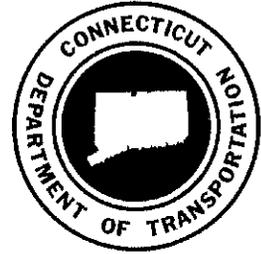




**PROGRAMMATIC AGREEMENT AMONG THE
FEDERAL HIGHWAY ADMINISTRATION,
THE CONNECTICUT DEPARTMENT OF
TRANSPORTATION, THE CONNECTICUT
STATE HISTORIC PRESERVATION OFFICER,
AND THE ADVISORY COUNCIL ON HISTORIC
PRESERVATION REGARDING IMPLEMENTATION
OF MINOR TRANSPORTATION PROJECTS**



WHEREAS, the Federal Highway Administration (FHWA) proposes to administer its Transportation Program in Connecticut, authorized by 23 U.S.C. § 101 *et seq.*, through the Connecticut Department of Transportation (CTDOT) (23 U.S.C. § 315); and

WHEREAS, FHWA has determined that minor transportation projects may have an effect upon properties included in or eligible for inclusion in the National Register of Historic Places (National Register or NRHP); and has consulted with the Advisory Council on Historic Preservation (ACHP) and the Connecticut State Historic Preservation Officer (CTSHPO) pursuant to 36 CFR § 800.14(b) implementing Section 106 of the National Historic Preservation Act (NHPA) (16 U.S.C. § 470f) (hereafter referred to as "Section 106"); and

WHEREAS, pursuant to 36 CFR § 800.16(l)(1), historic properties are defined as prehistoric and historic archaeological sites, buildings, bridges, structures, districts, and objects, included in or eligible for listing in the National Register; and

WHEREAS, the FHWA recognizes that it has a unique legal relationship with federally recognized Indian tribes (Indian Tribes) set forth in the Constitution of the United States, treaties, statutes, and court decisions, and therefore, consultation with an Indian tribe must recognize the government-to-government relationship between the federal government and tribes; and

WHEREAS, in the development of this Agreement, the FHWA has consulted with the following Indian Tribes with ancestral ties to Connecticut: Mohegan Tribe, Mashantucket Pequot Tribal Nation, and the Narragansett Indian Tribe; and

WHEREAS, any project involving tribal lands (as defined in 36 CFR § 800.16(x)) shall not be governed by this Agreement, but shall be reviewed by FHWA in consultation with appropriate Indian tribes, in accordance with 36 CFR §800; and

WHEREAS, 36 CFR § 800.14(b) allows federal agencies to efficiently fulfill their obligations under Section 106 through the development and implementation of programmatic agreements; and

WHEREAS, FHWA, CTDOT, and CTSHPO have previously identified specific actions documented in Appendix A (incorporated herein by reference) as actions that will not require further review under Section 106; and

WHEREAS, CTDOT employs cultural resources specialists and consultants who meet the Secretary of Interior's Professional Qualification Standards in Appendix A of 36 CFR § 61 in the fields of archaeology and architectural history, to carry out its cultural resource programs and responsibilities; and

NOW THEREFORE, FHWA, ACHP, CTSHPO, and CTDOT agree that the review of minor transportation projects shall be administered according to the following articles to satisfy FHWA's Section 106 responsibilities.

ARTICLES

FHWA, with the assistance of CTDOT, will ensure that the following measures are carried out:

I. Purpose and Applicability. The objective of this Agreement is to make more efficient the methods by which FHWA and CTDOT review individual undertakings that may affect historic properties and to establish the process by which FHWA, CTDOT, the CTSHPO, and the ACHP will be involved in any such review. This Agreement sets forth the process by which FHWA will meet its responsibilities under Sections 106, 110(d), and 110(f) of the National Historic Preservation Act (NHPA), with the assistance of CTDOT, for minor transportation projects in the Federal Aid Highway Program (hereafter "Minor Projects") in the State of Connecticut. This Agreement establishes the basis for CTDOT's internal review of individual Minor Projects and how CTDOT will notify and consult with CTSHPO, FHWA, and individuals and organizations that may be invited to be Section 106 consulting parties.

This Agreement applies to Minor Projects, that is, transportation projects classified as categorical exclusions under 23 CFR § 771.115 and 23 CFR § 771.117. The Agreement provides streamlining for Minor Projects that are limited in scope and for which no historic properties will be adversely affected, as defined in 36 CFR § 800.16(l)(1), located within the Area of Potential Effects (APE) as defined in 36 CFR § 800.16(d). Projects that require an Environmental Assessment or Environmental Impact Statement for compliance with the National Environmental Policy Act (NEPA) are not covered by this Agreement, and will be reviewed by FHWA and CTDOT in accordance with the procedures of 36 CFR § 800.

At any time, CTDOT may choose to process a Minor Project by following the procedures in 36 CFR § 800 rather than by following the procedures in this Agreement. CTDOT and FHWA will also process a Minor Project under the procedures in 36 CFR § 800, if CTSHPO, ACHP, or FHWA so requests.

II. Responsibilities of FHWA and CTDOT. For Minor Projects, FHWA delegates to CTDOT responsibility for consultation with CTSHPO and the identification of and consultation with other consulting parties on its behalf with regard to the definition of APEs, findings of National Register eligibility, and findings of effect inclusive of No Historic Properties Affected (36 CFR § 800.4(d)(1), and No Adverse Effect consistent with 36 CFR § 800.5(b). This is exclusive of FHWA's consultation with federally recognized tribes. CTDOT will also identify undertakings that would adversely affect historic properties and provide FHWA recommendations for further consultations with CTSHPO and other consulting parties pursuant to 36 CFR § 800.5. FHWA will remain ultimately responsible for all findings and determinations and will take the lead in any consultation with ACHP for projects with active ACHP participation (36 CFR § 800.6(b)(2)), those involving the Secretary of the Interior, and those in which Indian tribes have elected to participate in consultation.

FHWA shall retain responsibility for complying with all federal requirements pertaining to direct government-to-government consultation with Indian tribes. FHWA shall initiate consultation with Indian tribes for undertakings covered by this Agreement, and will honor the request of any federally recognized Indian tribe for direct government-to-government consultation. Ongoing

consultation with Indian tribes may lead to modifications of the consultation process with the tribes over time. Any such modification may be implemented upon the mutual agreement of FHWA, CTDOT, and the affected tribes. CTDOT shall support FHWA consultations through the provision of supporting documentation.

III. Professional Qualifications and Staffing. In compliance with its responsibilities under Section 106 and 36 CFR § 800, and as a condition of its award of any assistance under the Federal-Aid Highway Program to CTDOT, FHWA shall require that CTDOT carry out the requirements of this Agreement, all applicable FHWA and ACHP policies and guidelines, and where applicable, the requirements set forth in 36 CFR § 800.

CTDOT shall employ, at a minimum, two full-time staff members, including an archaeologist and an architectural/structural historian. These staff members will direct consultants who conduct Section 106 work, provide project reviews, and provide quality control on all Section 106 work. CTDOT staff responsible for project reviews and consultants who conduct Section 106 work must meet the *Secretary of the Interior's Professional Qualifications Standards* in Appendix A of 36 CFR § 61. CTDOT will invite CTSHPO to participate in evaluating the qualifications of potential candidates for the CTDOT Section 106 review positions if such staff are not currently employed by CTDOT. To ensure appropriate consultation coordination between CTDOT and CTSHPO, Section 106 review staff from both offices will meet at least once a month. CTSHPO will provide CTDOT review staff workspace at the CTSHPO offices and access to all relevant CTSHPO records, reports, and inventories required by CTDOT review staff.

The procedures for project review embodied in this Agreement will not go into effect until such time as CTDOT has satisfied the second paragraph of this Article III relative to the employment of the subject two staff members. If CTDOT does not maintain the employment of the two specified staff or if the staff is unable to meet their program responsibilities due to extended leave or other circumstances, CTDOT will notify FHWA and CTSHPO within thirty (30) days of the staffing shortage. If the staffing shortage persists, this Agreement will be temporarily suspended until such time as the shortage is corrected, beginning within 60 days of the start of the staffing shortage unless all parties to the agreement consent in writing to an extension.

IV. Application of Appendices A and B. Referencing Appendices A and B of this Agreement, CTDOT may make a determination that an undertaking is a Minor Transportation Project and a type of activity(ies) which has minimal potential to affect historic properties. As such, the undertaking will require no Section 106 review or consultation with CTSHPO as long as the undertaking is limited to the activities specified in Appendices A and B, meets all of the terms and conditions in Appendices A and B, and is not part of a larger undertaking. CTDOT may add Minor Projects to the list in Appendices A and B upon written concurrence by all parties to this Agreement.

A. Appendix A lists project types that do not require consultation coordination with CTSHPO. For projects on this list, the CTDOT staff may make the determination that the project will not impact historic properties.

B. Appendix B lists minor projects types that require no consultation with CTSHPO. They do, however, require internal review by qualified CTDOT staff, as per Article III of this Agreement, to determine that the project meets all of the terms and conditions in Appendix B and that no particular circumstances exist that would call for additional review in accordance with Article V of this Agreement. If no such circumstances exist, the qualified CTDOT staff may make a No Historic Properties Affected finding and CTDOT qualified staff will then sign each project exemption determination. The signed exemption forms will also include a brief project description and CTDOT project number.

C. Notification and Consultation For actions that meet the categories listed in Article IV.A and IV.B, CTDOT shall document its finding that the action is exempt from review and maintain that documentation in its files. The documentation will include the signature of the qualified staff member(s) responsible for the review and finding. CTDOT shall provide to CTSHPO copies of signed exemption determinations for all Minor Projects in quarterly reports to CTSHPO, and an annual report to ACHP and FHWA, as specified in Article XI. Following review of the quarterly or annual reports, CTSHPO, ACHP, and FHWA may request copies of documentation pertaining to specific projects. CTDOT will support the tribal consultation process by providing FHWA with applicable Minor Project documentation.

V. Review of Other Minor Transportation Projects.

A. CTDOT Internal Review: For Minor Projects that are not listed in Appendices A and B but are considered Minor Projects, CTDOT will employ a multi-disciplinary approach to initiate consultation and identify historic properties that may be affected by the undertaking in accordance with the procedural requirements of 36 CFR § 800.3 and 36 CFR § 800.4, including:

- Initiating the Section 106 process in accordance with the procedures in 36 CFR § 800.3, including establishing whether there is an undertaking, coordinating with other reviews, planning to involve the public, and identifying and inviting other consulting parties, as appropriate;
- Determining the project's APE, as defined in 36 CFR § 800.16(d);
- Reviewing existing information on file at CTSHPO (including the State and National Registers of Historic Places and the Archaeological Site Inventory) in the APE;
- Assessing the likelihood that unidentified historic properties exist in the Area of Potential Effects;
- Determining the degree of existing disturbance within the APE and determining whether an archaeological or historic architectural survey is needed;
- Performing archaeological or historic architectural field reconnaissance and/or intensive surveys, as warranted, in conformance with the Secretary of the Interior's *Standards and Guidelines for Archeology and Historic Preservation: Identification* (1983, as revised in the 48 FR 44716) and CTSHPO's *An Environmental Review Primer for Connecticut's Archaeological Resources* (as amended). If an archeological survey is performed, an archeological survey report will be completed and CTSHPO archaeological resource inventory forms will be prepared for all identified archaeological sites or districts.
- If a historic architectural survey is performed, CTSHPO inventory forms will be prepared for any property that will be affected by a project and that is found eligible for listing in the National Register of Historic Places by CTDOT. The inventory forms will be prepared in accordance with the guidelines outlined in CTSHPO's most recent Historic Properties Survey Manual to the extent necessary to identify the property and to allow for the evaluation of its eligibility for listing in the National Register.

CTDOT may address multiple steps simultaneously. CTDOT will solicit and consider the views of the local historical commissions, other government entities with jurisdiction, and other potential consulting parties in accordance with 36 CFR § 800.2(c), 800.3(f) and 800.4(d). CTDOT will submit supporting project documentation to FHWA. Upon receipt of the documentation, FHWA will initiate tribal consultation.

B. Eligibility Evaluations and Assessments of Effect:

- As part of CTDOT's performance under Article V.A. of this Agreement, CTDOT will apply the National Register criteria in 36 CFR § 60.4 to properties identified within the APE that have not been previously evaluated to determine if such properties are NRHP

eligible in accordance with 36 CFR § 800.4(c)(1), and, if so, make the eligibility determination.

- If CTDOT's internal review under Article V.A suggests that a Minor Project may affect National Register listed or eligible properties, CTDOT will apply the criteria of adverse effect in 36 CFR § 800.5(a), make a Finding of No Adverse Effect or a Finding of Adverse Effect, and provide documentation of this finding to all FHWA, CTSHPO, and any consulting parties (including Indian tribes that ascribe traditional cultural and religious significance to properties that may be affected) in accordance with Article V.C of this Agreement.

C. Notification and Consultation with FHWA, CTSHPO, and Consulting Parties:

1. "Finding of No Historic Properties Affected." Where, as a result of its Article V.A. review, CTDOT determines that there are no National Register listed or eligible properties within the APE, CTDOT shall make a formal Finding of No Historic Properties Affected.

a. CTDOT will provide documentation required by 36 CFR § 800.11(d) to CTSHPO and any consulting parties who have participated in consultation, including Indian tribes, and will make the documentation available for public inspection prior to approving the undertaking. CTSHPO and consulting parties shall have thirty (30) days from receipt to review the finding, and will proceed in accordance with 36 CFR § 800.4 (d)(1)(i).

i. Notwithstanding the requirements of C.1.a, CTDOT is not required to solicit CTSHPO's comments or concurrence if less than five (5) acres of previously undisturbed land will be affected by the proposed undertaking. Such actions shall be reported to CTSHPO on a quarterly basis as outlined in Article IV.C.

ii. "Undisturbed land" is defined as: Areas subject to plowing and other shallow soil displacement confined to a maximum depth of one and one-half (1.5) feet in upland (mantled in till-derived soils) or glacial terrace contexts. CTDOT will use the USGS Quaternary Map of Connecticut (as updated) to determine the appropriate geological context(s) of projects; and/or,

a. Holocene-era (less than 11,000 years in age) alluvial deposits within active or abandoned floodplain contexts; and/or,

b. Potentially intact buried natural sediments or soils that may reasonably contain significant archaeological resources, such as topsoils and subsoils buried beneath modern fill deposits; and/or

c. Historic period fill deposits associated with potentially significant and intact domestic, commercial or industrial archaeological resources.

2. "Finding of No Adverse Effect." For any Minor Project that includes, within the APE, National Register listed or eligible properties, CTDOT will apply the Criteria of Adverse Effect set forth in 36 CFR § 800.5(a) to determine if the effects of the undertaking on historic properties. If the effects are determined to not be adverse, or if the Minor Project is modified and/or certain conditions are met such that adverse effects are avoided, CTDOT shall transmit to CTSHPO, FHWA, and other consulting parties (including Indian tribes that ascribe traditional cultural and religious significance to properties that may be affected) the documentation required by 36 CFR § 800.11(e) ("Notification").

a) For Minor Projects where there are no consulting parties other than CTSHPO, CTSHPO will have thirty (30) days to review a Finding of No Adverse Effect after receipt of Notification. Unless CTSHPO objects to CTDOT and/or FHWA within such thirty (30) days, no further review of the project is required and the project may proceed, subject to any conditions developed to avoid adverse effects. Failure of CTSHPO to respond within thirty (30) days from the receipt of Notification shall be considered CTSHPO's concurrence with CTDOT's finding.

- b) For Minor Projects where there are consulting parties in addition to CTSHPO, all parties will have thirty (30) days from receipt of Notification to review a Finding of No Adverse Effect. Unless CTSHPO or a consulting party objects to CTDOT and/or FHWA within such thirty (30) days, no further review of the project is required and the project may proceed, subject to any conditions developed to avoid adverse effects. Failure of CTSHPO or any other consulting party, as appropriate, to respond within thirty (30) days from the receipt of Notification may be considered concurrence with the finding.
- c) CTDOT will submit any disputes concerning the No Adverse Effect finding to FHWA for resolution in accordance with Article XIV.

3. "Finding of Adverse Effect." For any Minor Project that includes, within the APE, National Register listed or eligible properties that will or may be adversely affected by the project, as defined by the Criteria of Adverse Effect set forth in 36 CFR § 800.5(a), CTDOT shall make a recommendation to FHWA of Adverse Effect. CTDOT shall forward copies of its documentation to support an Adverse Effect recommendation to FHWA. FHWA, in turn, shall make its determination and forward its finding of effect with supporting documentation to CTSHPO and any consulting parties that have been identified. Review of the Minor Project shall proceed in accordance with the requirements of 36 CFR § 800.6 to include notification to ACHP and other consulting parties, as appropriate.

VI. Review of CTDOT Projects under Connecticut State Law. State-funded Minor Projects that do not involve Federal funding or permits are not subject to the terms of this Agreement. CTDOT and CTSHPO will consult with the Connecticut State Office of Policy and Management to develop a Programmatic Memorandum of Agreement (PMOA) addressing review requirements for state-funded CTDOT Minor Projects pursuant to the Connecticut Environmental Policy Act. To the extent feasible, the PMOA will follow the procedures established in this Agreement.

VII. Emergency Situations CTDOT, acting on behalf of FHWA, may determine and implement appropriate measures for the identification and treatment of historic properties during emergencies declared by the President or the Governor of the State of Connecticut or the CTDOT Commissioner or for post-review discoveries of historic properties. CTDOT will notify FHWA and CTSHPO of these situations and afford them an opportunity to comment, as provided in 36 CFR § 800.12(b)(2) or 36 CFR § 800.13(b), as appropriate. FHWA will provide the same notification and opportunity to comment to any federally recognized Indian tribe or tribes that may ascribe traditional cultural and religious significance to the affected historic property(ies).

VIII. Post-Review and Unanticipated Discoveries. If a plan for subsequent discoveries is not in place, and there is an inadvertent discovery of a historic property or human remains during construction of Minor Project inclusive of Appendix A and B projects, CTDOT will stop construction in the immediate vicinity of the discovery, notify appropriate authorities, and follow the procedures outlined in 36 CFR § 800.13. If the discovery involves human remains, CTDOT will follow the procedures established in Article IX of this Agreement.

IX. Treatment of Human Remains. If previously unidentified human remains are discovered during construction, that portion of the Minor Project will stop immediately. The area will be protected and CTDOT will immediately consult with the Connecticut State Police, FHWA, CTDOT's staff archaeologist, CTSHPO, the State Archaeologist, the Native American Heritage Advisory Council, and the State Medical Examiner. Once notified, FHWA will immediately consult with any federally recognized Indian tribe or tribes that may ascribe traditional cultural

and religious significance to the remains. Native American human remains discovered on Federal or tribal lands will be treated in accordance with the Native American Graves Protection and Repatriation Act (P.L. 101-601). Any human remains discovered on non-federal lands will be treated in accordance with the Connecticut General Statutes §§ 19a-315, 10-388, 10-389, and 10-390.

X. Transfer of Archaeological Collections to the Office of the State Archaeologist. FHWA and CTDOT will ensure that any significant cultural materials collected during the course of archaeological reconnaissance and archaeological intensive surveys will be transferred to the Office of the State Archaeologist. This will take place after the conclusion of a project following the guidance of the Memorandum of Understanding concluded between CTDOT and the Office of the State Archaeologist.

XI. Annual Review, Auditing, and Monitoring. CTDOT, FHWA, and CTSHPO will regularly consult to review implementation of the terms of this Agreement. CTDOT will prepare quarterly reports for submittal to CTSHPO. Quarterly reports will include:

- Summary information on all Minor Projects processed under this Agreement;
- Copies of all CTDOT determinations of exemptions (Appendix A) signed by OEP staff;
- Copies of all CTDOT determinations of exemptions (Appendix B) signed by qualified staff;
- Copies of all determinations of National Register eligibility signed by qualified staff; and
- Copies of all determinations of effect signed by qualified staff.

CTDOT will also submit annual reports to CTSHPO, ACHP, and FHWA. The annual report shall include an assessment of the effectiveness of the Agreement, discuss concerns with the Agreement, and include recommendations for changes to the Agreement, if any. CTDOT will provide CTSHPO, ACHP, and FHWA with a copy of this annual report by March 1 of the year following the execution of this Agreement and on March 1 of each succeeding year for the duration of this Agreement. FHWA, ACHP, and CTSHPO will review the annual report and, if requested by any signatory to this Agreement, all parties shall consult to resolve issues that arise as a result of the review.

FHWA, ACHP, and CTSHPO may monitor activities carried out pursuant to this Agreement. CTDOT will cooperate with these parties in carrying out their monitoring efforts.

CTSHPO may audit any Minor Project reviewed by CTDOT under the terms of this Agreement. CTDOT and FHWA will cooperate with CTSHPO's audit requests and will provide all project related documentation used by CTDOT staff in Section 106 reviews. If requested, CTDOT will provide CTSHPO physical access to the subject properties. If CTSHPO identifies a problem as a result of the project audit, CTSHPO will immediately notify FHWA and CTDOT and all parties will follow the dispute resolution process established in Article XIV.

XII. Amendment. Any party to this Agreement may request that it be amended, whereupon the parties will consult to consider such an amendment. Amendments will not be effective unless in writing and signed by the parties to this Agreement.

XIII. Termination. Any party to this Agreement may terminate it by providing thirty (30) calendar days' notice in writing to the other parties explaining the reason for termination, provided that the parties will consult during the period prior to termination to seek agreement on amendments and other actions that would avoid termination. In the event of termination, FHWA

will comply with 36 CFR § 800.3 through 36 CFR § 800.7 with regard to individual Minor Projects covered by this Agreement.

XIV. Dispute Resolution. FHWA will become actively involved in the resolution of any disagreements or objections. Initially, FHWA will consult with the objecting party and CTDOT to resolve the disagreement or objection. If no resolution is reached on questions of National Register eligibility, CTDOT will prepare documentation in accordance with the provisions of 36 CFR § 63 for transmittal by FHWA to the Keeper of the National Register.

If no resolution is reached on other findings or determinations, or regarding implementation of this Agreement, CTDOT will prepare documentation in accordance with 36 CFR § 800.11(e) for transmittal by FHWA to ACHP for comment. Such transmittal will include FHWA's proposed response. Within thirty (30) days after receipt of all pertinent documentation, ACHP shall exercise one of the following options:

- 1.) Advise FHWA that ACHP concurs with FHWA's proposed final decision, where upon FHWA will respond to the objection accordingly.
- 2.) Provide FHWA with recommendations, which the FHWA shall take into account in reaching a final decision regarding its response to the objection; or
- 3.) Notify FHWA that ACHP will comment pursuant to 36 CFR § 800.7(c), and proceed to comment. The resulting comment shall be taken into account by FHWA in accordance with 36 CFR § 800.7(c)(4) and Section 110(l) of the NHPA.

Should ACHP not exercise one of the above options within thirty (30) days after receipt of all reasonably pertinent documentation, FHWA may assume ACHP's concurrence in its proposed response to the objection.

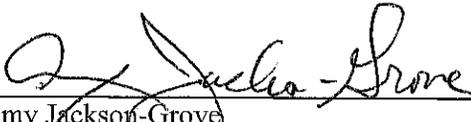
XV. Duration. This Agreement shall remain in effect for a period of five (5) years after the date it takes effect, unless it is terminated prior to that time pursuant to Article XIII of this Agreement. No later than ninety (90) days prior to the conclusion of the five (5) year period, CTDOT will notify all parties in writing. If there are no objections from the signatory parties, the term of this Agreement will automatically be extended for an additional three (3) years up to a limit of twenty-one (21) years. If any party objects to extending the Agreement, or proposes amendments, CTDOT will consult with the parties to consider amendments or other actions to avoid termination. The ninety day notification requirement in this Article may be waived by the parties.

XVI. Historic Bridge Inventory. Within three (3) years of the execution of this Agreement, CTDOT and FHWA shall complete a revision of CTDOT's "Historic Bridge Inventory" (1991). The revised inventory will reflect the existing conditions of CTDOT's historic highway and road bridges that are maintained using FHWA funds and present National Register-eligibility recommendations for all extant bridges managed by CTDOT. CTDOT will submit a draft of the revised historic bridge inventory to CTSHPO and FHWA for review and comment before finalizing the document.

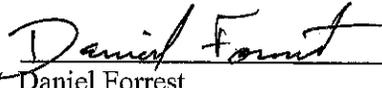
XVI. SIGNATURES.

FIRST PROGRAMMATIC AGREEMENT

Execution and implementation of this Programmatic Agreement evidences that the Federal Highway Administration has satisfied its Section 106 responsibilities for all individual minor transportation projects covered under this Agreement.



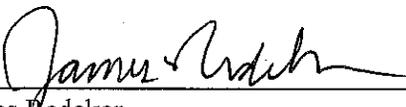
Amy Jackson-Grove
Connecticut Division Administrator
Federal Highways Administration



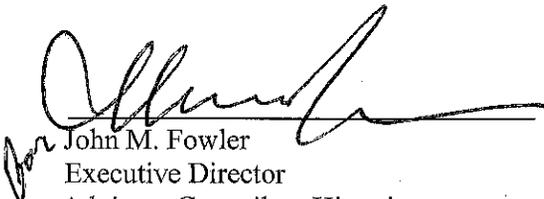
Daniel Forrest
Deputy State Historic Preservation
Officer
Connecticut State Historic
Preservation Office

10/24/2012
Date

10.24.2012
Date



James Redeker
Commissioner
State of Connecticut Department of
Transportation



John M. Fowler
Executive Director
Advisory Council on Historic
Preservation

10/24/12
Date

10/26/12
Date

**APPENDIX A
UNSCREENED UNDERTAKINGS NOT REQUIRING CONNECTICUT CTSHPO
REVIEW**

EXEMPTED PROJECT TYPES LETTER

CTDOT, CTSHPO, and FHWA have jointly concurred that the following list describes project types that have minimal potential to cause effects to properties eligible for or listed on the NRHP. In accordance with 36 CFR § 800.14(c)(1), these minor project types would otherwise qualify as "undertakings" as defined in 36 CFR § 800.16 and consist of actions with effects to historic properties that are foreseeable and likely to be minimal or not adverse. The signatories concur that exemption of the Appendix A project types is consistent with the purposes of the National Historic Preservation Act. These projects are stand-alone transportation activities that, based on the signatories' past experience with similar actions, will not result in any significant impacts to the human or natural environment. These actions (project types) meet the criteria for CEs in the CEQ regulation (Section 1508.4) and 23 CFR § 771.117 (a) and under 23 CFR § 771.117(c) and do not normally require any further NEPA approvals by the FHWA. To be applicable, an undertaking must be limited entirely to any one or a combination of the actions specified below.



U.S. Department
of Transportation
Federal Highway
Administration

Connecticut Division

December 8, 2011

628-2 Hebron Avenue
Suite 303
Glastonbury, CT 06033
860-659-6703
860-659-6724
Connecticut.FHWA@dot.gov

In Reply Refer To:
HPR-CT

Mr. David Bahlman
State Historic Preservation Officer
Department of Economic and Community Development
One Constitution Plaza, Second Floor
Hartford, CT 06103

Dear Mr. Bahlman,

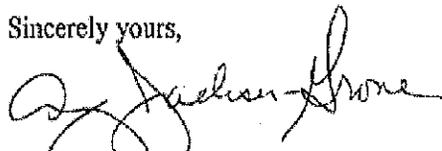
The Connecticut Division of the Federal Highway Administration has reviewed the following types of projects and based on past consultations with the State Historic Preservation Office, has determined that these types of actions have a very limited potential to affect historic properties. We submit for your concurrence, that no historic properties will be affected by the below listed types of projects and that no further consultations between SHPO, CT DOT, and FHWA in accordance with Section 106 of the National Historic Preservation Act will be required prior to FHWA approval of funding for such projects. If potentially significant archaeological resources are inadvertently discovered on such projects, FHWA will immediately consult SHPO and implement measures to protect the resources in accordance with 36 CFR 800.13. Furthermore, if FHWA or its delegates conduct historic resources studies, such as architectural or archaeological surveys, for such projects based on consultations with other parties, FHWA will notify SHPO and provide SHPO the opportunity to comment on the studies. FHWA emphasizes that the following project types are stand-alone actions not part of a larger project that may affect historic properties.

- ◇ Highway markings
- ◇ Pothole filling, Crack Sealing, Joint repair
- ◇ Pavement milling or grooving
- ◇ Surface treatments
- ◇ Resurfacing or repair of existing ramps within the previously disturbed right-of-way
- ◇ Resurfacing of roadways within the previously disturbed right-of-way
- ◇ Repair or in-kind replacement (essentially the same size, material, color, and texture) of curbs, curbing, and sidewalks, including street furniture, highway signage, and existing traffic signals (no new underground work).
- ◇ New pavement markings or renewal of pavement markings (normal and raised), rumble strips, traffic sensors, snow and ice detectors, or other similar features on existing ramps and roadways

- ◇ The in-kind replacement or relocation of existing utility poles between edge of sidewalk and roadway except within a State Archaeological Preserve or within 50 feet of a marked cemetery boundary.
- ◇ Beam end and bearing repair of bridges less than 50 years old.

If you have any questions or concerns regarding this request we encourage you to contact Glenn Elliott (860) 659-6703 our Environmental Protection Specialist.

Sincerely yours,



Amy Jackson-Grove
Division Administrator

David Bahlmann 12.13.11

David Bahlmann, Date
Connecticut State Historic Preservation Office

APPENDIX B

SCREENED UNDERTAKINGS NOT REQUIRING CONNECTICUT CTSHPO REVIEW

The following list is comprised of project types that have minimal potential to cause effects to properties eligible for or listed on the National Register, but that require screening by a qualified CTDOT review staff prior to approval. In accordance with this Agreement, qualified review staff at CTDOT may determine that an undertaking will require no consultation with the CTSHPO if:

1. The undertaking only involves activities listed below;
2. The undertaking is not located within the boundaries of a National Register eligible or listed historic district or historic property; and
3. The APE for the undertaking is unlikely to contain historic properties that may be affected by the proposed action.

To be applicable, an undertaking must be limited entirely to any one or a combination of the actions specified below. Qualified review staff may also determine that due to the particular circumstances, character, or context of a below-listed project type, that there is a reasonable potential for effects to historic properties. In such circumstances, CTDOT will follow the review procedures established in Article V.

Interstate Related Projects

1. Interstate bridge or roadway projects (excluding air rights development) where all work occurs within the previously disturbed areas of the roadway right-of-way.

Roadway Related Projects

2. Reconstruction activities on the existing roadway within the previously disturbed areas of the roadway right-of-way. Reconstruction activities may include roadway restoration, roadway rehabilitation, repair, replacement or resetting of existing guardrail (wood or weathering steel guardrail to be consistent with that existing), widening less than one full travel lane, addition of shoulders, construction of cross-overs on median strips, and addition or extension of emergency turnouts.
3. Correcting substandard roadway geometrics and intersections, provided that such improvements do not extend beyond the limits of previously disturbed areas of the roadway right-of-way. These improvements would include, but are not limited to, turn lanes, improved turning radii, channelization, divisional, and refuge islands, acceleration/deceleration lanes; and installation of curbs and gutters.
4. Repair, in-kind replacement (essentially the same size, material, color, and texture) or extension of curbs, curbing, and sidewalks, including street furniture. Minor modifications in size, locations, content, and material composition of these features are permitted as well as installation of new curbs, gutters, sidewalks, and street furniture within previously disturbed areas.
5. New pavement markings or renewal of pavement markings (normal and raised), rumble strips, traffic sensors, snow and ice detectors, or other similar features on existing ramps and roadways.
6. Modifications to sidewalks and curbs to satisfy the requirements of the Americans with Disabilities Act.
7. Removal of trees, as part of a roadway project.
8. Landscaping, including weeding; thinning; in-kind replacement of existing specimens; and shallow bed preparation in areas previously landscaped within the existing right-of-way except within National Register listed Parkways.
9. Installation of new underground utilities or the replacement/repairing of existing underground utilities within existing roadway footprints.
10. The in-kind replacement or relocation of existing utility poles between the edge of the sidewalk and roadway except within a State Archaeological Preserve.

11. Rehabilitation, reconstruction or refurbishing of existing active at-grade railroad crossings, including installation of railroad warning signs and devices, such as flashing lights and gates.
12. Construction of wetland mitigation areas in previously disturbed areas of the roadway right-of-way.

Bridge/Culvert Related Projects

13. All bridge/culvert related work, up to and including replacement of bridges with a National Register eligibility determination of "Not Eligible" on file with CTDOT and CTSHPD;
14. All bridge/culvert related work, up to and including replacement of steel stringer bridges (except those with documented pre-1900 construction dates) and concrete slab bridges.
15. All bridge/culvert related work, up to and including replacement of bridge/culvert superstructures with less than a 20-foot span length with an APE wholly confined to disturbed soils; and excluding stone slab culverts, stone arches, brick arches, and stone abutment bridges or culverts.

Roadside Safety Related Projects

16. Highway safety improvement projects, including installation, replacement, modification, or removal of safety appurtenances, such as impact attenuators, median glare screens, roadway delineators, guiderails, and safety barriers. These improvements may also include pole countermeasures (reflectors, breakaway devices, and shielding systems), installation of panel mounted reflective object markers, installation of reflective object markers not mounted on panels, and removal of fixed objects (utility poles, non-breakaway signs, and pipe headwalls).

Drainage Related Projects

17. Routine cleaning, maintenance, and repair of existing drainage system elements, such as catch basins, pipes, stormwater management, and water quality facilities and devices.
18. Retrofitting or redesign of existing drainage system elements as long as such work occurs within the previously disturbed areas of the roadway right-of-way.
19. Minor safety-related improvements involving drainage system elements, including but not limited to, converting existing drop inlets to traversable designs; installation, replacement, or removal of pipes and headwalls; installation, replacement, and extensions of pipes; and addition of pipe end sections as long as such work occurs within the previously disturbed areas of the roadway right-of-way.

Electrical Related Projects

20. Traffic Signal and Safety Improvement Projects where all work occurs within previously disturbed areas of the roadway right-of-way. Note: This would only involve existing traffic signal replacement or upgrade projects.
21. Intelligent Transportation System projects (except on National Register eligible or listed bridges, districts, or properties), such as installation of ramp metering systems; installation of closed circuit television cameras or highway advisory radio systems, support structures; and installation of computer links to monitor and control traffic volumes throughout the roadway system. Note: Installation of permanent flashing signs or variable message signs are not included in this category and would be subject to the review procedures established in Article V.

Roadway Related Facilities Projects

22. Excluding National Register listed parkways, maintenance and minor improvements to existing rest areas, fringe parking facilities, park and ride lots, weigh stations and other highway-related maintenance, storage, and office facility construction provided that no new right-of-way is required, and that no excavation occurs outside of previously disturbed areas.

Bicycle/Pedestrian Facility Projects

23. Projects involving construction of bicycle and pedestrian lanes, paths, and facilities; and multi-use paths and facilities provided that work is confined to areas of previous ground disturbance. These projects include, but are not limited to, handicapped access ramps and ways, designations of certain highways as bike routes, painting of existing paved shoulders as bike lanes, and bikeway/pedestrian ways. They also include rail-to-trail projects provided that all disturbance activities occur within the existing railroad alignment; and the project does not require the modification or removal of existing bridges or viaducts.

Lighting and Signing Projects

24. Excluding National Register listed parkways, restoration, replacement, upgrading, or addition of highway lighting systems (includes under-deck, conventional, high mast and offset lighting systems) on controlled access highways. For other highways, in-kind replacement or repair of highway lighting systems (essentially the same size, material, color or texture).

25. Excluding National Register listed parkways, installation or replacement of highway signs (including overhead and electronic variable message signs) on controlled access highways. For other highways, in-kind replacement or repair of highway signs (essentially the same size, material, color or texture).

Miscellaneous Projects

26. Removal and disposal of any hazardous waste materials from the existing right-of-way.

27. Replacement or repair of highway fencing where the location of the fencing is unchanged.

28. Emergency repairs under 23 USC § 125 necessary to restore essential travel.

29. The installation of noise barriers within the existing roadway right-of-way or alterations to existing publicly owned buildings to provide for noise reduction, provided that public comment was sought and a record of that public comment was kept.

30. Emergency erosion control measures such as the emplacement of riprap or grout bags to prevent undermining or other major damage to bridges, dams, or roadways caused by flooding events.