U.S. Department of Transportation
Federal Highway Administration

Memorandum

Subject: Environmental Certification for Authorization/Advertisement
PA ERFO FW TCM 2020 1(1)

Date: May 6, 2026

From: Vivian Gutierrez
Planning, Programming, and Environment Branch Chief

VIVIAN M GUTIERREZ Digitally signed by VIVIAN M GUTIERREZ Date: 2026.05.06 12:58:14 -04'00'

Attn of: HFPP-EA

Thru: Kevin Rose
Environment Team Lead

KEVIN S ROSE Digitally signed by KEVIN S ROSE Date: 2026.05.06 10:34:51 -04'00'

To: Sheila Foronda
Project Manager (HFPM-EA)

Environment has reviewed the final Plans, Specifications, and Estimates (PS&E) for the subject project and conditionally certifies the following for obligation:

Environmental Documentation: The following environmental documentation has been completed for this project and is attached:

X NEPA Document CE, dated 5/4/2026

X NHPA Section 106 Compliance, PA SHPO dated 01/03/2024

n/a DOT Section 4(f) Statement

X ESA Section 7 Compliance (Endangered Species), dated 11/26/2025

X Army Corps of Engineers, CWA Section 404 Permit issued NWP 14

n/a State Water Quality Certification, CWA Section 401 permit certified with NWP 14

n/a National Pollutant Discharge Elimination System

X Other (describe): Philadelphia Water Department, Erosion and Sediment Control Review Pennsylvania Federal Consistency Determination issued by the Interstate Water Resources Management Division

Certification file location: M:\PROJECTS_FWS\TCM\2020-1(1)\P&P\Environ\Certification

Remarks: FINAL CERTIFICATION. Note that the Conceptual Approval of the ESCP by City of Philadelphia defers the ESCP review back to PADEP. In an email on 1/9/2026, PADEP Southeast Regional Office stated it does not issue permits to Federal entities.

Certified by: TIMBERLEY BELISH Digitally signed by TIMBERLEY BELISH Date: 2026.05.06 09:39:14 -04'00'

U.S. Department of Transportation
Federal Highway Administration

Eastern Federal Lands Highway Division
NEPA Categorical Exclusion Form

Project Number:	PA ERFO FW TCM 2020 1(1)	**Date:** 5/4/2026
Project Name:	Reconstruction of Trolley Bed Road (RTE 404) and Haul Road (RTE 405)	
Location:	John Heinz National Wildlife Refuge Philadelphia County, PA	
CE Category	23 CFR 771.117(c)(23): Federally funded projects (i) That receive less than $6,000,000; or (ii) with a total estimated cost of not more than $35,000,000 and federal funding comprising less than 15% of total estimated project cost.	

See 23 CFR 771.117 for full description of CE categories, including additional requirements when applying (c)26-28.

Project Description

John Heinz National Wildlife Refuge, managed by the U.S. Fish and Wildlife Service (USFWS), is in Philadelphia County, PA. In 2020, tropical storm Isaias damaged roads within the Refuge. The purpose of the project is to repair portions of two roads that were damaged during the storm event. The storm significantly damaged the roadway and shoulders of the Haul Road and Trolley Bed Road. In addition, both roads are subject to overtopping during seasonal flooding events.

Haul Road is a two-way single-lane asphalt surface road that consists of a 15-foot-wide lane with 1-foot turf shoulders on each side for a total width of 17-feet. The proposed repairs are to reconstruct approximately 0.012 miles of the road. The project would involve installing an aggregate base course and asphalt paving. The existing 12-inch culvert is insufficient to convey water during seasonal flooding, therefore, the culvert would be upsized to a 24-inch culvert and riprap placed at the outlet. The masonry headwall would also be replaced. Ditch reconditioning would occur along 20 linear feet and an 8-inch pipe would be replaced with an 18-inch elliptical pipe culvert.

Trolley Bed Road is a two-way single lane aggregate road. The travel way consists of one 14-foot-wide lane with 1-foot shoulders on each side for a total of 16 feet. The proposed repairs would reconstruct approximately 0.35 miles of roadway. The proposed repairs are to resurface the roadway with an aggregate course. The roadbed would also be raised approximately 18-inches to prevent overtopping during storm events. Embankment reconstruction using riprap

would occur along the road, totaling approximately 258 linear feet. All work would occur within areas previously disturbed by original construction of the roads.

The total disturbed area for the project would be approximately 0.52 acres (22,651 sqft). An erosion control plan will be implemented during construction to reduce the potential for impacts to water quality.

Environmental Commitments and Mitigation Measures

- No construction to occur between April 15th through August 31st to protect nesting birds.
- A qualified biologist will search the Trolley Bed Road project area for coastal leopard frogs and environmentally clear the project area prior to installing exclusionary super silt fence. Install super silt fence between wetlands and project area to exclude frogs. Fence should be installed prior to construction activities and remain in place for the duration of construction. Fence will be installed under the supervision of a qualified biologist. The silt fence must be buried to a depth of six (6) inches and backfilled with adequate soil so that no gaps are present under the fence. The fence will be inspected daily and repaired as needed. The biologist will be notified of any breaches so that a clearance search of the area can be performed.

Summary of Section 7 of the Endangered Species Act Compliance
FHWA-EFLHD obtained an official species list from the U.S. Fish and Wildlife Service (USFWS) on December, 2023 and again in November 2025 via the Information for Planning and Consultation (IPaC) website. The on-line system indicated two species to be considered for evaluation. These included the Tri-colored bat (*Perimyotis subflavus*, Proposed Endangered) and Monarch butterfly (*Danaus plexippus*, Proposed Threatened). Only the tri-colored bat was considered evaluated using the online decision key to streamline consultation with USFWS as habitat for the butterfly was not present within the project area.

The USFWS IPaC determination key was used to evaluate impacts to the species under the FHWA/FRE/FTA Programmatic Biological Opinion and Conference Opinion for projects within the range of the Indiana bat, northern long-eared bat and tri-colored bat. Based on the proposed scope of work, which includes the removal of a culvert, it was determined that, if the species is federally listed, the project may affect but is not likely to adversely affect the tricolored bat. A letter for the USFWS concurring with this determination was received on November 26, 2025.

Summary of Section 106 of the National Historic Preservation Act Compliance
FHWA-EFLHD performed an on-line search for the presence of historic properties within the project area through the Pennsylvania State Historic Preservation Office on-line PA-SHARE site. The search revealed one eligible resource overlapping the area of potential affect (APE). The proposed project would not impact this resource. FHWA-EFLHD determined no historic properties would be affected. The SHPO concurred with the determination on January 3, 2024.

Additional Agency Coordination and Compliance
In accordance with the Coastal Zone Management Act and the National Oceanic and Atmospheric Administration regulations at 15 CFR Part 930 Subpart C, the project was evaluated for consistency with the enforceable policies in the Commonwealth of Pennsylvania Coastal Resources Program. The Pennsylvania Coastal Resource Management Program reviewed the project and after a public comment period during which no comments were received, they determined that the project is consistent with the program's enforceable policies.

In reviewing the project with the Pennsylvania Department of Environmental Protection (PADEP), they determined that the project does not require review by their agency and deferred the Clean Water Act 404 permit to the U.S. Army Corps of Engineers. The permit was received March 9, 2024

The City of Philadelphia determined that a Floodplain Consistency Letter was not required if the PADEP permit was not needed. An Erosion and Sediment Control Plan Review by the Philadelphia Water District was completed on April 29, 2026. No other permits or reviews are required.

The Pennsylvania Department of Conservation and Natural Resources' Pennsylvania Natural Diversity Inventory (PNDI) records database was also used to review the potential for impacts to threatened and endangered and/or special concern species and resources within the project area. Reviews were completed by the Pennsylvania Game Commission Bureau of Wildlife Management, Pennsylvania Department of Conservation and Natural Resources Bureau of Forestry, and the Pennsylvania Fish and Boat Commission.

The agencies determined that there is potential for state endangered and special concern species that may be impacted by the proposed action. Two state endangered bird species were identified that include the Least Bittern (*Ixobrychus exilis*) and the King Rail (*Rallus elegans*). One special concerns species, the Marsh Wren (*Cistothorus palustris*), was also identified with potential to occur in the project area. Habitat for the state endangered Coastal Plains Leopard Frog (*Lithobates sphenocephalus/kauffeidi*) may also occur within the project area. Surveys indicated

that frog habitat is present within and adjacent to the project area. Mitigation measures to avoid direct harm to the species have been included in the project.

Categorical Exclusion Recommendation:
On the basis of the environmental impact information in the statutory compliance file, with which I am familiar, I believe the project should be categorically excluded from further NEPA analysis.

TIMBERLEY BELISH Digitally signed by TIMBERLEY BELISH
Date: 2026.05.04 11:29:24 -04'00'

Timberley A Belish
Environmental Protection Specialist
Eastern Federal Lands Highway Division
Federal Highway Administration

Date

Categorical Exclusion Determination:
On the basis of the environmental impact information in the statutory compliance file, with which I am familiar, I am categorically excluding the described project from further NEPA analysis. The project meets the 23 CFR 771.117(a) definition of a categorical exclusion. No unusual circumstances per 23 CFR 771.117(b) apply.

KEVIN S ROSE Digitally signed by KEVIN S ROSE
Date: 2026.05.04 11:21:32 -04'00'

Kevin S. Rose
Environmental Team Leader
Eastern Federal Lands Highway Division
Federal Highway Administration

Date

Appendix A: Environmental Checklist

Section 7 of the Endangered Species Act:
• Are Federally-listed species potentially present in the study area? ☒Yes, see Notes ☐No If Yes, effects determination: ☐No Effect ☒May Affect, Not Likely to Adversely Affect ☐May Affect, Likely to Adversely Affect
Section 106 of the National Historic Preservation Act:
• Are historic properties known to be present in the study area? ☒Yes ☐No If Yes, will they be impacted by the project? ☐Yes ☒No • Will previously undisturbed ground be disturbed? ☐Yes ☒No • Effects determination: ☒No Historic Properties Affected ☐No Adverse Effect ☐Adverse Effect, MOA Executed • Was tribal consultation completed? ☒Yes ☐No
Water and Wetlands:
• Section 404 of the Clean Water Act Are impacts to Waters of the US anticipated? ☒Yes ☐No If Yes, approval anticipated: ☐Nationwide Permit (NWP) ☐Regional General Permit ☒Individual Permit • Section 401 of the Clean Water Act ☐NWP certified by State ☒Individual Certification • Section 402 of the Clean Water Act (National Pollutant Discharge Elimination System) Will the land disturbance threshold likely be exceeded to require a permit and SWPPP? ☐Yes ☒ No • Is post-construction stormwater management review/approval anticipated? ☐Yes ☒No • ☒Project is consistent with Executive Order 11990, Protection of Wetlands
Floodplains:
• Is the project in a FEMA floodplain? ☒Yes ☐No ☐ Floodplain not mapped • ☒ Project is consistent with Executive Order 11988, Floodplain Management
Section 4(f) of the USDOT Act:
• Does the project meet the Section 4(f) exemption for Federal lands transportation facilities under Section 1119(c)(2) of MAP-21, 23 U.S.C. 138(a)? ☒Yes ☐No • Is there a use of a Section 4(f) property in the study area? ☐Yes ☐No If Yes, De Minimis Finding:☐ Programmatic:☐ Individual 4(f): ☐
Section 6(f) of the Land and Water Conservation Fund:

• Was the property purchased with grant funds from the Land and Water Conservation Fund? ☐Yes ☒No • If Yes, was documentation of approval from National Park Service Director received for the conversion or replacement of 6(f) property? ☐Yes ☒No
Coastal Zone Management Act of 1972:
• Is the project in a Coastal Zone? ☒Yes ☐No • If yes, will a Federal Consistency Review be completed? ☒Yes ☐No
Right of Way:
• Is the project completely within the transportation facility's right-of-way? ☐Yes ☒No • If no, will the project require relocations or easements? ☐Yes ☒No
Hazardous Waste and Materials:
• Are hazardous materials or contamination exceeding regulatory thresholds (as set by U.S. EPA, County Environmental Health, etc.) present? ☐Yes ☒No • If Yes, is the nature and extent of the hazardous materials or contamination fully known? ☐Yes ☐No, plan for securing information provided in Notes
Section 7(a) of the Wild and Scenic Rivers Act:
• Are there Wild and Scenic Rivers? ☐Yes ☒No ☐Eligible If Yes, has review by the river-administering agency been completed? ☐Yes ☐No
Clean Air Act:
• Is the project in a non-attainment area? ☒Yes ☐No If Yes, is the project on the Transportation Improvement Program(TIP)/State Implementation Plan(SIP)? ☒ Yes ☐No
Highway Traffic and Construction Noise Regulations:
• ☐ The proposed project is a Type I project (highway on a new location, substantial horizontal or vertical alteration, new through or auxiliary lanes). Noise analysis is required. • ☐ The proposed project is a Type II project (retrofit for noise abatement). • ☐ The proposed project is a Type III project (noise analysis not required). • ☒ Does not apply.
Farmland Protection Policy Act for Highway Projects:
• Does the project displace, require acquisition of, or require an easement from farmland? ☐Yes ☒No
Does the project affect any other resources not listed above? Explain below and list anticipated permits:
Philadelphia ESCP Review
NWP 14 USACE
CZMA Federal Consistency Determination

Pennsylvania State Historic Preservation Office
PENNSYLVANIA HISTORICAL AND MUSEUM COMMISSION

January 3, 2024

Sent Via PA-SHARE

RE: ER Project # 2024PR00027.001, PA ERFO FW TCM 2020 1(1) - Reconstruction of Trolley Bed Road (route 404) and Haul Road (405), Federal Highway Administration, Philadelphia City, Philadelphia County

Dear Submitter,

Thank you for submitting information concerning the above referenced project. The Pennsylvania State Historic Preservation Office (PA SHPO) reviews projects in accordance with state and federal laws. Section 106 of the National Historic Preservation Act of 1966, and the implementing regulations (36 CFR Part 800) of the Advisory Council on Historic Preservation, is the primary federal legislation. The Environmental Rights amendment, Article 1, Section 27 of the Pennsylvania Constitution and the Pennsylvania History Code, 37 Pa. Cons. Stat. Section 500 et seq. (1988) is the primary state legislation. These laws include consideration of the project's potential effects on both historic and archaeological resources.

Above Ground Resources
No Above Ground Concerns - Environmental Review - No Effect - Above Ground

Based on the information received and available within our files, it is our opinion that the proposed project will have No Effect on above ground historic properties, including historic buildings, districts, structures, and/or objects. Should the scope of the project change and/or should you be made aware of historic property concerns, you will need to reinitiate consultation with our office using PA-SHARE.

For questions concerning above ground resources, please contact Emma Diehl at emdiehl@pa.gov.

Archaeological Resources
No Archaeological Concerns - Environmental Review - No Historic Properties - Archaeological

Based on the information received and available within our files, it is our opinion that there are no archaeological historic properties (resources listed in or eligible for listing in the National Register) present within the area of potential effect. Should the scope of the project change and/or should you be made aware of historic property concerns, you will need to reinitiate consultation with our office using PA-SHARE.

For questions concerning archaeological resources, please contact Emma Diehl at emdiehl@pa.gov.

Sincerely,

Emma Diehl
Environmental Review Division Manager

United States Department of the Interior

FISH AND WILDLIFE SERVICE
Pennsylvania Ecological Services Field Office
110 Radnor Road Suite 101
State College, PA 16801-7987
Phone: (814) 234-4090 Fax: (814) 234-0748

In Reply Refer To: 11/26/2025 18:03:18 UTC
Project code: 2023-0102929
Project Name: John Heinz Wildlife Refuge

Subject: Not Likely to Adversely Affect Concurrence verification letter for the 'John Heinz Wildlife Refuge' project under the December 13, 2024, FHWA, FRA, FTA Programmatic Biological Opinion for Transportation Projects within the Range of the Indiana Bat, Northern Long-eared Bat, and Tricolored Bat.

To whom it may concern:

This letter records the determination of effects to federally listed (or proposed) bat species anticipated to result from the John Heinz Wildlife Refuge (the Project). This determination is based upon information you entered into the assisted determination key (Dkey) associated with the above referenced Programmatic Biological Opinion/Conference Opinion (PBO/PCO) in the U.S. Fish and Wildlife Service's (Service) Information for Planning and Consultation (IPaC) system on the date listed above to verify that the Project may rely on the concurrence provided in the PBO/PCO to satisfy requirements under section 7(a)(2) of the Endangered Species Act of 1973 (ESA) (16 USC 1536), as amended.

Ensuring Accurate Determinations When Using IPaC:

The Service developed the IPaC system and this Dkey in accordance with the ESA and based on the PBO/PCO. All information submitted by the project proponent into IPaC must accurately represent the full scope and details of the Project.

Failure to accurately represent or implement the Project as detailed in the Dkey invalidates this letter. Answers to certain questions in the Dkey commit the project proponent to implementation of conservation measures that must be followed for the ESA determinations to remain valid. Carefully review this letter, your ESA requirements are <u>NOT</u> yet complete.

Determinations:

Based on the information you provided (Project Description shown below), you have determined that the Project is within the scope and adheres to the criteria of the PBO/PCO, including the

adoption of applicable avoidance and minimization measures. Based on your IPaC submission and the PBO/PCO, the Project is consistent with the following effect determinations:

Species	Listing Status	Determination
Tricolored Bat (*Perimyotis subflavus*)	Proposed Endangered	NLAA

The tricolored bat is proposed for listing as endangered under the ESA, but not yet listed. For actions that may affect a proposed species, agencies cannot consult, but they can confer under the authority of section 7(a)(4) of the ESA. Such conferences can follow the procedures for a consultation and be adopted as such if the proposed species is listed. Should the tricolored bat be listed, agencies must review projects that are not yet complete, or projects with ongoing effects within the tricolored bat range that previously received a no effect or not likely to adversely affect (NLAA) determination from the key to confirm that the determination is still accurate.

The Service has 14 calendar days to notify the lead Federal action agency or designated non-federal representative if we determine that the Project does not meet the criteria for a NLAA determination under the PBO/PCO. **If the Service does <u>not</u> notify the lead Federal action agency or designated non-federal representative within that timeframe, you may proceed with the Project under the terms of the NLAA concurrence provided in the PBO/PCO**. This verification period allows Service Field Offices to apply local knowledge to implementation of the PBO, as we may identify a small subset of actions having impacts that were unanticipated. In such instances, Service Field Offices may request additional information that is necessary to verify inclusion of the proposed action under the PBO/PCO.

If the Project is modified, or new information reveals that it may affect the Indiana bat, northern long-eared bat, or tricolored bat in a manner or to an extent not considered in the PBO/PCO, further review to conclude the requirements of ESA section 7(a)(2) may be required.

For Proposed Actions that include bridge/culvert or structure removal, replacement, and/or maintenance activities:

If your initial bridge, culvert, or structure assessment failed to detect Indiana bat, northern long-eared bat, or tricolored bat use or occupancy, yet bats are later detected prior to, or during construction, promptly notify the local Service Field Office within 2 working days of the discovery. In addition, please document whether incidental take occurred, and if so, the type (i.e. kill or harm) and amount (i.e. number of individuals) and submit documentation to the local Service Field Office within 5 working days from the completion of the bridge, culvert, or structure construction (use Appendix E - Post Assessment Discovery of Bats at Bridge/Culvert or Structure Form in the User’s Guide). In these instances, potential incidental take of Indiana bats, northern long-eared bats, or tricolored bats may be exempted provided that the take is reported to the Service. In these instances, potential incidental take of Indiana bats, northern long-eared bats, or tricolored bats may be exempted provided that the take is reported to the Service.

If the Project may affect any other federally listed or proposed species and/or designated critical habitat, additional consultation between the lead Federal action agency and this Service Field Office is required for those species/designated critical habitat. If the Project has the potential to take bald or golden eagles, additional coordination with the Service under the Bald and Golden Eagle Protection Act may also be required. In either of these circumstances, please advise the lead Federal action agency to contact this Service Field Office

The following species may occur in your project area and **are not** covered by this determination:

- Monarch Butterfly *Danaus plexippus* Proposed Threatened

PROJECT DESCRIPTION

The following project name and description was collected in IPaC as part of the endangered species review process.

NAME

John Heinz Wildlife Refuge

DESCRIPTION

Project PA ERFO FW TCM 2020-1(1), ERFO Disaster Number PA2020-1-FWS, consists of the rehabilitation of Trolley Bed Road (Route 404) and Haul Road (Route 405) in the John Heinz National Wildlife Refuge at Tinicum in Philadelphia County, PA. In 2020, tropical storm Isaias damaged roads within the Refuge. The purpose of the project is to repair portions of two roads that were damaged during the storm event. The storm significantly damaged the roadway and shoulders of the Haul Road and Trolley Bed Road. In addition, both roads are subject to overtopping during seasonal flooding events.

Haul Road is a two-way single-lane asphalt surface road that consists of a 15-foot-wide lane with 1-foot turf shoulders on each side for a total width of 17-feet. The proposed repairs are to reconstruct approximately 0.012 miles of the road. The project would involve installing an aggregate base course and asphalt paving. The existing 12-inch culvert is insufficient to convey water during seasonal flooding, therefore, the culvert would be upsized to a 24-inch culvert and riprap placed at the outlet. The masonry headwall would also be replaced. Ditch reconditioning would occur along 20 linear feet and an 8-inch pipe would be replaced with an 18-inch elliptical pipe culvert.

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The total disturbed area for the project would be approximately 0.52 acres (22,651 sqft). No trees will be removed as a part of the project. An erosion control plan will be implemented during construction to reduce the potential for impacts to water quality The project is currently programmed for construction funding in FY 26

The approximate location of the project can be viewed in Google Maps: https://www.google.com/maps/@39.88174574999999,-75.25521632922964,14z

DETERMINATION KEY DESCRIPTION: FHWA, FRA, FTA PROGRAMMATIC CONSULTATION FOR TRANSPORTATION PROJECTS AFFECTING IBAT, NLEB, OR TCB

This key was last updated in IPaC on September 11, 2025. Keys are subject to periodic revision.

This decision key is intended for projects/activities funded or authorized by the Federal Highway Administration (FHWA), Federal Railroad Administration (FRA), and/or Federal Transit Administration (FTA), which may require consultation with the U.S. Fish and Wildlife Service (Service) under Section 7 of the Endangered Species Act (ESA) and may affect the federally listed endangered Indiana bat (*Myotis sodalis*), northern long-eared bat (*Myotis septentrionalis*), and/or federally proposed endangered tricolored bat (*Perimyotis subflavus*).

This decision key should only be used to verify project applicability with the Service's Programmatic Biological Opinion/Conference Opinion for Transportation Projects in the Range of the Indiana bat, northern long-eared bat, and tricolored bat, dated December 13, 2024. The programmatic consultation limited transportation activities that may affect the covered bat species and addresses situations that are both likely and not likely to adversely affect the covered bat species. This decision key will assist in identifying the effect of a specific project/activity and the applicability of the programmatic consultation. The programmatic consultation is not intended to cover all types of transportation actions. Activities outside the scope of the programmatic consultation, or that may affect ESA-listed species other than the Indiana bat, northern long-eared bat, or tricolored bat, or their designated critical habitat, may require additional ESA Section 7 consultation.

IPAC USER CONTACT INFORMATION

Agency:	Federal Highway Administration
Name:	Timberley Belish
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Address Line 2:	Bldg E2, STE 200
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State:	VA
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Email	timberley.belish@dot.gov
Phone:	7034046341