

Environmental Review Process for Local Projects

November 2012

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1.0 BACKGROUND

In 2007, the 80th Texas Legislature passed Senate Bill 792, redefining the way toll projects are delivered throughout the state and creating a process through which the market value of a project is determined. Following the 80th session, the Texas Department of Transportation (TxDOT), North Texas Tollway Authority (NTTA), and North Central Texas Council of Governments (NCTCOG) worked together to develop SH 121, a critical corridor in Collin, Dallas, and Denton Counties.

The result was a \$3.2 billion upfront payment to TxDOT by the NTTA for the right to develop, finance, design, construct, operate, and maintain the SH 121 tollroad project. Texas Transportation Code [43 Texas Administration Code (TAC) 2.1, Section 228.012] requires TxDOT to create a separate account in the state highway fund to hold this type of payment for each project, system, or region, and to hold money in a subaccount in trust for the benefit of the region in which a project or system is located. The responsibility for allocating money in the SH 121 subaccount has been assigned to the Regional Transportation Council (RTC), the transportation policy council of the NCTCOG. This subaccount will provide funding for the Regional Toll Revenue (RTR) initiative established by RTC, which will help construct numerous projects throughout the Dallas-Fort Worth region.

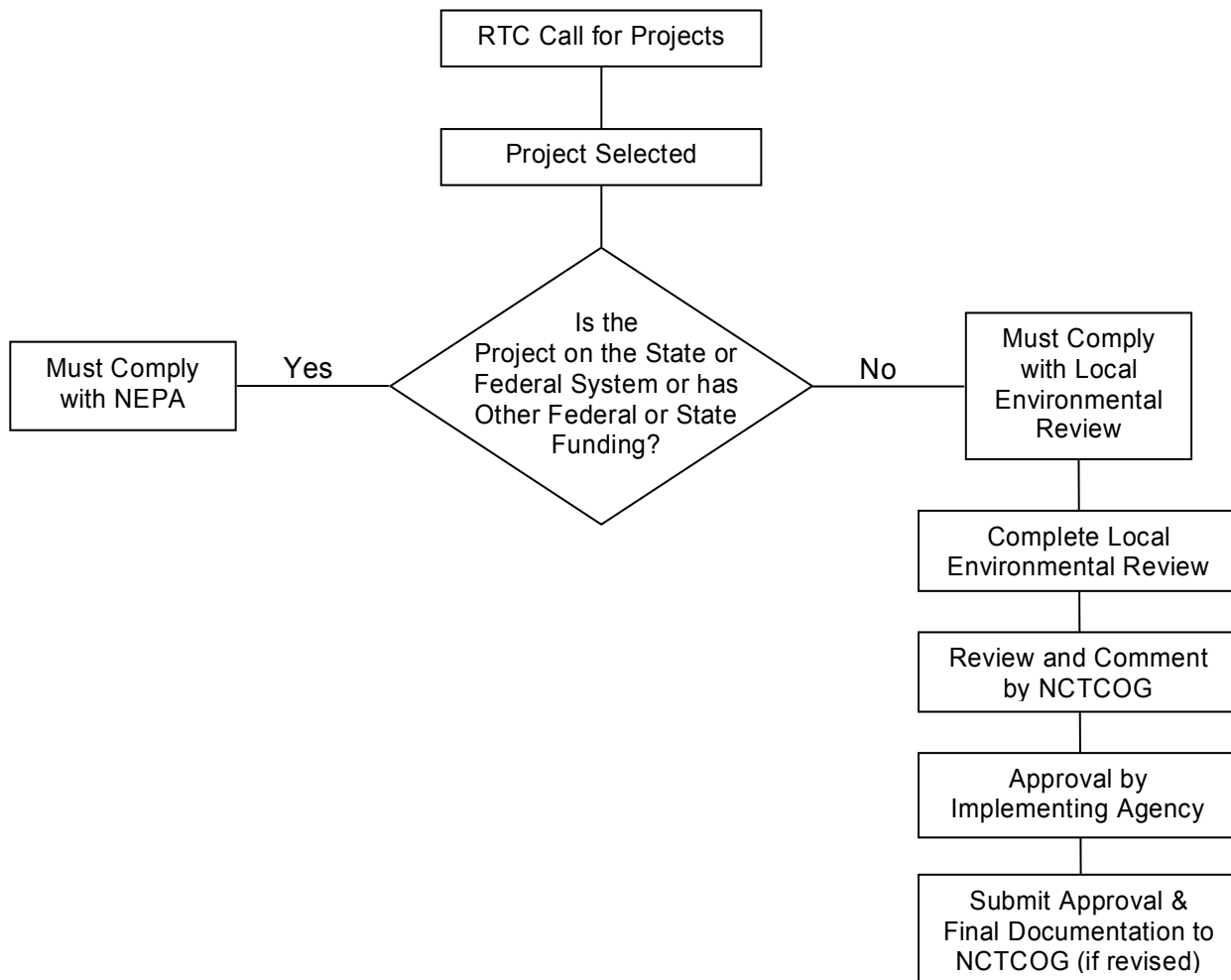
For projects to be funded with money in the SH 121 subaccounts that are on the state/federal roadway system (e.g., on-system) or include other state/federal transportation monies, the projects must comply with state/federal environmental review, permitting, and other approval and public notice requirements [i.e., 43 TAC, Part 1, Chapter 2, Subchapter A and/or the National Environmental Policy Act (NEPA)]. Other projects to be funded with money in the SH 121 subaccounts that are not part of the state/federal roadway system (e.g., off-system) and have no other state/federal transportation monies allocated to the project will not be required to comply with 43 TAC, Part 1, Chapter 2, Subchapter A, Rule 2.1(b)(3) as amended February 19, 2009, or NEPA. However, the entity responsible for implementing the project must comply with all environmental review and public involvement requirements applicable under state and federal law and a local environmental review focused on permitting and other approvals. Each project will require an agreement between TxDOT and the implementing agency. This agreement will include a section requiring NCTCOG review of the local environmental documents for projects funded under the agreement.

Many local governments do not have a formal local environment review process for transportation projects. Some local agencies, such as the NTTA, Dallas Area Rapid Transit, and Denton County Transit Authority, have developed an environmental review that mimics NEPA documents for projects funded with local monies. This document is then approved by their respective boards rather than a federal or state agency.

2.0 OVERVIEW OF PROPOSED PROCESS

To assist implementing agencies in fulfilling the local environmental review requirements that may not have an established process, NCTCOG has researched and developed a local environmental review. The purpose of the review is to ensure the implementing agency is complying with applicable state and federal laws and regulations. Figure 1 shows the proposed process for completing the local environmental review. This local environmental review process must be completed before monies for either right-of-way acquisition or construction are distributed by TxDOT.

Figure 1: Local Environmental Review Process for Off-System RTR Projects



To facilitate and streamline the local environmental review process, two environmental checklists have been developed based on the project types. These have been developed to help ensure the implementing agency is complying with applicable state and federal laws and regulations.

- If a project requires right-of-way and/or major construction, use the environmental checklist found in (Appendix A) with instructions (Appendix B).
- If a project would have little or no environmental impacts based up the type of work that is performed under normal circumstances, you may be able to use the simplified environmental checklist and instructions found in Appendices C and D, respectively. However, prior to using the simplified checklist, contact NCTCOG to verify it is the appropriate form to use. If, while filling out the simplified environmental form, you check a “Yes” for questions 11 through 16, you cannot use this form and must use the checklist in Appendix A. The following is a list of typical projects that may qualify:
 - Planning projects
 - Utility installations

- Noise barriers
- Landscaping
- Fencing, signs, pavement markings, traffic signals, and railroad warning devices
- Improvements to existing reset areas or truck weigh stations
- Bus and rail car rehabilitation
- Alternations to buildings or vehicles for handicapped persons
- Vehicle purchase
- Track and railbed maintenance
- Purchase and installation of maintenance equipment for transit

Once the local environmental process has been completed by the implementing agency, it should be submitted to NCTCOG a minimum of 60 days prior to approval by the implementing agency. NCTCOG will review the form and provide comments to the implementing agency. The implementing agency may revise the document, as appropriate, and then gain local approval of the document. A copy of the approval and final document (if revised from the original submittal to NCTCOG) should be submitted to NCTCOG.

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PROJECT INFORMATION		
1. Project Description		
1A. Length (feet or miles)		
1B. Scope of Work		
2. Implementing Agency		
3. Primary Contact for the Implementation Agency		
Name/Title:		
Phone:		
e-mail:		
4. Form Preparer		
Name/Title:		
Phone:		
e-mail:		
5. Date Form was Prepared		
6. Project Costs:		
	Total Amount (\$)	Amount of RTR Funding (\$)
• Engineering		
• Right-of-Way		
• Utility Relocation		
• Construction		
• Total		
7. Date of Cost Estimate		
8. TIP Number		
9. Project Location Map Attached		() Yes () No
10. Briefly describe the problems/issues and how the project will eliminate or help solve them. Include any information concerning other alternatives considered during project development.		

LOCAL SUPPORT AND COORDINATION	
11. List the local planning document(s) that include this project (e.g., comprehensive plan, thoroughfare plan, long-range plan, CIP). Include the plan name, date, program year, project numbers, etc. are associated with it.	
12. Is the project consistent with other transportation, infrastructure, or community projects or plans? If yes, list the plan/project name and agency/authority. If no, list the plan/project and why this project is not consistent.	() Yes () No
13. Is the project ADA compliant?	() Yes () No



LOCAL SUPPORT AND COORDINATION

14. Is the project along a transit, pedestrian, bicycle, or haul route? If no, go to 15.	() Yes () No
14A. Will the project interfere, restrict, or otherwise permanently impact these routes?	() Yes () No
14B. Has the proper authority/agency been contacted?	() Yes () No
15. Does the project cross or involve a railroad crossing (at-grade or grade-separated)? If no, go to 16.	() Yes () No
15A. Will the project change the number of at-grade roadway/railroad crossings?	() Yes () No
15B. Has an agreement with the railroad been executed? If yes, attach to form.	() Yes () No
16. List any local governmental approvals (e.g., Board/Council/Commission) or permits that have been obtained (with dates) or will be needed for the project (with anticipated dates).	
17. List the dates of meetings and any other efforts to inform the community about this project.	
17A. In general, describe any comments received by the public.	
17B. List the outreach efforts taken to engage environmental justice and the LEP communities.	

RIGHT-OF-WAY INFORMATION

18. Will additional right-of-way be needed? If no, go to 20.	() Yes () No
18A. How much (total acres) is needed?	
18B. How many parcels will be affected?	
18C. Briefly describe the existing land use of the area(s) to be acquired.	
18D. Will the right-of-way be acquired using fair market value?	() Yes () No



RIGHT-OF-WAY INFORMATION

19. Will any buildings and/or structures be displaced? If no, go to 20.		() Yes () No
19A. How many structures will be displaced?		
19B. Indicate the number for each type:		
• Single-Family		
• Multi-Family Buildings and Units		
• Commercial		
• Industrial		
• Places of Worship		
• Public Facilities		
• Other		
19C. Will relocation assistance be provided?		() Yes () No
20. Will utilities need to be relocated? If no, go to 21.		() Yes () No
20A. List the type of utilities to be relocated and any special considerations that need to be known.		
20B. Have utility conflicts been resolved? If no, what are the procedures to resolve the conflicts and anticipated schedule for resolution?		() Yes () No
20C. Have the required utility permits been obtained? If yes, list the types and dates. If no, list the types and anticipate dates.		() Yes () No
21. Will the project affect the location or view of existing billboards? If yes, describe the location of the billboard(s) and effects.		() Yes () No

ENVIRONMENTAL INFORMATION

CULTURAL RESOURCES

22. Will the project affect dedicated publicly owned parkland, wildlife refuges, or recreation areas? If yes, describe the property affected, type (e.g., use, number of acreage affected), and impact. () Yes () No

23. Will the project disturb archaeological resources? If yes, describe the resource and impact and attach the THC Antiquities Permit. () Yes () No

24. Will the project impact or disturb of any property listed as a SAL and/or RTHL and/or listed on the NRHP? If yes, describe the resource (e.g., list address) and impact and attach the THC Antiquities Permit. () Yes () No

25. Has this project been coordinated with the THC? If yes, attach all relevant correspondence. () Yes () No

26. Have you coordinated with your local historic preservation organization? () Yes () No

27. Will the construction plans or contract include a provision that requires all work in the area to cease and contact THC immediately if a suspected archeological object/artifact is found or uncovered during construction operations? If no, please contact NCTCOG. () Yes () No

THREATENED AND ENDANGERED SPECIES

28. Are there any federal threatened or endangered species and/or their habitat located within the project area? If no, go to 29. () Yes () No

28A. Has coordination been initiated with USFWS and has a presence/absence survey been conducted? () Yes () No

28B. If yes, explain the results of the coordination and survey efforts and attach all relevant correspondence. If no, when will the coordination be initiated?

29. Will the construction plans or contract include a provision that requires all work in the area to cease and contact USFWS immediately if a suspected federally-listed threatened or endangered species is encountered during construction operations? If no, please contact NCTCOG. () Yes () No

ENVIRONMENTAL INFORMATION

30. Are there any state threatened or endangered species and/or their habitat located within the proposed project area? If no, go to 31.	() Yes () No
30A. Has coordination been initiated with TPWD?	() Yes () No
30B. If yes, explain the results of the coordination efforts and attach all relevant correspondence. If no, when will coordination be initiated?	

MIGRATORY BIRD TREATY ACT

31. Based on field observations, are migratory birds located in the proposed project area?	() Yes () No
32. Are old or abandoned migratory bird nest located in the proposed project area? State the type of nest and abundance.	() Yes () No
33. Will the construction plans or contract include a provision that will require compliance with the Migratory Bird Treaty Act? If no, please contact NCTCOG.	() Yes () No

FARMLAND

34. Does the proposed project area cross any prime or unique farmlands that is not already in or committed to urban development?	() Yes () No
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WETLANDS/WATERS OF THE US

35. Will the project impact any USACE wetlands, water bodies, or streams? If no, go to 37.	() Yes () No
35A. Will the impacts be authorized under a NWP? If no, go to 35B.	() Yes () No
35A.i Will a PCN be required?	() Yes () No
35A.ii Specify what NWP will be used and the include date (or anticipated date) of permit.	NWP: _____ Date: _____
35B. Has the USACE issued the IP? List the date (or anticipated date) of permit. Attach all relevant correspondence.	() Yes () No Date: _____

WATER QUALITY

36. Will the project require a USACE permit? If no, go to 37.	() Yes () No
36A. Are the impacts covered under the USACE permit equal to or greater than three acres of water bodies or wetlands or equal to or greater than 1,500 linear feet of stream? If no, go to 36B.	() Yes () No
36A.i. Has a Tier II Section 401 water quality certification been submitted to the TCEQ?	() Yes () No
36A.ii Have BMPs been included in the construction plans? Go to 37.	() Yes () No
36B. Has a Tier I Section 401 water quality certification checklist been completed for the permit? Submit with PCN or IP to USACE if applicable.	() Yes () No
37. How many acres of soil disturbing activities are required for the project? If 0-1 acres, go to 38. If 1-5 acres, go to 37A. If 5 or more acres, go to 37B.	() 0-1 acre () 1-5 acres () 5 or more acres
37A. Do the construction plans comply with the TPDES General Permit for Construction Activity and include a SW3P? Go to 38.	() Yes () No
37B. Has a NOI been filed with the TCEQ detailing the SW3P for the project?	() Yes () No

ENVIRONMENTAL INFORMATION	
38. Will the project occur within, encroach upon, or occur five miles upstream of a listed impaired water of the TCEQ Section 303(d) list? If no, go to 39.	() Yes () No
38A. Has the project been coordinated with TCEQ for maximum daily loads?	() Yes () No
38B. Have BMPs been included in the construction plans?	() Yes () No
39. Does the implementing agency possess an MS4 permit? If no, go to 40.	() Yes () No
39A. Will the project impact the MS4 permit?	() Yes () No
39B. Explain how and what mitigation is proposed.	
FLOODPLAINS	
40. Will the project require work in the Trinity River Regulatory Zone? If no, go to 41.	() Yes () No
40A. Has a CDC been completed and sent to the local CDC/floodplain administrator?	() Yes () No
41. Could the project change the 100-year water surface elevation, induce erosive velocities, or result in conveyance changes? If no, go to 42.	() Yes () No
41A. Has the project been coordinated with the local floodplain administrator and USACE to address potential impacts. Attach approval correspondence.	() Yes () No
VEGETATION	
42. Will the project disturb existing vegetation or remove trees? If no, go to 43.	() Yes () No
42A. Will revegetation be included in the construction plans?	() Yes () No
42B. Check all statements that apply	
• Natural vegetation will be preserved whenever practicable	() Yes () No
• Mitigation/vegetation will comply with local tree ordinances	() Yes () No
• Native plants will be used whenever practicable	() Yes () No
• Xeriscaped plants will be used to help with water conservation	() Yes () No
• Landscaping will be in accordance with any local aesthetic requirements	() Yes () No
AIR QUALITY	
43. Will the project improve air quality?	() Yes () No
44. Are there any air quality sensitive receivers immediately adjacent to the project?	() Yes () No
45. Will the construction plans or contract include a provision requiring the contractor to make reasonable effort to comply with local, state, and federal regulations, pertaining to construction equipment emissions and/or construction equipment work hour restrictions?	() Yes () No
REGULATED MATERIALS	
46. Has a regulated/hazardous materials on-site visual inspection been conducted?	() Yes () No
47. Will the project require additional right-of-way from or be located near a known potential regulated materials site?	() Yes () No
48. Does the implementing agency have a spill prevention/response plan in place for construction projects?	() Yes () No
49. Will the construction plans or contract include a provision requiring compliance with local, state, and federal regulations, pertaining to regulated materials on construction sites?	() Yes () No

ENVIRONMENTAL INFORMATION

SPECIAL PERMITS

50. Are any special permits or clearances (e.g., Section 408, Section 9, Section 10, FAA airway clearance) required? If yes, please list those needed and status of obtaining the required permits and/or clearances. () Yes () No

CONSTRUCTION IMPACTS

51. What is the estimated time of construction? _____ Years _____ Months

52. Will the construction of the project limit access and/or require detours? If yes, describe the impacts and how they will be minimized or mitigated during construction. () Yes () No

53. What types of facilities or services could be impacted during construction and how will they be notified of the construction project, changes in access during construction, or detours?

<u>Facility/Service</u>	<u>Affected?</u>	<u>Notification Method</u>	<u>Who will be/was Notified?</u>
• Residences	() Yes () No		
• Businesses	() Yes () No		
• Hospitals, Fire, Police Stations	() Yes () No		
• Emergency Services	() Yes () No		
• Public Facilities (e.g., libraries, schools)	() Yes () No		
• Transit Routes	() Yes () No		
• Bicycle Routes	() Yes () No		
• Haul Routes	() Yes () No		

54. Are there any noise sensitive receivers near construction area or along the detour routes? () Yes () No

55. Will the construction plans or contract include a provision requiring the contractor to make reasonable effort to minimize construction noise through abatement measures, such as work-hour controls and proper maintenance of muffler systems. () Yes () No

CERTIFICATION BY AUTHORIZED REPRESENTATIVE

I certify the information provided in this form accurately reflects the status of compliance with applicable laws and regulations for the project.

Signature: _____ Date: _____

Name: _____ Title: _____



FORM ATTACHMENTS

	Location Map (Question 9)
	Railroad Agreement (Question 15B)
	THC Antiquities Permit (Question 23, 24)
	THC Coordination Letters (Question 25)
	USFWS Coordination Letters (Question 28B)
	USACE IP Coordination Letters (Question 34B)
	Floodplain Coordination Letters (Question 41B)
	Other

Sample Form

Instructions -The following are more detailed guidance to help in the completion of the Environmental Review Checklist for Local Projects.

PROJECT INFORMATION

Question 1

Project Description

State the project name and physical limits (to/from or at).

Question 1A

Length

State the length of the project in feet or miles.

Question 1B

Scope of Work

Briefly describe the work to be performed.

Question 2

Implementing Agency

State the name of the local agency purchasing the right-of-way and/or constructing the project.

Question 3

Primary Contact for the Implementing Agency

Provide the name, title, and contact information for the person from the implementing agency that is knowledgeable of the project.

Question 4

Form Preparer

Provide the name, title, and contact information for the person that prepared the form.

Question 5

Date Form was Prepared

State the date the form was completed.

Question 6

Project Costs

Under Total Amount, state the engineering, right-of-way, utility relocation, construction, and total for the project. Under Amount of RTR Funding, state the amount of funds being allocated from Regional Toll Revenue (RTR) for engineering, right-of-way, utility relocation, construction, and total.

Question 7

Date of Estimate

State the date of the estimate provided in Question 6.

Question 8

TIP Number

State the project number as listed in the Transportation Improvement Program (TIP). The TIP is available at <http://www.nctcog.org/trans/tip/>

Question 9

Project Location Map

Provide a map of the location for the submitted project with sufficient information for a person to understand the precise location of the proposed project. Suggested to include but not limited to: aerials, site boundaries, road names, streams/rivers and their labels, floodplains, parcel boundaries, north arrow, legend, and a scale bar.

Question 10

Need and Purpose

Describe the specific problems and/or issues the project is addressing (e.g., travel demand, safety, system connectivity). Describe how the project will help eliminate or solve them, or improve existing conditions. Include any information concerning other alternatives considered.

LOCAL SUPPORT & COORDINATION

Question 11

Local Planning Documents

List the local planning document(s) that include this project [e.g., comprehensive plan, thoroughfare plan, long-range plan, Capital Improvement Plan (CIP)]. Include the plan name, date, program year, project numbers, etc.

Question 12

Project Consistency

Confirm the project is consistent with other existing or proposed transportation, infrastructure, or community projects or plans. This includes plans by other transportation providers, Municipal Utility District (MUDs), and/or special districts. It should also consider requirements near airports. If it is consistent, list the plans and/or projects and agency/authority. Relative to the existing and proposed MUD facilities, is any further coordination required? If no, list the plans and/or projects and why this project is not consistent.

Question 13
Americans with Disability Act (ADA) Compliance

Is the project compliant with applicable ADA standards?

Question 14
Transit, Bicycle, Pedestrian, or Haul Routes

Is the project along any fixed bus route, rail line, designated bicycle route, trail/pedestrian route, or designated haul route?

Question 14A
Impact on Designated Routes

Will this project permanently interfere or impact these routes? Will this project prevent use of a designated haul route for overweight vehicles, regulated materials, or any other restricted/ permitted routes?

Question 14B
Designated Route Coordination

If a designated route will be affected, has the proper authority/agency been contacted?

Question 15
Railroad Crossings

State if the project does or does not intersect an existing rail line (freight or transit).

Question 15A
Change in the Number of At-Grade Roadway/Railroad Crossing

Will the project increase or decrease the number of at-grade crossings? If the number of at-grade crossings will be decrease, the agency may want to participate in the North Central Texas Council of Governments (NCTCOG) Railroad Crossing Banking Program. See <http://www.nctcog.org/trans/goods/RRCBP.asp> for more information.

Question 15B
Railroad Agreement

Has the railroad been contacted about the intersection? If an agreement has been signed, include it as an attachment to the form.

Question 16
Local Governmental Approvals

List any local governmental approvals (e.g., Board/Council/Commission) or permits that have been obtained (with dates) or will be needed for the project (with anticipated dates).

Question 17
Community Meetings

List the dates of meetings (both previously held and `planned) and any other efforts to inform the community about the project. This could include council/board meetings, presentations, listings in local newspapers or websites, or any other type of communication with the public about this project.

Question 17A
Public Comments

Briefly describe the general sentiment (for and against) from the public regarding this project.

Question 17B
Outreach Efforts

List the outreach efforts taken to engage Title VI populations including environmental justice and the limited English proficient (LEP) populations (See Box 1) that may be affected by the project. This could include efforts listed in Question 17 that were focused on these communities. For a non-English speaking community, was information or communication provided in any other language (e.g., advertising in a non-English newspaper)? Was translation offered or requested at meetings?

BOX 1: Title VI including Environmental Justice, and Limited English Proficient (LEP)

Community outreach for transportation projects should incorporate Title VI populations including environmental justice (Executive Order 12898) and LEP (Executive order 13166). Title VI of the Civil Rights Act of 1964 states that no person is excluded from participation in, denied the benefit of, or subjected to discrimination under any program or activity on the basis of race, color, national origin, age, sex, disability, or religion.

Minority: A minority population is defined as a group of people and/or community experiencing common conditions of exposure or impact that consists of persons classified by the Census Bureau as Black or African-American, American Indian or Alaska Native, Asian, Native Hawaiian or other Pacific Islander, or Hispanic or Latino. Minority populations are typically identified using census block level data from the 2010 Census (see Box 2).

Low-Income: A low-income population is typically defined as a group of people and/or community, which as a whole, lives below the national poverty level as established by the Health and Human Services Department (see <http://aspe.hhs.gov/poverty/11Poverty.shtml>). Low-income populations are typically identified using census tract level data from the 2009 American Community Survey (ACS) five-year data (see Box 2).

LEP: An individual who do not speak English as their primary language and who have a limited ability to read, speak, write, or understand English. This includes persons aged five years and older, persons who speak English "not well" or "not at all." LEP populations are typically identified using census tract level data from the 2009 ACS five-year data (see Box 2).

BOX 2: Using Census and ACS Data

US Census data is available on-line at <http://factfinder2.census.gov/main.html>. ACS data can be found at <http://www.census.gov/acs/www/>. Please note, ACS data is based on census tracts from 2000 and 2010 census data is based on census tracts used in 2010. The following lists the data set to be used to determine ethnicity, LEP population, and income level.

- For race, including Hispanic and Latino: 2010 Census file P2.
- For LEP information, ACS file B16001.
- For median household income, ACS file B19013.

Information in the census is provided at three levels:

Census tract: A geographic region defined for taking a census. Usually these coincide with the limits of cities, towns, or other administrative areas and several tracts commonly exist within a county. This information is used for all ACS data.

Census block group: A geographical unit used by the Census Bureau which is smaller than a census tract but larger than a census block.

Census block: The smallest geographic unit used by the Census Bureau for tabulation of 100-percent data (data collected from all houses, rather than a sample of houses). Blocks are typically bounded by streets, roads, or creeks. In cities, a census block may correspond to a city block, but in rural areas where roads are fewer, blocks may be limited by other features. The population of a census block varies greatly.

RIGHT-OF-WAY INFORMATION

Question 18

Additional Right-of-Way

State if project will require additional right-of-way.

Question 18A

Amount of Additional Right-of-Way

State the total amount (in acres) of additional right-of-way to be acquired.

Question 18B

Number of Parcels

State the estimated number of affected parcels from which additional right-of-way will be acquired. Include the acquisition of both partial and full parcels.

Question 18C

Existing Land Use

Briefly describe the existing land use (e.g., commercial, retail, industrial, residential, vacant, agricultural, undeveloped, floodplain) of the parcels to be acquired.

Question 18D

Right-of-Way Acquisition

State if the property will be acquired based on fair market value.

Question 19

Displacements

State if any buildings and/or structures will be displaced.

Question 19A

Number of Structures Displaced

State the total number of buildings and/or structures that will be displaced. Structures could include canopies or storage buildings.

Question 19B

Type and Number of Displacements

List the type and number by single-family, multi-family buildings and units, commercial, industrial, places of worship, public facilities, and other. For multi-family or commercial properties, state the number of buildings and the number of individual units or spaces. Other could include quasi-public facilities (e.g., electrical substation) and places of worship.

Question 19C

Relocation Assistance

State if relocation assistance will be provided for displacees. Typically, when a project requires that a homeowner, leasee, or business be displaced, the owner/occupier is notified and assistance in the form of guidance/resources will be made available to locate a comparable unit and that funds are available to relocate. The intent is to lessen the displacee's inconvenience.

Question 20

Utility Relocation

Construction projects may require above ground (e.g., telephone poles, power lines) or below ground (e.g., water lines, gas lines) to be relocated. State if any utility will require relocation.

Question 20A

Special Considerations

List the type of utilities to be relocated and any special considerations that need to be known such as limitations on the time of interruptions, special agreements, etc.

**Question 20B
Utility Conflicts**

Conflicts occur when either existing utility lines lie within the construction limits of the project and must be moved to accommodate construction, or future utility line lie within the construction limits. If the proposed plans have been reviewed and comments received from appropriate utility companies, check yes. If no, discuss how and when any utility conflict will be resolved prior to construction.

**Question 20C
Utility Permits**

Have the required utility permits been obtained? If yes, list the types and dates. If no, list the types and anticipate dates.

**Question 21
Billboards**

Are there any billboards that will be removed by the project? Will the project affect the view to existing billboards? If yes to either question, describe the location of the billboard(s) and effects. Does the implementing agency or local jurisdiction have an ordinance restricting the relocation of billboards?

ENVIRONMENTAL INFORMATION

Cultural Resources (See Box 3)

**Question 22
Parks, Wildlife Refuges, or Recreation Areas**

Based on ownership and zoning, will the project affect publicly-owned dedicated parkland, wildlife refuges, or recreation areas? If yes, describe the property affected, type (e.g., use, overall acreage, facilities), and impact. Do not include private recreational areas such as privately-owned golf courses.

**Question 23
Archaeological Resources**

Will the project disturb archaeological resources? If yes, describe the resource and impact. In the event that the project may affect a known archeological and/or historic site, an Antiquities Permits may be required. An archeological permit may be issued only to a professional archeologist who meets the definition of a principal investigator as defined in Title 13, Part II, Chapter 26 of the

BOX 3: Legal and Regulatory Context for Cultural Resources

Chapter 26 of the Texas Parks and Wildlife Code was established to protect any publicly owned land designated or used as a park, recreation and scientific area, wildlife refuge, and historic site from being used or taken by state or local agencies for other public projects. Chapter 26 applies to all local projects. Section 26.001 of Chapter 26 states that that an agency cannot use or taking these properties unless it is determined that: (1) there is no feasible and prudent alternative to the use or taking of such land and (2) the project includes all reasonable planning to minimize harm to the land, as a park, recreation area, scientific area, wildlife refuge, or historic site, resulting from the use or taking.

Chapter 26 also requires a public hearing on any taking of public parkland. Section 26.001 states that

- (b) A finding required by Subsection (a) of this section may be made only after notice and a hearing as required by this chapter.
- (c) The governing body or officer shall consider clearly enunciated local preferences, and the provisions of this chapter do not constitute a mandatory prohibition against the use of the area if the findings are made that justify the approval of a program or project.

Chapter 26 excludes parks, recreation areas, or wildlife refuges in certain cases. Section 26.004 provides that a department, agency, board, or political subdivision having control of the public land is not required to comply with this chapter if:

- (1) The land is originally obtained and designated for another public use and is temporarily used as a park, recreation area, or wildlife refuge pending its use for the originally designated purpose;
- (2) The program or project that requires the use or taking of the land being used temporarily as a park, recreation area, or wildlife refuge is the same program or project for which the land was originally obtained and designated; and
- (3) The land has not been designated by the department, agency, political subdivision, county, or municipality for use as a park, recreation area, or wildlife refuge before September 1, 1975.

The Antiquities Code of Texas (ACT) (Texas Natural Resources Code of 1977, Title 9, Heritage, Chapter 191) must be followed for local projects (<http://www.thc.state.tx.us/rulesregs/RegRulesPDF/AntiqCode.pdf>). This code established the Texas Historical Commission (THC) as the legal custodian of cultural resources, historic and prehistoric, within the public domain of the State of Texas (Section 191.051). The authority of the THC extends to designation and protection of State Archeological Landmarks (SAL), which can be historic buildings and structure, shipwrecks, or archeological sites. Cultural resources located on land owned or controlled by the State of Texas, or one of its cities or counties, or other political subdivisions, are protected by the ACT.

ACT requires state agencies and political subdivisions of the state, including cities, counties, river authorities, municipal utility districts and school districts to notify the THC of any action on public land involving five or more acres of ground disturbance; 5,000 or more cubic yards of earth moving; or any project that has the potential to disturb recorded historic or archeological sites.

historians and architects must meet the qualifications listed in Chapter 26 to be eligible to Texas Administrative Code (TAC). Similarly, receive antiquities permits for work on designated buildings. The text of both the Antiquities Code and the rules are available at <http://www.thc.state.tx.us/rulesregs/rrstate.shtml>.

For known archeological resources, background research and a reconnaissance survey should be conducted for the existing and areas of proposed right-of-way. The background search could include an examination of existing archeological site files at the Texas Archeological Research Laboratory (TARL) and the Texas Historical Commission (THC) existing archeological records, soils data, geologic data, topographic data, and pertinent historical records to determine any previously recorded archeological sites within the project limits. For archeological procedures, call Dan Potter (512.463.8884) at the THC.

**Question 24
Historic Properties**

Will the project impact or disturb of any property listed as a State Archeological Landmarks (SAL), Recorded Texas Historic Landmarks (RTHL), and/or listed on the National Register of Historic Places (NRHP)? If yes, describe the resource (e.g., list address) and impact.

The locations of SALs, RTHL, and NRHP-listed properties are available on-line at <http://atlas.thc.state.tx.us/>. For projects that may affect any of these properties, the implementing agency is required by law to fill out Antiquities Permit and submit form, description, photos, etc. to THC. THC will review exterior and interior (of public spaces).

**Question 25
THC Coordination**

Has this project been coordinated with the THC? If yes, attach all relevant correspondence. The THC should be contacted as soon as the project is defined (e.g., typical section, preliminary plan/profile, scope of construction and right-of-way impacts). Local governments should call THC to verify RTHL and SAL locations [in Tarrant County, the contact is Caroline Wright (512.463.6214) and in the region north central Texas counties, the contact is Adam Alsbrook (512.463.6183)].

**Question 26
Local Coordination**

Historic preservation efforts should be coordinated locally. As a minimum, each county has a historical commission and most municipalities have local historical commissions (see <http://www.thc.state.tx.us/ctycommissions/chcdefault.shtml> for a listing of contacts).

**Question 27
Discovery during Construction**

Research and field investigations may not reveal all archeological sites. During the course of construction, archeological objects or artifacts may be discovered. The construction plans or contract should include a specification requiring the work in that area of the project to stop. The implementing agency should then contact the THC immediately. This is a state requirement for all construction plans. If this is not included, please contact NCTCOG for further instructions to address this issue.

**Threatened and Endangered Species
(See Box 4)**

**Question 28
Federal Threatened or Endangered Species**
Identify any federal threatened or endangered species listed by the US Fish and Wildlife Service (USFWS) in the project area or the presences of their habitat. The list of threatened and endangered species and habitat can be found on the USFWS website at: <http://www.fws.gov/southwest/es/EndangeredSpecies/lists/>.

**Question 28A
USFWS Coordination**

Send a written coordination letter to USFWS to verify presence of federal threatened or endangered species if potential of certain species may occur in the project area. Utilize personnel certified to conduct presence/absence surveys for the targeted species that has potential to occur in the project area.

**Question 28B
USFWS Coordination**

Explain the response the USFWS has given from prior coordination and the results of the presence absence survey. If neither has taken place, verify when the coordination will occur.

Question 29

Threatened or Endangered Species During Construction

Verify if a provision in the construction plans or contract call for specific actions if threatened or endangered species are discovered during construction. This is a federal requirement for all construction plans. If this is not included, please contact NCTCOG for further instructions to address this issue.

Question 30

State Threatened or Endangered Species

Identify any state threatened or endangered species that may be located in the project area; use the list by county provided through the Texas Parks and Wildlife Service (TPWD) website at: <http://gis.tpwd.state.tx.us/TpwEndangeredSpecies/DesktopDefault.aspx>

Question 30A

TPWD Coordination

State if any written coordination has occurred with TPWD for potential impacts to state threatened or endangered species identified in the proposed project area.

Question 30B

TPWD Coordination

Summarize TPWD's coordination response and any additional coordination or surveys required by TPWD. If no coordination has been initiated, state when coordination would occur.

Migratory Bird Treaty Act (See Box 4)

Question 31

Presence of Migratory Birds

State if migratory birds [all birds with the exception of the European starling and the rock dove (pigeon)], were observed in the proposed project area.

Question 32

Presence of Nesting Sites

State if migratory bird nest were located in the proposed project area. Include the types of nest (e.g., nest in trees, under bridge, on the ground) and the abundance (e.g., a few nest, multiple nesting area).

Question 33

MBTA Compliance during Construction

Do the construction plans or contract include a provision for addressing migratory birds which could include avoiding construction during nesting season, destroying nest during non-nesting seasons to prevent reuse of nest, or netting around bridges during nesting season to prevent migratory birds from utilizing the area underneath the bridge for nesting? This is a federal requirement for all construction plans. If this is not included, please contact NCTCOG for further instructions to address this issue.

BOX 4: Legal and Regulatory Context for Federal and State Threatened and Endangered Species and Migratory Birds

Endangered: Designation that denoted the entire species appears to be in danger of extinction.

Threatened: A designation that indicates a species for which protective measures appear to be required to prevent it from becoming endangered.

The Endangered Species Act of 1973, as amended prohibits the "taking" of listed species and the destruction of habitats critical to the survival of federally-listed species. The word "take," according to the 50 CFR 17.3, includes "harass, harm, hunt, shoot, wound, kill, trap, capture, or collect, or attempt to engage in any such conduct." In this context, "harm" means an act that actually kills or injures protected wildlife. This has been interpreted to include substantial habitat modification or degradation that results in actual injury or death to listed species (i.e., impairment of essential behavior patterns).

The Bald and Golden Eagle Protection Act (16 USC. 668-668d) of 1940, as amended. The Bald Eagle was removed from the federal threatened and endangered list (effective August 8, 2007). However, they are now afforded protection under the Bald and Golden Eagle Protection Act gives similar protection to the endangered species act. This act prevents a person to "take, possess, sell, purchase, barter, offer to sell, purchase or barter, transport, export or import, at any time or any manner, any Bald Eagle...[or any Golden Eagle], alive or dead, or any part, nest, or egg thereof." The act defines "take" as "pursue, shoot, shoot at, poison, wound, kill, capture, trap, collect, molest, or disturb."

The State of Texas has legislation regarding state-listed species (Section 65.171-176 and 69.01-69.9 of the TAC. The TPWD has the responsibility of listing species within the state. The Parks and Wildlife Code, Chapters 68 and 88 for the State of Texas contain the regulations of endangered species and plants. Both the state and federal laws afford protection to the organism from direct taking. However, state laws do not include prohibitions on impacts to habitat.

The Migratory Bird Treaty Act (MBTA) of 1918 was a treaty that was signed by the US, Japan, Canada, Mexico, and Russia. The law affords protection to virtually all migratory birds, including their parts, nests, or eggs. The MBTA affords protection to over 800 species of birds.

Farmland

Question 34 Impacts to Prime Farmlands

Identify if prime farmland soils are in the project area. Prime farmland soils can be found through the Natural Resource Conservation Service (NRCS) at: <http://soildatamart.nrcs.usda.gov/>.

Wetlands/Waters of the US (See Box 5)

Question 35 Impacts to USACE Wetlands, Water Bodies, or Streams

Will fill (dirt, columns, roadway, etc.) be placed in any streams, ponds, lakes, or jurisdictional wetlands? It is highly recommended that a person trained in wetland delineation perform this task. Definition of waters of the US can be found at: <http://www.epa.gov/wetlands/guidance/CWAwaters.html>. For wetlands, see: <http://www.wetlands.com/regs/tlpg02e.htm>.

Question 35A Authorization under Nationwide Permit (NWP)

Will the impacts of the proposed project fall under the minimal impacts of a NWP? A listing of the types of NWP and the allowable impacts can be found at: <http://www.swf.usace.army.mil/pubdata/enviro/regulatory/permitting/nwp/2007/index.asp>.

Question 35A.i Preconstruction Notification

Some NWPs require coordination to occur between the permittee (implementing agency) and the US Army Corps of Engineers (USACE) from a certain impact threshold amount. A listing of the types of NWP and notification requirements can be found at: <http://www.swf.usace.army.mil/pubdata/enviro/regulatory/permitting/nwp/2007/index.asp>. State if a preconstruction notification needs to occur.

Question 35A.ii NWP Permit

State which NWP number will be used and include the date of issuance from the USACE or anticipated date of issuance for all preconstruction notification (PCN) NWPs.

Question 35B USACE Issuance of Individual Permit (IP)

List the date (or anticipated date) of permits. Attach all relevant correspondence. Record the status of the individual permit process with the USACE.

BOX 5: Legal and Regulatory Context for Section 404 Permitting

A wetland is those areas that are inundated or saturated by surface or ground water at a frequency and duration sufficient to support, and that under normal circumstances do support, a prevalence of vegetation typically adapted for life in saturated soil conditions. Wetlands generally include swamps, marshes, bogs, and similar areas. When making wetland determinations, the USACE uses three characteristics of wetlands (vegetation, soil, and hydrology) as defined by the USACE *1987 Wetlands Delineation Manual*.

Jurisdictional water, also known as waters of the US, include water features such as intermittent streams, playa lakes, prairie potholes, sloughs, and wetlands.

Section 404 of the Clean Water Act requires a permit for activities that would result in fill of jurisdictional waters of the US. These permits could be Individual Permits (IPs) or General Permits. General Permits include both regional and nationwide permits. There are almost 50 types of Section 404 NWPs. Typical permits used for transportation construction activities include:

- NWP 7 – Outfall Structures and Associated Intake
- NWP 13 – Bank Stabilization
- NWP 14 – Linear Transportation Projects
- NWP 18 – Minor Discharges
- NWP 25 – Structural Discharges
- NWP 33 – Temporary Construction, Access, and Dewatering

In North Texas, all Section 404 permitting would be coordinated with the Regulatory Branch, Fort Worth District of the USACE. The USACE is responsible for confirming all jurisdictional determinations as well as establishing the appropriate permitting avenue.

Water Quality (See Box 6)

Question 36 USACE Permit

Will the proposed project require any type of USACE permit (Question 35 would have received a “yes” answer).

Question 36A Amount of Impacts

Will the impacts to waters of the US identified in Question 35 be greater than three acres of lakes, ponds, or wetlands or 1,500 linear feet of streams?

Question 36A.i

Tier II Section 401 Water Quality Certification

A Tier II Section 401 Water Quality Certification will be required for impacts that have exceeded the amounts in Question 36A. The Tier II 401 Certification Questionnaire and Alternatives Analysis Checklist can be found at: http://www.tceq.state.tx.us/permitting/water_quality/wq_assessment/401certification/401certification_tier2.html. State the status of the Tier II water quality permit with the Texas Commission of Environmental Quality (TCEQ).

Question 36A.ii

BMPs during Construction

Have Best Management Practices (BMP) such as silt fences, rock berms, etc. been included in the construction plans as part of the Tier II process? Tier I BMPs (see ftp://ftp.dot.state.tx.us/pub/txdot-info/library/pubs/bus/tceq/tier1_checklist.pdf) can be used but must be approved by TCEQ.

Question 36B

Tier I Section 401 Water Quality Certification Checklist

Was a Tier I water quality certification from TCEQ completed and included in any individual permit or preconstruction coordination with the USACE? The Tier I checklist can be found at: ftp://ftp.dot.state.tx.us/pub/txdot-info/library/pubs/bus/tceq/tier1_checklist.pdf.

Question 37

Amount of Impacts

State the amount of acres of soil disturbing activities the project will require (including staging areas and cement batch plant locations).

Question 37A

Texas Pollutant Discharge Elimination System (TPDES) General Permit for Construction Activity

All TPDES permits require a Storm Water Pollution Prevention Plan (SW3P) be completed which includes water quality items such as silt fences, rock berms, etc. Information can be found at: http://www.tceq.state.tx.us/permitting/water_quality/stormwater/TXR15_1_to_5.html.

BOX 6: Water Quality Legal and Regulatory Context

Section 401 of the Clean Water Act (CWA) requires states to certify that a proposed CWA Section 404 permit would not violate water quality standards. The TCEQ issues Section 401 water quality certifications for projects prior to approval of the Section 404 permit from the USACE. Initiating the Section 404 process with the USACE automatically initiates the 401 certification process.

One aspect of a Section 404 IP is the requirement for Section 401 water quality certification. For Section 404 IPs with impacts of less than three acres or 1,500 feet of linear stream, a Tier I Water Quality Certification Checklist must be submitted with the Section 404 IP package. For impacts of greater than three acres or 1,500 feet of linear stream, a Tier II individual review would be required, which includes an alternative analysis. The design and construction would include construction and post-construction Best Management Practices (BMPs) to manage storm water runoff and control sediments.

For projects disturbing over one acre, Texas Pollutant Discharge Elimination System (TPDES) General Permit No. TXR150000, under provisions of Section 402 of the CWA and Chapter 26 of the Texas Water Code, require contractors to comply with conditions in the General Permit for Construction Activity. This requires preparation and implementation of a SW3P in addition to adherence to rigorous BMPs designed to reduce or eliminate impacts to water resources. This permit would include BMPs to control total suspended solids that could be introduced into surface water.

The *Texas Water Quality Inventory Report* describes the status of Texas waters based on historical data on surface-water and groundwater quality, and the Section 303(d) list identifies water bodies that are not meeting standards set for their use. The reports satisfy the requirements of the federal CWA for both Section 305(b) water-quality reports and Section 303(d) lists.

TPDES Municipal Separate Storm Sewer Systems (MS4s) –

The Phase II storm water rule requires operators of certain small MS4s to develop and implement a storm water program. In an effort to further improve water quality in streams, lakes, bays and estuaries, the EPA developed the storm water program to control polluted runoff from urban areas.

Phase I of the program, issued in 1990, requires cities with a population greater than 100,000 to develop storm water management programs. Phase II is the second stage of the EPA's storm water management program requirements. It affects many small cities, some counties, and other entities that operate municipal separate storm sewer systems in urbanized and other densely populated areas. The TCEQ, the Phase II regulatory authority in Texas, is responsible for identifying the designated populated areas.

Each regulated small MS4 is required to submit a Notice of Intent (NOI) to obtain storm water permit coverage, typically by complying with the Phase II general permit requirements. Six minimum control measures must be addressed to control polluted storm water runoff. The initial submission for permit coverage must detail the programs, activities and measurable goals that will be implemented over the five-year permit term to comply with the permit requirements. Reports detailing the progress of the storm water management program (SWMP) must be submitted to the TCEQ on an annual basis for the first permit term.

**Question 37A
NOI with TCEQ**

A notice of intent (NOI) must be sent to TCEQ detailing your SW3P. The NOI can be found at: <http://www.tceq.state.tx.us/assets/public/permitting/waterquality/forms/10382.pdf>.

**Question 38
TCEQ Section 303(d)**

Will discharge from the project flow into or five miles upstream of impaired waters listed by TCEQ. A listing of Section 303(d) impaired waters can be found at: <http://www.tceq.state.tx.us/compliance/monitoring/water/quality/data/08twqi/twqi08.html>.

**Question 38A
TCEQ Maximum Daily Loads**

Water discharge that could affect Section 303(d) waters will require coordination with TCEQ for the total maximum daily loads of potential pollution into these impaired waters. The program and coordination can be found at: <http://www.tceq.state.tx.us/implementation/water/tmdl/>.

**Question 38B
BMPs during Construction**

Potential discharge that could affect Section 303(d) waters need to follow the Tier I BMP checklist (see ftp://ftp.dot.state.tx.us/pub/txdot-info/library/pubs/bus/tceq/tier1_checklist.pdf). One BMP from each category: erosion control, sedimentation control, and total suspended solids should be included in the plans.

**Question 39
Municipal Separate Storm Sewer System (MS4) Permit**

Is this implementing agency a public agency and does it possess a storm water collection system (ditches, curbs, gutters, etc.)? MS4 information can be found at: http://www.tceq.state.tx.us/permitting/water_quality/stormwater/WQ_ms4_definition.html.

**Question 39A
Impact to MS4 Permit**

Will there be discharges into the MS4? Verify if runoff from the project will flow into a municipal storm water system.

**Question 39B
Mitigation for MS4**

Explain any mitigation for discharging into an MS4 system. Impacts and mitigation examples can be found at: http://www.tceq.state.tx.us/permitting/water_quality/stormwater/WQ_ms4_AIR.html

Floodplains

**Question 40
Trinity River Regulatory Zone**

Document if the project will require any work, including pavement, structures, dirt disturbance, or temporary structures in the Trinity River Regulatory Zone (see Box 7). Contact the local Corridor Development Certificate (CDC)/Floodplain administrator to determine if the area lies in the Trinity River regulatory zone. Information on the CDC can be found at: <http://www.nctcog.dst.tx.us/envir/SEEsafe/fpm/cdc/index.asp>.

**Question 40A
CDC Coordination**

Complete a CDC based on the recommendations of the CDC/Floodplain administrator and send back to the administrator.

BOX 7: Corridor Development Certificate (CDC)

The CDC process aims to stabilize flood risk along the Trinity River. The CDC process does not prohibit floodplain development, but ensures that any development that does occur in the floodplain will not raise flood water levels or reduce flood storage capacity. With the CDC process, local governments retain ultimate control over floodplain permitting decisions, but other communities along the Trinity River Corridor are given the opportunity to review and comment on projects in their neighbor's jurisdiction.

Under the CDC process, a CDC permit is required to develop land within a specific area of the Trinity floodplain called the Regulatory Zone, which is similar to the 100-year floodplain. As of the adoption of the *3rd Edition of the Corridor Development Certificate* (CDC) in September 2002, no CDC regulatory map was available for consideration by the Flood Management Task Force or the Trinity Steering Committee. Instead, the interpretation by the local CDC Administrator of the FEMA 100 year floodplain was to be used as the "regulatory zone." The Federal Emergency Management Agency (FEMA) mapping information can be viewed at the FEMA Map Service Center (www.msc.fema.gov). However, the floodplain administrator will provide the final determination on projects subject to the CDC Process.

Question 41

Changes to 100-Year Water Surface Elevation

Will the project require work in the 100-year floodplain and change the function and flow and the existing floodplain? Information on the Federal Emergency Management Agency (FEMA) 100-year floodplain can be found at:

<http://msc.fema.gov/webapp/wcs/stores/servlet/FemaWelcomeView?storeId=10001&catalogId=10001&langId=-1&userType=G>.

Question 41A

Coordinated with the Local Floodplain Administrator and USACE

Coordinate with the local floodplain administrator (or USACE on their regulated lakes) for potential impacts and changes to the 100-year floodplain.

Vegetation

Question 42

Impacts to Existing Vegetation or Trees

Will the project remove or impact ground vegetation (such as grading) or completely remove any trees?

Question 42A

Mitigation

Removal of vegetation and trees should be mitigated per local municipal laws (i.e., tree ordinances, open space ordinances, and landscaping requirements) and should be included in the construction plans or contract.

Question 42B

Types of Mitigation

Check if any of these statements will be included as part of the project: avoidance of vegetation disturbance, mitigation for vegetation and trees, native plants used to for revegetation, xeriscape (drought-tolerant plants) used in landscaping, and following local landscaping aesthetic requirements.

Air Quality

Question 43

Air Quality Improvement

Air quality improvements, derived from transportation projects, are generally related to improvements in the movement of traffic. Typically, transportation improvements that would improve air quality include improvements to help reduce congestion and improve traffic flow, improve transit service, or encourage ridesharing or promote other travel modes.

Question 43

Air Quality Sensitive Receivers

Are there any air quality sensitive receivers immediately adjacent to the project? Sensitive receivers are defined as public and private schools, licensed day care facilities, hospitals, and elderly care facilities.

Question 45

Air Quality during Construction

Will the construction plans or contract include a provision requiring the contractor to make reasonable effort to comply with local, state, and federal regulations, pertaining to construction equipment emissions and/or construction equipment work hour restrictions?

Regulated Materials

Question 46

Visual Inspection

Has a visual inspection of the proposed project area been conducted to search for hazardous materials (i.e., leaking drums, stressed or dead vegetation from some unknown contamination).

Question 47

Right-of-Way Acquisition from Regulated Material Sites

State if the proposed project will require additional property from a site handling regulated materials (e.g., gas station, dry cleaner, auto repair) or is located near a known site of hazardous materials.

Question 48

Construction Spill Prevention/Response Plan

State if the implementing agency has a contingency plan for preventing construction spills and a response plan for accidental discovery of hazardous and/or contaminated materials.



Question 49

Regulated Materials during Construction

State if the construction plans or contract will follow all applicable laws and regulations for hazardous materials on the construction site.

Special Permits (See Box 8)

Question 50

Required Special Permits or Clearances

Some projects may require special permits or clearance because of their proximity to certain features. These could include levees, airports, and/or navigable waterways. Please list any special permits and of clearances needed and the status of obtaining them.

BOX 8: Special Permits

Navigable Waterways

In the Dallas-Fort Worth region, the Trinity River is the only waterway considered to be navigable by the US Coast Guard (USCG). The Trinity River is listed as a navigable waterway from Riverside Drive in Fort Worth to the Gulf of Mexico. If a project crossing the Trinity River within these limits, Sections 9, 10, and 14 of the Rivers and Harbors Act of 1899 may apply. Projects crossing or within navigable waters must be recommended by the USACE and/or the USCG and authorized by the Secretary of War prior to beginning construction.

- Section 10 prohibits the creation of any obstruction to the navigable capacity of any of the waters of the US and/or prohibits the excavation, fill, or any manner of alteration/ modification to the course, location, condition, or capacity.
- Section 9 prohibits the construction of any bridge, dam, dike, or causeway over a navigable water.
- Section 14 prohibits building upon or alteration of a levee.

Airway-Highway

Federal Air Regulations Part 77 Objects Affecting Navigable Airspace require the Federal Aviation Administration be notified if construction is proposed "of greater height than an imaginary surface extending outward and upward at a slope of 100 to one for a horizontal distance of 20,000 feet from the nearest point of the nearest runway of an airport with at least one runway more than 3,200 feet in actual length."

Question 52

Access and Detours during Construction

Will the construction of the project limit access and/or require detours? If yes, describe the impacts and how they will be minimized or mitigated during construction. Include the locations, duration, types of businesses or properties affected, and proposed mitigation (e.g., additional signage, temporary driveways) to lessen impacts.

Question 53

Notification of Access Changes and Detours during Construction

List the types of facilities or services that could be impacted during construction. List how property owners, renters, motorists, transit riders, cyclists, pedestrians, emergency service providers, and/or community services (e.g., garbage collection) will be notified of the construction project, changes in access during construction, or detours.

Question 54

Noise Impacts during Construction

Are there any noise sensitive receivers near construction area or along the detour routes? Noise sensitive receivers are defined as those lands which require serenity and quiet, and where the preservation of those qualities is essential if the area is to continue to serve its intended purpose. An example of a sensitive receiver is an outdoor theater.

Question 55

Mitigation of Noise Impacts during Construction

Will the construction plans or contract include a provision requiring the contractor to make reasonable effort to minimize construction noise through abatement measures, such as work-hour controls and proper maintenance of muffler systems?

CONSTRUCTION IMPACTS

Question 51

Construction Time

What is the estimated time of construction?

CERTIFICATION

Have the completed form signed by an authorized person. Include the date, printed/typed name, and title.



ATTACHMENTS

As appropriate include the requested attachments to the form. These could include: Location Map, Railroad Agreement (Question 15B), THC Antiquities Permit (Question 23, 24), THC Coordination Letters (Question 25), USFWS Coordination Letters (Question 28B), USACE IP Coordination Letters (Question 34B), and/or Floodplain Coordination Letters (Question 41B).

CONTACT INFORMATION

For more information about filling out this form,
please contact:

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Phone 817.704.5632 | Fax 817.640.3028
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PROJECT INFORMATION (Contact NCTCOG before using this form)

1. Project Description		
1A. Length (feet or miles)		
1B. Scope of Work		
2. Implementing Agency		
3. Primary Contact for the Implementation Agency	Name/Title: Phone: e-mail:	
4. Form Preparer	Name/Title: Phone: e-mail:	
5. Date Form was Prepared		
6. Project Costs:	Total Amount (\$)	Amount of RTR Funding (\$)
• Engineering		
• Right-of-Way		
• Utility Relocation		
• Construction		
• Total		
7. Date of Cost Estimate		
8. TIP Number		
9. Project Location Map Attached	() Yes () No	
10. Briefly describe the problems/issues and how the project will eliminate or help solve them. Include any information concerning other alternatives considered during project development.		

SIMPLIFIED CHECKLIST (ALL ANSWERS MUST BE "NO")

11. Will the project require additional right-of-way?	() Yes () No
12. Will the project affect any Section 4(f) properties (parks, historical, or archeological sites)?	() Yes () No
13. Will the project require an individual Permit under Section 404?	() Yes () No
14. Will the project require a Section 9 permit from the Coast Guard?	() Yes () No
15. Does the project impact any federal or state threatened or endangered species?	() Yes () No
16. Does the project impact known contaminated hazardous materials sites?	() Yes () No

CERTIFICATION BY AUTHORIZED REPRESENTATIVE

I certify the information provided in this form accurately reflects the status of compliance with applicable laws and regulations for the project.

Signature: _____ Date: _____

Name: _____ Title: _____

FORM ATTACHMENTS

Location Map (Question 9)	Other
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Instructions -The following are more detailed guidance to help in the completion of the Environmental Review Checklist for Local Projects. **Please contact NCTCOG before using this form for your project.**

PROJECT INFORMATION

Question 1

Project Description

State the project name and physical limits (to/from or at).

Question 1A

Length

State the length of the project in feet or miles.

Question 1B

Scope of Work

Briefly describe the work to be performed.

Question 2

Implementing Agency

State the name of the local agency purchasing the right-of-way and/or constructing the project.

Question 3

Primary Contact for the Implementing Agency

Provide the name, title, and contact information for the person from the implementing agency that is knowledgeable of the project.

Question 4

Form Preparer

Provide the name, title, and contact information for the person that prepared the form.

Question 5

Date Form was Prepared

State the date the form was completed.

Question 6

Project Costs

Under Total Amount, state the engineering, right-of-way, utility relocation, construction, and total for the project. Under Amount of RTR Funding, state the amount of funds being allocated from Regional Toll Revenue (RTR) for engineering, right-of-way, utility relocation, construction, and total.

Question 7

Date of Estimate

State the date of the estimate provided in Question 6.

Question 8

TIP Number

State the project number as listed in the Transportation Improvement Program (TIP). The TIP is available at <http://www.nctcog.org/trans/tip/>

Question 9

Project Location Map

Provide a map of the location for the submitted project with sufficient information for a person to understand the precise location of the proposed project. Suggested to include but not limited to: aerials, site boundaries, road names, streams/rivers and their labels, floodplains, parcel boundaries, north arrow, legend, and a scale bar.

Question 10

Need and Purpose

Describe the specific problems and/or issues the project is addressing (e.g., travel demand, safety, system connectivity). Describe how the project will help eliminate or solve them, or improve existing conditions. Include any information concerning other alternatives considered.

CHECKLIST

Question 11

Right-of-Way

Mark if your project will require the purchase of any additional property.

Question 12

Section 4(f) Properties

Will the project impact by acquisition, visual, noise, etc. any publicly owned parks, historical resources, or archeological sites.

Question 13

USACE Section 404 Permit

Mark if the project will require a Section 404 Individual Permit through the US Army Corp of Engineers (USACE).

Question 14
USCG Section 9 Permit

Determine if the project will require coordination with the US Coast Guard (USCG) for a Section 9 permit.

Question 15
Threatened and Endangered Species

Will the project impact any federal or state threatened or endangered species? Impacts could be destruction of the species, habitat or nest. In addition, any disturbance that could prevent the species from nesting is considered an impact.

Question 16
Hazardous Materials

Is there known hazardous materials contamination that the project would impact and require remediation?

CONTACT INFORMATION

For more information about filling out this form, please contact:

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CERTIFICATION

Have the completed form signed by an authorized person. Include the date, printed/typed name, and title.

ATTACHMENTS

As appropriate include the requested attachments to the form. These could include a Location Map and other important coordination letters.