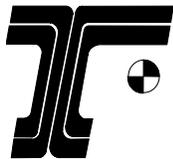


**Procedures for Completing NEPA for
Categorical Exclusion and
Programmatic Categorical Exclusion
Projects with Oregon Division
Federal-Aid
Highway Program Nexus**



**Oregon Department of Transportation
Federal Highway Administration,
Oregon Division**



April 1, 2016
(revised 5/20/2016)

Procedures for Completing NEPA for Categorical Exclusion and Programmatic Categorical Exclusion Projects with Oregon Division Federal-Aid Highway Program Nexus (“CE/PCE Procedures”)

Purpose

This document describes Oregon Department of Transportation (ODOT) and Federal Highway Administration (FHWA) Oregon Division procedures for the preparation and processing of National Environmental Policy Act (NEPA) documentation for Categorical Exclusion (CE) and Programmatic Categorical Exclusion (PCE) projects.

Background

In March 2015, ODOT and FHWA Oregon Division executed a [PCE Agreement](#) as allowed under 23 CFR 771.117(g) of FHWA’s [Environmental Impact and Related Procedures](#). The 2015 PCE Agreement authorizes ODOT to determine and approve, on behalf of FHWA, categorically excluded actions in 23 CFR 771.117(c) and (d) that do not exceed the impact thresholds specified in Section IV.A.1.b. of the agreement.

Categorical Exclusion actions that exceed the 2015 PCE Agreement impact thresholds must be individually reviewed and approved by FHWA Oregon Division.

Applicability

These procedures are applicable to PCE and CE projects that have a FHWA nexus. A FHWA nexus typically is FHWA project funding or approval.

In the absence of a FHWA nexus, ODOT projects still need to comply with applicable Federal, state, and local environmental requirements. Contact ODOT NEPA Program staff if you are uncertain how to proceed.

Documents

Project Prospectus Part 3

The Project Prospectus Part 3 Project Environmental Classification (aka Part 3) and expanded checklist continue to be an essential project scoping tool for early identification of potential environmental concerns, NEPA classification, and programming environmental tasks. The Part 3 is prepared by an ODOT Region Environmental Coordinator (REC), with input from resources specialists, typically immediately prior to or shortly after project kick-off (PE phase), and before completing the PCE Determination Form.

The PCE Approval Document and CE Closeout Document were crafted to complement the Prospectus Part 3. Whereas the Part 3 identifies and describes preliminary environmental issues, the PCE Approval and the CE Closeout summarize how environmental concerns were evaluated and avoided or resolved.

The Part 3 is a required document for the project file and is included as an attachment:

- To the PCE Determination Form if the project meets the PCE Agreement impact thresholds (do not include the Part 3 with the PCE Approval Document as that would be redundant); or
- To the CE Closeout Document if the project requires FHWA approval.

PCE Determination Form

The [PCE Determination Form](#) is applicable to projects that are not expected to exceed the impact thresholds of the 2015 PCE Agreement. The PCE Determination Form is prepared after sufficient scoping has been conducted to complete the Project Prospectus Part 3. The Part 3 must be completed prior to or in conjunction with the PCE Determination Form, and is a required attachment to the PCE Determination Form. A map of the project extents also needs to be attached to the Form. FHWA authorization of Federal-Aid funding for Right-of-Way (R/W) acquisition can be requested following completion and approval of the PCE Determination Form by qualified ODOT preparers and approvers.

PCE Approval Document

The [PCE Approval Document](#) including signatures of qualified ODOT preparers and approvers, and any required attachments, constitutes final NEPA approval for projects that do not exceed the impact thresholds of the 2015 PCE Agreement. FHWA authorization of Federal-Aid funding for construction can be requested following ODOT completion and approval of the PCE Approval Document.

CE Closeout Document

The [CE Closeout Document](#) is applicable to CE projects that exceed the impact thresholds of the 2015 PCE Agreement. The CE Closeout Document, including signatures of qualified ODOT preparers and approvers, and any required supporting documents, must be submitted to FHWA Oregon Division for review and final approval. The Closeout and supporting documents generally are separate electronic files sent together in a single e-mail. However, if the entire package is greater than 10 MB, two or more e-mails may be required to transmit the files. FHWA authorization of Federal-Aid funding for R/W acquisition and construction can be requested after the CE Closeout Document has been approved by FHWA Oregon Division.

Note: R/W acquisition can proceed prior to FHWA approval of the CE Closeout Document per MAP-21 and in accordance with [ODOT R/W Bulletin 09-04\(B\)](#).

Completing PCE and CE Closeout Documentation

Qualifications for Preparers and Approvers

The minimum qualifications of ODOT staff and managers who prepare and/or approve PCE documentation are detailed in Section **IV.A.8.a-d** of the March 2015 [PCE Agreement](#) between FHWA-Oregon Division and ODOT Regarding the Processing of Actions Classified as Categorical Exclusions for Federal-Aid Highway Projects.

General Project Information

The following relate to common fields in the upper portion of the PCE Determination Form, and PCE Approval and CE Closeout Documents:

Project Name: Include the ODOT project name.

Region: Select the appropriate ODOT Region number from the drop-down box.

Federal-Aid Number: Include the Federal-Aid number for the project assigned by the ODOT Highway Program Office. Typically a Federal-Aid number is assigned during the Preliminary Engineering phase and include the suffix PE, but it could be assigned for right-of-way or construction and include the RW or CON suffix, respectively. The Project Leader or Region Statewide Transportation Improvement Program (STIP) Coordinator can provide the Federal-Aid number.

ODOT Key Number: Include the current ODOT Key Number. If the Key Number has been updated from a Key Number previously assigned in the Project Prospectus, please note the number has been updated and provide prior Key Number(s).

City / County: Identify the city and/or county where the work will take place.

FHWA Nexus: “Nexus” refers to the project’s connection to FHWA, which is usually the receipt of FHWA funding for the transportation project. When the FHWA nexus is contribution of funding, identify as specifically as possible the project phases being funded (i.e., PE, R/W, and/or Construction). FHWA approvals (e.g., interstate access approval) also constitute a FHWA nexus. If a FHWA nexus does not exist, the PCE form and document, and CE Closeout Document are not used.

Project Description: Include the most complete and accurate project description that is available. If the project description changes between the time the Part 3 and PCE Approval or CE Closeout Documents are written, the differences should be noted in those documents. Ensure that the project description in the PCE Approval or CE Closeout does not conflict with the project description given in supporting documentation (e.g. Section 106 and Endangered Species Act (ESA) documents). For each discipline or resource, explain any differences in expected impacts between the times the Part 3 was written and when the PCE Approval or the CE Closeout Document is prepared. For example, if a particular resource was avoided, summarize the avoidance measures that were taken.

If mandatory or prospective staging areas, material sources, or disposal sites will be included in the construction bid package, those locations should be noted in the project description.

The termini of the project should be clearly defined in the project description and shown on a map.

Required Supporting Documents: A completed Prospectus Part 3 and a project map are required attachments for each PCE Determination Form and CE Closeout Document; a project map is a required attachment to the PCE Approval Document, but the Part 3 is not. The project map needs to: include Project Name, ODOT Key Number, Federal-Aid Number, and City/County; identify the highway, road, or intersection(s) where work will be performed; and show project termini with starting and ending highway milepoints for linear jobs or point locations for intersection and bridge projects; if access, borrow, material source, disposal, and staging locations have been identified they should be shown on the map too. Other items that are informative to include on maps are: a north arrow, scale bar or text, and an inset showing the county where the project is located. Depending on the type of project work, the base map could be either a highway map or an aerial image. Other required attachments are indicated in the table below. CE Closeout submittals to FHWA Oregon Division that do not contain required attachments will be returned to ODOT as incomplete and unsigned.

CE Closeout Specific Information: At the top of the CE Closeout Document is a dropdown menu of the threshold criteria listed in section VI.A.1.b of the [PCE Agreement](#) which if met or exceeded preclude ODOT from approving a project as a PCE.

Discipline/Resource Narrative in PCE Approval and CE Closeout Documents

The discipline or resource specific narrative provided in the PCE Approval and CE Closeout Documents should tier to the information in the Part 3. As noted above, potential environmental issues are identified in the Part 3, and the PCE Approval and CE Closeout Documents summarize how those environmental issues were avoided or resolved during project development.

The following table replicates the discipline/resource portion of the PCE Approval and CE Closeout Documents and provides procedures for entering information such as: descriptions of resources present and evaluated for NEPA and other statutes (e.g. ESA and Section 106); references to how compliance was met for various regulations and laws; and explanations of how project impacts to those resources were avoided or resolved during project development. The Required Attachments column in the table lists supporting documents that are required, or could be required depending on project-specific considerations, as part of complete PCE Approval and CE Closeout packages. Generally, it is not necessary to provide documentation that is not prompted for in this column unless FHWA specifically requests additional documentation. However, if the REC determined that additional supporting documents were essential to the project NEPA decision, those documents should be included with the

PCE Approval or CE Closeout package. At the same time, the REC should also ensure that information in the Part 3, PCE Determination, PCE Approval, and CE Closeout documents is consistent for each discipline narrative described below. Redundant or unnecessary documentation should be avoided. All PCE and CE project documentation must be available for FHWA review upon request.

Discipline / Resource	Required Compliance / Status Information Provide the following information in the PCE Approval Document or CE Closeout Document. <i>Example language that can be used:</i>	Required Attachments <i>List attachments included with the PCE Approval or CE Closeout package:</i>
Right-of-Way	<p>Summarize estimated right-of-way impacts; provide known number of residential and business displacements and the estimated acres of acquisition (rounded to the nearest tenth). Document determinations of minor amounts of right-of-way, including information that supported that determination.</p> <p><i>Example 1: “Although this project will acquire 24.8 acres of right-of-way, the acquisition will be acquired from one property owner, who is a willing seller. FHWA and ODOT agreed that in this case, the right-of-way acquisition is considered a minor amount, consistent with the 2015 PCE Agreement.”</i></p> <p><i>Example 2: “No R/W files were required for this project, including no temporary easements. All work will occur within the existing ODOT R/W.”</i></p> <p><i>Example 3: “This project requires 8 fee acquisitions (“sliver” takes) totaling 2.3 acres, 15 permanent easements totaling 0.4 acres, and 21 temporary easements totaling 0.7 acres. No residents or business will be displaced.”</i></p> <p><i>Example 4: “This project will acquire 10 properties and results in the displacement of one tenant.”</i></p>	None.
Land Use	<p>Describe any state Goal Exception requirements and/or special land use considerations (such as project compatibility with acknowledged comprehensive plans per OAR 731-015-0085).</p> <p><i>Example: “The project is located within the Columbia River Gorge National Scenic Area; land use adjacent to the project is designated Open Space and Public Recreation. The project was designed to be consistent with the CRGNSA Management Plan and Hood River County land use ordinances. A National Scenic Area permit was issued on 3/24/08. No state Goal Exception required.”</i></p>	<p>Approved Goal Exception, when required.</p> <p><i>Insert “N/A” if there are no applicable attachments.</i></p>
Socio-economics	<p>Describe the benefit of the project when constructed. Summarize known socioeconomic impacts. For PCE Approvals, document determinations that traffic patterns will not be substantially affected either temporarily or</p>	None.

Discipline / Resource	Required Compliance / Status Information Provide the following information in the PCE Approval Document or CE Closeout Document. <i>Example language that can be used:</i>	Required Attachments <i>List attachments included with the PCE Approval or CE Closeout package:</i>
	<p>permanently. Describe all anticipated closures, including estimated closure duration and any potential impacts. Specifically address potential business impacts and detours including length in miles and/or time in minutes. When the potential for impacts from a closure exist, be certain that the public involvement portion of the document describes outreach efforts to those potentially impacted.</p> <p><i>Example 1: “This project will replace a deteriorating culvert on OR 66 and will improve fish passage. This project will benefit the traveling public by removing the risk of culvert failure. During construction, a single lane detour will be installed to meet mobility standards.”</i></p> <p><i>Example 2: “This project will not cause adverse socioeconomic impacts. The project will benefit park users by creating a continuous bike/ped trail between two state parks.”</i></p> <p><i>Example 3 (documenting traffic patterns): “This project will include night-time closures of the on-ramp for two weeks. ODOT and FHWA determined that these closures would not substantially affect traffic patterns because of the low traffic volume expected at night; and the short duration of the night-time closures.”</i></p>	
Environmental Justice	<p>Utilize FHWA guidance on EJ and NEPA. Provide a summary of field survey information and Census data. Include a summary of EJ analysis for the project which supports one of the following findings:</p> <ul style="list-style-type: none"> (1) no disproportionately high and adverse EJ impacts, (2) adverse EJ impacts that are not disproportionately high, or (3) adverse EJ impacts that are disproportionately high. <p>Contact the FHWA Oregon Division Environmental Program Manager and ODOT NEPA Program staff if disproportionately high and adverse human health or environmental impacts to EJ populations are preliminarily identified. Discuss with FHWA the need and scope of focused public outreach to EJ populations in accordance with Title VI.</p> <p><i>Example 1: “No minority or low-income populations have been identified that would be adversely impacted by the proposed project as supported by the field survey work and Census data analysis described in this document. Therefore,</i></p>	None.

Discipline / Resource	Required Compliance / Status Information Provide the following information in the PCE Approval Document or CE Closeout Document. <i>Example language that can be used:</i>	Required Attachments <i>List attachments included with the PCE Approval or CE Closeout package:</i>
	<p><i>in accordance with the provisions of E.O. 12898 and FHWA Order 6640.23, no further EJ analysis is required.”</i></p> <p><i>Example 2: “Based on the above discussion and analysis, the XYZ alternative(s) will not cause disproportionately high and adverse effects on any minority or low-income populations in accordance with the provisions of E.O. 12898 and FHWA Order 6640.23. No further EJ analysis is required.”</i></p> <p><i>Example 3: “Environmental Justice analysis identified a minority neighborhood with largely Limited English Proficiency residents in the project area. To engage the community, a flyer about the project was printed in Spanish and mailed to residences that could be affected by the project. A public open house with presentations in Spanish was held at a public school in the neighborhood too. The open house was announced in flyers and in a community newsletter and was held on 3/12/15. The majority of comments received expressed substantial support for the project.”</i></p>	
CWA Section 404 / Wetlands and Waters	<p>Summarize known impacts (amount/type) and required mitigation. State whether a CWA Section 404 nationwide or individual permit is needed. Identify which type (number) of nationwide permit will be obtained. If an individual permit is required, document Corps coordination on Least Environmentally Damaging, Practicable Alternative through a site visit, phone call, or e-mail.</p> <p><i>Example 1: “Corps Liaison/Project Manager visited project on April 12, 2015, and expressed no permitting concerns based on scope of project at that time.”</i></p> <p><i>Example 2: “The project will impact 0.09 acre of ditch/wetland with the eastbound on-ramp. The U.S. Army Corps will regulate the ditch as a wetland; Oregon Department of State Lands did not take jurisdiction over this waterway. The project has been permitted under Corps Nationwide #14 (linear transportation) Permit (NWP-2015-791). The Corps is not requiring ODOT to provide wetland mitigation, and confirmed that the proposed water quality swale will more than offset potential stormwater impacts.”</i></p>	None.
Water Quality	Describe stormwater treatment triggers (e.g. increased impervious surface, changes in stormwater conveyance) and requirements.	None.

Discipline / Resource	Required Compliance / Status Information	Required Attachments
	<p>Provide the following information in the PCE Approval Document or CE Closeout Document.</p> <p><i>Example language that can be used:</i></p>	<p><i>List attachments included with the PCE Approval or CE Closeout package:</i></p>
<p>ESA / T&E Species</p>	<p>Summarize the Endangered Species Act process and results for US Fish and Wildlife Service and National Marine Fisheries Service trust species.</p> <p><i>Example 1: “This project is located outside the range and critical habitat for SONC coho. Surveys for listed plants were negative. This project results in a No Effect determination for ESA-listed fish, wildlife, and plants. ODOT biologist [name] completed a No Effect memo for the project on XXX XX, 20XX.”</i></p> <p><i>Example 2: “ODOT biologist [name] completed a No Effect memo covering fish species listed under the Federal ESA for the project on XXX XX, 20XX. Formal ESA Section 7 consultation was initiated with the USFWS concerning potential noise disturbance impacts to spotted owl and marbled murrelet. USFWS issued their Biological Opinion on project effects to those species on XXX XX, 20XX.”</i></p> <p><i>Example 3: “The project area supports Middle Columbia River (MSA) steelhead and is designated critical habitat. As such, Endangered Species Act (ESA) consultation with the National Marine Fisheries Service (NMFS) was required and completed through the Federal Aid Highway Program (FAHP) Programmatic Biological Opinion issued by NMFS in December 2012. NMFS concurred that the project complies with the FAHP terms and conditions on XXX XX, 20XX. ESA consultation with the U.S. Fish and Wildlife Service was not required because no USFWS trust ESA-listed species, or designated critical habitat, occur in the immediate vicinity of the project area.”</i></p>	<p>Document ESA compliance for both USFWS and NMFS trust species by including one or more of the following:</p> <ul style="list-style-type: none"> • No Effect Memo; • FAHP Programmatic BiOp Concurrence; • NLAA Concurrence Letter; • LAA BiOp
<p>NHPA Section 106 (Cultural Resources)</p>	<p>Describe evaluation of project area for cultural resources and impacts, relying on ODOT Section 106 documentation for “historic” and “archaeological” resources. Provide one of the following Section 106 project-level findings based on the most severe effect from Section 106 documentation:</p> <ol style="list-style-type: none"> (1) No Historic Properties Affected, (2) No Historic Properties Adversely Affected, or (3) Historic Properties Adversely Affected. 	

Discipline / Resource	Required Compliance / Status Information	Required Attachments
	<p>Provide the following information in the PCE Approval Document or CE Closeout Document.</p> <p><i>Example language that can be used:</i></p> <p><i>Example 1: “The Section 106 finding for this project is: No Historic Properties Affected. PA Memos for historic and archaeological resources were completed on 7/28/15.”</i></p> <p><i>Example 2: “The Section 106 finding for this project is: No Historic Properties Adversely Affected. CTUIR THPO concurred on 6/5/15 with DOE finding that a farm house is not eligible for NRHP. CTUIR THPO concurred on 6/10/15 with ODOT FOE finding that no adverse effect would occur to archaeological resources.”</i></p> <p><i>Example 3: “The project area was reviewed for built resources (buildings & structures) by [name], ODOT Historian. The Section 106 finding for the project, as determined by ODOT on behalf of FHWA, is No Historic Properties Affected. The project falls under Stipulation 5, List B (3), of the Programmatic Agreement (PA) Regarding Implementing Section 106 of the National Historic Preservation Act for the Federal-Aid Program in Oregon, executed December 23, 2011 by FHWA, ACHP, ODOT, and the Oregon State Historic Preservation Office (SHPO). A PA Memo for Historic Resources was prepared for Section 106 compliance.</i></p> <p><i>ODOT Archaeologist, [name], reviewed the SHPO database and conducted pedestrian surveys of the APE on XXX XX, 20XX. The SHPO database does not include any records of archaeological sites present and no archaeological artifacts were found during the field surveys. The Section 106 finding for archaeological resources is No Historic Properties Affected. Further, the project falls under Stipulation 4C, of the Section 106 PA referenced above. Section 106 compliance for archaeological resources was noted in the PA project tracking spreadsheet which is submitted annually to FHWA and SHPO.”</i></p> <p><i>Example 4: “The Section 106 Determination of Eligibility (DOE) and Finding of Effect (FOE) for the project was completed by an ODOT Historian, [name]. The DOE determined that a National Register of Historic Places eligible structure (name the structure) under Criterion (list A, B, C, or D) is present in the APE. Further the FOE for project impacts to the structure was finding of an Adverse Effect on Historic Properties. The Oregon State Historic Preservation Office concurred with the DOE and FOE on XXX xx, 20xx.</i></p>	<p><i>List attachments included with the PCE Approval or CE Closeout package:</i></p> <p>Document completion of Section 106 by including one or more of the following:</p> <ul style="list-style-type: none"> • If cleared via PA spreadsheet, either describe the entry as in <i>Example 3</i> paragraph 2, or paste a copy of the spreadsheet entry which shows the applicable PA stipulation; • PA No Effect Memo including applicable stipulation; • SHPO or THPO Concurrence on No Historic Properties Affected; • SHPO or THPO Concurrence on No Historic Properties Adversely Affected; • SHPO or THPO Concurrence on Historic Properties Adversely Affected; • ACHP submittal and response letters (for Finding of Adverse Effect); • Executed MOA (for Finding of Adverse Effect).

Discipline / Resource	Required Compliance / Status Information Provide the following information in the PCE Approval Document or CE Closeout Document. <i>Example language that can be used:</i>	Required Attachments <i>List attachments included with the PCE Approval or CE Closeout package:</i>
	<i>Mitigation for the project's Adverse Effect was discussed at a meeting with the Oregon SHPO and FHWA on XXX xx, 20xx. Agreed upon mitigation for the adverse effect was (describe the mitigation). The mitigation was codified in a Memorandum of Agreement among FHWA, ODOT, and Oregon SHPO executed on XXX xx, 20xx."</i>	
Visual Resources	Identify whether the project is in a visually sensitive area and whether a visual resources assessment was prepared. Summarize the results of the assessment and date completed. <i>Example 1: "No impacts to visual resources will occur from this action. The project is not on a National or Oregon Scenic Byway. The project area has no significant visual resources, viewpoints, or corridors. A visual resources assessment was not required by the USFS."</i> <i>Example 2: "The project API is located within ¼ mile of the Minam and Wallowa River Scenic Waterways. A Notification of Intent to Make Improvements (NOI) application for project work near the scenic waterways was submitted to Oregon Parks and Recreation Department (OPRD) which approved the application on January 13, 2015."</i>	Visual resource assessment when one has been completed; OPRD approved NOI; <i>Insert "N/A" if there are no applicable attachments.</i>
Section 4(f)	Summarize the Section 4(f) use and determination (i.e., temporary occupancy, <i>de minimis</i> , nationwide programmatic, and/or individual evaluation) for all potential Section 4(f) properties (historic and parks+). Where Section 4(f) resources are present but Section 4(f) does not apply, document the decision-making process. <i>Example 1: "There are no Section 4(f) publicly owned parks, recreational areas, wildlife and waterfowl refuges, or public and private historical sites within the project limits. The project would not create a Section 4(f) use."</i> <i>Example 2: "A Section 4(f) de minimis finding was made for a linear ROW acquisition from Hubbard City property containing an NRHP-eligible water tower. SHPO concurred that the project would have No Adverse Effect. FHWA approved a Section 4(f) de minimis finding for the water tower on 5/5/15."</i>	One or more of the following: <ul style="list-style-type: none"> • Temporary occupancy documentation; • Section 4(f) <i>de minimis</i> determination; • Nationwide programmatic evaluation; • Individual Section 4(f) evaluation (note: projects requiring individual 4(f) evaluation are not PCE eligible). <i>Insert "N/A" if there are no applicable attachments.</i>

Discipline / Resource	Required Compliance / Status Information	Required Attachments
Section 6(f)(3)	<p>Provide the following information in the PCE Approval Document or CE Closeout Document.</p> <p><i>Example language that can be used:</i></p> <p>State if any properties that received Land and Water Conservation Fund Act funds will be affected. Provide a summary of any coordination with Oregon Park & Recreation Department and National Park Service regarding 6(f)(3) protected properties.</p> <p><i>Example: “Viento Creek State Park was purchased with Land and Water Conservation Funds; this project will connect Viento Creek with Starvation Creek State Park with a multi-use path. Construction of a recreational trail connecting these two parks is not a 6(f)(3) conversion per 10/1/11 and 7/14/15 conversations with the OPRD LWCF grants administrator.”</i></p>	<p><i>List attachments included with the PCE Approval or CE Closeout package:</i></p> <p>NPS Approval for “Temporary Non-Conforming Uses” (could be an e-mail from OPRD))</p> <p><i>Insert “N/A” if there are no applicable attachments.</i></p>
Air Quality	<p>Projects in nonattainment or maintenance areas must be coordinated with an ODOT Air Quality Specialist. Projects in rural nonattainment or maintenance areas that are not exempt from regional conformity will need immediate attention to conduct rural regional conformity which is an extensive level of effort.</p> <p>For other projects use the following examples:</p> <p>(1) <u>Regional Conformity.</u></p> <ul style="list-style-type: none"> • For projects that are not within nonattainment or maintenance areas provide a reference to the project as listed in the STIP and provide a statement similar to: <i>“The [project name] is listed in the 20## -- 20## STIP and is not in an air quality nonattainment or maintenance area.”</i> • For projects in a MPO nonattainment or maintenance area, provide a reference to the project as listed in the current conforming TIP (page and project #s) with a statement similar to: <i>“The [project name] as described in this PCE/CE is the same in design concept and scope as the project that is listed in the 20## TIP (insert page and project number).”</i> • For projects in rural (outside of MPOs) nonattainment or maintenance areas that are exempt from regional conformity (40 CFR 93.126, 40 CFR 93.127 and 40 CFR 93.128), provide a reference to the project as listed in the current STIP by ODOT Key Number with a statement similar to: <i>“The [project name] as described in this PCE/CE is the same in design concept and scope as the project that is</i> 	None.

Discipline / Resource	Required Compliance / Status Information Provide the following information in the PCE Approval Document or CE Closeout Document. <i>Example language that can be used:</i>	Required Attachments <i>List attachments included with the PCE Approval or CE Closeout package:</i>
	<p><i>listed in the 20##-20## STIP (insert ODOT Key Number).</i>"</p> <p>(2) <u>Project-level Conformity.</u></p> <ul style="list-style-type: none"> • For exempt projects define the exemption from 40 CFR 93.126 or 40 CFR 93.128, or "Table 2 Exempt Projects" and provide a statement similar to: <i>"The [project name] project which will [list action from links above] is exempt from project level conformity and no analysis is needed."</i> • For Table 3 projects and other non-exempt projects contact ODOT Air Quality Specialist regarding coordination of project level hot spot analysis. Summarize conclusions from hot spot analysis provided by the Air Quality Specialist. <p>(3) <u>MSAT Considerations.</u></p> <ul style="list-style-type: none"> • For projects that are listed in 23 CFR 771.117(c) include this language: <i>"For MSAT considerations, this project falls in the category of 'Exempt or a Project with No Meaningful Potential MSAT Effects' because it qualifies as a categorical exclusion under 23 CFR 771.117 (c) [specify CE type]."</i> • For projects that are listed in 23 CFR 771.117(d) - except auxiliary lanes* include this language: <i>"For MSAT considerations, this project is exempt under the Clean Air Act conformity rule under 40 CFR 93.126."</i> • For projects that are listed in 40CFR93.127 include this language: <i>"For MSAT considerations, this project has a low potential for MSAT."</i> Include summary of MSAT qualitative analysis from an air quality report or provided by an ODOT Air Quality Specialist. <p>*If the project is an auxiliary lane project that is longer than one mile or extends beyond two interchanges, contact the ODOT Air Quality Specialist regarding MSAT requirements.</p>	
Noise	State whether a noise study was required. Summarize estimated noise impacts from noise study and if noise abatement will be considered during final design. If abatement will not be considered, provide basis for not	None.

Discipline / Resource	Required Compliance / Status Information	Required Attachments
	<p>Provide the following information in the PCE Approval Document or CE Closeout Document.</p> <p><i>Example language that can be used:</i></p>	<p><i>List attachments included with the PCE Approval or CE Closeout package:</i></p>
<p>Hazardous Materials</p>	<p>Summarize hazmat survey results, analyses, and proposed mitigation.</p> <p><i>Example 1: “ODOT Region 3 hazmat coordinator completed a Limited Level 1 Site Assessment and bridge paint sampling on 12/11/15; based on the results of that survey, no further hazmat actions are necessary.”</i></p> <p><i>Example 2: “Hazardous materials and petroleum contamination have been identified in the project API. Project special provisions will be prepared to address worker safety and the management and disposal of the HID lamp, painted curbs, contaminated soils, and contaminated groundwater.”</i></p>	<p>None.</p>
<p>Tribal Coordination</p>	<p>The ODOT Archaeologist for each project provides a summary of coordination efforts with Federally recognized Tribes. In addition to cultural resource interests, some projects may require Tribal coordination for fish, wildlife, and plants and those coordination efforts should be reported also.</p> <p>Tribal coordination can be documented in one of two methods:</p> <ol style="list-style-type: none"> 1) Archaeologist provided summaries can be referenced in this section and included as attachments. If included as attachments do not repeat specific coordination effort information here. <p>OR</p> <ol style="list-style-type: none"> 2) For projects with minimal or no responses from Tribes, the Archaeologist provided summary can be pasted directly in this section: <i>Example: “ODOT Archaeologist, insert name, consulted with the [Tribe] regarding this project via e-mail notification to tribal cultural staff on Date. No response was received from the Tribe.</i> 	<p>Tribal Coordination Summary from Archaeologist, as attachment.</p> <p>OR</p> <p>None (if information provided from the Archeologist is provided to the left within PCE Approval or CE Closeout documents).</p>

Discipline / Resource	Required Compliance / Status Information	Required Attachments
	<p>Provide the following information in the PCE Approval Document or CE Closeout Document.</p> <p><i>Example language that can be used:</i></p>	<p><i>List attachments included with the PCE Approval or CE Closeout package:</i></p>
Public Outreach	<p>For all projects summarize in this section what, if any, concerns were expressed during Tribal coordination which led to environmental commitments.</p> <p><i>Example: “The [Tribe] raised concerns of potential discoveries at [location(s)]. Tribal monitors will be present for [construction phases].”</i></p> <p>Provide a summary of public involvement activities, feedback received and response to feedback. Include any stakeholder communication, correspondence, consultation, or public meeting documentation that pertains to project and environmental decisions. Efforts to engage EJ and Limited English Proficiency (LEP) populations and neighborhoods should be described in the EJ Section above.</p> <p><i>Example 1: “A public open house was held on [date]. 50 comments were received, the majority of which supported the project.”</i></p> <p><i>Example 2: “A public open house was advertised in the Register Guard and on public service television and radio. In addition, direct newsletter mailings were sent to residents and businesses within ½ mile of the interchange. The open house was held on 3/12/15. The majority of comments received expressed substantial support for the project.”</i></p> <p>If there is potential or actual litigation regarding the project, notify the FHWA Oregon Division Environmental Program Manager as soon as possible to determine if additional information should be included in the NEPA document.</p>	None.
Environmental Commitments	<p>Specifically list environmental commitments including planned enhancements and commitments made to the local community, such as aesthetic design treatment and/or landscaping. Reference mitigation outlined in Section 106 MOAs to resolve adverse effects and reference mitigation commitments included in Section 4(f) documents; describe mitigation proposed to offset adverse socioeconomic, EJ, and noise impacts; and describe required Section 6(f)(3) replacement property. Environmental commitments for wetland monitoring and establishment, ESA-listed species habitat enhancements, water quality improvements, and hazmat cleanup that extend beyond the duration of the project construction contract are to be listed. Do not list activities that are included in the ODOT Standard Specifications for Construction, such as erosion and</p>	None.

Discipline / Resource	Required Compliance / Status Information Provide the following information in the PCE Approval Document or CE Closeout Document. <i>Example language that can be used:</i>	Required Attachments <i>List attachments included with the PCE Approval or CE Closeout package:</i>
	sediment control, pollution control, turbidity monitoring, MBTA compliance, etc. in this section. <i>Example: “This project has incorporated the following Environmental Commitments:</i> <ul style="list-style-type: none"> • <i>Approximately 30 yds³ of remnant concrete or artificial fill will be removed as offset for placement of approximately 30 yds³ of concrete fill for abutments in the functional floodplain at the Wallowa API.</i> • <i>The concrete box beams for the new superstructure of the Deer Creek Road Bridge will be stained brown (Scenic Waterway NOI authorization).</i> • <i>Fulfillment of obligations in the Memorandum of Agreement among FHWA, SHPO, ODOT, and Wallowa County to Resolve the Section 106 Adverse Effect for the Deer Creek Road: Wallowa River Bridge #63C114 Project. ODOT Miscellaneous Contracts and Agreements No. 30501.</i> • <i>A cultural monitor will be present during ground disturbing activities.”</i> 	
Other Federal Agency NEPA Approvals Required for the Project	List the Federal agency and their NEPA approval(s) required for the project. If approval(s) is pending provide an expected timeframe for completion of each outstanding approval. Federal agency permits such as a Corps 404 permit or an ESA Biological Opinion are included in other sections above and not listed here. <i>Example 1: “The US Forest Service completed an Environmental Assessment to amend the Forest Plan in June 2015 to support a consistency finding for this project.”</i> <i>Example 2: “The Bureau of Indian Affairs is expected to complete a Categorical Exclusion in August 2015 to support the transfer of land held in trust for the Tribe.”</i>	None.

NEPA Classification, Reviews, and Signatures

The following procedures apply to the lower portion of the PCE Determination Form, Approval Document, and the CE Closeout Document:

Identification of the Specific Categorical Exclusion/s: From the dropdown, select the FHWA CE category(ies) from [23 CFR 771.117 \(c\) and \(d\)](#) that apply to the proposed action. For some PCE and CE projects, more than one CE category will apply. The first selected CE category should be one that most closely aligns with the majority of the project. When the project includes components beyond one listed CE category, also document those other CE categories that fit the project. As the last categories, it is

beneficial to include: 23 CFR 771.117 (c)(22) for projects within the operational R/W, and 23 CFR 771.117 (c)(23) for projects that receive less than \$5 million in Federal-Aid funding.

ODOT Preparer Signature: The ODOT REC that prepares the PCE Form and Document, and CE Closeout Document, electronically signs to verify that due diligence was performed in completing all relevant environmental compliance requirements for the project as designed, and attests to the accuracy and completeness of the information in the document. For any PCE Approval Document and CE Closeout Document not prepared by an ODOT REC, an ODOT REC must perform a quality control review of the package, make or direct revisions to be made as appropriate, and electronically sign the PCE Approval and CE Closeout Documents, *as the ODOT Preparer*, once it is deemed to be accurate and complete. The ODOT Preparer should ensure that all relevant environmental supporting documents that are attached to the PCE Approval and CE Closeout Documents are signed and “in hand” *prior* to electronically signing the PCE Approval and CE Closeout Documents.

ODOT Approver Signature: The ODOT Approver electronic signature confirms that the Region Environmental Manager or their designated staff (typically the Environmental Lead) has performed a quality control review of the PCE Determination Form, PCE Approval Document, or CE Closeout Document and finds the document to be complete and accurate and ensures that all relevant attachments have already been signed. The signature order for PCE documents should be as follows: Part 3, PCE Determination, relevant environmental supporting document attachments, PCE Approval. The ODOT approver signature, date, and time will follow the ODOT preparer signature.

FHWA Official Signature: Upon receipt of an electronically submitted copy of a CE Closeout Document FHWA will strive to complete their review (for completeness and accuracy) within two weeks. Insufficient or incomplete CE Closeout Documents will be returned for revision or additional information. If it is determined that package is complete and accurate, a FHWA Oregon Division Official will provide their signature attesting that FHWA has approved the CE Closeout Document and NEPA is complete.

Completion Timing and Transmittal of PCE and CE Documentation

PCE Determination Form: When the REC concludes that adequate information is available to classify a project as a PCE, the Determination Form is completed and electronically signed by the REC and Region Environmental Manager or their designated staff, as the Preparer and Approver, respectively. The Determination Form could be completed prior to the project kickoff if the REC has sufficiently scoped and gathered enough information to prepare a Part 3, but generally the form is best completed between project kickoff and finalization of the Design Acceptance Package (DAP). The REC transmits the signed form, with the Part 3 and project map attachments, to ODOT Geo-Environmental Section (GES) via e-mail to ODOT GeoAdmin Work Orders. Concurrently, the REC records project information (key number, Federal-Aid number, sponsor, name, PCE type, and PCE start and determination dates) in their Region-specific PCE spreadsheet at [PCE-Agreement \(2015\)-Region Spreadsheets](#). When e-mailing the Determination Form to GES, the REC should copy the Project Leader/Local Agency Liaison, R/W Agent, and Region STIP Coordinator that FHWA authorization of R/W acquisition can be requested through Financial Management Information System (FMIS); if those individuals are not copied on the transmittal e-mail to GES, a separate e-mail needs to be sent to them. The REC does not submit the PCE Determination Form, Part 3, or project map to FHWA.

PCE Approval Document: After the REC has received final supporting documents from resource specialists (e.g. Section 106, Tribal Coordination, ESA documents) that will be attached to the PCE Approval Document, they then should complete the PCE Approval Document consistent with the “[Standardized PCE GeoAdmin Files: Naming and Filing Conventions](#)” procedures and electronically sign the form as the Preparer—ensuring all relevant document attachments have already been signed. Once a peer review has been completed on the PCE Approval Document and attachments, the REC then gives a copy of the PCE Approval Document and attachments to the Region Environmental Manager or their designated staff for final review and electronic signature, as the Approver; thus completing ODOT

approval of the PCE and NEPA for the project. The REC then transmits the signed PCE Approval Document and all relevant required attachments to GES via e-mail to ODOT GeoAdmin Work Orders, consistent with the previously-mentioned naming and filing conventions. Concurrently, the REC records the PCE Approval date and provides a link to where the project environmental files are stored on the GES server in the designated column in their Region-specific PCE spreadsheet at [PCE-Agreement \(2015\)-Region Spreadsheets](#). When e-mailing the Approval Document and attachments to GES, the REC should copy the assigned Project Leader/Local Agency Liaison and Region STIP Coordinator that NEPA has been completed and that FHWA authorization of construction can be requested through FMIS; if those individuals are not copied on the transmittal e-mail to GES a separate e-mail needs to be sent to them. The REC does not submit the PCE Approval Document to FHWA. Please see the “[Standardized PCE GeoAdmin Files: Naming and Filing Conventions](#)” procedures for alternative approaches to placing PCE documents in GES file locations if PCE files are too large to email. In that case, the REC will still need to send an email to the ODOT GeoAdmin Work Orders email address to notify GES administrative staff to enter the PCE information into the GES NEPA Tracking Spreadsheet.

ODOT has committed to perform cross-region peer reviews of PCE Approval Document packages through June 30, 2016. Cross-region peer review information—1) Cross-Region Peer Review Process, 2) Cross-Region Peer Review Checklist (with comments and responses to comments), and 3) Cross-Region Peer Review Spreadsheet—is available at [PCE Approval Document Peer Reviews](#).

CE Closeout Document: For projects that do not meet the provisions of the 2015 PCE Agreement, the REC completes the CE Closeout Document after receiving all final supporting documents from resource specialists. The CE Closeout Document requires the REC to identify the reason(s) the project cannot be processed by ODOT as a PCE. The CE Closeout is electronically signed by the project REC and Region Environmental Manager or their designated staff. The REC includes their e-mail address in the box below the signature line; by default the e-mail address for ODOT GeoAdmin Work Orders is entered in the box. The signed CE Closeout and required attachments are then submitted to the FHWA Oregon Division Official for review and approval. The REC should e-mail the completed packet if it is below the file size threshold (10 MB in January 2016) or can post the materials on an accessible portion of the ODOT FTP site and e-mail the link to FHWA.

FHWA will strive to complete their review of the CE Closeout Document within two weeks of receipt. FHWA will notify the REC of an incomplete or insufficient CE Closeout Document via e-mail and will be available via telephone or face-to-face meeting to reach resolution. FHWA approves the CE Closeout Document via electronic signature, attesting that NEPA has been completed for the project. FHWA Oregon Division will not authorize Federal-Aid funding for R/W acquisition or construction until the CE Closeout Document has been approved by FHWA.

Note: R/W acquisition can proceed prior to FHWA approval of the CE Closeout Document, but only when projects are able to comply with MAP-21 and in accordance with [ODOT R/W Bulletin 09-04\(B\)](#).

After FHWA Oregon Division has reviewed and approved the CE Closeout, they will e-mail a signed copy of the CE Closeout Document to the REC and ODOT GeoAdmin Work Orders e-mail addresses listed in the box below the signature line.

Recordkeeping

ODOT procedures for naming and filing PCE and CE forms and documents are detailed in the [Standardized PCE GeoAdmin Files: Naming and Filing Conventions](#) procedures document. The following table lists required documents that must be kept on file in GES and Regions and available upon request from FHWA or through a Freedom of Information Act (FOIA) request. The table also identifies who prepares the documents and length of time documents need to be retained. [The Oregon State Archive records retention schedule](#) for ODOT Highway Division NEPA documents is 40 years; many of the supporting documents are not identified in the schedule but because they are part of the NEPA file they should be retained for 40 years also.

Required Documents for all Projects	Preparer	Region	GES	Retention
PCE Determination	REC	X	X	40 years
PCE Approval or CE Closeout	REC or REC & FHWA	X	X	40 years
Part 3	REC	X	X	40 years
Project Map(s)	REC	X	X	40 years
Section 106*: <ul style="list-style-type: none"> • Programmatic Agreement Memo(s); • PA tracking spreadsheet notation e-mail; or • SHPO concurrence on Finding of Effect 	GES Cultural Resources Staff	X	X	40 years
Tribal Coordination Summary	GES Cultural Resources Staff	X	X	40 years
Endangered Species Act*: <ul style="list-style-type: none"> • No Effect Memo; • FAHP Biological Opinion Notifications & Approvals; or • Individual ESA Section 7 Biological Assessment and Services issued Letter of Concurrence or Biological Opinion 	Biologist/REC	X	X	40 years
*Not all documents listed are applicable to every project, but least one of the listed documents is needed for GES files.				

Other Documents as Listed in PCE Approval or CE Closeout				
Approved Goal Exception	Planning/REC	X	X	40 years
Section 106: <ul style="list-style-type: none"> • SHPO concurrence on Determination of Eligibility and Finding of Effect; • Executed Memorandum of Agreement 	GES Cultural Resources Staff	X	X	40 years
Advisory Council on Historic Preservation submittal and response letters	FHWA/GES Cultural Resources Staff	X	X	40 years
Section 4(f): <ul style="list-style-type: none"> • De minimis impact determination; • Programmatic or Individual Evaluations 	GES Cultural Resources Staff	X	X	40 years
Visual Resources Assessment	Visual Resources Specialist/REC	X	X	40 years
Notification of Intent to make	REC/Visual Resources	X	X	40 years

Other Documents as Listed in PCE Approval or CE Closeout				
Improvements approved by Oregon Parks and Recreation Dept.	Specialist			
Section 6(f)(3): National Park Service Approvals	REC or REC/EPM Team Lead	X	X	40 years
Air Quality Project-level Conformity Analysis	Air Quality Specialist	X	X	40 years
Noise Study	Noise Specialist	X	X	40 years
Environmental Justice Analysis Notes	REC	X		40 years
Fish Passage Plans	Biologist/REC	X		Life of structure
Wetland Scoping Memo	Wetland Specialist	X		40 years
Wetland Delineation and Agency Concurrence	Wetland Specialist	X	X	40 years
Clean Water Act (CWA) 404 and Oregon Department of State Lands (DSL) Removal/Fill Joint Permit Application	Permit Specialist	X	X	40 years
CWA 404 (Corps) and DSL authorizations	Permit Specialist	X		40 years
Water Quality-Stormwater Management Plans	Water Quality Specialist	X		40 years
Water Quality Facilities	Water Quality Specialist	X		Life of structure
Hazardous Materials Site Assessment or Project Memo	HazMat Coordinator	X		20 years
Public Outreach: press releases; meeting sign-in sheets and meeting notes.	Project Leader, Public Information Officer, REC	X		40 years
Other Federal Agency Approvals	REC or Resource Specialists	X		40 years

Frequently Asked Questions (FAQs)

PROGRAMMATIC CE SPECIFIC QUESTIONS

1. How do I document projects that meet the criteria of the [2015 PCE Agreement](#)?

Projects that meet the conditions of the 2015 PCE Agreement are approved by ODOT, are documented with the PCE Determination Form and the PCE Approval Document, and recorded in the ODOT PCE spreadsheet that is submitted to FHWA as part of the Quarterly Report. All supporting environmental clearances must be completed and filed in the official/permanent NEPA Project Record before the PCE Approval Document is signed and notification of PCE approval is sent to the Region distribution list. PCE documents do not need to be sent to FHWA.

2. When should the PCE Determination Form be submitted to ODOT Geo-Environmental?

The PCE Determination Form is submitted electronically to ODOT GES after the REC concludes that adequate information is available to classify a project as a PCE; typically between project kickoff and DAP, and after the Part 3 is completed. The PCE Determination Form must be completed prior to requesting FHWA authorization of R/W. The REC inputs project-specific information into the relevant ODOT Region PCE spreadsheet at the same time the PCE Determination Form is submitted to GES.

3. When should the PCE Approval Document be submitted to ODOT Geo-Environmental?

The PCE Approval Document is submitted to ODOT GES after the REC has received final documents from resource specialists (e.g. Section 106, Tribal Coordination, ESA documents). The PCE Approval Document must be completed prior to requesting FHWA authorization of construction funds. The REC inputs project-specific information into the relevant ODOT Region PCE spreadsheet at the same time the PCE Approval Document is submitted to GES.

The ODOT Office of Pre-Letting (OPL) requires including a copy of the signed PCE Approval Document, without attachments, in the PS&E package sent to OPL for all projects with a FHWA nexus. The REC should provide this to the ODOT Project Leader or the Region Specifications Writer in electronic (PDF) format.

4. When does the REC provide PCE information required for the ODOT Quarterly Report?

When the PCE Determination Form and PCE Approval Document are provided to ODOT GES, the REC also inputs the project-specific information into the relevant ODOT Region PCE spreadsheet. It is imperative that the REC review the spreadsheet at least one day prior to the end of each quarter for errors and omissions.

5. One of the impact thresholds in the [2015 PCE Agreement](#) (Section IV.A.1.b.viii.) is that the project cannot “result in changes that substantially affect traffic patterns temporarily or permanently”. How is this defined?

When an ODOT REC is unsure if a project traffic pattern impact raises to the level of “substantially affected” the REC should contact GES NEPA Program staff and the FHWA Environmental Program Manager or Environmental Specialist for discussion and determination. In determining and documenting whether traffic pattern impacts rise to this level, FHWA and ODOT will consider the context and intensity of the impact specifically including, but not limited to: duration of the impact, intensity of the impact (how many are affected, what are the potential business impacts), length of detour, and consideration of timing of the closure with respect to the local community (e.g., closure scheduled to avoid fair, ski season, summer camping season, etc.). Examples of traffic pattern impacts that were determined not to be substantial, and the information that supported those determinations, will be made electronically accessible to ODOT RECs and FHWA; and updated as more examples are shared.

6. **One of the impact thresholds in the [2015 PCE Agreement](#) (Section IV.A.1.b.ix.) is that the project cannot require “the acquisition of more than minor amounts of right-of-way or displacement of owners and/or tenants”. How is “minor amounts of right-of-way” defined?**

If there are any displacements of an owner or a tenant, the project cannot be processed as a PCE.

When an ODOT REC is unsure if a project would acquire more than “minor amounts of right-of-way” the REC should contact GES NEPA Program staff and the FHWA Environmental Program Manager or Environmental Specialist. In determining and documenting whether right-of-way impacts are more than minor, FHWA and ODOT will consider the context and intensity of the impact specifically including, but not limited to: the amount of right-of-way needed, the number of properties to be acquired, and if property owners appear to be willing sellers. Examples of projects that were determined to have only minor amounts of right-of-way and the information that supported those determinations will be made electronically accessible to ODOT RECs and FHWA; and updated as more examples are shared.

7. **One of the impact thresholds in the [2015 PCE Agreement](#) (Section IV.A.1.b.xiv.) is that the project cannot be “controversial”. How is this defined?**

The 2015 PCE Agreement states, “In cases when controversy is anticipated, ODOT will discuss the potential for controversy with FHWA to determine if the project can be processed under this Agreement.” When a REC is unsure if a project should be considered controversial, they should engage GES NEPA Program staff and the FHWA Environmental Program Manager for discussion and determination if it is appropriate to use the 2015 PCE Agreement. Controversy is considered more than a singular expression of dissatisfaction. Controversy is considered a substantial dispute as to the size, nature or extent of a proposed project.

8. **What happens after a PCE Determination Form has been completed and the scope of the project changes to the extent that it can no longer meet the parameters of the 2015 PCE Agreement?**

As soon as a REC receives information indicating a project previously reported to FHWA as a PCE no longer meets the PCE Agreement impact thresholds, the REC should inform the Region Environmental Manager (REM) and the project team. The REC then shall: (1) notify GES NEPA Program staff and the FHWA Environmental Program Manager, and (2) add a notation in the comment section of the Region-specific ODOT PCE spreadsheet, explaining why the project can no longer meet the 2015 PCE Agreement.

In preparation for the discussion with GES and FHWA, the REC should be able to: (1) explain changes that modify the project such that it no longer meets the 2015 PCE Agreement impact thresholds and therefore cannot be approved by ODOT and processed as a PCE, and when the REC became aware of those changes; (2) outline the status of the R/W process (e.g. appraisal, completed offers, pending offers, completed acquisitions); and 3) describe properties that have been acquired, specifically whether Section 106 or Section 4(f) properties have been acquired. Depending on the outcome of discussions with FHWA, it is possible that R/W authorization would have to be rescinded, and that state funds would have to be used to continue the R/W process until NEPA was completed for the project. The specifics of each project will be important and will need to be discussed on a project-by-project basis.

Projects that cannot meet the terms of the 2015 PCE Agreement will require preparing and submitting a CE Closeout Document to FHWA for approval.

CE SPECIFIC QUESTIONS

9. When should the CE Closeout Document be submitted to FHWA?

The CE Closeout Document is submitted to GES and FHWA after the REC has received final documents from resource specialists (e.g. Section 106, Tribal Coordination, ESA documents) and has determined that NEPA can be finalized for the project, typically after advance plans have been produced but prior to final design. If the project will require R/W the CE needs to be completed shortly after DAP or an alternative means of R/W acquisition should be considered. The CE Closeout Document must be submitted to and approved by FHWA Oregon Division prior to requesting that FHWA obligate Federal-Aid funds for R/W or construction.

The ODOT Office of Pre-Letting (OPL) requires including a copy of the signed CE Closeout Document from FHWA, without attachments, in the PS&E package sent to OPL for all projects with a FHWA nexus. The REC should provide this to the ODOT Project Leader or the Region Specifications Writer in electronic (PDF) format.

10. How do I know when FHWA Oregon Division has reviewed and approved the CE Closeout Document?

FHWA Oregon Division will e-mail the approved CE Closeout Document to the ODOT email address(es) provided in the "Return Signed Form to:" text field below the signature line on the CE Closeout Document. By default the e-mail address for ODOT GeoAdmin Work Orders is listed in the box and the REC needs to add their e-mail address to the box when completing the CE Closeout.

OTHER QUESTIONS

11. How do I document that a resource/discipline is not applicable?

Provide a brief statement as to why the discipline is not applicable, such as:

- *No properties within or contiguous to the project API are encumbered with Section 6(f) funding.*
- *The project is not within an air quality limited area, and this type of project is exempt from project-level conformity.*

12. How do I document a class of action that meets 23 CFR 771.117 (a) and (b) but is not specifically listed under 23 CFR 771.117 (c) or (d)?

Projects that are not specifically listed in 23 CFR 771.117 (c) or (d) must be approved by FHWA Oregon Division. Complete the CE Closeout Document for FHWA approval of these projects.

13. What do I do for projects with a FHWA and other Federal agency (Corps, BLM, USFS) nexus?

Under some project scenarios, there will be both a FHWA nexus and another Federal agency nexus. These situations require early coordination with FHWA and the other Federal Agency (most typically a land management agency). FHWA Oregon Division should be aware of any projects in which ODOT wishes to discuss lead Federal agency status. ODOT cannot assert lead Federal agency status on behalf of FHWA.

Through ODOT coordination, the Federal agencies should coordinate early in the project development process to clearly define roles and responsibilities. Ideally, FHWA will be identified as the lead Federal agency and the FHWA environmental compliance processes will satisfy NEPA for both agencies. However, in some cases, additional NEPA work may be required to satisfy other Federal agencies.

Contact the FHWA Environmental Program Manager and ODOT NEPA Program staff to discuss a strategy for engaging the secondary Federal Nexus.

14. I have a question that these procedures don't address. What should I do?

Please contact ODOT GES NEPA Program staff, your Region Environmental Manager, other ODOT RECs, or the FHWA Oregon Division Environmental Program Manager or Environmental Specialist.

15. [placeholder]

16. How is NEPA completed and documented for CFR 77.117(c)(9), emergency repairs?

Because the extent and nature of emergency repairs can vary widely it is essential that the REC consult with their FHWA Oregon Division Operations Engineer and the Environmental Program Manager, and ODOT NEPA Program staff, to determine the NEPA and other environmental compliance processes to be followed for a given emergency response.

17. How do I document simple revisions that are *not* project scope changes?

If it is noticed during any reviews of a draft PCE Approval Document or a draft CE Closeout Document that a mistake was made in the signed PCE Determination Form or the signed Part 3, make hand-written changes (cross-outs, additions, etc.) in the relevant signed documents, initial and date those changes in those signed documents, and then state in the draft PCE Approval Document or draft CE Closeout Document what those changes were prior to the ODOT Preparer and ODOT Approver signatures. If a mistake is found in the PCE Approval Document or CE Closeout Document *once those documents have been signed*, contact ODOT GES NEPA Program staff for assistance.

18. When a NEPA decision for a PCE or CE needs to be re-evaluated, is there guidance for that process?

Any NEPA decision, regardless of NEPA classification, that is subject to a re-evaluation should follow the process outlined in ODOT's and FHWA's [NEPA Document Re-evaluation Guidance](#).

Document Version Control

Date of Revision	Document Title (if title has changed)	Purpose for Revision
12/28/2010	Completion Guidance for Categorical Exclusion (CE) Closeout and Programmatic Categorical Exclusion (PCE) Closeout Documents	New Guidance
04/01/2016	Procedures for Completing NEPA for Categorical Exclusion and Programmatic Categorical Exclusion Projects with Oregon Division Federal-Aid Highway Program Nexus (“CE/PCE Procedures”)	Consistency with new (2015) PCE Programmatic Agreement (replaces 2010 guidance version above)
05/20/2016 (effective date of 4/1/2016 does not change)	Same as above.	Inconsistencies found via rollout to all RECs/EPMs on 4/7/2016; inconsistencies resolved and further minor clarifications made/agreed to by FHWA on 5/19/20.