

## Appendix C

### RTP Design Report and Appendices

# Recreational Trails Program: Equipment ONLY Projects

## Instructions:

This form contains the necessary information for Federal Approval of RTP Equipment-Only Projects.

***This is not a contract.*** Please refer to the corresponding NYS Master Contract for Grants with New York State Office of Parks, Recreation and Historic Preservation (NYSOPRHP) for program and project contract requirements.

**Project Description:** Must be consistent with TIP/STIP, Federal Agreements, contract documents and describe the purpose of the equipment and location (county) of trails to be maintained.

**SEQRA:** This project is being progressed as a SEQRA Type II Action. No further SEQRA processing is required. The project has been identified as a Type II action, per 6 NYCRR 617.5(c)(25) as the “purchase or sale of furnishings, equipment or supplies, including surplus government property, other than the following: land, radioactive material, pesticides, herbicides, or other hazardous materials”

**NEPA:** This project is being progressed as a NEPA Class II action (Categorical Exclusion) because it does not individually or cumulatively have a significant environmental impact and is excluded from the requirement to prepare an Environmental Impact Statement (EIS) or an Environmental Assessment (EA). This project is one of the project types described in the ‘C’ list as a Federally Funded project receiving less than \$5.0 M in Federal Funds. An NYSOPRHP Environmental Analyst will make the NEPA determination and enter the date of NEPA determination when signing the form.

**Right of Way:** For the purchase of equipment, no right of way is required.

**TIP/STIP:** NYSOPRHP coordinates with NYSDOT to process TIP/STIP listing and modification. RTP projects *must* be listed on the TIP/STIP before Federal Authorization.

**Buy America:** NYSOPRHP is responsible for coordinating project compliance with Buy America, including waiver submission and verification of final assembly in the United States. The Buy America provision requires that steel/iron materials (including components and subcomponents) be melted and manufactured domestically. If documentation of domestic steel/iron manufacturing is not available, then a waiver request is necessary. Trail grooming vehicles and mechanized equipment primarily constructed with steel or iron must comply with Buy America requirements or must request a waiver.

**Procurement:** Procurement must be conducted in accordance with 2 CFR 200, and the terms of the NYS Master Contract for Grants.

**Project Manager / Responsible Local Official:** The Responsible Local Official (RLO) has ultimate oversight and responsibility for the project. The RLO may assign a Project Manager (PM) to be in responsible charge of the project. The PM will report to the RLO. The PM and the RLO may be the same individual, if the RLO has project management experience.

The PM or RLO is responsible for completing this form (except for the Date of NEPA Determination), signing it and submitting it to NYSOPRHP.

The PM will schedule the progression of activities, ensure timely completion of project tasks and address any problems or inquiries which may develop. The PM will be the primary contact person for the submission of necessary reports, requests for progress payments, and obtaining approvals and determinations, etc.

The Project Manager *must* work closely with the NYSOPRHP Regional Grants Administrator to ensure proper interpretation of all project requirements. Proper interpretation of a project’s requirements is critical to successful implementation and coordination of ongoing activities.

# Recreational Trails Program: Equipment ONLY Projects

NYSOPRHP Project #: RTP \_\_\_\_\_  
 Grant Recipient: \_\_\_\_\_  
 County: \_\_\_\_\_  
 Town(s)/City/Village: \_\_\_\_\_  
 Project Description: \_\_\_\_\_

P.I.N.: \_\_\_\_\_  
 NYSOPRHP Region: \_\_\_\_\_  
 NYSDOT Region: \_\_\_\_\_  
 DBE Goal: NA

Project Phase	Estimated Cost	Fund Source	Obligation Date
<b>Eq. Purchase</b>		Recreational Trails	
		Local Match	
		Non-Participating Share	
<b>TOTAL</b>			

SEQRA: Type II Action.

NEPA and Other Environmental Review Actions: This action is classified as a NEPA Class II – Categorical Exclusion (“c list” Action) as defined by 40 CFR 1508.4 and in accordance with 23 CFR 771.117. In addition, this project complies with Section 106 of the National Historic Preservation Act, Section 4 (f) of the Transportation Act, Section 7 of the Endangered Species Act (ESA), as well as other applicable Executive Orders, Federal Statutes, and Regulations related to environmental compliance.

Date of NEPA Determination: \_\_\_\_\_

X

\_\_\_\_\_  
 NYSOPRHP Environmental Analyst  
 Name, Date

Right of Way: No right of way is required.

Listed on the TIP/STIP:  Yes, PIN: \_\_\_\_\_

BUY AMERICA:

- Project does *not* include permanently incorporated iron or steel components **or** will incorporate *only* iron or steel produced in the United States.
- A waiver will be submitted for Buy America compliance.
- Manufacturer has provided a letter stating that final assembly of the equipment occurred in the United States.

Procurement:

- At least 3 price quotations will be obtained from qualified sources.
- Sealed bids will be publicly solicited.
- Noncompetitive proposal (single source) authorized by NYSOPRHP Grants Administrator.

X

\_\_\_\_\_  
 Project Manager / Responsible Local Official  
 Name, Title, Date

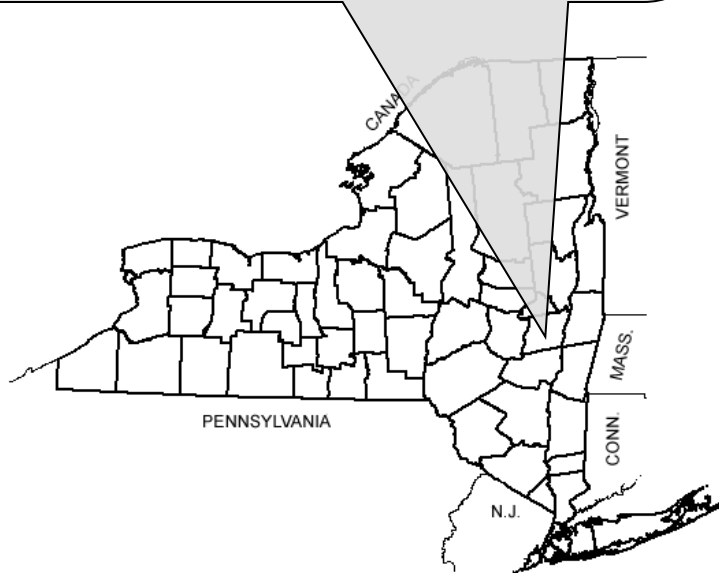
X

\_\_\_\_\_  
 NYSOPRHP Grants Administrator  
 Name, Date

# RECREATIONAL TRAILS

# DESIGN REPORT

**OPRHP Project #: RTP** Click or tap here to enter text.  
**Trail Project Name:** Click or tap here to enter text.  
**Grant Recipient:** Click or tap here to enter text.  
**County:** Click or tap here to enter text.  
**Municipality:** Click or tap here to enter text.  
**NYSOPRHP Region:** Click or tap here to enter text.  
**NYSOT Region:** Click or tap here to enter text.  
**P.I.N.:** Click or tap here to enter text.



**Parks, Recreation  
and Historic Preservation**



**Department of  
Transportation**



**U.S. Department of Transportation  
Federal Highway Administration**

**PROJECT DESCRIPTION:** *Must be consistent with TIP/STIP, Federal Agreements, contract documents and describe the purpose of the project.*

**DETAILED DESCRIPTION OF PROPOSED WORK:** *This section should include details about the project components and what will be accomplished. If the project includes equipment purchase, provide a description of the equipment (max. 1-2 paragraphs; be concise and specific).*

**PROJECT LOCATION**

**MUNICIPALITY:**

**COUNTY:**

**LENGTH OF TRAIL WORK TO BE COMPLETED:**

**LOCATION OF TRAIL SYSTEM:** *Identify crossroads or description of end points for linear trail projects or describe the project area using identifiable features.*

Route number (if applicable):

Route name (if applicable):

State Highway (SH) number and official highway description (if applicable):

From RM (xxxx-xxxx-xxxx) to RM (xxxx-xxxx-xxxx)

**INTENDED USE:**

*Check all that apply.*

- Aquatic/Water Activity
- Snowshoeing
- Snowmobiling
- Mountain Biking
- Equestrian Activities
- ATV - Off Road

- Rollerblading
- Jogging/Fitness
- Off-Highway Motorcycle
- Bicycling
- Interpretive/Nature
- 4 Wheel Vehicle

- Cross-Country Skiing
- Long-Distance Backpacking
- Day Hiking
- Other:

**TYPE OF PROJECT:**

*Check all that apply.*

- Maintenance or restoration of existing trails
- Construction of new trails
- Development or rehabilitation of trailside or trailhead facilities or trail linkages
- Purchase or lease of trail construction and/or maintenance equipment

**UNIT OF MEASUREMENT:** *(acres, linear feet, miles or other unit of measure)*

- Acquisition of easements or fee simple title to property for trails or trail corridors

**PLANS:** *Attach preliminary design plans as Appendix C. If Table B and/or C is included and attach existing and proposed typical sections.*

**PROPOSED SCHEDULE AND COST**

*Include possible agency review/ permit time frames*

<b>Project Phase</b>	<b>Estimated Cost</b>	<b>Estimated Start Date</b>	<b>Activity Duration</b>
Preliminary Design			
Detailed Design			
Right-of-Way			
Construction			
Construction Inspection			
<b>Total Cost</b>		<b>Total Duration</b>	

**BASIS OF ESTIMATE:** *Indicate how estimate was prepared, past experience, quotes received, etc.*

**SCHEDULE ISSUES:** *Describe any issues related to scheduling the project in a timely manner.*

**DESIRED LETTING DATE (if applicable):**

**STATEWIDE TRANSPORTATION IMPROVEMENT PROGRAM (STIP):**

Listed on the TIP/STIP:  Yes, Enter PIN:

**BUY AMERICA:** OPRHP is responsible for coordinating project compliance with Buy America, including waiver submission and verification of final assembly in the United States.

- Project does not include permanently incorporated iron or steel components **or** will incorporate *only* iron or steel produced in the United States.
- A waiver will be submitted for Buy America compliance.
- Manufacturer has provided a letter stating that final assembly of the equipment occurred in the United States.

**NOTES ON SPECIAL CIRCUMSTANCES:** *(e.g.: public sensitivity, political commitment, relation to other projects, etc.)*

**MISCELLANEOUS:** *Include any additional pertinent information that has not been documented above. If the project scope or budget has been modified from the original submitted application, you must identify the modified components and provide a reason for these modifications (attach a separate sheet if necessary).*

**DESIGN STANDARDS:** The design standards used should be based on the project work type. Additional Design Guidance can be found at [https://www.fhwa.dot.gov/environment/recreational\\_trails/guidance/](https://www.fhwa.dot.gov/environment/recreational_trails/guidance/)

**Table A:** Edit the list to include **only** the appropriate project type and **only** the applicable Design Guidance Documents. Items that are not applicable to this project should be deleted.

<b>Table A: Applicable Design Guidance Documents</b>	
<b>Project Type</b> <i>Include all that apply</i>	<b>Design Guidance</b> <i>Include only applicable documents</i>
<b>Bicycle and Pedestrian Facilities – Shared-Use Paths – Biking Class I – Greenway Trails</b>	<p>New York State Office of Parks, Recreation and Historic Preservation (OPRHP) Standards and Guidelines for Trails in NYS Parks (includes section on Accessibility)</p> <p>Guide for the Development of Bicycle Facilities. American Association of State Highway and Transportation Officials (AASHTO). 2012 or most current version.</p> <p>NYSDOT Highway Design Manual - Chapter 17 – Bicycle Facilities Design</p> <p>NYSDOT Highway Design Manual – Chapter 18 – Pedestrian Facility Design</p> <p>New York Statewide Trails Plan. 2010 or most current version.</p> <p>Americans with Disabilities Act Accessibility Guidelines (ADAAG)</p> <p>Public Right of Way Accessibility Guidelines (PROWAG)</p> <p>Access Board Guidelines for Recreational Facilities 1</p>
<b>Other Trail Construction, Maintenance, Restoration Projects</b>	<p><i>Standards and Guidelines for Trails in NYS Parks</i> (includes a listing of resource manuals). OPRHP. 2010.</p> <p>New York Statewide Trails Plan. 2010 or most current version.</p> <p>United States Access Board: Final Guidelines for Outdoor Developed Areas (AGODA)</p> <p>National Center on Accessibility (ncaonline.org) - National Trail Surfaces Study</p>
<b>Bridges for Shared Use Paths and Pedestrians including rail trail bridges</b>	<p>Guide for the Development of Bicycle Facilities. AASHTO. 2012 (or most current version)</p> <p>AASHTO LRFD Bridge Design Specifications (most current version)</p> <p>AASHTO Guide Specifications for the Design of Pedestrian Bridges, 2<sup>nd</sup> Edition</p> <p>NYSDOT Bridge Manual</p>

<sup>1</sup> <https://www.access-board.gov/guidelines-and-standards/recreation-facilities>

<b>Trail Signage, Traffic Control and Pavement Markings</b>	<p>Manual on Uniform Traffic Control Devices. FHWA. 2009 or most current version.</p> <p>17 NYCRR Chapter V (NY State Supplement to the MUTCD)</p> <p>Guide for the Development of Bicycle Facilities. AASHTO. 2012 or most current version.</p> <p>Trail Signage Guidelines for the NYS Park System. OPRHP. 2010.</p>
<b>Trailside and Trailhead facilities (i.e. comfort stations, benches)</b>	<p>Local and State Health Department regulations</p> <p>New York Building Code</p>
<b>Snowmobile Facilities and multi-use trails that allow snowmobiling</b>	<p>NYS Snowmobile Trail Manual – Guidelines for Development. OPRHP. 1995.</p> <p>NYS Snowmobile Trail Signing Handbook</p> <p>Standards and Guidelines for Trails in NYS Parks. OPRHP. 2010.</p> <p>Standard Snowmobile Trail Bridge Design and Use of Natural Materials for Design and Construction (NYSDEC)</p> <p>Management Guidance: Snowmobile Trail Siting, Construction and Maintenance on Forest Preserve Lands in the Adirondack Park (NYSDEC)</p>
<b>For projects on properties listed on or eligible for the State/National Register</b>	<p>Secretary of the Interior’s Standards for the Treatment of Historic Properties</p> <p>Secretary of the Interior’s Guidelines for the Treatment of Cultural Landscapes</p>

**Table B:** To be completed for shared-use paths only. If not applicable to the project, Table B should be deleted.

<b>Table B Primary Design Values for Paved Shared-Use Path</b>			
<b>Element</b>	<b>Standard Value</b>	<b>Source<sup>1</sup></b>	<b>Proposed Value<sup>5</sup></b>
Design Speed <sup>2</sup>	20 mph	AASHTO	
Shared Use Width <sup>3</sup>	10 ft min.	AASHTO	
Adjacent Graded Width	2 ft min. width	AASHTO	
	1:6 max. cross slope		
Maximum Grade <sup>4</sup>	5% max. or match grade of adjacent roadway	AASHTO	
Cross Slope	2% max.	AASHTO	
Horizontal Curvature	74 ft min.	AASHTO	
Stopping Sight Distance	195 ft min.	AASHTO	
Horizontal Sight Distance	54 ft min.	AASHTO	
Crest Vertical Curve	423 ft min.	AASHTO	
Horizontal Clearance	2 ft min.	AASHTO	
Vertical Clearance	10 ft min.	AASHTO	
Bridge Loading			

<sup>1</sup> 2012 American Association of State Highway and Transportation Officials (AASHTO) Guide for the



Development of Bicycle Facilities.

2. 20 mph is typically used as a general maximum operating speed. A design speed of 18 mph may be used in relatively flat areas (grades less than 2%). However, a higher design speed up to 30 mph may be needed if the path has grades steeper than 5%. A design speed as low as 15 mph may also be used if conditions warrant. Such conditions could include flat topography or where frequent conflicts or constraints exist. It may be necessary to assign different design speeds to different segments of a shared-use path if conditions warrant. A separate Primary Design Values Table should be used for each segment with a different design speed.
3. 10 ft width is the minimum two-way width for typical path use and conditions. AASHTO recommends less than 10 ft (8 ft. min.) only when the following conditions exist:
  - Bicycle traffic is expected to be low even on peak days or during peak hours;
  - Pedestrian use is not expected to be more than occasional;
  - There will be adequate horizontal and vertical alignment providing safe, frequent passing and resting opportunities;
  - The path will not be subject to maintenance vehicle loadings that would cause pavement edge damage.
4. See AASHTO Guide for the Development of Bicycle Facilities for more information.
5. Where proposed values do not meet or exceed the standard values derived for the project, document the proposed values as non-conforming features in the table below.

**Table C:** Any design parameters not identified above, should be listed here. Any non-conforming features (see description below) should be identified with an asterisk. If all necessary design parameters are listed above and there are no non-conforming features, Table C should be deleted.

Table C Other Design Parameters			
Element	Standard Value	Existing Conditions	Proposed Condition

**NON-STANDARD & NON-CONFORMING FEATURES:**

*A non-standard feature is created when the established design criteria for a critical design element is not met. A non-conforming feature is created when design elements other than critical design elements do not comply with normally accepted engineering policy or practice.*

*This section should include a listing of all existing non-standard or non-conforming features and any non-standard or non-conforming features to be retained or created. This section should describe and provide values and support for features that do not comply with normally accepted engineering policy or practice (“non-conforming features”). The degree of explanation for the non-conforming features should be proportionate to the amount of the variations from normal practice.*

There are **no** non-standard or non-conforming features within the project limits.

**BRIDGES:** *If any bridges are to be constructed, rehabilitated or replaced as part of the project, provide the Bridge Identification Number (BIN) and describe the length, width, materials, construction methods, and rating (as applicable).*

**BRIDGE IDENTIFICATION NUMBER (BIN)** *if applicable:*

**Design Report Checklist:** *Check off each item (or mark N/A) to assure that the packet is complete and ready for review.*

- I. Design Report completed and signed by Grantee/Project Sponsor
- II. Appendix A: Federal Environmental Assessment Worksheet (FEAW) for NEPA determination, Environmental Review Summary and Checklist, SEQR documentation and any additional required environmental documentation. Check as appropriate:
  - SEQRA Type:     Type II                     Unlisted                     Type I
  - NEPA Class:     Class II – C list     Class II – D list
- III. Appendix B: Right of Way Certificate and documentation of property ownership interest
- IV. Appendix C: Conceptual Design Documentation which identifies the project elements in relation to surrounding areas (adjoining property boundaries, roadways, water bodies, wetlands, public access, etc.).
- IV. State Historic Preservation Office (SHPO) Section 106 Letter
- V. Non-Standard Features have been identified and included in the appendices

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### **Design Report Approval:**

**Project Sponsor:**

Name:

Title:

Organization:

Date:

Signature:

**OPRHP Grant Administrator:**

Name:

Date:

Signature:

## List of Preparers:

### **Responsible Local Official:**

Name:

Title (relationship to Project):

Municipality/Organization:

Phone(s):

E-mail:

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### **Project Manager (if different than above):**

Name:

Title:

Organization:

Phone(s):

E-mail:

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### **Consultant (if applicable):**

Name:

Title (relationship to Project):

Organization/Company:

Phone(s):

E-mail:

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### **Responsible for Production of the Project Design Document (if applicable):**

***Prior to construction, stamped plans must be submitted to OPRHP.***

(Name) \_\_\_\_\_, (P.E./L.A., Principal), \_\_\_\_\_ (Municipality/Not-For-Profit/Consultant firm name) \_\_\_\_\_

Description of Work Performed: Directed the preparation of the Design Document in accordance with established standards, policies, regulations and procedures, except as otherwise explained in this document.

Not Applicable (i.e. Acquisition only)

**Note:** *It is a violation of law for any person, unless they are acting under the direction of a licensed professional engineer, architect, landscape architect, or land surveyor, to alter an item in any way. If an item bearing the stamp of a licensed professional is altered, the altering engineer, architect, landscape architect, or land surveyor shall stamp the document and include the notation "altered by" followed by their signature, the date of such alteration, and a specific description of the alteration.*

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## **Appendices:**

### **Appendix A: Environmental Documentation**

- **Federal Environmental Assessment Worksheet (FEAW)**
- **National Environmental Policy Act (NEPA) documentation:**
  - Project Area Map,
  - Official Species List,
  - NYSDEC Environmental Resource Mapper State Wetlands Map,
  - USFWS National Wetlands Inventory.
- **State Environmental Quality Review Act (SEQRA) documentation**
- **State Historic Preservation Office (SHPO) Section 106 review documentation**

### **Appendix B: Right of Way**

- **Right of Way Certificate**
  - Property ownership documentation

### **Appendix C: Design Plans**

- **Conceptual Design Document**
  - Identify the project elements in relation to property boundaries and existing features.

## **RECREATIONAL TRAILS PROGRAM - Design Report Appendix A - Environmental**

The Design Report Appendix A is a requirement for funding from the Recreational Trails Program under the Federal Highway Administration (FHWA). Funding from FHWA is subject to review under the **National Environmental Policy Act (NEPA)**. Final review and approval of NEPA is done by the NYS Department of Transportation with consultation to the Federal Highway Administration, and U.S. Fish and Wildlife Services.

Please provide the following information and attachments:

### **Tree Removal Information for Endangered Species Act:**

Will any trees greater than 3"DBH need to be removed or limbed in preparation, or completion of the project?

Yes

No. If no, please continue onto Required Attachments and Maps

How many trees will need to be removed? \_\_\_\_\_

What time of the year will trees be removed or limbed?

To occur between November 1-March 31

To occur between April 1 and October 31

### **REQUIRED ATTACHMENTS AND MAPS for NEPA Review:**

The following environmental documentation must be provided as an attachment to the Design Report. Please follow the instructions for each attachment.

1. Project Area Map
2. Official Species List Report from IPaC
3. NYSDEC Environmental Resource Mapper State Wetlands Map
4. U.S. Fish and Wildlife Service National Wetlands Inventory

## Additional Instructions for Required Attachments:

The following documentation is requested to evaluate the potential environmental impact of the proposed projects. At a minimum, the following four documents should be provided.

1. **Project Area Map:** Please provide a map identifying the location and proposed boundaries of the project.
2. **An Official Species List** provided from US. Fish and Wildlife Services' Information for Planning and Conservation (IPaC)

To access the IPaC system, please go to the following link:

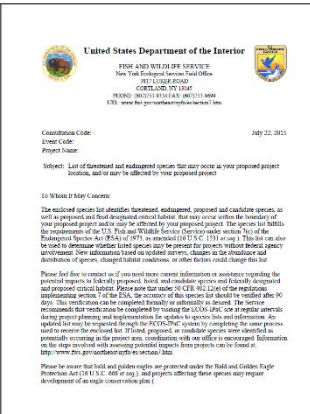
<https://ecos.fws.gov/ipac/>

1. Click on the 'Get Started' icon.
2. Find Location: Enter an address to search for the project location, or use the zoom buttons to locate the project area.
3. Define the Area: Using the polygon drawing tool, create a two dimension polygon that encompasses the project area. Click on one corner of the project area and begin to circle the area by clicking on the boundaries of the project location. Double-click to complete the polygon.
4. Select "Continue" to move onto the next step, or "Start Over" to re-do the polygon.
5. On the next screen, click "Define Project."
6. Enter project information, including the project name and description.
7. Under the heading 'What's next,' select '**Request Species List**'.
8. Enter the grantee information for Requesting Organization, and Contact Information.
9. Under Lead Agency, select 'State Agency', and then NYSDOT.
10. Click "Submit Official Species List Request"

A confirmation request will be sent via email. The Official Species list is emailed 5-10 minutes after it has been requested. (If the Official Species List has not been received, please check your junk box)

Video instructions outlining how to request an Official Species List can be found at the following address:

<https://www.youtube.com/watch?v=pyEt-K-2ZuU>



The screenshot shows a form from the United States Department of the Interior, Fish and Wildlife Service, New York Endangered Species Task Office. The form is titled "Request for Official Species List" and includes fields for "Contribution Code", "Project Code", and "Project Name". The "Project Name" field contains the text "List of threatened and endangered species that may occur in your proposed project location, and/or may be affected by your proposed project". Below the form, there is a section titled "To Whom It May Concern:" followed by a detailed explanation of the request process, including instructions on how to use the IPaC system and how to provide project information.

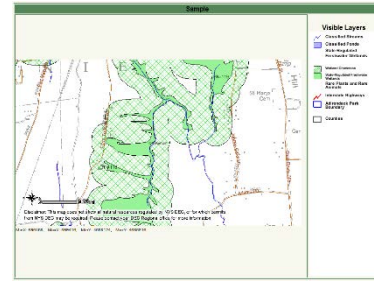
A sample of the Official Species List provided by the IPaC system.

### 3. NYSDEC Environmental Resource Mapper:

The NYSDEC's Environmental Resource Mapper (ERM) can be accessed at the following link: <http://www.dec.ny.gov/gis/erm/>

The Environmental Resource Mapper works in Internet Explorer, Chrome and Firefox and will run best in the most current versions of these browsers. If you have questions, click on the green question mark icon in the top right corner of the window.

1. Begin the mapping by entering an address under the "Search" tab.
2. Zoom into the project location.
3. Position the map to show the entirety of the project area (Click on the hand icon at the top of the screen, then drag the map to reposition)
4. In the upper left-hand corner, under the Layers & Legends tab, add the 'State-Regulated Freshwater Wetlands' by checking the box
5. Reposition the map to view the entire project area, if needed.
6. Click the printer icon under the "Tools" tab. Enter a title and author in the appropriate text boxes. Print the map, or save as a PDF. You may need to allow pop-ups in order to print.

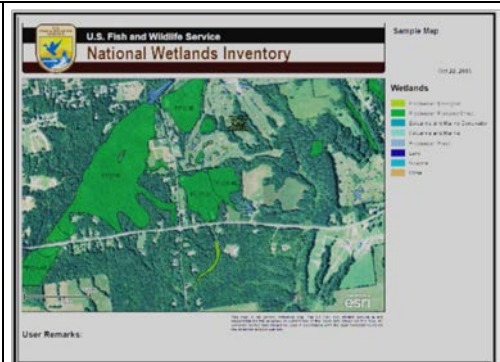


Sample State Wetland map from the Environmental Resource Mapper

### 4. U.S. Fish and Wildlife Service National Wetlands Inventory:

The National Wetlands Inventory can be accessed at the following link: <http://www.fws.gov/wetlands/Data/Mapper.html>

1. Next to the red number 3, select the 'Wetlands Mapper' icon.
2. After launching the mapper, and agreeing to the terms and conditions, an address may be entered by clicking on 'Find Location' icon.
3. Zoom in or out so that the entire project area is visible on screen
4. A side-bar on the right will list out the Available Layers. Verify that 'Wetlands' has been selected. Any wetlands, ponds, and marine features in the project area will be identified with a solid color.
5. A PDF of the map can be created by clicking 'Print' at the top of the page.
6. Enter a title and click 'Print.' A pdf will be created.
7. The document will be listed under the heading "Print Jobs." Click on the title to open the document and print.



Sample of a National Wetlands Inventory Map

# Federal Environmental Approval Worksheet

PIN:	Comp. by:	Date Comp.:	FUNDING TYPE:
DESCRIPTION:		NEPA CLASS:	
		SEQR TYPE:	
LOCALITY (Village, Town, City):		COUNTY:	

## Purpose of this Worksheet:

- Communicate project National Environmental Policy Act (NEPA) classification to Federal Highway Administration (FHWA).
- Identify additional required FHWA environmental determinations, approvals and/or concurrences required before the Categorical Exclusion (CE) determination can be made.
- Reflect the documentation in the Design Approval Document (DAD) and enable the approving authority (per PDM Exhibit 4-2) to make the CE determination.

**Categorical Exclusion (CE)** - a category of actions which do not individually or cumulatively have a significant effect on the human environment and which have been found to have no such effect in procedures adopted by a Federal agency (40 CFR 1508.4). Actions that do not individually or cumulatively have a significant environmental effect are excluded from the requirement to prepare an Environmental Assessment (EA) or Environmental Impact Statement (EIS) (23 CFR 771.115(b)).

## Instructions (see also "FEAW\_Instructions.doc"):

Complete the worksheet prior to the end of Design Phase I. If project parameters or site condition changes result in potential resource impacts, re-do worksheet prior to Design Approval to confirm NEPA determination and recertify (on page 4).

## Step 1: Unusual Circumstances Threshold Determination – 23 CFR 771.117(b)

Any action which normally would be classified as a CE but could involve unusual circumstances (or even uncertainty) will require consultation with FHWA to determine if the CE classification is proper or whether an EA or EIS is required.

Do any, or the potential for any, unusual circumstances exist?

- |    |   |                              |                             |
|----|---|------------------------------|-----------------------------|
| 1. | Significant environmental impacts;  | YES <input type="checkbox"/> | NO <input type="checkbox"/> |
| 2. | Substantial controversy on environmental grounds;   | YES <input type="checkbox"/> | NO <input type="checkbox"/> |
| 3. | Significant impact on properties protected by Section 4(f) of the DOT Act or Section 106 of the National Historic Preservation Act; or                  | YES <input type="checkbox"/> | NO <input type="checkbox"/> |
| 4. | Inconsistencies with any Federal, State, or local law, requirement or administrative determination relating to the environmental aspects of the action. | YES <input type="checkbox"/> | NO <input type="checkbox"/> |

- **If yes to any** of the above, contact the Main Office Project Liaison (MOPL) (see PDM Exhibit 4-1). If after consultation with FHWA it is determined that the project cannot be progressed as a CE, **skip to step 4** and see PDM Chapter 4 for NEPA Class I (EIS) or Class III (EA) processing.
- **If no to all**, then this project qualifies as a Categorical Exclusion (CE); **proceed to step 2**.



# Federal Environmental Approval Worksheet

**Project ID Number:**

## Step 2: Other FHWA environmental actions required prior to CE Determination

Classification as a CE does not exempt the project from further environmental review. Compliance with Federal Statutes, Regulations and Executive Orders (EO's) must be documented. Refer to the Department's Project Development Manual (PDM) and Environmental Manual (TEM) to determine the requirements.

2.1	Other required FHWA environmental independent determinations	FHWA Independent Determination and/or Concurrence Required & Received	Date determination/ concurrence issued	FHWA Independent Determination and/or Concurrence not required or resource not present	
		A	B	C	
	EO 11990 Protection of Wetlands Individual Finding	<input type="checkbox"/>	Date Issued	<input type="checkbox"/>	
	ESA Section 7 Threatened and Endangered Species	<input type="checkbox"/>	Date Issued	<input type="checkbox"/>	
	Section 106 (National Historic Preservation Act)	<input type="checkbox"/>	Date Issued	<input type="checkbox"/>	
	Section 4(f) (Park, Wildlife Refuge, Historic Sites, and National Wild and Scenic Rivers)	<input type="checkbox"/>	Date Issued	<input type="checkbox"/>	
2.2	Other FHWA environmental compliance and/or approvals/concurrence required	Resource present and threshold exceeded		Resource not present, or present but threshold not exceeded	
	EO 11988 Floodplains	<input type="checkbox"/>		<input type="checkbox"/>	
	EO 13112 Invasive Species	<input type="checkbox"/>		<input type="checkbox"/>	
	EO 12898 Environmental Justice	<input type="checkbox"/>		<input type="checkbox"/>	
	Safe Drinking Water Act Section 1424(e)	<input type="checkbox"/>		<input type="checkbox"/>	
	US Army Corps of Engineers, Section 404/10 NWP #23	<input type="checkbox"/>		<input type="checkbox"/>	
	Section 6(f) (Land and Water Conservation Funds)	<input type="checkbox"/>		<input type="checkbox"/>	
	Migratory Bird Treaty Act	<input type="checkbox"/>		<input type="checkbox"/>	
	23CFR772 Type I Noise abatement	<input type="checkbox"/>		<input type="checkbox"/>	
2.3	Other Environmental Issues requiring FHWA notification	Resource present and threshold exceeded			Resource not present, or present but threshold not exceeded
	U.S. Army Corps of Engineers, Section 404/10 Individual Permit	<input type="checkbox"/>			<input type="checkbox"/>
	National Wild and Scenic Rivers	<input type="checkbox"/>			<input type="checkbox"/>
	U.S. Coast Guard Bridge Permit	<input type="checkbox"/>			<input type="checkbox"/>
	Known hazardous waste site (only EPA National Priority list)	<input type="checkbox"/>	<input type="checkbox"/>		
	Project on or affecting Native American Lands	<input type="checkbox"/>	<input type="checkbox"/>		

For all categories above, refer to the **Table Thresholds** document.

**After completion of Tables 2.1, 2.2, and 2.3, proceed to step 3.**

# Federal Environmental Approval Worksheet

**Project ID Number:**

### Step 3: Who makes the NEPA CE Determination?

FHWA Regulations describe two types of CEs; CEs listed in 23 CFR 771.117(c) [aka the C list], and CEs such as those listed in 23 CFR 771.117 (d) [aka the D list]. NYSDOT can make the CE determination for C list projects once all required approvals and concurrences have been secured. FHWA retains the NEPA determination for D list projects. FHWA makes the CE determination programmatically through NYSDOT for D list projects that meet the [July 15, 1996 FHWA NY Division NEPA Programmatic Categorical Exclusion memo criteria](#). To determine by whom, FHWA or NYSDOT, and how the CE determination is made, follow the instructions beginning in section 3.1 of the following table.

	CONDITION	ACTION
3	<b>Determine whether FHWA or NYSDOT makes the CE determination.</b>	
3.1	<p>If the project is an action that would normally be a CE in 23 CFR 771.117(c) (see the drop down list), check the "Yes" box. If not, check the "No" box.</p>	<p>If yes, NYSDOT can make the CE determination once all the approvals and coordinations required are complete.</p> <p>1. Is the project an action that would normally be a CE in <a href="#">23 CFR 771.117(c)</a>?  <b>YES</b> <input type="checkbox"/> <b>NO</b> <input type="checkbox"/> =</p> <p><b>If no, proceed to step 3.2.</b></p> <p><b>If yes, and the action falls under (c)(26), (c)(27), or (c)(28), proceed to step 3.1.1.</b> Otherwise, <b>proceed to step 3.1.2.</b></p>
3.1.1	<p>Determine if any additional constraints apply to the CE.</p>	<p>Do ANY of the conditions described in the <b>Table Thresholds 3.1.1</b> (land acquisition, major traffic disruptions, changes in access control, floodplain encroachment, National Wild &amp; Scenic Rivers) apply to the action? <b>YES</b> <input type="checkbox"/> <b>NO</b> <input type="checkbox"/></p> <p><b>If yes, the (c)(26), (c)(27) and (c)(28) constraints have not been met – proceed to step 3.2.</b></p> <p><b>If no, do ANY of the following apply:</b></p> <ul style="list-style-type: none"> <li>• A check in Column A in Table 2.1 for Section 106, <b>and</b> a finding of Adverse Effect?</li> <li>• A check in Column A in Table 2.1 for 4(f), <b>and</b> impacts are not de minimis?</li> <li>• A check in Column A in Table 2.3 for Section 404/10?</li> <li>• A check in Column A in Table 2.3 for USCG Bridge Permit?</li> </ul> <p>Do ANY of the above apply to the action? <b>YES</b> <input type="checkbox"/> <b>NO</b> <input type="checkbox"/></p> <p><b>If yes, the (c)(26), (c)(27) and (c)(28) constraints have not been met – proceed to step 3.2.</b></p> <p><b>If no, the (c)(26), (c)(27) and (c)(28) constraints have been met – proceed to step 3.1.2.</b></p>

# Federal Environmental Approval Worksheet

**Project ID Number:**

3.1.2	Determine if <b>any</b> of the required environmental determinations, compliance and/or approvals/ concurrences are outstanding.	<p>If there are:</p> <ul style="list-style-type: none"> <li>outstanding environmental determinations (Table 2.1:checks in column A without dates in column B)</li> <li><b>and/or</b> circumstances requiring demonstration of applicable EO compliance or issues requiring FHWA environmental review (checks in column A in Table 2.2)</li> </ul> <p><b>The project will use Memo Shell 2</b> (FHWA needs to review this project).  <b>Proceed to step 4.</b></p> <p><i>If the project does not meet the conditions above proceed to step 3.1.3.</i></p>
3.1.3	Determine if <b>any</b> issues are present that require FHWA notification.	<p>If there are:</p> <ul style="list-style-type: none"> <li>any issues requiring FHWA environmental notification (checks in column A in Table 2.3); then</li> </ul> <p><b>The project will use Memo Shell 3</b> (FHWA must be notified of this project).  <b>Proceed to step 4.</b></p> <p><i>If the project does not meet the conditions above proceed to step 3.1.4.</i></p>
3.1.4	No Determinations, Approvals, Concurrences or Notifications required.	<p><b>The project will use Memo Shell 1</b> (memo to file).  <b>Proceed to step 4.</b></p>
3.2	The project is a D list CE as per 23 CFR 771.117(d). Choose appropriate entry from drop down list. If "other" or (d)(13) provide an explanation.	<p>Certain actions eligible for categorical exclusion require NYSDOT to transmit documentation and a determination that a CE applies. Examples of activities that may proceed as a CE are listed in <a href="#">23 CFR 771.117(d)</a> (D list). Activities not directly listed on the D List also have the potential to proceed as a CE with submitted documentation (Other). Activities that may normally be classified as a C-list CE under 23 CFR 771.117(c)(26), (c)(27), or (c)(28) must meet the constraints at <a href="#">23 CFR 771.117(e)</a>, or they revert to the D-list as (d)(13).</p> <p>The project is an action that would normally be a CE in 23 CFR 771.117(d).</p> <p>☐ Other or (d)(13): provide explanation here</p> <p><b>Proceed to step 3.2.1.</b></p>
3.2.1	Determine if <b>any</b> of the required environmental determinations, compliance and/or approvals/ concurrences are outstanding <b>and/or</b> notification is required.	<p>If there are:</p> <ul style="list-style-type: none"> <li><b>any</b> outstanding environmental determinations (any checks in column A without dates in column B in Table 2.1);</li> <li><b>and/or</b> any circumstances requiring demonstration of applicable EO compliance (any checks in column A in Table 2.2);</li> <li><b>and/or</b> issues requiring FHWA environmental notification (any checks in column A in Table 2.3); then</li> </ul> <p><b>The project will use Memo Shell 4</b> (MOPL and FHWA need to review this project).  <b>Proceed to Step 4.</b></p>
3.2.2	Design Approval Document sent to FHWA	<p>If the project:</p> <ul style="list-style-type: none"> <li>does not meet the conditions above (3.2.1), then the project has met the criteria established as per the programmatic agreement dated July 15, 1996.</li> </ul> <p><b>The project will use Memo Shell 5</b> (memo to file).  <b>Proceed to Step 4.</b></p>

# Federal Environmental Approval Worksheet

Project ID Number: \_\_\_\_\_

## Step 4: Summary and Recommendation

- This project qualify to be progressed as a Categorical Exclusion.
- The NEPA Determination is being made by \_\_\_\_\_
- All outstanding FHWA environmental approvals will be obtained and are listed here:  
List outstanding FHWA environmental approvals here:

All other environmental, social and economic factors that affect the project's NEPA classification, of Title 23 CFR 771.117 Environmental Impact and Related Procedures and the July 1996 FHWA NY Division NEPA Programmatic Categorical Exclusion memo must still be addressed, for example, the project:

- does not change the functional class;
- does not add mainline capacity;
- is not on new location;
- will not change travel patterns;
- acquires only minor amounts of ROW (temporary or permanent);
- does not cause displacements; does not change access control;
- is air quality exempt;
- is consistent with the NYS Coastal Management Program; **and**
- the analysis satisfies the requirements of the Farmland Protection Policy Act.

**I certify that the information provided above is true and accurate and recommend the project be processed as described above.**

Project Manager/Designer \_\_\_\_\_ Date \_\_\_\_\_  
(or Responsible Local Official)

Print Name and Title: \_\_\_\_\_

Regional Environmental Unit Supervisor \_\_\_\_\_ Date \_\_\_\_\_

Print Name and Title: \_\_\_\_\_

Regional Local Project Liaison \_\_\_\_\_ Date \_\_\_\_\_  
(Locally Administered Projects Only)

Print Name and Title: \_\_\_\_\_

Changes that may have occurred since the preparation of the worksheet which would **create the need to go through the Worksheet again** include but are not limited to: a change in the scope of the proposed project; a change in the social, economic or environmental circumstances or the setting of the project study area (i.e. the affected environment); a change in the federal statutory environmental standards; discovering new information not considered in the original process; and a significant amount of time has passed (equal or greater than three years).

## Federal Environmental Approval Worksheet Instructions

Federal Environmental Approval Worksheet Steps		
Step #	Step to be Taken	Other Actions and Required Information
1	Answer yes or no to questions 1-4.	<p>The following are criteria from <a href="#">Title 23 CFR 771.117(b)</a> <i>FHWA Categorical Exclusions</i> that determine if the project must be progressed as an Environmental Assessment (EA) or an Environmental Impact Statement (EIS).</p> <p>If yes to any of the four questions, contact the Main Office Project Liaison (MOPL-see PDM Exhibit 4-1). If after consultation with FHWA it is determined that the project cannot be progressed as a Categorical Exclusion (CE), skip to Step 4 and see PDM Chapter 4 for NEPA Class I (EIS) or Class III (EA) processing.</p> <p>If after consultation with FHWA it is determined that the project can be progressed as a CE proceed to Step 2.</p> <p>If no to all, this project qualifies as a Categorical Exclusion (CE); <b>proceed to Step 2.</b></p>
2	Other FHWA environmental actions required prior to NEPA Determination.	<p>Classification as a CE does not exempt the project from further environmental review. Compliance with Federal Statutes, Regulations and Executive Orders (EOs) must be documented. Refer to Department <a href="#">Project Development Manual (PDM)</a> and <a href="#">The Environmental Manual (TEM)</a> to determine the requirements.</p>
3.1	Depending on the presence of resources, comparison to applicable thresholds, and the status of coordination with FHWA, check appropriate columns and enter appropriate dates.	<p>The four rows in Table 2.1 correspond to topics where FHWA has to make independent determinations on environmental issues. It is possible to complete some of these coordinations before the end of Phase 1.</p> <ul style="list-style-type: none"> <li>• If the resource is not present, place a checkmark in column C.</li> <li>• If the corresponding threshold (as per the Table Thresholds) is not exceeded, place a checkmark in column C.</li> <li>• If the corresponding threshold (as per the Table Thresholds) is exceeded, place a checkmark in column A.</li> <li>• Enter the date the determination is received in column B.</li> </ul> <p>These determinations must be made before (or concurrent with) the environmental determination.</p>
3.2	Depending on the presence of resources and comparison to applicable thresholds, check appropriate columns.	<ul style="list-style-type: none"> <li>• If the resource is not present, place a checkmark in column C.</li> <li>• If the corresponding threshold (as per the Table Thresholds) is not exceeded, place a checkmark in column C.</li> <li>• If the corresponding threshold (as per the Table Thresholds) is exceeded, place a checkmark in column A.</li> </ul> <p>These approvals/concurrences must be made before (or concurrent with) the environmental determination.</p>

## Federal Environmental Approval Worksheet Instructions

Federal Environmental Approval Worksheet Steps		
Step #	Step to be Taken	Other Actions and Required Information
2.3	Depending on the presence of resources and comparison to applicable thresholds, check appropriate columns.	<p>If the project has involvement only with topics listed on Table 2.3, FHWA must receive notification of this involvement. No response is required or anticipated.</p> <ul style="list-style-type: none"> <li>• If the resource is not present, place a checkmark in column C.</li> <li>• If the corresponding threshold (as per the Table Thresholds) is not exceeded, place a checkmark in column C.</li> <li>• If the corresponding threshold (as per the Table Thresholds) is exceeded, place a checkmark in column A.</li> </ul> <p>It is not anticipated this will apply to many projects. For example, most projects with a U.S. Army Corps of Engineers, Section 404/10 Individual Permit will have some wetland involvement, and would require an individual 11990 Finding.</p>
3	Determine whether FHWA or NYSDOT makes the NEPA determination.	<p>FHWA Regulations describe two types of CEs; CEs listed in 23 CFR 771.117(c) [aka the C list], and CEs such as those listed in 23 CFR 771.117 (d) [aka the D list].</p> <p>NYSDOT can make the CE determination for C list projects once all required approvals and concurrences have been secured. FHWA retains the NEPA determination for D list projects.</p> <p>FHWA makes the CE determination programmatically through NYSDOT for D list projects that meet the <a href="#">July 15, 1996 FHWA NY Division NEPA Programmatic Categorical Exclusion memo</a> criteria.</p>
3.1	If the project is an action that would normally be a CE in 23 CFR 771.117(c), check the "Yes" box, and select entry from the drop down menu. If not, check the "No" box.	<p>For C-list actions, NYSDOT can make the CE determination once all the approvals and coordinations required are complete.</p> <p>If no, <b>proceed to step 3.2.</b></p> <p>If yes, and the action falls under (c)(26), (c)(27), or (c)(28), <b>proceed to step 3.1.1.</b></p> <p>Otherwise, <b>proceed to step 3.1.2.</b></p>
3.1.1	Determine if the additional constraints are met. Answer the questions and follow the associated directions; check the "Yes" or "No" boxes as appropriate.	<p>Those actions normally classified as CEs under 23 CFR 771.117(c)(26), (c)(27), or (c)(28) must also meet the constraints described at 23 CFR 771.117(e). If these constraints are not met, the action will be classified as a D-list CE per 23 CFR 771.117(d)(13).</p> <p>If the constraints are met, <b>proceed to step 3.1.2.</b></p> <p>If the constraints are not met, <b>proceed to step 3.2.</b></p>

## Federal Environmental Approval Worksheet Instructions

Federal Environmental Approval Worksheet Steps		
Step #	Step to be Taken	Other Actions and Required Information
3.1.2	Determine if <b>any</b> of the required environmental determinations, compliance and/or approvals/ concurrences are outstanding.	<p>If there are:</p> <ul style="list-style-type: none"> <li>outstanding environmental determinations (checks in column A without dates in column B in Table 2.1)</li> <li><b>and/or</b> circumstances requiring demonstration of applicable EO compliance or issues requiring FHWA environmental review (checks in column A in Table 2.2)</li> </ul> <p>FHWA needs to review this project. <b>Proceed to Step 4 and Complete Memo Shell 2</b> to request FHWA review.</p> <p>If the project does not meet the conditions above, <b>proceed to step 3.1.3.</b></p>
3.1.3	Determine if <b>any</b> issues are present that require FHWA notification.	<p>If there are:</p> <ul style="list-style-type: none"> <li>any issues requiring FHWA environmental notification (checks in column A in Table 2.3); then</li> </ul> <p>FHWA needs to be notified of this project. <b>Proceed to Step 4 and Complete Memo Shell 3</b> to notify FHWA.</p> <p>If the project does not meet the conditions above, <b>proceed to step 3.1.4.</b></p>
3.1.4	No Determinations, Approvals, Concurrences or Notifications required.	<p>If the project:</p> <ul style="list-style-type: none"> <li>was determined to be a C list CE, and did not meet the conditions in steps 3.1.2 and 3.1.3, then</li> </ul> <p>FHWA does not need to review or be notified of this project. <b>Proceed to Step 4 and Complete Memo Shell 1</b> (memo to file).</p>
3.2	The project is a D list CE as per 23 CFR 771.117(d). Choose appropriate entry from drop down list. If "Other" or (d)(13), provide an explanation.	<p>Certain actions eligible for categorical exclusion require NYSDOT to transmit documentation and a determination that a CE applies. Examples of activities that may proceed as a CE are listed in 23 CFR 771.117(d) (the D list). Activities not directly listed on the D List also have the potential to proceed as a CE with submitted documentation (Other).</p> <p>Activities that may normally be classified as a C-list CE under 23 CFR 771.117(c)(26), (c)(27), or (c)(28) must meet the constraints at 23 CFR 771.117(e), or they revert to the D-list as (d)(13).</p> <p><b>All other environmental, social and economic factors that affect the project's NEPA classification, as per 23 CFR 771.117 and the <a href="#">July 1996 FHWA NY Division NEPA Programmatic Categorical Exclusion memo</a> must still be addressed, for example the project: does not change the functional class; does not add mainline capacity; is not on new location; will not change travel patterns; acquires only minor amounts of ROW (temporary or permanent); does not cause displacements; does not change access control; is air quality exempt; is consistent with NYS Coastal Management Program; and the analysis and requirements of the Farmland Protection Policy Act have been satisfied.</b></p>

## Federal Environmental Approval Worksheet Instructions

Federal Environmental Approval Worksheet Steps		
Step #	Step to be Taken	Other Actions and Required Information
3.2.1	Determine if <b>any</b> of the required environmental determinations, compliance and/or approvals/ concurrences are outstanding <b>and/or</b> notification is required.	<p>If there are:</p> <ul style="list-style-type: none"> <li>• <b>any</b> outstanding environmental determinations (any checks in column A without dates in column B in Table 2.1);</li> <li>• <b>and/or</b> any circumstances requiring demonstration of applicable EO compliance (any checks in column A in Table 2.2);</li> <li>• <b>and/or</b> issues requiring FHWA environmental notification (any checks in column A in Table 2.3); then</li> </ul> <p>the MOPL and FHWA need to review this project. <b>Proceed to Step 4 and Complete Memo Shell 4</b> to initiate reviews.</p>
3.2.2	Design Approval Document sent to FHWA.	<p>If the project:</p> <ul style="list-style-type: none"> <li>• does not meet the conditions listed in 3.2.1, the project has met the criteria established as per the programmatic agreement dated July 15, 1996, then FHWA does not need to review or be notified of this project.</li> </ul> <p><b>Proceed to Step 4 and Complete Memo Shell 5</b> (memo to file).</p>
4	Summary and Recommendation.	<p>Based on the work of Steps 2 and 3, complete summary by selecting “does” or “does not” qualify as a CE, and who (“NYSDOT” or “FHWA”) makes the determination, from the pull down menus.</p> <p>The Regional Environmental Unit Supervisor and the Project Manager/ Designer, or the Regional Local Project Liaison (RLPL), as appropriate, sign and date the certification statement.</p> <p>If FHWA made a determination in Step 1 that the project could be progressed as a CE attach it to the worksheet.</p> <p>The Project Manager/ Designer<sup>1</sup>, Regional Environmental Unit Supervisor<sup>2</sup> and the Regional Local Project Liaison (RLPL)<sup>3</sup>, as appropriate, print their “Name and Title”, and sign and date the certification statement.</p> <p>If project parameters or site condition changes result in potential resource impacts, re-do worksheet <b>prior to Design Approval</b> to confirm/revise NEPA determination. The Regional Environmental Unit Supervisor and the Project Manager/Designer (or RLPL) complete the worksheet again and sign and date.</p>

<sup>1</sup> To be signed by the person completing or overseeing completion of the worksheet (e.g., NYSDOT or Responsible Local Official or their Agent).

<sup>2</sup> To be signed by the Regional Environmental Unit Supervisor (or designee) based on their knowledge of the project scope and contributions to the worksheet and/or review of available project documentation.

<sup>3</sup> To be signed by the Regional Local Project Liaison based on their knowledge and review of the project scope and supporting documentation.



## Federal Environmental Approval Worksheet Instructions

Federal Environmental Approval Worksheet Steps		
Step #	Step to be Taken	Other Actions and Required Information
	Memo to file, MOPL or FHWA.	<p>Based on the results of Step 3, the Regional Director (or designee) signs the appropriate Memo. This memo will transmit either the DAD or a notification, either to the file, FHWA or the MOPL. If the memo is to file:</p> <ul style="list-style-type: none"> <li>• Place the DAD, the worksheet and the memo in the project file</li> <li>• and send a copy of the memo and the worksheet to the MOPL.</li> </ul> <p>If the memo is to FHWA for approval or action:</p> <ul style="list-style-type: none"> <li>• Send the memo with worksheet attached and the DAD to FHWA</li> <li>• and send a copy of the memo and the worksheet to the MOPL.</li> <li>• Allow at least 30 days for FHWA review.</li> </ul> <p>If the memo is to FHWA for notification:</p> <ul style="list-style-type: none"> <li>• Send the memo with worksheet attached to FHWA</li> <li>• and send a copy of the memo and the worksheet to the MOPL.</li> </ul> <p>If the memo is to the MOPL:</p> <ul style="list-style-type: none"> <li>• Send the memo with 2 copies of the FEAW attached and two copies of the DAD and one copy of the Design Report Review Checklist to the MOPL.</li> <li>• Allow at least 2-4 weeks for MOPL review <u>and</u> at least 30 days for FHWA review.</li> </ul>
	Re-certification- Similar to the changes that trigger a reevaluation, certain conditions may warrant going through the worksheet again	<p>Changes that may have occurred since the preparation of the worksheet which would create the need to go through the Worksheet again include but are not limited to:</p> <ul style="list-style-type: none"> <li>• A change in the scope of the proposed project which may effect responses in Table 2.</li> <li>• A change in the social, economic or environmental circumstances or the setting of the project study area (i.e. the affected environment).</li> <li>• A change in the federal statutory environmental standards.</li> <li>• Discovering new information not considered in the original process.</li> <li>• A significant amount of time has passed (equal to or greater than three years).</li> </ul>

## Federal Environmental Approval Worksheet Table Thresholds

### 2.1 Other required FHWA environmental independent determinations

#### EO 11990 Protection of Wetlands Finding

- If the project does not impact state and/or federal jurisdictional wetlands check column C.
- If the project does impact wetlands and a programmatic finding is used check column C.
- If an individual finding is required, check column A and enter actual date issued in column B.

#### ESA Section 7 Threatened and Endangered Species

- If there are no Federally listed species or Designated Critical Habitat in the Project Area, check column C.
- If all project activities are included on FHWA's "No Effect, Activity Based" list, check column C.
- If the project requires any other "No Effect" determination from FHWA, check column A and enter the date the FHWA determination is issued in column B.
- If the project requires a "May Affect" determination, check column A:
  - For either the Rangewide Bat Informal Consultation Form (Rangewide 14 day form) or the Northern Long Eared Bat Consultation Form (30 day form), enter the date FHWA provides notification to proceed in column B.
  - For all other May Affect determinations, enter the date FHWA provides notification that the process is complete in column B.

Note: If multiple species effect determinations are made, enter the last FHWA determination or notification of completion date in column B.

#### Section 106 (National Historic Preservation Act)

- If the project does not require an FHWA effect determination, check column C.
- If the project requires an FHWA determination on the presence of historic properties and/or an effect determination, check column A AND,
- When 36 CFR Part 800 requirements have been completed, enter actual date concurrence is issued in column B.

#### 4(f) (Park, Wildlife Refuge, Historic Sites and National Wild and Scenic Rivers)

- If there is no use, constructive use or temporary occupancy of a 4(f) resource check column C.
- If de-minimis, programmatic and/or individual determinations are required, check column A and enter the actual date issued in column B.

### 2.2 Other FHWA environmental compliance and/or approvals/ concurrence required

#### EO 11988 Floodplains

- If project is not in a mapped flood zone, check column C.
- If a hydraulic assessment does not determine that the base flood elevation will increase, check column C.
- If a hydraulic assessment determines that the base flood elevation will increase, check column A.

#### EO 13112 Invasive Species

- If the project does not require a PCN/Individual Permit with compensatory wetland mitigation, check column C.
- If the project requires a PCN/Individual Permit with compensatory wetland mitigation, check column A.

#### EO 12898 Environmental Justice

- If the project does not have the potential to affect minority or low income populations check column C.
- If an analysis was done to determine if the project will impact minority or low income populations and to determine if such effects will be disproportionately borne on minority or low income populations, check column A.

## Federal Environmental Approval Worksheet Table Thresholds

<p><b>Safe Drinking Water Act Section 1424(e)</b></p> <ul style="list-style-type: none"><li>• If the project is not in a Sole Source Aquifer (SSA), check column C.</li><li>• If the project is in a SSA and is not described below check column C.</li><li>• If the project is in a SSA and the project type requires coordination with EPA- Construction of:<ul style="list-style-type: none"><li>○ Additional through lanes, interchanges or roundabouts (rotaries) on existing roadways;</li><li>○ A two- or more lane highway on new alignment;</li><li>○ A rest area with on-site sewage disposal facilities, or;</li><li>○ Other projects, which, in the opinion of FHWA, may affect water quality of the aquifer, such as pile driving, then check column A.</li></ul></li></ul>
<p><b>U.S. Army Corps of Engineers: Section 404 of the Clean Water Act and Section 10 of the Rivers and Harbors Act NWP 23</b></p> <ul style="list-style-type: none"><li>• If the project does not affect Waters of the US, or the project does not utilize NWP 23 check column C.</li><li>• If the project utilizes NWP 23, check column A.</li></ul>
<p><b>Section 6(f) Land and Water Conservation Funds</b></p> <ul style="list-style-type: none"><li>• If the project does not involve conversion of a 6(f) resource, check column C.</li><li>• If the project involves conversion of a 6(f) resource, check column A.</li></ul>
<p><b>Migratory Bird Treaty Act</b></p> <ul style="list-style-type: none"><li>• If the project is not as described below, check column C.</li><li>• If the project increases the height of towers, constructs new towers or other obstructions in a <u>known flyway</u>, or disturbs active nests of protected species, check column A.</li></ul>
<p><b>23 CFR772 Type I Noise abatement</b></p> <ul style="list-style-type: none"><li>• If no noise impacts exist, check column C.</li><li>• If noise abatement measures are found not to be feasible or reasonable, check column C .</li><li>• If noise abatement measures are found to be feasible and reasonable, check column A.</li></ul>
<p><b>2.3 Other Environmental Issues Requiring FHWA notification</b></p>
<p><b>U.S. Army Corps of Engineers, Section 404/10 Individual Permit</b></p> <ul style="list-style-type: none"><li>• If the project does not affect Waters of the US, or the project does not utilize an Individual Permit, check column C.</li><li>• If the project utilizes an Individual Permit, check column A.</li></ul>
<p><b>National Wild and Scenic Rivers</b></p> <ul style="list-style-type: none"><li>• If the project will not adversely affect, alter or preclude the values of a designated study or inventory river, check column C.</li><li>• If the project will adversely affect , alter or preclude the values of a designated study or inventory river, check column A.</li></ul>
<p><b>U.S. Coast Guard Bridge Permit</b></p> <ul style="list-style-type: none"><li>• If a USCG Bridge Permit is not required, check column C.</li><li>• If a USCG Bridge Permit is required, check column A.</li></ul>
<p><b>Known hazardous waste site (only EPA National Priorities List (NPL))</b></p> <ul style="list-style-type: none"><li>• If the project does not involve a NPL site, check column C.</li><li>• If the project involves a NPL site, check column A.</li></ul>
<p><b>Project on or affecting Native American Lands</b></p> <ul style="list-style-type: none"><li>• Without Section 106 involvement, check column A.</li><li>• If Section 106 applies, FHWA has been involved. Check column C.</li></ul>

## Federal Environmental Approval Worksheet Table Thresholds

### 3.1.1 Constraints on CEs - (c)(26), (c)(27), and (c)(28)

#### Land acquisition

- *If the project involves acquisition of more than a minor amount of right-of-way (more than 10% of a parcel, for parcels under 10 acres (4 ha) in size; more than 1 acre (0.4 ha), for parcels 10 to 100 acres (4 to 40.5 ha) in size; and more than 1% of a parcel, for parcels greater than 100 acres in size (40.5 ha)) or will result in any residential or non-residential displacements, answer Yes.*

#### Major traffic disruptions

- *If the project involves construction of temporary access, or closure of existing roads, bridges, or ramps, that is anticipated to result in major traffic disruptions, answer Yes.*

#### Changes in access control

- *If the project involves a change in access control, answer Yes.*

#### Floodplain encroachment

- *If the project occurs in a floodplain, and is not a functionally dependent use (functionally dependent uses are actions that must occur in close proximity to water, e.g., bridge projects) or an action that facilitates open space use (e.g., recreational trails, bicycle and pedestrian paths), answer Yes.*

#### National Wild and Scenic Rivers

- *If the project involves construction activities in, across or adjacent to a river component designated or proposed for inclusion in the National System of Wild and Scenic Rivers, answer Yes.*

**RIGHT OF WAY CLEARANCE CERTIFICATE**

To: Regional Real Estate Officer, Region \_\_\_ Date: \_\_\_\_\_ Design Approval Date: \_\_\_\_\_

From: \_\_\_\_\_ Sponsor: \_\_\_\_\_

P.I.N: \_\_\_\_\_ Project: \_\_\_\_\_

Sponsor ID #: \_\_\_\_\_ Acquiring Agency: \_\_\_\_\_

I certify that; the right-of-way has been or will be acquired in accordance with the Highway Law, the Eminent Domain Procedure Law (when applicable), Uniform Relocation Assistance Real Property Acquisition Policies Act of 1970 as amended, and Title 23 of the Code of Federal Regulations, Part 635, Section 309 and that the status of the right-of-way is as follows:

Select: a, b, c or d

(a) No right of way (including clearance of encroachments conflicting with the project construction within the existing right of way) is required for the project.

(b) All of the necessary rights of way, including control of access rights have been acquired (legal and physical possession). All payments/deposits are completed. If applicable, "Statement of Donations" attached. There are no improvements existing that need to be removed or demolished and/or all occupants have vacated the land and/or improvements and the acquiring agency has the physical possession and the right to remove.

(c) All the necessary rights of way, including control of access rights have not been completed, however, the acquisitions are being progressed and all legal and physical possession will be completed prior to advertisement of the contract (see attached ROW 9-15ALL "Acquisition and Clearance Status Report" for completion schedule).

(d) Acquisition of one or more remaining properties has not been completed and will not be completed prior to project advertisement for bids. All eligible occupants of the residences, if any, on such properties have had replacement housing made available to them in accordance with 49 CFR 24.204. (See attached ROW 9-15ALL "Acquisition and Clearance Status Report" for completion schedule and ROW 9-16ALL "Special Note – Availability of ROW"). The completion schedule will be included in the contract plans, engineering substantiation and a report of the quantity and quality of relocation assistance. A note designating the lack of availability shall appear on the specific plan sheet of each indicated property. FHWA approval of this (these) projection(s) is required. (Reasons property may not be available include acquisitions of properties in bankruptcy, acquisitions from cemeteries, acquisitions from the federal/state government, and relocations.)

Project description:

No. of maps required for project \_\_\_\_\_

No. of Claimants \_\_\_\_\_

No. of maps not requiring payment \_\_\_\_\_

No. of Relocations required \_\_\_\_\_

No. of Relocations completed \_\_\_\_\_

No. of maps paid to date \_\_\_\_\_

No. of maps deposited to date \_\_\_\_\_

Completed Project Checklist and Property Checklist must be attached.

\_\_\_\_\_  
Responsible Local Official Date: \_\_\_\_\_

Name and \_\_\_\_\_

Title:

\_\_\_\_\_  
NYSDOT Real Estate Officer Date: \_\_\_\_\_