

# Meet Your Regulators

Road School 2018



U.S. Department  
of Transportation

**Federal Highway  
Administration**

# Introduction

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**Michelle Allen**

Environmental Program Manager

FHWA Indiana Division

# Legal Requirements for Transportation Projects

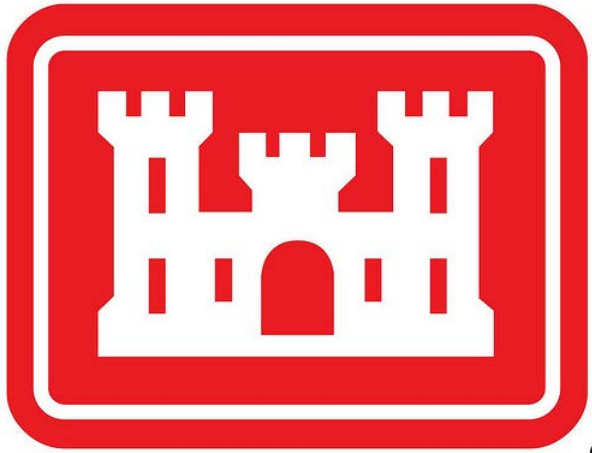
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- National Environmental Policy Act (NEPA)
  - signed into law on January 1, 1970
  - requires federal agencies to assess the environmental effects of their proposed actions prior to making decisions
- Laws and Regulations
  - The National Environmental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

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- 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 ...



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US Army Corps of Engineers  
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**Deb Snyder**

Project Manager

Louisville District

Indianapolis Regulatory Office

[Deborah.D.Snyder@usace.army.mil](mailto:Deborah.D.Snyder@usace.army.mil)

(317) 543-9424



# USACE Jurisdiction

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- 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**

Jay Turner, Wetlands Project Manager

[JTurner2@idem.IN.gov](mailto:JTurner2@idem.IN.gov)

(317)234-7054

Sara Lamkin, Storm Water Permit Coordinator

[Slamkin@idem.IN.gov](mailto:Slamkin@idem.IN.gov)

317-233-1864



# 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

[Robin\\_McWilliams@fws.gov](mailto:Robin_McWilliams@fws.gov)

(812) 334-4261 ext. 207

# Field Transportation Liaison

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## 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

# DNR

INDIANA DEPARTMENT OF  
NATURAL RESOURCES

**Matt Buffington**

Environmental Supervisor  
Division of Fish and Wildlife

[MBuffington@idnr.IN.gov](mailto:MBuffington@idnr.IN.gov)

(317) 233-4666

Submit all environmental reviews to:

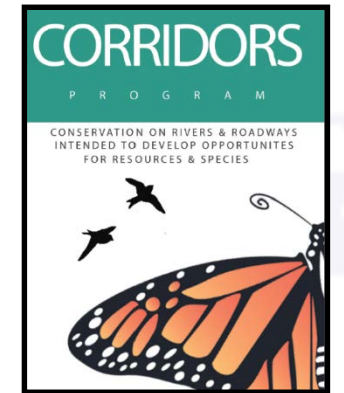
[environmentalreview@dnr.in.gov](mailto:environmentalreview@dnr.in.gov)



# 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](mailto:ebasiger@dnr.IN.gov)



# DNR

INDIANA DEPARTMENT OF  
NATURAL RESOURCES



**John Carr**

Team Leader for Historic Structures Review  
Division of Historic Preservation and Archaeology

[JCarr@dnr.IN.gov](mailto:JCarr@dnr.IN.gov)

(317) 233-1949



# DNR-DHPA/SHPO Mandates

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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 <http://www.in.gov/indot/crm/>

## 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 <http://www.in.gov/dnr/historic/2829.htm>; found under "Section 18" "certificate of approval"



Questions?

