

# Environmental Processes

# Objectives

- Discuss NEPA
  - Section 4(f)
- Discuss MEPA
- Discuss Section 106 Process
- MD 24 Coordination
- Next steps

# What is NEPA?

- National Environmental Policy Act (NEPA) of 1969
- First attempt at systematically addressing environmental issues.
- Forces multiple agencies to take environmental factors into consideration when making significant decisions.







# Types of NEPA Documents

- Levels of NEPA analysis:
  - Categorical Exclusion (CE)
  - Environmental Assessment (EA)
    - Finding of No Significant Impact (FONSI)
  - Environmental Impact Statement (EIS)
- System Preservation projects:
  - Categorical Exclusion (CE)
    - Programmatic Categorical Exclusions (PCEs)
    - Statewide Programmatic Categorical Exclusions (SWPCE)

# What Exactly is a Section 4(f) Resource?

- Publicly owned public park, recreation area, or wildlife or waterfowl refuge.
- Publicly or privately owned "historic property"
- Archaeological sites that must be preserved in-place.





# Section 4(f) Use

The Secretary of the U.S. Department of Transportation can only approve the use of a Section 4(f) resource if:

- There are not any **feasible and prudent** alternatives to the use of land.
- The action includes **all possible planning** to minimize harm to the property resulting from use.

**Or** a use is determined to have only a *de minimis* impact on the protected resource.





# Maryland Environmental Policy Act (MEPA)

- Requires state agencies to prepare Environmental Assessment Forms
  - Identify Impacts
  - Completed once the final design is determined to ensure all finalized information for stakeholder coordination and impacts are documented
- Projects With 100% State Funding
- Document: Environmental Assessment Form (EAF)



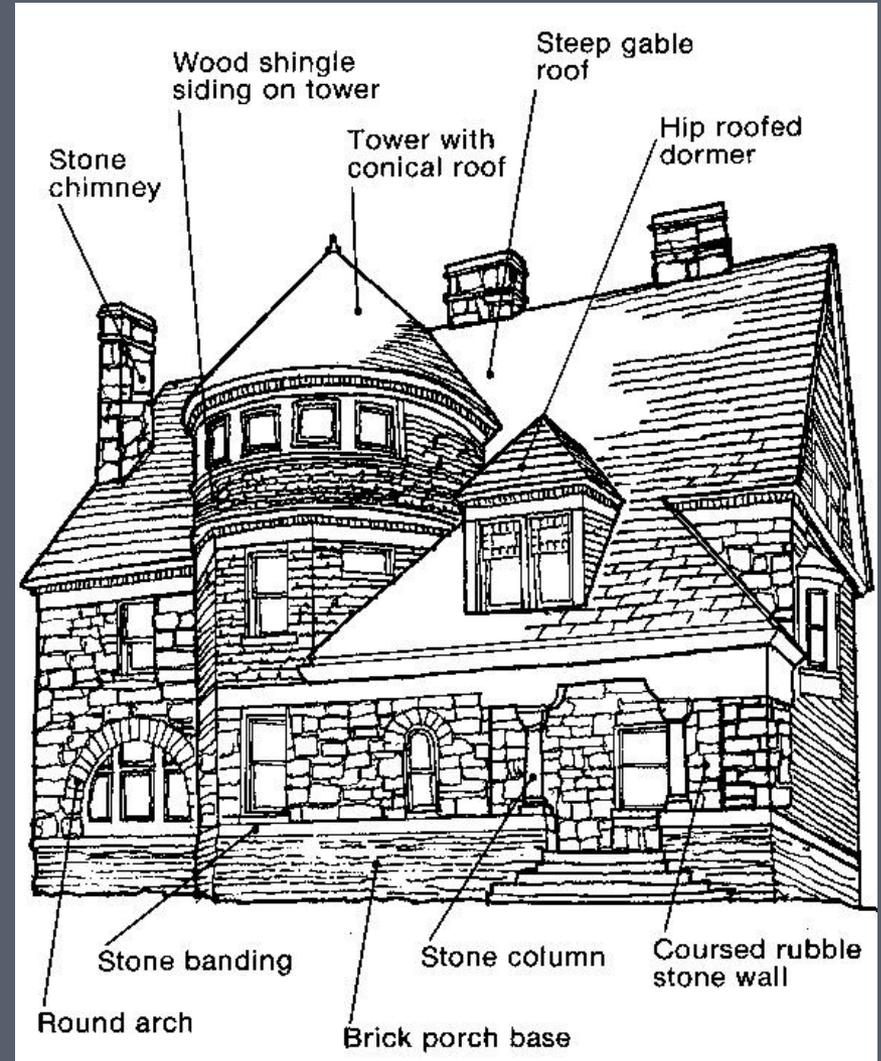
# Archeology

- Prehistoric Sites
- Historic Sites



# Architectural History

- Older than 50 years
- Buildings, Districts, Structures, Objects, Landscapes



# The National Register of Historic Places

- An official list of properties that are **significant** in American history, architecture, archeology, engineering, and culture, and are worthy of preservation
- Overseen by the National Park Service



# National Historic Preservation Act (1966)

## Section 106

*"The head of any Federal agency having direct or indirect jurisdiction over a proposed Federal or federally assisted undertaking in any State and the head of any Federal department or independent agency having authority to license any undertaking shall, prior to the approval of the expenditure of any Federal funds on the undertaking or prior to the issuance of any license, as the case may be, **take into account the effect of the undertaking on any district, site, building, structure, or object that is included in or eligible for inclusion in the National Register.** The head of any such Federal agency shall afford the Advisory Council on Historic Preservation established under Title II of this Act a reasonable opportunity to comment with regard to such undertaking."*

# Completing the 106 Process

- Define the ***Area Potential Effects***
- Identify Historic Properties
- Evaluate National Register ***Eligibility***
- Apply the Criteria of Adverse ***Effects***
- Consult to ***Resolve*** Adverse Effects

# National Register Eligibility

## Determining Significance



OLD



SIGNIFICANT

versus

# National Register Criteria

## Areas of Significance

- Criteria A = Event
- Criteria B = Person
- Criteria C = Design/Construction
- Criteria D = Information Potential

# National Register Eligibility

## Determining Integrity

**Integrity** (the ability of a property to convey its historical significance).

- Location
- Design
- Setting
- Materials
- Workmanship
- Feeling
- Association



# NEPA Components for MD 24



# Initial Coordination with Agencies

- USFWS
    - June 13, 2005
      - *Transient species: Clemmys muhlenbergii* (bog turtle)
  - DNR Wildlife and Heritage Service
    - June 20, 2005
      - *Transient species: Clemmys muhlenbergii* (bog turtle)
  - DNR Environmental Review Unit
    - April 13, 2005
    - Updated February 17, 2010
- 
- Use IV-P stream designation of Deer Creek mainstem downstream of Eden Mill Dam (stocked trout and public water supply)
  - Use III-P tributaries to Deer Creek (natural trout streams/coldwater streams) include: Rock Hollow Branch, Gladden Branch, Kellogg Branch, North Stirrup Run and South Stirrup Run
  - Deer Creek is a Designated River within the Maryland Scenic and Wild Rivers Program
  - Tier II (High Quality) Waters designation

# Tribal Coordination

- Project was noted at Maryland Commission on Indian Affairs meetings on May 7, 2007
  - Email requests for information from Piscataway Groups on June 23, 2008
  - Letters to federally recognized tribes by SHA on behalf of FHWA specifically concerning the MD 24 project dated 11-7-08
  - One email response from Oneida dated 12-4-08, indicates no knowledge Oneid connections to the MD 24 project area.

# Maryland Historical Trust

- 2005 Initial review for potential sites
  - Desktop/archives/Data collection
  - Archeological potential assessment- positive
- 2009 SHA hired a consultant to conduct archeological survey of MD 24 corridor
  - King and Queen Seat
  - Ma & Pa Railroad
  - La Grange Furnace
  - Rogers House/Ramsay Store + two domestic sites
  - Preston Ford
- MHT has not commented on the report and recommendations on the eligibility of specific archeological sites for listing on the National Register.
- **Summary of Archeological Report:**  
<http://www.marylandroads.com/WebProjectLifeCycle/ProjectDocuments.asp?projectno=HA3342112#>

# Various External Meetings (since 2007)

- Interagency Meeting June 1, 2007
- Field Meeting w/agencies June 30, 2008
- DNR meeting July 15, 2008
- MDE and Army Corp July 28, 2009
- Meeting with DNR August 17, 2009
- Meeting with Deer Creek Advisory Committee September 21, 2009
- Field Meeting w/agencies October 15, 2008
- Interagency Meeting November 4, 2009
- Public Meeting December 8, 2009
- Public Meeting December 17, 2009
- Meeting with DNR December 18, 2009
- Advisory Committee Meeting February 18, 2010

# Moving Forward

- Section A: State Funded
  - Decide on Design Strategy
    - Continuous Agency Coordination
    - Need DNR agreement
  - Submit Eligibility and Determination of Effects to MHT
    - Eligibility of the archeological attributes, architectural history and landscape significance for the entire area.
  - Write Environmental Assessment Form

# Moving Forward

- Section G: Federal Funding
  - Decide on Design Strategy
    - Continuous Agency Coordination
    - Need DNR agreement
  - Submit Determination of Effects to MHT
  - Write Categorical Exclusion 4(f)\* (document depends on impacts of chosen design)
    - Submit to FHWA for lead agency approval