

ODOT NEPA Manual

423 Programmatic Categorical Exclusions (PCEs)

Under the PCE Agreement, ODOT may assume FHWA responsibilities in classifying and approving a CE specifically listed in [23 CFR 771.117\(c\) and \(d\)](#) if the project does not exceed the following impact thresholds (identified in [Section IV.A.1.b of the PCE Agreement](#)):

- i. Involves unusual circumstances as described in 23 CFR 771.117(b);
- ii. Involves use of properties protected by Section 4(f) of the Department of Transportation Act (49 U.S.C. 303) that require preparation of an Individual Section 4(f) Evaluation;
- iii. Results in a determination of "Adverse Effect" on historic properties protected by Section 106 of the National Historic Preservation Act (NHPA) by FHWA;
- iv. Requires a U.S. Coast Guard permit;
- v. Requires an Individual Permit under Section 404 of the Clean Water Act or Section 10 of the Rivers and Harbors Act;
- vi. Results in an increase in the designated regulatory floodway elevation, or an increase of more than 1 foot of surface water elevation in the 100-year floodplain when no regulatory floodway is designated;
- vii. Requires a Wild and Scenic River Section 7 determination from the river-administering agency;
- viii. Results in changes that substantially affect traffic patterns temporarily or permanently;
- ix. Requires the acquisition of more than minor amounts of right-of-way or displacement of owners and/or tenants;
- x. Does not conform to the Air Quality State Implementation Plan;
- xi. Requires an individual project-level formal consultation under Section 7 of the Endangered Species' Act because the project cannot be processed with the Federal-Aid Highway Programmatic Biological Opinion with USF&WS or NMFS;
- xii. Requires an exception to Oregon Statewide Planning Goals;
- xiii. Is controversial. In cases when controversy is anticipated, ODOT will discuss the potential for controversy with FHWA to determine if the project can be processed under [the 2015 PCE Agreement]; or
- xiv. Is identified subsequent to the execution of [the 2015 PCE Agreement] by FHWA via written notification to ODOT.

ODOT refers to CEs meeting these criteria as PCEs. Projects that do not qualify for a CE specifically listed in 23 CFR 771.117 (c) or (d), or that exceeds the above PCE Agreement impact thresholds, must be approved by FHWA and cannot be processed as PCEs. Questions regarding NEPA classification or the PCE Agreement impact thresholds should be directed to ODOT NEPA Program and FHWA, Oregon Division Environment Program staff.

Most PCEs are documented with the *Environmental Prospectus (EP)*, the *Standard ODOT Project Vicinity Map*, *PCE Determination Form*, the *PCE Approval Document*, and all required/supporting documentation. These forms and documents were designed to demonstrate that adequate scoping has been completed, that conditions specified in the PCE Agreement are met, that unusual circumstances do not apply, and that all other environmental requirements have been addressed as relevant. PCEs that will not directly or indirectly result in ground disturbance are documented with the “*CE Classification, Determination, and Approval for No Ground Disturbance Projects*” document (NGD Document).

This section includes detailed procedures and requirements for processing and completing PCE documentation, including NGD PCEs. The PCE process and documentation discussed in this section apply only to projects meeting PCE criteria. CEs that must be approved by FHWA should follow the CE process and documentation requirements in [Section 424, CEs](#).

No Ground Disturbance PCEs (NGDs)

The “*CE Classification, Determination, and Approval for No Ground Disturbance Projects*” document (NGD Document) is used to document NEPA classification, determination, and approval only for PCE projects that will not result in ground disturbance. Use of the *NGD Document* is only appropriate when **no component of the project will result in ground disturbance**. Any project that would involve ground-disturbing activities **shall not use the NGD Document**. Additional information regarding how to determine NEPA classification can be found in Section 413 – *Classifying a Proposed Action*.

Use of the NGD Document

The *NGD Document* can only be used for no ground disturbance projects that will result in an Endangered Species Act (ESA) finding of No Effect; a National Historic Preservation Act (NHPA) Section 106 finding of No Historic Properties Affected; and, based on scope and/or location, the project does not require air quality or noise analysis. The *NGD Document* can only be used if the project will not result in disproportionately high and/or adverse effects on the health or environment of minority and low-income populations and, in accordance with the provisions of Executive Order 12898 and FHWA Order 6640.23, no Environmental Justice analysis is required.

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ESA and NHPA Section 106 findings for each NGD project must be made by, or in consultation with, ODOT staff resource specialists, as applicable and appropriate. Any applicable resource consultation and/or findings documentation for ESA and NHPA Section 106 must be filed in the appropriate ProjectWise region project files.

When using the *NGD Document*, completion of the *EP*, *PCE Determination Form*, and *PCE Approval Document* are not required. The only required attachments for the CE/PCE “set” for an NGD are the Project Vicinity Map and the NGD QC Peer Review form/comment log.

Processing NGDs

Step-by-step instructions for processing the *NGD Document* are listed in **Table 1**. The *NGD Document* is not submitted to FHWA on a project basis and is reviewed for quality assurance and quality control pursuant to [Section 453 Quality Assurance Reviews](#).

Table 1 NGD Process and Timing

Who Completes the Step?	Steps in the Process	How to Complete the Step
REC / Qualified Preparer	Prepare draft NGD Document – When adequate information is available to determine that no component of the proposed project will result in ground disturbance and use of the <i>NGD Document</i> is appropriate as described in Section 423 above, prepare a draft <i>NGD Document</i> .	Section 423 – NGDs (Use of the NGD Document)
REC / Qualified Preparer	As part of drafting the <i>NGD Document</i> , the REC will consult with ODOT staff resource specialists , as applicable and appropriate. Any applicable resource consultation evidence (i.e., email, correspondence and/or findings documentation) for ESA and NHPA Section 106 must be filed in the appropriate ProjectWise region project files.	Section 423 – NGDs (Use of the NGD Document)
Qualified Peer ODOT Reviewer	Quality Control/Peer Review – Perform a Quality Control/Peer Review of the draft <i>NGD Document</i> and final/signed attachments. Document the Peer Review with the <i>Statewide PCE No Ground Disturbance (NGD) Quality Control Peer Review Checklist & Log</i> .	Section 453 – PCE/CE Peer Review
REC / Qualified Preparer	REC Preparer Signature - Electronically sign/date the <i>NGD Document Form</i> using Adobe signature.	Section 423 – NGDs (Completing the NGD Document)
REM	Quality Control/Management Review - Confirm that use of the <i>NGD Document</i> is appropriate and that it is complete and accurate.	Section 453 CE/PCE Management Review
REM	Manager Signature - Electronically sign/date the <i>NGD Document</i> using Adobe signature.	Section 423 – NGD PCEs (Completing the NGD Document)

Who Completes the Step?	Steps in the Process	How to Complete the Step
REC / Qualified Preparer	<i>Submittal to EHES</i> - Submit the <i>NGD Document</i> and required attachments to EHES by creating a “set” in the CE PCE NGD Projects folder within Project Wise.	Section 427 – Managing Categorical Exclusion (CE), Programmatic Categorical Exclusion (PCE), and No Ground Disturbance (NGD), Documentation in Project Wise
REC / Qualified Preparer	<i>FHWA Funding</i> - Email the Project Leader/Local Agency Liaison, R/W Agent, and Region STIP Coordinator that FHWA authorization of funding can be requested.	

Completing the NGD Document

The *NGD Document* is used to document NEPA classification, determination, and approval. The following explains how to fill out each of the fields and/or questions on the *NGD Document*:

Project Name – Enter the ODOT project name.

Region – Select the appropriate ODOT Region number from the drop-down list.

Federal-Aid Number – Enter the FHWA Federal-Aid number. The Federal-Aid number is assigned by the ODOT Program and Funding Services (PFS) Office during the Preliminary Engineering (PE) phase and includes the suffix –PE; however, the number could also be assigned for right-of-way (ROW) or construction phases and thus includes the –RW or –CON suffix, respectively. The relevant Transportation Project Manager (TPM), or the Region’s Federal-Aid Programmer, from PFS, can provide the Federal-Aid number.

ODOT Key Number – Enter the current ODOT Key Number. Make note of any previously assigned Key Numbers in the Project Description field.

City/County – Enter the city and county where the project is located or nearest to.

Project Sponsor – Enter the project sponsor (i.e., the governmental entity that received the FHWA funding or grant), which will be either ODOT or a local agency. If the project sponsor is a local agency, enter the name of the local agency.

Project Description – See [Section 415, Project Description](#). The Project Description must fully describe all components of the proposed project, with the project location and termini clearly defined. The Project Description should be written so that a person with no prior knowledge of the project could understand what is proposed.

“Yes/No” Project Description dropdown list – The Project Description field includes a “Yes/No” dropdown list to confirm that the Project Description fully describes all elements of the proposed work and confirms that no ground-disturbing activities will occur. When using the *NGD Document*, it is essential for the Project Description to confirm that no ground disturbance will occur. Projects that have either optional or mandatory designated staging areas, material sources, borrow pits, and/or disposal sites cannot use the *NGD Document*.

Identification of the Specific Categorical Exclusion/s - From the drop-down list, select the FHWA CE category from 23 CFR 771.117 (c) that applies to the proposed project. The proposed work must be specifically listed in the CE Category drop-down list to use the *NGD Document*. The CE categories on the *NGD Document* are listed directly from 23 CFR 771.117 (c) and, while these CEs could also apply to projects with ground-disturbing activities, the *NGD Document* applies **only** to projects with no ground disturbance. **Activities that are included in the drop-down list that include ground disturbance shall not use the *NGD Document*.**

ODOT Preparer Signature – The *NGD Document* must be signed electronically (Adobe signature) by a REC or Qualified ODOT Preparer. The date and time stamp must be visible on the electronic and printed copies of the *NGD Document*.

ODOT Approver Signature – The *NGD Document* must be signed electronically (Adobe signature) by a REM (or their designated Qualified staff, such as the Region’s designated and Qualified Environmental Lead) or Qualified ODOT Preparer. The date and time stamp must be visible on the electronic and printed copies of the *NGD Document*. The ODOT Approver electronic signature confirms that the REC or Qualified ODOT Preparer has performed a Quality Control/Management Review (see [Section 453.2 CE/PCE Management Review](#)).

Processing PCEs

Environmental scoping is essential and properly informs PCE documentation. Environmental scoping must be conducted for all projects and is currently documented on the *Environmental Prospectus (EP)*. Scoping is discussed in [Section 411, Scoping](#).

The overall PCE process is shown in **Figure 1**. Step-by-step instructions are listed in **Table 2**. After environmental scoping, and for the purposes of tracking PCE duration, the Project Kickoff meeting is considered to be the start of the PCE process. Project Kickoff, a fairly standard statewide ODOT project milestone marking, is the start of project development phase. Project Initiation typically begins prior to Project Kickoff and establishes a project charging account. For those projects that do not have a formal Project Kickoff meeting or do not fit the typical ODOT project schedule template, the date of Notice to Proceed, or another suitable date (such as date of the signed EP), is used as the start date on PCE documentation. The PCE start

date cannot be after the date the *PCE Determination Form* is signed. The PCE process ends and FHWA authorization for construction can be requested, when ODOT approves the PCE by completing the *PCE Approval Document*.

Figure 1 PCE Process

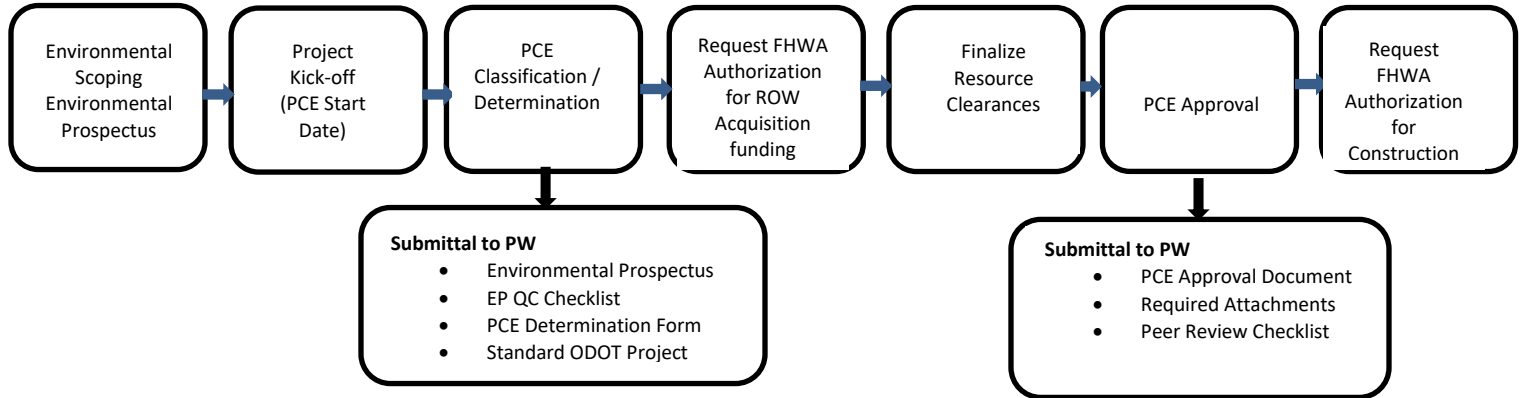


Table 2 PCE Process and Timing

Who Completes the Step?	Steps in the Process	How to Complete the Step
REC/Qualified ODOT Preparer	<i>Environmental Prospectus</i> – Complete environmental scoping documentation.	Section 411 - Scoping
REC/Qualified ODOT Preparer	<i>Environmental Prospectus Peer Review Checklist Comment Log</i> – Complete checklist and sign	Section 453.1 Environmental Statement of Technical Review (E-STR) Guide for PCEs and CEs
REC/Qualified ODOT Preparer	<i>PCE Determination Form</i> – After completing environmental scoping and determining there is adequate information available to classify a project as a PCE, prepare a <i>PCE Determination Form</i> . In some cases, determining whether the project exceeds the PCE Agreement impact thresholds may require more extensive investigation of impacts to resources.	Section 423 – Completing PCE Documents (PCE Determination Form)
REC/Qualified ODOT Preparer	<i>Preparer Signature</i> - Electronically sign/date the <i>PCE Determination Form</i> using Adobe signature.	Section 423 – Completing PCE Documents (PCE Determination Form/ODOT Preparer Signature)
REM/Qualified ODOT Approver	<i>Manager Signature</i> - Electronically sign/date the <i>PCE Determination Form</i> using Adobe signature.	Section 423 – Completing PCE Documents (PCE Determination Form/ODOT Approver Signature)
REC/Qualified ODOT Preparer	<i>Submittal to GES</i> - Upload the <i>EP</i> , <i>PCE Determination Form</i> , and <i>Standard ODOT Project Vicinity Map</i> to	Section 427 – Managing Categorical Exclusion (CE)

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Who Completes the Step?	Steps in the Process	How to Complete the Step
	ProjectWise by creating a set in the CE PCE NGD Projects folder <i>shortly</i> after the REM's signature is obtained.	Programmatic Categorical Exclusion (PCE), and No Ground Disturbance (NGD), Documentation in Project Wise
REC/Qualified ODOT Preparer	Project Development Team Notification - Email the relevant TPM, R/W Agent, and Region STIP Coordinator that FHWA authorization of R/W acquisition can be requested. This can be done any time after the PCE Determination is signed/approved.	
REC/Qualified ODOT Preparer and ODOT Resource Specialists	Finalize Resource Clearances and associated discipline quality control documentation – Continue coordination with ODOT resource/technical discipline specialists to finalize and perform associated quality control of all applicable PCE supporting/required environmental clearance and approval deliverables. REC ensures all required clearances and associated quality control documentation is in the correct ProjectWise project file location.	Section 426 – PCE/CE Discipline/Resource Compliance
REC/Qualified ODOT Preparer	PCE Approval - After receiving final supporting documentation and clearances, prepare a draft <i>PCE Approval Document</i> .	Section 423 – Completing PCE Documents (PCE Approval Document)
REC/Qualified Peer ODOT Reviewer	Quality Control/Peer Review – Perform a Peer Review of the draft <i>PCE Approval Document</i> and final/signed attachments. Document the Peer Review with the <i>Statewide PCE Quality Control Peer Review Checklist & Comment Log</i> . REC will also prepare the Environmental Statement of Technical Review (E-STR) that tracks quality control performed on discipline deliverables as appropriate.	Section 453 – PCE/CE Peer Review
REC/Qualified ODOT Preparer	Preparer Signature - When draft <i>PCE Approval Document</i> has been revised per any relevant comments in the <i>Statewide PCE Quality Control Peer Review Checklist & Comment Log</i> and finalized, electronically sign/date the <i>PCE Approval Document</i> using Adobe signature.	Section 423 – Completing PCE Documents (PCE Approval Document)
REM/Qualified ODOT Approver	Quality Control/Management Review – the REM or qualified designee confirms that an adequate and appropriate Quality Control review of the <i>PCE Approval Document</i> and attachments has been done, as evidenced by the REC-signed E-STR and associated discipline deliverable quality control documents, prior to the REM approving the PCE	Section 453 CE/PCE Management Review
REM/Qualified	Manager Signature - When <i>PCE Approval Document</i>	Section 423 – Completing PCE

Who Completes the Step?	Steps in the Process	How to Complete the Step
ODOT Approver	and attachments have been deemed complete and accurate by the REM, electronically sign/date the <i>PCE Approval Document</i> using Adobe signature	<u>Documents (PCE Approval Document)</u>
REC/Qualified ODOT Preparer	Submittal to ProjectWise - Submit the final <i>PCE Approval Document</i> to PW by entering the PCE Approval date in ProjectWise “set” attributes form and adding the <i>PCE Approval Document, Statewide PCE Quality Control Peer Review Checklist & Comment Log</i> , and other required attachments to the set shortly after the REM’s signature is obtained.	<u>Section 427 – Managing Categorical Exclusion (CE), Programmatic Categorical Exclusion (PCE), and No Ground Disturbance (NGD), Documentation in Project Wise</u>
REC/Qualified ODOT Preparer	Construction Authorization - Email the relevant TPM, R/W Agent, and Region STIP Coordinator that FHWA authorization of construction can be requested. Attach E-STR to the email.	
REC/Qualified ODOT Preparer	PS&E Package – Provide the ODOT TPM/RE-CP or Region Specifications Writer an electronic (PDF) copy of the signed <i>PCE Approval Document</i> and the REC-signed E-STR, without attachments. This copy is for the plan, specification and estimate (PS&E) package sent to the Project Controls Office (PCO) for all projects with a FHWA nexus.	
REC/Qualified ODOT Preparer	Recordkeeping –A copy of all records that document decision-making and supporting environmental clearances should be filed in the official, permanent NEPA Project Record retained in the Region.	<u>Section 460 - Recordkeeping</u>
<i>Note: REC = Region Environmental Coordinator REM = Region Environmental Manager</i>		

Completing PCE Documents

This section includes instructions and information for preparing the *PCE Determination Form* and *PCE Approval Document*, both of which are processed and approved by ODOT; no project-level FHWA review or approval is required. ODOT staff and managers who prepare and/or approve PCE documentation must meet the minimum qualifications detailed in [Section IV.A.8.a-c of the 2015 PCE Agreement](#). This section refers to ODOT staff meeting these qualifications as “Qualified Preparers” and “Qualified Approvers”. At a minimum, an individual must:

- a) *Be knowledgeable with and follow the appropriate subsections 23 CFR 771 through 774, and FHWA and ODOT procedures for environmental analysis and NEPA compliance.*
- b) *Have completed Introduction to NEPA and Transportation Decision making web-based course FHWA-HI-142052*
- c) *Have adequate experience addressing NEPA compliance for transportation projects or until*

such time, have their work reviewed by staff having the necessary experience.

Most often, a Qualified Preparer will be a Region Environmental Coordinator (REC) and a Qualified Approver will be a Region Environmental Manager (REM). Both Preparers and Approvers may designate other qualified ODOT staff (i.e., qualified RECs in the same or other regions or qualified NEPA Program staff) to sign PCE documents on their behalf. Consultants and staff from local governments are not Qualified Preparers or Approvers; an ODOT Qualified Preparer is responsible for the content and for approving any *draft* PCE documents prepared by a consultant.

PCE Determination Form

The PCE Determination Form verifies that ODOT has reviewed the project's potential impacts relative to the impact threshold criteria in the PCE Agreement and that neither significant environmental effects nor unusual circumstances will result.

The following explains how to fill out each of the fields on the PCE Determination Form:

Project Name – Enter the ODOT project name.

Region – Select the appropriate ODOT Region number from the drop-down list.

Project Sponsor – Enter the project sponsor (i.e., the governmental entity that received the FHWA funding or grant), which will be either ODOT or a local public agency (LPA). If the project sponsor is an LPA, enter the name of the local agency (city or county).

Federal-Aid Number – Enter the FHWA Federal-Aid number. The Federal-Aid number is assigned by the ODOT Program and Funding Services (PFS) Office during the Preliminary Engineering (PE) phase and includes the suffix –PE; however, the number could also be assigned for right-of-way (ROW) or construction phases and thus includes the –RW or –CON suffix, respectively. The appropriate TPM, or the Region's Federal-Aid Programmer, from PFS, can provide the Federal-Aid number.

ODOT Key Number – Enter the current ODOT Key Number. In the Project Description field, make note of any previously assigned or related Key Numbers, as well as any Key Numbers that have been combined into the current Key Number.

City/County – Enter the city and county where the project is located or nearest.

FHWA Nexus - Select the appropriate FHWA nexus from the drop-down. When the FHWA nexus is funding, select the project phases being funded (i.e., PE, R/W, and/or Construction).

Project Description – See [Section 415, Project Description](#). The Project Description must fully explain all components of the proposed project, with the project location and termini clearly

defined. The Project Description should be written so that a person with no prior knowledge of the project could understand what is being proposed. In addition, the Project Description should “tell the story” of the project; any changes or discrepancies between the Project Description in the *Environmental Prospectus* and the *PCE Determination Form* need to be fully explained and documented in the Project Description field (e.g., changes to the ODOT Key Number, changes to the Project Description or location, etc.).

Required Attachments

Environmental Prospectus - See [Section 411, Scoping](#). The *Environmental Prospectus (EP)* is a required attachment to the *PCE Determination Form*. The EP will be signed by a REC/Qualified ODOT Preparer and dated prior to the *PCE Determination Form*.

Project Vicinity Map - See [Section 416, Mapping](#). An *ODOT Project Vicinity Map* is a required attachment to the *PCE Determination Form*.

PCE Agreement Impact Thresholds (Guidance for Answering Questions 1 -13)

From the dropdown list, select “Yes” or “No” to answer each PCE Agreement impact threshold criteria question. **If the response to any of the questions is “Yes” the project cannot be classified as a PCE and should follow the CE process and documentation requirements in [Section 424, CEs](#).**

General information for considering the PCE Agreement threshold criteria questions is provided below; the information is intended to provide general guidance and does not cover all scenarios or all requirements. Users of this manual should refer to the applicable regulatory guidance and/or ODOT NEPA Program and FHWA Oregon Division Environmental Program staff for more detailed information.

1. Involve Unusual Circumstances as Described in 23 CFR 771.117(b)?

Unusual circumstances described in 23CFR 771.117(b) include: (1) Significant environmental impacts; (2) Substantial controversy on environmental grounds; (3) Significant impact on properties protected by Section 4(f) of the DOT Act or Section 106 of the National Historic Preservation Act; or (4) Inconsistencies with any Federal, State, or local law, requirement or administrative determination relating to the environmental aspects of the action.

2. Section 4(f)?

Does the project require the use of properties protected by section 4(f) that requires preparation

of an Individual Section 4(f) Evaluation? Properties protected by Section 4(f) include publicly owned public parks, recreation areas, and wildlife or waterfowl refuges, or any publicly or privately owned historic site listed or eligible for listing on the National Register of Historic Places. An Individual Section 4(f) Evaluation is required before a NEPA approval for a project that uses Section 4(f) property, unless FHWA has determined that the impacts are *de minimis* or FHWA has approved a Section 4(f) Programmatic Evaluation. For publicly owned public parks, recreation areas, and wildlife and waterfowl refuges, a Section 4(f) *de minimis* impact is one that will not adversely affect the activities, features, or attributes of the property. For historic sites, a *de minimis* impact means that (in accordance with 36 CFR Part 800) the Section 106 finding is either “no historic property affected” or “no adverse effect”.

3. “Adverse Effect” under Section 106?

Does the project result in a determination of “Adverse Effect” on historic properties under Section 106 of the National Historic Preservation Act? Section 106 of the National Historic Preservation Act of 1966 (NHPA) requires Federal agencies to take into account the effects of their undertakings on historic properties. 36 CFR 800.5(a) (1) states that, “Adverse effects occur when an undertaking may directly or indirectly alter characteristics of a historic property that qualify it for inclusion in the Register.”

4. Require a U.S. Coast Guard permit?

Coordination with the U.S. Coast Guard is required for the construction, reconstruction, or modification of a bridge or causeway across a navigable waterway of the United States. This includes temporary bridges used for construction access or traffic detour.

FHWA Oregon Division will review projects requiring a temporary operational deviation from the normal operating schedule and/or regulations of a bridge or causeway across a navigable waterway of the United States. Projects that will only require temporary operational deviations or temporary rule changes can be processed as PCEs, but projects that require a “New” Bridge Permit cannot be processed as PCEs and should follow the CE process and documentation requirements in [Section 424, CEs](#).

5. Section 404 or Section 10?

Does the project require an Individual Permit under Section 404 of the Clean Water Act or Section 10 of the Rivers and Harbors Act? Section 404 of the Clean Water Act (CWA) establishes a program to regulate the discharge of dredged or fills material into waters of the United States, including wetlands. Proposed activities are regulated through a permit review process; depending on the complexity of the project and its potential for environmental effects, the U.S. Army Corps of Engineers (USACE) will consider authorizing the project by either general or individual permit. Individual permits are required for projects considered large in scope or

involving potentially significant impacts, including any project-involving fill or potential adverse impacts to navigable waters.

Activities authorized under a USACE nationwide permit do not require individual permits and do not exceed this PCE impact threshold.

6. Increase in the designated regulatory floodway elevation?

Does the project result in an increase in the designated regulatory floodway elevation, or an increase of more than 1 foot of surface water elevation in the 100-year floodplain? The 100-year floodplain, or base flood, is a flood event having a 1-percent chance of being equaled or exceeded in any given year. FEMA identifies the 100-year floodplain on Flood Insurance Rate Maps (FIRMS) as the Special Flood Hazard Area (SFHA), labeled Zone A, Zone AO, Zone AH, Zones A1-A30, Zone AE, Zone A99, Zone AR, Zone AR/AE, Zone AR/AO, Zone AR/A1-A30, Zone AR/A, Zone V, Zone VE, and Zones V1-V30. FEMA defines the “Regulatory Floodway” as the channel of a river or other watercourse and the adjacent land areas that must be reserved in order to discharge the base flood without cumulatively increasing the water surface elevation more than a designated height.

7. Require a Wild and Scenic River Section 7(a) Determination from the administering agency?

Section 7(a) of the Wild and Scenic Rivers Act directs Federal agencies to protect the free-flowing condition, water quality and the outstandingly remarkable values of designated Wild and Scenic Rivers or a river under study for designation (Study River). A Section 7

determination may be required from the administering agency if the project is a water resources project within the bed and banks of designated rivers and/or Study Rivers or located upstream, downstream or on a tributary of a designated or study river. When compliance can be demonstrated through informal coordination with the administering agency, such as an e-mail or telephone communication, this PCE threshold is not exceeded.

8. Result in changes that substantially affect traffic patterns temporarily or permanently?

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 (in miles and in time to drive the 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). When a REC/Qualified Preparer is unsure if a project traffic pattern impact raises to the level of “substantially affected” the

REC/Qualified Preparer should contact ODOT NEPA Program and FHWA Environmental Program staff for discussion, determination, and appropriate documentation.

9. Right of Way?

Does the project require acquisition of more than minor amounts of right-of-way or displacement of owners and/or tenants? If the project will result in any displacements of an owner or a tenant, the project cannot be processed as a PCE. 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. When a REC/Qualified Preparer is unsure if a project would acquire more than “minor amounts of right-of-way” the REC/Qualified Preparer should contact ODOT NEPA Program and FHWA Environmental Program staff for discussion, determination, and appropriate documentation.

10. Fail to conform to the Air Quality State Implementation Plan?

Transportation conformity is required under CAA Section 176(c) to ensure that federally supported transportation activities are consistent with (“conform to”) the purpose of a State’s Implementation Plan (SIP). Projects in nonattainment or maintenance areas must be coordinated with an ODOT Air Quality Specialist. ODOT Air Quality Specialists are responsible for determining regional and project-level conformity with the SIP.

11. Require project-level formal consultation under Section 7 of the Endangered Species Act?

Under Section 7 of the Endangered Species Act (ESA), Federal agencies must consult with the National Marine Fisheries Services (NMFS) and/or U.S. Fish and Wildlife Service (USFWS) when carrying out, funding, or authorizing any action that may affect a listed endangered or threatened species. Few projects exceed this PCE impact threshold. Projects with “No Effect” ESA finding do not exceed this threshold. Projects that fit within the NMFS and/or USF&WS programmatic biological opinions do not exceed this threshold. Only projects that are excluded from the two existing programmatic biological opinions and have “Likely to Adversely Affect” ESA findings exceed this threshold.

12. Require an exception to Oregon Statewide Planning Goals?

Oregon’s 19 Statewide Planning Goals express the state’s policies on land use and related topics. State law requires each city and county to adopt a comprehensive plan and the zoning and land-division ordinances needed to put the plan into effect; local comprehensive plans must be consistent with the Statewide Planning Goals. When a project does not comply with some or all

goal requirements applicable to the subject properties or situations, a goal exception may be required.

This PCE impact threshold refers to unresolved goal exceptions. Projects with goal exceptions that have been previously approved/completed do not exceed this PCE impact threshold.

13. Is there controversy?

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. 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/Qualified ODOT Preparer is unsure if a project should be considered controversial, engage ODOT NEPA Program and FHWA Oregon Division Environmental Program staff for discussion and determination if a PCE is appropriate.

Identification of the Specific Categorical Exclusion Category(ies) – From the dropdown list, select the FHWA CE category (ies) from 23 CFR 771.117 (c) and (d) that apply to the proposed project. For those projects where more than one CE category applies, include all CE categories necessary to cover the proposed project components. The first CE category selected should be the category that most closely aligns with the primary project action. While CE categories 23 CFR 771.117 (c) (22)¹ and (c) (23)² may be applicable to many projects, these CE categories should only be used when no other CE categories apply. Do not select (c) (22) or (c) (23) as the second or third CE categories.

ODOT Preparer Signature – The *PCE Determination Form* must be signed electronically (Adobe signature) by a REC/Qualified ODOT Preparer. The date and time stamp must be visible on the electronic and printed copies of the *PCE Determination Form*.

ODOT Approver Signature – The *PCE Determination Form* must be signed electronically (Adobe or Digital signature) by a REM (or their designated Qualified staff, such as a Qualified Region Environmental Lead). The date and time stamp must be visible on the electronic and printed copies of the *PCE Determination Form*. The ODOT Approver electronic signature confirms that the REC/Qualified ODOT Preparer has performed a Quality Control/Management Review (see [Section 453.2 CE/PCE Management Review](#)).

PCE Approval Document

The *PCE Approval Document* summarizes how environmental concerns identified during scoping were evaluated and avoided or resolved. The *PCE Approval Document* also constitutes final NEPA approval for projects that do not exceed the impact thresholds of the PCE

Agreement.

The following fields on the *PCE Approval Document* are identical to those on the PCE Determination Form (see the [PCE Determination Form](#) section above); the fields should match on the two documents provided that no changes have occurred. Any changes that occur between the time the *PCE Determination Form* is signed and the *PCE Approval Document* is signed should be fully explained and documented in the Project Description field (e.g., changes to the ODOT Key Number, changes to the Project Description or location, etc.) or within each Resource Compliance description when appropriate.

Project Name

Region

Federal-Aid Number

ODOT Key Number

City/County

FHWA Nexus

Purpose and Need - For PCEs, the Purpose and Need can be a brief statement of the problem(s) that the proposed project is intended to address (need) and a brief explanation of the primary reason for why the project is being proposed (purpose). For questions and/or assistance regarding the Purpose and Need statement, please contact ODOT NEPA Program staff and/or FHWA Oregon Division.

Project Description

Identification of the Specific Categorical Exclusion/s

Required Attachments

Revised Project Vicinity Map (if applicable) - See [Section 416, Mapping](#). If changes to the project location or termini have occurred since submittal of *PCE Determination Form*, a revised *ODOT Project Vicinity Map* is a required attachment to the *PCE Approval Document*. The original Project Vicinity Map attached to the PCE Determination Form will remain and there should be two Project Vicinity Maps in the ProjectWise “set” file location.

¹ Projects, as defined in 23 U.S.C. 101 that would take place entirely within the existing operational right-of-way.

² Federally funded projects: (i) That receives less than \$5,000,000 of Federal funds; or (ii) With a total estimated cost of not more than \$30,000,000 and Federal funds comprising less than 15 percent of the total estimated project cost. *[These funding amounts are adjusted periodically to account for inflation.]*

Statewide PCE Quality Control Peer Review Checklist & Comment Log – See

Section 453 – PCE/CE Peer Review. A *Statewide PCE Quality Control Peer Review Checklist & Comment Log* is a required attachment to the *PCE Approval Document*. Peer Review must be documented with the *Statewide PCE Quality Control Peer Review Checklist & Comment Log*. The Region Environmental Manager will check to make sure this document is complete and signed/dated prior to approving/signing the PCE Approval.

Resource Compliance and Quality Control

Guidance and requirements for the discipline narrative table in the *PCE Approval Document* can be found in [Section 426, CE/PCE Resource Compliance](#). The E-STR is the required quality control tracking document prepared and signed by the REC to submit to the REM for evidence that quality control was performed for each relevant discipline deliverable (i.e., clearance, approval, or permit)

ODOT Preparer Signature – The *PCE Approval Document* must be signed electronically (Adobe or Digital signature) by a REC/Qualified ODOT Preparer. The date and time stamp must be visible on the electronic and printed copies of the *PCE Determination Form*. For any *PCE*

Approval Document not prepared by a REC or Qualified ODOT Preparer, a REC or Qualified ODOT Preparer must perform a Quality Control review of all *draft* PCE documentation prepared by non-ODOT entities, make or direct revisions as appropriate, and electronically sign the *PCE Approval Document*, as the ODOT Preparer, once the *PCE Approval Document* is deemed accurate and complete.

ODOT Approver Signature – The *PCE Approval Document* must be signed electronically (Adobe or Digital signature) by a REM (or their designated staff, such as a Qualified Region Environmental Lead) or Qualified ODOT Preparer. The date and time stamp must be visible on the electronic and printed copies of the *PCE Approval Document*. The ODOT Approver electronic signature confirms that the REC or Qualified ODOT Preparer has performed a Quality Control/Management Review of the *PCE Approval Document* (see [Section 453 CE/PCE Management Review](#)).