

# Concord Downtown Complete Streets Improvement Project

## Project Readiness and NEPA

### Background

Following a comprehensive community wide effort, the “Rethinking Main Street” project was adopted by City Council at a public hearing in July, 2011. The program outlines the community consensus design and the project was placed in the out year of the City’s 10-Year Capital Improvement Program (CIP). At the time of the completed study, there was no reasonable expectation the State of Federal funds would be used for this project, and therefore commencement with the National Environmental Policy Act (NEPA) approvals was not a consideration.

### Expected Categorical Exclusion and Status of NEPA

Since the announcement of the TIGER Discretionary Grant program, the City of Concord has begun the NEPA review process. In November 2011, Engineering staff presented the project and its limited environmental impacts at the monthly State Historic Preservation Office, Federal Highway Administration, Army Corps of Engineers, and NH Department of Transportation (SHPO-FHWA-ACOE-NHDOT) Cultural Resources Meeting. There are no wetland impacts, no flood protection impacts, and as a streetscape improvement project, no noise and air quality impacts are expected. All work is to be completed within the public right-of-way so property impacts are not expected. A preliminary project environmental review has been completed by the NHDOT Bureau of Environment where staff concurs that the project has limited environmental impact.

A portion of Concord’s downtown is included in a National Register Historic District and a number of other buildings throughout the project area have already been inventoried. Based on a coordination meeting with staff at the NH Division of Historic Resources (NHDHR), staff requests that any buildings older than 50 years old within the project area should be included in the survey work for evaluation for National Register eligibility. The project area includes 25 properties that have not been inventoried and will be evaluated as part of the request for project review (RPR) for a determination of effect. This is the only remaining effort to conclude the NEPA review effort.

Given the project’s limited impact and based upon similar projects completed by the City involving State and Federal funds, Concord expects that a categorical exclusion will be determined for this project given its minimal environmental, social, and historic impacts. A summary of the NEPA Programmatic Categorical Exclusion effort completed to date is provided below.

Based upon similar projects completed by the City involving State and Federal funds, Concord expects that a programmatic categorical exclusion will be determined for this project given its minimal environmental, social, and historic impacts. A summary of the NEPA Programmatic Categorical Exclusion is outlined below.

- 1. Air Quality – Is the proposed action a non-attainment project requiring a conformity determination?** Since Concord, NH is not within a designated, non-attainment area, it has been determined that the proposed project does not require a conformity determination.
- 2. Air Quality – Does the proposed action require an 8-hour CO analysis?** It has been determined that the proposed project does not require an 8-hour analysis.

3. **Cultural Resources – Does the proposed action have an adverse effect on properties eligible for or listed in the National Register of Historic Places?** The City of Concord is in the process of evaluating the impacts to properties eligible or listed in the National Historic Register of Historic Places. Given that the project is limited to the existing rights-of-way with no impacts to properties beyond the street, we expect that the NH Department of Historic Resources (NHDHR) will determine that this project will have no adverse effects to historical properties.
4. **Endangered Species – Does the proposed action affect species and critical habitat of species protected by the Endangered Species Act, as determined through consultation with USF&WS, NHF&G, and /or NHHI, as appropriate?** The NH Natural Heritage Bureau (NHNHB) has determined that the proposed project does not affect species and critical habitats of species protected by the Endangered Species Act or affect any exemplary natural communities. Correspondence with the appropriate agencies has been provided. See attached letters.
5. **Floodways – Does the proposed action encroach on the regulatory floodway of water courses or water bodies?** The proposed project does not encroach on regulated floodways. See attached FEMA FIRMettes.
6. **Noise – Is the proposed action a Type I highway project or have a detrimental effect on noise?** The proposed project is not a Type I highway project or have a detrimental effect on noise receptors within the project area.
7. **Right-of-Way – Does the proposed action require the acquisition of residences or businesses?** The proposed project does not require the acquisition of residence or business properties. The project area is contained within the existing right-of-way along Main Street. See attached Right-of-Way Certification.
8. **Right-of-Way – Does the proposed action require fee simple acquisition or permanent easements to an extent that impairs the functions of the affected properties?** The proposed project does not require fee simple acquisitions or permanent easements. The project area is contained within the existing right-of-way along Main Street.
9. **Section 4(f) – Does the proposed action require the use of any property protected by Section 4(f) of the 1966 USDOT Act, other than that for which a de minimis impact finding has been made?** The proposed project does not affect any property protected by Section 4(f).
10. **Section 6(f) – Does the proposed action require the use of any property protected by Section 6(f) of the L&WCF Act?** This project is located within the existing public right-of-way and does not require the use of any property designated with a Section 6(f) LWCF boundaries.
11. **Water Quality – Does the proposed action have more than a negligible impact on surface waters?** The proposed project will have no impact on surface waters.
12. **Wetlands – Does the proposed action require an Army Corps of Engineers Individual Permit?** The proposed project will not require the action of an Army Corps of Engineers Individual Permit.
13. **Other – Do any of the above conclusions benefit from more detailed explanation or are there other issues of concern?** None of the above conclusions require more detailed explanations.

## Overall Project Schedule

Given that extensive preliminary design and analysis is included in the Rethinking Main Street Report, including conceptual design layout, project specifications, and project requirements, this project would be an excellent selection to receive TIGER 2012 grant funds where immediate expenditure is expected. Use of grant funds for the final design and permitting would start as soon as a grant award was made and **as early as June 2012 (current fiscal program year)** with final design, permitting, and the **public approval process expected to be complete no later than February 11, 2013** (February 2013 City Council appropriation hearing), making way for the obligation of grant funds **for construction no later than April 1, 2013**. This would meet the Federal funding obligations required by the grant program.

The preliminary design study was recently completed and funded through the federally funded Transportation, Community, and System Preservation (TCSP) program. The project design team has been selected through a qualifications-based selection (QBS) process and the City is prepared to move the final design and permitting process forward. Once a grant is awarded, the project team of Hoyle, Tanner & Associates, Inc. (HTA) and Elizabeth Durfee Hengen, a historic preservation consultant, is prepared to begin their work. A detailed project schedule has been provided in the Project Supporting Documents website which outlines a 270 calendar day project schedule for final design completion. Because of the complexity of the downtown project, construction would be phased over 2 construction seasons beginning in **June 2013** for a **December 2014** final completion, acceptance, and project closeout.