Meet Your Regulators

Road School 2018
Introduction

Michelle Allen
Environmental Program Manager
FHWA Indiana Division
Legal Requirements for Transportation Projects

• National Environmental Policy Act (NEPA)
  • signed into law on January 1, 1970
  • requires federal agencies to assess the environmental effects of their proposed actions prior to making decisions

• Laws and Regulations
  • The National Environmental Policy Act of 1969
  • CEQ Regulations for Implementation of the Procedural Provisions of NEPA 40 CFR 1500-1508
  • FHWA/FTA NEPA Regulations 23 CFR 771
Legal Requirements for Transportation Projects

- Rivers and Harbors Act - 1899
- Migratory Bird Treaty Act - 1918
- Fish and Wildlife Coordination Act - 1936
- National Historic Preservation Act - 1966
- National Environmental Policy Act - 1969
- Environmental Protection Agency - 1970
- Clean Water Act - 1972
- Endangered Species Act - 1973
- Clean Air Act of 1973 and CAA amendments - 1990 ...
Deb Snyder
Project Manager
Louisville District
Indianapolis Regulatory Office

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(317) 543-9424
USACE Jurisdiction

- Clean Water Act Section 404
  - Discharge of fill materials into Waters of the United States
  - Nationwide Permit
  - Regional General Permit
  - Individual Permit
- Rivers and Harbors Act Section 10
- What’s changed –
  - Approved JD’s
  - Mitigation
- Concerns
IDEM, Office of Water Quality
Wetlands and Storm Water Section

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Sara Lamkin, Storm Water Permit Coordinator
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IDEM Jurisdiction

• Clean Water Act:
  • Section 401 Water Quality Certification
  • Isolated Wetlands (IC 13-18-22)

• Section 402 – NPDES:
  • Rule 5 – Construction Site Storm Water Run-off
  • Rule 13 – Municipal Separate Storm Sewers (MS4s)

• What’s changed

• Concerns
Robin McWilliams Munson
Fish & Wildlife Biologist, Transportation Liaison
Bloomington Field Office

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Field Transportation Liaison

Roles -
• Facilitate environmental and permit review process
• Provide technical assistance to State DOTs
• Assist in transportation planning by providing environmental expertise

Benefits -
• Develop streamlined process and expedite environmental reviews
• Provide input to avoid environmentally sensitive areas
• Predictable environmental reviews and consultations
• Improved communication and coordination between INDOT and agency
• Increased INDOT access to environmental and regulatory expertise
Matt Buffington
Environmental Supervisor
Division of Fish and Wildlife

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Submit all environmental reviews to:
environmentalreview@dnr.in.gov
CORRIDORS

Conservation on Rivers & Roadways Intended to Develop Opportunities for Resources & Species

- Grassland and Pollinator habitat establishment
- Improved habitat along roadways and waterways.
- Partners –

  - https://www.in.gov/dnr/fishwild/9405.htm
  - Erin Basiger, South Landscape Biologist, (765) 276-3047, ebasiger@dnr.IN.gov
John Carr
Team Leader for Historic Structures Review
Division of Historic Preservation and Archaeology

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DNR-DHPA/SHPO Mandates

Director of DHPA is the deputy State Historic Preservation Officer (SHPO)

Sec 106 of the National Historic Preservation Act

- A process of comment and consultation, not permitting
- See INDOT’s Cultural Resources Manual for guidance [link]

Section 4(f) of the US Department of Transportation Act

- The SHPO is the official with jurisdiction for National Register-eligible and National Register-listed historic properties

Certificate of Approval—Indiana state law IC 14-21-1-18

- A license issued by Indiana Historic Preservation Review Board--DNR-DHPA is their staff
- See DHPA’s website for guidance [link]; found under “Section 18” “certificate of approval”
Questions?