



State of Vermont
Agency of Transportation
Environmental Section
One National Life Drive
Montpelier, VT 05633
<http://vtrans.vermont.gov/>

Mr. Matthew R. Hake, P.E.
Division Administrator
Federal Highway Administration
87 State Street, Montpelier, Vermont 05602

08/26/19

Attn: Kenneth R. Sikora, Environmental Program Manager, via NEPA SharePoint Site
Re: Colchester NH 028-1 (31)

Dear Mr. Hake:

Project NH 028-1 (31) begins approximately one-half mile west of the intersection of U.S. Route 2 and U.S. Route 7, and extends easterly along U.S. Route 2 to the intersection with U.S. Route 7 in Colchester. Also included is approximately one-half mile of U.S. Route 7 centered about the intersection of U.S. Route 7 and U.S. Route 2, and Interstate 89 ramps at exit 17. Work to be performed under this project includes the realignment of U.S. Route 2 including a new bridge over Interstate 89, realignment of interstate ramps at exit 17, resurfacing of U.S. Route 7 with the addition of striping, guardrail improvements, signage, bike corridor improvements, and other highway related items.

The Vermont Agency of Transportation (VTrans) has considered the potential environmental consequences of the project in accordance with the National Environmental Policy Act (NEPA). The project qualifies for Categorical Exclusion pursuant to 23 CFR 771.117(d)(1) "Environmental Impact and Related Procedures - Categorical Exclusions" as the project consists of modernization of a highway by resurfacing, restoration, rehabilitation, reconstruction, and bridge replacement.

This project will not induce significant impacts to planned growth or land use for the area; will not require the relocation of significant numbers of people; will not have a significant impact on any natural, cultural, recreational, historic or other resource; will not involve significant air, noise, or water quality impacts; will not have significant impacts on travel patterns; and will not otherwise, either individually or cumulatively, have any significant environmental impacts.

However, the project will involve construction in wetlands totaling more than 5,000 square feet of permanent impacts. VTrans has completed an individual EO 11990 wetland determination and included it. Please contact Jeff Ramsey, Environmental Specialist Supervisor @ 802-917-4467 if you require additional information.

Respectfully,

A handwritten signature in cursive script that reads "Jeff Ramsey".

Jeffery T. Ramsey
VTrans Environmental Specialist Supervisor

FHWA concurrence in this Categorical Exclusion determination is indicated by electronic signature/stamp and date on VTrans' Environmental NEPA Share Point Site.

<https://outside.vermont.gov/agency/vtrans/ENEPA/Lists/CE/AllItems.aspx>

Attachments

cc:

Patti Coburn, Project Manager

Project File

**Categorical Exclusion
Environmental Analysis Sheet**

Town Colchester **Project No.** NH 028-1 (31) **Route** U.S. Routes 2/ 7 and Interstate 89.

Project Setting: Urban X Village _____ Rural _____
 Traffic U.S. Route 2/ 7 - 18400; I89 32,600 AADT
 Year 2018 Typical _____ varies _____
 AASHTO Functional Classification U.S. Route 2 - Urban Principal Arterial, U.S. Route 7 -
 Urban Minor Arterial, Interstate 89

CRITERIA OF 23 CFR771.117 (C) APPLICABLE? _____ **YES** **X** **NO**

NOTE: PROJECTS THAT MEET THE CRITERIA OF 23 CFR771.17 (C) NEED ONLY ADDRESS THOSE ISSUES MARKED WITH AN ASTERISK (*). THIS DOES NOT PRECLUDE THE NEED TO OBTAIN APPLICABLE STATE & FEDERAL CONCURRENCES & PERMITS.

1. Air Quality

Since the state of Vermont is in attainment for all the National Ambient Air Quality Standards (NAAQS) criteria pollutants (CO, Pb, NO2, O3, SO2, PM10, and PM2.5), the proposed project is exempt from conformity per 40 CFR 93.126 or 40 CFR 93.128 and is also exempt from regional conformity (regional emissions analysis requirements) per 40 CFR 93.127. Such projects may proceed toward implementation even in the absence of a conforming transportation plan and TIP. When completed, the project is not expected to result in any meaningful changes in traffic volumes, vehicle mix, or any other factor that would cause an increase in emissions impacts or contribute to violations of the NAAQS.

Urban intersection improvement Yes X No _____
 Project Level-of-Service (LOS) degrading to D, E, or F Yes _____ No X
 [If "Yes" to both, then attach the Carbon Monoxide (CO) Hot-spot Analysis]

2. Noise

Type I Project (VTrans Noise Policy) Yes _____ No X
 If yes, number of receptors impacted n/a
 Mitigation Requirements n/a

3. Water Quality

Lakes or Ponds
 VANR Lakes & Ponds permit Yes _____ No X Acquired _____

Rivers or Streams
 VANR Title 19 Consultation Yes _____ No X Completed _____
 Wild/ Scenic River Consultation Yes _____ No X Completed _____

Wetlands

* Wetland Impact area Temporary 21,706 sqft Permanent 50,722 sqft
 * Buffer Impact area Temporary 43,000 sqft Permanent 132,800 sqft
 * VANR Wetland Permit Yes X No _____ Acquired in process
401 Water Quality Certification Yes X No _____ Acquired in process
Stormwater Discharge Permit Yes X No _____ Acquired in process
Floodplains Encroachment Yes _____ No X
Flood Hazard Area/
River Corridor Permit Yes _____ No X Acquired _____
 Describe Hydraulic Changes n/a
Ground Water/Surface Water/Well Impacts Yes _____ No X
 Describe/ VANR Comments none at this time

4. **U.S. Army Corps of Engineers**
 Section 10 and/or Section 404 Permit Required Yes No Acquired in process
 Permit Type most likely an Individual Permit.
 COE Comments On file at VTrans.
5. **U.S. Coast Guard**
 Navigable Waters Yes No Involved Waterway _____
 Rivers & Harbors Act Section 9 and/or
 Bridge Act of 1946 Permit(s) Required Yes _____ No Acquired _____
 Section 144(c) "Exemption" Yes _____ No Acquired _____
 USCG Comments none at this time
- * 6. **Threatened and Endangered Species and Habitat**
 Present in Project Area Yes No
 ANR Non-Game and Natural Heritage Program comments On file at VTrans.
 USF&WS comments none at this time
 See VTrans Biologist Natural Resource Clearance dated 03/13/19.
7. **Agricultural Land [Farmland Policy Protection Act]**
 Project located in Federal-aid Urban Area Yes No
 Prime/secondary/locally important soils present Yes No
 Describe Impacts/Comments According to BCE team mapping no prime agricultural soils are mapped within the project area. Agricultural soil impact was estimated to be 0.439 acres. See VTrans Biologist Natural Resource Clearance dated 03/13/19.
 Current land use (land in agricultural use) There is some hay field agricultural use, but the project area is within a Federal Aid Urban Area.
 Form 1006 Parts 1, III, VI, VII, completed (FHWA) Yes _____ No
 Form 1006 Parts II, IV, V completed (NRCS) Yes _____ No
 Vermont Department of Agriculture comments On file at VTrans.
- *8. **Hazardous/ Residual Waste Liabilities**
 Present in project area Yes No
 Determination from VANR Atlas Yes No
 Determination from field visit Yes _____ No
 Borings completed Yes _____ No
 Petroleum related wastes Yes No
 CERCLA involvement Yes _____ No
 Remediation required Yes _____ No
 Describe There are hazardous or residual waste liabilities, but no VTrans Limited Reuse Soils within the project area per the ANR Natural Resources Atlas online mapping 07/08/19.
See ANR Natural Resource Atlas Map.
There are two hazardous waste sites within the study area. One of these sites is at the Chimney Corners Mobil gas station. The site was contaminated by four gasoline underground storage tanks and one heating oil underground storage tank. The tanks were removed in 2003 and the site was closed in 2009 following several years of groundwater monitoring (<https://anrweb.vt.gov/DEC/ERT/HazSites.aspx?site=20033114>).
The second hazardous waste site is located at the Simons Chimney Corners gas station, south of the Corners on Route 7. Contamination at this site likely originated from the overfilling of underground gas tanks. The site was closed in 2007 following the no detection of VOC's in the drinking water supply (<https://anrweb.vt.gov/DEC/ERT/HazSites.aspx?site=982420>).

* 9. **Historical or Archaeological Resources (Section 106)**
 Historic Resources: Present in APE Yes _____ No X Exempt _____
 Archeological Resources: Present in APE Yes _____ No X Exempt _____
 Section 106 Determination No Historic Properties Affected issued 07/01/19
 See Section 106 Memorandum for additional information.
 Memorandum of Agreement needed Yes _____ No X Executed _____
 SHPO coordination completed n/a (past 30 days)
 Advisory Council coordination completed n/a

* 10. **Section 4(f) Resources**
 Section 4(f) Resource(s) present in project area Yes _____ No X
 Nature of Section 4(f)
 Parks/Rec. Areas _____ Wildlife and Waterfowl Refuge _____ Historic Property _____
 Temporary impact to a 4(f) resource Yes _____ No X
 Permanent use of 4(f) resource Yes _____ No X
 Section 4(f) Approval (check one)
 Negative Declaration _____ de minimis 4(f) _____ Programmatic 4(f) _____ Circulated 4(f) _____
 Section 4(f) Comments There aren't any 4(f) resources within the project limits.

* 11. **6(f) Resources**
 Section 6(f) involvement (LWCF Funding) Yes _____ No X
 National Park Service Conversion Approval n/a
 Section 6(f) Comments There aren't any 6(f) resources within the project limits.

* 12. **Right of Way**
 New ROW Acquisition fee simple Yes X No _____
 permanent easement Yes X No _____
 temporary easement Yes X No _____
 Description of taking Permanent Fee Simple acquisition for Interstate ROW Use associated with the reconfigured southbound ramps. Potential for permanent fee simple acquisitions associated with US Route 7 widening and lane reconfiguration as well as permanent easements to accommodate utilities within the highway corridor. Temporary easements will be required for construction access and permanent restoration activities.
 Improved properties acquired Yes _____ No X
 Displacements Rental Units 0 Private Homes 0 Businesses 0
 Relocation services to be provided n/a
 Properties available for relocation n/a

13. **Public Participation Opportunity**
 Pre-Design Site Meeting Yes _____ No X Date _____
 Public Information Meeting Yes X No _____ Date Multiple during 2018 Calendar Year (Colchester 4/5/18 and 11/13/18, Milton 4/11/18, and North Hero 6/6/18)
 Public Hearing Required (502) Yes X No _____ Date TBD
 Comments by Local Officials/RPC's any comments will be on file with project manager at VTrans

14. **Social and Economic Concerns**
 Project consistent with Local and Regional Land Use Plans Yes X No _____
 Describe if not, what is inconsistent? n/a
 Act 250 Permit or Amendment Yes _____ No X Acquired _____
 Neighborhood and Community Concerns Yes _____ No X

_____ Churches
 _____ Schools
 _____ Low Income Housing
 _____ Emergency Services
 Describe _____ n/a

_____ Elderly
 _____ Handicapped
 _____ Environmental Justice Exec. Order 12898
 _____ Other

Effect on local business Yes No _____ (Describe) less traffic congestion
 Temp. effect on business Yes No _____ (Describe) construction delays
 Loss of parking Yes _____ No (Describe) _____
 Pedestrian Facilities Sidewalk Widths Existing n/a Proposed none
 Bicycle Facilities Paved Shoulder Widths Existing varies Proposed 4' - 5'
 If not minimum standard (sidewalk 5ft, paved shoulder 4ft), explain sidewalks not proposed

15. Aesthetic Considerations

Scenic Byway/VT Scenic Highway Yes No _____
 Describe Lake Champlain Byway
 Comments none at this time

16. Effects of Temporary Detour/Bridge

Detour required Yes _____ No Additional Length _____ (Attach Plans)
 Temporary bridge required Yes _____ No
 Impacts of Detour/Bridge Old bridge will remain until new bridge is opened.
 Local Government coordination Yes No _____ Comments see section 13

Field Inspection Comments See supporting documentation.

Summary of Commitments and Mitigation

Describe

Emerald Ash Borer.

As of 2018, emerald ash borer (EAB), Agrilus planipennis, has been confirmed within Vermont's borders. To provide an assurance of compliance with state and federal EAB laws the contractor shall adhere to the following:

Known EAB infestation areas are changing rapidly. Therefore the Contractor shall consult the online version of the EAB Infested Area Map (Located here: www.vtinvasives.org/land/emerald-ash-borer-vermont) on the same day cutting is to occur. If the project is located with an EAB infested area, ALL tree material, regardless of species, within the project area shall be handled in accordance with a document developed by the Vermont Department of Forests, Parks and Recreation and the Vermont Agency of Agriculture titled "Recommendations to SLOW THE SPREAD of Emerald Ash Borer When Moving Ash from the Infested Area", <https://vtinvasives.org/sites/default/files/images/SlowSpreadWoodVT.pdf>. Tree material shall not be moved out of state.

Alternatively, the Contractor may choose to hire a qualified professional (Arborist certified by the International Society of Arboriculture or Licensed Forester), at their own expense, to identify the presence of ash trees. Those identified ash trees would be subject to the above referenced recommendations, however other tree species would not.

The Contractor is also hereby made aware of the same potential restrictions as they relate to proposed Waste, Borrow and Staging areas under Section 105.25 Control of Waste, Borrow, and Staging Areas.

Threatened and Endangered Species and Habitat

This project shall be subject to Avoidance and Minimization Measures to protect the habitat and hibernacula of the northern long-eared bat. Measures applicable to this project include, Time-of-Year (TOY) restrictions for any potential impacts to suitable bat habitat, which include, but are not limited to trees ≥ 3" and/or habitat features on bridge structures.

