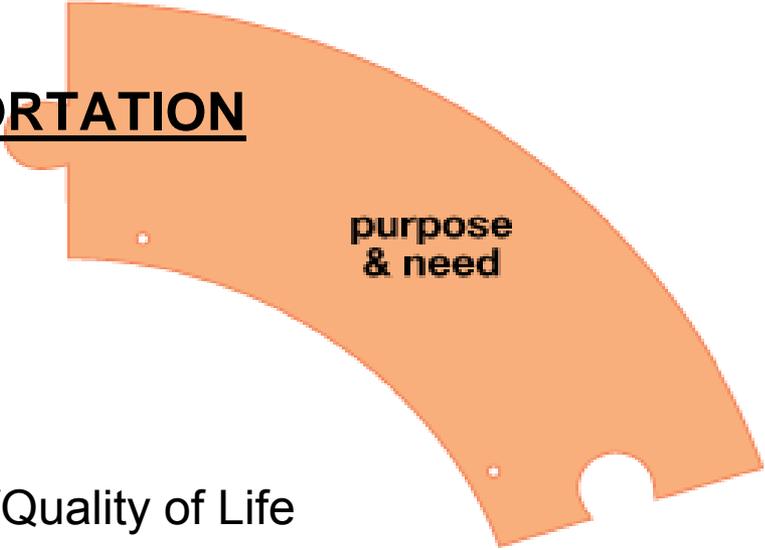
NEPA STUDY PROCESS



Source: Colorado Department of Transportation

STANDARD MDOT TRANSPORTATION PROJECT PURPOSES:

- ❖ Improve Safety
- ❖ Enhance Mobility
- ❖ Enhance Economic Benefit/Quality of Life
- ❖ Improve System Condition
- ❖ Improve System Connectivity
- ❖ Improve National Defense System



purpose
& need

Characteristics



Developed through a public project-specific scoping process, oriented toward achieving corridor goals



Regulatory agency involvement; goals and measures that include social, economic, land use and other community (rather than only transportation) considerations

Characteristics



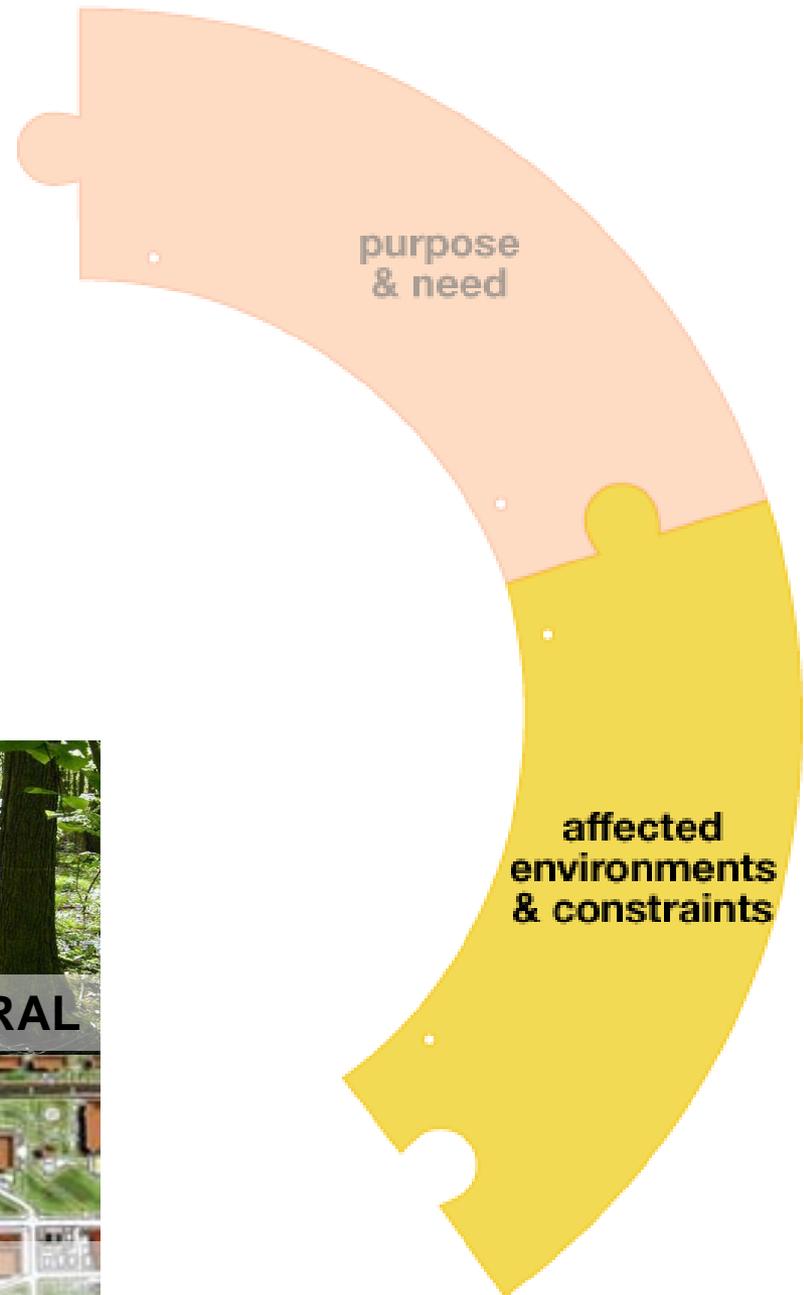
Detailed inventory of the corridor's physical, social, economic and transportation conditions and the regulations constraining them



Locations of: sensitive species habitat, wetlands, water bodies, minority and low income communities etc



Involvement of regulatory agencies (US Army Corps of Engineers, EPA, USFWS, SHPO,

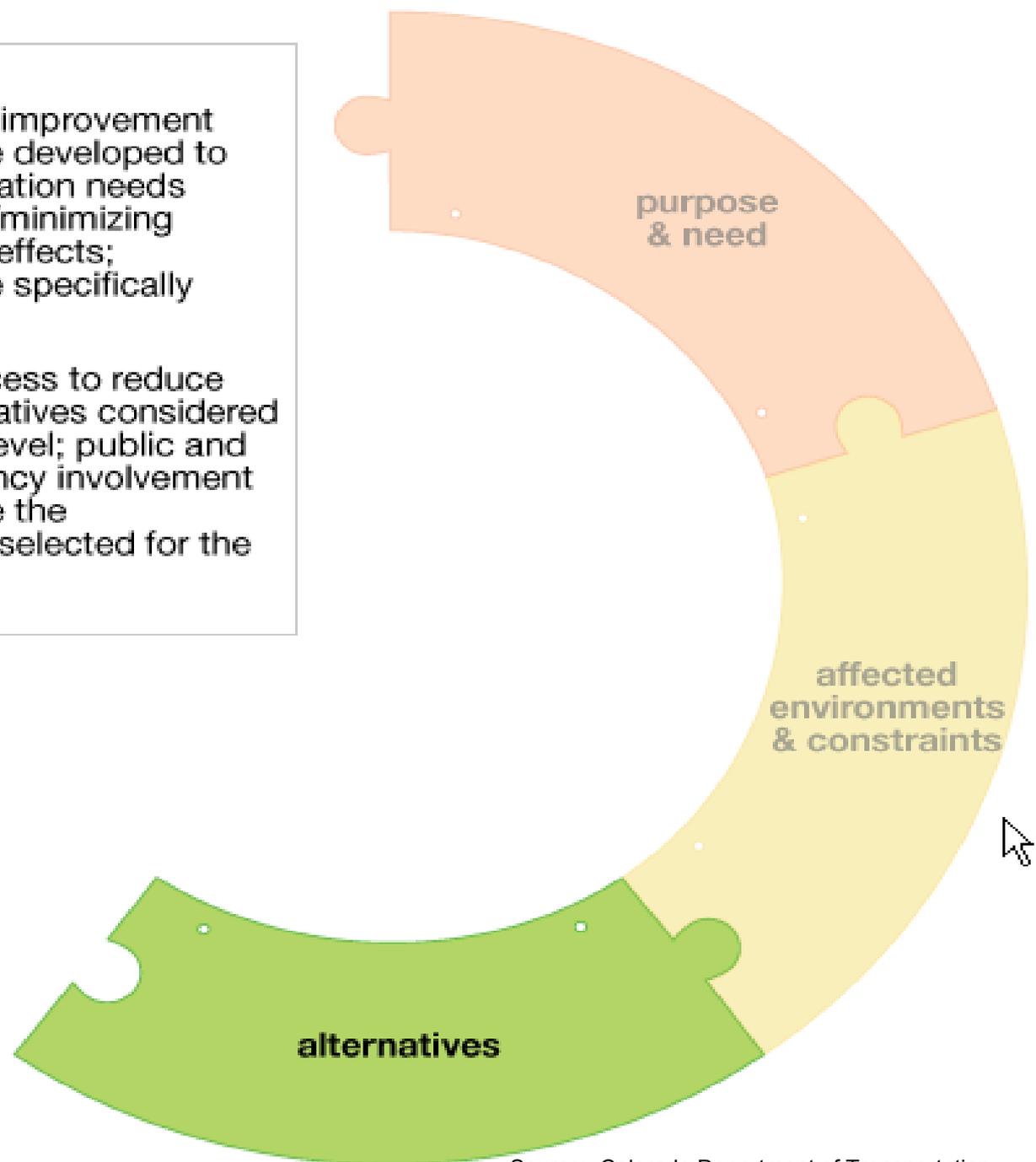


MDOT SEE FACTORS

- ❖ Wetlands
- ❖ Threatened & Endangered Species
- ❖ Air Quality
- ❖ Noise
- ❖ Land Use
- ❖ Impacts to Agriculture
- ❖ Environmental Justice
- ❖ Economic
- ❖ Non-motorized
- ❖ Visual
- ❖ Parks & Recreation
- ❖ Coastal Zone Management
- ❖ Contaminated Sites
- ❖ Water Quality
- ❖ Floodplains/Hydraulics
- ❖ Wild & Scenic Rivers
- ❖ River/Stream/Drain Crossings
- ❖ Above-ground Cultural Resources
- ❖ Archaeological Resources
- ❖ Traditional Cultural Resources
- ❖ Indirect & Cumulative Impacts

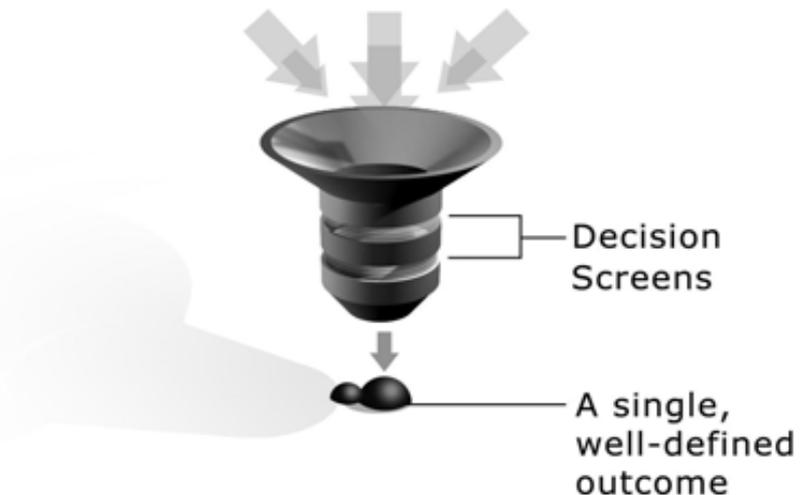
Characteristics

- Transportation improvement alternatives are developed to meet transportation needs while avoiding/minimizing environmental effects; alternatives are specifically defined
- Screening process to reduce range of alternatives considered at the project level; public and regulatory agency involvement to further refine the improvements selected for the corridor

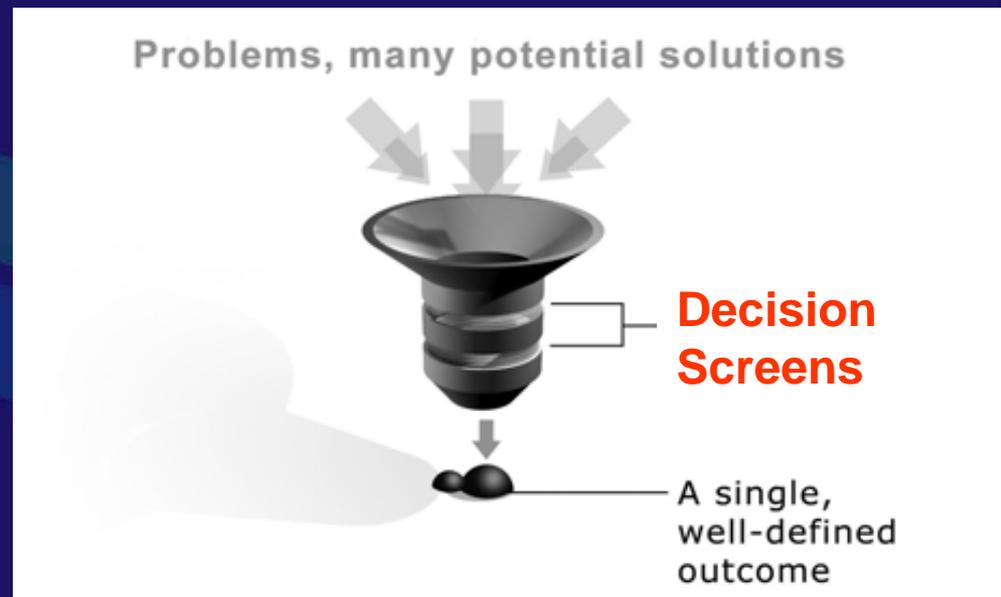


- Alternative analysis is required of all **reasonable** alternatives
 - Defined as meeting the purpose and need, practical and feasible
- Must include the No Build Alternative which serves as the baseline to compare
- Can't pre-determine an alternative
(need to complete environmental studies and coordination activities)

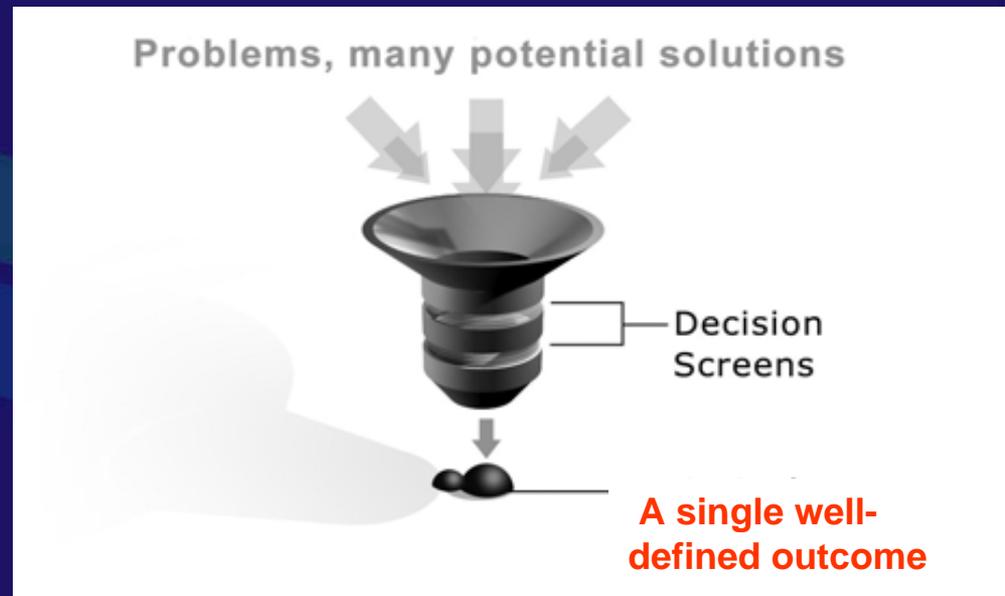
Problems, many potential solutions

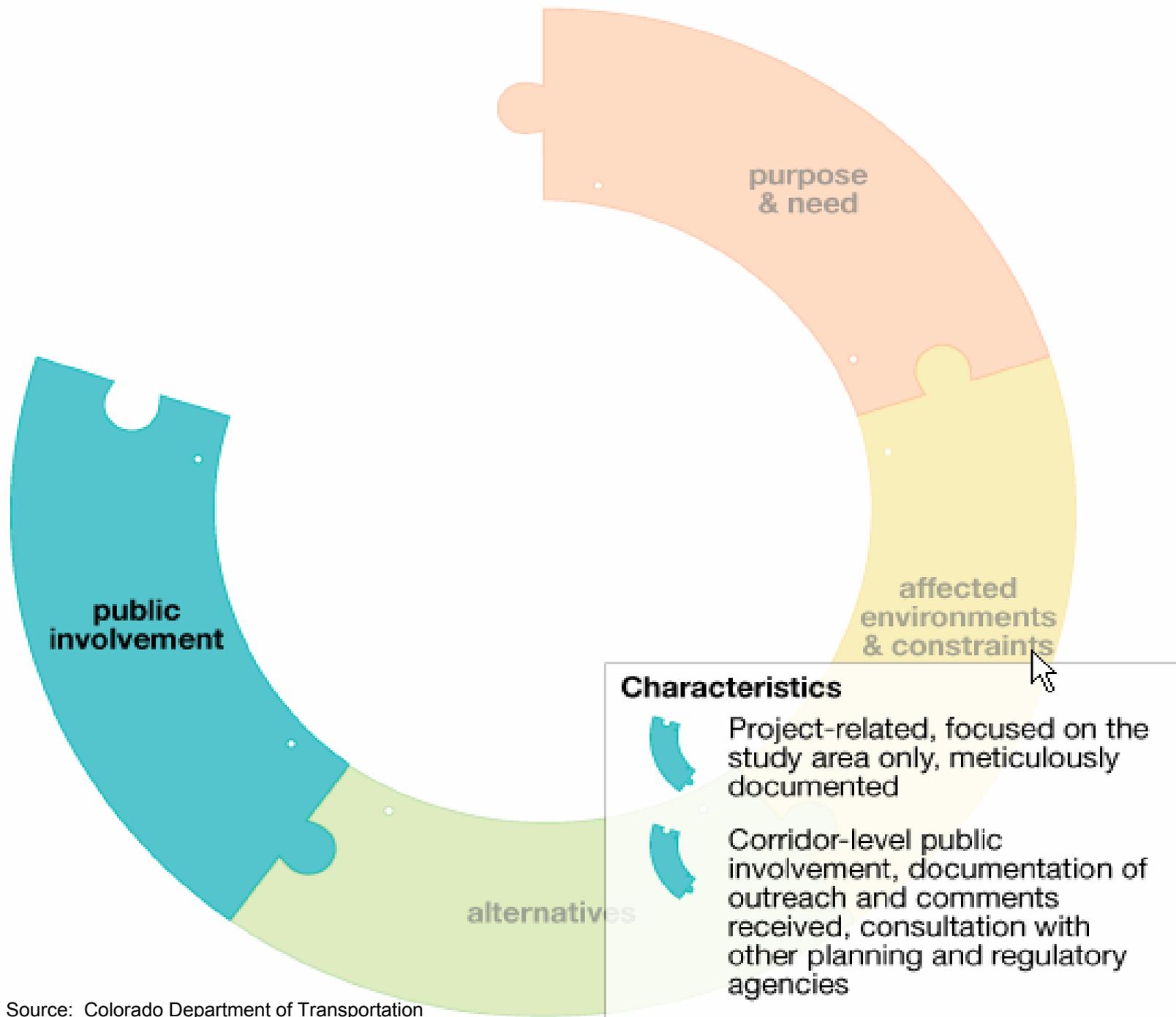


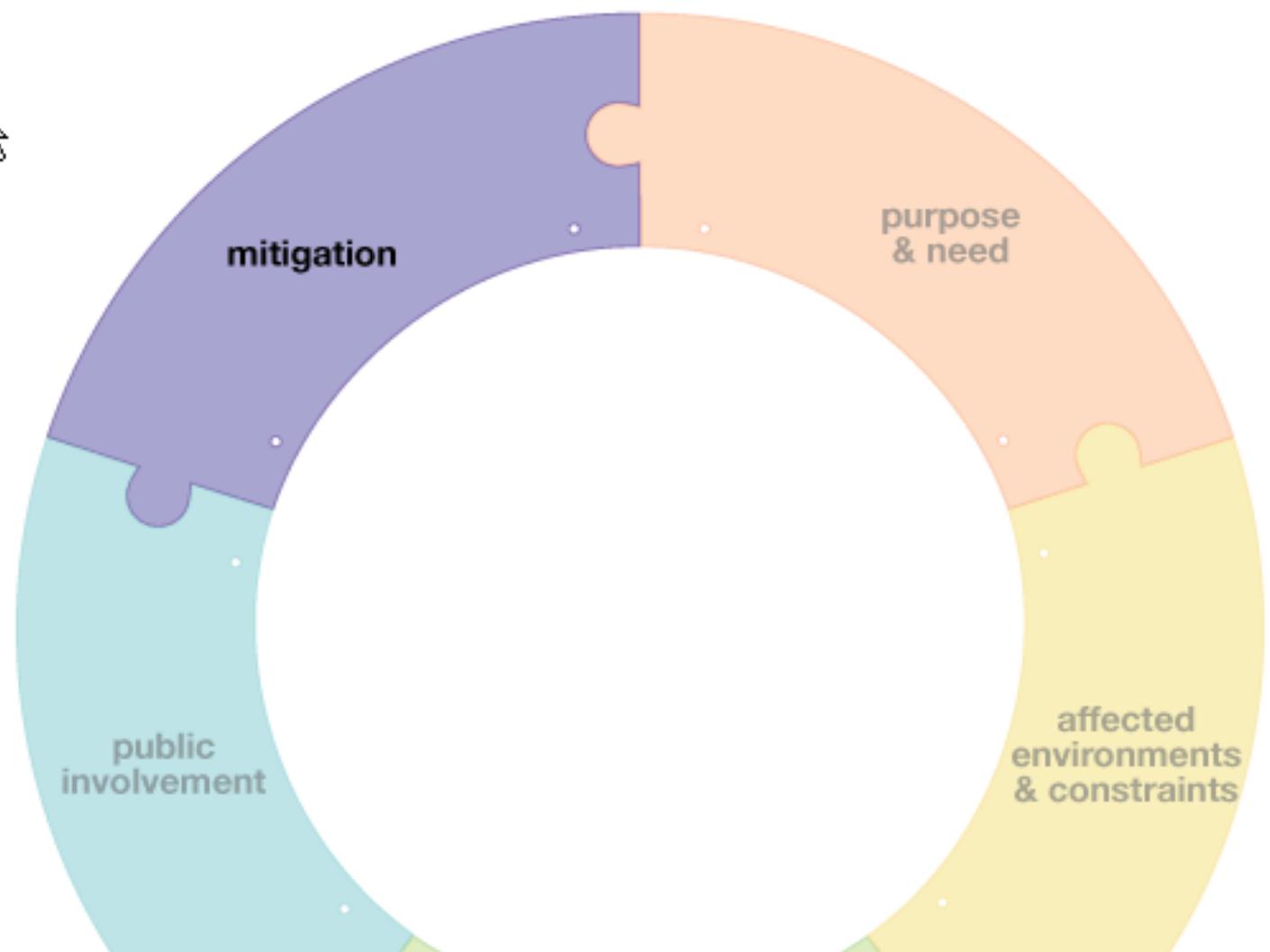
- Reasonable alternatives must be evaluated to a comparable level of detail
- Typical MDOT screening criteria include:
 - ✓ Direct impacts
 - ✓ Indirect impacts
 - ✓ Secondary/cumulative impacts
 - ✓ Safety benefits
 - ✓ User acceptance
 - ✓ Cost



- Must document why alternatives were eliminated
- Preferred Alternative is presented in document and all impacts documented
- Alternative has been publicly vetted



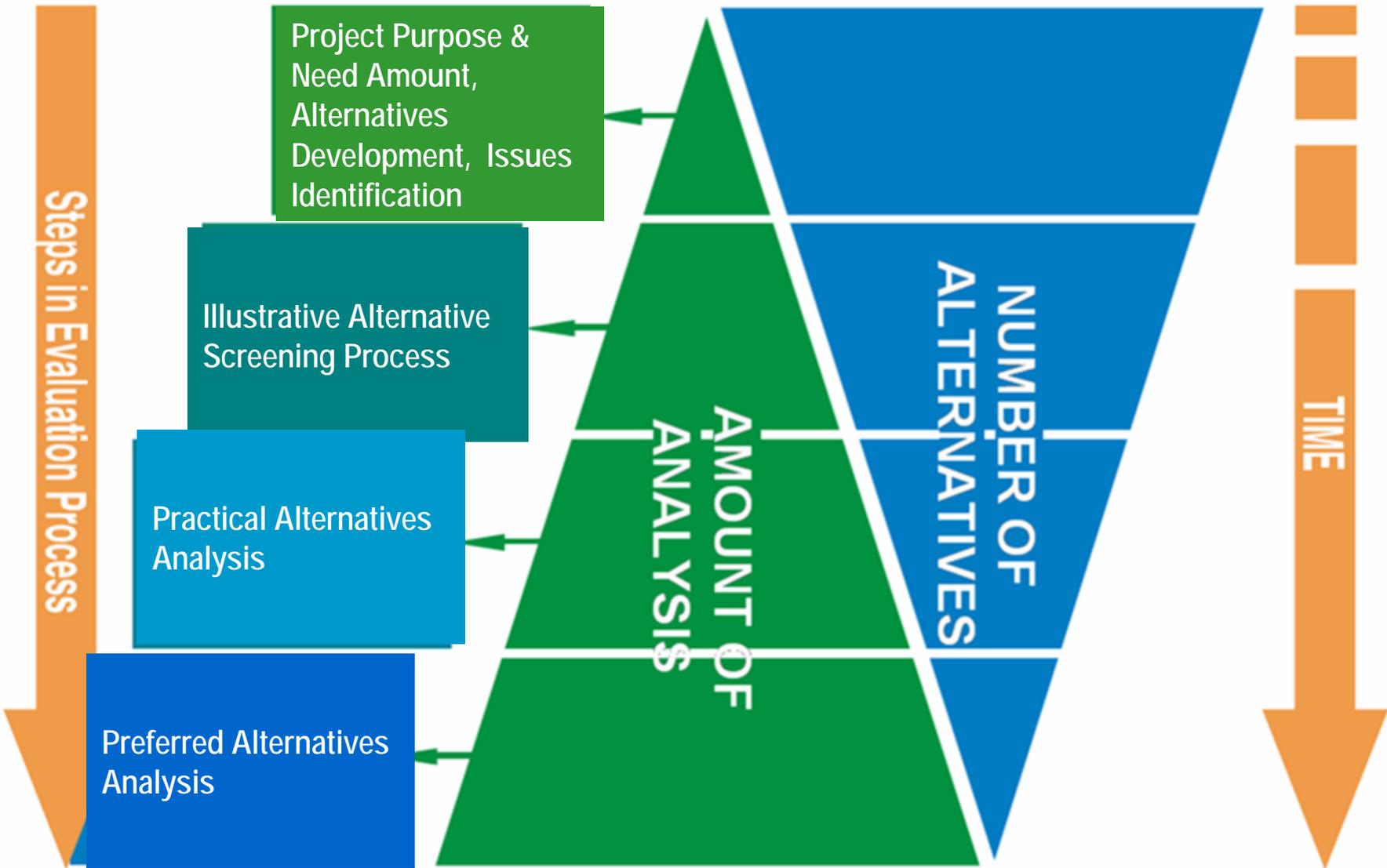




Characteristics



- Developed in consultation with appropriate regulatory agencies and other stakeholders and included to avoid or minimize impacts to the surrounding environment
- Developed conceptually in early stages; refined in more detail for selected alternative.



OTHER FACTORS AFFECTING NEPA DECISION-MAKING

Section 4(f)

The DOT Act of 1966: Section 4(f)

FHWA/other DOT agencies cannot approve the use of land from publicly owned parks, recreational areas, wildlife & waterfowl refuges, or public & private historical sites unless:

- ✓ There is no feasible and prudent alternative to the use of land,
- ✓ The action includes all possible planning to minimize harm to the property resulting from use.

Section 4(f)

If analysis concludes there is no feasible and prudent avoidance alternative, then FHWA may approve only the alternative that causes the least overall harm.

Least overall harm is determined by balancing the following:

- (i) The ability to mitigate adverse impacts to each Section 4(f) property (including any measures that result in benefits to the property);
- (ii) The relative severity of the remaining harm, after mitigation, to the protected activities, attributes, or features that qualify each Section 4(f) property for protection;

Section 4(f)

Factors evaluating the least overall harm (cont.):

- (iii) The relative significance of the Section 4(f) property;
- (iv) The views of the officials with jurisdiction over the property;**
- (v) The degree to which each alternative meets the purpose and need;
- (vi) After reasonable mitigation, the magnitude of any adverse impacts to resources not protected by Section 4(f); and
- (vii) Substantial differences in costs among the alternatives.

Section 4(f)

- ✓ 4(f) only applies to historic sites on or eligible for the National Register of Historic Places
- ✓ Requires 45-day comment period
- ✓ Requires approvals from agency that controls the resource
 - Historic Properties (SHPO)
 - Parks
- ✓ Is documented in a stand-alone section of the EA/EIS

Section 6(f)

The Land and Water Conservation Fund Act: Section 6(f)

1. Similar to Section 4(f) regulations
2. Requires Secretary of Interior approval for the conversion of any property funded with Land and Water Conservation funds.

Section 106

The National Historic Preservation Act: Section 106

1. Requires FHWA to identify and determine the effects of a project on properties on or eligible for the National Register of Historic Places
2. Affords the Advisory Council on Historic Places an early opportunity to comment
3. Requires the avoidance or if necessary the mitigation of damages to the greatest extent possible

Section 106

- ✓ By law, MDOT must examine the impact of our projects on cultural resources
- ✓ Federal funding is the primary trigger
- ✓ The cultural resources of concern must be eligible for or already listed on the National Register of Historic Places.



Section 106

- ✓ The SHPO is the statewide authority.
- ✓ Project impacts determine the level of SHPO involvement and coordination.
- ✓ Projects with ROW from historic districts or properties also trigger Section 4(f) of the Department of Transportation Act.
- ✓ To comply with both laws, projects must avoid and minimize impacts, and also explore alternatives.



Context Sensitive Solutions (CSS)

CSS (Context Sensitive Solutions) is a collaborative, interdisciplinary approach involving stakeholders for the development of a transportation facility that fits its physical setting and preserves scenic, aesthetic, historic, cultural, and environmental resources, while maintaining safety and mobility.

Understanding Context

Natural Environment
+ Social Environment
= Context



Understanding Context

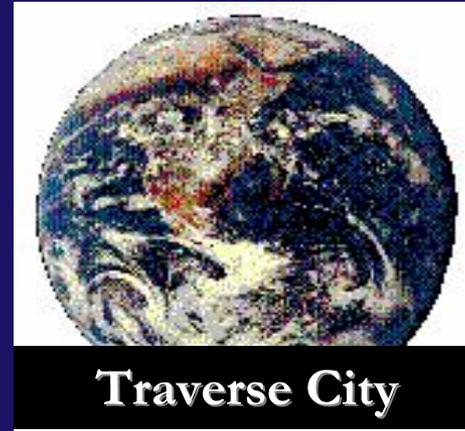
Natural Environment
+ Social Environment
+ Stakeholders
= Value of Context



CSS

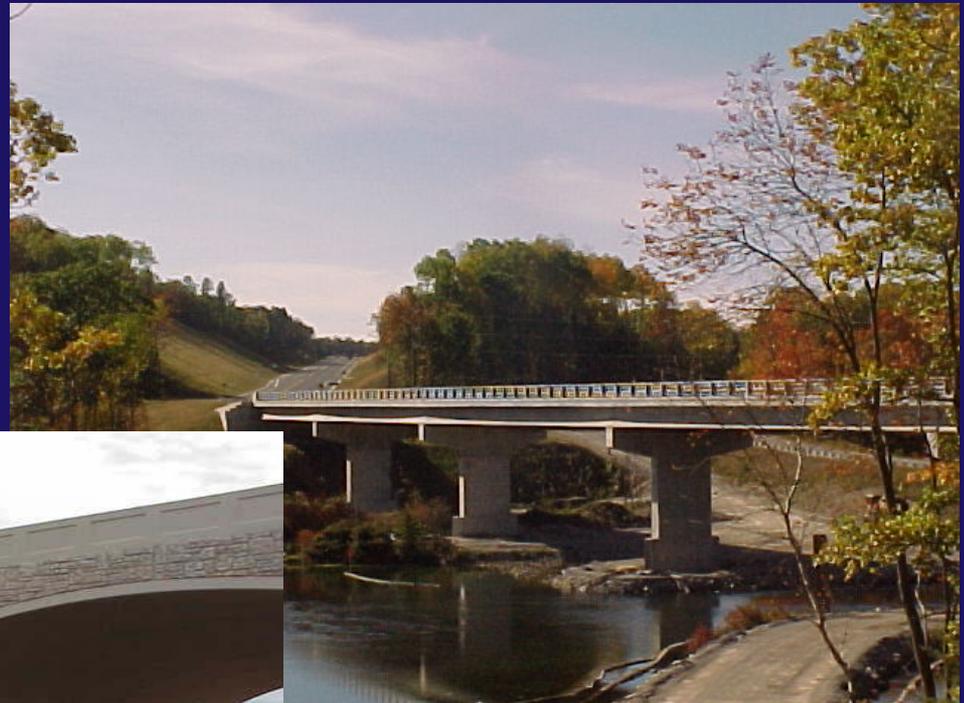


- Environmental Reviews
- Engineering Standards
- Traffic Projections
- Safety
- Accessibility



- Local Knowledge
- Historical Perspective
- Community Values
- Local Users
- Future Vision

CSS attempts to marry the communities priorities with MDOT's investments

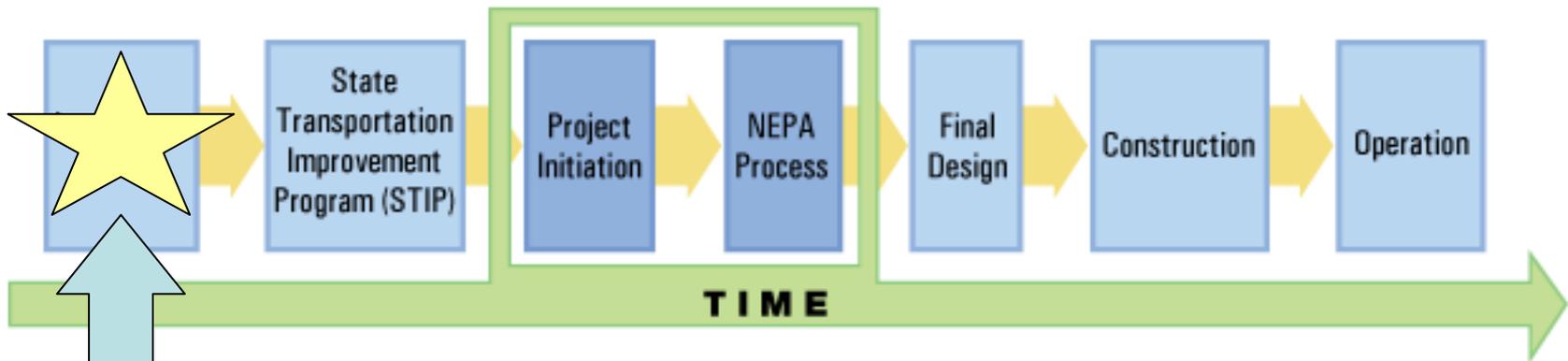


NEPA:



- ✓ Systematic - interdisciplinary approach
- ✓ Full evaluation of environmental factors
- ✓ Involves widespread coordination & review
- ✓ Full disclosure approach
- ✓ Documents the environmental process in plain language

Questions



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