


PROCEDURE NUMBER: <i>ENV 1-11</i>	PROCEDURE NAME: <i>Environmental Commitments</i>
ADOPTION DATE: <i>January 19, 2023</i>	LAST UPDATED: <i>January 19, 2023</i>
PROCEDURE APPROVED BY: <i>Chairperson, Policy & Records Workgroup</i>	SIGNATURE: 
RESPONSIBLE OFFICE: <i>Bureau of Environment</i>	CONTACT PERSON: <i>Administrator, Bureau of Environment</i>
RELATED POLICY: <u>ENV 1 Environmental Policy</u>	RELATED FORMS: <u>Standard Environmental Commitments</u>

PURPOSE

The purpose of this procedure is to provide direction on the establishment, communication, tracking, and completion of environmental commitments made as part of the environmental review process for a project.

As part of the environmental review process for a project, NHDOT will strive to avoid, minimize, and/or mitigate impacts to natural and cultural resources. As part of this review process, commitments may be developed/required, with input from various stakeholders, to meet this objective, consistent with NHDOT policy. Regardless of the source, it is important to ensure that commitments made during the environmental review process are implemented during design, construction, and maintenance. Effective implementation of environmental commitments requires procedures for communicating and tracking them.

Compliance with environmental commitments is a legal requirement that must be met. Under Federal Highway Administration (FHWA) regulations, environmental commitments that are incorporated into a project during the NEPA process are required to be implemented as a condition of FHWA’s approval of the project. Failing to implement those commitments can jeopardize the availability of federal funding for the project. In addition, violations of permit conditions can lead to financial penalties, and work stoppages, as well as cause NHDOT to lose credibility with resource agencies, government officials, special interest groups and the general public. Similarly, procedure [ENV 1-2 Procedure for Environmental Documentation of State Funded Projects](#) also discusses the establishment and importance of adhering to environmental commitments.

SCOPE

This procedure shall apply to all projects funded, approved, sponsored, or led by NHDOT. Not all projects, however, need to include project-specific environmental commitments; some projects are so minor and non-invasive that project-specific commitments may not be required.

GENERAL PROVISIONS

- [ENV 1-2 Procedure for Environmental Documentation of State Funded Projects](#)
- [National Environmental Policy Act](#)
- [Programmatic Agreement Between the Federal Highway Administration, New Hampshire Division and the New Hampshire Department of Transportation Regarding the Processing of Actions Classified as Categorical Exclusions for Federal-Aid Highway Projects](#)
- [AASHTO Practitioner's Handbook 04: Tracking Compliance with Environmental Commitments/Use of Environmental Monitors](#)

DEFINITIONS

Definitions related to this procedure may be viewed on the SOS [Approved Definitions](#) page.

Environmental Commitment – Any action that is intended to avoid, minimize, and/or mitigate the environmental impacts of a project, and is required to be implemented as a condition of project approval, or has been committed to by NHDOT as part of the environmental review process.

RESPONSIBILITY

1. Environmental Manager
 - a. Identify necessary actions (commitments) needed to be undertaken during project development to ensure a project complies with environmental requirements. Environmental commitments shown to be typically used (i.e. “standard”) can be found here for consideration for all projects: [Standard Environmental Commitments](#).
 - b. Facilitate communication of necessary environmental commitments during project design for incorporation into design and/or contract documents, as needed.
 - c. Document agreed-upon environmental commitments in the project environmental documents.
 - d. Verify that consultant-led environmental documents include necessary, relevant environmental commitments.
2. Design Lead
 - a. As applicable, ensure that NHDOT projects are designed to include any necessary, relevant environmental commitments.
 - b. Verify that consultant led NHDOT project designs incorporate necessary, relevant environmental commitments.

3. Environmental Coordinator
 - a. Coordinate among construction staff, the Environmental Manager, other Bureau of Environment staff, and regulators, as needed, to ensure construction activities comply with relevant environmental commitments, and permit conditions.
 - b. Ensure that relevant environmental commitments and permit conditions are discussed and understood at pre-construction meetings.
4. Construction Lead/Contract Administrator - As applicable, ensure that NHDOT projects are constructed in accordance with contract plans, and any construction-related environmental commitments.
5. BOE Operations Management Section – Assist the Division of Operations with understanding the applicability of this procedure, as well as promoting compliance.
6. BOE Administrator
 - a. Approve environmental documentation identifying project impacts/compliance, including any environmental commitments.
 - b. Ensure that this procedure is followed for NHDOT-sponsored projects.

PROCEDURES

1. As environmental documents are being prepared, the Environmental Manager will develop a list of potential environmental commitments for the project. The list will be revised, edited, and confirmed as the project advances through the environmental review and design phases.
2. At regularly scheduled project review meetings (60% Preliminary Plan Review, 90% Issues Meeting, e.g.) the Environmental Manager will discuss environmental commitments.
3. The Environmental Manager will assist the applicable Bureau of Environment Program in facilitating resolution of any controversial or particularly onerous environmental commitments among NHDOT staff and regulators.
4. Final environmental commitments will be articulated in the environmental document, to include identification of the entity(s) responsible for ensuring implementation.
5. At the environmental permitting phase, if permit conditions are unreasonable or confusing, the applicable Bureau of Environment Program staff, in coordination with the Environmental Manager, will challenge them through appropriate channels.
6. Upon completion of the environmental document, the Bureau of Environment Administrator will generate an “Environmental Commitments Memo” for inclusion in the project file.
Template memos can be found here: [memo for Federal -Aid projects](#), [memo for State-only funded projects](#).
7. The Bureau of Environment Administration Section will upload the Environmental Commitments Memo to ProMIS, and the project folder on the V:\drive and transmit copies, as applicable.
8. At the time the contract is developed, the Environmental Manager will prepare and submit to the Design Lead, the [“Summary of Environmental Issues”](#) sheet for inclusion in the proposal.

9. The Bureau of Construction will hold a pre-construction meeting, where the Environmental Coordinator, various environmental resource agencies, as applicable, and the Contract Administrator will discuss the "Summary of Environmental Issues," including environmental commitments, to make sure that all parties understand their role in the process. This will provide an opportunity for all parties to ask questions and develop a strong understanding of the commitments, and the importance of their successful implementation.
10. If environmental commitments, and/or permit conditions, are of a magnitude or sensitivity to warrant special attention, a separate environmental pre-construction meeting may be held.
11. During construction, the Contract Administrator and Environmental Coordinator will monitor, or facilitate monitoring, of implementation of construction-related environmental commitments.
12. Prior to construction completion, the Environmental Coordinator will verify that all construction-related environmental commitments and/or permit conditions, have been completed.
13. Following completion of construction, the Environmental Manager, applicable Bureau of Environment Program staff, design staff, and Operations Management Section will ensure that post-construction environmental commitments are implemented.

TRAINING

All NHDOT staff shall be made aware of this procedure. The procedure will also be made available to external organizations completing environmental reviews on behalf of NHDOT.

DISCIPLINE

Disciplinary action related to this procedure can be found in the referenced policy.

AMENDMENT RECORD

This procedure shall be reviewed every two years to ensure its continuing relevance and accuracy. The record of amendments is recorded below.

Date	Comments	Name	Authority
1/19/20223	Revised, SOS formatted	Andre Briere	Deputy Commissioner
5/14/2002	Original Procedure Adopted	William Hauser	Environment Admin.