Utilities and Environmental Permitting

Rich Williams
Georgia Department of Transportation
Office of Environmental Services
National Environmental Policy Act (NEPA)

- Ensures availability of environmental impact information for public officials & citizens before decisions are made, for federal actions.

- Requires compliance with a variety of federal laws, regulations & executive orders.
Interagency Cooperation and Coordination

- Federal Highway Administration
- Georgia State Historic Preservation Officer
- US Fish & Wildlife Services
- US Army Corps of Engineers
- Georgia Environmental Protection Division
- US Environmental Protection Agency
- Etc.
Multi-disciplinary Process

Cultural Environment

History

Archaeology

Natural Environment

Protected Waters

Protected Species

Social Environment

Communities

Human Environment
National Historic Preservation Act – Section 106

- Identify historic and archaeological resources
- Assess project effects
- Avoid and minimize adverse effects
- Mitigate for adverse effects through consultation
Cultural Resources

- **Historic structures**
  - Buildings
  - Structures
  - Districts
  - Objects

- **Archaeological sites**
  - Mounds
  - Caves
  - Villages
  - Traditional Cultural Properties
USDOT Act - Section 4(f)

- Identify Section 4(f) resources
  - Significant historic properties
  - Publicly owned parks, recreation areas or wildlife & waterfowl refuges
- Avoid the use of land
Public Parks & Recreation Areas
Section 106 vs. Section 4(f)

- Section 106 – Consult on project impacts
- Section 4(f) – USDOT mandate to avoid the use of land
Temporary easements not a 4(f) use – if . . .

- Occupancy of short duration
- No change in ownership
- No temporary or permanent adverse effects
- Includes only a minor amount of land
Section 4(f) de minimis finding

- Section 4(f) resource not adversely affected
- Avoidance alternatives not required
- Provision of SAFETEA-LU
- Historic – SHPO acknowledgement
- Non-historic – public involvement
Natural Resource laws

- Section 404 of the Clean Water Act
- Georgia Erosion & Sedimentation Act
- Endangered Species Act
Wetlands

Gum swamp

Bottomland hardwood
Streams
Section 404 permit types

- Required under the Clean Water Act
- Determined by severity of impacts to jurisdictional Waters of the US as well as document and/or project type
404 permit types

- **General Permits**
  - Nationwide Permits
    - Preconstruction Notification (PCN) – 3 months
  - Regional Permits
    - Preconstruction Notification (PCN) – 3 months

- **Individual Permits**
  - 6 months at a minimum
Georgia Erosion & Sedimentation Act

- State law
- 25-foot buffers on warm water streams & open waters
- 50-foot buffers on cold-water trout streams
- Variance granted (or denied) by Georgia EPD

- OCGA 12-7-1
Protected Species

GA is the largest state east of the Mississippi and the 6th most biologically diverse in the Nation

- 2nd in fish
- 3rd in amphibians
- 7th in vascular plants
- 5th in number of species already lost to extinction
Section 7 of the Endangered Species Act

- Federal law
- Evaluate impacts on threatened & endangered species and habitat
- Identify & evaluate designated critical habitat
- USFWS (& USNMFS) & FHWA consultation
Levels of NEPA analysis

- Categorical Exclusion
- Environmental Assessment
- Environmental Impact Statement
### Environmental Commitments Table

**P#(s):** [County(ies): ] [Date Updated: ] [Stage: (PCE/CE/DEA/FEA, PFPR, Reevaluation, FFPR, or Let)]

- **Review:** [ ] These commitments are feasible.
- **Project Manager (PM):** [ ] Plans incorporate the commitments.
- **PM Signature/Date:** [ ] (must be checked at all stages)
- **Engineer of Record (EOR):** [ ] Air/Noise ________ Arch ________
- **EOR Signature/Date:** [ ] Eco ________ Hist ________

#### A. Resources to Be Delineated on the Plans and/or Listed in the Environmental Resource Impact Table (ERIT)

<table>
<thead>
<tr>
<th>Resource Name</th>
<th>P#(s)</th>
<th>Additional Information (refer to the SP, plan note, design feature, permit, variance, commitment, etc...)</th>
<th>Name and Date of Report or Transmittal</th>
<th>Correctly Shown?</th>
</tr>
</thead>
<tbody>
<tr>
<td>A-1 Ex Water: PS 1</td>
<td>All</td>
<td>750 feet of impact; Refer to Permit D-2 and Mitigation D-3; FWCA completed 2.1.11</td>
<td>Ecology Report 1.1.11</td>
<td>No</td>
</tr>
<tr>
<td>A-2 Ex Buffer: PS1 Buffer</td>
<td>&quot;</td>
<td>Refer to BV D-4 (or Anticipated Buffer Impacts Exempted)</td>
<td>-</td>
<td>No</td>
</tr>
<tr>
<td>A-3 Ex Migratory Birds</td>
<td>&quot;</td>
<td>Refer to SP B-1</td>
<td>-</td>
<td>not req'd</td>
</tr>
<tr>
<td>A-4 Ex Protected Species</td>
<td>&quot;</td>
<td>Refer to SP B-1; Informal Section completed 2.1.11</td>
<td>-</td>
<td>not req'd</td>
</tr>
<tr>
<td>A-5 Ex Hist: Cox House</td>
<td>&quot;</td>
<td>Refer to Plan Note C-1</td>
<td>Historic Survey Report 1.1.11</td>
<td>No</td>
</tr>
<tr>
<td>A-6 Ex Arch: Resource 1</td>
<td>&quot;</td>
<td>Refer to SP B-2 and Plan Note C-1</td>
<td>Boundary Transmittal 1.1.11</td>
<td>No</td>
</tr>
</tbody>
</table>

#### B. Special Provisions (Attach all special provisions to the commitments table, if available)

<table>
<thead>
<tr>
<th>Special Provision</th>
<th>P#(s)</th>
<th>Purpose</th>
<th>Est. Cost</th>
<th>SP's Latest Date</th>
</tr>
</thead>
<tbody>
<tr>
<td>B-1 Ex: SP 107.23.G</td>
<td>All</td>
<td>For the protection of migratory birds and protected species</td>
<td>Negligible</td>
<td>1.1.11</td>
</tr>
<tr>
<td>B-2 Ex: SP 107.23.F</td>
<td>&quot;</td>
<td>For the protection of Resource 1</td>
<td>Negligible</td>
<td>Not Available</td>
</tr>
</tbody>
</table>

#### C. Plan Notes and Design Features (Description: For plan notes, provide exact wording in “quotes” and approximate location)

<table>
<thead>
<tr>
<th>Purpose</th>
<th>P#(s)</th>
<th>Description</th>
<th>Est. Cost</th>
<th>Correctly Shown?</th>
</tr>
</thead>
<tbody>
<tr>
<td>C-1 Ex: Protect Resources</td>
<td>All</td>
<td>Include the following note on all plan sheets with affected resources: &quot;Stay off.&quot;</td>
<td>Negligible</td>
<td>No</td>
</tr>
<tr>
<td>C-2 Ex: Noise Abatement</td>
<td>&quot;</td>
<td>Noise walls along 1st Street, in front of Parcels 1, 2, and 3</td>
<td>$30,000</td>
<td>No</td>
</tr>
</tbody>
</table>

#### D. Permits, Buffer Variances and Mitigation Credits

<table>
<thead>
<tr>
<th>Permit, Variance, etc</th>
<th>P#(s)</th>
<th>Additional Information (permit details, number of credits needed, etc...)</th>
<th>Est. Cost</th>
<th>Acquired?</th>
</tr>
</thead>
<tbody>
<tr>
<td>D-1 Notice of Intent (NOI)</td>
<td>All</td>
<td>The Office of Bidding Administration and Construction Contractor will submit a NOI to the NPDES General Permit following award of the contract prior to construction.</td>
<td>Negligible</td>
<td>Will be acquired following letting</td>
</tr>
<tr>
<td>D-2 Ex: 404 IP</td>
<td>&quot;</td>
<td>None</td>
<td>&quot;</td>
<td>No</td>
</tr>
<tr>
<td>D-3 Ex: Stream Credits</td>
<td>&quot;</td>
<td>320 stream credits needed</td>
<td>$30,000</td>
<td>No</td>
</tr>
<tr>
<td>D-4 Ex: Buffer Variance</td>
<td>&quot;</td>
<td>None</td>
<td>Negligible</td>
<td>No</td>
</tr>
</tbody>
</table>

#### E. Other Commitments or Requirements (Status: Pre- and Post – Complete or Incomplete; During – Signature Req’d)

<table>
<thead>
<tr>
<th>Pre, During, or Post</th>
<th>P#(s)</th>
<th>Commitment</th>
<th>Responsible party</th>
<th>Est. Cost</th>
<th>Status</th>
</tr>
</thead>
<tbody>
<tr>
<td>E-1 Ex: Preconstruction</td>
<td>All</td>
<td>Test potential UST or Haz Mat sites</td>
<td>OMR</td>
<td>Negligible</td>
<td>Incomplete</td>
</tr>
</tbody>
</table>

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If Project is Complete or Under Construction, Area or Construction Engineer affirms that all Special Provisions, Plan Notes and During Construction Commitments were or are being adhered to during the project’s construction. P#(s): [ ]

Please Print Name and Title: ____________________________

Signature: ____________________________ Date: ____________ Please provide an explanation if unable to sign.

Estimated Costs are for planning purpose only, in current dollars as of date updated.
Commitment types

- Resources to be delineated on plans and/or ERIT
- Special Provisions
- Plan notes and design features
- Permits, buffer variances & mitigation credits
- Other commitments or requirements
Environmentally Sensitive Areas (ESA)

- Supplemental Specification 107.23F
- Delineate area on plan sheets
- Plan note prohibiting staging & vehicle parking
- Plan note for contractor to fence area
ESA (cont’d)

ESA Example #4

- ESA-25' STREAM BUFFER
- STREAM
- RIGHT OF WAY
- ORANGE BARRIER FENCE
- PAVED SHOULDER
- TRAVEL LANES
- CONSTRUCTION C
- GRASSED MEDIAN
Resource protection

- Protect a tree on a historic property to allow for a “no adverse effect” finding

- Protection of an archaeological site
Tree protection
Green Sheet is **not** a contractual obligation between the contractor and the Department

Environmental Resource Impact Table is part of the contract documents
<table>
<thead>
<tr>
<th>Resource Name/Type</th>
<th>Location</th>
<th>Side</th>
<th>Construction Activity</th>
<th>Permitted Activity</th>
<th>Controlling Criteria</th>
<th>Special Provision?</th>
<th>Comments including any permit expiration dates</th>
</tr>
</thead>
<tbody>
<tr>
<td>Stream 1 buffer</td>
<td>114+00</td>
<td>Both</td>
<td>Culvert construction</td>
<td>Activities within 50 ft of culvert do not require variance from EPD</td>
<td>EPD memo dated 6/8/06</td>
<td>EPD memo dated 6/8/06</td>
<td>Roadway drainage exemption – activities beyond 50 ft will require variance</td>
</tr>
<tr>
<td>Wetland 2</td>
<td>119+15</td>
<td>Rt</td>
<td>Rip rap placement</td>
<td>0.5 ac permanent impact &amp; 0.5 ac temporary impact</td>
<td>Section 404 of the CWA – NW14</td>
<td>Section 404 of the CWA – NW14</td>
<td>Impacts permitted to ROW; permit expires June 30, 2011</td>
</tr>
<tr>
<td>Protected species</td>
<td>212+90</td>
<td>Both</td>
<td>Demolition of old bridge &amp; construction of new bridge</td>
<td>Refer to Special Provision 107.23g</td>
<td>Endangered Species Act</td>
<td>Endangered Species Act</td>
<td>107.23g Contractor to direct questions to Engineer</td>
</tr>
</tbody>
</table>
Field Plan Reviews

ENVIRONMENTAL

ENVIRONMENTAL COMMITMENTS: See Appendix “A” for Green Sheet

GENERAL ENVIRONMENTAL COMMENTS:

The Environmental Resources Impact Table (Environmental Resources Impact Table) will be coordinated with the project's Environmental Commitments Table and other plan notes to illustrate the restrictions associated with various environmental resources. The responsibility for inserting the table into the plans will rest with the designer, and its content and accuracy will be confirmed by the NEPA analyst who is responsible for environmentally certifying the project. The table shall be included in the General Notes section of all plans beginning with projects that have field plan reviews scheduled for September 1, 2010, and later and/or projects that are scheduled to be let in November 2010 or later. All Environmentally Sensitive Area (ESA) flags on plan sheets shall be changed to read "ESA - See Environmental Resources Impact Table in General Notes for construction restrictions." The ESA notes shall be placed on ALL plan sheets where an ESA exists.

⇒ Wetland 7a Rt. - A 2’ gas main will be installed along the back of the required easement line.

⇒ Stream 7 Lt. - There will some temp work for the proposed pole line beyond barrier fence. Verify that the work will not violate environmental document.
Wow! This seems to be pretty thorough.

What could possibly go wrong?
Environmentally Sensitive Areas
Environmentally Sensitive Areas
Questions?