

# Package Document

## Funding

Federal Funding? Yes      Federal Oversight? No      [Federal Oversight Agreement \(June 2007\)](#)

## Type

Phase: Reevaluation

Classification: Categorical Exclusion (Class II)

CE Level: 1b

CE Action:  01    02    03    04    05  
 06    07    08    09    10  
 11    12    13    Other

## Projects

Federal Project #: TBD

### MPMS Projects

Lead?	Title	District / County	SR / Sec	Description	
<input checked="" type="checkbox"/> 68767	Oxbow Ck Bridge 6/06 Fld	04 / Wyoming	92 / 06F	0.2 Miles North of SR1009; over Oxbow Creek	

## Editors

Names & Groups: Gregory P Augustine/PennDOT  
All District 04 Users

## Reviewers

Package was submitted on Monday, 30 October 2006 11:37 AM by Amy M Lolli/PennDOT.

<b>LEVEL</b>	<b>NOTIFY</b>	<b>REVIEWED BY</b>	<b>DATE/TIME</b>
<b>EM:</b>	Gregory P Augustine/PennDOT	Gregory P Augustine/PennDOT	Mon, 10/30/06 12:06 PM
<b>ADE:</b>	Bob Doble/PennDOT	Bob Doble/PennDOT	Mon, 10/30/06 03:45 PM
<b>DE:</b>	Stephen J Shimko/PennDOT	Bob Doble/PennDOT	Mon, 10/30/06 03:45 PM

**CE/EA Package Number: 5092**

## **Categorical Exclusion Reevaluation**

**MPMS:** 68767

**Project:** Oxbow Ck Bridge 6/06 Fld



**SR:** 92

**Section:** 06F

**County:** Wyoming

**District:** 04

**CE Level:** 1b

**CE Action:** 03

**Prepared By:** Gregory P Augustine

**Date:** 10/23/06



Include narrative to describe the project need. Attach additional information if needed.

The purpose of this project is to replace the existing bridge (at the same location, and on the same alignment) that collapsed as the result of flood waters in June of 2006.

## **Project Setting and Distinct Project Features**

Provide narrative to adequately describe the project setting (terrain, locale, land use, presence of bicycle/pedestrian or other unique facilities, etc.) and support the evaluation. Any additional information not otherwise covered by this form that is necessary to clearly understand project circumstances should also be included in this section or attached. Narrative should be appropriate for the complexity of the CEE and project circumstances with the length and content varying accordingly. Attach additional information if needed.

This project is set in a rural area of northeastern Wyoming County. The project site consists of both wooded and lawn areas, with scattered residences. The terrain surrounding the project ranges from level to gentle slopes.

### **How many right-of-way parcels must be acquired for this project?**

Seven (7)

### **Describe extent and locations of acquisitions.**

There are seven (7) properties in the area of the project site. Temporary construction easements will be required for a temporary roadway. However, due to the expediency and conditions with which this document was created, it was uncertain at the time if additional right-of-way would be required for the proposed structure.

### **Describe the involvement with utilities with this project.**

Overhead utilities exist. However, due to the expediency and conditions with which this document was created, it was uncertain at the time as to the extent of utility involvement.

### **Describe the involvement with any railroad (active or inactive) including all rail lines, crossings, bridges, or signals.**

Not Applicable.

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## **Additional Information**

Remarks, Footnotes, Supplemental Data

### **Attachments**

1. [SR 92 Seg 340.pdf](#) (11075KB / 10.8MB)
2. [SR 92 Seg 340 location map.pdf](#) (480KB / 0.5MB)
3. [SR 92 Seg 340 Wyoming Co.pdf](#) (2935KB / 2.9MB)
4. [Location Map.pdf](#) (135KB / 0.1MB)
5. [65 0092 0340 1635.pdf](#) (275KB / 0.3MB)



















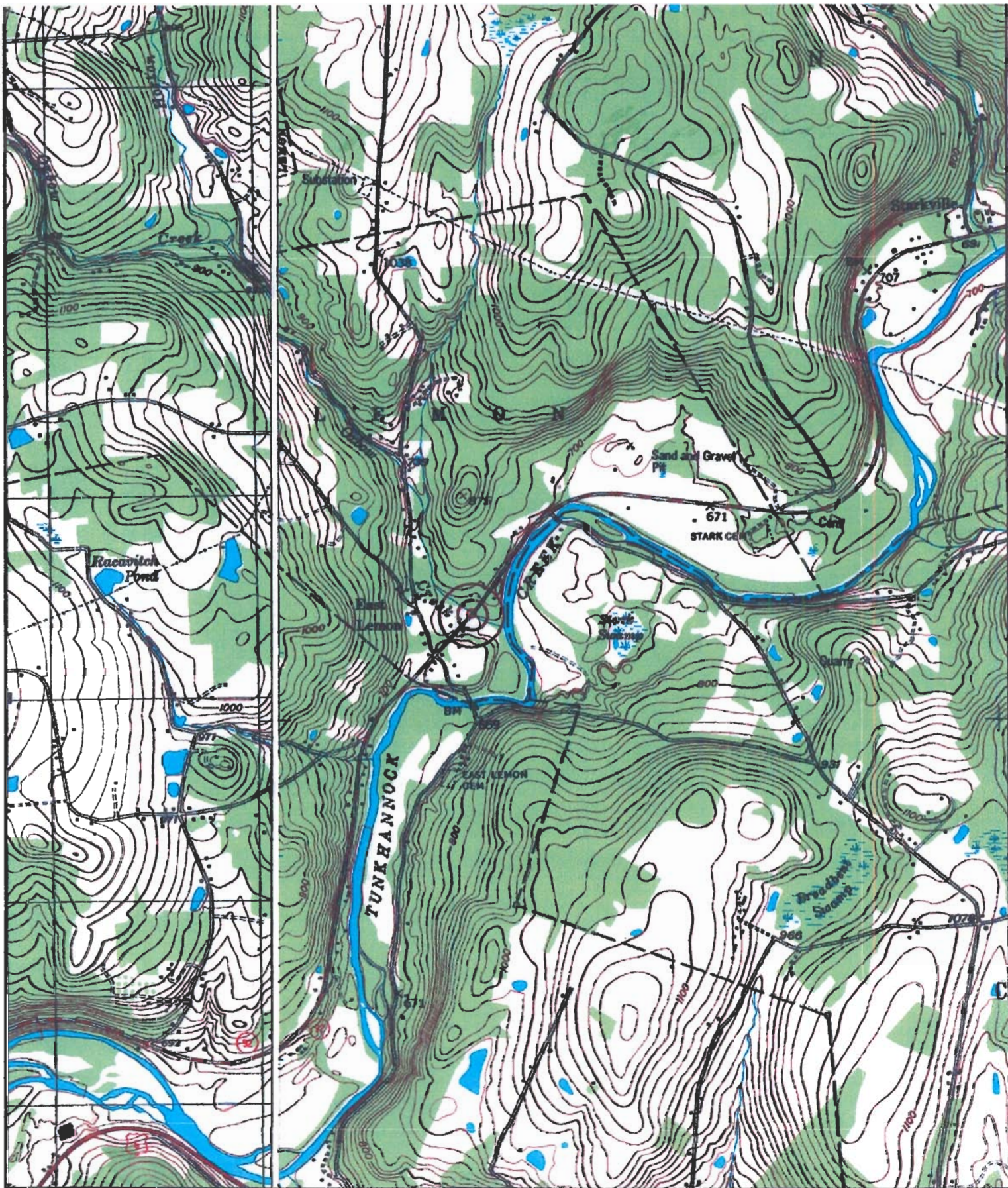




35  
M.P.H.

PENNSYLVANIA  
EWM-3445





Name: FACTORYVILLE  
 Date: 6/29/2006  
 Scale: 1 inch equals 2000 feet

Location: 041° 35' 19.42" N 075° 51' 42.37" W NAD 27  
 Caption: June 06 Flood  
 SR 92 Sec. 0340/1635  
 Bridge Collapsed

*Wyoming Co.,*

Copyright (C) 2002, Maptech, Inc.

*Oxbow Creek → Tunkhannock Cr.,  
 CWF Stocked Trout Waters*





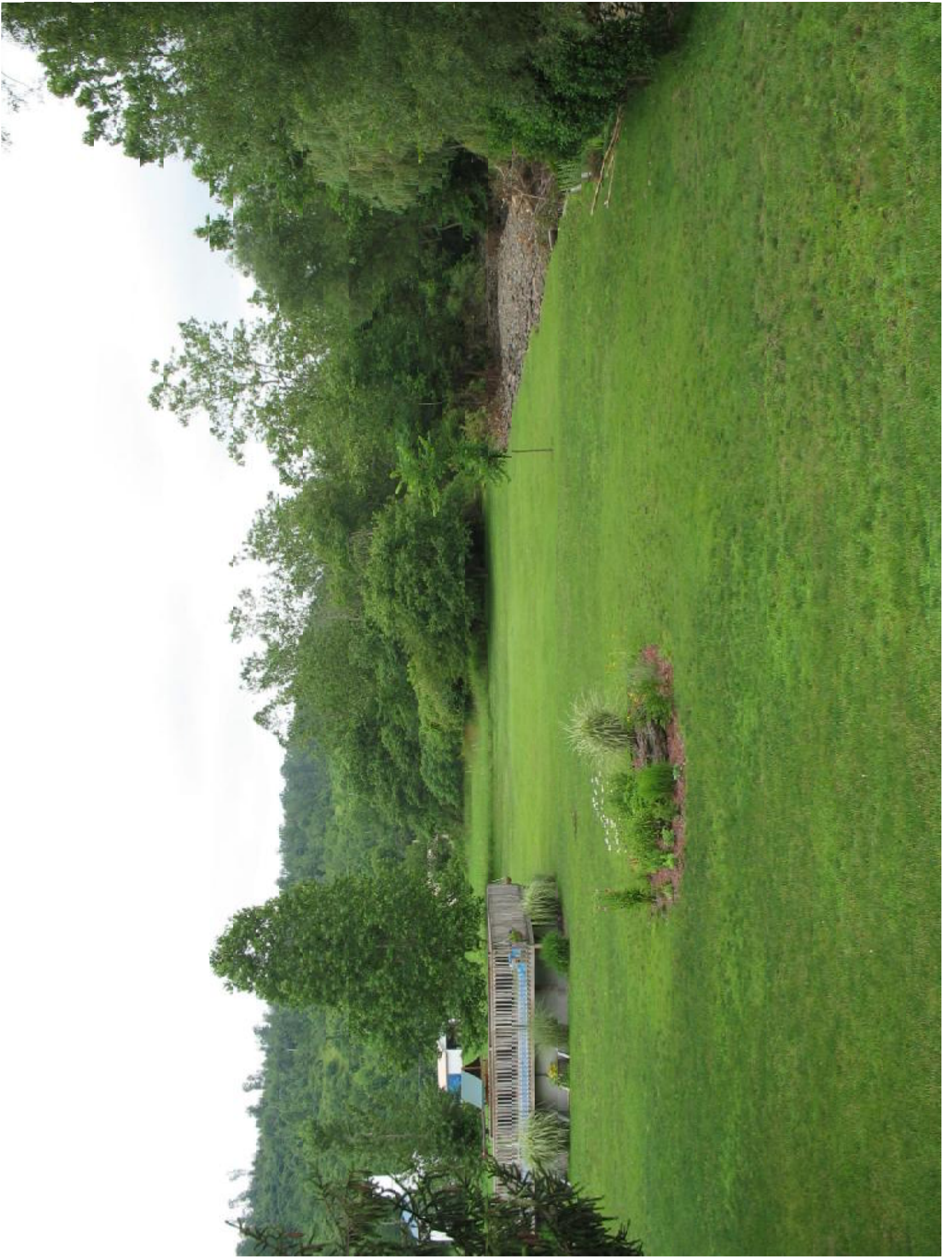














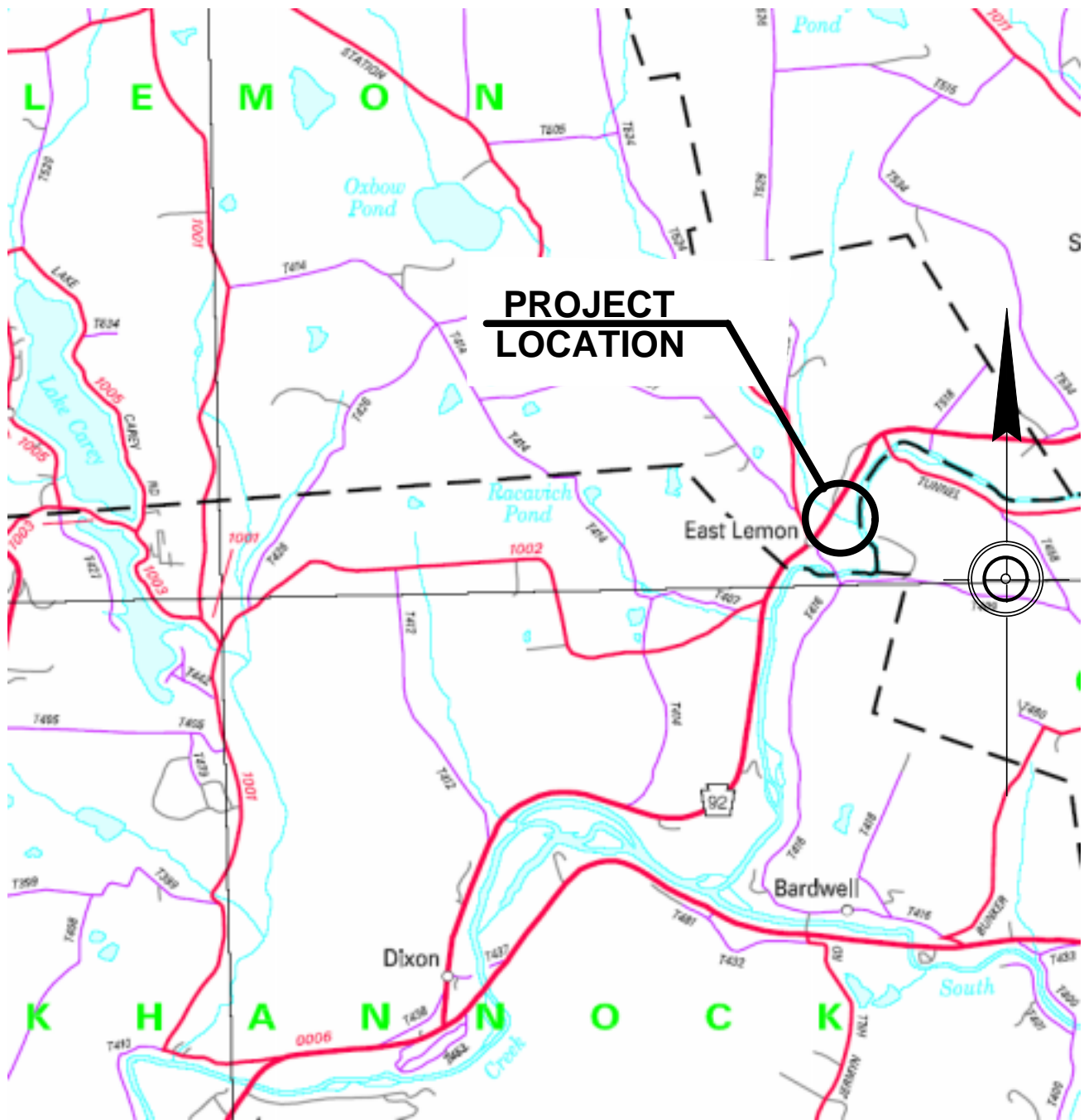








# LOCATION MAP



SR 0092 SECTION 06F  
SEGMENT 0340 OFFSET 1635  
LEMON TOWNSHIP  
WYOMING COUNTY

**Replacement**



Segments Ahead Right



Segments Ahead Left

Replacement



Looking Segments Back



Near Abutment

Taken 6/29/06

BMS# 65-0092-0340-1635

Replacement



Inlet



Inlet (Note missing wing)

**Replacement**



Failure at Near Left



Failure at Near Left

**Replacement**



Failure at Near Left

# CE Reevaluation Part A

## Engineering Information

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### Design Criteria for Project

Functional Classification: Major Collector

Urban  Rural

Current ADT: 1,696 (2006)

Design Year ADT: 2520 (2026)

DHV: 277

Truck%: 11

D (Directional Distribution)%: 55

Design Speed: 50 m.p.h. km/h (mi/h)

Posted Speed: 45 m.p.h. km/h (mi/h)

Pavement Width: 22 ft.\* m (ft)

Shoulder Width: 6 ft. (minimum)\* m (ft)

Clear Zone: 16 ft. (min.), 22 ft. (max.) m (ft)

Median Width: None m (ft)

Design Exception Required?  Yes  No

If "Yes", explain.

Setting:  Urban  Suburban  Rural

Topography:  Level  Rolling  Mountainous

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### Traffic Control Measures

The following traffic control measures will be implemented:

Temporary Bridge(s)

Temporary Roadway

Detour

Ramp Closure

Other (specify)

None

**Other Description:**

**If any of the above traffic control measures will be implemented, indicate the following conditions.**

Provisions for access by local traffic will be made and so posted.  True  False

Through-traffic dependent business will not be adversely affected.  True  False

The detour or ramp closure, to the extent possible, will not interfere with any local special event or festival.  True  False

The temporary road, detour or ramp closure will not have substantial environmental consequences.  True  False

There is no substantial controversy associated with the temporary road, detour, or ramp closure.  True  False

There are no substantial impacts to bicycle or pedestrian routes.  True  False

**If the answer to any of the above questions was "False", please explain.**

\*Although "roadway" design criteria is listed and differs from the proposed bridge width, this project does not require design exception approval based on Design Manual 1A, Appendix F, Section F.1.B.4.

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**Detours should be clearly shown on map, attached and discussed, including provisions for pedestrians, bicycles, handicapped and the elderly.**

**Approximate length of planned detour:**  (ATTACH TO THE CEE)

Make the selection that best describes the planned detour.

Describe impacts

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**Estimated Costs**

Engineering: \$ 187,000.00

Right-of-Way: \$ 50,000.00

Construction: \$ 606,500.00

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**Additional Information**

Remarks, Footnotes, Supplemental Data

Attachments

# CE Reevaluation Part A

## Roadway

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No roadways included with this project

### Roadway Description

SR 0092

	Existing	Proposed
Number of Lanes:	2	2
Pavement Width:	22 ft. m (ft)	22 ft. * m (ft)
Shoulder Width:	4 ft. (stabilized) m (ft)	5 ft. * m (ft)
Median Width:	None m (ft)	None m (ft)
Sidewalk Width:	None m, mm (ft) *	None m, mm (ft) *
Clear Zone:	Variable m (ft)	Variable m (ft)

\* Use mm when Americans with Disabilities Act (ADA) dimensions are being provided. Note metric unit that applies.

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### Additional Information

#### Remarks, Footnotes, Supplemental Data

\* (22 ft.) + 2(5 ft.) = 32 ft., equals the minimum bridge width criteria of 32 ft., therefore no design exception is required as per Design Manual 1A, Appendix F, Section B, Item 4.

#### Attachments

# CE Reevaluation Part A Structure

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No structures included with this project

**BMS Number:** 65-0092-0340-7635

**Sufficiency Rating:** 56.3

**Description:**

(provide name of waterway or facility structure crosses)

Oxbow Creek

	Existing	Proposed
<b>Structure Type:</b>	R.C. T-Beam	P/S Spread Box Beam
<b>Weight Restrictions:</b>	(None) tonne (ton)	(None) tonne (ton)
<b>Height Restrictions:</b>	(None) m (ft)	(None) m (ft)
<b>Curb to Curb Width:</b>	(30.3) mm (ft)*	(32.0) mm (ft)*
<b>Shoulder Width:</b>	(4.15) mm (ft)*	(5.0) mm (ft)*
<b>Under Clearance:</b>	(10.5) m (ft)	(10.5) m (ft)
<b>Lateral Clearance:</b>	(N/A) m (ft)	(N/A) m (ft)
<b>Structure Length:</b>	(24) m (ft)	(28) m (ft)

\*Use mm when Americans with Disabilities Act (ADA) dimensions are being provided.

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**Additional Information**

Remarks, Footnotes, Supplemental Data

Attachments

**CE Reevaluation Part B, Section A-1**  
**Environmental Evaluation Subject Areas (Aquatic Resources)**

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Federal Project No:           TBD

**1. AQUATIC RESOURCES**

	PRESENCE	IMPACTS
<b>STREAMS, RIVERS &amp; WATERCOURSES *</b>		** ***
Intermittent (streams only)	<input type="radio"/> Not Present <input checked="" type="radio"/> Present	<input checked="" type="radio"/> No <input type="radio"/> Yes
Perennial	<input checked="" type="radio"/> Not Present <input type="radio"/> Present	<input checked="" type="radio"/> No <input type="radio"/> Yes
Wild trout streams	<input checked="" type="radio"/> Not Present <input type="radio"/> Present	<input checked="" type="radio"/> No <input type="radio"/> Yes
Stocked trout streams	<input type="radio"/> Not Present <input checked="" type="radio"/> Present	<input checked="" type="radio"/> No <input type="radio"/> Yes

**Identify all streams and their classifications per Chapter 93 of 25 PA Code (e.g. CWF, WWF, HQ, EV):**

Oxbow Creek - CWF

**Remarks:**

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	PRESENCE	IMPACTS
<b>FEDERAL WILD &amp; SCENIC RIVERS &amp; STREAMS *</b>		** ***
	<input checked="" type="radio"/> Not Present <input type="radio"/> Present	<input checked="" type="radio"/> No <input type="radio"/> Yes

**Documentation\*\*\*\***

- National Parks Service Coordination Letter
- U.S. Forest Service Coordination Letter (Allegheny River)

**Remarks:**

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PRESENCE	IMPACTS
	** ***

STATE SCENIC RIVERS & STREAMS

Not Present  Present

No  Yes

Documentation\*\*\*\*

DCNR Coordination Letter

Remarks:

PRESENCE

IMPACTS

\*\* \*\*\*

NAVIGABLE WATERWAYS \*

Not Present  Present

No  Yes

Documentation\*\*\*\*

Coast Guard Coordination

Remarks:

PRESENCE

IMPACTS

\*\* \*\*\*

OTHER SURFACE WATERS \*

Reservoirs

Not Present  Present

No  Yes

Lakes

Not Present  Present

No  Yes

Farm ponds

Not Present  Present

No  Yes

Detention basins

Not Present  Present

No  Yes

Stormwater Management Facilities

Not Present  Present

No  Yes

Others (describe in remarks)

Not Present  Present

No  Yes

Remarks:

PRESENCE

IMPACTS

\*\* \*\*\*

GROUNDWATER RESOURCES \*

State, County, Municipal or

Not Present  Present

No  Yes

Local Public Supply Wells

Not Present  Present

Residential Well

Not Present  Present

No  Yes

Well Head Protection Area	<input checked="" type="radio"/> Not Present <input type="radio"/> Present	<input checked="" type="radio"/> No <input type="radio"/> Yes
Springs, Seeps	<input checked="" type="radio"/> Not Present <input type="radio"/> Present	<input checked="" type="radio"/> No <input type="radio"/> Yes
Potable Water Source	<input checked="" type="radio"/> Not Present <input type="radio"/> Present	<input checked="" type="radio"/> No <input type="radio"/> Yes
Sole Source and/or Exceptional Value Aquifers	<input checked="" type="radio"/> Not Present <input type="radio"/> Present	<input checked="" type="radio"/> No <input type="radio"/> Yes

**Remarks:**

One red siding home with well, upstream to the left.

	PRESENCE	IMPACTS ** ***
<b>WETLANDS *</b>		
Open Water	<input type="radio"/> Not Present <input checked="" type="radio"/> Present	<input checked="" type="radio"/> No <input type="radio"/> Yes
Vegetated		
Emergent	<input checked="" type="radio"/> Not Present <input type="radio"/> Present	<input checked="" type="radio"/> No <input type="radio"/> Yes
Scrub Shrub	<input checked="" type="radio"/> Not Present <input type="radio"/> Present	<input checked="" type="radio"/> No <input type="radio"/> Yes
Forested	<input checked="" type="radio"/> Not Present <input type="radio"/> Present	<input checked="" type="radio"/> No <input type="radio"/> Yes
Exceptional Value	<input checked="" type="radio"/> Not Present <input type="radio"/> Present	<input checked="" type="radio"/> No <input type="radio"/> Yes

**Documentation\*\*\*\***

- Wetland Identification and Delineation Report
- Conceptual Mitigation Plan
- 404 (b)(1) Alternative Analysis (ATTACH TO THE CEE.)
- Jurisdictional Determination (ATTACH JD LETTER TO THE CEE.)
- Functional Assessment Analysis

**Methodology:**

**All practicable alternatives were evaluated to avoid direct and indirect wetland impacts:**

Yes  No

**If no, provide reasons why:**

**All practicable measures to minimize harm to impacted wetlands have been incorporated into the project design:**

Yes  No

**If no, provide reasons why:**

**Executive Order 11990 Compliance** (check box if applicable)

Based on information herewithin, it is determined that there is no practicable alternative to the proposed construction in wetlands and the proposed action includes all practicable measures to minimize harm to wetlands which may result from such use.

**Describe number of wetlands impacted and acreage impacted:**

**Remarks:**

Open water wetlands only. No wetland study required.

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	PRESENCE	IMPACTS ** ***
COASTAL ZONE *	<input checked="" type="radio"/> Not Present <input type="radio"/> Present	<input checked="" type="radio"/> No <input type="radio"/> Yes
Documentation****		
<input type="checkbox"/> DEP Coastal Zone Coordination Letter		

**Remarks:**

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	PRESENCE	IMPACTS ** ***
FLOODPLAINS *	<input checked="" type="radio"/> Not Present <input type="radio"/> Present	<input checked="" type="radio"/> No <input type="radio"/> Yes

No significant floodplain encroachment would occur.

If, after consultation with FHWA, it is concluded that there will be significant floodplain encroachment, a floodplain finding is required, and an EIS or EA will need to be prepared because a CEE is not an appropriate level of NEPA documentation.

**Remarks:**

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		IMPACTS ** ***
SOIL EROSION & SEDIMENTATION *		
Are there effects due to construction activities?	<input type="radio"/> No <input checked="" type="radio"/> Yes	<input checked="" type="radio"/> No <input type="radio"/> Yes
Documentation****		
<input checked="" type="checkbox"/> E&S Control Plan		
<input checked="" type="checkbox"/> Coordination w/County Conservation District		
<input type="checkbox"/> NPDES Stormwater Construction Permit		

**Remarks:**

E&S Control Plans will be submitted to the Conservation District for approval. All earth disturbed during construction will be stabilized by the completion of the project.

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- \* If the resource is not present, do not complete the remainder of this subject area.
  - \*\* If the resource is present but no impacts are anticipated, describe in Remarks or on attached sheet(s) why there will be no impact.
  - \*\*\* Describe impacts in Remarks or attached sheet(s).
  - \*\*\*\* Unless otherwise noted, documentation for subject areas should be maintained in the project's Technical Support Data and does not need to be submitted with the CEE.
- 

### **Additional Information**

Remarks, Footnotes, Supplemental Data

Attachments

**CE Reevaluation Part B, Section A-2**  
**Environmental Evaluation Subject Areas (Land)**

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**2. LAND**

	<b>PRESENCE</b>	<b>IMPACTS</b>
<b>AGRICULTURAL RESOURCES*</b>	<input checked="" type="radio"/> Not Present <input type="radio"/> Present	
Productive Agricultural Land	<input checked="" type="radio"/> Not Present <input type="radio"/> Present	<input checked="" type="radio"/> No <input type="radio"/> Yes
Agricultural Security Areas	<input checked="" type="radio"/> Not Present <input type="radio"/> Present	<input checked="" type="radio"/> No <input type="radio"/> Yes
Primary Agricultural Land	<input checked="" type="radio"/> Not Present <input type="radio"/> Present	<input checked="" type="radio"/> No <input type="radio"/> Yes
Conservation Easements	<input checked="" type="radio"/> Not Present <input type="radio"/> Present	<input checked="" type="radio"/> No <input type="radio"/> Yes
Agricultural Zoning	<input checked="" type="radio"/> Not Present <input type="radio"/> Present	<input checked="" type="radio"/> No <input type="radio"/> Yes
Soil Capability Classes I, II, III, IV	<input checked="" type="radio"/> Not Present <input type="radio"/> Present	<input checked="" type="radio"/> No <input type="radio"/> Yes
Prime or Unique Soil	<input checked="" type="radio"/> Not Present <input type="radio"/> Present	<input checked="" type="radio"/> No <input type="radio"/> Yes
Statewide or Locally Important Soils	<input checked="" type="radio"/> Not Present <input type="radio"/> Present	<input checked="" type="radio"/> No <input type="radio"/> Yes

**Documentation**

- Farmland Assessment Report
- ALCAB Approval
- Agricultural Land Preservation Policy Conformance Statement
- Form AD-1006 - Farmland Conversion Impact Rating
- Coordination with County Tax Assessor

**Remarks**

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	<b>PRESENCE</b>	<b>IMPACTS</b>
<b>VEGETATION*</b>	<input type="radio"/> Not Present <input checked="" type="radio"/> Present	
Landscaped	<input type="radio"/> Not Present <input checked="" type="radio"/> Present	<input checked="" type="radio"/> No <input type="radio"/> Yes
Agricultural	<input checked="" type="radio"/> Not Present <input type="radio"/> Present	<input checked="" type="radio"/> No <input type="radio"/> Yes
Forest Land	<input checked="" type="radio"/> Not Present <input type="radio"/> Present	<input checked="" type="radio"/> No <input type="radio"/> Yes
Rangeland	<input checked="" type="radio"/> Not Present <input type="radio"/> Present	<input checked="" type="radio"/> No <input type="radio"/> Yes
Other (describe in remarks)	<input checked="" type="radio"/> Not Present <input type="radio"/> Present	<input checked="" type="radio"/> No <input type="radio"/> Yes

Invasive Non-Native Plants are Present

Are measures being taken to minimize movement of invasive plant parts (roots, tubers, seeds)?  Yes  No

Will native plants be used in project landscaping or mitigation?  Yes  No **If Yes, describe in Remarks.**

**Remarks**

All disturbed area to be stabilized at completion of project.

<b>UNIQUE GEOLOGIC RESOURCES*</b>	<b>PRESENCE</b> <input checked="" type="radio"/> Not Present <input type="radio"/> Present	<b>IMPACTS</b> <input checked="" type="radio"/> No <input type="radio"/> Yes
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**Remarks**

<b>PARKS &amp; RECREATION FACILITIES*</b>	<b>PRESENCE</b>	<b>IMPACTS</b>
National	<input checked="" type="radio"/> Not Present <input type="radio"/> Present	<input checked="" type="radio"/> No <input type="radio"/> Yes
State	<input checked="" type="radio"/> Not Present <input type="radio"/> Present	<input checked="" type="radio"/> No <input type="radio"/> Yes
Local	<input checked="" type="radio"/> Not Present <input type="radio"/> Present	<input checked="" type="radio"/> No <input type="radio"/> Yes
Other (describe in remarks)	<input checked="" type="radio"/> Not Present <input type="radio"/> Present	<input checked="" type="radio"/> No <input type="radio"/> Yes

**If any Impacts are "Yes", a Section 4(f) Evaluation may be needed.**

Were any of the impacted properties acquired through the use of Land and Water Conservation or Project 70 funds?

Yes  No

**If Yes, provide documentation of proper coordination with the National Park Service for LAWCON funded areas or the Pennsylvania General Assembly/DCNR for Project 70 funded areas.**

**Remarks**

<b>FOREST &amp; GAMELANDS*</b>	<b>PRESENCE</b>	<b>IMPACTS</b>
National Forests	<input checked="" type="radio"/> Not Present <input type="radio"/> Present	<input checked="" type="radio"/> No <input type="radio"/> Yes
State Forests	<input checked="" type="radio"/> Not Present <input type="radio"/> Present	<input checked="" type="radio"/> No <input type="radio"/> Yes
State Gamelands	<input checked="" type="radio"/> Not Present <input type="radio"/> Present	<input checked="" type="radio"/> No <input type="radio"/> Yes

**If any Impacts are "Yes", a Section 4(f) Evaluation may be needed.**

**Remarks**

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**WILDERNESS, NATURAL & WILD AREAS\***

- Federal Wilderness Areas
- Federal Natural or Wild Areas
- State Natural or Wild Areas
- Private Natural Areas

**PRESENCE**

- Not Present  Present
- Not Present  Present
- Not Present  Present
- Not Present  Present
- Not Present  Present

**IMPACTS**

- No  Yes
- No  Yes
- No  Yes
- No  Yes

If any Impacts are "Yes", a Section 4(f) Evaluation may be needed.

**Remarks**

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**NATIONAL NATURAL LANDMARKS\***

**PRESENCE**

- Not Present  Present

**IMPACTS**

- No  Yes

**Documentation**

- National Park Service Coordination Letter

**Remarks**

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**HAZARDOUS OR RESIDUAL WASTE SITES\***

**PRESENCE**

- Not Present  Present

**IMPACTS**

- No  Yes

**Documentation**

- Phase I
- Phase II
- Phase III
- Other
- No Documentation Required

Is remediation required?  Yes  No  Unknown at this time

If "Yes" or "Unknown at this time", describe:

### Remarks

No hazardous waste study required for project.

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\* If the resource is not present, do not complete the remainder of this subject area.

\*\* If the resource is present but no impacts are anticipated, describe in the Remarks or on attached sheet(s) why there will be no impact.

\*\*\* Describe the impact in Remarks or attached sheet(s).

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### Additional Information

Remarks, Footnotes, Supplemental Data

Attachments

**CE Reevaluation Part B, Section A-3**  
**Environmental Evaluation Subject Areas (Wildlife)**

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**3. WILDLIFE**

<b>WILDLIFE &amp; HABITAT</b>	<b>PRESENCE</b>	<b>IMPACTS</b>
Sanctuaries/Refuges	<input checked="" type="radio"/> Not Present <input type="radio"/> Present	<input checked="" type="radio"/> No <input type="radio"/> Yes
Resources Meriting Compensation	<input checked="" type="radio"/> Not Present <input type="radio"/> Present	<input checked="" type="radio"/> No <input type="radio"/> Yes

**If any Impacts are "Yes", a Section 4(f) Evaluation may be needed.**

**Documentation**

PAMHEP or Other Accepted Methodology

**Remarks**

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<b>THREATENED &amp; ENDANGERED PLANTS &amp; ANIMALS</b>	<b>PRESENCE</b>	<b>IMPACTS</b>
	<input checked="" type="radio"/> Not Present	<input checked="" type="checkbox"/> No Potential Impacts
	<input type="radio"/> Present	<input type="checkbox"/> Potential Impacts with Avoidance Measures
	<input type="radio"/> No Coordination Needed	<input type="checkbox"/> Potential Impacts with Conservation Measures
		<input type="checkbox"/> Potential Impacts

**Reviews, concurrences and approvals for Threatened and Endangered Species searches/coordination are time sensitive.**

**If the coordination is greater than one-year old, a new coordination effort will be required with the commenting/review agency(s).**

**Describe avoidance measures:**

**Will the suggested conservation measures be implemented?**

Yes  No

**Documentation**

PNDI ER Receipt (ATTACH TO THE CEE.)

**Agency Documentation**

PFBC Correspondence (ATTACH TO THE CEE.)

PGC Correspondence (ATTACH TO THE CEE.)

DCNR Correspondence (ATTACH TO THE CEE.)

USFWS Correspondence (ATTACH TO THE CEE.)

**Remarks**

- 
- \* If the resource is not present, do not complete the remainder of this subject area.
  - \*\* If the resource is present but no impacts are anticipated, describe in the Remarks or on attached sheet(s) why there will be no impact.
  - \*\*\* Describe the impact in Remarks or attached sheet(s).
- 

**Additional Information**

Remarks, Footnotes, Supplemental Data

**Attachments**

1. [SR 92 Seg 340.pdf](#) (543KB / 0.5MB)

# PNDI Project Environmental Review Receipt

Project Search ID: 20060629042813  
Project Name: SR 92 Sec. 0340/1635 Wyoming  
Date: 6/29/2006 2:55:27 PM

## Project Location



**Project Name:** SR 92 Sec. 0340/1635 Wyoming  
**On Behalf Of:** State Agency  
**Project Search ID:** 20060629042813  
**Date:** 6/29/2006 2:55:19 PM  
**# of Potential Impacts:** 0  
**Jurisdictional Agency:**  
**Project Category:** Transportation, Bridge - demolition and/or construction (replacement) on existing alignment (Boring, piers, abutments, causeways, temporary stream crossings)  
**Project Location**  
**Decimal Degrees:** 41.58792 N, -75.8634 W  
**Degrees Minutes Seconds:** 41° 35' 16.5" N, 75° 51' 48.3" W  
**Lambert:** 584486, 19373757, 950100, 04003050 ft  
**ZIP Code:** 18657  
**County:** Wyoming  
**Township/Municipality:** LEMON  
**USGS 7.5 Minute Quadrangle ID:** 346  
**Quadrangle Name:** FACTORYVILLE  
**Project Area:** 0.5 acres

### Location Accuracy

Project locations are assumed to be both precise and accurate for the purposes of environmental review. The creator/owner of the Project Review Receipt is solely responsible for the project location and thus the correctness of the Project Review Receipt content.

### 0 Known Impacts

Under the Following Agencies' Jurisdiction:  
None

A handwritten signature in black ink, appearing to be 'AMJ', written over a horizontal line.

## PNDI Project Environmental Review Receipt

Project Search ID: 20060629042813  
Project Name: SR 92 Sec. 0340/1535 Wyoming  
Date: 6/29/2006 2:55:27 PM

Pennsylvania Natural Diversity Inventory (PNDI) records do **NOT** indicate any known impacts on special concern species and resources within the project area. DEP requires a signed copy of this receipt with permit applications being submitted as indication that an environmental review has been conducted and completed. See DEP PNDI policy at [www.naturalheritage.state.pa.us](http://www.naturalheritage.state.pa.us) for more information.

Based on the information you provided, no further coordination is required by the Pennsylvania Game Commission, the Pennsylvania Fish and Boat Commission, or the Pennsylvania Department of Conservation and Natural Resources with regard to special concern species, natural communities, or outstanding geologic features. This response does not reflect potential agency concerns regarding impacts to other ecological resources, such as wetlands.

**Based on the project-specific information you provided, no impacts to federally listed, proposed, or candidate species are anticipated.** Therefore, no further consultation under the Endangered Species Act (87 Stat. 884, as amended; 16 U.S.C. 1531 *et seq.*) is required with the U.S. Fish and Wildlife Service. Because no take of federally listed species is anticipated, none is authorized. For a list of species that could occur in your project area (but have not been documented in PNDI), please see the county lists of threatened, endangered, and candidate species. A field visit or survey may reveal previously undocumented populations of one or more threatened or endangered species with a project area. If it is determined that any federally listed species occur in your project area, the U.S. Fish and Wildlife Service requires that you initiate consultation to identify and resolve any conflicts. This response does not reflect potential Fish and Wildlife Service concerns under the Fish and Wildlife Coordination Act or other authorities.

These determinations were based on the project-specific information you provided, including the exact project location; the project type, description, and features; and any responses to questions that were generated during this search. If any of the information you provided does not accurately reflect this project, or if project plans change, DEP and the jurisdictional agencies require that another PNDI review be conducted.

**This response represents the most up-to-date summary of the PNDI data files and is good for one(1) year from the date of this PNDI Project Environmental Review Receipt.**

### DISCLAIMER

The PNDI environmental review website is a preliminary environmental screening tool. It is not a substitute for information obtained from a field survey of the project area conducted by a biologist. Such surveys may reveal previously undocumented populations of species of special concern. In addition, the PNDI only contains information about species occurrences that have actually been reported to the Pennsylvania Natural Heritage Program.

### Pennsylvania State Programmatic General Permit (PASPGP)

Please note that regardless of PNDI search results, projects requiring a Chapter 105 DEP individual permit or GP 5, 6, 7, 8, 9 or 11 in certain counties (Adams, Berks, Bucks, Chester, Cumberland, Delaware, Franklin, Lancaster, Lebanon, Lehigh, Monroe, Montgomery, Northampton, Schuylkill and York) are required by DEP to comply with the bog turtle habitat screening requirements of the PASPGP.

### TERMS OF USE

Upon signing into the PNDI environmental review website, and as a condition of using it, you agreed to certain terms of use. These are as follows:



**PNDI Project Environmental Review Receipt**

Project Search ID: 20060629042813  
Project Name: SR 92 Sec. 0340/1635 Wyoming  
Date: 6/29/2006 2:55:27 PM

The web site is intended solely for the purpose of screening projects for potential impacts on resources of special concern in accordance with the instructions provided on the web site. Use of the web site for any other purpose or in any other way is prohibited and subject to criminal prosecution under federal and state law, including but not limited to the following:

- Computer Fraud and Abuse Act of 1986, as amended, 18 U.S.C. § 1030;
- Pennsylvania Crimes Code, § 4911 (tampering with public records or information), § 7611 (unlawful use of computer and other computer crimes), § 7612 (disruption of service), § 7613 (computer theft), § 7614 (unlawful duplication), and § 7615 (computer trespass).

The PNHP reserves the right at any time and without notice to modify or suspend the web site and to terminate or restrict access to it.

The terms of use may be revised from time to time. By continuing to use the web site after changes to the terms have been posted, the user has agreed to accept such changes.

This review is based on the project information that was entered. The jurisdictional agencies and DEP require that the review be redone if the project area, location, or the type of project changes. If additional information on species of special concern becomes available, this review may be reconsidered by the jurisdictional agency.

**PRIVACY and SECURITY**

This web site operates on a Commonwealth of Pennsylvania computer system. It maintains a record of each environmental review search result as well as contact information for the project applicant. These records are maintained for internal tracking purposes. Information collected in this application will be made available only to the jurisdictional agencies and to the Department of Environmental Protection, except if required for law enforcement purposes—see paragraph below.

This system is monitored to ensure proper operation, to verify the functioning

of applicable security features, and for other like purposes. Anyone using this system consents to such monitoring and is advised that if such monitoring reveals evidence of possible criminal activity, system personnel may provide the evidence to law enforcement officials. See Terms of Use.  
**Print this Project Review Receipt using your Internet browser's print function and keep it as a record of your search.**

Signature: Amy M. Hall

Date: 6-30-06

Project applicant on whose behalf this search was conducted:

**APPLICANT**

Contact Name: Penn Dot

Address: 55 Keyshouse Ind Park

City, State, Zip: Dunmore, PA 18512

Phone: 570-614-2958

Email: amball@state.pa.us

**PERSON CONDUCTING SEARCH (if not applicant)**

Contact Name: \_\_\_\_\_

Address: \_\_\_\_\_

City, State, Zip: \_\_\_\_\_

AMH

**PNDI Project Environmental Review Receipt**

Project Search ID: 20060629042813  
Project Name: SR 92 Sec. 0340/1635 Wyoming  
Date: 6/29/2006 2:55:27 PM

**Phone:** \_\_\_\_\_

**Email:** \_\_\_\_\_

The following contact information is for the agencies involved in this Pennsylvania Natural Diversity Inventory environmental review process. Please read this entire receipt carefully as it contains instructions for how to contact these agencies for further review of this particular project.

APPLICANT INITIALS: AMJ

**CE Reevaluation Part B, Section A-4**  
**Environmental Evaluation Subject Areas (Cultural Resources)**

**4. CULTURAL RESOURCES**

For projects exempted from further Section 106 review under Stipulation C or eligible for Department delegated review under Stipulation D, determine whether eligible resources are present for application of Section 4 (f).

Is the project exempted from further review by application of Stipulation C of the "Programmatic Agreement among the FHWA, PennDOT, the PA SHPO and the ACHP Regarding Implementation of Minor Transportation Projects"?  Yes  No

If activity is exempted from review by application of Stipulation C, list the applicable Stipulation C subsection with the appropriate activity e.g. (C.1.a., C.2.d.)

Stipulation C:

Is the project eligible for delegated review under Stipulation D of the "Programmatic Agreement among the FHWA, PennDOT, the PA SHPO and the ACHP Regarding Implementation of Minor Transportation Projects"?  Yes  No

If the project is delegated for expedited review under Stipulation D attach the "Qualified Professionals Finding under Stipulation D".

	<u>PRESENCE</u>					<u>LEVEL OF EFFECTS</u>		
	Not Present	Potentially Eligible Resource Present	Eligible Resource Present	Listed Resource Present		No Historic Properties Affected	No Adverse Effect	Adverse Effect
<b>CULTURAL RESOURCES</b>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>		<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Prehistoric archaeology	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>		<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Historic archaeology	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>		<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Historic structure	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>		<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Historic district	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>		<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Historic Transportation Corridor	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>		<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

**Documentation**

One of the first four listed types of documentation **MUST** be checked and attached to show that Section 106 coordination has been completed. Other types of documentation should be checked and attached when appropriate.

- Executed MOA / Programmatic Agreement (Project Specific)
- Stipulation D.2 or D.3 Submittal Form
- Section 106 Concurrence Letter
- PCRRF
- Historic Structures Survey/Determination of Eligibility Report
- Phase I A Archaeological Background Research Report
- Geomorphological Survey Report
- Phase I Archaeology Survey
- Phase II Archaeology Survey
- Phase III Archaeology Work Plan
- Abbreviated Determination of Effect Report
- Determination of Effect Documentation (No Historic Properties Affected)
- Determination of Effect Report (No Adverse Effect)
- Determination of Effect Report (Adverse Effect)

**Include Section 106 Public Involvement in Part B, Section C, Public Involvement.**

#### **Remarks**

No structures over 50 years old.

Potential for archaeology undisturbed floodplain downstream.

This project was completed as part of the June 2006 flood projects.

A condensed Phase I archaeological and geomorphological survey was conducted and coordinated with PHMC.

The consultant did not recommend additional work.

See coordination attachment from PHMC .

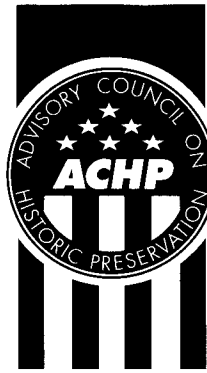
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#### **Additional Information**

**Remarks, Footnotes, Supplemental Data**

#### **Attachments**

1. [Emergency PA.pdf](#) (1139KB / 1.1MB)
2. [PHMC Flood Response Berger.pdf](#) (61KB / 0.1MB)



*Preserving America's Heritage*

January 13, 2005

James A. Cheatham  
Division Administrator  
Federal Highway Administration  
Pennsylvania Division  
228 Walnut Street, Room 508  
Harrisburg, PA 17101-1720

RE: *Programmatic Agreement for Section 106 Consultation Regarding the Emergency Relief Program.*

Dear Mr. Cheatham:

On January 7, 2005, we received your letter transmitting the signed Programmatic Agreement regarding implementation of the Federal Aid Emergency Relief Program in the Commonwealth of Pennsylvania. We are pleased to inform you that the ACHP has executed the Agreement. We are retaining a copy for our files and returning the original Agreement to FHWA.

Execution and implementation of this Agreement evidences FHWA's compliance with Section 106 for undertakings carried out under this program. Please provide copies of the signed Agreement to the other parties and your Federal Preservation Officer (FPO), and follow up by providing all parties with copies of any additional signatures you receive. If you have any questions or require the further assistance of the ACHP, please feel free to contact me at 202-606-8522 or [clegard@achp.gov](mailto:clegard@achp.gov).

Sincerely,

Carol Legard  
FHWA Liaison

ADVISORY COUNCIL ON HISTORIC PRESERVATION

1100 Pennsylvania Avenue NW, Suite 809 • Washington, DC 20004  
Phone: 202-606-8503 • Fax: 202-606-8647 • [achp@achp.gov](mailto:achp@achp.gov) • [www.achp.gov](http://www.achp.gov)

# AGREEMENT ROUTING SLIP

Staff Member: Carol Legard

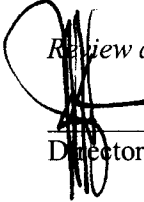
Date : 1-12-2005

MOA or PA? PA


Case: PA/Statewide Emergency Undertakings/FHWA/PA

Date of notification to Agency that ACHP will participate: NA

*Review and Approval:*

  
\_\_\_\_\_  
Director, OFAP

1/13/05  
\_\_\_\_\_  
Date

  
\_\_\_\_\_  
Executive Director

1/14/05  
\_\_\_\_\_  
Date

**ACHP Signatory Requested:** Executive Director  Chairman \_\_\_\_\_

**Criteria for ACHP involvement:** *(check all that apply)*

Substantial impacts \_\_\_\_\_ Policy/interpretation  Procedural Problems \_\_\_\_\_ Tribal concerns \_\_\_\_\_

Good candidate for a press story? \_\_\_\_\_ Case Digest? \_\_\_\_\_

**Brief summary of case:**

Extensive flooding during 2004 in the Commonwealth of Pennsylvania has caused FHWA and the Pennsylvania Department of Transportation (PennDOT) to become overwhelmed with Section 106 reviews for many emergency projects carried out under the Federal Aid Emergency Relief Program. These funds are used to complete many emergency activities that occur more than 30 days after the emergency is declared. The PA was developed to streamline Section 106 consultation on all activities carried out under the Emergency Relief Program, while ensuring that appropriate identification and avoidance of effects to historic properties is done on those actions with the potential to affect historic properties. The PA has a term of 10 years and may be used for any actions carried out under the program during that term

**Who participated in consultation?**

FHWA, PennDOT, ACHP, Seneca-Cayuga Tribe of Oklahoma, Shawnee Tribe, Delaware Tribe of Indians of Oklahoma, Delaware Nation of Oklahoma.

**Why was ACHP involvement needed for this case?**

The PA may be useful as a model or prototype for statewide agreements with FHWA re: emergency relief programs.

**Why is this a good agreement?**

*Distribution: (check all that apply)*

OCEO \_\_\_\_\_ NAP \_\_\_\_\_ OPI \_\_\_\_\_ OGC \_\_\_\_\_ Selected ACHP members \_\_\_\_\_

The agreement provides streamlining, but not a waiver of S.106 review for many emergency undertakings related to the 2004 floods that would otherwise overwhelm PennDOT and the SHPO staff.

**Any important policy or legal issues?**

Good coordination with tribes. All potentially affected Indian tribes were consulted in the development of the PA and invited to be signatories. Two tribes have signed and FHWA expects the other two to sign onto the PA in the near

*Distribution: (check all that apply)*

OCEO  NAP  OPI  OGC  Selected ACHP members \_\_\_\_\_

WHEREAS the signatories to this PA desire to expedite the Section 106 review for Emergency Activities; and,

WHEREAS FHWA has consulted with the Advisory Council on Historic Preservation (ACHP) and the SHPO in accordance with 36 CFR § 800.12(a) and 36 CFR § 800.14(b) to develop this PA; and,

WHEREAS, the FHWA and the SHPO have invited the Pennsylvania Department of Transportation (PennDOT) and federally recognized Tribes (Tribes) that may attach religious and/or cultural significance to any affected property within the APE of any specific Emergency Activity pursuant to 36 CFR § 800.3(f)(2), namely, the Absentee-Shawnee Tribe of Oklahoma, the Cayuga Nation, the Delaware Nation of Oklahoma, the Delaware Tribe of Indians of Oklahoma, the Eastern Shawnee Tribe of Oklahoma, the Oneida Indian Nation, the Oneida Nation of Wisconsin, the Onondaga Nation, the Seneca Nation of Indians, Seneca-Cayuga Tribe of Oklahoma, the Shawnee Tribe, the St. Regis Mohawk Tribe, the Stockbridge-Munsee Community of Mohican Indians of Wisconsin, the Tonawanda Seneca Nation, and the Tuscarora Nation to participate in the consultation and concur in this PA; and,

WHEREAS, the benefits of seeking comment from the public and interested parties need to be balanced with the health and public safety of the public;

NOW, THEREFORE, FHWA, the SHPO, and the ACHP agree that upon the decision of the FHWA to proceed with an Emergency Activity, the FHWA shall ensure that the following stipulations are implemented in order to take into account the effects of the undertaking(s) on historic properties.

## **STIPULATIONS**

The FHWA shall ensure that the following measures are carried out:

### **I. Applicability**

This PA may be activated by the FHWA consistent with 23 CFR § 668 upon the declaration of a state of emergency by the President of the United States and/or the Governor of the Commonwealth of Pennsylvania. Emergency Activities under the stated declaration may follow the process in this PA for complying with 36 CFR Part 800.

- II.** Eligible Emergency Activities are listed in Appendix A. All eligible emergency activities are reviewed and approved by FHWA. Construction for the eligible Emergency Activity normally will be completed within 180 days of the occurrence of the emergency event. The procedures in this Agreement apply only those emergency activities for which construction is completed within 180 days of the emergency event unless the FHWA finds there to be an

extenuating circumstance to construction completion that would warrant a minor time deviation.

### **III. Maintenance of CR Professional Staff**

PennDOT shall maintain staff – either permanent employees or consultants (referred to in this PA as “CR Professionals”) - who meet the National Park Service’s Professional Qualifications Standards (36 CFR § 61- Appendix B) in archaeology, history, or architectural history whose duties shall include implementing this PA, and who have received training under the current Minor Projects Programmatic Agreement (executed December, 1996).

### **III. Exempt Activities**

- A. Immediate rescue and salvage operations conducted to preserve life and property are exempt from the provisions of Section 106 [36 CFR § 800.12(d)]. If possible, where there are immediate threats to life or property, the CR Professionals will visit the project site and issue an immediate finding of effect. Where measures are needed to avoid adverse effects, or to minimize or mitigate adverse effects, the CR Professionals shall work closely with the work crews to ensure all reasonable measures are implemented. Documentation of the finding shall be provided to FHWA and the SHPO no later than 45 days after the field view.
- B. Additionally, the following shall be considered exempt from further consideration under Section 106 or under this PA. PennDOT need not identify historic properties in the vicinity of Emergency Activities that fall into any of the classes listed below, provided that the Activities are limited to the activities specified, are not part of larger undertakings, will not cause any new ground disturbance or extend outside of the existing right-of-way, and are not located within a known historic district, an individually listed property, a known archaeological site, or a National Historic Landmark. Within known historic properties, PennDOT need not consider the effects of Emergency Activities that fall into any of the classes listed below, provided that the Activities are limited to the activities specified, are not part of larger undertakings, and repairs are made in-kind:
  - 1. Repair of road to pre-disaster conditions: number of lanes; shoulders; medians; curvature; grades; clearances; and side slopes; and no substantial changes in elevation or road width.
  - 2. Repair or replacement of traffic control devices such as traffic signs, delineators, pavement markings, ramp and traffic surveillance control systems, and traffic signals.
  - 3. Repair or replacement of road lighting.

4. Repair or replacement of other road appurtenances, such as curbs, berms, sidewalks and fences.
5. Repair or replacement of roadway safety elements, such as barriers, guardrails, and impact-attenuation devices.
6. Repair or replacement of culvert systems (structures less than or equal to 8 feet in span length), to include headwalls and wingwalls, without altering the pre-disaster disturbed earth cross-section.
7. Placement of fill at bridge piers, wingwalls, and abutments to repair scour.
8. Repair or replacement of retaining walls.
9. Channel cleaning.
10. All other activities necessary to quickly restore and maintain essential traffic and minimize the extent of damage and protect remaining facilities [i.e. temporary roads, bridges, barriers, Maintenance and Protection of Traffic (MPT) devices].

#### **IV . Review of Non-Exempt Activities**

PennDOT shall carry out the following procedures for emergency activities not identified as exempt in Stipulation III. The following measures apply to all non-exempt emergency activities carried out under this Agreement, whether completed within the first 30 days after the emergency event or within 180 days of the event:

##### **A. Identification and Evaluation of Historic Properties**

1. The PennDOT's Cultural Resource (CR) Professional team (the archaeologist and architectural historian covering the District in which the Activity is to occur) shall field view the Activity with the goal of quickly determining which Activities may have an adverse effect on historic properties.
2. PennDOT's CR Professionals shall identify and evaluate historic properties within the area of potential effect of individual undertakings conducted under this program, as per 36 CFR § 800.4 and in a manner consistent with the Secretary of Interior's Standards and Guidelines for Identification. National Register eligibility for state- and locally-owned bridges will be determined by the results of the current (1996) Historic Bridge Survey or any subsequent modifications or updates to that survey developed by the FHWA in consultation with PennDOT and SHPO. PennDOT shall review

inventory information provided in the Cultural Resources GIS, and shall consult on eligibility with Tribes that may attach traditional religious and cultural significance to historic properties (hereafter, appropriate Tribes).

3. The area of potential effect on above ground historic properties for all Emergency Activities is limited to within 100 feet of the project boundary. PennDOT's CR Professionals shall evaluate any above ground properties 50 years old or older present within 100 feet of a proposed bridge removal, repair, or replacement for eligibility, as per 36 CFR § 800.4 if an Activity has the potential to introduce effects not previously in place.

If the area to be impacted by an Emergency Activity has been previously disturbed, based on a field examination by PennDOT's CR Professionals supported by any appropriate information, no further evaluation to determine presence of National Register-eligible archaeological historic properties (hereinafter archaeological resources) shall be required. If the area to be impacted has not been previously disturbed, PennDOT's CR Professionals shall *either*:

- a. Assess the need for further archaeological investigation. In areas subject to potential effect to known significant archaeological resources or in areas where there is a high potential for significant archaeological resources that may be impacted by a Emergency Relief project, PennDOT shall conduct an archaeological study to identify archaeological resources in a manner consistent with the Secretary's Standards, and the Pennsylvania Guidelines for Archaeological Investigations (July, 1991). PennDOT shall prepare and transmit the results of any work consistent with Stipulation VII below and provide it to the SHPO and other consulting parties as part of the effect documentation in Stipulation IV.B below.

or,

- b. For temporary construction activities, PennDOT may place geotextile and 18 inches of clean fill over the area to be impacted. No further archaeological study shall be necessary to identify archaeological resources in this area, because no such resources are likely to be affected.

#### B. Assessment of Effect

1. For each Emergency Activity where historic properties have been identified in the area of potential effect, PennDOT's CR Professionals shall assess the effects of the Activity on these properties consistent with 36CFR § 800.4 and 800.5.

2. PennDOT's CR Professional assessment of effects from Emergency Activities on Historic Properties per 36 CFR § 800.16(l) shall be made in good faith, based on knowledge available to the CR Professional at the time of the field assessment, consideration of NR listed Historic Districts and listed properties, and known archaeological sites, as available in the Cultural Resources Geographic Information System, and best professional judgment.
3. Special provisions for Bridges
  - a. Any bridge rehabilitation of a non-historic bridge that does not involve a change of elevation or width or removal of decorative features shall be considered to have no effect on historic resources within the APE.
  - b. When replacement of a non-historic bridge in the area of potential effect of an historic district is considered not to be an adverse effect, design plans shall be submitted to the SHPO for comment.
  - c. Rehabilitations of historic bridges that are compatible with the historic and architectural qualities of the bridge in terms of scale, massing, color, and materials, and are responsive to the recommended approaches to rehabilitation or new construction set forth in the Secretary's Standards for Rehabilitation shall be considered No Adverse Effect.
  - d. Rehabilitation of historic bridges that does not meet Secretary's Standards for Rehabilitation shall be considered an adverse effect. Removal and replacement of an extant historic bridge shall be considered an adverse effect. Removal and/or replacement of an historic bridge destroyed or significantly damaged during the event shall be considered a no effect or a no adverse effect.

### **C. Resolution of Adverse Effects**

1. PennDOT, on behalf of FHWA, shall seek ways to avoid or reduce Adverse Effects to historic properties. The manner in which consultation is carried out to resolve effects will depend on whether the undertaking must be implemented within 30 days of the emergency event (see Stipulation V), or after 30 days but before 180 days of the emergency event (see Stipulation VI).
2. If National Register eligible archaeology sites are identified in the project area, PennDOT shall consider each of the following options:
  - a. avoidance - PennDOT shall notify the SHPO and appropriate Tribe(s)

(when appropriate, per Sub-heading A above) and proceed with the Emergency Activity without further review by the ACHP;

- b. protection of the site by placing fill over geotextile - PennDOT shall consult with the SHPO and appropriate Tribe(s) (when appropriate), and, with concurrence or no objections within the comment period, proceed with the Emergency Activity without further review;
  - c. site excavation or implementation of an alternative mitigation. If FHWA in consultation with the SHPO and appropriate Tribe(s) (when appropriate) agrees that a data recovery or alternative mitigation is appropriate, PennDOT shall develop a mitigation implementation plan. PennDOT shall submit the mitigation plan to the SHPO, FHWA, and appropriate Tribe(s) (when appropriate), and, with concurrence or no objections within the comment period, proceed with implementation of the plan.
3. FHWA shall ensure that when historic bridges may be adversely affected and the mitigation includes state level recordation, the bridges are recorded following the methodology set forth in Appendix D. Where practical, salvage of significant bridge elements should be considered, and where an interest is demonstrated, salvage undertaken and provided to the Commonwealth or interested local repository identified in consultation with the SHPO.

**V. Expedited Consultation on Emergency Activities implemented within 30 days.**

- A. This section applies only to actions that will be implemented within 30 days after the occurrence of a disaster or emergency event. If the expedited review procedures apply, PennDOT may proceed with the emergency action after completing the following review:
1. PennDOT will provide the SHPO, FHWA and appropriate Tribes with available information about the condition and eligibility of the property, the proposed action, and prudent and feasible measures that would take the effect into account, requesting comments within 7 days. PennDOT may provide this information in writing, or through telephone conversations, electronic media, or meetings, at its discretion. The SHPO, FHWA, and appropriate Tribes may provide comments to PennDOT within 7 days of receipt of the information, unless PennDOT determines the nature of the emergency action warrants a shorter time period. Any comments received will be taken into account by PennDOT in finalizing any treatment of historic properties.
  2. Should the SHPO and other parties not comment within 7 days, PennDOT

may proceed with the action based on available information.

3. If the SHPO, FHWA, or a consulting tribe object to PennDOT's proposal to conduct an expedited review, to the documentation provided, or to proposed treatment measures, PennDOT will consult with the objecting party and attempt to resolve the dispute. If the dispute is not resolved, FHWA will request ACHP's advice in accordance with 36 CFR § 800.2(b)(2). ACHP will advise FHWA within 7 days of receipt of the request, unless FHWA determines the nature of the emergency action warrants a shorter time period.
- B. For all other activities, PennDOT will conduct Section 106 review pursuant to Stipulation VI. or VII.
- C. FHWA may extend the period to which this Stipulation applies for an additional 30 days by notifying the ACHP, the SHPO, appropriate Tribe(s), and PennDOT, providing a justification for the extension.

**VI. Standard Review Process for Emergency Actions undertaken within 180 Days.**

During the period that begins 30 days (or 60 days per Stipulation V.C. above) after the occurrence of the emergency event and normally ending no later than 180 days after the occurrence of the emergency event, consultation shall be expedited according to this section. PennDOT's CR Professionals are strongly encouraged to consult with all appropriate parties in an informal but expedited manner, utilizing telephone, FAX, and e-mail, in particular on Emergency Activities that may have adverse effects and where there are likely to be differences of opinion in the Activity's effect on historic properties.

- A. PennDOT shall submit documentation of the CR Professionals' finding of effect to the SHPO, FHWA, and appropriate Tribes for comment, using the documentation forms provided in Appendix C. Each project submittal shall also provide a project location map and at least one image of the project area (digital photograph is OK).
- B. The SHPO, FHWA, and appropriate Tribes shall have 15 days from receipt of adequate documentation in which to object to a finding of no historic properties affected or no adverse effect. If no party objects to an adequately documented finding of no historic properties affected or no adverse effect, PennDOT may proceed with the emergency action.
- C. If PennDOT or FHWA determines that the proposed action may have an adverse effect on historic properties, PennDOT will propose actions to avoid or minimize the adverse effects. PennDOT will document the resolution of Adverse Effects in a Commitment Letter in lieu of an individual Memorandum of Agreement, and provide it concurrently to the SHPO, FHWA, and each

appropriate Tribe. The Commitment Letter shall also be made available to the public at that time, soliciting comments. If the SHPO, FHWA, and the appropriate Tribe(s) provide concurrence to PennDOT prior to 15 days, or, if no objection is received within 15 days of receipt of the Commitment Letter, FHWA may direct PennDOT to proceed with the Commitments. FHWA shall send a copy to the ACHP. PennDOT shall notify the public prior to construction.

- D. For resolution of adverse effects to archaeological historic properties, archaeological data recovery may be a solution. Upon completion of fieldwork for archaeological data recovery excavations, PennDOT will provide an opportunity to meet on-site within 2 working days with the SHPO, FHWA, and appropriate Tribe(s) to consider whether additional fieldwork is necessary, or whether PennDOT may proceed with the Emergency Activity. FHWA shall ensure that a management summary is provided to the consulting parties and that notes documenting any field discussions are submitted to the parties prior to FHWA's determination that the archaeological fieldwork has been completed. FHWA shall ensure that a report of investigations consistent with the Pennsylvania Bureau for Historic Preservation's (1991) Guidelines for Archaeological Investigations shall be submitted to the SHPO for review and concurrence within 1 year of the completion of fieldwork.

## **VII. Archaeological Documentation**

- A. For all archaeological investigations conducted for the purposes of identifying and evaluating historic resources, archaeological documentation shall consist of an abbreviated report format (1991 Guidelines) that provides a project description, field methodology, field results, analysis and interpretation, a 7.5 Minute USGS Topographic map showing the project location, a large-scale map (1"=200' or larger) showing testing units, profile maps as appropriate, artifact catalogs as appropriate, and geomorphological report as appropriate. Digital photography is acceptable for the abbreviated report. A copy of the report shall be included with the CR Professional's finding of effect form (Appendix C). By prior consultation with the SHPO and any consulting Tribe, alternative documentation may be submitted.
- B. Four copies of the archaeological report (other than a report of Data Recovery Excavations) and BHP Report Summary Form will be submitted to the SHPO for file within 180 days of the date of the CR Professional's finding of effect for the project. One copy of the archaeological report will be submitted to each consulting Tribe, as appropriate.

## **ADMINISTRATIVE CONDITIONS AND STIPULATIONS**

### **VIII. Definition of Parties**

For the purposes of this PA the term "parties to this PA" means any signatory or concurring party to this programmatic agreement.

### **IX. Consultation with Indian Tribes**

On behalf of the FHWA, PennDOT will solicit comments from appropriate Tribes for emergency actions that may affect properties of traditional religious and cultural significance to a Tribe. The FHWA shall retain the ultimate responsibility for complying with all federal requirements pertaining to direct government-to-government consultation with Tribes. Notwithstanding any other provision of this agreement, FHWA shall honor the request of any Tribe for direct government-to-government consultation regarding an undertaking covered by this PA.

### **X. Professional Expertise:**

FHWA shall ensure that all historic structure and bridge surveys carried out pursuant to this PA are completed by or under the direct supervision of a person or persons meeting at a minimum the Secretary of the Interior's Professional Qualification Standards for Architectural History (Appendix B), and that all archaeological studies carried out pursuant to this PA are conducted by or under the direct supervision of a person or persons meeting at a minimum the Secretary of the Interior's Professional Qualification Standards for Archeology (Appendix B).

### **XI. Late Discovery**

If previously unidentified archaeological or historic properties are discovered after PennDOT has completed its Section 106 review through the process outlined in this PA, activities that would disturb the property(ies) in that portion of the project shall stop immediately. PennDOT shall immediately contact the FHWA, the SHPO, and each appropriate Tribe. Prior to further construction or activities in immediate vicinity of the historic property(ies), PennDOT shall coordinate following Stipulation VI, as appropriate.

### **XII. Treatment of Human Remains**

PennDOT shall ensure that any human remains and grave-associated artifacts encountered during archaeological investigations are brought to the attention of the FHWA, SHPO, and any Tribe(s) that may attach religious and/or cultural significance to the affected property within 24 hours of discovery. No activities that might disturb or damage the remains shall be conducted until the FHWA, upon

consultation with all parties, determines whether excavation is necessary and/or desirable. For Native American human remains discovered on Federal lands, the Federal land managing agency will be responsible for consultation under the Native American Graves Protection and Repatriation Act of 1990 (PL 101-601). For all other lands, PennDOT and FHWA will consult with any consulting Tribe(s), and consider the PHMC's *Policy for the Treatment of Burials and Human Remains* (1993); and, other state laws and regulations regarding human remains.

### **XIII. Curation of Archaeological Materials**

- A. FHWA shall ensure that artifacts recovered from archaeological investigations conducted under this PA and under the Commonwealth's jurisdiction shall be curated consistent with the methodology in the Pennsylvania State Guidelines. When artifacts are recovered from private property, PennDOT shall request a deed of gift from the property owner. The FHWA shall determine the disposition of all publicly held collections and associated materials, in consultation with the SHPO and each appropriate Tribe, and with consideration of the State History Code (37 Pa.C.S. § 101).
- B. PennDOT shall reimburse institutions curating these collections for their costs.

### **XIV. Dispute Resolution:**

For emergency actions reviewed under Stipulation VI of this agreement:

- A. Should the SHPO, FHWA, ACHP, or any other consulting party (including consulting parties participating in the review of specific Undertakings subject to this Agreement) object in writing within time frames established by this Agreement to any plans, specifications, determinations, or other actions subject to review pursuant to this Agreement, PennDOT will consult with that party for not more than 15 days to resolve the objection.
- B. If the objection is resolved within 15 days, FHWA and PennDOT may proceed with the disputed action in accordance with the resolution.
- C. If FHWA determines within 15 days that the objection cannot be resolved, FHWA will forward to ACHP all documentation relevant to the objection, including FHWA's proposed resolution. Within 15 days of receipt, ACHP will
  - 1. Concur in FHWA's proposed resolution, whereupon FHWA will respond to the objection accordingly; or
  - 2. Provide FHWA with recommendations, which FHWA will take into account in reaching a final decision regarding the objection; or

3. Notify FHWA that the objection will be referred for comment in accordance with 36 CFR § 800.7(a)(4), and proceed to do so. FHWA will take the resulting comment into account in accordance with 36 CFR § 800.7(c)(4).
- D. Should ACHP not respond within 15 days, FHWA may assume ACHP's concurrence in FHWA's proposed resolution.
- E. FHWA will take into account any ACHP recommendations or comments, and any comments from the other signatories or consulting parties, in reaching a final decision regarding the objection. The signatories will continue to implement all other terms of this Agreement, that are not subject to objection.
- F. FHWA will provide the signatories with its final written decision regarding any objection resolved pursuant to this Stipulation.
- G. FHWA may authorize any disputed action to proceed, after resolving the related objection pursuant to this Stipulation.
- H. At any time while this Agreement is in effect, should a member of the public object in writing to implementation of its terms, FHWA will notify the other signatories in writing and take the objection into consideration. FHWA will consult with the objecting party and, if that party so requests, the other signatories, for not more than 15 days. In reaching its decision regarding the objection, FHWA will take into consideration all comments from these parties. Within 14 days after closure of this consultation period, FEMA will provide the other parties with its written decision. FHWA's decision will be final.
- I. Any dispute regarding National Register eligibility that is not resolved pursuant to this Stipulation will be resolved in accordance with 36CFR § 800.4(c)(2).

## **XV. Review and Duration**

- A. PennDOT shall provide a list of all non-exempted Emergency Activities under each declared emergency to all Parties, within one year of the declaration. PennDOT shall keep copies of all documentation of non-exempt projects for a period not less than three years, and shall make this documentation available for inspection to all Parties and the Public.
- B. FHWA shall conduct a review of this PA every five (5) years, and shall invite the ACHP, the SHPO, and the Tribes to participate in that review.
- C. This Agreement will automatically expire on December 31, 2014, unless prior to this date the FHWA, PennDOT, SHPO and Council agree in writing to extend it for an additional term.

## **XVI. Amendments**

Any party to this PA may propose to FHWA that the PA be amended, whereupon FHWA shall consult with the other parties to this PA to consider such an amendment.

## **XVII. Termination**

- A. Any Party may propose to the other Parties that this PA be terminated.
- B. The party proposing to terminate this PA shall so notify all parties to this PA, explaining the reasons for termination and affording them at least 30 days to consult and seek alternatives to termination. The parties shall then consult.
- C. Should such consultation fail, FHWA, the SHPO, or the ACHP may terminate the PA by so notifying all parties.
- D. Should this PA be terminated, FHWA shall comply with 36 CFR Part 800 or another applicable Programmatic Agreement with regard to individual undertakings covered by this PA.

Execution of this PA by FHWA and the ACHP, and the implementation of its terms, evidence that FHWA and have afforded the ACHP an opportunity to comment on Emergency Relief projects and their effects on historic properties; and that FHWA has taken into account the effects of Emergency Relief projects on historic properties.

FEDERAL HIGHWAY ADMINISTRATION

By: *Kougi Anderson* Date: 12/3/04

ADVISORY COUNCIL ON HISTORIC PRESERVATION

By: *John M. Fowler* Date: 1/14/05  
John M. Fowler, Executive Director

PENNSYLVANIA STATE HISTORIC PRESERVATION OFFICER

By: *Jan A. Cutler* Date: 12-8-04

CONCUR:

PENNSYLVANIA DEPARTMENT OF TRANSPORTATION

By: *M. L. Kates* Date: 12/3/04

Seneca-Cayuga Tribe of Oklahoma

By: \_\_\_\_\_ Date: \_\_\_\_\_

Shawnee Tribe

By: \_\_\_\_\_ Date: \_\_\_\_\_

Delaware Tribe of Indians of Oklahoma

By: \_\_\_\_\_ Date: \_\_\_\_\_

Delaware Nation of Oklahoma

By: \_\_\_\_\_ Date: \_\_\_\_\_

Execution of this PA by FHWA and the ACHP, and the implementation of its terms, evidence that FHWA and have afforded the ACHP an opportunity to comment on Emergency Relief projects and their effects on historic properties; and that FHWA has taken into account the effects of Emergency Relief projects on historic properties.

FEDERAL HIGHWAY ADMINISTRATION

By: *Kougi Vanderwood* Date: *12/3/04*

ADVISORY COUNCIL ON HISTORIC PRESERVATION

By: \_\_\_\_\_ Date: \_\_\_\_\_  
John M. Fowler, Executive Director

PENNSYLVANIA STATE HISTORIC PRESERVATION OFFICER

By: *Jan A. Cutler* Date: *12-8-04*

CONCUR:

PENNSYLVANIA DEPARTMENT OF TRANSPORTATION

By: *M. Colatel* Date: *12/3/04*

Seneca-Cayuga Tribe of Oklahoma

By: *LeRoy Howard* Date: *12/14/04*

Shawnee Tribe

By: \_\_\_\_\_ Date: \_\_\_\_\_

Delaware Tribe of Indians of Oklahoma

By: \_\_\_\_\_ Date: \_\_\_\_\_

Delaware Nation of Oklahoma

By: \_\_\_\_\_ Date: \_\_\_\_\_

Execution of this PA by FHWA and the ACHP, and the implementation of its terms, evidence that FHWA and have afforded the ACHP an opportunity to comment on Emergency Relief projects and their effects on historic properties; and that FHWA has taken into account the effects of Emergency Relief projects on historic properties.

FEDERAL HIGHWAY ADMINISTRATION

By: Kay Vandewater Date: 12/3/04

ADVISORY COUNCIL ON HISTORIC PRESERVATION

By: \_\_\_\_\_ Date: \_\_\_\_\_  
John M. Fowler, Executive Director

PENNSYLVANIA STATE HISTORIC PRESERVATION OFFICER

By: Jan A. Cutler Date: 12-8-04

CONCUR:

PENNSYLVANIA DEPARTMENT OF TRANSPORTATION

By: M. Colatel Date: 12/3/04

Seneca-Cayuga Tribe of Oklahoma

By: \_\_\_\_\_ Date: \_\_\_\_\_

Shawnee Tribe

By: \_\_\_\_\_ Date: \_\_\_\_\_

Delaware Tribe of Indians of Oklahoma

By: \_\_\_\_\_ Date: \_\_\_\_\_

Delaware Nation of Oklahoma

By: Edgar K. French Date: 12-14-04

## **Appendix A**

### **Eligible Emergency Activities**

(a) The eligibility of all work is contingent upon approval by the FHWA Division Administrator of an application for ER and inclusion of the work in an approved program of projects.

- (1) Prior FHWA approval or authorization is not required for emergency repairs and preliminary engineering (PE).
- (2) Permanent repairs or restoration must have prior FHWA program approval and authorization, unless done as part of the emergency repairs.

(b) ER funds may participate in:

- (1) Repair to or reconstruction of seriously damaged highway elements (including bridges) as necessary to restore the facility to pre-disaster conditions, including necessary clearance of debris and other deposits in drainage courses within the right-of way (ROW);
- (2) Restoration of stream channels outside the highway ROW when:
  - (i) The public highway agency has responsibility for the maintenance and proper operation of the stream channel section, and
  - (ii) The work is necessary for satisfactory operation of the highway system involved;
- (3) Actual PE and construction engineering costs on approved projects;
- (4) Emergency repairs;
- (5) Temporary operations, including emergency traffic services such as flagging traffic through inundated sections of highways, undertaken by the applicant during or immediately following the disaster;
- (6) Betterments, such as relocation, replacement, upgrading or other added features not existing prior to the disaster, only where clearly economically justified to prevent future recurring damage. Economic justification must weigh the cost of the betterment against the risk of eligible recurring damage and the cost of future repair;
- (7) Temporary work to maintain essential traffic, such as raising roadway grade during a period of flooding by placing fill and temporary surface material;
- (8) Raising the grades of critical Federal-aid highways faced with long-term loss of use due to basin flooding as defined by an unprecedented rise in basin water level both in magnitude and time frame. Such grade raises are not considered to be a betterment for the purpose of 23 CFR § 668.109(b)(6); and
- (9) Repair of toll facilities when the provisions of 23 U.S.C. 129 are met. If a toll facility does not have an executed toll agreement with the FHWA at the time of the disaster, a toll agreement may be executed after the disaster to qualify for that disaster.

## **Appendix B**

### **National Park Service Professional Qualifications Standards**

The following requirements are those used by the National Park Service, and have been previously published in the Code of Federal Regulations, 36 CFR § 61. The qualifications define minimum education and experience required to perform identification, evaluation, registration, and treatment activities. In some cases, additional areas or levels of expertise may be needed, depending on the complexity of the task and the nature of the historic properties involved. In the following definitions, a year of full-time professional experience need not consist of a continuous year of full-time work but may be made up of discontinuous periods of full-time or part-time work adding up to the equivalent of a year of full-time experience.

#### **Archeology**

The minimum professional qualifications in archeology are a graduate degree in archeology, anthropology, or closely related field plus:

1. At least one year of full-time professional experience or equivalent specialized training in archeological research, administration or management;
2. At least four months of supervised field and analytic experience in general North American archeology, and
3. Demonstrated ability to carry research to completion.

In addition to these minimum qualifications, a professional in prehistoric archeology shall have at least one year of full-time professional experience at a supervisory level in the study of archeological resources of the prehistoric period. A professional in historic archeology shall have at least one year of full-time professional experience at a supervisory level in the study of archeological resources of the historic period.

#### **Architectural History**

The minimum professional qualifications in architectural history are a graduate degree in architectural history, art history, historic preservation, or closely related field, with coursework in American architectural history, or a bachelor's degree in architectural history, art history, historic preservation or closely related field plus one of the following

1. At least two years of full-time experience in research, writing, or teaching in American architectural history or restoration architecture with an academic institution, historical organization or agency, museum, or other professional institution; or
2. Substantial contribution through research and publication to the body of scholarly knowledge in the field of American architectural history.

**Appendix C**  
**Consultation Forms**

# *PennDOT Emergency Relief Projects*

## *Section 106 Consultation*

Date:                      ER #:                      MPMS #:  
County:                  Municipality:  
S.R.:                      Section: Name:  
Lead Agency: FHWA

To:                      Jean H. Cutler, Director  
                            Bureau for Historic Preservation  
                            Pennsylvania Historical and Museum Commission

From:                  Dean A. Schreiber, Director  
                            Bureau of Design  
                            Pennsylvania Department of Transportation

As per agreement between the Pennsylvania Historical and Museum Commission and the Pennsylvania Department of Transportation, the Department finds that the above-referenced Emergency Relief project has **No Effect or No Adverse Effect on historic properties.**

The following documentation is included:

- a copy of the Cultural Resource Field Assessment Form
- a description of the project
- the location of the project mapped on a USGS 7.5 Minute Topographic Map
- abbreviated archaeological survey report
- Other: \_\_\_\_\_

\_\_\_\_\_  
Historic Structures CR Professional

\_\_\_\_\_  
Archaeological CR Professional

If the Department does not receive an objection within 7/15 days of your receipt of a notification of this finding, the Department shall proceed with this project without further review. If you have any questions please contact Ira Beckerman @ 772-0830.

cc:                      FHWA  
                            EQAD, CR Section  
                            District Environmental Manager:  
                            CR Professional Submitters:

**To be completed by District Professional:**

- No objection received from SHPO.  
Proceed with Project.
- Objection received from SHPO.  
Do not proceed until EQAD contacted

Date: \_\_\_\_\_

By: \_\_\_\_\_

SHPO rec'd date:

\_\_\_\_\_  
Date of 7/15 days:

\_\_\_\_\_

**Emergency Relief Projects  
Cultural Resource Field Assessment and Finding  
Historic Structures - 1**

County \_\_\_\_\_

SR \_\_\_\_\_

Sec \_\_\_\_\_

Municipality(ies) \_\_\_\_\_

Name of Project \_\_\_\_\_

USGS Quadrangle(s) \_\_\_\_\_

Project Description Attached:

1. Area of Potential Effect Description:

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

2. Sources Checked:

- National Register Files
- PHRS Files
- Historic Maps
- Local Historical Society \_\_\_\_\_
- Other \_\_\_\_\_

3.

Identified Eligible Properties	Reference			
	PHRS Files	PHRS Survey Form	Abbrev. Resource Survey Form	Hist. Res. Survey Report

Environmental Review Number \_\_\_\_\_

**Emergency Relief Projects  
Cultural Resource Field Assessment and Finding  
Historic Structures - 2**

Comments:

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4. Finding:

- No Historic Properties Present or Affected
- No Historic Properties Present
- No Historic Properties Affected
- No Historic Properties Adversely Affected

Basis for Finding:

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5. Recommendation for Next Action:

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CR Professional: \_\_\_\_\_ Date: \_\_\_\_\_

Environmental Review Number \_\_\_\_\_

**Abbreviated Historic Resource Survey Form  
Pennsylvania Historical and Museum Commission**

**IDENTIFICATION AND LOCATION**

ER#

Survey Code: Tax Parcel:

County: Municipality:

Address:

Historic/Other Name:

Owner Name/Address:

Owner Category:

USGS Quad:

UTM:

# Resources:

**PHYSICAL DESCRIPTION**

Resource Classification:

Historic Property Function:

Current Property Function:

Year Built:

Architectural Style:

Structural System:

Materials: Foundation

Walls:

Roof:

Stories:

Width in Bays

**NATIONAL REGISTER DETERMINATION:**

Integrity

Significance

Justification:

**SURVEYOR INFORMATION**

Name:

Project Name:

Location:

Organization:

Previous Surveys:

PHMC Key No.

Date:

Scale:

Description of View

No  
1

**Emergency Relief Projects  
Cultural Resources Field Assessment and Finding  
Archaeology - 1**

County \_\_\_\_\_ SR \_\_\_\_\_ Sec \_\_\_\_\_

Municipality \_\_\_\_\_

Name of project \_\_\_\_\_

USGS Quad \_\_\_\_\_

Project Description Attached:

1. Area of Potential Effect Description:

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2. Sources Checked:

- PASS Files
- Historic  
Maps \_\_\_\_\_
- USGS County Soil Map(s) \_\_\_\_\_
- Other \_\_\_\_\_

3. Known Archaeological Resources:

Historic

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Prehistoric

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4. Type and estimated amount of disturbance and how estimated:

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Environmental Review Number \_\_\_\_\_

**Emergency Relief Projects  
Cultural Resources Field Assessment and Finding  
Archaeology - 2**

Name of Project: \_\_\_\_\_

5. Archaeological potential:  
Historic: H M L                      Prehistoric: H M L

Justification:

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6. Finding:
- No Archaeological Resources Present or Affected
  - No Archaeological Resources Present
  - No Archaeological Resources Affected
  - No Archaeological Resources Adversely Affected

Basis for finding:

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7. Recommendations for next action (if appropriate):

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CR professional: \_\_\_\_\_ Date: \_\_\_\_\_

Environmental Review Number \_\_\_\_\_

## **Appendix D**

### **Documentation Level for Historic Bridges**

#### State Level Documentation

##### A. Building Description and History

The applicant must submit a completed Pennsylvania Historic Resource Form (PHRS) including a description and history of the building/structure. The date of construction and historic uses should be documented by reference to historic maps, deeds or other appropriate sources listed in the Bureau for Historic Preservation Biographical References.

##### B. Photography

Photographs must show all exterior elevations of the building/structure as well as any significant interior features (if applicable). Photographs should be labeled in pencil with the name and address (including county) of the property, date and view shown in the photograph (i.e. east elevation). Photographs must be taken with 35mm or larger format cameras with black and white print film. Photographs should be placed in acid-free envelopes and not mounted to the PHRS forms. Prints may be 3 ½" x 5" or larger. Negatives must be housed in polypropelene sleeves, labeled with the same information as the photographs, and submitted to PHMC/Bureau for Historic Preservation.

##### C. Map Location

Submit a U.S.G.S. quadrangle, 7.5 minute map showing the outline of the property associated with the buildings (for building recordations). A site map must also be submitted which includes the property boundaries and the location of the buildings outlining the walls at ground level (building's footprint), noting the dimensions and indicating porches with dashed lines.

**Augustine, Gregory**

---

**From:** McDougal, Steven  
**Sent:** Wednesday, August 16, 2006 11:40 AM  
**To:** 'Rod Brown'; Augustine, Gregory  
**Cc:** Susan Grzybowski; McDougal, Steven; 'Ira Beckerman'; Williams, Sharron; ckula@states.pa.us; Lolli, Amy  
**Subject:** RE: Emergency Bridge Repairs

ER# 2006-7002-042  
 Emergency Bridge Repairs  
 Susquehanna and Wyoming Counties

In consultation with Ira Beckerman (PennDOT EQAD) and Rod Brown (Lewis Berger, Inc.) it is the understanding of the Bureau for Historic Preservation that no cultural resources will be affected by the 4 emergency bridge repair project listed below. We agree that no further field work is necessary. We look forward to reviewing documentation of no effect when it has been completed.

Steven McDougal  
 Pennsylvania Historical and Museum Commission  
 Bureau for Historic Preservation  
 (717) 772-0923

-----Original Message-----

**From:** Rod Brown [mailto:rodbrown@echoes.net]  
**Sent:** Friday, August 11, 2006 4:01 PM  
**To:** gaugustine@state.pa.us  
**Cc:** Susan Grzybowski; smcdougal@state.pa.us; 'Ira Beckerman'; swilliams@state.pa.us; ckula@states.pa.us; amlolli@state.pa.us  
**Subject:** RE: Emergency Bridge Repairs

Greg,

Berger has completed all requested geomorphological and archaeological work at the following locations;  
 SR0029 over Swale Run;  
 SR 3006 over White Cree;  
 SR3025 over Lake Stream; and  
 SR0092 over Oxbow Creek.

The investigations did not result in the identification of any prehistoric or historic archaeological deposits or features.

Berger is preparing the "No Resources Identified" form for the investigations and will submit them to your office.

If you have any questions, please call me at the numbers below or Susan D. Grzybowski, Assistant Director, at 973-678-1960, ext 763.

Rod

8/24/2006

Roderick S. Brown  
Principal Archaeologist  
The Louis Berger Group, Inc.  
120 Halsted Street  
East Orange, NJ 07018  
1-973-678-1960 Ext. 771

267 The Hideout  
Lake Ariel, PA 18436  
1-973-337-2408 FAX 1-973-337-2409  
[rodbrown@echoes.net](mailto:rodbrown@echoes.net)

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-----Original Message-----

**From:** Rod Brown [mailto:[rodbrown@echoes.net](mailto:rodbrown@echoes.net)]

**Sent:** Wednesday, August 09, 2006 6:00 AM

**To:** 'gaugustine@state.pa.us'

**Cc:** Susan Grzybowski ([sgrzybowski@louisberger.com](mailto:sgrzybowski@louisberger.com)); 'kkula@dot.state.pa.us'; 'smcdougal@state.pa.us'; 'Ira Beckerman ([beckerm@dot.state.pa.us](mailto:beckerm@dot.state.pa.us))'; 'swilliams@state.pa.us'

**Subject:** Emergency Bridge Repairs

Greg,

Berger has completed the geomorphological fieldwork investigations at SR0029 over Swale Run, SR 3006 at White Creek, SR3025 at Lake Stream, and SR0092 at Oxbow Creek. Geomorphological trenching at the areas adjacent to the bridge that carried SR0029 over Swale Run in Tunkhannock exposed no buried soils with potential for containing archaeological materials.

Trenching at the areas adjacent to the bridge that carried SR0092 over Oxbow Creek exposed buried soils in the areas northeast and southeast of the bridge. The areas containing buried soils were further examined using twelve (12) shovel tests, six (6) in the northeast and six (6) in the southeast. No archaeological materials or features were encountered in the shovel tests.

Trenching at the areas adjacent to the bridge that carried SR3025 over Lake Creek exposed deeply buried soils northwest, northeast and southeast of the bridge location. The areas containing buried soils were further examined using three 1x1 controlled excavation units – one adjacent to each trench that exposed buried soils. No archaeological features or materials were encountered in the controlled excavations.

Investigations are ongoing at SR 3006 at White Creek to examine deeply buried soils southeast and southwest of the bridge location. Completion of one 1x1 meter controlled excavation unit southeast of the bridge location did not expose archaeological materials or features. Excavation of two additional controlled excavation units will begin today, August 9, 2006. Berger will keep you informed concerning the progress of the investigations and will notify you immediately if potentially eligible archaeological

8/24/2006

resources are encountered and will immediately develop and implement a plan to evaluate any archaeological resources that may be identified.

The investigations conducted by Berger at these locations constituted a good faith effort to identify resources that might be eligible for inclusion on the National Register of Historic Places and are in compliance with the Pennsylvania Historical and Museum Commission – Bureau of Historic Preservation *Guidelines for Archaeological Investigations* (1991) and with understandings reached in consultation with Stephen McDougal, BHP Archaeologist. As the investigations failed to identify any prehistoric or historic archaeological resources in the areas of potential effects (APEs) for the three bridge repair undertakings, Berger recommends that no additional archaeological investigations are necessary at SR0029 over Swale Run, at SR0092 over Oxbow Creek, and at SR3025 over Lake Creek.

Restoration of the areas excavated by Berger has been completed at SR0029, SR0092, and SR3025. Restoration has included smoothing of the excavated areas, removal of large clasts (cobbles and large pebbles) brought to the surface by trenching, reseeding, fertilizing, and watering of areas previously vegetated by grass, and repair of minor cracks in sidewalks at SR0029. The movement of the excavator employed by Berger to conduct the geomorphological trenching did not damage any road surfaces and was restricted to areas within 20 meters (66 feet) of the of the banks of the creeks crossed by the damaged bridges at SR0092, SR0029, and SR3025 and within 75 meters (250 feet) of the east bank of White Creek at SR3006. Photographic documentation of the effects of Berger's investigative activities and restoration efforts are available, on request.

If you have any questions, please call me at the numbers below or Susan D. Grzybowski, Assistant Director, at 973-678-1960, ext 763.

Rod

Roderick S. Brown  
Principal Archaeologist  
The Louis Berger Group, Inc.  
120 Halsted Street  
East Orange, NJ 07018  
1-973-678-1960 Ext. 771  
Cellular Phone: 1 570-906-7913

267 The Hideout  
Lake Ariel, PA 18436  
1-973-337-2408 FAX 1-973-337-2409  
[rodbrown@echoes.net](mailto:rodbrown@echoes.net)

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8/24/2006

**CE Reevaluation Part B, Section A-5**  
**Environmental Evaluation Subject Areas (Section 4(f) Resources)**

---

**5. SECTION 4(f) RESOURCES**

**SECTION 4(f) RESOURCES**

	<b>PRESENCE</b>	<b>USE</b>
	<input checked="" type="radio"/> Not Present <input type="radio"/> Present	<b>** **</b> <input checked="" type="radio"/> No <input type="radio"/> Yes

**DOCUMENTATION**

- Individual Section 4(f) Eval. (ATTACH APPROVED DOCUMENT)
- Programmatic Section 4(f) Eval. (ATTACH DOCUMENT)
- Section 2002 Evaluation (ATTACH APPROVED DOCUMENT)
- FHWA Coordination Documents (ATTACH DOCUMENT)

**Remarks**

Will temporary easements during construction be necessary for potential Section 4(f) resources?  Yes  No  Unknown

If "Yes" or unknown at this time, provide description.

---

**Additional Information**

Remarks, Footnotes, Supplemental Data

Attachments

**CE Reevaluation Part B, Section A-6**  
**Environmental Evaluation Subject Areas (Air Quality and Noise)**

---

**6. AIR QUALITY AND NOISE**

**AIR QUALITY**

Is the project exempt from a CO & PM10 Hot Spot analysis?  Yes  No

The exempt project list is on Page 3-4 and 3-5 of the Air Quality Handbook.  
If Yes, skip the remainder of this section.

Is the project in an air quality nonattainment area?  Yes  No

If No, skip Conformity section and go to Project Level Impacts for Carbon Monoxide and PM10 section.

If Yes, for what pollutant?

Ozone  CO  PM10

**Conformity**

Is the project exempt from a regional conformity air quality analysis?  Yes  No

The exempt project list is on Page 3-4 and 3-5 of the Air Quality Handbook.  
If Yes, go to Project Level Impacts for Carbon Monoxide and PM10 section.

If No, was it included in the most recent regional conformity air quality analysis?  Yes  No

If Yes, go to Project Level Impacts for Carbon Monoxide and PM10 section.  
If No, consult with District Air Quality Coordinator.

**Project Level Impacts for Carbon Monoxide and PM10**

1. Are there any sensitive receptors located within the project area?  Yes  No

Sensitive Receptors = Schools, Churches, Residences, Apartments, Hospitals, etc.  
If No, skip the remainder of this section.

2. Based on similar projects in similar settings, will there be any negative air quality impacts?  Yes  No

If Yes, complete a Quantitative Analysis of air quality impacts.  Quantitative Analysis  
Use currently approved Air Quality model.

**Remarks**

---

**NOISE**

1. Is the project a:

Reference [PennDOT Publication #24](#) for additional information on Type I and Type II projects.

A. Type I Project?

Yes  No

Indicate the applicable construction type:

Highway on new alignment

Through lanes that increase capacity

Significant change in the horizontal or vertical alignment

Other

Other description:

B. Type II Project?

Yes  No

C. Other?

Yes  No

Other Description: Bridge replacement project

If 1C is Yes, enter the type of project on the blank line above, answer question 2, skip question 3 and provide any additional comments in the Remarks section. The Remarks section should discuss the scope of work and how it relates to the existing and future noise environment, as well as the potential noise impacts. Potential types of projects that may be listed as "other" include but are not limited to rehabilitation of an existing highway, in place bridge replacement/rehabilitation, etc.)

2. A. Are sensitive receptors present?

Yes  No

If No, skip questions 2B and 3, and provide any additional comments in the Remarks section.

If Yes, how many noise sensitive receptors are within the project area?

6

If Yes, what type(s) of sensitive receptors are present?

Residential homes

B. What Land Use Activity Category is present in the project area as defined by PennDOT Publication #24? (Due to potential mixed land uses, there could be several categories.)

A  B  C  D  E

3. A. Do the predicted noise levels approach or exceed FHWA/PennDOT Noise Abatement Criteria for the Land Use Activity Category(s) identified in 2B?  Yes  No

B. Will there be a substantial increase of 10 dB(A) over existing level?

Yes  No

If both 3A and 3B are No, provide a qualitative (narrative) analysis in the Remarks section.

Qualitative Analysis

If 3A or 3B is Yes, attach the appropriate quantitative (screening or detailed) analysis as discussed in PennDOT Publication #24.

Quantitative Analysis

Remarks

The project will not increase traffic volume therefor noise levels will remain the same.

---

**Additional Information**

**Remarks, Footnotes, Supplemental Data**

**Attachments**

**CE Reevaluation Part B, Section A-7**  
**Environmental Evaluation Subject Areas (Socioeconomic Areas)**

---

**REGIONAL & COMMUNITY GROWTH**

Will the project induce impacts (positive and negative) on planned growth, land use, or development patterns for the area?

Yes  No

If Yes, explain.

Is the project consistent with planned growth?

Yes  No

**Basis of this determination:**

Maintains transportation system.

Will the project induce secondary growth?

Yes  No

If Yes, explain.

---

**PUBLIC FACILITIES & SERVICES**

Will the project induce negative impacts on health and educational facilities; public utilities; fire, police and emergency services; religious institutions; or public transportation?

Yes  No

If Yes, explain.

Does the project incorporate bicycle or pedestrian facilities into the overall design or operations?

Yes  No

If Yes, explain.

Will the project have a positive impact to the public facilities and services listed above?

Yes  No

If Yes, explain.

Maintains existing transportation route. Decreases the chance for future bridge failure/closure causing a detour to be implemented which would delay emergency vehicles.

---

## COMMUNITY COHESION

Will the project induce impacts to community cohesion?

Yes  No

If Yes, explain.

Will the project induce impacts to the local tax base or property values?

Yes  No

If Yes, explain.

---

## ENVIRONMENTAL JUSTICE

Will the project induce disproportionately high and adverse impacts to minority, low income, or special groups?

Yes  No

If Yes, explain.

---

## DISPLACEMENT OF PEOPLE, BUSINESSES or FARMS

Will the project require the relocation of people, businesses or farms?

Yes  No

If Yes, indicate number: \_\_\_\_ Residential \_\_\_\_ Commercial \_\_\_\_ Farms

If there are residential displacements, attach a brief discussion of replacement housing availability.

Conceptual Stage Survey Report (ATTACH TO THE CEE.)

Will the project induce impacts to economic activity, including employment gains and losses?

Yes  No

If Yes, explain.

---

#### MAINTENANCE AND OPERATING COSTS OF THE PROJECT AND RELATED FACILITIES

Will the project induce increases of operating or maintenance costs?

Yes  No

If Yes, is the cost justified? Please explain:

---

#### PUBLIC CONTROVERSY ON ENVIRONMENTAL GROUNDS

Will the project involve substantial controversy concerning social, cultural, or natural resource impacts?

Yes  No

If Yes, explain.

---

#### AESTHETIC AND OTHER VALUES

Will the project be visually intrusive to the surrounding environment?

Yes  No

If Yes, explain.

Will the project include "multiple use" opportunities? \*

Yes  No

If Yes, explain.

Will the project involve "joint development" activities? \*\*

Yes  No

If Yes, explain.

- \* Examples of "multiple use" may include historical monuments, parking areas, bikeways, pedestrian paths, and other shared-use facilities on highway right-of-way.
  - \*\* "Joint development" involves compatible development in conjunction with the highway. Examples could include construction of highway facilities such as highways, turning lanes, interchanges, or lane widening in conjunction with planned residential, shopping, commercial, or industrial facilities.
- 

**Additional Information**

Remarks, Footnotes, Supplemental Data

Attachments

**CE Reevaluation Part B, Section A-8**  
**Environmental Evaluation Subject Areas (Temporary Impacts)**

---

**8. TEMPORARY IMPACTS**

**TEMPORARY IMPACTS TO RESOURCES**

Air Quality

No  Yes

Noise levels

No  Yes

Water Quality

No  Yes

Soil Erosion & Sedimentation

No  Yes

**IMPACTS**

**IMPACTS**

Wetlands

No  Yes

Agricultural Resources

No  Yes

Other

No  Yes

**Remarks:**

Minor impacts during construction requiring standard (Pub 408) best practices.

---

**Additional Information**

Remarks, Footnotes, Supplemental Data

Attachments

## CE Reevaluation Part B, Section B Consistency Determinations

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**If the project is not consistent with established guidelines, describe the mitigation measures.**

**DEP Coastal Zone Management Plan:**

Not Applicable  Consistent  Not Consistent

**DCNR/NPS Wild and Scenic River Management Plan:**

Not Applicable  Consistent  Not Consistent

**FEMA Flood Map Modification:**

Not Applicable  Consistent  Not Consistent

**Other (describe in remarks):**

Not Applicable  Consistent  Not Consistent

**Remarks**

**Mitigation Measures**

---

### **Additional Information**

Remarks, Footnotes, Supplemental Data

Attachments

## CE Reevaluation Part B, Section C Public Involvement

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Document all public involvement efforts, including but not limited to, meetings, intent to enter letters, and displays. Indicate number of events when applicable.

	#	Comments
<input type="checkbox"/> Plans Display		
<input type="checkbox"/> Public Officials Meetings		
<input type="checkbox"/> Public Meetings		
<input type="checkbox"/> Public Hearing		
<input type="checkbox"/> Special Purpose Meetings (specify)		
<input type="checkbox"/> Section 106 Public Involvement / Consulting Parties (specify)		
<input type="checkbox"/> Section 106 Tribal Consultation (specify Tribe(s) contacted and Tribal response)		
<input type="checkbox"/> Environmental Justice Community Involvement (if applicable)		
<input checked="" type="checkbox"/> Other information dissemination activities (specify)		Public involvement during final design.

### Remarks

Bridge replacement projects will be listed in local newspapers.

---

### Additional Information

Remarks, Footnotes, Supplemental Data

Attachments

## CE Reevaluation Part B, Section D Permits Checklist

---

Check all permits required for permanent and temporary actions.

No Permits Required

Army Corps of Engineers (404) Permit

Individual  Nationwide  Section 10  PASPGP

DEP Waterway Encroachment (105) Permit

Individual  Small Project  General  Other

DEP 401 Water Quality Certification

Coast Guard Permit

NPDES Permit

General  Individual  Exempt

Other Permits

### Other Permits Information

Emergency permit for temporary runaround. Also a GP11 for a permanent bridge.

**Note: All Section 106 clearance letters must be attached.**

---

### Additional Information

Remarks, Footnotes, Supplemental Data

**Attachments**

## **CE Reevaluation Part B, Section E**

### **Resources To Be Avoided and Mitigation Measures**

---

Specify and define mitigation measures that will become a part of the proposed project. The mitigation measures stated in this section should be incorporated into the project's design documents. Provide a general description of resources which exist within the limits of work or are adjacent to the project that are to be avoided during construction. Note the approximate location of these resources. Attach additional sheets if necessary.

Mitigation measures are **COMMITMENTS** of both the Department and FHWA and are agreed to and approved by the District Executive for Level 1 CEEs and by the Division Administrator of FHWA for Level 2 CEEs.

The district has given consideration to the executive order on invasive plant species. The contractor will be directed to avoid use of any plants listed on the noxious weed control list. Should the contractor elect to stage or store materials within a level floodplain then the area is to be covered with geotextile and 18 inches of fill material prior to use.

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#### **Additional Information**

Remarks, Footnotes, Supplemental Data

Attachments

## CE Reevaluation Part B, Section F

### Scoping Field View

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**Date of Scoping Field View:** 07/05/06

#### **Attendee List (Name, Organization)**

Please see attached.

---

#### **Anticipated NEPA Documentation**

As supported by the information available at the time of scoping, this project appears to qualify for a Level 1b Categorical Exclusion in accordance with 23 CFR Part 771.117(d), Item No. 03 as published in the August 28, 1987 Federal Register.

#### **Remarks**

**Provide a brief description of NEPA documentation requirements agreed to at the field view.**

CE Level 1(b) Item 1,3.

---

**Scoping Field View Documentation Concurrences**

Print this page, gather signatures, scan and attach to this document.

**County:** Wyoming      **SR/Sec:** 92/06F      **MPMS:** 68767      **Project:** Oxbow Ck Bridge 6/06 Fld

\_\_\_\_\_  
District Environmental Manager

\_\_\_\_\_  
Date

\_\_\_\_\_  
District Project Manager

\_\_\_\_\_  
Date

\_\_\_\_\_  
Asst. District Executive - Design

\_\_\_\_\_  
Date

\_\_\_\_\_  
BOD Project Dev. Engineer

\_\_\_\_\_  
Date

\_\_\_\_\_  
Authorized FHWA Representative

\_\_\_\_\_  
Date

\_\_\_\_\_  
Authorized FHWA Representative

\_\_\_\_\_  
Date

---

**Additional Information**

**Remarks, Footnotes, Supplemental Data**

**Attachments**

- 1. [SR 92 Seg 340 Sign in.pdf](#) (83KB / 0.1MB)

Section F - Scoping Field View

Wyoming  
County -  
Tunk Twp.

SR 29, Seg 340  
92

Date of Scoping Field View:

Attendance:

Name	Organization
GREG Augustine	
Brian Sanders	
Pete Kawach	
Matt Curry	
Brian Spangler	
Harold Hill	
Bennie Walico	
Greg Wilson	
Chick Nihen	
Manny Mendenhall	
AL Felinski	
Jeff Hawley	

Anticipated NEPA Documentation:

Provide a brief description of NEPA documentation requirements agreed to at the field view.

As supported by the information available at the time of scoping, this project appears to quality for a Level 1 (C) categorical Exclusion in accordance with 23 CFR Part 771.117(d), Item No. 3 as published in the August 28, 1987 Federal Register.

Remarks:

SCOPING FIELD VIEW DOCUMENTATION CONCURRENCES			
<i>[Signature]</i>	7/5/06	<i>[Signature]</i>	7/6/06
District Environmental Manager	Date	District Project Manager	Date
<i>[Signature]</i>	7/5/06	<i>[Signature]</i>	7-5-06
Assistant District Engineer - Design	Date	BOD Project Development Engineer	Date
Authorized FHWA Representative	Date	Authorized FHWA Representative	Date

As completed, this page is part of:

- Scoping Field View Documentation
- Categorical Exclusion Evaluation
- Reevaluation

**CE Reevaluation Part C**  
**CEE Approval Processing**

---

**Section B - Level 1b CEE Approval and Design Approval**

As supported by the attached Categorical Exclusion Evaluation, this project qualifies for a Level 1b Categorical Exclusion in accordance with 23 CFR 771.117(d), Item Number 03 as published in the August 28, 1987 Federal Register.

**County:** Wyoming      **SR/Sec:** 92/06F      **MPMS:** 68767      **Project:** Oxbow Ck Bridge 6/06 Fld

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**Prepared By:** Gregory P Augustine  
**Title:** Environmental Manager      **Date:** 10/23/06

**Approved By:** Bob Doble      **Date:** 10/30/06  
**Title:** District Executive

---

**The following individuals concurred with the statement above.**

**District Environmental Manager:** Gregory P Augustine      **Date:** 10/30/06

**Assistant District Executive for Design:** Bob Doble      **Date:** 10/30/06

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**Additional Information**

**Remarks, Footnotes, Supplemental Data**

**Attachments**