|  |  |  |
| --- | --- | --- |
| Environmental/Cultural Resources Compliance checklist | | |
| [National Environmental Policy Act (NEPA)](http://epg.modot.org/index.php?title=136.6_Environmental_and_Cultural_Requirements#136.6.2_National_Environmental_Policy_Act_.28NEPA.29_Classification) | | |
| **Determine NEPA Classification**  **and Documentation** | The local public agency (LPA) electronically submits a completed Request for Environmental Review (RER) form and any NEPA documentation to the MoDOT district contact and environmental contact. |  |
| MoDOT Environmental and Historic Preservation Staff coordinate with FHWA to determine whether the project meets the criteria for a Programmatic CE or requires a CE2, EA, or EIS. | |
| If MoDOT determines the project is categorically excluded as a Programmatic CE, MoDOT will provide NEPA clearance after receipt of the T&E concurrance, SHPO and 4(f) clearances. All other clearances of other applicable environmental laws will still need to be provided notwithstanding reasonable assurances for extraordinary circumstanes. |  |
| or | |
| If the NEPA classification is a CE2, EA, or EIS, the LPA prepares the appropriate document in cooperation with MoDOT environmental staff and FHWA. MoDOT will inform the LPA of needed documentation and known issues. | |
| Follow guidelines for public and regulatory agency involvement. |  |
| Get final approval of CE2 from FHWA. For an EA or EIS, get final approval of the NEPA document and the appropriate decision document (FONSI or ROD) from FHWA. (106, T&E, and 4(f) are required for NEPA approval). |  |
| Identify commitments/mitigation measures from design and construction. |  |
| [Section 106 (CULTURAL RESOURCES)](http://epg.modot.org/index.php?title=136.6_Environmental_and_Cultural_Requirements#136.6.4.1_Section_106_.28Cultural_Resource.29_Compliance) | | |
| **Determine Need for Cultural Resource Investigations** | The LPA must solicit MoDOT’s opinion on whether the project fits under MoDOT’s programmatic 106 by submitting a Section 106 Project Information Form to MoDOT. |  |
| If the project fits under MoDOT’s programmatic, Section 106 compliance is complete. |  |
| or | |
| If no, the LPA must solicit State Historic Preservation Office’s (SHPO) opinion on the need for a cultural resource survey by submitting the Section 106 Project Information Form to SHPO. The LPA must identify FHWA as the lead federal agency. |  |
| If the SHPO determines that no Section 106 Survey is required, Section 106 compliance is completed. The date of the SHPO letter is used as the Section 106 compliance date. If the SHPO requests a Section 106 Survey, the LPA proceeds to the next step. |  |
| If a survey is determined to be required, Tribal Notification may also be necessary |  |
| **Cultural Resource Investigations** | The Cultural Resource Survey | |
| If the SHPO requests a Section 106 survey the LPA will need to hire a qualified cultural resource consultant or staff member to conduct the survey and to submit a report of their findings to the SHPO and MoDOT. |  |
| Determination of Eligibility | |
| If cultural resources are present, the LPA, in consultation with SHPO and Federal Highway Administration (FHWA), determines whether a cultural resource meets the eligibility requirements of the National Register of Historic Properties (National Register). A cultural resource professional may need to conduct additional investigations to evaluate the eligibility of some resources. |  |
| Determination of Effect | |
| If historically significant cultural resources are present, the LPA, FHWA, and SHPO will determine the effect of the project on each National Register eligible property. |  |
| If the SHPO concurs with the results of the Section 106 Survey submittal being “no historic properties affected” or “no adverse effect to a historic property,” Section 106 compliance is completed. The date of the SHPO letter is used as the Section 106 compliance date. If the result of the survey is “adverse effect to a historic property,” the LPA proceeds with the next two steps. | |
| **Preparation of the Memorandum of Agreement** | If historic properties will be adversely affected by the project, the LPA will coordinate with SHPO and FHWA in preparation of a Memorandum of Agreement (MOA). |  |
| **Mitigation of Adverse Effect** | The LPA implements and fulfills the stipulations of the MOA. Ultimately, the SHPO must concur that the stipulations of the MOA have been satisfied. |  |
| If these last two steps are required, then the date that FHWA signed the MOA is used as the Section 106 compliance date. | |
| [Section 4(f) and 6(f)](http://epg.modot.org/index.php?title=136.6_Environmental_and_Cultural_Requirements#136.6.4.2_Section_4.28f.29_of_the_U.S._Department_of_Transportation_Act_of_1966_and_Section_6.28f.29_of_the_Land_and_Water_Conservation_Fund_Act_.28LWCFA.29_Properties) | | |
| **Section 4(f)** | Determine whether the project requires the use of or impacts any 4(f) resources—public recreation areas as well as historic properties. |  |
| Determine whether the 4(f) impact is appropriate for a *de minimus* determination, fits the criteria for one of the programmatic evaluations, or requires a full 4(f) evaluation. |  |
| Complete appropriate coordination and documentation. |  |
| **Section 6(f)** | Determine whether the project impacts facilities funded through the Land and Water Conservation Fund (LWCF) Act. |  |
| Coordinate 6(f) requirements with the appropriate federal agency(s) and MoDOT. |  |
| [Wetlands & Streams—Section 404 and 401 Certification](http://epg.modot.org/index.php?title=136.6_Environmental_and_Cultural_Requirements#136.6.4.3_Section_404_Permits_for_Wetlands_and_Streams) | | |
| **Section 404 Permit and 401 Certification** | If your project involves placement of fill, dredging, or any work within a water body (stream, wetland, pond, or lake), conact the appropriate U.S. Army Corps of Engineers (COE) District Office to determine whether a permit is needed. (Inform the COE that FHWA is the lead federal agency) |  |
| The COE determines whether they have jurisdiction over the body of water and whether a permit is required. | |
| If the project requires a Section 404 permi~~t~~, submit a permit application to the COE District Office (noting that FHWA is the lead). The application should include pictures of the impacted water body, preliminary plans, maps, and whatever else is available pertaining to the project. If channel modifications are planned, the permit application must indicate that and include justification for any channel changes as well as an evaluation of impacts to the channel. (The COE will require 106 and T&E to be complete to issue the permit) |  |
| In some cases, a 401 certification must be obtained by also submitting the 404 application to DNR. |  |
| **Construction** | Follow any conditions required by the 404 permit and 401 certification. |  |
| [Threatened and Endangered Species](http://epg.modot.org/index.php?title=136.6_Environmental_and_Cultural_Requirements#136.6.4.5_Threatened_and_Endangered_Species) | | |
| **Coordination** | Submit complete project information to MDC via the Heritage database (2 step process if Level 2 or 3) and FWS via IPaC for initial screening, requesting species lists for the action area. |  |
| Report findings and provide copies of all correspondence to and from MDC and FWS to the MoDOT district contact and MoDOT Environmental. |  |
| Submit complete project information, photos of the action area and any trees to be removed, plans to date, species impact assessments, maps, estimates and locations of ground disturbance, temporary impacts, and vegetation removal to MoDOT district contact and MoDOT Environmental. |  |
| Incorporate all necessary Job Special Provisions into final plans to avoid impacting these species. |  |
| **Construction** | Include/implement all conditions from design (Job Special Provisions) in the construction contract to avoid impacting protected species and habitats. |  |
| [Floodplain and Regulatory Floodway](http://epg.modot.org/index.php?title=136.6_Environmental_and_Cultural_Requirements#136.6.4.6_Base_Floodplain_and_Regulatory_Floodway) | | |
| **Determinations** | Determine whether the community where the project is located participates in the National Flood Insurance Program (NFIP). |  |
| Determine whether any part of the project is located in a Special Flood Hazard Area (SFHA)—i.e., in the base (1%) floodplain—and/or regulatory floodway. |  |
| No floodplain permit is required if the community does not participate in the NFIP, if the area has not been mapped to show flood hazard boundaries, or if the project is not in the floodplain. | |
| Notify MoDOT if any part of the project is on a MoDOT-owned facility. |  |
| Per 23 CFR 650.111(e) include a summary in the environmental review documents. |  |
| **Permits** | If the project is in a floodway, the LPA must obtain a “No-Rise” Certification for development in the regulatory floodway before obtaining the floodplain development permit. |  |
| Contact the local floodplain administrator to obtain a floodplain development permit. |  |
| [Flood BuyoUT LANDS](http://epg.modot.org/index.php?title=136.6_Environmental_and_Cultural_Requirements#136.6.4.7_State_Emergency_Management_Agency_.28SEMA.29.2FFederal_Emergency_Management_Agency_.28FEMA.29_Buyout_Lands) | | |
| **Determination** | Determine whether the project requires the use of a FEMA buyout property.. |  |
| **Coordination** | Contact FEMA prior to any project decision involving a buyout property. |  |
| [Stormwater and Erosion Control](http://epg.modot.org/index.php?title=136.6_Environmental_and_Cultural_Requirements#136.6.4.8_Stormwater_and_Erosion_Control) | | |
| **Determine Need for a Permit** | If the project includes 1 acre or more of ground disturbance, an NPDES (land disturbance) permit is required. Determine whether there are state or local ordinances that must be addressed. |  |
|  | An NPDES permit is not required if there is less than 1 acre of disturbance. Any state or local ordinances concerning stormwater issues should be addressed. |  |
|  | Determine whether the city or county where the project is located has its own NPDES permit. If so, the LPA must comply with the requirements of the local NPDES generic land disturbance permit or MS4 permit. |  |
| **Obtain Permit** | If the project disturbs more than 1 acre and there is not already an NPDES permit in place, contact DNR to obtain a permit for the project. |  |
| Develop a site-specific stormwater pollution prevention plan for the project. |  |
| [Borrow, Staging, and Haul Roads](http://epg.modot.org/index.php?title=136.6_Environmental_and_Cultural_Requirements#136.6.4.9_Borrow_Sites_and_Other_Land_Disturbance_Activities_Outside_Right_of_Way) | | |
| **Environmental and Historic Preservation Clearance** | The LPA is responsible for ensuring that any disturbed areas either inside or outside of project boundary limits are cleared of all environmental and historic preservation issues. | |
| Contact all appropriate regulatory resource agencies to determine permit and clearance requirements and obtain all necessary documents. |  |
| Provide written certification that includes all permits and clearance letters as well as evidence of resource agency coordination to the MoDOT district contact. |  |
| [Hazardous Waste](http://epg.modot.org/index.php?title=136.6_Environmental_and_Cultural_Requirements#136.6.4.10_Hazardous_Waste) | | |
| **Identification** | Evaluate proposed corridors for hazardous and solid waste sites, asbestos and lead based paint. |  |
| **Coordination** | If potential hazardous and/or solid waste sites are discovered, coordinate with EPA and DNR to help determine liability, regulatory requirements, and potential cleanup costs. |  |
| Demolition notification to MDNR shall be made to DNR no fewer than 10 working days prior to beginning the project. |  |
| Provide evidence of any regulatory agency correspondence to the MoDOT district contact. |  |
| [FaRMLaNd](http://epg.modot.org/index.php?title=136.6_Environmental_and_Cultural_Requirements#136.6.4.11_Farmland_Protection_Policy_Act) | | |
| **Determination** | Determine whether the project will convert any farmland to non-farming use. |  |
| **Agency Coordination** | If the project impacts farmland, coordinate with NRCS to complete Form AD-1006 Farmland Conversion Impact Rating or Form SCS-CPA-106 for corridor type projects. |  |
| [Community Impacts](http://epg.modot.org/index.php?title=136.6_Environmental_and_Cultural_Requirements#136.6.4.12_Community_Impact_Assessment_.28Social.2FEconomic.2FEnvironmental_Justice.29) | | |
| **Compliance** | Comply with all requirements of Title VI of the Civil Rights Act of 1964 and Executive Order 12898 on Environmental Justice. |  |
| The CE2 or the RER must include a description of any impacts to minorities, low-income populations, and the community in general as well as evidence of compliance with all applicable social, economic, and environmental justice laws. |  |
| [nOisE](http://epg.modot.org/index.php?title=136.6_Environmental_and_Cultural_Requirements#136.6.4.13_Noise_Standards_and_Noise_Abatement) | | |
| **Determination** | Determine whether a noise analysis is needed. |  |
| If necessary, conduct noise analysis and determine whether noise abatement measures are applicable. |  |
| [AiR](http://epg.modot.org/index.php?title=136.6_Environmental_and_Cultural_Requirements#136.6.4.14_Air_Quality_Requirements) | | |
| **Determination** | If the project is located in an area without a Metropolitan Planning Organization (MPO), no further action is needed. |  |
| or | |
| If project is located in an area with a Metropolitan Planning Organization (MPO), determine whether the project is “regionally significant.” |  |
| If the project is not regionally significant, no further action is needed. |  |
| If the project is regionally significant, contact MoDOT’s Environmental Section for further direction. |  |
| **Compliance** | Conformity for regionally significant projects is demonstrated through an established process for inclusion in a metropolitan TIP. |  |