The Environmental Section

Who We Are and What We Do
Who We are

Ben Hark is our Environmental Section Head
Sondra Mullins is our NEPA Status Group Leader

**Natural Resources Section** has 4 Biologists
   - Traci Cummings, Sydney Burke, Nathan Mullins and Ashley Akers

**Historic Resources Section** has 4 Historians
   - Randy Epperly, Tracy Bakic, Ahleah Boise, and Tyler Wilson

**Archaeological Resources Section** has 5 Archaeologists
   - Rod Demott, Tim Currey, Jen Babb, Rachel Crawford, and Matt O’Brien

**Engineering Support Section** has 2 Engineers and 2 Biologists
   - Lovell Facemire, Don Bailey, Tracie Moles and Hillary Mower
The National Environmental Policy Act (NEPA) was one of the first laws ever written that establishes the broad national framework for protecting our environment.

NEPA's basic policy is to assure that ALL branches of GOVERNMENT give proper consideration to the environment prior to undertaking any major federal action that significantly affects the environment.
A few acts that fall under the NEPA umbrella...

**Section 7** Endangered Species Act

**Section 404** Clean Water Act

**Section 106** Cultural Resources

**Executive order 12898**- Environmental Justice

**Section 4(f)** Parks, recreation areas, refuges, historic properties

**Section 6(f)** use of land and water conservation funds
Essential elements of NEPA

❖ Purpose and Need
❖ Alternatives
❖ Impacts
❖ Mitigation
❖ Public Involvement
❖ Interagency Coordination
❖ Documentation
NEPA DOCUMENT TYPES

On average how long does it take to clear each type?

- Programmatic Categorical Exclusion - Type 1 (PCE Type 1): 1-2 days
- Programmatic Categorical Exclusion - Type 2 (PCE Type 2): 3-4 months
- Categorical Exclusion (CE): 6-9 months
- Environmental Assessment/Finding of No Significant Impact (EA): 12-18 months
- Environmental Impact Statement/Record of Decision (EIS): 2-5 years

NEED FHWA APPROVAL
Transportation Project Development Process

Planning
- System considerations, coordination, conformity, project need

NEPA
- Need, alternatives and impact analysis, public / agency coordination, documentation (CE, EA/FONSI, EIS/ROD)

NEPA Approval: Location, design concept acceptance

Final Design

Right-of-Way

Construction

MAINTENANCE AND OPERATION

Post NEPA Project Development Activities
Section 7 of Endangered Species Act of 1973

❖ Provides a program for the conservation of plants and animals and the habitats in which they are found.

❖ The law also prohibits any action that causes “taking” of any listed species.
Threatened and endangered species

- In West Virginia there are 17 species of animals and 4 species of plants that are considered endangered.

- There are 5 species of animals and 2 species of plants that are considered threatened.
<table>
<thead>
<tr>
<th>January</th>
<th>February</th>
<th>March</th>
<th>April</th>
<th>May</th>
<th>June</th>
<th>July</th>
<th>August</th>
<th>September</th>
<th>October</th>
<th>November</th>
<th>December</th>
</tr>
</thead>
</table>
Section 106 of the National Historic Preservation Act

- Section 106 requires federal agencies to consider the effects of projects they carry out, approve, or fund on historic properties.
- Section 106 of the National Historic Preservation Act is crucial to the transportation program. It requires consideration of historic resources on all projects within the state.
- Section 106 gives the Advisory Council on Historic Preservation, interested parties, and the public the opportunity to comment on projects with historic issues, prior to the agency’s decision on them.
To complete Section 106 Review the following must occur:

- Gather information to decide which properties in the project area have historic significance (listed, or are eligible for listing, in the National Register of Historic Places (referred to as “historic properties”));
- Determine how those historic properties might be impacted by the project (review plans);
- Explore measures (alignment change) to avoid or reduce harm (adverse effect) to historic properties; and
- Reach agreement with the SHPO/THPO (and the ACHP in some cases) on such measures to resolve any adverse effects. A Memorandum of Agreement is prepared and signed between the SHPO, WVDOH & FHWA.
National Register Criteria for Evaluation

- **A** - That are associated with events that have made a significant contribution to the broad patterns of our history; or
- **B** - That are associated with the lives of persons significant in our past; or
- **C** - That embody the distinctive characteristics of a type, period, or method of construction, or that represent the work of a master, or that possess high artistic values, or that represent a significant and distinguishable entity whose components may lack individual distinction; or
- **D** - That have yielded or may be likely to yield, information important in prehistory or history.
Historic Resources Section

The Historic Resources Section is responsible for evaluating a project area for potential historic resources.

To be historic, a building must:

- Be at least 50 years old;
- Fit one of the criteria for the National Register of Historic Places (does not have to actually be formally listed);
- Have integrity (original materials, etc.).
Section 4(F) within the U.S. Department of Transportation Act of 1966

- Section 4 (f) refers to the original section within the U.S. Department of Transportation Act of 1966 which provided for consideration of park and recreation lands, wildlife and waterfowl refuges, and historic sites during transportation project development.

- Section 4 (f) only applies to projects that have federal funding.

Section 6(F) of the Land and Water Conservation Fund Act

- Section 6(f) of this Act provides matching funds to states or municipalities for planning, improvements, or acquisition of outdoor recreational lands. Any property that was planned, purchased, or improved with LWCF money is considered a 6(f) property. Typically, Section 6(f) properties are recreational lands that are also regulated under Section 4(f) of the Department of Transportation Act.
What we look for: 7 Aspects of Integrity

• Design
• Materials
• Workmanship
• Location
• Setting
• Feeling
• Association

*Evaluation of integrity is very subjective
ARCHAEOLOGICAL RESOURCES

• Our Archaeology Section studies past human cultures through the artifacts (material goods) and features (locations of previous activity) that are left behind.
What does the archaeologist do?

- Using the project design information an Area of Potential Effect (APE) must be determined.
  - Some locations or portions may be eliminated from further consideration due to the nature and extent of known previous disturbances, or landforms that make encountering archaeological resources unlikely.

- Conduct background research
  - All reasonably discoverable sources of information regarding the history and prehistory around the project location should be consulted.
  - Property entry permissions should be requested from the appropriate district’s Right of Way agent as soon as possible.
  - The records of the WV SHPO must be consulted before fieldwork can be planned.

- Make a field visit
  - This should happen as soon as the limits of disturbance (LOD) or environmental clearance zone (ECZ) are known.
  - During the field visit photo documentation of the general area will be completed.
  - This documentation can be used for justifying why further testing is unwarranted. If testing will be required, then the affected parcels will be noted.
  - Shovel tests will be completed throughout the LOD where suitable areas are found and they will be documented for reporting to SHPO or use on the review exempt forms.

- Reporting/Documenting
  - Reports are prepared to be sent to SHPO if required, if not the review exempt forms are completed for project clearance.
Mitigation

Some projects require us to do different types of mitigation to make up for the impacts we’ve had to the natural, historic or archaeological resources.

- Mitigation can be giving money to organizations or groups for restoration projects.
- Providing money for research.
- Monitoring the resources that were moved during the construction.
- Habitat improvements, etc.
Mitigation required from Tribal Consultation was the aesthetic details on the parapets.
Pollinator Mitigation

- Changing the WVDOT sponsored Wildflower Plots into Pollinator Areas.
- Using a specialized seed mix for roadsides that have native WV flowers.
- Sydney Burke has designed the signs that will designate these WVDOH Pollinator Areas.
- Also going to have small pollinator plots and signage at our rest areas.
- Mitigation for threatened and endangered pollinator species throughout the state.
LIFFY BRIDGE

The Lilly truss bridge was determined to be eligible for the National Register of Historic Places for its association with the creation of the Bluestone Dam and Bluestone Lake. It was built to provide a transportation link across the lake. The bridge was also significant as a good example of a 3-span cantilevered truss bridge. It was built in 1929 by the Virginia Bridge Company and supported by concrete abutments and 4 concrete piers. The bridge was 1,165 feet long and 24 feet wide and contained steel channel and angle bridge rails.
Combining mitigation funds and resources for multiple projects means better quality and greater benefit to the public.

- Eligibility known up front for planning purposes.
- Additional review may be necessary, but framework is in place.
- Input from many different experts and others make the plan feasible.
- Some bridges are actually preserved.
- Others can be replaced with less controversy.
Together
Everyone
Achieves
More

Any questions???
Feel free to contact the
Environmental Section. 😊
Question

1. Is the Purpose and need an essential element of NEPA? True or False?

• Answer- True
Question
2. What are the Five types of NEPA Documents?
A.) PCE1, EA, EIS, FONSI, and CE
B.) CE, ESA, EA, EIS, L&D
C.) PCE1, PCE 2, CE, EA, EIS
D.) None of the above

• Answer- C
Question
3. Can you start construction before you have an approved NEPA document? YES or No?

• Answer- NO
4. How many Endangered Animal Species are in West Virginia?

A.) 7
B.) 17
C.) 4
D.) 38

• Answer - B
Question
5. What national register criteria does Little Jimmy Dickens fall under?
A.) Criteria B
B.) Criteria D
C.) Criteria A
D.) Criteria C

• Answer- A
Question
6. Which one is **not** one of the 7 aspects of integrity?
A.) Feeling
B.) Age
C.) Association
D.) Location

• Answer - B
Question 7. Is Archaeology the study of dinosaurs? True or False?

• Answer- FALSE