



Highway Division DIRECTIVE



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	REFERENCE	
SUBJECT Special Management Areas	APPROVED SIGNATURE [Signature]	

PURPOSE:

To establish guidelines and direction for Region Technical Staff, Central Geo/Environmental Staff and Maintenance Staff in designating and managing Special Management Areas to meet applicable state and federal regulations.

This directive is not intended to provide guidance or direction in the creation and management of compensatory wetland mitigation sites.

BACKGROUND:

A Special Management Area (SMA) is an identified location along an ODOT right-of-way where sensitive natural or cultural resources are found. These resources are protected under state or federal law and require unique or modified maintenance actions to ensure continued viability of the resource.

The location of a resource and the potential need for a SMA often is established during project development, when ODOT enters into agreements with resource regulatory agencies to avoid protected resources or minimize impacts as a result of a project. In addition, a potential SMA may be identified because of a survey, previous knowledge, or information provided by external entities.

Designation of a SMA will involve resource verification, and agreement and understanding between Region Environmental Managers and District Managers that routine maintenance activities negatively impact the resource, that there are best management practices (BMPs) or practicable modifications to routine maintenance activities that can be implemented to aid the resource, and that these modified activities do not compromise public health and safety.

This directive outlines the process and criteria, described through roles and responsibilities and management expectations, for designating and managing SMAs along the ODOT right-of-way.

RESPONSIBILITIES:

Region Environmental Staff

1. SMA Nomination Process

Identify the location of a resource proposed for a SMA through project development, acquired knowledge, or information provided by an external entity.

Upon identification of a potential SMA, coordinate with local District Manager to determine if maintenance activities negatively impact the site, and to develop methods to minimize impacts to the resource until a determination on the suitability of the site for SMA status is reached.

Gather the following information on the proposed SMA for inclusion in a SMA nomination packet:

- Verification of the nature of the resource (e.g., species, presence of artifact) by a third party expert.
- Description of the needs of the resource that include requirements for continued existence.
- Citation of the appropriate state and/or federal law that outlines required protection of the resource.
- Demonstration that the resource is located within ODOT right-of-way including maps and/or survey results.
- Review of existing documents that indicate that guidance for managing the resource is not included in any existing ODOT Maintenance guidance document (e.g., Routine Road Maintenance Guide (Blue Book), Archaeological Guidance for Hazardous Materials Spills and Emergency Situations).
- Description of the detrimental effects on the resource by routine maintenance activities that occur at the site. Routine maintenance activities are defined in the ODOT Routine Road Maintenance Guide.
- Description of proposed reasonable and safe BMPs or conservation measures to protect the resource, citing supporting documentation when possible, and how to implement these practices or measures.
- Input and potential concerns from Oregon Department of Agriculture, US Fish and Wildlife Service, and State Historic Preservation Office, where appropriate.

Submit the SMA nomination documentation to the Region Environmental Manager.

2. Post-SMA Nomination Process

SMA Designated Site. If a site is designated a SMA by the Region Environmental Manager and the District Manager:

- Coordinate development of BMPs or changes to maintenance activities, as needed, based on agreement by the Region Environmental Manager and the District Manager.

- Coordinate stakeholders with vested interest in success of the SMA (e.g., Maintenance, regulatory agencies, Project Development Team) and develop a site management plan for the SMA to include:
 - Picture(s) of the resource.
 - Description of resource, including location and resource boundaries.
 - Size of impacted area.
 - Specific needs of resource.
 - BMPs or modifications to maintenance activities necessary to maintain the resource at existing level, including, but not limited to, descriptions of timing, equipment modifications, start/stop locations, and buffers, if needed.
 - Monitoring and reporting requirements of resource, and roles and responsibilities for monitoring.
 - Draft budget for implementing changes to maintenance activities or BMPs, and any monitoring requirements.
 - Identification and list of competing maintenance requirements (e.g., noxious weed management, local government mowing requirements) and agreement on how to manage competing requirements within the constraints of the SMA.
 - Location of SMA signs and agreed upon management designations on the signs. NOTE: Management designations on signs must match descriptions in the site management plan, and every sign must indicate every right-of-way maintenance activity modification.
- Coordinate SMA sign designations and placement with the District Manager.
- Perform yearly review of SMA sites and identify needed changes to SMA management plans. Coordinate with stakeholders on needed amendments to SMA management plans based on changes in resource regulatory status, SMA Program criteria, or monitoring information.
- Obtain approvals from the Regional Environmental Manager and the District Manager for any management changes. Notify Central Geo/Environmental and the State Maintenance and Operations Engineer (Office of Maintenance) of approved changes to SMA management plans.

Non-Designated Site. If a site is not designated a SMA by the Region Environmental Manager and the District Manager:

- Coordinate with the appropriate regulatory agency/agencies and prepare required documentation as needed.
- Coordinate with the District Manager for any required mitigation.

Region Environmental Manager with the District Manager

Review each SMA nomination with the proposing environmental staff, and make a determination on the suitability of the site for SMA status based on the following criteria:

- Upon review, it is determined and agreed that routine maintenance activities do not adversely affect the site, and changes in routine activities are not needed to protect the resource. **No SMA designation.**
- Upon review, it is determined and agreed that routine maintenance activities negatively affect the site. The District Manager believes that routine maintenance activities can be modified to incorporate proposed changes or BMPs without compromising public health and safety. **SMA designation.**
- Upon review, it is determined and agreed that routine maintenance activities negatively affect the site. The District Manager believes that reasonable modifications cannot be made to routine maintenance activities to protect the resource without negatively impacting public health and safety. **No SMA designation.**

Approve any proposed changes to management plans developed for SMA sites.

Region Environmental Manager

Following each SMA designation decision, document the review decision and agreement reached between the Region Environmental Manager and District Manager. The review decision and agreement will be maintained in Region files with copies submitted to the Central Geo-Environmental Section and the State Maintenance and Operations Engineer (Office of Maintenance).

If a site will not be designated a SMA because reasonable modifications cannot be made to routine maintenance activities to protect the resource without negatively impacting public health and safety, work with the appropriate regulatory agency/agencies and technical staff to develop the required environmental documents as necessary for the impacts. Environmental documents developed will be maintained in Region files with copies submitted to the Central Geo-Environmental Section and the State Maintenance and Operations Engineer.

District Manager

When a potential SMA has been identified, work with local Environmental staff to identify if maintenance activities impact site and to develop methods to minimize resource impacts until the SMA designation process is completed.

Ensure maintenance and management of agreed upon SMA in accordance with site Management Plans; maintain SMA management plans.

Coordinate SMA sign designations and placement with Region Environmental Staff; install and maintain SMA signs.

Work with Region environmental staff to implement required mitigation.

Central Geo/Environmental Section

As situations warrant (e.g., change in routine road maintenance procedures or resource regulatory status), perform review of known resource sites to ensure that SMA designations remain appropriate.

Submit SMA change-in-status nominations, based on the SMA designation criteria outlined above, to the Region Environmental Manager and District Manager for SMA designation review and determination.

Maintain statewide files of SMA review decisions and agreements, monitoring reports, and other associated environmental documentation.

Assemble and compile BMPs that encourage viability of the resources. Maintain database of resource requirements and BMPs for use by Region technical staff.

Develop template for SMA management plans with input from Region technical staff and appropriate regulatory agencies.

Maintain SMA database; update SMA database as new information is received from Regions.

Maintain database of regulated resources not associated with SMAs, including any mitigation commitments.

Manage and provide funding to Regions for monitoring SMAs, and for monitoring resources not associated with SMAs but that have regulatory monitoring requirements.

Prepare statewide summary reports as necessary on SMAs and regulated resources not associated with SMAs managed by ODOT.

Serve as the contact for regulatory agencies on issues related to the SMA Program that have statewide implications.

Office of Maintenance

Coordinate with the Central Geo/Environmental Section to facilitate annual reviews of the SMA Program to ensure that SMAs are adaptively managed.

Maintain files of SMA management plans and agreements.

