

Draft Guidance for NEPA Mitigation and Monitoring MD State Highway Administration (SHA) Comments

Page #	Section Title	Comment
5	(1) Implement	The guidance should specify who should be responsible for design-build projects, the contractor, or the lead Federal agency?
3	(3) Implement	1st par - requires that agencies create internal processes to ensure mit actions adopted in NEPA are documented and that monitoring and implementation plans are created to ensure that mit is carried out. SHA takes care of the "implementation plans" through our Environmental Commitment Checklist process. Although monitoring is not typically included in the checklist, it could be added.
6	B Mit Monitoring	One of the impacts to SHA of this section would be more expensive mitigation (including effectiveness monitoring and a public role in mitigation monitoring. See extensive comments below on mitigation implications.

Miscellaneous Comments

<p>1. The CEQ is requesting a strengthening of the mitigation monitoring program to ensure mitigation measures are implemented and effective and recommending measurable performance standards. This could mean that more mitigation will need to be completed before or concurrently with a highway project. Funding for mitigation prior to a project can be difficult because the highway project may never be built. This means that the method and source of funding may have to change. The effectiveness of the mitigation will likely come through the post construction monitoring. The quantification process is more scientific and thus generally more time consuming and costly. Although quantification can provide more accurate information, it requires more storage and processing of data. This may require a complex field monitoring and database management.</p>
<p>2. Public participation in the mitigation process and accessibility to monitoring reports is promoted by the CEQ. Although public participation is fair, democratic and commendable, it certainly can be time consuming as contrasting public opinion has to be weighed when judging the acceptability of a mitigation proposal. You can't make all the people happy. As for reporting, public access would most effectively be accomplished through web based interfacing. This would require upfront work to get something on-line as well as continual website management.</p>
<p>3. CEQ recommends that agencies implement procedures to document and ensure commitment to implementing the mitigation. This would likely lead to advanced acquisition of mitigation sites. This in turn leads to problems with financing of the advanced purchase of mitigation right-of-way prior to a highway project. More advanced work would be required to ensure the best site is selected prior to commitment.</p>