

7 Environmental Review

The HSBMPO has established a regional goal to preserve, protect and enhance the natural and human environments.

Federal Guidance

The environmental streamlining of transportation planning review is intended to provide a mechanism which allows information, analyses, and products from the long-range transportation planning factors to be incorporated into and formally in MAP-21 and National Environmental Policy Act (NEPA) documents.

In addition, federal guidance indicates that an MPO's MTP should include a discussion of potential environmental mitigation activities. 23 CFR 450.104 defines environmental mitigation regional activities (non project specific) as:

“Strategies, policies, programs, actions, and activities that, over time, will serve to avoid, minimize, or compensate for (by replacing or providing substitute resources) the impacts to or disruption of elements of the human and natural environment associated with the implementation of a long-range statewide transportation plan or metropolitan transportation plan. The human and natural environment includes, for example, neighborhoods and communities, homes and businesses, cultural resources, parks and recreation areas, wetlands and water sources, forested and other natural areas, agricultural areas, endangered and threatened species, and the ambient air. The environmental mitigation strategies and activities are intended to be regional in scope, and may not necessarily address potential project-level impacts.”

National Environmental Policy Act Process

Congress signed NEPA [42 USC, 4321 et seq.] into law on January 1, 1970. NEPA establishes national environmental policy and goals for the protection, maintenance, and enhancement of the environment and provides a process for implementing these goals within the federal agencies.

The Federal Highway Administration (FHWA and NEPA)

NEPA requires, to the fullest extent possible, that the policies, regulations, and laws of the Federal Government be interpreted and administered in accordance with its environmental protection goals. NEPA also requires Federal agencies to use an interdisciplinary approach in planning and decision-making for any action that adversely impacts the environment.

NEPA requires and FHWA is committed to the examination and avoidance of potential impacts to the social and natural environment when considering approval of proposed transportation projects. In addition to evaluating the potential environmental effects, we must also take into account the transportation needs of the public in reaching a decision that is in the best overall public interest. The FHWA NEPA project development process is an approach to balanced transportation decision-making that takes into account the

potential impacts on the human and natural environment and the public's need for safe and efficient transportation.

It is FHWA's policy that (23 CFR § 771.105):

- To the fullest extent possible, all environmental investigations, reviews, and consultations be coordinated as a single process, and compliance with all applicable environmental requirements be reflected in the environmental document required by this regulation.
- Alternative courses of action be evaluated and decisions be made in the best overall public interest based upon a balanced consideration of the need for safe and efficient transportation; of the social, economic, and environmental impacts of the proposed transportation improvement; and of national, state, and local environmental protection goals.
- Public involvement and a systematic interdisciplinary approach be essential parts of the development process for proposed actions.
- Measures necessary to mitigate adverse impacts be incorporated into the action.

Environmental & Community Impacts

While transportation is crucial to our economy and our personal lives, the environmental and community impacts of transportation are equally significant and wide-ranging. Impacts from Transportation can affect the natural, social, and economic environment. During development of the long-range transportation plan, environmental impacts are analyzed on a regional scale. The HSBMPO environmental and community programs are described below.

A. Impacts to Neighborhoods

The HSBMPO has stated its intent is not to damage neighborhoods by widening roadways. Therefore the proposed roadway system attempts to minimize the expansion of arterials within existing urbanized areas, especially residential areas.

B. Environmental Justice

The increasing concern over environmental impacts of federally funded programs and projects on minority and low-income population builds upon Title VI of the Civil Rights Act of 1964. Title VI requires nondiscrimination in federally assisted programs by emphasizing the need to identify and address disproportionate effects of federal programs, policies, and activities. For this reason, a formal federal policy on environmental justice was established in February 1994, with Executive Order (EO) 12898, requiring all federal agencies to establish internal policies to ensure that the order was reflected in the full range of their activities, including public involvement.

In April 1995, the US Department of Transportation (DOT) issued its Order to Address Environmental Justice in Minority Populations and Low-Income Populations to fulfill the environmental justice policy objectives laid out in EO 12898. The central objective of the EO was to ensure that all federally funded transportation-related programs, policies, or

activities having the potential to adversely or negatively affect human health or the environment involve a planning and programming process that explicitly considers the effects on minority populations and low-income populations. DOT regulations specifically state that "In determining the site or location of facilities, a recipient or applicant may not make selections with the purpose or effect of excluding persons from, denying them the benefits of, or subjecting them to discrimination under any program to which this regulation applies on the grounds of race, color, or national origin...(49 CFR 21.5(b)(3)). The increasing concern over environmental impacts of federally funded programs and projects on minority and low-income population, builds upon Title VI of the Civil Rights Act of 1964. Title VI requires nondiscrimination in federally assisted programs by emphasizing the need to identify and address disproportionate effects of federal programs, policies, and activities. For this reason, a formal federal policy on environmental justice was established in February 1994, with Executive Order 12898 (EO 12898), requiring all federal agencies to establish internal policies to ensure that the order was reflected in the full range of their activities, including public involvement.

Upon discovery of the presence of large populations of minority and/or low-income persons further analysis should be performed during the project development process to ensure compliance with Title VI. During project development, Harlingen-San Benito staff will work with the entity responsible for implementation of the project to assure that potential issues are adequately addressed and mitigated according to federal law.

Natural Environment

Natural environment protection is done by protecting environmentally sensitive areas, such as wildlife management areas, wetlands, refuges, protected flora and fauna, and historic sites. Although there are environmentally sensitive areas in Cameron County, there are no areas of special protection within the Harlingen-San Benito MPO area. According to the U.S. Fish and Wildlife Service, there are federally listed species in Cameron County.

Threatened and Endangered Species

Ocelot and jaguarundi inhabit dense native brushland, generally occurring near watercourses, throughout South Texas. Population declines in both species of felids are primarily due to habitat loss associated with clearing of brush. Many bird species protected under the Migratory Bird Treaty Act may nest in an area containing trees or other suitable habitat.

The U.S. Fish and Wildlife Service recommends that vegetation disturbances potentially associated with roadway projects avoid the general nesting period of February 15 through October or that areas proposed for disturbance be surveyed first for migratory birds to avoid the impacts to the birds, destruction of nests, eggs, and their young.

The Harlingen-San Benito MPO, through the MAP-21 administered by the federal government and the Texas Department of Transportation, through the NEPA Review process, are working together to minimize the impact of transportation projects on the environment in our area.

ENVIRONMENTAL MITIGATION

The Code of Federal Regulations (CFR) requires the discussion of potential mitigation activities as a result of planned transportation improvements. CFR also requires that consultation of federal, state, and tribal resource agencies responsible for wildlife, land management, and regulation in the preparation of the 2015-2040 MTP.

To ensure compliance with 23 CFR, the Harlingen-San Benito MPO followed a four-step approach to consult with resource agencies regarding the 2015-2040 MTP environmental planning element:

1. Identify and conduct an inventory of environmental resources within the planning area;
2. Presented current MTP projects to environmental entities and discussed any impacts that they may foresee or observed;
3. Obtained system maps from resource agencies, which the HSBMPO will use to initiate the assessment of impact of selected projects to environmental resources and utilize the US EPA's NEPAAssist tool as part of the assessment.
4. The HSBMPO will overlay the planned transportation projects onto a map of the environmental resources;
5. Establish potential regional mitigation measures.

The goal of the 23 CFR requirements is to ensure consideration of environmental issues in the transportation planning process, as well as to establish an effective link between transportation planning and NEPA. Because of the environmental mitigation strategies discussed in 2015-2040 MTP are regional in scope and not project specific, a detailed environmental analysis mandated by NEPA is not required for the 2015-2040 MTP. However, NEPA does require a comprehensive environmental analysis for all individual transportation projects that receive federal funding.

Interagency Consultation

As required by 23 CFR 450.332(f)(7), the Harlingen-San Benito MPO consulted federal and state resource agencies responsible for wildlife, land management, and regulation in the development of the 2015-2040 MTP. The Harlingen-San Benito MPO meet individually with the following agencies in an effort to obtain input for the MTP update and to take a proactive approach in establishing communication, cooperation and coordination with the agencies listed below:

- US Fish and Wildlife
- Texas Department of Transportation
- Arroyo Colorado Watershed Partnership
- Texas Parks and Wildlife Department

Mitigation strategies

Environmental mitigation refers to the strategies developed to actively avoid, minimize, or mitigate the potential impacts a transportation improvement may have on the natural and human environment.

Potential mitigation strategies will/shall include at least one of the following strategies:

- Avoiding Impacts
- Minimizing a proposed activity/improvement size or its involvement;
- Rectifying impacts (restoring temporary impacts)
- Taking precautionary and/or abatement measures to reduce construction impacts;
- Employ special features or operational management measures to reduce impacts; and
- Compensating for environmental impacts by providing suitable, replacement, or substitute environmental resources of equivalent or greater value, on or off-site.
- When possible, the location of the project will try to avoid any wetland/wildlife refuge.
- If the location of the project is in any wetland/wildlife refuge, the project will be designed to minimize any environmental issues.

Air Quality Status

Air quality is an essential part of ecological protection and is a particularly important part of transportation development. More often than not, poor air quality is caused by traffic congestion, and in due course can lead to curtailed transportation development and land use in regionally important projects. This includes all state projects, other principal roadways, and transit systems.

The Harlingen office of the Texas Natural Resources Conservation Commission, TNRCC, provided the subsequent information about local air quality.

In 1999, the Lower Rio Grande Valley region had air quality monitors in Brownsville, Edinburg, Mission, and San Benito. In San Benito, there is a puff sampler located behind the existing City Hall building on the roof. This machine monitors total suspended particulates at the 1999 Environmental Protection Agency (EPA) levels. A twenty-four (24) hour sample is taken every six days.

This site has also been selected as one of five sites in Texas by the EPA to sample particulate matter at the proposed 2.5 microns level. This monitor was calibrated and went into effect in April 1999. Based on conversation with the Harlingen TNRCC office, the Harlingen-San Benito area has been in compliance since monitoring began with only one exception. This was during Summer 1998, due to fires in Mexico. The HSBMPO does not anticipate a non-attainment air quality finding anytime in the near future, but we are making an effort to increase mobility to reduce vehicular emissions.

Transportation and Conformity Air Quality Program

The Clean Air Act Amendments (CAAA) of 1990 set the mandate for better coordination of air quality and transportation planning. The CAAA requires transportation plans and investments in areas that do not attain federal clean air standards to conform to a state's clean air plan. Conformity to a state air quality plan means that transportation

activities will not produce new air quality violations, worsen existing violations, or delay timely attainment of the national ambient air quality standards (NAAQS).

During project development, HSBMPO staff will work with the entity responsible for implementation of the project to assure that potential air quality issues are adequately addressed and mitigated according to federal law. Air quality is another important part of environmental protection and is a very important aspect of transportation planning.

8 MTP Public Comments

This chapter outlines the Harlingen-San Benito MPO's public outreach efforts and outlines the efforts to pursue public comments for the *2015-2040 Metropolitan Transportation Plan*.

2015-2040 Metropolitan Transportation Plan Public Comment Efforts

The Harlingen-San Benito MPO has been seeking comments from the general public, planning partners and other interested parties since March 2014. Efforts to obtain information were made by posting public comments notices in the Harlingen-San Benito MPO website, HSBMPO & You Newsletter, and the local newspapers.

1st 2015-2040 Metropolitan Transportation Plan Public Meeting

The Harlingen-San Benito MPO hosted the first public meeting on Thursday, March 20, 2014 from 5:30pm to 7:00pm. The meeting was focused on what the MTP is and that the document would be updated.

Two individuals attended the meeting. They both had questions on what was the MTP and what projects were in the plan. The MPO staff answered their questions.

2nd 2015-2040 Metropolitan Transportation Plan Public Meeting

The Harlingen-San Benito MPO hosted a second public meeting on Friday, March 21, 2014 from 11:00am to 1:00pm. The meeting was focused on what the MTP is and that the document would be updated.

A total of eight people attended the meeting. Some had questions on what was the MTP; others had questions as to how to add projects into the MTP. The MPO staff answered their questions. One public comment sheet was turned in to the MPO. See figure 8.1.

3rd 2015-2040 Metropolitan Transportation Plan Public Meeting

The Harlingen-San Benito MPO hosted a third public meeting on Thursday, June 19, 2014 from 11:30am to 1:00pm. The meeting was focused on public transportation for the MTP.