

9 PUBLIC INVOLVEMENT AND AGENCY COORDINATION

9.1 INTRODUCTION

This chapter provides a summary of public involvement and agency coordination activities conducted by the Corps and/or MassDOT in the development of the FEIS/FEIR.

9.2 PUBLIC INVOLVEMENT

The Corps published a NOI to prepare an Environmental Impact Statement on the South Coast Rail Project Section 404 permit application in the Federal Register on October 31, 2008.¹ For the MEPA process, the South Coast Rail ENF was noticed in the Environmental Monitor on November 24, 2008. Comments on the NOI and ENF were accepted until January 9, 2009. On February 20, 2009, additional information on ridership studies was provided for public review and the deadline for comments on the ENF was extended until March 17, 2009.

The Corps and the MEPA Office of the Massachusetts Executive Office of EEA held joint Corps/MEPA-sponsored public scoping meetings on December 2 and 3, 2008.² The scoping meetings provided an opportunity for the public, interested groups and local, state and federal agencies to comment on potential issues or concerns associated with the proposed project. The outcome of the scoping meetings and the public comment period following those meetings was used to help shape the issues studied in the DEIS/DEIR.

ENF comments were received from federally- and state-elected officials; USEPA; the National Park Service; eight state agencies; four regional agencies; ten municipalities; 13 non-governmental organizations; and 45 individuals and businesses. Pursuant to existing MEPA requirements,³ MassDOT prepared a Response to Comments on the ENF, which was included as an appendix to the DEIS/DEIR. While the responses to the ENF comments were prepared solely by MassDOT, the Corps considered all comments received as part of the preparation of the DEIS/DEIR and this FEIS/FEIR.

In addition to the public scoping meetings by the Corps/MEPA office, MassDOT has conducted its own public meetings and workshops throughout the study process. MassDOT notified interested parties, elected officials, and residents of upcoming meetings and new information through fact sheets, newspaper announcements, flyers and posters, cable-televised meetings, and/or e-mail notifications. Additional information on MassDOT's public outreach is provided on the project website (<http://www.mass.gov/southcoastrail>).

In March 2011, the Corps released the DEIS/DEIR for the South Coast Rail project⁴ for public review and comment. The Corps published a public notice announcing the availability of the joint DEIS/DEIR on March 23, 2011, as well as a notice in the Federal Register on March 25, 2011. The notices provided information about the DEIS/DEIR availability, including the website where an electronic version of the

¹ Federal Register 73:212, 64927-64928 (October 31, 2008)

² Scoping meetings were held December 2, 2008 at 6:30 p.m. at the University of Massachusetts-Dartmouth, Woodland Commons Building, 285 Old Westport Road, North Dartmouth and on December 3, 2008 at 6:30 p.m. in the Taunton High School Auditorium, 50 Williams Street in Taunton.

³ 301 CMR 11.07

⁴ U.S. Army Corps of Engineers, New England District. 2011. *Draft Environmental Impact Statement/Draft Environmental Impact Report: South Coast Rail Project, Bristol, Plymouth, Norfolk and Suffolk Counties, Commonwealth of Massachusetts*. U.S. Army Corps of Engineers New England District, Concord, MA.

DEIS/DEIS is posted;⁵ a listing of the 24 public libraries where copies of the DEIS/DEIR were made available for public review; the comment period and deadline; and public hearing dates and locations. The DEIS/DEIR was publicized in the MEPA Environmental Monitor on March 23, 2011. After detailed review, on June 29, 2011 the Secretary issued a Certificate on the 2011 DEIR.

Two public hearings were held to receive comments on the DEIS/DEIR. On the evening of May 4, 2011, a public hearing was held at Qualters Middle School, 240 East Street in Mansfield. On the evening of May 5, 2011, a second hearing was held at the Keith Middle School, 225 Hathaway Boulevard in New Bedford. Public hearing transcripts are included in Volume III of the FEIS/FEIR. Written comments on the DEIS/DEIR were accepted until the close of the public comment period on May 27, 2011, and are available on the MassDOT project website.⁶ Responses to DEIS/DEIR comments are provided in Volume III of this FEIS/FEIR.

MassDOT will host two open houses to provide information on the FEIS/FEIR. Subject area experts will be available to talk directly with participants and answer questions. The open houses will be scheduled in the Taunton area and in the Fall River/New Bedford area. The meetings will be scheduled during the comment period on the FEIS/FEIR, probably in early October. The dates will be posted on the project website, shared in an email blast to everyone on the database, and announced in regional and local publications on the South Coast. Comment sheets will be available at the open houses, should a participant want to comment on site, and there will be information on how to submit comments in writing during the comment period. MassDOT will ask local cable television stations to provide coverage of the open houses and/or Task Force meeting.

MassDOT will also present the FEIS/FEIR at a meeting of the Commuter Rail Task Force on October 16 (this meeting will take place on the south coast; the location has not been determined). The project team will also present information on the document by request, to elected officials and organizations in the region.

Given the size of the document, MassDOT is producing a Guide to the FEIS/FEIR. The guide will summarize the principal conclusions of the document and highlight the material contained in each section so that the public can easily locate and review topics of interest. In addition, MassDOT will publish a Fact Sheet with similar information at a higher level, also advising the public on how to participate in the open houses, where to find the FEIS/FEIR or get a copy of the document, and how to comment on the FEIS/FEIR.

MassDOT will announce the availability of the FEIS/FEIR as widely as possible, release a statement to the media; post information on the project website; send an email announcement to the database; and share information through the Commuter Rail Task Force, elected and municipal officials.

In accordance with the CEQ NEPA regulations, the Corps can issue a Record of Decision no sooner than thirty days after publication in the Federal Register of the notice of availability of the FEIS/FEIR (40 CFR § 1506.10).

9.3 AGENCY COORDINATION

Cooperating agencies are federal agencies that have legal jurisdiction or special expertise in the issues being addressed in an EIS and assist the lead agency in the NEPA process (40 CFR 1501.6). Four federal

⁵ <http://www.nae.usace.army.mil/Missions/ProjectsTopics/SouthCoastRail.aspx>.

⁶ http://www.southcoastrail.com/env_Review.html.

agencies accepted the Corps' request to serve as cooperating agencies for the preparation of the South Coast Rail EIS: the USEPA, the FHWA, the FTA, and the FRA. Copies of the cooperating agency status acceptance letters from the above listed agencies are provided in Appendix 9.3-A.

MassDOT convened an Interagency Coordinating Group of federal and state regulatory agencies to inform the environmental review process. In addition to the South Coast Rail Project Manager for the Corps, representatives of the following entities were invited to participate in the Interagency Coordinating Group:

- United States Environmental Protection Agency
- United States Fish and Wildlife Service
- Federal Highway Administration
- Federal Transit Administration
- National Marine Fisheries Service
- Narragansett Indian Tribe
- Wampanoag Tribe of Gay Head (Aquinnah)
- Massachusetts Executive Office of Energy and Environmental Affairs
- Massachusetts Environmental Policy Act Office
- Massachusetts Bay Transportation Authority
- Massachusetts Department of Environmental Protection
- Massachusetts Office of Coastal Zone Management
- Massachusetts Department of Conservation and Recreation, Areas of Critical Environmental Concern Program
- Massachusetts Department of Fish and Game, Natural Heritage and Endangered Species Program
- Massachusetts Historical Commission
- Southeastern Regional Planning and Economic Development District

This group began meeting in September 2007 and met monthly through November 2009, and less frequently through July 2010. The group meets with the objective of informing the environmental review process for the project by discussing key items, including project purpose and need, scope of alternatives for study, methodology for obtaining data, and analysis of data. Table 9-1 lists Interagency Coordinating Group meeting topics and dates.

In addition, as required by the Secretary’s Certificate on the ENF, a working group was formed to develop a scope for the analysis of greenhouse gas emissions and the potential secondary effects of the proposed project with and without the implementation of the Corridor Plan. Participants in this working group included representatives of the USEPA, Corps, and DEP. Two subgroups were also formed. A wetland subgroup was created to review wetland impacts and potential mitigation sites, which met from May through September 2012. The second subgroup was formed to develop smart growth monitoring plans and metrics, and met in Spring 2012.

A full record of group-approved meeting minutes is posted on MassDOT’s project website: www.mass.gov/southcoastrail.

Table 9-1 Interagency Coordinating Group Meetings to Date

| Meeting Topic | Date |
|--|--------------------|
| Project Kickoff and Introduction | September 25, 2007 |
| Project Purpose and Need – Draft | October 23, 2007 |
| Project Purpose and Need – Draft: Phase 1 Screening Criteria | November 27, 2007 |
| Project Purpose and Need – Draft: Phase 1 Screening Criteria; Review of Civic Engagement Input | December 19, 2007 |
| Project Purpose and Need – Final: Phase 1 Screening Criteria | January 3, 2008 |
| Phase 1 Screening Criteria – Final: Range of Phase 1 Alternatives | January 10, 2008 |
| Phase 1 Analysis – Step 1 Screening Criteria Results | February 14, 2008 |
| Phase 1 Analysis – Concurrence on Step 1 Screening Criteria Results; Review Step 2 Results | February 21, 2008 |
| Phase 1 Analysis – Step 2 Concurrence; Review Step 3 Results and Conclusion of Phase 1 | February 28, 2008 |
| Phase 1 Analysis – Concurrence on Step 3 Results | March 4, 2008 |
| Phase 1 Analysis – Draft Report; Review of Civic Engagement Input; Step 4 (Circling Back) Analysis | March 21, 2008 |
| Phase 1 Analysis – Concurrence on Advancing Alternatives | April 1, 2008 |
| Smart Growth Corridor Plan | May 27, 2008 |
| Ridership Modeling; Role of the Interagency Coordinating Group | June 19, 2008 |
| Environmental Data Collection Protocols, Potential Station Locations and Rail Operational Analysis | July 17, 2008 |
| Proposed Station Locations; Environmental Review; Data Collection Protocols and Modeling | September 16, 2008 |
| Preliminary Assessment of Alternatives; Environmental Notification Form | October 24, 2008 |
| Discussion on Content of Environmental Notification Form | December 15, 2008 |
| ENF Comments from MEPA; Priority Mapping; Ridership Memo | January 22, 2009 |
| Supplemental Ridership Memo | February 26, 2009 |
| Subcommittee Meeting on Wetlands | April 16, 2009 |
| Subcommittee Meeting on Greenhouse Gases | May 5, 2009 |
| Subcommittee Meeting on Secondary and Cumulative Growth Impacts | May 7, 2009 |
| CAPS model; Secondary Growth Methodology; Wetlands Mapping Methodology | June 18, 2009 |
| CAPS model; Secondary Growth and GHG methodology | July 21, 2009 |
| Rail and Bus operations; Corridor Plan | August 20, 2009 |
| DEIS Process; Secondary Growth Impacts Methodology and Results: Alternatives Analysis | October 22, 2009 |
| CAPS Results’ Secondary Growth Impacts | November 12, 2009 |
| Subcommittee meeting on wetland mitigation | February 1, 2010 |
| Subcommittee meeting on wetland mitigation | May 22, 2010 |
| Alternatives Analysis | July 21, 2010 |
| DEIS Review | March 30, 2011 |
| Alternatives Analysis | June 13, 2012 |

| Meeting Topic | Date |
|--------------------------------|--------------------|
| Wetland Impacts and Mitigation | May 4, 2012 |
| Wetland Impacts and Mitigation | July 9, 2012 |
| Wetland Impacts and Mitigation | August 29, 2012 |
| Wetland Impacts and Mitigation | September 10, 2012 |
| Smart Growth Monitoring Plan | April 26, 2012 |
| Smart Growth Monitoring Plan | June 27, 2012 |
