

## **Contract Scope of Services for Categorical Exclusion (CE)**

Based on the scope of the projects as a safety improvement (addition of shoulders or turn lanes or intersection improvement or minor curve corrections) or bridge replacement on or near the existing alignment, the anticipated document for this project will be a Programmatic or Individual Categorical Exclusion (CE) as described below. If the project involves addition of through lanes or on a new alignment, it will be a Documented CE. If the project is within a corridor with a previously approved EA and FONSI, and if it will be either an Individual or Documented CE it will require a separate EA Reevaluation Report to be submitted for ODOT and FHWA signature along with the CE.

This scope will be based on the approved hourly rate with a not to exceed amount.

1. Consultant shall **identify a Project Manager and provide contact information to Environmental Programs Division**. Any change of Consultant Project Manager must be approved by Environmental Programs Division in writing prior to the change occurring. Prior to submittal of cost estimate, the Consultant Project Manager shall schedule a meeting with the ODOT Environmental Project Manager to review the scope of work.
2. **The consultant shall follow the attached schedule with a milestone date for each of the major tasks/studies.** These include **Property owner notification, Initiation of Cultural Resources & Tribal Consultation, Completion of each Specialist Study, NRCS Coordination, Preparation of Draft CE document, Preparation of Final CE document, and Preparation of CE distribution memo.**
3. The Consultant Project Manager shall provide **monthly status reports to Environmental Programs Division (Assistant Division Manager and the ODOT Environmental Project Manager) on the 15<sup>th</sup> of every month.** The Monthly Status Report shall include information on the status of all studies.
4. The Department will review and approve the NEPA study footprint submitted by ODOT or Consultant designers to be used to begin NEPA.
5. The Consultant shall attend Plan-In-Hand Meetings, R/W Meetings, and other Meetings as required for the Project.
6. If a Section 4(f) or Section 6(f) property is involved, the preparation of Section 4(f) document and Section 6(f) Coordination shall be a separate

Task Order unless otherwise specified in this Task Order or contract scope.

The following steps shall be followed in the preparation of the NEPA document.

#### STEP 1

The Consultant Project Manager shall:

- Have the Designer provide a study footprint on an aerial to meet the following requirements:
  1. 1-Meter GSD Aerial/Satellite Ortho Imagery of study area.
  2. Aerial shall be to a 400' = 1" scale with Section Line, State Highway and County Section Line Road Numbers, Township and Range, North Arrow, Scale, Bridge NBI numbers and Dimensions of the Study Area. County, Project Number, and State Highway number shall be shown in a box at the bottom right-hand corner with an ODOT Logo.
  3. Provide a KMZ file of the study footprint, or GIS shape files used, generated in USA Contiguous Albers Equal Area Conic (NAD83) or NAD83 UTM Zone.
  4. Adobe PDF Version which can be printed on 11 "x17" paper. The file shall be sized for 11 "x17" prints with a 400:1 scale.
  5. This footprint shall be reviewed and approved by the ODOT Environmental Project Manager prior to start of any specialist studies.
- Create project location map for the project identified to meet the following requirements:
  - a. A location map created using ODOT County / City Maps from the ODOT ArcGIS Hub: [ODOT Spotlight \(arcgis.com\)](https://arcgis.com).
  - b. The location map shall have a North Arrow and have the Project Location Circled. County, Project Number, and State Highway number shall be shown in a box at the bottom right-hand corner with an ODOT Logo. The location maps need not include the entire County but should include a sufficient amount of the surrounding area to allow the location to be easily identified within the County.
  - c. This location map shall be reviewed and approved by the ODOT Environmental Project Manager prior to being sent out with Property Owner Notification.
- Identify the Purpose and Need for the Project from the Initiation Report.
- Identify how the Project fits in with the State's Long-Range Plan (if applicable).

- Establish the Logical Termini for the Environmental Studies in coordination with the ODOT Environmental Project Manager.
- Identify alternatives considered (if applicable).
- Identify any Section 4(f) or 6(f) eligible properties. The Consultant shall contact the Department of Tourism to identify the Section 6(f) properties. If Section 4(f) and/or Section 6(f) coordination and documentation is deemed necessary, a separate Task Order will be issued for such coordination and documentation.
- Contact the ODOT Noise Specialist to make a determination if a noise study is required for the project. If such study is required, a separate task order will be issued.

## STEP 2

The Consultant shall request the Initial Tribal Coordination by selecting the “Tribal Consultation” box and completing the form REQUEST FOR SPECIALIST STUDIES/REVIEW with the necessary attachments and submitting it to the ODOT Cultural Resources district reviewers and copy the ODOT Environmental Project Manager for processing. The Cultural Resources and Tribal Coordination will be in accordance with the latest guidelines provided by the Department. **No Specialist Studies shall commence until the initial Tribal Coordination has been requested and completed by ODOT’s Tribal Liaison, the 30-day response period for the Tribes is complete**, and the scope of Cultural Resources study established by the ODOT Cultural Resources Coordinator.

## STEP 3

Public Involvement for Road Closure (*if applicable*)

Public notification will be required on all projects if the road will be closed to through traffic during construction. This should be done prior to start of studies. See the Road Closure Procedures for details.

## STEP 4

Property owner contact prior to Specialist Field Studies and letters to the Bureau of Land Management (BLM) and the Bureau of Indian Affairs (BIA) shall be done during the time the Consultant is waiting on the completion of Tribal Coordination. (Letter to the Department of Mines may be needed depending on project location)

**No Specialist Studies shall start until the property owner notification is complete.**

- The Consultant Project Manager shall be responsible for obtaining property owner addresses and send notification letters to property owners at least 10 days prior to Specialist Studies.
- Word files for Form Letters Property Owner Notification, BLM and BIA are available from the ODOT Environmental Project Manager. The original form letter for property owner notification will be signed electronically by the Environmental Programs Division Manager on a template with ODOT

letterhead. Letters should be sent via regular mail. **Letters should be mailed from within the State of Oklahoma.**

- The Consultant is responsible for distributing PDF electronic copies to ODOT Divisions and other parties on the copy list and shall provide a list of Property owners along with the Parcel Information to the ODOT Environmental Project Manager. (Hard copies of letters and land parcel cards do not need to be sent to the copy list.)
- The Consultant Project Manager shall provide their Specialists with a copy of the notification letter and a list of the notified property owners to take to the Field.
- If property owner resistance is encountered, the Consultant shall send a certified mail with a permission form to the property owner. The Consultant shall contact the ODOT Environmental Project Manager to get the sample letter and form.
- For projects within the City limits of Cities with less than 50,000 (as found on state highway maps), the Consultant shall send an Early Coordination letter for small cities. The latest format is available from the ODOT Environmental Project Manager.
- If there are Tribal Properties within the Study Footprint, the Consultant shall follow the current ODOT Process for obtaining permission to enter these properties for studies.

## STEP 5

### Specialist Studies

Prior to start of Specialist Studies, the Consultant Specialists shall contact the ODOT Specialists to clarify any scope questions related to the specialist studies. Once the studies are completed, **the Consultant shall complete the SPECIALIST REVIEW REQUEST FORM with the necessary attachments and specialist report** and submit it to the ODOT Environmental Project Manager and the ODOT Specialists in accordance with the requirements for each study.

If the scope calls for any of the studies to be done by ODOT Specialists, **the Consultant shall complete the SPECIALIST REVIEW REQUEST FORM with the necessary attachments** and submit it to the ODOT Environmental Project Manager and the appropriate ODOT Specialist. Once the studies and applicable coordination are complete, the ODOT Specialist will send the completed studies to the Consultant and copy the ODOT Environmental Project Manager along with copies of any coordination. These will be included as supporting documents in the CE Document.

### A. Cultural Resources Studies

**The Cultural Resources Studies and submittal will be in accordance with the latest guidelines provided by the Department and the Scope established by the ODOT Cultural Resources Specialist. The Consultant shall not contact SHPO or other Agencies directly.** Once the report is

finalized and approved and all SHPO coordination completed, the ODOT Cultural Resources Specialist will send the final package back to the Consultant and copy the ODOT Environmental Project Manager. The package will include: Copies of SHPO Correspondence, Final Cultural Resources Report, Copies of Initial Tribal Coordination and any responses from the Tribes, Copies of Final Tribal Coordination and any responses from the Tribes and a copy of the memo sent to the Local Government or Project Management Division summarizing any mitigation measures. These will be included as supporting documents in the CE Document.

If specified in the scope, the Cultural Resources Studies will include Historic American Engineering Record (HAER) Level II documentation in accordance with the attached scope.

#### B. Threatened & Endangered Species and Wetland Studies

The Threatened & Endangered Species and Wetland Studies will be in accordance with the latest guidelines provide by the Department. **The Consultant shall not contact USFWS or other Agencies directly. Once the study is completed, the Consultant shall contact the ODOT Biologist prior to preparing the reports in order to get the current report format. Once the report is complete the SPECIALIST REVIEW REQUEST FORM with the necessary attachments and specialist report and submit it electronically to the Biologist and copy the ODOT Environmental Project Manager for processing.** Once the report is finalized and approved and all the coordination are complete, the ODOT Biologist will send the final memo back to the Consultant through the ODOT Environmental Project Manager along with the letter to and from USFWS (if applicable). These will be included as supporting documents in the CE Document.

#### C. Hazardous Materials Studies

The Hazardous Materials Studies shall be in accordance with the guidelines provided by the Department. **Once the study is completed, the Consultant shall complete the SPECIALIST REVIEW REQUEST FORM with the necessary attachments and specialist report and submit it electronically to the ODOT Hazardous Materials Specialist and copy the Environmental Project Manager for processing.** Once the report is finalized and approved, the ODOT Hazardous Materials Specialist will prepare and send the Hazardous Materials & LUST Report Form back to the Consultant and copy the ODOT Environmental Project Manager. If Plan Notes or recommendations for further action are necessary, the ODOT Hazardous Materials Specialist will prepare and send a memo to the appropriate Divisions and provide a copy to the Consultant Project Manager through ODOT Environmental Project Manager. These will be included as supporting documents in the CE Document.

#### D. Farmland Impact

The Consultant shall perform NRCS Coordination for determination for Farmland Impact in accordance with the following steps.

Complete the Form AD 1006 and send with the cover letter to NRCS. These forms can be sent either by mail or email to NRCS. If NRCS does not respond within 45 days, then Farmland Impact is considered not applicable.

If the NRCS responds, complete the rest of Form AD1006 in accordance with the NRCS instructions found at the website.

- The Form and Instructions for Completing the can be found at <https://www.nrcs.usda.gov/wps/portal/nrcs/main/national/landuse/fppa/> and the FHWA regulations relating to Farmland Impact can be found at <http://www.environment.fhwa.dot.gov/guidebook/chapters/v1ch5.asp>
- The Consultant shall use an approved sample letter for the typical wording on the NRCS Coordination letter, which can be obtained from the Environmental Project Manager.

#### E. Flood Plain Impact

The Consultant shall obtain current Flood Plain Maps from the FEMA website to identify whether the project falls within the regulated flood plain extents (Zone A-E) and create a FIRMette. If the project falls within Zone A-E, the NEPA Consultant shall contact the Designer through the Environmental Project Manager to check if a FEMA map revision is anticipated as a result of the proposed project.

#### F. Noise Studies *(Applicable to Capacity Expansion projects or projects on new alignments)*

The Specialist Studies for Noise Studies shall be in accordance with the latest guidelines provided by the Department. The Consultant Project Manager shall consult the ODOT Noise Specialist to determine whether a study is needed. If a study is required, the ODOT Noise Specialist will provide the project specific scope, prior to the start of studies. **Once the study is completed, the Consultant shall complete the SPECIALIST REVIEW REQUEST FORM with the necessary attachments and specialist report and submit it to the ODOT Noise Specialist electronically and copy ODOT Environmental Project Manager for processing.** Once the report is finalized and approved, the ODOT Noise Specialist will provide a summary language to be included in the main body of the NEPA document to the Consultant Project Manager through ODOT Environmental Project Manager. The noise studies will be included as supporting documents in the CE Document.

#### G. Identification of Required Permits

The Consultant shall identify the need for any 404 permits based on the biological studies and FAA Permits if the project is within 4 miles of a public airport. If the project is over any known navigable waters such as

Arkansas/Verdigris River, the Consultant shall contact the Coast Guard to determine the need for permit. This can be done via letter, email, or phone call. Contact name for the Bridge Specialist can be found at <http://www.uscg.mil/d8/WesternRiversBridges/>. Phone calls require memo to file with a summary of the conversation. The actual permit coordination will be done by ODOT during plan development. Coastguard permits are required for Section 10 Waters or Navigable Waters. Section 10 Waters can be identified at <http://www.swt.usace.army.mil/Missions/Regulatory/Section10Waters.aspx>.

#### H. Identification of Wild and Scenic Rivers

If the project involves any state Wild and Scenic Rivers, the Consultant shall coordinate with the ODOT Environmental Project Manager to send a solicitation letter to the Scenic River Commission. Response to any comments from the Scenic River Commission shall be coordinated through the ODOT Environmental Project Manager.

#### STEP 6

##### Public Meeting (*Only for Documented CE*)

Public meetings are required for projects involving capacity expansion or new alignment. Public meetings may also be required for road closure.

- The Consultant shall submit a Public Involvement Plan to Environmental Programs Division which identifies stakeholders which at a minimum include property owners within the project extent, nearest city/town emergency services (police, fire, hospitals, etc.), schools within the district, post office, and local and appropriate Agencies and Officials. **The Consultant Project Manager should obtain the latest NEPA Public Meeting list and sample Public Meeting Notice from the ODOT Environmental Project Manager.** The list will have to be supplemented with project specific invitees by the Consultant.
- Once the Public Involvement Plan is approved, the Consultant Project Manager shall coordinate a Public Meeting date with ODOT and have a Pre-Public Meeting with ODOT. Pre-meeting shall be held at least 4 weeks prior to the Public Meeting and prior to meeting notices being sent out.
- The Consultant shall be responsible for finding an appropriate location for the Public Meeting and making all arrangements for the meeting.
- At the Pre-Public meeting, the Consultants shall provide a copy of the Public Meeting notice, Agenda/Format for the Public Meeting, Displays or Presentation for the Public Meeting and a list of invitees to the Public Meeting which shall include the list from the Public Involvement Plan along with the Agency and Official Contacts provided by ODOT.

- After the Pre-meeting, the Consultant Project Manager shall send out public meeting notice letters to the stakeholders and appropriate Agencies and Officials on ODOT letterhead under ODOT signatures. Any media notice will be done by ODOT.
- The Consultant shall be responsible for presenting the NEPA issues and asking for input at the Public Meeting.
- After the meeting, the Consultant shall coordinate with the ODOT Environmental Project Manager to get responses for any verbal or written issues brought up by the public at the Public Meeting.
- The Consultant Project Manager shall prepare a report summarizing what was presented at the meeting, how many attendees, any verbal or written concerns or feedback received from the public regarding the project, and the response from ODOT to such concerns. The Consultant Project Manager shall also prepare draft response letters from ODOT for written comments.
- The meeting summary report, copies of meeting notice, agenda, written comments and written responses shall be included in the NEPA document.

#### STEP 7

*Solicitations (For Public Meeting or if specified in the Task Order)*

The Consultant shall send Solicitation Letters to all local, State, Tribal, and Federal officials that may have an interest in the proposed project or are located in the project area. **The most current list and sample NEPA Solicitation letter should be obtained from the ODOT Environmental Project Manager.** This step shall be done simultaneously with Steps 2 thru 4. The Consultant Project Manager shall prepare summarize any response received from the solicitations regarding the project to be included in the CE document

#### STEP 8

*Preparation of CE Document*

The CE Document can be prepared at various project schedule milestones when preliminary design plans have sufficient information to convey extents of construction impact and proposed R/W needs if the environmental studies are complete. (This could be done after 30% plan review meeting, in rare circumstances, or after 60% plans are available, or after the milestone plan review meeting.) The Consultant shall verify that the plans are within the original study footprint. If the plans are outside the study footprint, the Consultant shall identify these areas and coordinate with each of the ODOT Specialists to determine whether additional study is required. If additional study is required, the Consultant will be provided with additional budget and time as needed.



If the plans show the need for any relocations, the Consultant shall coordinate with the ODOT Environmental Project Manager to request a relocation study from the ODOT Right-of-Way Division.

Prior to preparation of the CE document, the Consultant shall with the ODOT Environmental Project Manager to obtain the latest CE format. The Consultant shall prepare the CE document for ODOT and FHWA signatures. The CE document at a minimum shall address the following:

- Identify the project with State/County/MPO's Long Range Plan
- Establish logical termini for the NEPA study
- Evaluate existing conditions and identify purpose & need
- Identify alternatives, if applicable
- Describe the proposed action
- Identify any relocations and summarize the relocation study results and commitments
- Identify property acquisition from any federal agencies or Tribes
- Summarize Cultural Resource Issues and commitments
- Identify any Section 4(f) and 6(f) Resources and summarize Section 4(f) and 6(f) Coordination and commitments
- Identify noise impacts and summarize noise commitments, if applicable
- Summarize T&E Species Analysis and commitments
- Summarize Wetland and Waters Findings and commitments and any water quality issues
- Identify any Coastguard permit requirements and summarize coordination and commitments
- Identify any Wild & Scenic rivers and summarize coordination and commitments
- Identify and summarize farmland coordination
- Identify floodplains and summarize the need for any map revisions if applicable
- Summarize Hazardous Waste/LUST Issues and commitments
- Identify any changes in access control
- Discuss social and economic impacts of the projects – both temporary (during construction) and permanent if applicable
- Summarize the public involvement for projects with road closure
- Identify any permit requirements such as FAA, etc.

The NEPA document, at a minimum, shall include the following and the supporting studies need to be arranged in the same order as the issues being discussed in the NEPA document:

- The CE form/document
- Plan Notes and Figures
- The initial study footprint and construction plans with proposed right-of-way

- Any property owner notification letters
- FEMA Maps and NRCS Coordination
- Census Maps (for projects with Environmental Justice)
- The completed Specialist Studies and Agency Coordination and Public Involvement (if applicable)
- Approval Memo from ODOT Specialists for studies reviewed by the ODOT Specialists
- Public Meeting Notice, Meeting Minutes, Summary of Public Comments and Responses (if applicable)
- Separate EA Reevaluation Report (required for ICEs and DCEs for projects within a corridor with a previously approved EA and FONSI)

The Consultant shall provide a single pdf of the complete draft document for review by ODOT and FHWA. Once the document is approved, the Consultant shall provide a signed single pdf of the complete revised document.