


<b>PROCEDURE NUMBER:</b> <i>ENV 1-5</i>	<b>PROCEDURE NAME:</b> <i>Land and Water Conservation Fund Coordination</i>
<b>ADOPTION DATE:</b> <i>September 26, 2022</i>	<b>LAST UPDATED:</b> <i>September 26, 2022</i>
<b>PROCEDURE APPROVED BY:</b> <i>Chairperson, Policy &amp; Records Workgroup</i>	<b>SIGNATURE:</b> 
<b>RESPONSIBLE OFFICE:</b> <i>Bureau of Environment</i>	<b>CONTACT PERSON:</b> <i>Administrator, Bureau of Environment</i>
<b>RELATED POLICY:</b> <a href="#"><i>ENV 1 Environmental Policy</i></a>	<b>RELATED FORMS:</b> <i>N/A</i>

**PURPOSE**

The purpose of this procedure is to provide direction on project-level coordination with the Department of [\*Natural and Cultural Resources, Division of Parks and Recreation, Office of Community Recreation\*](#) for compliance with the [\*Land and Water Conservation Fund Act of 1965 \(54 USC 200301 et seq\)\*](#).

**SCOPE**

This procedure shall apply to all individuals needing to coordinate relative to the Land and Water Conservation Fund (LWCF) as part of the development of a project funded or approved by the New Hampshire Department of Transportation (NHDOT).

**GENERAL PROVISIONS**

- [\*PL 88-578: Land and Water Conservation fund\*](#)
- [\*36 CFR Part 69\*](#)
- [\*Memorandum of Understanding between the Department of Natural and Cultural Resources Division of Parks & Recreation and the Department of Transportation Bureau of Environment Regarding Project-Level Coordination & Section 6\(f\) of the Land & Water Conservation Fund Act of 1965 \(LWCF MOU\)\*](#)
- [\*ENV 1-2 Procedure for Environmental Documentation of State Funded Projects\*](#)
- [\*National Environmental Policy Act\*](#)
- [\*Bureau of Environment, Environmental Process Manual, February 26, 2015\*](#)

**DEFINITIONS**

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

## RESPONSIBILITY

1. Environmental Manager/environmental coordination Lead
  - a. Coordinate with the Bureau of Right-of-Way and/or the design lead, as applicable, to determine if a project will involve temporary or permanent property impacts (acquisitions or easements) outside of the existing right-of-way.
  - b. Document the environmental impacts associated with a project, including potential impacts to LWCF properties.
  - c. Coordinate with the Department of Natural and Cultural Resources (DNCR), as needed relative to LWCF.
2. Administrator, Bureau of Environment
  - a. Approve environmental documentation identifying project impacts, including any impacts to LWCF properties.
  - b. Ensure that this procedure, and the LWCF MOU in A is followed for NHDOT-sponsored projects.
3. Design Lead/Bureau of Right-of-Way
  - a. Determine if, and the extent of, any impacts outside the limits of existing right-of-way and/or existing easements.
  - b. Ensure project plans, designs, and contract documents accurately identify impacts, if applicable, to LWCF properties.
  - c. As applicable, coordinate with the Bureau of Environment if/when impacts to LWCF properties are anticipated.

## PROCEDURES

1. When undertaking the environmental review of a project, the Environmental Manager/environmental coordination lead shall coordinate with the designers to determine if there would be any proposed impacts outside the limits of the existing right-of-way and/or easements.
2. If it is determined that there would be no permanent or temporary project-related property impacts outside the limits of the existing right-of-way and/or existing easements, no coordination nor communication with DNCR relative to LWCF shall be required for the project.
3. In such instances, the environmental document shall include an environmental commitment stating that the project does not include any temporary or permanent impacts outside the limits of the existing right-of-way and/or easements, and that if the contractor or construction operator's method of construction would require such impacts, **including construction staging**, he/she shall coordinate with DNCR to determine if there would be impacts to LWCF properties and if so, comply with any requirements stipulated thereby.

4. If, at any time during design, it is determined that proposed work would involve permanent or temporary impacts outside of limits of the existing right-of-way and/or any existing easements, the Environmental Manager/environmental coordination lead shall coordinate with DNCR relative to LWCF to determine if there would be any permanent or temporary impacts to LWCF properties. If impacts are anticipated, the requirements outlined in [36 CFR Part 59](#) shall be followed. In addition, the commitments in the environmental document shall be developed or modified accordingly.
5. As applicable, contract documents shall stipulate that the method of construction, including construction staging, shall not occur on any public properties, or disrupt access to any public properties, without first coordinating with DNCR to ensure compliance with LWCF.

**TRAINING**

All Bureau of Environment staff completing environmental review 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
9/26/2022	Original Procedure Adopted	William Cass	Assistant Commissioner