New Hampshire Department of Transportation

Environmental Documentation Checklist for Significant Excavations
Internal Frequently Asked Questions

1. **Question** - What type of projects/permits require that the Environmental Checklist (the Checklist) be completed by the Applicant and submitted to the Department?
   Answer – The Checklist is required for projects/permits that will include significant excavation within the Department right-of-way (ROW). Projects applying for a permit defined as "major traffic generator" or "major entrance" will require the checklist be completed (e.g. major driveways, utility trench excavations, traffic signal installations, directional drilling for utility installations, and projects requiring scoping meetings) Projects that do not require trench permits, or are receiving coverage under a short form excavation permit do not require completion of the Checklist. Likewise, residential driveway permits will not require a checklist be completed (e.g. utility poles and single residential driveways that include minimal excavation) Nevertheless, if a residential driveway or other project falling within the NHDOT ROW should have obvious concerns regarding cultural or environmental topics that the issuing District Office is aware of, the department should do their due diligence in notifying the applicant of these concerns.

   Though the checklist is not being required for smaller projects that does not mean it won't be in the future. The department is approaching this concern with thoughtful consideration to applicants and their capacity to understand and complete these forms without unnecessary burden. The projects identified above should be well aware of their responsibilities and the processes to go through to meet these conditions.

2. **Question** – Why is the Environmental Checklist required?
   Answer – The Department wants to verify that Applicants proposing projects with significant disturbance within the ROW have completed all legal requirements related to environmental and cultural resources as part of the project design and during construction.

3. **Question** – What should Operations staff do with the complete Checklist and attachments when they are submitted with a permit application?
   Answer - Operations staff should perform a cursory review of the Checklist and any attachments submitted with the application. Operations staff should contact Ronald Crickard in the Department's Bureau of Environment (BOE) if there are any concerns with respect to content or completeness of the Checklist and any attachments.

4. **Question** – Where should the submittal be filed?
   Answer – The Checklist and any attachments should be filed with the permit documentation in the appropriate operations field headquarters office.

5. **Question** – Should special conditions be added to the permit based on content of the Checklist and any attachments?
   Answer – Special conditions may be required. The BOE will work with Operations to develop standard permit conditions for typical scenarios. Additional special conditions may be required on a case-by-case basis, depending upon the responses provided by the applicant in the Checklist and based on information provided in the attachments.

6. **Question** – Does BOE want to review each Checklist and any attachments?
   Answer – The BOE does not want to review each submittal. At the request of Operations staff, BOE will be available to perform a review of the Checklist and any attachments for major driveways and projects including significant disturbance within the ROW. In addition, BOE should be consulted for projects that include significant environmental conditions or cultural resources, as identified in the Checklist and any attachments.

7. **Question** – Sometimes a Driveway Permit is the first permit sought by the applicant, and they may not have secured the environmental permits. How should we handle this?
   Answer – Many times a driveway or excavation permit is the first permit sought after by owners, or contractors to determine whether the work is even feasible or allowed in the DOT ROW. In these cases, the permit, if allowable, can be accepted as complete and then approved upon the applicant completing the environmental checklist and submitting it to DOT successfully. To avoid additional tracking or permit management, the permit should not be approved until the checklist is complete.

8. **Question** – Do we require this information in the event of an emergency and for emergency repair work or excavation?
   Answer – As with all emergency work, public safety and movement are a priority. Many of the permits required for emergency work and the regulatory agencies overseeing these permits have language and requirements for emergency work. They may also require that the individuals retroactively apply for an emergency permit after the work is complete. We do not anticipate driveway permits to fall under this category since most driveways are anticipated work; Trench Permits will require the checklist be completed.

9. **Question** – Will districts have access to paper copies of the checklist to provide to applicants?
   Answer – Yes, the applications, and forms that will require the checklist will be available to districts online and through the Headquarters Office. Due to concerns with version control the version and last updated date will be stamped on these documents. Please confirm by looking online that the version being submitted is the current version for applications provided to the public, and are also the versions being received by the office.

   The most current version should be Version 1.0, and Dated December 28, 2016.

10. **Question** – What is NHDOTs responsibility if we discover the applicant is doing something illegal or against regulation?
    Answer – NHDOT is not a regulatory agency. However, like any concern identified within our ROW, if we are aware of an issue we should inform the applicant and their contractor of the concern in writing either initially or as a follow-up to a conversation depending on the situation. If the issue impacts NHDOT ROW we should also take photos of the impacts or concern and place them in the file with any correspondence that transpired.