ATTACHMENT

2.2.C.  FHWA NEW YORK DIVISION PROGRAMMATIC CATEGORICAL EXCLUSION SIGNED JULY 15, 1996
NEW YORK DIVISION

PROGRAMMATIC CATEGORICAL EXCLUSION

PROJECT CRITERIA

Any Federal-aid highway improvement project that meets the following criteria for Categorical Exclusions (CE) in the Council on Environmental Quality (CEQ) regulations (40 CFR 1508.4) and Federal Highway Administration (FHWA) regulations in 23 CFR 771.117(a) and satisfies the following criteria is a Categorical Exclusion type of project:

1. retains the functional classification, does not add mainline capacity, and is not on new location;

2. does not qualify as a Type I project under 23 CFR, 772;

3. if located within the limits of a designated sole source aquifer area or the associated stream flow source area, the drainage pattern is not altered;

4. will not change travel patterns;

5. acquires (temporary or permanent) - less than 10 percent of a parcel, for parcels under 4 ha (10 acres) - 0.4 ha, for parcels 4 ha to 40.5 ha (10 to 100 acres) in size - and 1 percent of the parcel for parcels greater than 40.5 ha (100 acres) in size (minor amounts of right-of-way);

6. if it has been determined that a Section 4(f) evaluation and determinations are unnecessary in accordance with FHWA guidelines;

7. has no displacements (commercial or residential);

8. if, in accordance with the guidelines from FHWA, a cultural resource survey is unnecessary; or the FHWA has advised NYSDOT that the 106 Process is completed, and that the project has no effect or no adverse effect on resources on or eligible for inclusion in the National Register of Historic Places;

9. does not involve a U.S. Army Corps of Engineers nationwide permit number 23;

10. has no work in wetlands requiring an individual Executive Order 11990 wetlands finding;

11. it has been determined that the project will not be a significant flood plain encroachment
based upon preliminary hydraulic analyses and consideration of Executive Order 11988 criteria as appropriate;

12. has no construction in, across, or adjacent to a river designated as a component proposed for inclusion or included in the National System of Wild and Scenic Rivers.

13. will not change access control;

14. has no known hazardous materials sites or previous land uses with potential for hazardous material remains within the right of way;

15. based on consultation with the New York State Department of Environmental Conservation, and as appropriate, with the U.S. Fish and Wildlife Service or National Marine Fisheries Service, project activities are not in an area where federally listed endangered or threatened species or critical habitat will be adversely affected;

16. as set forth in the NYSDOT Environmental Procedures Manual Chapter 1A pursuant to table 2 and table 3 of 40 CFR Parts 51 and 93 the project is air quality exempt;

17. has been determined to be consistent with the New York State Coastal Zone Management Plan and policies of the State Department of State, Office of Coastal Zone Management.

18. if the analysis and requirements of the Farmland Protection Policy Act have been satisfied.

Approved

Division Administrator

Date    July 15, 1996