



State of Vermont
Agency of Transportation
Environmental Section
Barre City Place, 4th Floor,
219 North Main Street
Barre City, VT 05641
<http://vtrans.vermont.gov/>

Mr. Randy Warden
Division Administrator
Federal Highway Administration
87 State Street, Montpelier, Vermont 05602

July 3, 2023

Attn: FHWA, Environmental Program Manager, via NEPA SharePoint Site
Re: **Lyndon IM 091-3(53) 19A189**

Dear Mr. Warden:

Project Lyndon IM 091-3(53) proposes the replacement of Bridges 96-3N and 96-3S on Interstate 91 (I-91) in the town of Lyndon, Vermont located at mile marker 141.30, which is approximately 1.1 miles north of Exit 24 and 1.4 miles south of the Lyndon/Wheelock Town Line. Both bridges are corrugated galvanized metal plate pipe culverts under the northbound and southbound Interstate lanes, respectively. These culverts convey an unnamed tributary of Millers Run (aka Squabble Hollow Creek) under I-91. Work to be performed under this contract includes the removal and replacement of the existing culverts with associated roadway and channel work.

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(c)(28) "Environmental Impact and Related Procedures - Categorical Exclusions" as the project consists of the replacement of existing bridges.

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.

VTrans has determined that the FHWA wetland finding contained in the Programmatic Agreement of 03/14/19 is applicable to this project.

Please contact Lee Goldstein, Environmental Specialist @ 802-595-1808 if you require additional information.
Respectfully,

Lee Goldstein
VTrans Environmental Specialist

Attachments
cc: Mahendra Thilliyar, Project Manager; Project File

PROGRAMMATIC CATEGORICAL EXCLUSION CRITERIA

VTrans has determined that this project will **NOT**:

- A. X Require a temporary detour outside existing right-of-way, or a temporary wetland or stream crossing which will require non-routine mitigation, or a ramp closure, unless the following conditions are met :
 - (1) provisions are made for access by local traffic and the facility is posted accordingly,
 - (2) businesses dependent upon through traffic will not be unduly affected,
 - (3) the temporary detour or ramp closure will not interfere with local special events,
 - (4) the temporary detour, ramp closure, wetland or stream crossing will not substantially increase the environmental consequences of the action (project).
- B. X Involve construction in wetlands totaling more than 5,000 square feet of permanent impacts, requiring the Army Corp of Engineers to coordinate with resource agencies per the General Permit.
- C. X Require a Risk Analysis for an increase in 100-year flood water surface elevations, per EO 11988.
- D. X Involve construction within, or alter drainage patterns so as to adversely affect, a Sole Source Aquifer.
- E. X Require coordination with the US Fish and Wildlife Service for the preparation of a Biological Assessment for Threatened and Endangered Species, per 16 CFR Section 7.
- F. X Require acquisition of additional right-of-way (including permanent or temporary construction easements) involving: more than three acres of land per mile of roadway, or a total of 10 acres or more for a non-linear improvement (such as a bridge or an intersection), or any relocation of residences or businesses.
- G. X Require FHWA approval for changes in access control.
- H. X Involve acquisition of, or impacts upon Prime or Unique Farmland, unless a USDA Farmland Conversion Impact Rating Part VI Site Assessment has been completed and indicates Total Site Assessment Points less than 160 (doesn't apply to designated urban areas).
- I. X Cause an Adverse Effect to an archaeological or historic resource listed in, or eligible for inclusion in, the National Register of Historic Places.
- J. X Require use (permanent or temporary) of a Section 4(f) resource, unless that use meets the criteria for a de minimis or Programmatic 4(f); or involve the use of a Section 6(f) resource when compensation is required (property acquired or improved using Land and Water Conservation Funds).
- K. X Involve hazardous or residual waste liabilities subject to CERCLA and/or RCRA requirements.
- L. X Require a bridge permit from the US Coast Guard, per 23CFR 650 Subpart H.
- M. X Qualify as a Type I project and require analysis of noise abatement measures, per 23 CFR 772 and the FHWA approved VTrans Noise Policy.
- N. X Require greater than 50% Emergency Relief (ER) funding.
(NOTE: If coordination with the FHWA was required to reach this determination attach concurrence memo)

**Categorical Exclusion
Environmental Analysis Sheet**

Town Lyndon Project No. IM 091-3(53) Route Interstate-91

Project Setting: Urban _____ Village _____ Rural X
Traffic 3,022 Year 2023 Typical: Median 4-12-12-10 Outside
AASHTO Functional Classification Interstate

CRITERIA OF 23 CFR771.117 (C) APPLICABLE? X YES _____ 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 PM_{2.5}), 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 _____ No _____

Project Level-of-Service (LOS) degrading to D, E, or F Yes _____ No _____

[If "Yes" to both, then attach the Carbon Monoxide (CO) Hot-spot Analysis]

2. **Noise**

Type I Project (VTrans Noise Policy) Yes _____ No _____

If yes, number of receptors impacted _____

Mitigation Requirements _____

3. **Water Quality**

Lakes or Ponds

VANR Lakes & Ponds permit Yes _____ No _____ Acquired _____

Rivers or Streams

VANR Title 19 Consultation Yes _____ No _____ Completed _____

Wild/ Scenic River Consultation Yes _____ No _____ Completed _____

Wetlands

Wetland Impact area Temporary <5,00 Square Feet Permanent <5,00 Square Feet

Buffer Impact area Temporary <5,00 Square Feet Permanent <5,00 Square Feet

VANR Wetland Permit Yes X No _____ Acquired Contractor Responsible

401 Water Quality Certification Yes _____ No _____ Acquired _____

Stormwater Discharge Permit Yes _____ No _____ Acquired _____

Floodplains Encroachment Yes _____ No _____

Flood Hazard Area/

River Corridor Permit Yes _____ No _____ Acquired _____

Describe Hydraulic Changes _____

Ground Water/Surface Water/Well Impacts Yes _____ No _____

Describe/ VANR Comments _____

4. **U.S. Army Corps of Engineers**

Section 10 and/or Section 404 Permit Required Yes X No _____ Acquired _____

Permit Type _____

COE Comments _____

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 _____

* 6. **Threatened and Endangered Species and Habitat**

Present in Project Area Yes X No _____
ANR Non-Game and Natural Heritage Program comments Pending
USF&WS comments Pending
See VTrans Biologist Natural Resource Clearance dated 06/30/23. Only potential listed species present is the state and federally listed endangered northern long-eared bat (*Myotis septentrionalis*).

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 _____
Current land use (land in agricultural use) _____
Form 1006 Parts I, III, VI, VII, completed (FHWA) Yes _____ No _____
Form 1006 Parts II, IV, V completed (NRCS) Yes _____ No _____
Vermont Department of Agriculture comments _____

*8. **Hazardous/ Residual Waste Liabilities**

Present in project area Yes _____ No X
Determination from VANR Atlas Yes X No _____
Determination from field visit Yes _____ No X
Borings completed Yes _____ No X
Petroleum related wastes Yes _____ No X
CERCLA involvement Yes _____ No X
Remediation required Yes _____ No X
Describe There aren't any hazardous or residual waste liabilities mapped within the project area per the ANR Natural Resources Atlas online mapping 10/03/2022. See Hazardous Waste Urban Soils Map.

* 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 dated 06/19/2023
See Section 106 Memorandum for additional information.
Programmatic/ Memorandum of Agreement needed Yes _____ No X Executed _____
SHPO coordination completed N/A per 2021 PA
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 X 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. All construction will occur within the ROW for I-91.

*11. **6(f) Resources**

Section 6(f) involvement (LWCF Funding) Yes _____ No X

National Park Service Conversion Approval _____ N/A

Section 6(f) Comments No 6(f) resources are present with the project corridor. No project components (temporary or permanent) extend beyond the I-91 ROW.

* 12. **Right of Way**

New ROW Acquisition fee simple Yes _____ No X

permanent easement Yes _____ No X

temporary easement Yes _____ No X

Description of taking _____ No ROW acquisition required

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 _____ Date _____

Public Information Meeting Yes _____ No _____ Date _____

Public Hearing Required (502) Yes _____ No _____ Date _____

Comments by Local Officials/RPC's _____

14. **Social and Economic Concerns**

Project consistent with Local and Regional Land Use Plans Yes _____ No _____

Describe if not, what is inconsistent? _____

Act 250 Permit or Amendment Yes _____ No _____ Acquired _____

Neighborhood and Community Concerns Yes _____ No _____

_____ Churches _____ Elderly

_____ Schools _____ Handicapped

_____ Low Income Housing _____ Environmental Justice Exec. Order 12898

_____ Emergency Services _____ Other

Describe _____

Effect on local business Yes _____ No _____ (Describe) _____

Temp. effect on business Yes _____ No _____ (Describe) _____

Loss of parking Yes _____ No _____ (Describe) _____

Pedestrian Facilities Sidewalk Widths Existing _____ Proposed _____

Bicycle Facilities Paved Shoulder Widths Existing _____ Proposed _____

If not minimum standard (sidewalk 5ft, paved shoulder 4ft), explain _____

15. **Aesthetic Considerations**

Scenic Byway/VT Scenic Highway Yes _____ No _____

Describe _____

Comments _____

16. **Effects of Temporary Detour/Bridge**

Detour required Yes _____ No _____ Additional Length _____ (Attach Plans)

Temporary bridge required Yes _____ No _____
Impacts of Detour/Bridge _____
Local Government coordination Yes _____ No _____ Comments _____

Field Inspection Comments _____ See supporting documentation _____

Summary of Commitments and Mitigation

Describe

Threatened and Endangered Species and Habitat.

The Contractor shall ensure all personnel working on the project site are made aware of the potential presence and protected status of the northern long-eared bat. No suitable bat habitat is present within the project limits and no Time-of-Year (TOY) restrictions are required.

The Contractor is hereby made aware of the potential for TOY restrictions related to proposed Waste, Borrow and Staging areas. Cutting trees ≥ 3 inches in diameter outside of the contract project limits shall require review under Section 105.26 Opening Off-Site Activity Areas.

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.

Prepared by: Lee Goldstein 07/03/2023 Reviewed by: Julie Ann Held 07/03/2023
Signature Date Signature Date