

State Scope of Service for CE  
List of Contents

1. State Scope of Services for CE *Updated 7-3-13*
2. Monthly Status Report (*Available on Excel Spreadsheet*)
3. Guidelines for Consultants Performing Cultural Resources Studies  
*Updated 6-27-13*
4. REQUEST TO INITIATE TRIBAL COORDINATION & ESTABLISH SCOPE FOR CULTURAL RESOURCES STUDY *Updated 1-26-12*
5. Request for Specialist Studies Review *Updated 1-26-12*
6. Biological Studies Guidelines *Updated June 2013*
7. Hazardous Waste Studies Guidelines *Updated 6-25-13*
8. Hazardous Waste Land Use Windshield Survey Form (*Available on Excel Spreadsheet*)
9. Traffic Noise Studies *Updated 6-5-13*
10. Request for Specialist Studies *Updated 1-26-12*
11. Property Owner Notification Letter (*Available on Microsoft Word*) *Updated 5-30-13*
12. BLM Notification Letter (*Available on Microsoft Word*) *Updated 5-30-13*
13. Road Closure Letter (*Available on Microsoft Word*) *Updated 6-28-13*
14. NRCS Letter (*Available on Microsoft Word*) *Updated 5-17-10*
15. Programmatic/Individual or Documented CE (***IMPORTANT!!! GET THE MOST CURRENT VERSION FROM THE ODOT NEPA PROJECT MANAGER PRIOR TO PREPARING THE DOCUMENT***)

## Scope of Services for CE

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

The Consultant shall submit a Scope and Fee for completion of all required studies, and final documentation in compliance with the National Environmental Policy Act (NEPA) as outlined below for the projects in the attached list. 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.

This scope will be based on the approved hourly rate with a not to exceed amount. The attached cost estimate form shall be used.

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 Engineer 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 provide the Consultant with a marked up NEPA study footprint and a copy of the initiation report for the NEPA studies.
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.

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

#### STEP 1

Once the NEPA footprint and the initiation report are received, the Consultant Project Manager shall:

- Redraw the footprint on an aerial 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 GIS shape files used or 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.
- The Consultant shall create project location maps for the projects identified in the attached list to meet the following requirements:
  - a. A location map created using ODOT County / City Maps from the ODOT Website:  
[www.okladot.state.ok.us/hqdiv/p-r-div/maps](http://www.okladot.state.ok.us/hqdiv/p-r-div/maps).
  - 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 and Establishment of Scope for Cultural Studies by completing the form to REQUEST TO INITIATE TRIBAL COORDINATION & ESTABLISH SCOPE FOR CULTURAL RESOURCES STUDY with the necessary attachments and submitting it to the ODOT Cultural Resources Coordinator and copy the ODOT Environmental Project Manager for processing. The Cultural Resources and Tribal Coordination will be in accordance with the attached guidelines. **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

Property owner contact prior to Specialist Field Studies and a letter to the Bureau of Land Management (BLM) shall be done during the time the Consultant is waiting on the completion of Tribal Coordination. **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.
- Attached Sample Form Letters for Property Owner Notification and BLM shall be used for notification. The Word files for these documents are available from the ODOT Environmental Project Manager. The original form letter for property owner notification will signed by the Environmental Division Engineer on a plain white paper for each project and the Consultant shall make necessary copies on ODOT letterhead. Letters should be sent via regular mail. The BLM letter should be signed on an ODOT Letterhead. **Letters should be mailed from within the State of Oklahoma.**
- The Consultant is responsible for distributing the copies to ODOT Divisions and other parties on 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.

- The Consultant Project Manager shall provide a list of Property owners along with the Parcel Information to the ODOT Environmental Project Manager. The purpose of this information is for ODOT's R/W Division to identify any potential problem parcels.
- 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.

#### STEP 4

##### 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 attached guidelines and the Scope established by the ODOT Cultural Resources Specialist in Step 2. 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 attached guidelines. **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 Waste Studies

The Specialist Studies for Hazardous Waste Studies shall be in accordance with the attached guidelines. **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 Waste Specialist and copy the Environmental Project Manager for processing.** Once the report is finalized and approved, the ODOT Hazardous Waste Specialist will prepare and send the Hazardous Waste & 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 Waste 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 [http://www.nrcs.usda.gov/programs/fppa/pdf\\_files/AD1006.PDF](http://www.nrcs.usda.gov/programs/fppa/pdf_files/AD1006.PDF) 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 the attached Sample Letter for the NRCS Coordination.

#### 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 attached guidelines. 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/Vedigiris 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 5

##### 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 can be done simultaneously with the Specialist Studies in Step 4.

- The Consultant Project Manager shall submit a Public Involvement Plan to Environmental Division which identifies stakeholders which a minimum include property owners within the project extent, nearest city/town emergency services (police, fire, hospital, etc.), schools within the district, County Commissioners, post office, Oklahoma Department of Wildlife Conservation (ODWC) (In case the road is being used to get some fishing or hunting area), State Troopers (List available from ODOT), Emergency Medical Services for the County or nearest City (the directory is available at [http://www.ok.gov/health/Protective\\_Health/Emergency\\_Systems/EMS\\_Division/Ambulance\\_Services\\_\(EMS-EMR\)/Ambulances\\_and\\_EMRAs\\_Registry/index.html](http://www.ok.gov/health/Protective_Health/Emergency_Systems/EMS_Division/Ambulance_Services_(EMS-EMR)/Ambulances_and_EMRAs_Registry/index.html), and others as applicable to each project.
- Once the Public Involvement Plan is approved, the Consultant Project Manager shall send out public notification letters under ODOT's signature to the stakeholders. In the public notification, specify anticipated time of letting, duration of closure, provide the contact information of the appropriate Field Division for further information during construction and ask for feedback on things to take into consideration during closure. A Sample Letter is attached.
- The Consultant shall submit any comment/concerns received from the Road Closure letter to the ODOT Environmental Project Manager for coordination and response. The ODOT Environmental Project Manager will notify the Field Division Engineer, Project Management Division, and the Designers of these concerns and get the response to the concern from the Field Division Engineer or Project Manager (such as concerns about time of closure, emergency route, objections to closure, etc.). This information shall be summarized in the NEPA document
- Further public involvement may be required depending on the project location. If a public meeting is required, a separate task order will be issued for the public meeting coordination.

#### 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 Manger 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 *(Only for Documented CE and 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 and 3. 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 shall be prepared only after the plans with the proposed right-of-way is available. 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
- 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)

The Consultant shall provide 1 hard copy in a 3 ring binder for the draft review by ODOT. Once the document is approved, the Consultant shall provide a hard copy of the signed document in a 3 ring binder and a CD containing a single pdf of the document with studies arranged in the same order as the hard copy.

Monthly Status Report Format (Available on Excel Spreadsheet)

# Guidelines for Consultants Performing Cultural Resources Surveys

## **Guidelines for Consultants Performing Cultural Resources Surveys for Oklahoma Department of Transportation**

All cultural resources surveys for the Oklahoma Department of Transportation (ODOT) must follow the procedures outlined in the ODOT Cultural Resources Studies Manual. This Manual and all other cultural resources studies documents can be found at the following web site: <http://www.odotculturalresources.info/documents.html>. These items may be updated as needed, therefore the Specialist should review these prior to the field investigations for each project. **THE SPECIALIST PERFORMING THE SURVEY SHALL MEET THE SECRETARY OF INTERIOR'S STANDARDS OF PROFESSIONAL QUALIFICATIONS FOR ARCHEOLOGICAL AND HISTORICAL SURVEY IN ACCORDANCE WITH 36 CFR PART 61.** The guidelines below outline the steps to be taken regarding initiating and completing the cultural resources survey.

**NOTE: No Specialist Studies can begin until the end of the 30 day Tribal Coordination Response period.**

### **Cultural Resources Initiation and Tribal Coordination Request:**

1. Contact Rhonda Fair, Tribal Liaison with The ODOT Cultural Resources Program (ODOT-CRP) [[rsfair@ou.edu](mailto:rsfair@ou.edu); 405-325-8665], to initiate Tribal consultation.

Rhonda Fair– Tribal Liaison  
ODOT Cultural Resources Program  
111 E. Chesapeake, Room102  
University of Oklahoma  
Norman, Oklahoma 73019-5111  
Phone No: (405) 325 8665  
Fax No: (405) 325 7604  
Email: [rsfair@ou.edu](mailto:rsfair@ou.edu)

2. Contact Scott Sundermeyer, ODOT Cultural Resources Specialist ([ssundermeyer@ou.edu](mailto:ssundermeyer@ou.edu) 405-325-7201) to determine the scope and requirements of the cultural resource survey.

Scott Sundermeyer– ODOT Cultural Resources Program  
111 E. Chesapeake, Room102  
University of Oklahoma  
Norman, Oklahoma 73019-5111  
Phone No: (405) 325 7201  
Fax No: (405) 325 7604  
Email: [ssundermeyer@ou.edu](mailto:ssundermeyer@ou.edu)

Information required for 1 & 2:

- A. Project location map, preferably made from the County Highway Maps available at [www.okladot.state.ok.us/public-info/index.htm](http://www.okladot.state.ok.us/public-info/index.htm) and including the legal

- description of the proposed study area.
- B. Project footprint or study area map (or plans)
- C. Description of the proposed project and study area
- D. NEPA checklist or Project Initiation Report with County, Project Number, and Job Piece Number
- E. Landowner information (for all state projects with new right-of-way and for county projects when available)
- F. Completion of the Request to Initiate Cultural Resources Study Form and submittal of the form via email to the above contacts. A courtesy copy must be provided to the Cultural Resources Consultant and the ODOT NEPA Project Manager.

Once the above is completed, the ODOT Tribal Liaison will inform the Consultant that tribal consultation has been initiated. The ODOT Cultural Resources Specialist will provide a scope of work, list of tribes consulted, and the number of final copies of the Cultural Resources Survey Report that will be necessary. The number of copies will vary dependent on the county in which the study was performed.

#### **Cultural Resources Survey Report:**

1. Phase I investigations and reports shall adhere to the standard ODOT-CRP format discussed in the Cultural Resources Studies Manual and Scope of Work for Cultural Resources Survey. Use of this format facilitates review of the report by ODOT Cultural Resources Specialist, SHPO, OAS, Native American Tribes and FHWA.
2. A hard copy of the draft report including all OAS archeological site forms, bridge documentation forms and SHPO Historic Preservation Resource Identification Forms should be submitted to the ODOT Cultural Resources Specialist for review. All archeological site forms should be submitted for review prior to requesting a Site Trinomial (Site Number) from the OAS. Once reviewed, the ODOT Cultural resources program will obtain and provide the Site Numbers. All SHPO Historic preservation Resources Identification Forms, photographs and streetscapes should be completed according to SHPO standards available on line at [www.okhistory.org/shpo/rcmanualmain.htm](http://www.okhistory.org/shpo/rcmanualmain.htm) **Do not submit archeological site forms to the OAS or Historic Preservation Resource Identification Forms to SHPO.** The forms are submitted by the ODOT Cultural Resources Program along with the final draft report to appropriate agencies.
3. If the field investigation results in the discovery of *NO archeological sites or buildings*, the first draft of the report may be submitted by the Cultural Resources Consultant via email to the ODOT Cultural Resources Specialist, with a courtesy copy to the Consultant Project Manager and the ODOT Project Manager.
4. ODOT Cultural Resources Specialist will provide review comments to the Cultural Resources Consultant and the Consultant Project Manager. All review comments must be addressed prior to submitting the final report and all forms for distribution.

### **Report Submission/Distribution**

1. The initial draft report submittal should be accompanied by a Review Request form with attachments and the ODOT NEPA Project Manager should be provided with a copy of the request form and attachments.
2. Once a final draft is complete and approved, the Consultant will provide hard copies of the report for distribution to State and Federal agencies and Native American Tribes and Nations. These copies should be provided by the Consultant Project Manager and not the Cultural Resources consultant.
3. Once SHPO Consultation is complete, ODOT Cultural Resources Specialist will provide the Consultant Project Manager with the following: Copies of SHPO Consultation, Final Cultural Resources Report, Copies of Initial Tribal Consultation and any responses from the Tribes, Copies of Final Tribal Consultation 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 documents will be included in the NEPA Document.

REQUEST TO INITIATE TRIBAL COORDINATION &  
ESTABLISH SCOPE FOR CULTURAL RESOURCES  
STUDY



Request for Review of Consultant Specialist Reports

# REQUEST TO REVIEW CONSULTANT SPECIALIST REPORTS

- |  |   |
|--|---|
| <input type="checkbox"/> Cultural Resources<br><input type="checkbox"/> Biological | <input type="checkbox"/> Hazardous Waste / LUST<br><input type="checkbox"/> Noise |
|--|---|

**Project Consultant:** \_\_\_\_\_ **Date Submitted:** \_\_\_\_\_ **R/W Date:** \_\_\_\_\_  
**Project Manager:** \_\_\_\_\_  
**Phone & email:** \_\_\_\_\_

**Report prepared by (Specialist's Name):** \_\_\_\_\_  
**Phone & email:** \_\_\_\_\_

**County:** \_\_\_\_\_ **State Highway No. or County Rd No.:** \_\_\_\_\_

**Project Number:** \_\_\_\_\_ **Job Piece No.:** \_\_\_\_\_

**Project Description:**  
***IMPORTANT: ATTACH COPY OF STUDY FOOTPRINT OR PLANS AND A COPY OF THE PROJECT INITIATION REPORT OR OTHER DOCUMENTS OUTLINING THE PROJECT SCOPE WITH EACH SPECIALIST REVIEW REQUEST.***

**ATTACHMENTS (Check all that apply):**

- |   |   |
|---|---|
| <input type="checkbox"/> NEPA Study Footprint or Plans<br><input type="checkbox"/> Bridge Information Sheet | <input type="checkbox"/> Initiation Report or Local Government NEPA Checklist<br><input type="checkbox"/> Other _____(DESCRIBE) |
|---|---|

**Type of Work:**

- |  |  |
|--|--|
| <input type="checkbox"/> Existing Alignment<br><input type="checkbox"/> New Alignment<br><input type="checkbox"/> Bridge Replacement<br><input type="checkbox"/> Bridge Rehabilitation<br><input type="checkbox"/> Bridge Widening/Box Extension<br><input type="checkbox"/> Sidewalks | <input type="checkbox"/> Pavement Reconstruction<br><input type="checkbox"/> Intersection Modification<br><input type="checkbox"/> Overlays<br><input type="checkbox"/> Pavement Rehabilitation<br><input type="checkbox"/> Adding Shoulders<br><input type="checkbox"/> Other _____(DESCRIBE) |
|--|--|

**TYPE OF PROJECT:**

- |   |   |   |
|---|---|---|
| <input type="checkbox"/> STATE<br><input type="checkbox"/> CIRB | <input type="checkbox"/> LOCAL GOVT<br><input type="checkbox"/> LPB | <input type="checkbox"/> ENHANCEMENT/SAFE ROUTES TO SCHOOLS<br><input type="checkbox"/> OTHER _____ |
|---|---|---|

**Specialist Review Needed By:**  
***ALLOW 60 days for Specialist Review. If requesting a RUSH, provide reason for the RUSH under 'Additional Information'.***

***NOTE TO SPECIALISTS: PLEASE LET THE NEPA PROJECT MANAGER KNOW IMMEDIATELY IF THIS DATE CANNOT BE MET OR CONTACT THE ASSISTANT DIVISION ENGINEER IF CONSULTANT HELP IS NEEDED TO MEET THE DEADLINE.***

**RUSH :** Less than 30 days:  YES

**Additional Information:**

## Biological Studies Scope

## Scope of Services for Biological Studies

### Threatened and Endangered Species Assessment Bald Eagle Assessment Migratory Bird Assessment and Waters and Wetlands Assessment

#### Threatened and Endangered Species Assessment will include:

- 1) Follow the project review process outlined by the USFWS at <http://www.fws.gov/southwest/es/oklahoma/OKESFO%20Permit%20Home.htm>.
- 2) Review of federally designated critical habitat maps **relative to the project action area** at <http://criticalhabitat.fws.gov/crithab/>
- 3) Review of federally listed, proposed and candidate aquatic species and aquatic dependent species watersheds and occupied water bodies of Oklahoma at [http://www.fws.gov/southwest/es/oklahoma/add\\_docs.htm](http://www.fws.gov/southwest/es/oklahoma/add_docs.htm)
- 4) Review of Oklahoma Natural Heritage Inventory rare species database for any records of federally listed, proposed or candidate species **ONLY** at [http://www.oknaturalheritage.ou.edu/request\\_data.htm](http://www.oknaturalheritage.ou.edu/request_data.htm)
- 5) For the Lesser Prairie Chicken, review and provide the information from The Oklahoma Lesser Prairie-Chicken Spatial Planning Tool <http://www.wildlifedepartment.com/lepcdevelopmentplanning.htm>
- 5) Field studies of the proposed project study area to determine its suitability as habitat for listed, proposed and candidate species. **This includes a detailed assessment of aquatic habitats for listed fish and mussels.**
- 6) Bat Assessments in areas where listed bat species are identified by the USFWS:
  - a) Field pedestrian survey of the entire environmental study area to identify and GPS any karst features.
  - b) Field assessment of all existing structures for potential use by listed bats species within the environmental study area. This includes 2 parts:
    - i) Examination of structures for bat use, such as the presence of prey remains (e.g. moth wings) and guano or urine/body oil stains on or below the bridge structure
    - ii) Examination of structures for preferred roost site characteristics (full sun exposure, greater than 10-feet above the water, top-sealed vertical crevices 0.5 to 1.25 inches wide and 12 inches or more in depth).
  - c) Field assessment of foraging habitat available within the environmental study footprint.
  - d) In LeFlore and Pushmataha counties, field assessment of suitable Indiana bat roost trees within the environmental study footprint. Identify and GPS all trees that could provide suitable roost sites.
- 7) Field assessment and measurement of suitable American burying beetle habitat (in acres) within the proposed project environmental study area.
- 8) Field observations of federally listed and candidate species likely to be present within or near the proposed project study area.

**Bald Eagle Assessment will include:**

- 1) Field studies of the proposed project environmental study area to determine its suitability as Bald Eagle nesting, roosting and/or foraging habitat.
- 2) GPS any suspected Bald Eagle nest trees within 1000 feet of the environmental study area.

**Swallow Assessment will include:**

- 1) Field assessment of the existing roadway structures (bridges and culverts) within the project environmental study area for use by swallows and other migratory birds.
- 2) GPS all structures surveyed and clearly identify which structures exhibit current or past swallow use.

**Potential Jurisdictional Waters and Wetlands Evaluation will include:**

1. Review of the National Wetlands Inventory (NWI) maps <http://www.fws.gov/wetlands/index.html> and USGS 7.5 minute topographic quadrangle maps of the proposed project study area.
2. Review of the Natural Resources Conservation Service (NRCS) soil survey maps for the county in which the proposed project will occur <http://websoilsurvey.nrcs.usda.gov/app/>
3. Review of hydric soils lists published by the NRCS for the county in which the proposed project will occur.
4. Field studies of the proposed project study area for identification of all aquatic resources (e.g. wetlands and other water bodies).
5. Characterization of onsite wetlands and ponds according to the Cowardin system.
6. Delineation of onsite wetlands according to the 1987 U.S. Army Corps of Engineers (USACE) Wetlands Delineation Manual and the applicable Regional Supplement, and associated policy documents.
7. Type - as identified by the USGS 7.5 minute topographic quadrangle (e.g. mapped intermittent stream) - and length (in feet) of each stream/drainage within the environmental study area.
8. The aerial extent (acres) within the ordinary high water mark (OHWM) of all aquatic resources (streams, wetlands and ponds) based on GPS field data.

**Biological Studies Reports**

Prepare two (2) separate reports: one for the species' assessments and one for the potential jurisdictional waters and wetlands evaluation. Templates for these reports are attached.

The ODOT Biological Resources Program will serve as a liaison between ODOT and all Federal Agencies, including the USFWS for any required Endangered Species Act Section 7 consultation and Migratory Bird Treaty Act coordination. The consultant shall be responsible for all documentation requirements of Section 7 of the Endangered Species Act, the Migratory Bird Treaty Act, and Section 404 of the Clean Water Act under the oversight of the ODOT Biological Resources Program Manager.

## Procedures:

1. The Consultant Project Manager shall provide the ODOT Biological Resources Program Manager with a completed Request for Review form (attached), project scope/initiation report and any available plans or footprints, along with the submission of the draft reports in electronic form. All report text shall be submitted in MS Word format. Figures shall be submitted in PDF format with no logos. All GIS data files created (including – but not limited to - study footprints, action areas, ABB habitat, wetlands and streams delineated, swallow nest locations, etc.) shall be submitted as shapefiles in UTM NAD83 for the appropriate zone. All files MUST have the COUNTY NAME AND JP NUMBER in the file name. The Consultant shall submit these materials electronically (either by email or CD) directly to Julianne Hoagland, ODOT Biological Resources Program Manager and copy the ODOT NEPA Project Manager. Contact information is:

Julianne Hoagland – ODOT Biological Resources Program Manager  
Oklahoma Department of Transportation  
Environmental Programs Division  
200 NE 21<sup>st</sup> Street  
Oklahoma City, OK 73105  
(405) 521-2515  
[jhoagland@odot.org](mailto:jhoagland@odot.org)

2. Once the draft report and request for review have been provided, the ODOT Biological Resources Program Manager will correspond directly with the Consultant Biological Specialist as needed to finalize the report documents. The consultant Project Managers shall be copied on any correspondence with the Consultant Biological Specialists to keep them aware of any issues. ODOT Biologist review will begin only after a complete and accurate submission is received.
3. **All Coordination with Federal Agencies will be done by the ODOT Environmental Programs Division. The Consultant shall not contact Federal Agencies for any ODOT projects without a written approval from the Environmental Programs Division.**

**ENDANGERED, THREATENED AND CANADATE SPECIES, DESIGNATED  
CRITICAL HABITAT, BALD EAGLE AND SWALLOW ASSESSMENT**

**For**

County		JP Number		Project Number	
Road Number		Water Body Name			
ROW Date		Let Date		Project Length	
Project General Location					
Project Statement					

Prepared for:  
Oklahoma Department of Transportation  
Environmental Programs Division  
200 NE 21<sup>st</sup> Street  
Oklahoma City, OK 73105

Prepared by:

Biologist Name	
Company/Agency Name	
Address	
City, State Zip	

Report Date:	
Field Survey Date	
Field Survey Biologist(s)	

**1. PROJECT OVERVIEW**

**1.1 Federal Nexus**

This biological assessment, prepared by the above named Company/Agency for the Oklahoma Department of Transportation (ODOT), addresses the above named project in compliance with Section 7(c) of the Endangered Species Act (ESA) of 1973, as amended. Section 7 of the ESA requires that, through consultation with the U.S. Fish and Wildlife Service (Service), federal actions do not jeopardize the continued existence of any threatened, endangered, or proposed species or result in the destruction or adverse modification of critical habitat. This assessment evaluates the potential effects of the proposed transportation project on species that are federally listed under the ESA. Specific project design elements are identified that avoid or minimize adverse effects of the proposed project on listed species and designated critical habitat.

**1.2. Project Description**

<b>Project Type</b>	<b>Check <math>\checkmark</math></b>
Bridge and Approaches	
Grade, Drain, Surface and Bridge	
Grade, Drain and Surface	
Asphalt Overlay	
Widen and Resurface existing lanes	
Pavement Reconstruction & rehabilitation	
Bridge Rehabilitation	
Safety Improvements (Cable Barrier, Guardrail, signage)	
Intersection Modifications	
Safe Routes to School (Describe)	
Enhancements (Describe)	
Other (Describe)	

Description of the **existing** bridge/roadway facility and reason for proposed project

Description of **proposed** improvements - SPECIFIC TO THIS PROJECT. For all bridge projects, include a detailed description of all channel work and work to be conducted below the OHWM

**1.3. Project Area and Setting**

Project Location		Environmental Study Footprint		Ecoregion & Game Type	
<u>Section Range &amp; Township</u>	<u>Lat/Long (NAD 83)</u>	<u>Dimensions</u>	<u>Acreage</u>	<u>Level IV Ecoregion (Woods et al. 2005)</u>	<u>Game Type (Duck and Fletcher 1943)</u>

**Action Area:**

*Use attached guidance for determining the proposed project's action area.*

**2. FEDERALLY LISTED SPECIES AND DESIGNATED CRITICAL HABITAT**  
 (Only include those species and designated critical habitat from the USFWS Official Species List)

**Species Range and Occurrence Evaluation (Check  $\checkmark$  all that apply)**

Species	Action Area is within a watershed associated with occupied water bodies		Action Area includes an occupied water body		Project site within 5 miles of known records	
	YES	NO	YES	NO	YES	NO
American Burying Beetle	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>		
Gray Bat			<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>		
Ozark Big-eared Bat	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>		
Indiana Bat	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>		
Black-capped Vireo	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>		
Whooping Crane						
Interior Least Tern						
Red-cockaded Woodpecker	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>		
Quachita Rock Pocketbook						
Scaleshell Mussel						
Winged Mapleleaf						
Neosho Madtom						
Ozark Cavefish			<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>		
Piping Plover	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>		
Arkansas River Shiner						

Species	Action Area is within a watershed associated with occupied water bodies		Action Area includes an occupied water body		Project site within 5 miles of known records	
	YES	NO	YES	NO	YES	NO
Leopard Darter						
American Alligator	X	X	X	X		
Neosho Mucket						
Rabbitsfoot Mussel						
Lesser Prairie Chicken	X	X	X	X		
Arkansas Darter						
Sprague's Pipit	X	X	X	X		

Legally Designated Critical Habitat	Action Area includes Designated Critical Habitat (Check $\checkmark$ )	
	YES	NO
Whooping Crane		
Arkansas River Shiner		
Leopard Darter		

<b>For the American Burying Beetle (Check √)</b>									
Action area is within current or historic range		Action area is within a conservation priority area		Action area is within 5 miles of a positive survey			Action area is within 5 miles of a negative survey		
Current Range	Historic Range	YES	NO	YES	NO	Most Recent Date	YES	NO	Most Recent Date

<b>For Bats Bridge Assessment (Check √)</b>					
Guano present		Urine/body oil stains present		Moth wings present	
YES	NO	YES	NO	YES	NO

<b>For the Interior Least Tern</b>				
IPaC Special Conditions Identified			YES	NO

<b>For the Whooping Crane (Check √)</b>							
Action area is in which percentage Whooping Crane migratory corridor						Action area is within 15 miles of Salt Plains National Wildlife Refuge, Hackberry Flat, or Foss Reservoir.	
5%	10%	15%	20%	25%	75%	YES	NO

<b>For the Red-cockaded Woodpecker (Check √)</b>					
Action area is within the historic range of the species		Action area is within 10 miles of the McCurtain County Wilderness Area		Action area is within 10 miles of the Pushmataha Wildlife Management Area	
YES	NO	YES	NO	YES	NO

<b>For the Lesser Prairie Chicken (Check √)</b>

Action area is within the historic range of the species based on the LPC Interstate Working Group		Action area is within the current occupied range of the species based on the LPC Interstate Working Group	
YES	NO	YES	NO

### 3. ENVIRONMENTAL BASELINE

#### 3.1. Ecological Processes and Conditions

Soils (Use Soil Map of Oklahoma by Carter and Gregory 2008)

Soil Class	
Soil Name	
Soil Type	
Soil Characteristics	

Climate (Use Woods et al. 2005)

Precipitation	Mean annual inches	
Growing Season	Number of days	
Mean Temperatures	Summer min/max	
	Winter min/max	

River System

List all USGS 7.5 minute Quad mapped Streams within the Action Area
---

Land Use and Land Ownership

From Woods et al. 2005	
From Field investigation	

Terrestrial and Aquatic Community Descriptions (based on field site visit)

--

**3.2 Species Habitat Analysis**

Pedestrian survey of entire study footprint	YES		NO	
Bridge inspection for bat use and suitability as bat roosting habitat	YES		NO	

SPECIES	HABITAT	YES	NO
American Burying Beetle	Perennial plant vegetation is present within the environmental study footprint		
	Acres of perennial plant vegetation (outside of any maintained Bermuda grass ROW) within the environmental study footprint		Acres
Gray Bat	Limestone Caves are present within the action area		
	Riparian forest near streams, rivers and associated wetlands is present within the action area.		
Ozark Big-eared Bat	Limestone caves are present within the action area.		
	Mature oak-hickory forest is present within the action area.		
	Riparian forest near intermittent streams is present within the action area.		
Indiana Bat	Limestone caves are present within the action area.		
	Dead or dying trees with loose bark or cavities are present within the environmental study footprint.		
	Riparian forest is present within the action area.		
All Bats Species	The existing bridge is made of concrete, contains vertical crevices that are 0.5 to 1.25 inches wide, is 10 or more feet above the ground or water, has a water-tight sealed surface, and is in full sun.		
	Existing bridge is situated over a busy roadway.		
	Concrete box culverts between 5&10 feet tall and >300 feet long are present within the action area.		
Black-capped Vireo	Shrub land, with small to intermediate sized trees and shrubs with vegetative cover that extends to ground level, is present within the action area.		
Whooping Crane	Shallowly-submerged sandbars in large river channels are present within the action area.		
	Palustrine wetlands are present with the action area.		
	Acres of palustrine wetlands within the action area		Acres

SPECIES	HABITAT	YES	NO
Interior Least Tern	Sparsely vegetated islands or sandbars along large rivers, with nearby areas of shallow water, are present within the action area.		
Red-cockaded Woodpecker	Old-growth loblolly, shortleaf, slash or longleaf pine forests are present within the action area.		
	Park-like stands of pines with little or no understory growth are present within the action area.		
	Living pine trees over 60 years old are present within the action area.		
Ouachita Rock Pocketbook Mussel	Pools, backwaters and side channels of rivers and large streams, with little or no current, are present within action area.		
	Stable substrates containing gravel or sand in rivers or large streams are present within action area.		
	Large mussel beds containing a diversity of mussel species are present within action area.		
Scaleshell Mussel	Stretches of stable river or large stream channels with relatively good water quality are present within the action area.		
	Riffle areas with assemblages of gravel, cobble, boulder, sand or mud are present within the action area.		
Winged Mapleleaf Mussel	Riffles with clean gravel, sand or rubble bottoms in larger rivers or streams with clear, high quality water are present within the action area.		
Neosho Madtom	Riffles with gravel-sized substrate particles in rivers with moderate current are present within the action area.		
Ozark Cavefish	Clear groundwater-fed streams in caves with chert and rubble beds are present within the action area.		
Piping Plover	Sparsely vegetated sandy or gravelly shorelines and islands associated with the major river systems are present within the action area.		
	Salt flats and mudflats associated with reservoirs are present within the action area.		
Arkansas River Shiner	Sandy-bottomed main channel rivers, with slow moving shallow water, are present within the action area.		

SPECIES	HABITAT	YES	NO
Leopard Darter	Intermediate to large streams or rivers, with clear water, are present within the action area.		
	Large quiet pools, with a rubble and boulder substrate, are present within the action area.		
American Alligator	Fresh or brackish marshes, ponds, lakes, rivers, swamps, bayous, canals or large spring runs are present within the action area.		
Neosho Mucket Mussel	Moderate flow rivers with clean and stable gravel and rubble substrates, and shallow water shoal and riffles, are present within the action area.		
Rabbitsfoot Mussel	Small to medium-sized clear-water rivers with sand and gravel substrates, and moderate to swift current, are present within the action area.		
Lesser Prairie Chicken	Mixed grass and shrubland vegetation communities dominated by sand bluestem, little bluestem and sand dropseed, with sand sagebrush or shinnery oak, are present within the action area		
	Areas of LPC planning tool habitat value 1 or 2 occur within the action area.		
	Areas of LPC planning tool habitat value 3 or 4 occur within the action area.		
	Areas of LPC planning tool habitat value 5 or 6 occur within the action area.		
	Areas of LPC planning tool habitat value 7 or 8 occur within the action area.		
Arkansas Darter	Cool spring-fed streams of low to medium gradient, with sand, small gravel, or organic detritus substrates, are present within the action area.		
	Herbaceous aquatic vegetation is present within the action area.		
Sprague's Pipit	Pastures or weedy fields, including grasslands with dense herbaceous vegetation or grassy agricultural fields, are present within the action area.		

**4. ANALYSIS OF EFFECTS**

**4.1 Direct Effects (only for those species where habitat occurs within the action area)**

Species/ Resource	Habitat impacts expected from project activities		Describe
	Yes	No	

**4.2 Indirect Effects**

**Long-term habitat alterations (for species with a “may affect” only)**

Species/ Resource	Long-term habitat alterations (describe)

**Indirect land use impacts (for species with a “may affect” only)**

Describe if any for species that have a “may affect” determination
--

**4.3 Interrelated and Interdependent Actions and Activities (may affect only)**

If the project involves replacement of existing roadway or bridge structures, with no capacity expansion, and the project will not impact current land use in the area, no interrelated and interdependent actions are expected
---



## **CONCLUSIONS**

**RECOMMENDED CONSERVATION MEASURES (DO NOT INCLUDE – THE ODOT  
BIOLOGIST WILL ADD THIS INFORMATION)**

## 5. BALD EAGLE AND SWALLOW ASSESSMENT

### 5.1. Bald Eagle Assessment

The Bald Eagle (*Haliaeetus leucocephalus*) is a large predatory bird protected by the Bald and Golden Eagle Protection Act and the Migratory Bird Treaty Act. Activities that would disturb eagles are prohibited under the Bald and Golden Eagle Protection Act. “Disturb” means to agitate an eagle to the degree that causes or is likely to (1) cause injury, (2) interfere with breeding, feeding or sheltering behavior, or (3) nest abandonment.

Bald Eagle Habitat Present	Describe
Bald Eagle Nests Observed	Describe
Bald Eagles Observed	Describe
In order to avoid impacts to Bald Eagles, a survey for eagles and their nests will be conducted within 700 feet of the work zone, during the winter prior to, and within one year of, the start of construction. If a nest is found, appropriate conservation measures based on the National Bald Eagle Management Guidelines will be implemented.	

### 5.2 Swallow Assessment

Cliff Swallows (*Petrochelidon pyrrhonota*) and Barn Swallows (*Hirundo rustica*) are small colonial and semi-colonial nesting birds protected by the federal Migratory Bird Treaty Act. Barn Swallows use man-made structures for nesting and live in close association with humans. Both species commonly use bridges and culverts in Oklahoma for nesting.

Swallow Nests Observed	YES	NO
NBI number or Location	Which Species and how many nests (approximately)	
NBI number or Location	Which Species and how many nests (approximately)	
NBI number or Location	Which Species and how many nests (approximately)	
NBI number or Location	Which Species and how many nests (approximately)	
NBI number or Location	Which Species and how many nests (approximately)	
Other MB Nests Observed on Transportation Structures	Describe	
In order to avoid impacts to swallows, any activities that may destroy active nests, eggs or birds shall be completed between September 1, and March 31, when nests are not occupied. If seasonal avoidance cannot be accomplished, structures shall be protected from new nest establishment prior to April 1, by means that do not result in death or injury to these birds		

**7. REFERENCES:**

**8. FIGURES**

Include the following figures ONLY

Figure 1. County Map showing the location of the proposed project

Figure 2. The environmental Study footprint and Action area boundaries illustrated on a current aerial photo

Figure 3. Any occupied water bodies and watersheds in relation to the proposed project action area and project location.

Figure 4. Swallow Survey structure (s) location map

Figure 5. Photo log location map

Site Photos

USFWS Official Species List

**Action Area Guidance - NOTE: There is only one action area for a proposed project that includes all the species individual areas of potential impacts.**

Species	Geographic Area to be Included in the action area for each species
American Burying Beetle	NEPA Environmental Study Footprint
Bats	300 foot area surrounding NEPA Environmental Study Footprint
Black-capped Vireo	0.25 mile area surrounding the NEPA Environmental Study Footprint
Whooping Crane	0.25 mile area surrounding the NEPA Environmental Study Footprint
Interior Least Tern	0.25 mile area surrounding the NEPA Environmental Study Footprint
Red-cockaded Woodpecker	0.25 mile area surrounding the NEPA Environmental Study Footprint
Quachita Rock Pocketbook	NEPA Environmental Study Footprint as well as 330 feet upstream and 1.6 miles downstream of occupied water bodies or direct tributaries of occupied water bodies
Scaleshell Mussel	NEPA Environmental Study Footprint as well as 330 feet upstream and 1.6 miles downstream of occupied water bodies or direct tributaries of occupied water bodies
Winged Mapleleaf	NEPA Environmental Study Footprint as well as 330 feet upstream and 1.6 miles downstream of occupied water bodies or direct tributaries of occupied water bodies
Neosho Madtom	NEPA Environmental Study Footprint as well as 0.25 upstream and 6.2 miles downstream of occupied water bodies or direct tributaries of occupied water bodies
Ozark Cavefish	300 foot area surrounding NEPA Environmental Study Footprint
Piping Plover	0.25 mile area surrounding the NEPA Environmental Study Footprint
Arkansas River Shiner	0.25 upstream and 6.2 miles downstream of occupied water bodies or direct tributaries of occupied water bodies
Leopard Darter	0.25 upstream and 6.2 miles downstream of occupied water bodies or direct tributaries of occupied water bodies
American Alligator	NEPA Environmental Study Footprint
Neosho Mucket	NEPA Environmental Study Footprint as well as 330 feet upstream and 1.6 miles downstream of occupied water bodies or direct tributaries of occupied water bodies
Rabbitsfoot Mussel	NEPA Environmental Study Footprint as well as 330 feet upstream and 1.6 miles downstream of occupied water bodies or direct tributaries of occupied water bodies
Lesser Prairie Chicken	0.5 mile area surrounding the NEPA Environmental Study Footprint
Arkansas Darter	NEPA Environmental Study Footprint as well as 0.25 upstream and 6.2 miles downstream of occupied water bodies or direct tributaries of occupied water bodies
Sprague's Pipit	0.25 mile area surrounding the NEPA Environmental Study Footprint

# WATERS AND WETLANDS EVALUATION REPORT

**For**

County		JP Number		Project Number	
Road Number		Water Body Name			
ROW Date		Let Date		Project Length	
Project General Location					
Project Statement					

Prepared for:  
Oklahoma Department of Transportation  
Environmental Programs Division  
200 NE 21<sup>st</sup> Street  
Oklahoma City, OK 73105

Prepared by:

Biologist Name	
Company/Agency Name	
Address	
City, State Zip	
Date:	

**PROJECT OVERVIEW**

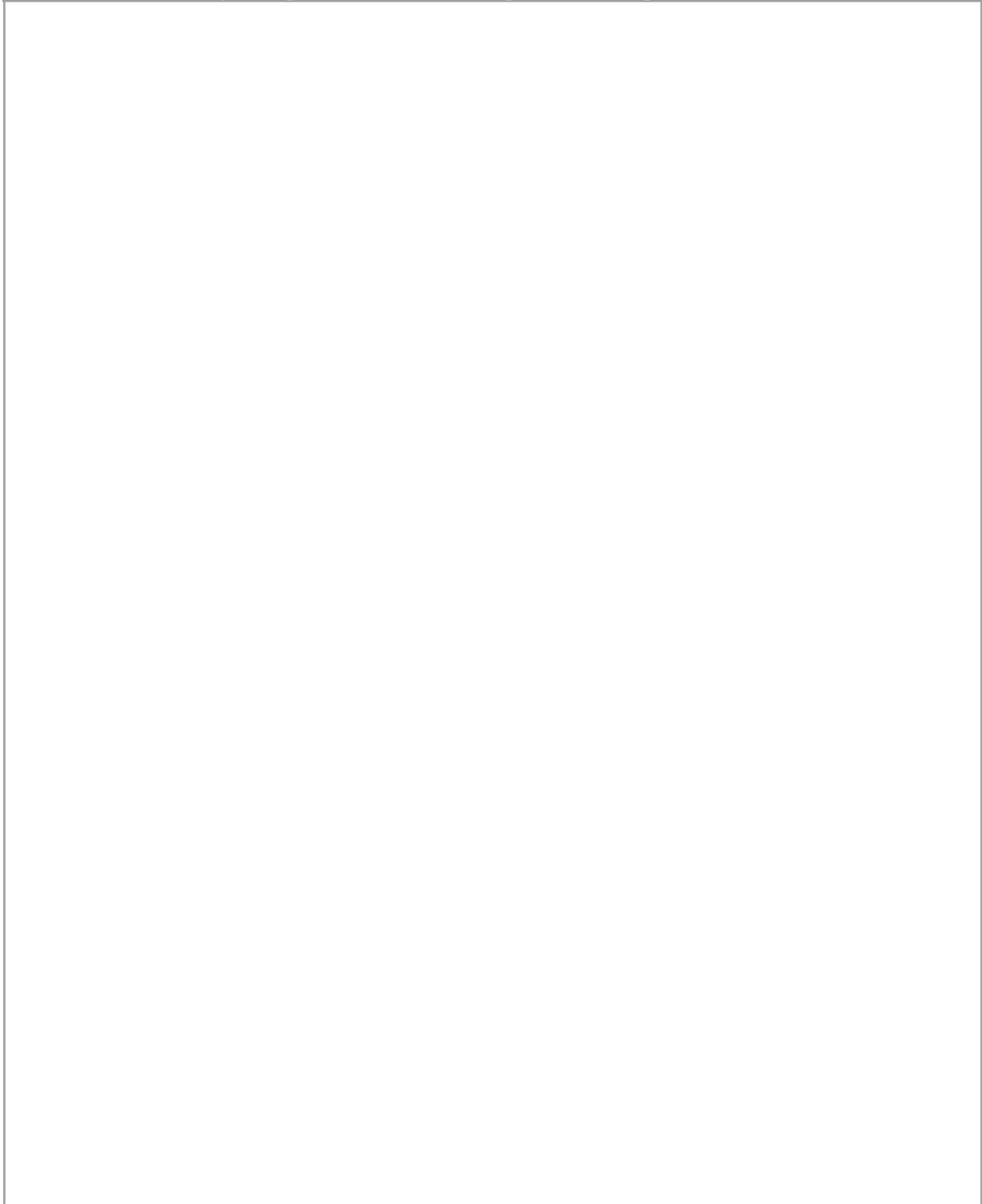
<b>Project Type</b>	<b>Check <input type="checkbox"/></b>
Bridge and Approaches	
Grade, Drain, Surface and Bridge	
Grade, Drain and Surface	
Asphalt Overlay	
Widen and Resurface existing lanes	
Pavement Reconstruction & rehabilitation	
Bridge Rehabilitation	
Safety Improvements (Cable Barrier, Guardrail, signage)	
Intersection Modifications	
Safe Routes to School (Describe)	
Enhancements (Describe)	
Other (Describe)	

Description of the **existing** bridge/roadway

Description of **proposed** improvements **SPECIFIC TO THIS PROJECT**



**Environmental Study Footprint General Description and Vegetation Present**



**WATERS AND WETLANDS EVALUATION**

**Data Sources Reviewed (list)**

USGS 7.5 minute Quad	NWI Map	USACE Wetland Regional Supplement	Additional Resources Reviewed

**Wetlands and Ponds Summary Table**

Number of Field Sites	Type of Wetland or Pond	Cowardin Classification	Potential Jurisdictional Status	Acres within Environmental Study Footprint

**Streams and Drainages Summary Table**

Number of Field Sites	Stream Name	USGS Mapped Status	Potential Jurisdictional Status	Acres within Environmental Study Footprint	Linear Feet within Environmental Study Footprint

**For Each Field Site**

**Streams and other linear aquatic features**

*<State the water body's USGS name (if known), whether it is mapped or not on the USGS topo, how it is mapped (e.g. perennial, intermittent), if not mapped, a field description of the type of stream, how many linear feet and acres occur within the study area, record the OHWM elevation and width for streams where bridge structures are to be replaced or modified, and list the dominant riparian plant species present and the likelihood that the resource is jurisdictional.>*

**Wetlands and ponds**

*<State the Cowardin classification based on field characteristics, and whether the wetland is illustrated on the NWI map. Describe the field indicators used for the wetland determination, the number of acres within the biological study area, and the likelihood that the resource is jurisdictional.>*

## **FIGURES**

Figure 1. Show the proposed project location within the county on a county highway map so that it can be easily located by just looking at the map.

Figure 2. Show the proposed project study area on the USGS 7.5 minute quad

Figure 3. Show the NRCS Soil Survey with proposed project study area overlaid on top of a current high quality aerial photo

Figure 4. Show the NWI with the proposed project study area overlaid (if available digitally) on top of a current high quality aerial photo, OR delineate the proposed project study area on a hard copy of the NWI map (if not available digitally).

Figure 5. Show each aquatic resource identified with the proposed project study area delineated on top of a current high quality aerial photo. Identify field site numbers on this figure to correspond with the text.

## **APPENDICES**

Appendix A - site photographs

Appendix B – completed wetland determination forms

## Hazardous Waste Studies Scope

## Hazardous Waste Scope of Services

- The Consultant Project Manager shall provide the ODOT Hazardous Waste Coordinator (ODOT Coordinator) with a completed Consultant Specialist Review Request Form, Project Initiation Report and plans or study footprints along with the draft report and copy the ODOT NEPA Project Manager in an electronic (pdf) format.
- Once the first draft and request has been provided, the ODOT Coordinator will correspond directly with the Consultant Specialist as needed to finalize the report. The Consultant Project Manager and the ODOT NEPA Project Manager shall be copied on any correspondence with the Consultant Specialists to keep them aware of any issues.
- If the ODOT Coordinator requires additional information from the Designer or others, they will request this information through the Consultant Project Manager. The Consultant Project Manager is responsible for acquiring the required information from the Designer or others for the ODOT Coordinator.
- Once the ODOT Coordinator gets the final copy of the Report in an electronic format and completes all organization, the ODOT Coordinator will return a final copy of the report along with a Review Report based on the Consultant's report, portions of the Consultant's report to be included in the NEPA document, and a copy of any memos sent to the Local Government or Project Management divisions summarizing any mitigation measures, to the Consultant Project Manager through the NEPA Project Manager. These documents will be included in the NEPA Document.
- Contact information :
  - Jeffrey Pearl – ODOT Environmental Programs Manager
  - Kris Mutz – ODOT Hazardous Waste Coordinator
  - Environmental Programs Division
  - 200 NE 21<sup>st</sup> Street, Room 3D-2a
  - Oklahoma City, Oklahoma 73105
  - Phone Nos: Jeff – (405) 522-5195
  - Kris – (405) 521-2673
  - Fax – (405) 522-5193
  - Email: [jpearl@odot.org](mailto:jpearl@odot.org); [kmutz@odot.org](mailto:kmutz@odot.org)

The Consultant will be responsible for conducting Initial Site Assessments (ISAs) on all projects. If it is determined that a Subsurface Site Investigation (SSI) is required, the Consultant shall submit a request for a separate Task Order for approval. The Consultant shall contact the ODOT's Environmental Programs Manager and Hazardous Waste Coordinator for the Scope of Work for developing a SSI.

Projects with potential or known hazardous waste-related conditions will be identified through the ISA process. An SSI will be conducted as necessary, to determine the magnitude of the condition(s) and develop an estimate for mitigation or cleanup. The ISA Scope of Work will include but is not limited to the following:

**Initial Site Assessment (ISA):** The ISA is necessary for identifying hazardous and potentially hazardous waste-related conditions within and adjacent to existing and proposed right-of-way. The ISA shall include all pertinent information regarding listed hazardous waste and potential hazardous waste sites in the vicinity of the project.

The Consultant shall:

1. Provide a regulatory database search report of hazardous waste sites of Federal, State, Tribal, regional and local agencies in accordance with ASTM E-1527-05 or its most recent edition, including but not limited to:
  - EPA - National Priority List (Superfund Sites).
  - ODEQ - Voluntary Cleanup Program List
  - EPA and ODEQ - Comprehensive Environmental Response Compensation and Liability Act Information System (CERCLIS) List
  - ODEQ – Solid and Hazardous Waste Treatment, Storage or Disposal Facilities Lists
  - Emergency Response Notification Listing Report (ERNS) list
  - Oklahoma Water Resource Board
  - Local Fire Departments
  - County records (maps and files)
  - Utility Companies records (maps, plans, records)
  - Department’s right-of-way maps, aerials and files
  - OCC - PST and LUST Lists
  - OCC – Oil/Gas/Disposal Well databases

Frequently, database reports contain a list of sites which meet the criteria established in the ASTM standard, but are identified as “unlocatable” or “unmappable” due to incomplete address information. The Consultant shall make every effort to determine whether the unlocatable sites are within the respective ASTM-required distance relative to the study area, and shall make a statement to such effect in the body of the ISA report. Typically, readily accessible information available via Internet search will yield sufficient data for this purpose. If not, the Consultant may contact the Hazardous Waste Coordinator for guidance.

2. Perform a file/case review at the State, Tribal or Local agency (unless equivalent details may be obtained by other means such as the internet, phone interview, fax, or by mail) when a site is deemed to be a potential risk to the project (Moderate to High Risk), and copies of pertinent

information are to be included in the ISA's appendices.

3. Review Sanborn Fire Insurance Maps, aerial photographs and other reports, maps and photographs as necessary, to determine past and present land uses to assist in identifying known or potential hazardous waste sites on parcels of land within current and/or future right-of-way as shown on provided mapping. The time frame for this review shall extend as far back as necessary to determine the use and presence of any hazardous wastes/materials on parcels of land in question as determined by ODOT's Hazardous Waste Coordinator.
4. Conduct a field survey to identify all potential hazardous waste sites on the parcels of land within and adjacent to the proposed right-of-way using the standardized Land Use Windshield Survey form. The forms shall be used to describe land use(s) within and adjacent to the study area. The forms shall be used as field notes and attached in an appendix, not prepared as a result of title searches or other database searches.

At least one Land Use Windshield Survey form shall be completed for each observed land use within or adjacent to the project study area (agricultural, industrial, etc.). If a recognized environmental condition (REC) is identified, the REC shall receive a separate form.

It is not necessary to confirm the actual presence of hazardous waste in soil or groundwater during the ISA. However, overt indications of potential contamination, such as stained soil around drums, tanks, etc., shall be noted on the form.

5. Provide reports for the ISA, to include but not be limited to:
  - Title sheet identifying work order number(s), project number(s), project location, Consultant's address and telephone number, author and date prepared
  - Signature page with signature and title of person(s) responsible for the investigation
  - Table of contents
  - Investigative Summary - A summary of all technical data and findings
  - Investigative narrative, including:
    - Investigative methods and evaluation criteria
    - A list of contacts with regulatory agencies, personnel contacted, and contact information
    - Known hazardous waste sites (problem type, schedule for cleanup, etc.)
    - Potential hazardous waste sites (name, type, operations, why suspect, potential area of impact)
    - The name, address and telephone number of the business/owner(s) of each such site

- The type of hazardous waste/material containers involved at each site, such as sludge pits, ponds, underground or aboveground storage tanks, etc. (as noted on the Land Use Windshield Survey form)
- Chemicals/hazardous materials that have been stored/used in the past at each site, and the known generators (if available) of those materials
- Permits, violations, plans, records and any other information reviewed
- Locations of public water supplies (wells, surface water), and wellhead protection areas (ODEQ website or other published sources).
- Aquifer descriptions and locations within the project footprint (major bedrock and major alluvium)(ODEQ website or other published sources)
- General description of utilities in the area (i.e. water/sanitary sewer – municipal, rural, private; storm sewers; natural gas; electrical – overhead, below grade; etc.)
- Mapped geologic units - Shallow subsurface conditions, i.e. less than 50 feet below grade, will have the greatest impact on construction
- Location and use of all known groundwater monitoring wells within or adjacent to the study area
- Discussion of the proximity of potential environmental concerns/potential areas of contamination to the limits of construction, and type of construction planned (i.e. excavation, fill, potential dewatering, etc.)
- Description of future plans, if any, by ODEQ or any other regulatory agency with jurisdiction within or adjacent to the proposed right-of-way
- Résumés of staff performing the ISA, or identification of staff, if résumés were provided in the bid proposal
- Description of the process followed and identification of individuals or agencies contacted in developing the information included in the ISA. Any limitations in the adequacy and/or conclusion reached in this assessment shall be explained in detail
- Locations of oil/gas wells within or adjacent to the study area
- Findings and Recommendations, including:
  - A summary of any sites within or adjacent to the study area that are identified as RECs or potential RECs, and the level of risk they present to the project (i.e. low, moderate or high)
  - Recommendations for follow-up investigations, including justification for such follow-up. If no additional investigation is recommended, the Consultant shall state such, and include justification for such

- Appendices, including:
  - Sketches, photographs and/or descriptive comments to identify important features discussed in the Investigative Narrative
  - A regulatory database report with search radii performed in accordance with ASTM E-1527-05 or its most recent edition
  - A site locus map with the site location pinpointed, utilizing a USGS Topographical Map or other map of similar scale
  - A study area map or aerial photo depicting all identified properties of potential environmental concern
  - Land Use Windshield Survey form(s)
  - Any supporting documentation retrieved from file reviews, etc.
  - Summary Tables, including:
    - Summary Table of all parcels evaluated, specifying those of potential environmental concern and associated “at-risk” characteristics (i.e. evidence of current or former PSTs, hazardous materials use/handling/storage, “high risk” industrial/commercial operations, etc.) - Land Use Windshield Survey forms for each parcel shall be attached as one appendix.

## Hazardous Waste Land Use Windshield Survey Form

# Land Use Windshield Survey

ODOT Project No.: \_\_\_\_\_ Parcel ID: \_\_\_\_\_  
County: \_\_\_\_\_ Site Name: \_\_\_\_\_  
Nearest City: \_\_\_\_\_ Site Address/Legals: \_\_\_\_\_

### LAND USE CHARACTERISTICS:

_____ Vacant Land	_____ Oil/Gas Production (wellsite/tank battery); other: _____
_____ Agricultural	_____ Industrial (describe) _____
_____ Wooded	_____ Commercial (describe) _____
_____ Cleared Lot	_____ Government (describe): _____
_____ Residential	_____ Utility (describe) _____
_____ Single Family	_____ Other (describe) _____
_____ Multi-Unit	_____

### EVIDENCE OF OIL OR HAZARDOUS MATERIALS:

USTs _____ Fill cap(s) (indicate #)	_____ Fuel Dispensers (indicate #)
_____ Vent pipe(s) (indicate #)	_____ Product Types (Gasoline/diesel/other: _____)
ASTs _____ Pedestal (#, size, contents below)	_____ Container/Drum Storage (interior/exterior - covered/uncovered)
_____ At grade (#, size, contents below)	_____ (#, type, size, contents below)
_____ 2nd Containment? (Y/N)	Other: _____

### UTILITIES:

\_\_\_\_\_ Water (public - cap/meter/valve box)(private - wellhead/wellhouse) other: \_\_\_\_\_

\_\_\_\_\_ Sanitary waste (public - cap/manhole)(private - septic tank/vent/lagoon) other: \_\_\_\_\_

\_\_\_\_\_ Natural gas (public - cap/meter/valve box)(private - propane tank) other: \_\_\_\_\_

\_\_\_\_\_ Electric (overhead/below grade)

\_\_\_\_\_ Transformers (pole/pad) \_\_\_\_\_ backup generator \_\_\_\_\_ b/u fuel tank (describe)

### EVIDENCE OF ENVIRONMENTAL INVESTIGATIONS/RELEASES:

\_\_\_\_\_ Monitoring wells (indicate #, locations) \_\_\_\_\_

\_\_\_\_\_ Remedial system (trailer/shed/extraction wells/public notice) other: \_\_\_\_\_

\_\_\_\_\_ Remedial system active? (Y/N)

\_\_\_\_\_ Other overt evidence of a release (ex. Dumping, burial pits, stained soil, stressed vegetation, etc.): \_\_\_\_\_

### FIELD INTERVIEW:

NOTE: IF COOPERATIVE, CONTACT MAY ASSIST IN COMPLETION ABOVE CHECKLIST (INTERVIEWER'S DISCRETION)

Contact Name: \_\_\_\_\_

Title/Organization: \_\_\_\_\_

Phone Number: \_\_\_\_\_

Comments/Additional Details: \_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

## Traffic Noise Study Scope

## **Oklahoma Department of Transportation Consultant Scope of Services - Traffic Noise Studies**

All traffic noise studies completed for the Oklahoma Department of Transportation (ODOT) must meet the Federal Highway Administration (FHWA) regulations, 23 CFR 772, *Procedures for Abatement of Highway Traffic Noise and Construction Noise* and the ODOT Policy Directive, *Highway Noise Abatement C-201-3* dated July 13, 2011 (ODOT Noise Policy). **Appendix A** includes the current ODOT Noise Policy. A complete analysis shall be a “stand alone” study describing the project area and land use, sound terminology/theory, methodology, traffic data, representative receivers, determine existing and future predicted noise levels, identify impacted receivers, and identify those receivers who can benefit from feasible and reasonable noise abatement. The analysis must use the FHWA Traffic Noise Model version 2.5 (TNM 2.5). Although FHWA guidance resources and the ODOT Noise Policy provides details on the noise analysis requirements, the following provides for basic analysis steps, report format, report review/approval procedures and personal qualifications needed in completing a noise study:

### **Analysis Steps**

- (1) Describe in sufficient detail the proposed project and any associated project or environmental analysis history;
- (2) Identification of existing activities, developed lands, and undeveloped lands for which development is planned, designed and programmed, that may be affected by noise from the highway being considered for reconstruction or to be constructed;
- (3) Using an FHWA approved either Type I or Type II sound level meter, field measurements for model validation purposes. Measurements are to be performed in accordance with the methodology presented in Measurement of Highway Related Noise FHWA-PD-96-046 (<http://www.fhwa.dot.gov/environment/noise/>) and with the ODOT Noise Policy requirements;
- (4) After model validation has been confirmed, then by utilizing TNM 2.5, computer modeling of existing noise levels will need to be conducted for the existing highway facility within the NEPA study or proposed right-of-way area being considered for improvement. In addition, where no highway traffic noises sources are present, field measurements are required using an FHWA approved either Type I or Type II sound level meter. In some cases (e.g. highly congested facilities where trucks avoid peak automobile travel periods), both a peak traffic period and a non-peak period noise measurement may be required to verify the worst hour noise levels;
- (5) Prediction of traffic noise levels of representative receivers in the future condition shall be determined by using TNM 2.5. All traffic noise impacts be identified based on the ODOT Noise Policy. This requires quantifying noise levels. If no impacts exist, a brief explanation of the basis for no traffic noise impacts should be documented;
- (6) If impacts exist, determine if there are any feasible and reasonable measures which will abate the impacts in accordance with the ODOT Noise Policy. Abatement benefits and costs should be quantified to the extent possible. The final NEPA document should indicate which abatement measures are “likely” to be incorporated in the project and identify impacts for which no prudent solution is reasonably available. All engineering considerations need to be full investigated regarding a noise barrier location, especially with regards to potential utility conflicts. For some noise studies, it may be required to evaluate two or more alternative noise barrier locations inside the existing and/or proposed right-of-way that can be considered during the final project design phase.

## Report Format

The following provides a representation of the essential information needed in the Traffic Noise Assessment Report:

<b>Section:</b>	<b>Include Discussion Of:</b>
1. Executive Summary	Concise project description, noise impacts, abatement considerations, mitigation commitments
2. Introduction	This section should include a detailed project description
3. Fundamentals of Noise & Sound Theory	<b>Appendix B</b> provides ODOT's standard text
4. Analysis Methodology	Modeling analysis procedure, model version and inputs, FHWA NAC and ODOT Noise Policy criteria.
5. Traffic Data	Existing and future design year traffic data used in the analysis.
6. Model Validation	Sound meter validation/calibration process and results. Include actual date of field inspection and measurements taken.
7. Existing Condition & Noise Analysis Results	Land uses, roadway classification/information, receivers used in measurement and modeling. Present modeled receptors existing noise levels for each appropriate FHWA NAC activity area, basis for determining worst-case existing noise conditions
8. Future Noise Analysis Results	Modeled noise levels results of the future Build. In addition, include modeled noise levels results of No-Build condition using the future traffic data of the existing roadway being considered for improvement.
9. Traffic Noise Impacts	Identification of impacted and non-impacted receptors in the future condition, comparisons between Build vs. existing levels and No-build vs. existing levels.
10. Consideration of Abatement	The report shall consider and evaluate noise mitigation for impacted receivers identified in the Build condition that may benefit from feasible and reasonable noise abatement measures in accordance with the ODOT Noise Policy. Only noise abatement measures that are determined feasible and reasonable will be recommended and include barrier type with estimated location(s), height(s), extent and associated benefit-cost analysis. In addition, an explanation is needed for those impacted receivers for which mitigation is not feasible and/or reasonable.
11. Construction Noise	<b>Appendix B</b> provides ODOT's standard text to be used only if it has been determined that construction noise associated with the proposed project does not appear to be serious or if no public concerns are received as a result of the EA public involvement process.
12. Coordination with Local Officials	<b>Appendix B</b> provides example standard ODOT text and table.
13. Appendix	Include general project location map(s) and aerial photo maps or plan sheets depicting the project's noise study area with identification of modeled receptors, field measurement sites and noise impact contour zones (66 dB(A) & 71 dB(A)). The aerial photos or plan sheets should include north arrow, scale, labeling of adjacent or intersecting roadways and other land marks deemed necessary.

The consultant can be provided with samples of recent completed noise reports similar to the noise study being undertaken prior to commencing with the contracted noise study.

## **Review and Approval Procedures**

The following are the noise study review and approval procedures:

- (1) Initial consultation between the ODOT Noise Specialist and the Consultant Project Manager and Consultant Noise Specialist shall be conducted prior to commencing with the noise analysis. The ODOT Noise Specialist contact information is as follows:

Kevin Larios, P.E.  
Noise Engineer  
Oklahoma Department of Transportation,  
Environmental Programs Division  
200 N.E. 21st Street, Rm. 3D-2A  
Oklahoma City, Oklahoma 73105  
Phone: (405)522-4420 / Fax: (405)521-5193  
Email: [klarios@odot.org](mailto:klarios@odot.org)

- (2) After the field work and noise analysis has been completed, the Consultant Noise Specialist shall provide the ODOT Noise Specialist the following items on a CD:
  - ODOT Specialist Request Review form
  - Draft Traffic Noise Assessment Report (Word format)
  - All graphics to be included in the report in Adobe Acrobat Pro (PDF) format
  - TNM 2.5 files (i.e., “objects.dat” and “objects.idx” files) used for the final run of the existing and future condition
  - PDF print out of final TNM 2.5 run of the existing and future conditions that include (in order): sound level results, plan view (with labeled receivers), roadway input, traffic input, receiver input, barrier input (if required, existing and/or proposed) and all other data inputs included in TNM analysis
  - Field Data file that includes a PDF copy of the actual field measurement site data sheet(s) with traffic counts and PDF print out of TNM input tables as listed above for each successful run of the model validation site.
- (3) The ODOT Noise Specialist will correspond directly with the Consultant Noise Specialist as needed during the finalization of the report. The Consultant Project Manager and the ODOT Environmental Project Manager shall be copied on any correspondence with the Consultant Noise Specialist to keep them aware of any major issues. Once the draft report and support documentation have been reviewed, the ODOT Noise Specialist will return the draft report directly to the Consultant Noise Specialist with comments and suggested edits/revisions and, if necessary, any omitted data not included in item (2) above or in some cases additional data is needed. If the Consultant Noise Specialist has any questions or concerns about the ODOT’s comments/edits, the Consultant Noise Specialist must contact the ODOT Noise Specialist directly with specific inquiries before sending the final report. Once the comments/edits have been addressed, and if required, requested additional data have been received then the Consultant Noise Specialist shall compile the final noise report with graphics, sign/date by the preparer and sent for final review of the ODOT Noise Specialist.

- (4) The ODOT Noise Specialist will issue written approval (memorandum) to include as the first page of the final noise report. The ODOT Noise Specialist will distribute the approved final report to the NEPA Project Manager, the Consultant Project Manager, Consultant Noise Specialist and the ODOT Environmental Project Manager and others deemed necessary.

**Qualifications**

All individuals performing or responsible for preparing noise studies and/or performing computer noise modeling shall at a minimum have completed the FHWA TNM 2.5 Training Course. In addition, it is preferred that these same individuals had received appropriate training in the use of a Type I or Type II sound level meter and knowledgeable in conducting field measurements.

Prepared by: Kevin M. Larios  
Kevin Larios, P.E.  
Noise Engineer  
ODOT Environmental Programs Division

Date: 6/5/2013

## **Appendix A**

### *ODOT Noise Policy*

# OKLAHOMA DEPARTMENT OF TRANSPORTATION

<b>POLICY DIRECTIVE</b>		<b>NO. <u>C-201-3</u></b>	
<b>SUBJECT</b> <b>HIGHWAY NOISE ABATEMENT</b>		<b>PAGE NO</b> <u>1 of 22</u> <b>DATED</b> <u>07-13-11</u>	
<b>EFFECTIVE DATE</b> <b>07-13-2011</b>	<b>ISSUED BY:</b> <b>Deputy Director-Planning</b>	<b>APPROVED</b> <b>Director - § Gary M. Ridley</b>	
<b>Revision</b>	<b>C-201-3</b>	<b>STATE STATUTE</b>	<b>DATED</b> <b>08-01-96</b>

## POLICY

**THE DEPARTMENT IS RESPONSIBLE FOR CONDUCTING NOISE STUDIES FOR FEDERALLY ASSISTED HIGHWAY CONSTRUCTION PROJECTS AND SHALL DEVELOP, REVIEW AND APPROVE ANY NOISE ABATEMENT MEASURES DETERMINED NECESSARY FOR HIGHWAY CONSTRUCTION PROJECTS.**

## APPLICABILITY

The Department will conduct or direct noise studies on Type 1 federal aid projects (as defined in this policy directive) including local public agencies' projects. This policy directive constitutes the Oklahoma Department of Transportation policy on highway traffic noise and construction noise and describes the implementation of the requirements of the Federal Highway Administration (hereinafter FHWA) Noise Standard at 23 Code of Federal Regulations (CFR) Part 772 as they relate to federal aid highway construction in Oklahoma. Where the FHWA has given highway agencies flexibility in implementing the 23 CFR 772 standards, this policy describes the ODOT approach to implementation. This policy shall be applied uniformly and consistently to all federal aid projects throughout the state.

## DEFINITIONS

Benefitted Receptors - All receptors, impacted and non-impacted, which, by placement of the noise abatement measure, receive a minimum noise level reduction at or above 5 dB(A).

Categorical Exclusion (CE) - Categorical exclusion means a category of actions which do not individually or cumulatively have a significant effect on the human environment and for which neither an environmental assessment nor an environmental impact statement is required.

Common Noise Environment - A group of receptors within the same Activity Category in Table 1 that are exposed to similar noise sources and levels; traffic volumes, traffic mix, and

# OKLAHOMA DEPARTMENT OF TRANSPORTATION

<b>POLICY DIRECTIVE</b>		<b>NO. <u>C-201-3</u></b>	
<b>SUBJECT</b> <b>HIGHWAY NOISE ABATEMENT</b>		<b>PAGE NO</b> <u>2 of 22</u> <b>DATED</b> <u>07-13-11</u>	
<b>EFFECTIVE DATE</b> <b>07-13-2011</b>	<b>ISSUED BY:</b> <b>Deputy Director-Planning</b>	<b>APPROVED</b> <b>Director - § Gary M. Ridley</b>	
<b>Revision</b>	<b>C-201-3</b>	<b>STATE STATUTE</b>	<b>DATED</b> <b>08-01-96</b>

speed; and topographic features. Generally, common noise environments occur between two secondary noise sources, such as interchanges, intersections, cross-roads and may be modeled using representative receivers.

Date of Public Knowledge - The date of approval of the Categorical Exclusion (CE), the Finding of No Significant Impact (FONSI), or the Record of Decision (ROD), as defined in 23 CFR 771. After this date, local governments are responsible for noise compatible land use planning, and ODOT is not responsible for noise impacts occurring after this date.

Design Year - The future year used to estimate the probable traffic volume for which a highway is designed.

Environmental Assessment (EA) - A concise public document that serves to briefly provide sufficient evidence and analysis for determining whether to prepare an Environmental Impact Statement (EIS) or a Finding of No Significant Impact (FONSI), to aid an agency's compliance with the National Environmental Policy Act when no environmental impact statement is necessary, and to facilitate preparation of an EIS when one is necessary.

Environmental Impact Statement (EIS) - A full disclosure document that details the process through which a transportation project was developed, includes consideration of a range of reasonable alternatives, analyzes the potential impacts resulting from these alternatives, and demonstrates compliance with other applicable environmental laws and executive orders. An EIS is required for major actions that significantly affect the quality of the human environment.

Existing Noise Levels - The highest noise level over an hour that is resulting from the combination of natural and mechanical sources and human activity usually present in a particular area.

Finding of No Significant Impact (FONSI) - When applicable, the conclusive determination after completion of the Environmental Assessment process that a highway project will not create any significant environmental impacts.

Leq - The equivalent steady-state sound level which in a stated period of time contains the same acoustic energy as the time-varying sound level during the same time period.

<b>OKLAHOMA DEPARTMENT OF TRANSPORTATION</b>			
<b>POLICY DIRECTIVE</b>		<b>NO. <u>C-201-3</u></b>	
<b>SUBJECT</b>		<b>PAGE NO</b>	
<b>HIGHWAY NOISE ABATEMENT</b>		<b><u>3 of 22</u></b>	
		<b>DATED</b>	
		<b><u>07-13-11</u></b>	
<b>EFFECTIVE DATE</b>	<b>ISSUED BY:</b>	<b>APPROVED</b>	
<b>07-13-2011</b>	<b>Deputy Director-Planning</b>	<b>Director - § Gary M. Ridley</b>	
<b>Revision</b>	<b>C-201-3</b>	<b>STATE STATUTE</b>	<b>DATED</b>
			<b>08-01-96</b>

Leq(h) - The equivalent sound level for a one-hour period of time.

Multi-Family Dwelling - A residential structure containing more than one residence. Each residence in a multifamily dwelling shall be counted as one receptor when determining impacted and benefitted receptors.

NEPA - National Environmental Policy Act of 1969, which establishes the basic national policy for protection of the environment during the development of federal actions. It provides an interdisciplinary framework to ensure that decision-makers adequately take the human and natural environmental factors into account.

Noise - Any unwanted sound.

Noise Abatement - Type of attenuation, such as an earthen berm or solid-mass wall, used to reduce traffic noise levels.

Noise Abatement Criteria (NAC) - FHWA has determined noise levels for various activities or land uses which represent the upper limit of acceptable traffic noise level conditions, which are found in 23 CFR 772. These regulations do not require meeting the abatement criteria in every instance; rather, they require highway agencies make every reasonable and feasible effort to provide noise mitigation when the criteria are approached or exceeded.

Noise Contour - A linear representation of equal noise levels similar to elevation contour lines on a topographic map.

Noise Reduction Design Goal - The optimum desired dB(A) noise reduction determined from calculating the difference between future build noise levels with abatement, to future build noise levels without abatement. The ODOT noise reduction design goal is 7 dB(A), and must be achieved for at least 75 percent of the benefitted receptors identified within the first row of receptors for the abatement measure to meet ODOT reasonableness criteria.

Permitted - A definite commitment to develop land with an approved specific design of land use activities as evidenced by the issuance of a building permit.

Property Owner - An individual or group of individuals that holds a title, deed, or other legal documentation of ownership of a property or a residence.

<b>OKLAHOMA DEPARTMENT OF TRANSPORTATION</b>			
<b>POLICY DIRECTIVE</b>		<b>NO. <u>C-201-3</u></b>	
<b>SUBJECT</b>		<b>PAGE NO</b>	
<b>HIGHWAY NOISE ABATEMENT</b>		<b><u>4 of 22</u></b>	
		<b>DATED</b>	
		<b><u>07-13-11</u></b>	
<b>EFFECTIVE DATE</b>	<b>ISSUED BY:</b>	<b>APPROVED</b>	
<b>07-13-2011</b>	<b>Deputy Director-Planning</b>	<b>Director - § Gary M. Ridley</b>	
<b>Revision</b>	<b>C-201-3</b>	<b>STATE STATUTE</b>	<b>DATED</b>
			<b>08-01-96</b>

Receiver - A discrete or representative location representing receptors that are included in the computer model used for noise analysis.

Receptor - A discrete or representative location of a noise sensitive area(s) for any of the land uses listed in Noise Abatement Criteria Activity Categories (Table 1).

Record of Decision (ROD) - The final step in the EIS process where by the Federal Government issues final approval of the environmental documentation.

Residence - A dwelling unit either a single family residence or each dwelling unit in a multifamily dwelling.

Statement of Likelihood - A statement provided in the environmental clearance document based on the feasibility and reasonableness analysis completed at the time the environmental document is being approved.

Substantial Construction - The granting of a building permit, prior to right-of-way acquisition or construction approval for the highway.

Substantial Noise Increase - Along with the NAC defined above, one of two criteria to determine noise impacts created by a proposed highway project. A receptor is considered impacted if the predicted future hourly equivalent traffic noise level exceeds the existing ambient noise level by 15 dB or more.

#### Traffic Noise Impact

- (1) Impacts which occur when the future predicted exterior Leq(h) traffic noise levels approach by one (1) decibel, meet or exceed any of the Federal Highway Administration (FHWA) Noise Abatement Criteria (see Table 1); or,
- (2) Impacts which occur when there is a substantial noise increase as defined in this section.
- (3) In those cases where there are no frequent exterior human activities present, impacts occur when interior noise levels approach by one (1) decibel, meet or exceed the FHWA Leq Noise Abatement Criteria Category D interior criterion level (see Table 1).

# OKLAHOMA DEPARTMENT OF TRANSPORTATION

<b>POLICY DIRECTIVE</b>		<b>NO. <u>C-201-3</u></b>	
<b>SUBJECT</b> <b>HIGHWAY NOISE ABATEMENT</b>		<b>PAGE NO</b> <u>5 of 22</u> <b>DATED</b> <u>07-13-11</u>	
<b>EFFECTIVE DATE</b> <b>07-13-2011</b>	<b>ISSUED BY:</b> <b>Deputy Director-Planning</b>	<b>APPROVED</b> <b>Director - § Gary M. Ridley</b>	
<b>Revision</b>	<b>C-201-3</b>	<b>STATE STATUTE</b>	<b>DATED</b> <b>08-01-96</b>

Type I Project - A federal aid project that meets one or more of the following criteria, see 23 CFR 772 for the full definition of at Type I project:

- (1) The construction of a highway on new location; or,
- (2) The physical alteration of an existing highway where there is either:
  - a) Substantial Horizontal Alteration. A project that halves the distance between the traffic noise source and the closest receptor between the existing condition to the future build condition; or,
  - b) Substantial Vertical Alteration. A project that removes shielding, therefore, exposing the line-of-sight between the receptor and the traffic noise source. This is done by either altering the vertical alignment of the highway or by altering the topography between the highway traffic noise source and the receptor; or,
- (3) The addition of a through-traffic lane(s). This includes the addition of a through-traffic lane that functions as a HOV lane, bus lane, or truck climbing lane; or,
- (4) The addition of an auxiliary lane, except for when the auxiliary lane is a turn lane; or,
- (5) The addition or relocation of interchange lanes or ramps added to a quadrant to complete an existing partial interchange; or,
- (6) Restriping existing pavement for the purpose of adding a through-traffic lane or an auxiliary lane; or,
- (7) The addition of a new or substantial alteration of a weigh station, rest stop, ride-share lot.
- (8) If a project is determined to be a Type I project under this definition then the entire project area as defined in the environmental document is a Type I project.

# OKLAHOMA DEPARTMENT OF TRANSPORTATION

<b>POLICY DIRECTIVE</b>		<b>NO. <u>C-201-3</u></b>	
<b>SUBJECT</b> <b>HIGHWAY NOISE ABATEMENT</b>		<b>PAGE NO</b> <u>6 of 22</u> <b>DATED</b> <u>07-13-11</u>	
<b>EFFECTIVE DATE</b> <b>07-13-2011</b>	<b>ISSUED BY:</b> <b>Deputy Director-Planning</b>	<b>APPROVED</b> <b>Director - § Gary M. Ridley</b>	
<b>Revision</b>	<b>C-201-3</b>	<b>STATE STATUTE</b>	<b>DATED</b> <b>08-01-96</b>

Type II Project - A Federal or Federal-aid highway project for noise abatement on an existing highway without meeting the criteria listed in the Type 1 definition. For a Type II project to be eligible for Federal-aid funding, the highway agency must develop and implement a Type II program in accordance with section 772.7(e). ODOT does not have a Type II program.

Type III Project - A Federal or Federal-aid highway project that does not meet the classifications of a Type I or Type II project. Type III projects do not require a noise analysis.

## IMPLEMENTATION (SPECIFIC)

### A. Analysis of Traffic Noise Impacts

The ODOT will determine and analyze expected traffic impacts and document the results in a traffic noise analysis for highway projects in accordance with the following methodology:

1. Identify existing activities, developed lands, and those areas for which development of this type is permitted with local authorities (i.e., an approved building permit) which may be affected by noise. Classify the activities according to the Noise Abatement Criteria (NAC) in Table 1 for each alternative under detailed study; and for each Activity Category that is present in the study area. **(See Table 1 on Next Page)**

# OKLAHOMA DEPARTMENT OF TRANSPORTATION

**POLICY DIRECTIVE**

**NO. C-201-3**

**SUBJECT HIGHWAY NOISE ABATEMENT**

PAGE NO 7 of 22  
DATED 07-13-11

**EFFECTIVE DATE**  
**07-13-2011**

**ISSUED BY:**  
**Deputy Director-Planning**

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**Revision**

**C-201-3**

**STATE STATUTE**

**DATED**  
**08-01-96**

**TABLE 1**  
**Federal Highway Administration Noise Abatement Criteria (NAC)**  
**[Hourly A-Weighted Sound Level, decibels dB(A)]**

Activity Category	Activity Criteria <sup>1</sup> Leq(h) <sup>2</sup>	Activity Description
A	57 (Exterior)	Lands on which serenity and quiet are of extraordinary significance and serve an important public need and where the preservation of those qualities is essential if the area is to continue to serve its intended purpose.
B <sup>3</sup>	67 (Exterior)	Residential
C <sup>3</sup>	67 (Exterior)	Active sport areas, amphitheaters, auditoriums, campgrounds, cemeteries, day care centers, hospitals, libraries, medical facilities, parks, picnic areas, places of worship, playgrounds, public meeting rooms, public or nonprofit institutional structures, radio studios, recording studios, recreational areas, Section 4(f) sites, schools, television studios, trails, and trail crossings.
D	52 (Interior)	Auditoriums, day care centers, hospitals, libraries, medical facilities, places of worship, public or nonprofit institutional structures, radio studios, recording studios, schools, and television studios
E <sup>3</sup>	72 (Exterior)	Hotels, motels, offices, restaurants/bars, and other developed lands, properties or activities not included in A-D or F.
F	--	Agriculture, airports, bus yards, emergency services, industrial, logging, maintenance facilities, manufacturing, mining, rail yards, retail facilities, shipyards, utilities (water resources, water treatment, electrical), and warehousing
G	--	Undeveloped lands that are not permitted

<sup>1</sup> The Leq(h) Activity Criteria values are for impact determination only, and are not design standards for noise abatement measures.

<sup>2</sup> The equivalent steady-state sound level which in a stated period of time contains the same acoustic energy as the time-varying sound level during the same time period, with Leq(h) being the hourly value of Leq.

<sup>3</sup> Includes undeveloped lands permitted for this activity category.

# OKLAHOMA DEPARTMENT OF TRANSPORTATION

**POLICY DIRECTIVE**

**NO. C-201-3**

**SUBJECT HIGHWAY NOISE ABATEMENT**

**PAGE NO 8 of 22  
DATED 07-13-11**

**EFFECTIVE DATE  
07-13-2011**

**ISSUED BY:  
Deputy Director-Planning**

**APPROVED  
Director - § Gary M. Ridley**

**Revision**

**C-201-3**

**STATE STATUTE**

**DATED  
08-01-96**

Select receptor locations to represent each activity area or discrete location to be evaluated for noise. For all Activity Categories, primary consideration shall be given to exterior areas where frequent human use occurs in the determination of traffic noise impacts. The following are specific requirements for each Activity Category.

For Activity Category A - ODOT will submit in writing justification to the FHWA on a case-by-case basis for approval of an Activity Category A designation.

For Activity Category B - The receptor location will be placed between the right-of-way line and the building, near an area of frequent human use, like patios, pools, sitting areas, if applicable. These locations will be no nearer than 10 feet from the represented structure. For multifamily dwellings, all dwelling units will be analyzed for traffic noise impacts, including units above the ground level; however, only impacted units will be considered for noise abatement. For common areas shared by residents, the owner or association representing the users/residents will be solicited for information regarding the average number of daily, time of day of peak usage, average number of hours per visit. This will be used to identify the number of potential impacts for the area and to determine impacts and evaluate potential abatement for that specific location, if applicable.

Activity Category C - Includes the exterior impact criteria for a variety of land use facilities and may include public or private facilities. ODOT will coordinate with the owner or official of jurisdiction over the resource/facility to determine the location and number receptors involved at particular outdoor recreation or gathering area. Information requested will include average number of daily users, time of day of peak usage, average number of hours per visit and the overall context of the use of the resource and/or facility. This information will be used to identify the number of potential impacts the receptor represents and to determine impacts and evaluate potential abatement, if applicable.

For Activity Category D - ODOT will conduct an indoor analysis after a determination is made that exterior abatement measures will not be feasible and reasonable and shall only be done after exhausting all outdoor analysis options. In situations where no exterior activities are to be affected by traffic noise, or where the exterior activities are far from or physically shielded from the roadway in a manner that prevents an impact on exterior activities, ODOT will use Activity D as the basis of determining

# OKLAHOMA DEPARTMENT OF TRANSPORTATION

<b>POLICY DIRECTIVE</b>		<b>NO. <u>C-201-3</u></b>	
<b>SUBJECT</b> <b>HIGHWAY NOISE ABATEMENT</b>		<b>PAGE NO</b> <u>9 of 22</u> <b>DATED</b> <u>07-13-11</u>	
<b>EFFECTIVE DATE</b> <b>07-13-2011</b>	<b>ISSUED BY:</b> <b>Deputy Director-Planning</b>	<b>APPROVED</b> <b>Director - § Gary M. Ridley</b>	
<b>Revision</b>	<b>C-201-3</b>	<b>STATE STATUTE</b>	<b>DATED</b> <b>08-01-96</b>

noise impacts. Interior noise levels will be predicted in accordance with **D. 6. Traffic Noise Prediction.**

For Activity Category E - Receptor locations will be placed at outside use areas. Information from property owners or lessee(s) will identify how many receptors to assign to these areas, time of day and seasonal variation in use will be considered as part of the noise analysis and feasible and reasonableness evaluation if noise impacts are identified. Interest in noise mitigation measures will be established with the property owner(s) prior to initiating noise mitigation analysis.

For Activity Category F - There are no impact criteria for the land use facilities in this activity category and no analysis of noise impacts is required.

For Activity Category G - As part of the noise study, ODOT will determine if undeveloped land is permitted for development. The milestone and its associated date for acknowledging when undeveloped land is considered permitted shall be the date of issuance of a building permit by the local jurisdiction or by the appropriate governing entity. If undeveloped land is determined to be permitted, then ODOT will assign the land to the appropriate Activity Category and analyze it in the same manner as developed lands in that Activity Category. If undeveloped land is not permitted for development by the date of public knowledge, ODOT will determine noise levels in accordance with 772.17(a) and document the results in the project's environmental clearance documents and noise analysis documents. Federal participation in noise abatement measures will not be considered for lands that are not permitted by the date of public knowledge.

- 2 Determination of existing and future noise levels.
  - a. For projects on new alignment, determine existing noise levels by field measurements, in accordance with **C. Field Measurement Requirements.**
  - b. For projects on existing alignments, predict and/or field measure the existing noise levels and predict the design year traffic noise levels of the future condition in accordance with **D. Traffic Noise Prediction.**

# OKLAHOMA DEPARTMENT OF TRANSPORTATION

**POLICY DIRECTIVE**

**NO. C-201-3**

**SUBJECT HIGHWAY NOISE ABATEMENT**

**PAGE NO 10 of 22**

**DATED 07-13-11**

**EFFECTIVE DATE  
07-13-2011**

**ISSUED BY:  
Deputy Director-Planning**

**APPROVED  
Director - § Gary M. Ridley**

**Revision**

**C-201-3**

**STATE STATUTE**

**DATED  
08-01-96**

- c. Using the current approved FHWA noise model, the future noise levels must be predicted for all build alternatives under consideration in the NEPA document (all reasonable alternatives, but not alternatives rejected for detailed analysis because they are not reasonable).

### 3. Noise Impact Determination

Traffic noise impacts occur by meeting either of the following two conditions:

- a. The predicted traffic noise levels for the Design Year approach (reach one decibel less than) meet or exceed the FHWA NAC contained in 23 CFR 772 and in Table 1, or;
- b. The predicted traffic noise levels for the Design Year substantially exceed existing noise levels by 15 dB(A) or more.

## **B. Analysis of Noise Abatement Measures**

When traffic noise impacts are identified, noise abatement must be evaluated to determine if it is feasible and reasonable. Noise barriers are the most commonly used form of noise abatement and are the only form of noise abatement required for consideration on Federal-aid projects in accordance with 772.13(c)(1). A noise barrier consists of a physical obstruction that is constructed between the highway noise source and the noise sensitive receiver(s) that lowers the noise level, including free standing noise walls, berms (earth or other material), and combination berm/wall systems. If noise barriers are determined to not be feasible or reasonable, other noise abatement measures include traffic management measures such as traffic control devices and modified speed limits, alteration of horizontal and vertical alignments, acquisition of buffer zones of unimproved property, and noise insulation of only Activity Category D facilities will be considered. The Department will not consider insulation of residences as noise mitigation.

In accordance with FHWA policy, planting of vegetation or landscaping is not an acceptable Federal-aid noise abatement measure because only dense stands of evergreen vegetation at least 100 feet deep will reduce noise levels. Use of quieter pavements is not an acceptable Federal-aid noise abatement measure for Federal projects unless part of an FHWA-approved Quiet Pavement Pilot Program.

# OKLAHOMA DEPARTMENT OF TRANSPORTATION

**POLICY DIRECTIVE**

**NO. C-201-3**

**SUBJECT HIGHWAY NOISE ABATEMENT**

**PAGE NO 11 of 22**

**DATED 07-13-11**

**EFFECTIVE DATE  
07-13-2011**

**ISSUED BY:  
Deputy Director-Planning**

**APPROVED  
Director - § Gary M. Ridley**

**Revision**

**C-201-3**

**STATE STATUTE**

**DATED  
08-01-96**

All of the following will guide consideration in order for noise abatement to be justified, eligible for federal aid, and incorporated into project design, as applicable.

1. Noise abatement must be feasible. Feasibility refers to the combination of acoustical and engineering factors considered in the evaluation of a noise abatement measure. The engineering considerations include whether it is possible to build an abatement measure given site constraints (drainage, safety, utilities) and acoustical considerations include whether the abatement measure provides an acceptable reduction in noise levels. The following are engineering and acoustical considerations that determine the feasibility of a noise barrier.
  - a. Noise abatement measures will achieve at least a five dB(A) highway traffic noise reduction to be considered feasible,
  - b. Consideration of other noise sources in the area, if identified during existing noise surveys. For example, ambient noise levels from industrial sources that exceed future noise levels predicted from the project would make abatement measure ineffective, unless the barriers also provided incidental shielding for the receptors. If the reduction cannot be achieved, then abatement is not feasible.
  - c. Determination that it is possible to design and construct the noise abatement measure. This determination will consider adverse impacts created by or upon the safety, property access, drainage, topography, utilities, and maintenance requirements.
  - d. American Association of State Highway and Transportation Officials (AASHTO) adopted publications, including the Green Book, governs design requirements for highways and streets regarding engineering feasibility concerns like safety for location of noise barriers.
2. Mitigation measures must be reasonable. The following are reasonableness criteria that must be evaluated to determine reasonableness:
  - a. The property owners' and residents' desire for mitigation. Benefitted receptors viewpoints shall receive priority consideration. Details on how the Department will receive the viewpoints of the benefitted property owners and residents are provided in **F. Public Involvement**.

# OKLAHOMA DEPARTMENT OF TRANSPORTATION

**POLICY DIRECTIVE**

**NO. C-201-3**

**SUBJECT HIGHWAY NOISE ABATEMENT**

**PAGE NO 12 of 22**

**DATED 07-13-11**

**EFFECTIVE DATE  
07-13-2011**

**ISSUED BY:  
Deputy Director-Planning**

**APPROVED  
Director - § Gary M. Ridley**

**Revision**

**C-201-3**

**STATE STATUTE**

**DATED  
08-01-96**

- b. Cost/Benefit ratio of \$30,000.00 per benefitted receptor or less, based on historical unit costs of \$25 per square foot of wall height required to achieve a feasible reduction. As increased barrier height requires disproportionate increase in foundation costs (up to two times the “standard” wall), a maximum wall height considered for noise abatement is 22 feet.
- (1) A benefitted receptor is any receptor that achieves at least a five (5) dB(A) reduction. This calculation is made on a per barrier basis, and includes the total number of benefitted receptors, not just modeled receivers.
- (2) This allowable cost benefit ratio will be reanalyzed at a regular interval not to exceed five (5) years from the effective date of this policy. This cost benefit ratio will be applied statewide.
- c. Noise Reduction Design Goal: The optimum desired dB(A) noise reduction determined from calculating the difference between future build noise levels with abatement, to future build noise levels without abatement. The ODOT noise reduction design goal is 7 dB(A), and must be achieved for at least 75 percent of the benefitted receptors identified within the first row of receptors for the abatement measure to meet ODOT reasonableness criteria.

These three reasonableness criteria will be used to evaluate the reasonableness of noise abatement.

The additional factors that may be considered to increase the allowable cost and benefit factors listed above are as follows: if the overall magnitude of the future noise levels without mitigation exceeds 75 dBA; if the date of permitted construction of the residential area pre-dates the date of initial highway construction, and if local officials have implemented measures to control incompatible growth and development adjacent to highways, then an additional \$10,000 per benefitted receptor will be allowed in the Reasonableness Criteria, for a total of \$40,000 per benefitted receptor.

# OKLAHOMA DEPARTMENT OF TRANSPORTATION

<b>POLICY DIRECTIVE</b>		<b>NO. <u>C-201-3</u></b>
<b>SUBJECT</b>	<b>HIGHWAY NOISE ABATEMENT</b>	PAGE NO <u>13 of 22</u> DATED <u>07-13-11</u>
<b>EFFECTIVE DATE</b> 07-13-2011	<b>ISSUED BY:</b> Deputy Director-Planning	<b>APPROVED</b> Director - § Gary M. Ridley
<b>Revision</b>	<b>C-201-3</b>	STATE STATUTE  DATED 08-01-96

For common use areas and Category C, D and E areas, ODOT will use a reasonableness cost factor to compare the cost to provide a benefit to an area while considering its usage. The methodology of determining the “abatement cost factor” is directly from *A Method to Determine Reasonableness and Feasibility Of Noise Abatement at Special Use Locations*, FL-ER-65-97, authored by Roger L. Wayson, P.E., Ph.D. & John M. MacDonald, M.S., commonly referred to as “The Florida Method”, and uses currently accepted residential abatement cost scenarios and extrapolates that information into a cost for special land use sites. Development of the “abatement cost factor” followed these steps, with information applicable in Oklahoma:

1. Use ODOT accepted barrier cost per residence (\$30,000).
2. Assume residences are used 24 hours/day.
3. Determine the average height of a barrier (13 ft., from *2005-2007 Constructed Noise Barriers, Form FHWA-1580(8-08)*)
4. Determine average frontage of a residence that received “reasonable” abatement of 92 ft. (\$30,000/benefitted receptor / Average barrier height).

The “abatement cost factor” derivation quantifies typical residential usage and considers a hypothetical barrier section that would occupy the frontage of a typical residence. Note that this is purely a hypothetical situation and does not imply that this barrier section would provide adequate abatement at the residence, rather it estimates the size of a barrier that would occupy the frontage property of a typical residence.

The Oklahoma Reasonable Abatement Cost Factor is \$600,402 per person-hour per square foot of barrier. (\$600,402/pp-hr/ft<sup>2</sup>)

For these special cases, the owners/officials with jurisdiction will be solicited for information regarding average number of people using the facility or area and hours of use per visitor or person to determine impacts and benefitted receptors (at least a 5 dB reduction in noise levels – a subset of the number of visitors, based on the site and location of high use areas), and the desire for mitigation. If impacts are identified and abatement is desired, then the actual abatement cost factor will be calculated by dividing the square feet of proposed barrier by the benefitted average person-hours per day, multiplied by the allowable \$30,000/benefitted receptor cost benefit ratio. If this product is less than the allowable Reasonable Abatement Cost Factor, then abatement is reasonable.

# OKLAHOMA DEPARTMENT OF TRANSPORTATION

<b>POLICY DIRECTIVE</b>		<b>NO. <u>C-201-3</u></b>	
<b>SUBJECT</b>	<b>HIGHWAY NOISE ABATEMENT</b>		<b>PAGE NO</b> <u>14 of 22</u> <b>DATED</b> <u>07-13-11</u>
<b>EFFECTIVE DATE</b> <b>07-13-2011</b>	<b>ISSUED BY:</b> <b>Deputy Director-Planning</b>	<b>APPROVED</b> <b>Director - § Gary M. Ridley</b>	
<b>Revision</b>	<b>C-201-3</b>	<b>STATE STATUTE</b>	<b>DATED</b> <b>08-01-96</b>

Example:

$$(1000' \text{ long} * 12' \text{ tall barrier} / (300 \text{ people/day} * 2 \text{ hours})) * \$30,000 = \$600,000 / \text{pp-hr/ft}^2$$

$$\$600,000 \leq \$600,402 / \text{pp-hr/ft}^2$$

Barrier is Reasonable

Additionally, FHWA policy states third party funding cannot be used to make up the difference in cost between the reasonable cost allowance and the actual cost. Third party funding can only be used to pay for additional features such as landscaping, aesthetic treatments, etc. for noise barriers that meet cost-effectiveness criteria.

## C. Field Measurement Requirements

The primary purpose of field measurements is to measure existing ambient noise levels and ascertain other pertinent information in the vicinity of the project. Existing ambient noise measurements are obtained to quantify the existing acoustic environment and to provide a basis for assessing potential impacts due to predicted project traffic noise level increases, and to validate the noise modeling results.

1. Field measurements shall be made using sound meters of sufficient accuracy to yield valid data for the particular project. Sound meters shall have suitable specifications consistent with American National Standards Institute (ANSI) S1.4-1983, Type II or better. All devices must have been calibrated within the past twelve calendar months or in accordance with the manufacturer's recommendation.
  
2. Field measurements of existing highway traffic noise are made to represent an hourly equivalent sound level, Leq(h). For existing highways, a minimum measurements of 15-minute time periods to represent the Leq(h). Measurements along low-volume highways (less than 1200 vehicles per day) or along new alignments may require longer measurement periods (e.g., 30-60 minutes) to attain desirable statistical accuracy. In some cases (e.g. highly congested facilities where trucks avoid peak automobile travel periods), both a peak traffic period and a non-peak period noise measurement may be required to verify the worst hour noise levels. If information is not available to identify the noisiest hour of the day or if there is public controversy at a specific location, 24-hour measurements may be necessary.

# OKLAHOMA DEPARTMENT OF TRANSPORTATION

**POLICY DIRECTIVE**

**NO. C-201-3**

**SUBJECT HIGHWAY NOISE ABATEMENT**

**PAGE NO 15 of 22**

**DATED 07-13-11**

**EFFECTIVE DATE  
07-13-2011**

**ISSUED BY:  
Deputy Director-Planning**

**APPROVED  
Director - § Gary M. Ridley**

**Revision**

**C-201-3**

**STATE STATUTE**

**DATED  
08-01-96**

3. Field documentation shall include traffic conditions, climatic conditions, land uses and other non-highway sources of noise at the time of measurement. In addition, make, model, serial number and certificate of calibration for all sound meters and associated calibration units used for field noise readings will be recorded with all results.

## **D. Traffic Noise Prediction**

1. All traffic noise analyses shall use the most current version of the FHWA Traffic Noise Model (TNM®) or any other model determined by the FHWA to be consistent with the methodology of the TNM® model, pursuant to 23 CFR 772.9.
2. The Average Pavement Type setting shall be used in the FHWA TNM® for future noise level prediction. However, should there be a need for substantiating the use of a different pavement type the ODOT shall obtain approval by the FHWA. It is noted that specific pavement types in FHWA TNM® are allowed to predict the existing condition.
3. Noise contour lines (future condition) may be used for project alternative screening or for land use planning to comply with 23 CFR 772.17, but shall not be used for determining highway traffic noise impacts. The future 66 dB(A) noise contours lines can either be determined by using a Noise Contour function of the noise model or by modeling discrete receiver points and extrapolating between them. When using a Noise Contour function, adequate grid spacing is required to provide sufficient resolution and when using discrete receivers, the receivers need to be close enough together to enable relatively accurate extrapolation between receiver points. For projects that have a substantial amount of undeveloped land adjacent to the highway project, the traffic noise analysis should include predicted noise impact contours at approximate distances from the highway centerline or center of near lane. As a minimum, these distances should equate to the predicted 66 dBA and 71 dBA noise levels.
4. In predicting noise levels and assessing noise impacts, traffic characteristics that would yield the worst hourly traffic noise impact for the design year shall be used for all Activity Categories. For urban highway projects this generally requires analysis of Level of Service C or D. However, for Activity Category C, if the site is operated primarily during off peak traffic conditions, it is not reasonable to predict sound levels based on peak traffic conditions. There are three possible ways to adjust for off peak

# OKLAHOMA DEPARTMENT OF TRANSPORTATION

**POLICY DIRECTIVE**

**NO. C-201-3**

**SUBJECT HIGHWAY NOISE ABATEMENT**

PAGE NO **16 of 22**

DATED **07-13-11**

**EFFECTIVE DATE  
07-13-2011**

**ISSUED BY:  
Deputy Director-Planning**

**APPROVED  
Director - § Gary M. Ridley**

**Revision**

**C-201-3**

STATE STATUTE

DATED  
**08-01-96**

traffic volumes and they depend on the amount of information known (using the principles of "The Florida Method" (FL-ER-65-97)).

**Method #1: Direct Calculation if Off Peak Volumes are known.** The peak hour levels can be adjusted by use of the following formula if the off peak volumes are known:

$$\text{Leq (off peak hour)} = \text{Leq (peak hour)} + 10\log N/N_o \quad (5)$$

where:  $N_o$  = peak hour traffic volume

and  $N$  = off peak traffic volume

**Method #2: Adjustment Table if Off Peak Volumes not known.** Table 2 contains a list of adjustment factors for peak traffic volume data using quick response techniques when the reduced traffic volume is not known.

<b>TABLE 2</b>		
<b>Traffic Volume Adjustment Factors for Weekdays<sup>1</sup></b>		
Time	hr/peak hr	$10^* \log(\text{hr/peak r}) \text{dB(A)}$
5-9 am	0.55	-2.6
9 am-2 p.m.	0.64	-1.9
2 p.m.-8 p.m.	1.00	0
8 p.m.-12 p.m.	0.29	-5.4

<sup>1</sup>Supporting data for off peak traffic volume found in "An Analysis of Urban Area Travel by Time of Day", January 1972, FH-11-7519

**It should be noted that this correction should not be used for Interstate highways because of the high truck volumes and relatively constant noise levels.**

**Method #3: Default dB(A) Offset for Off Peak Use.** Realizing that only peak traffic data may be available, a default correction can be applied by subtracting 1 dB(A) from predicted levels if the site is operated off peak during the week or 2 dB(A) from predicted levels if the site is operated primarily on the weekend. If a site is operated off peak during the week and also on weekends, subtract 1 dB(A) from predicted noise levels. **It should be noted that this correction should not be used for Interstate highways because of the high truck volumes and relatively constant noise levels.**

# OKLAHOMA DEPARTMENT OF TRANSPORTATION

<b>POLICY DIRECTIVE</b>		<b>NO. <u>C-201-3</u></b>
<b>SUBJECT</b>	<b>HIGHWAY NOISE ABATEMENT</b>	PAGE NO <u>17 of 22</u> DATED <u>07-13-11</u>
<b>EFFECTIVE DATE</b> <b>07-13-2011</b>	<b>ISSUED BY:</b> <b>Deputy Director-Planning</b>	<b>APPROVED</b> <b>Director - § Gary M. Ridley</b>
<b>Revision</b>	<b>C-201-3</b>	<b>STATE STATUTE</b> <b>DATED</b> <b>08-01-96</b>

5. The basic input parameters and general modeling considerations are as follows:

- a. Grouping of receivers is permitted as long as the representative receiver is the same distance and elevation from the roadway being evaluated for the group and come from a common noise environment. However, under all circumstances the two end receivers of a group must be evaluated as individual receivers.
- b. Modeling multiple lanes as single roadways is permitted for a maximum of three-lanes each direction for either a divided or undivided highway.
- c. The actual width of roadway pavements should be modeled, including travel lanes and shoulders.

6. Predicting Interior Noise Levels

For Activity Category D, interior locations are only used where there are no outside activities (e.g., in places of worship, hospitals, libraries, theaters, etc.) or where the exterior areas have characteristics that prevent highway traffic noise impacts on exterior activities (e.g., located far from the highway or already shielded from highway traffic noise). In the absence of calculations or field measurements, compute interior noise level predictions by subtracting noise reduction factors from the predicted exterior levels for the building in question, using the information in Table 3.

<b>TABLE 3</b>		
<b>INTERIOR NOISE REDUCTION FACTORS</b>		
<b>Building Type</b>	<b>Window Condition*</b>	<b>Noise Reduction</b>
All	Open	10 dB
Light frame	Ordinary sash (closed)	20 dB
	Storm windows	25 dB
Masonry	Single glazed	25 dB
	Double glazed	35 dB

\* Windows shall be considered open unless there is firm knowledge that the windows are in fact kept closed almost every day of the year.

# OKLAHOMA DEPARTMENT OF TRANSPORTATION

**POLICY DIRECTIVE**

**NO. C-201-3**

**SUBJECT HIGHWAY NOISE ABATEMENT**

**PAGE NO 18 of 22**

**DATED 07-13-11**

**EFFECTIVE DATE  
07-13-2011**

**ISSUED BY:  
Deputy Director-Planning**

**APPROVED  
Director - § Gary M. Ridley**

**Revision**

**C-201-3**

**STATE STATUTE**

**DATED  
08-01-96**

## 7. Model Validation

All noise studies will require validation to verify the accuracy of noise models used to predict existing or future noise levels. Validation of the model requires a series of noise measurements along a project, taking a minimum of three noise measurements per site along with simultaneous traffic counts. In certain situations, consider two sets of measurements at each location at different times and different days to account for variations in traffic. Model the sites using traffic volumes and speeds collected during the measurement. If the measured and predicted highway traffic noise levels are within +/- 3 dB for all the measurements at all the sites, then the model is considered valid and can be used to predict existing highway traffic noise levels along the entire project. If the model is not within +/-3 dB for all the measurements at all the sites, then the model is not considered valid until additional measurements are made or until the analyst identifies the reason for the discrepancy and makes a correction within the model.

## E. Public Involvement

Communication with the community regarding noise impacts and possible noise abatement shall occur at the start of the noise study process and continue throughout the development of the project. ODOT will communicate with citizens to present information on the nature of highway traffic noise and discuss the effects of noise abatement measures in attenuating traffic noise and the types of noise abatement measures that may be considered. All noise sensitive areas and any known noise abatement measures will be presented and discussed at public hearings and/or public meetings. The concerns of the community shall be a major consideration in reaching a decision on the abatement measures to be provided.

The viewpoints of the property owners and residents of the benefitted receptors of proposed noise abatement measures shall be actively solicited and considered. The primary method for notices will be by US mail. Flyers or personal contact may be used in the event that mailings are unsuccessful in engaging property owners and /or residents in the public involvement process. ODOT will hold meetings with the benefitted property owners and residents and present a brief program on highway traffic noise to explain and demonstrate the characteristics of highway traffic noise, the effects of noise barriers in attenuating traffic noise, and the types of barriers that may be considered. As available, specific details of noise barriers being studied will be presented in addition to a discussion

# OKLAHOMA DEPARTMENT OF TRANSPORTATION

**POLICY DIRECTIVE**

**NO. C-201-3**

**SUBJECT HIGHWAY NOISE ABATEMENT**

**PAGE NO 19 of 22**

**DATED 07-13-11**

**EFFECTIVE DATE  
07-13-2011**

**ISSUED BY:  
Deputy Director-Planning**

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Director - § Gary M. Ridley**

**Revision**

**C-201-3**

**STATE STATUTE**

**DATED  
08-01-96**

of alternatives to barrier construction. After completion of barrier design, ODOT will meet again with the property owners and benefitted residents to present final details and to solicit the residents' final views and opinions. The decision on whether the noise abatement measure is desired or not desired will be based on the preference provided by 51 percent or more of the benefitted property owners and residents that respond to the solicitation. One owner ballot and one resident ballot shall be solicited for each benefitted receptor. Points per ballot shall be distributed in the following weighted manner:

- 3 points/ballot for benefitted front row property owners
- 1 point/ballot for all other benefitted property owners
- 1 point/ballot vote for all residents

For Category C impacted properties, the property owner/official of jurisdiction only will be balloted regarding desire for abatement.

Consideration of the noise abatement measure will continue unless a simple majority of all distributed points are returned that indicates the balloted voters do not want the abatement measure. The final determination on the noise abatement will be shared with the property owners and residents by letter.

## **F. Information Required for NEPA**

Prior to a Categorical Exclusion (CE) approval or request of a Finding of No Significant Impact (FONSI) or Record of Decision (ROD) for a highway project requiring a noise study, ODOT will identify:

1. The environmental document will include the proposed highway traffic noise abatement and will identify locations where noise impacts are predicted to occur, where noise abatement is feasible and reasonable, and locations with impacts that have no feasible or reasonable noise abatement alternative.
2. For environmental clearance, the analysis will be completed to the extent that design information on the alternative(s) under study in the environmental document is available at the time the environmental clearance document is completed.

# OKLAHOMA DEPARTMENT OF TRANSPORTATION

**POLICY DIRECTIVE**

**NO. C-201-3**

**SUBJECT HIGHWAY NOISE ABATEMENT**

**PAGE NO 20 of 22**

**DATED 07-13-11**

**EFFECTIVE DATE  
07-13-2011**

**ISSUED BY:  
Deputy Director-Planning**

**APPROVED  
Director - § Gary M. Ridley**

**Revision**

**C-201-3**

**STATE STATUTE**

**DATED  
08-01-96**

A Statement of Likelihood will be included in the environmental document since feasibility and reasonableness determinations may change due to changes in project design after approval of the environmental document. The statement of likelihood will include the preliminary location and physical description of noise abatement measures determined feasible and reasonable in the preliminary analysis. The statement of likelihood shall also indicate that final recommendations on the construction of abatement measure(s) is determined during the completion of the project's final design and the public involvement processes.

## **G. Information for Local Government Officials**

For highway projects where there are undeveloped lands, ODOT will make the results of the noise analyses and any proposed mitigation measures available to local government officials within whose jurisdiction the highway project is located. This will include expected noise levels as found in the NEPA document or in separate documentation. This information is provided to assist local officials to protect future land development from becoming incompatible with anticipated highway noise levels. ODOT is not responsible for mitigation of noise impacts that occur in developments permitted after the Date of Public Knowledge.

## **H. Construction Noise**

In general, construction noise related to highway projects is not a major issue. Sources of noise include heavy machinery like backhoes and scrapers, cranes, pile drivers, and trucks transporting materials. Typically construction noise is addressed in a project's noise analysis report and in the project environmental document. Most projects will not require modeling or any form of analysis associated with construction-related noise. In many cases, construction noise may be adequately addressed through a narrative discussion. Typically construction noise can be minimized by implementing time of day restrictions for construction operations adjacent to noise sensitive areas. For projects that require compliance with local ordinances, more detailed analysis techniques should be included in the noise analysis report.

# OKLAHOMA DEPARTMENT OF TRANSPORTATION

<b>POLICY DIRECTIVE</b>		<b>NO. <u>C-201-3</u></b>	
<b>SUBJECT</b> <b>HIGHWAY NOISE ABATEMENT</b>		<b>PAGE NO</b> <u>21 of 22</u> <b>DATED</b> <u>07-13-11</u>	
<b>EFFECTIVE DATE</b> <b>07-13-2011</b>	<b>ISSUED BY:</b> <b>Deputy Director-Planning</b>	<b>APPROVED</b> <b>Director - § Gary M. Ridley</b>	
<b>Revision</b>	<b>C-201-3</b>	<b>STATE STATUTE</b>	<b>DATED</b> <b>08-01-96</b>

## I. Federal Participation

The costs of noise abatement measures may be included in federal aid participating project costs with the federal share being the same as that for the system on which the project is located when:

- Traffic noise impacts have been identified; and
- Abatement measures have been determined to be feasible and reasonable pursuant to 23 CFR 772 and this policy.

## J. Abatement Measures Reporting

The ODOT will maintain an inventory of all constructed noise barriers. The inventory shall include the following parameters: type of abatement; cost (overall cost, unit cost per/sq. ft.); average height; length; area; location (State, county, city, route); year of construction; average insertion loss/noise reduction as reported by the model in the noise analysis; NAC category(s) protected; material(s) used (precast concrete, berm, block, cast in place concrete, brick, metal, wood, fiberglass, combination, plastic (transparent, opaque, other); features (absorptive, reflective, surface texture); foundation (ground mounted, on structure); and project funding source.

## K. Duties and Responsibilities

### 1. Director-Preconstruction

- a. Environmental Programs Division will implement and oversee the requirements of this policy directive.
- b. The appropriate design division will incorporate noise mitigation measures recommended by Environmental Programs Division in project plans. The Environmental Programs Division Engineer must be notified in writing of any modification prior to completion of final construction plans. Such modification may require additional barrier analysis.
- c. Noise abatement measures not covered in the manual of "Standard Specifications for Highway Construction" will be discussed at the Plan-in-Hand meeting and detailed in the Plan-in-Hand report.

# OKLAHOMA DEPARTMENT OF TRANSPORTATION

<b>POLICY DIRECTIVE</b>		<b>NO. <u>C-201-3</u></b>	
<b>SUBJECT</b> <b>HIGHWAY NOISE ABATEMENT</b>		<b>PAGE NO</b> <u>22 of 22</u> <b>DATED</b> <u>07-13-11</u>	
<b>EFFECTIVE DATE</b> <b>07-13-2011</b>	<b>ISSUED BY:</b> <b>Deputy Director-Planning</b>	<b>APPROVED</b> <b>Director - § Gary M. Ridley</b>	
<b>Revision</b>	<b>C-201-3</b>	<b>STATE STATUTE</b>	<b>DATED</b> <b>08-01-96</b>

d. Pay items will be established for noise abatement measures not covered in the manual of "Standard Specifications for Highway Construction".

## 2. Director-Operations

- a. Noise abatement measures not covered in the manual of "Standard Specifications for Highway Construction" will be discussed at the pre-work conference and documented in the report of the meeting.
- b. Any field modifications to noise abatement measures must be approved by the Environmental Division. Such modification may require additional barrier analysis.

## L. Review of Policy

This policy shall be reviewed by the ODOT at least every five years. Specifically the Cost per Benefitted Receptor and the Cost per square foot will be evaluated and compared to actual construction costs at this time.

## **Appendix B**

*ODOT's Standard Noise Report Sections*

## **FUNDAMENTALS OF NOISE AND SOUND THEORY**

Noise, defined as unwanted or excessive sound, is an undesirable by-product of our modern way of life. From these known effects of noise, criteria have been established to help protect the public health and safety and prevent disruption of certain human activities. This criterion is based on such known impacts of noise on people as speech interference, sleep interference, physiological responses, hearing loss and annoyance. Highway traffic noise is a major contributor to overall transportation noise and is considered to be a line source of energy from which the energy levels dissipate vertically and laterally from the roadway. Traffic noise is not constant. It varies as each vehicle passes a point. The time-varying characteristics of environmental noise are analyzed statistically to determine the duration and intensity of noise exposure. In an urban environment, noise is made up of two distinct parts. One is ambient or background noise. Wind noise and distant traffic noise make up the acoustical environment surrounding the project. These sounds are not readily recognized, but combine to produce a nonirritating ambient sound level. This background sound level varies throughout the day, being lowest at night and highest during the day. The other component of urban noise is intermittent and louder than the background noise. Transportation noise and local industrial noise are examples of this type of noise. It is for these reasons that environmental noise is analyzed statistically.

Sound from highway traffic is generated primarily from a vehicle's tires, engine and exhaust. It is commonly measured in decibels (dB) and is a logarithmic unit and not added arithmetically as with more common linear units such as temperature. Sound pressure level from two equal sources is 3 dB greater than the sound pressure level of just one source. For example, two trucks producing 90 dB each combine to produce 93 dB, not 180 dB. In other words, a doubling of the noise source produces only a 3 dB increase in the sound pressure level. Studies have shown that this increase is barely perceptible by the human ear. Research indicates that, to an average listener, a 10 dB increase is perceived as twice as loud. One dB(A) is the smallest change in sound that an average person can detect. Usually an observer cannot perceive an increase in noise of three to four dB if the increase takes place over several years.

This analysis will discuss the noise levels as  $Leq(h)$  which is defined as the steady-state sound level which, in a stated period of time, contains the same acoustic energy as the time-varying sound level during the same period.  $Leq(h)$  is the hourly value of  $Leq$  and is based on the more commonly known decibel (dB) and the "A-weighted" decibel unit or dB(A). Sound comprises different frequencies, each of which is perceived differently by the human ear. Since human hearing is not sensitive to low and very high frequencies, the dB(A) scale is used to approximate the response of the human ear by compensating for high and low end frequency insensitivity and renders noise level readings more meaningful. The dB(A) unit measures perceptible sound energy and factors out the fringe frequencies. All traffic noise levels in this analysis will be expressed in dB(A)  $Leq(h)$ .

## **CONSTRUCTION NOISE**

In general, construction noise related to highway projects is not a major issue. Sources of noise include heavy machinery like backhoes and scrapers, cranes, pile drivers, and trucks transporting materials. Typically construction noise can be minimized by implementing time of day restrictions for construction operations adjacent to noise sensitive areas. ODOT is concerned of any special noise-sensitive land uses or activities which may be affected by construction noise from the proposed project, and any special measures which are feasible and reasonable will be added to the project plans and specifications. No special noise sensitive land uses or activities that may be affected by construction noise are in proximity to the project.

## STATEMENT TO LOCAL OFFICIALS

Traffic noise approaching and exceeding the sound levels specified in the ODOT Noise Policy resulting from the proposed (roadway I.D.) facility have been identified. To aid in noise compatible land use planning, using the TNM model, the approximate distance from the centerline of the proposed roadway was used to determine the 66 dB(A) and 71 dB(A) future contour lines and summarized in Table X and depicted in Figure X. The distances vary due to variation in the topography of the receivers to the roadway and other terrain features. Development within these respective zones on either side of the proposed reconstructed roadway facility should be compatible with elevated traffic noise levels. Residential and all NAC Activity Category C land use is discouraged in this impact corridor due to anticipated future noise levels.

<b>TABLE X</b>		
<b>Noise Contour Impact Zones</b>		
<b>Roadway Section</b>	<b>66 dB(A)*</b>	<b>71dB(A)*</b>
ABC Street to XYZ Street	120'	54'

\*Distance from centerline of existing 23rd Street.

## Request for Specialist Studies

# REQUEST FOR SPECIALIST STUDIES

- |   |   |
|---|---|
| <input type="checkbox"/> Cultural Resources<br><input type="checkbox"/> Biological<br><input type="checkbox"/> Swallow Survey | <input type="checkbox"/> Hazardous Waste / LUST<br><input type="checkbox"/> Noise |
|---|---|

Requested by: **ODOT ENVIRONMENTAL OR CONSULTANT PROJECT MANAGER**  
 Company Name if applicable: **COMPANY NAME**      Date: **DATE REQUESTED**

Phone: PHONE NO. **EPM's phone no**      Is this a Re-Evaluation: **YES/NO**

R/W Date: **R/W DATE**      Let Date: **LET DATE**  
*Unless otherwise specified, the R/W Date and the Let Date are the Target Dates from Mr. Streb's list for State Projects on the 8 Year Program.*

County: **COUNTY NAME**      State Highway or County Road No.: **HIGHWAY NO**

Project Number: **PROJECT NUMBER**      Job Piece No.: **JP NO**

Project Description: **PROVIDE DESCRIPTION FROM JPINFO OR IMS**

Does this project involve any Tribal or Indian Properties (This is based on information available in the Recon or other readily available information): **YES/NO/UNKNOWN**

**IMPORTANT: WITH EACH SPECIALIST REVIEW REQUEST ATTACH THE FOLLOWING:**

- 1. STUDY FOOTPRINT OR PLANS**
- 2. THE PROJECT INITIATION REPORT, LOCAL GOVERNMENT NEPA CHECKLIST OR OTHER DOCUMENTS OUTLINING THE PROJECT SCOPE**
- 3. PROPERTY OWNER NOTIFICATION LETTER (OR A LETTER FROM THE COUNTY COMMISSIONER) AND A LIST OF PROPERTY OWNERS NOTIFIED**
- 4. FOR BRIDGE PROJECTS INCLUDE BRIDGE INFORMATION SHEET FROM GRIP.**
- 5. FOR BRIDGE REHAB PROJECTS INCLUDE PLANS OR AS-BUILT PLANS WITH WRITTEN SCOPE FROM BRIDGE DIVISION**
- 6. FOR RE-EVALUATIONS, PLEASE INCLUDE ANY PREVIOUS STUDIES**

**ATTACHMENTS (Check all that apply):**

- |  |  |
|--|--|
| <input type="checkbox"/> NEPA Study Footprint or Plans or As-built Plans<br><input type="checkbox"/> Property Owner Notification Letter<br><input type="checkbox"/> Bridge Information Sheet<br><input type="checkbox"/> Previous Studies for Re-evaluations | <input type="checkbox"/> Initiation Report or Local Government NEPA Checklist or Bridge Rehab Scope<br><input type="checkbox"/> List of Property Owners Notified<br><input type="checkbox"/> Other _____(DESCRIBE)<br><input type="checkbox"/> Other _____(DESCRIBE) |
|--|--|

**Type of Work (Check all that apply):**

- |  |   |
|--|---|
| <input type="checkbox"/> Existing Alignment<br><input type="checkbox"/> New Alignment<br><br><input type="checkbox"/> Bridge Replacement<br><input type="checkbox"/> Bridge Rehabilitation<br><input type="checkbox"/> Bridge Widening/Structure Extension<br><input type="checkbox"/> Bridge Painting/Joint Seal<br><input type="checkbox"/> Sidewalks<br><input type="checkbox"/> Existing R/W | <input type="checkbox"/> Pavement Reconstruction<br><input type="checkbox"/> Pavement Rehabilitation (No work outside pavement)<br><input type="checkbox"/> Resurfacing/Overlays<br><input type="checkbox"/> Guardrail/Median Barriers<br><input type="checkbox"/> Intersection Modification<br><input type="checkbox"/> Adding Shoulders<br><input type="checkbox"/> Other _____(DESCRIBE)<br><input type="checkbox"/> Other _____(DESCRIBE) |
|--|---|

TYPE OF PROJECT:

STATE       LOCAL GOVT       ENHANCEMENT/SAFE ROUTES TO SCHOOLS  
 STIMULUS       OTHER \_\_\_\_\_

Environmental Studies Needed by (Includes USFWS or SHPO Coordination): **DATE NEEDED BY. ALLOW 140 days for ALL studies for State or Local Government Projects and 90 days for Enhancement or SRTS projects. For all others, please refer to the Specialist Review Checklist.**

**NOTE TO SPECIALISTS: PLEASE LET THE NEPA PROJECT MANAGER KNOW IMMEDIATELY IF THIS DATE CANNOT BE MET OR CONTACT THE ASSISTANT DIVISION ENGINEER IF CONSULTANT HELP IS NEEDED TO MEET THE DEADLINE.**

**RUSH** : Less than 30 days:

YES

**\*PROVIDE REASON WHY THIS IS A RUSH IN THIS SECTION BELOW**

**Additional Information: Please provide any additional information such as project background or any other special issues which would be helpful to the Specialists. If the project is a rush provide reason below.**

**Recon Information:**  Recon data is available for this project and can be found at <http://plansrv1/osd/JP#/DataReconnaissance/JP#.pdf> (If a hard copy is needed, please contact the NEPA Project Manager).

Property Owner Notification Letter (Available on Microsoft Word)

TO BE PRINTED ON ODOT LETTERHEAD AFTER SIGNATURE FROM EPD (REVISED 5-30-13)

[Date]

Subject:[Description FROM JPINFO OR IMS – e.g. Bridge on SH XX over XXXX Creek, approx. XX mi from XXXX in XXXX County or SH XX from XXXXX to XXXXX in County , etc.], JP #, PROJECT NUMBER

Dear Property Owner:

We are pleased to inform you the Oklahoma Department of Transportation (ODOT) is considering improvements to the **subject highway/bridge**. The exact project scope and requirements will be clarified through the planning, environmental review, and design process. In accordance with the National Environmental Policy Act, the National Historic Preservation Act, and Federal Highway Administration policy, the Department is requesting any information or specific concerns you may have regarding this project's potential impact on the human environment, the natural environment, and historic properties.

Additionally, in the near future, employees or authorized agents of ODOT may be entering your property for the purpose of surveying environmental considerations, such as cultural resources, biological resources, noise, and hazardous materials. Results from these studies will be incorporated into the environmental document being prepared for this project. It may be necessary to do minor hand digging in your property as part of the survey. Any test holes will be filled in and cleaned up afterwards.

Oklahoma Statute 69-702 provides for the Department of Transportation, through its agents and employees, to enter the property and make the necessary surveys and other examinations related to the proposed highway project. A copy of Oklahoma Statute 69-702 is provided with this letter.

If you are currently leasing this property, please notify your lessee of our planned work.

Should you have any information or specific concerns, please contact our authorized agent *[name of Consultant Project Manager and Company]* at *[Consultant Phone Number]* or *[Consultant email address]*. As always, your cooperation is greatly appreciated.

Respectfully,

Dawn R. Sullivan, P.E.  
Environmental Programs Division Engineer

DRS/*[consultant firm name]*

Enclosures: Location Map, Copy of Statute 69-702

Copy to:       Project Management *with list of Property Owners*  
                  Field Division Engineer *with list of Property Owners*  
                  Survey Division *with list of Property Owners*  
                  Materials Division *with list of Property Owners*  
                  Right-of-Way Division *with list of Property Owners and Property Cards*  
                  ODOT Cultural Resources Specialist *with list of Property Owners and Property Cards*  
                  Specialists

BLM Notification Letter (*Available on Microsoft Word*)

FOR ALL PROJECTS updated 5-30-13

[Date]

Mr. Richard Fields  
Assistant Field Office Manager - Multi Resources  
Oklahoma Field Office  
Bureau of Land Management  
7906 E. 33rd Street, Suite 101  
Tulsa, Oklahoma 74145-1352

Subject:[Description FROM JPINFO OR IMS – e.g. Bridge on SH XX over XXXX creek in XXXX County or SH XX from XXXXX to XXXXX in County , etc.], JP #, PROJECT NUMBER

Dear Mr. Fields:

We are pleased to inform you the Oklahoma Department of Transportation (ODOT) is considering improvements to the **subject highway/bridge**. The exact project scope and requirements will be clarified through the planning, environmental review, and design process. We have enclosed a location map and the environmental study area.

This project is in the early developmental stages and any comments relative to the social, economic, or environmental effects of this proposal will be appreciated. To allow adequate time for evaluation of your comments, we would appreciate receiving a response within fifteen days from the date of this letter. Your written comments should be directed to the Environmental Program Division Engineer, Oklahoma Department of Transportation, 200 N. E. 21st Street, Oklahoma City, Oklahoma 73105.

We sincerely appreciate your cooperation in this matter. For further information or if you have any questions, **please contact NAME, Environmental Project Manager at PHONE NUMBER or EMAIL ADDRESS or please contact our authorized agent [name of Consultant Project Manager and Company] at [Consultant Phone Number] or [Consultant email address].**

Respectfully,

Dawn R. Sullivan, P.E.  
Environmental Programs Division Engineer

DRS/[*Environmental Project Manager's Initials*]/CONSULTANT COMPANY

Enclosures: Location Map, Study Area Map

Copy to:           Project Management Division  
                      Field Division Engineer  
                      Right-of-Way Division  
                      ODOT Cultural Resources

Road Closure Information Letter (*Available on Microsoft Word*)

SAMPLE LETTER FOR ROAD CLOSURE PUBLIC INVOLVEMENT (REVISED 6-28-13)

*[Date]*

*[Title of Official such as Chief, Sheriff, etc. if applicable] [Name]*

*[Job Title]*

*[Address]*

For Property Owners – There is no need to address those individually.

Subject: *:[Description FROM JPINFO OR IMS – e.g. Bridge on SH XX over XXXX creek in XXXX County or SH XX from XXXXX to XXXXX in County , etc.], JP #, PROJECT NUMBER*

Dear *[Title] [Name]: or Property Owner*

The Oklahoma Department of Transportation (ODOT) is **considering improvements to the subject highway/bridge(s) (PICK ONE)**. This letter is to inform you of the proposed project and to request your input on issues that are important to you as a resident, business owner, or local official in the area.

The project is currently scheduled to be let for construction in *[let month and year]*, which will necessitate closure of the bridge and the approach roadway on State Highway **XX**. It is anticipated that the road closure will last approximately *[Construction Time from Designer or Field Division in writing or from Initiation Report]* days, *[with incentives to reduce the closure time, if applicable]*. We are considering using the following as a state highway detour during the bridge closure. *[Describe detour route such “Eastbound - From Junction of SH XX and SH YY, proceed south on SH YY to Junction SH YY/SH ZZ, then east on SH ZZ to Junction SH ZZ/SH AA and north on SH AA to SH XX” ]* (approximately **XX** *(length of detour – THIS IS THE LENGTH FROM ONE END OF THE CLOSED ROAD TO THE OTHER END ALONG THE DETOUR)* miles) - see attached **map** *(attach map – Mark Brown from GIS can help generate one for in-house project)*. While the state highway detour will be signed for the through state highway traffic, the local traffic will be able to utilize local county or city roads. Once the project is let for construction, information on actual date of closure and duration of closure can be obtained from the ODOT Field Division at *[Field Division Phone No]*.

This project is in the developmental stages and any comments relative to the road closure such as time and duration of closure and any other potential impacts to the surrounding community such as school bus or emergency route impacts, etc. are appreciated. To allow adequate time for evaluation of your suggestions, we would appreciate receiving your comments by *[Allow at least 2 weeks]*. Your written comments should be directed to the Environmental Programs Division Engineer, Oklahoma Department of Transportation, 200 NE 21<sup>st</sup> Street, Room 3 D2a, Oklahoma City, Oklahoma 73105.

Additional information about the project can be obtained from ODOT’s Environmental Project Manager, *[Name]* at *[Phone number]* or *[email]* or our authorized agent *[name of Consultant Project Manager and Company]* at *[Consultant Phone Number]* or *[Consultant email address]*.

Sincerely,

Dawn R. Sullivan, P.E.  
Environmental Programs Division Engineer

**DRS/ENVIRONMENTAL Project Manager’s Initials/Consultant firm**

Attachment: Proposed Detour Map *[Attach Project Location Map and Detour Map]*

Copy to: Field Division Engineer, Division **XX**  
Project Management Division

Traffic Engineering Division  
Roadway Design Division  
Bridge Division

NRCS Letter (*Available on Microsoft Word*)

NRCS COORDINATION LETTER updated 5-17-10

**IMPORTANT: SEND THIS ON CONSULTANT'S LETTERHEAD** or COPY AND PASTE THIS LETTER TO AN EMAIL TO NRCS

*[Date]*

*[Name of NRCS District Conservationist from the NRCS Website]*

District Conservationist

Natural Resources Conservation Service

*[Address from the website]*

**RE: Site assessments for Farmland Protection Policy Act (FPPA) *[Project Description, Project Number, Job Piece Number]* and Identification of any NRCS Structures or Properties within the Study Area**

Dear *[Name of NRCS District Conservationist]*

The Oklahoma Department of Transportation is in the early developmental stages of *[project description]*.

Please find attached two copies of USDA Form AD-1006 and plans/footprint for the following federal actions in *XXX* County, Oklahoma:

In accordance with the current 7 CFR Part 658 - Farmland Protection Policy Act, Parts 1 and III of Form AD-1006 have been completed. Please complete the NRCS portions of this form within the next 45 days and return one copy to:

*[Consultant Project Manager]*

*[Company Name and Address of Consultant]*

In addition, please let us know if the proposed project would impact any NRCS structures or properties such as flood control dams, wetlands, etc.

Your assistance is greatly appreciated. If you have any questions, please call me at *[Consultant Phone number]* or *[Consultant email]*.

Sincerely,

*Consultant Project Manager*

*Consultant Company*

Enclosures: Plans and Form AD-1066

Copy to: Oklahoma Department of Transportation – Environmental Division

PCE/ICE OR DCE

*(Available on Microsoft Word. Please request the most current version prior to preparing the report)*



# Oklahoma Department of Transportation

Environmental Programs Division Office 521-3050 Fax 522-5193

## Programmatic/Individual Categorical Exclusion

	<b>PCE</b>		<b>ICE</b>
--	------------	--	------------

Date		Project Number	
County		State Job Piece No:	
NEPA Project Manager		Phone Number	
ODOT Field Division		Bridge NBI No. <i>(For County &amp; State Projects)</i> & Location No. <i>(County Projects Only)</i>	
Project Description from JPINFO			
<b>This project is included in:</b> <i>(Check all applicable ones)</i>	<b>X</b>	<b>State 8 Year Construction Program</b>	
		<b>County 5 Year Construction Program</b>	
		<b>State Transportation Improvement Program</b>	
<b>This project is in the Metropolitan Transportation Improvement Program (If applicable)</b> <i>(Check applicable one)</i>		<b>YES</b>	
		<b>NOT APPLICABLE</b>	

The Oklahoma Department of Transportation (ODOT) has completed the environmental analysis and review of the referenced project. ODOT has determined that this project does not individually or cumulatively have a significant impact of the environment as defined by the National Environmental Policy Act (NEPA) or involve unusual circumstances as defined in 23 CFR 771.117(b) and is therefore excluded from the requirements to prepare an Environmental Assessment or Environmental Impact Assessment.

<b>Existing Conditions</b> <i>(Describe existing bridge width, approach roadway width, etc., traffic (current and projected), Existing Problems such as sufficiency rating):</i>
<b>Purpose &amp; Need</b> <i>(Why the project is needed such as structural deficiency or bridge does not meet current state/federal standards for width or vertical clearance or the roadway has sharp horizontal curves or sight distance problems or narrow shoulders which do not meet current standards):</i>
<b>Alternatives considered &amp; Proposed Improvement</b> <i>(Provide reason why an offset alignment to one side is selected vs the other side, Proposed construction such as roadway and bridge widths, AND mention whether the road will be open to traffic during construction.):</i>

<b>Did the project have public involvement</b> (Check the applicable items and include public involvement <u>summary</u> and supporting documents in the appendix)					
	Property Owner Notification		Road Closure Letter		Public/Stakeholder Meeting
	Legal Notice/Website Posting		Small City Letter		None

**All documentation, analyses, and agency coordination regarding this Categorical Exclusion are attached to this document and maintained in the project file at the Oklahoma Department of Transportation, Environmental Programs Division.**

<b>Criteria Identified in Section III.b.3. of the 2011 FHWA/ODOT Programmatic Agreement for Processing Categorical Exclusions that would require Individual Review and Approval by FHWA:</b>		
<b>Check Yes or No below. If the answer to any of the questions below is Yes, an Individual CE will be required.</b>		
<b>Description/Question</b>	<b>Yes</b>	<b>No</b>
<b>Item(a)</b>		
1. Does the project involve residential or commercial relocation?		
2. Does the project involve acquisition of right-of-way not adjacent to the existing facility?		
3. Does the project involve property in which another Federal Agency or Federally Recognized Tribe has ownership, oversight or any other encumbrance?		
<b>Item(b)</b>		
Does the project involve a determination of adverse effect by Oklahoma State Preservation Office (SHPO) or a designated Tribal Historic Preservation (THPO) in accordance with Section 106? An exception to this would apply if adverse effects are addressed programmatically as part of a previously executed general Section 106 Programmatic Agreement with SHPO, FHWA and others, and a project-specific MOA will not be required.		
<b>Item (c)</b>		
Does the project involve a Programmatic Section 4(f) or <i>de minimis</i> finding which has not been previously approved by FHWA?		
<b>Item (d)</b>		
Does the project involve a Section 6(f) property?		
<b>Item (e)</b>		
Does the project involve any impact on Noise Abatement Criteria (NAC) Category A, B, C or D receptors?		
<b>Item (f)</b>		
1. Does the project involve a finding of “may effect, likely to adversely affect” to a federally listed endangered or threatened species or its critical habitat determined during the Section 7 Informal Consultation Process? The exception to this is the American Burying Beetle or any other species which has been addressed under a separate formal programmatic agreement.		
2. Does the project involve a Section 7 Formal Consultation Process?		
<b>Item (g)</b>		
Does the project require an Individual Section 404 Permit (This is for major River Crossings, waters or wetlands impact greater than 0.5 AC, Projects with Formal Consultation, or others as determined by USACE)?		
<b>Item (h)</b>		
Does the project require a Coast Guard Permit?		

**Criteria Identified in Section III.b.3. of the 2011 FHWA/ODOT Programmatic Agreement for Processing Categorical Exclusions that would require Individual Review and Approval by FHWA:**

**Check Yes or No below. If the answer to any of the questions below is Yes, an Individual CE will be required.**

Description/Question	Yes	No
<b>Item (i)</b>		
Does the project involve construction across or adjacent to a river designated as a component in the National System of Wild and Scenic Rivers?		
<b>Item (j)</b>		
Does the project involve an adverse impact on prime farmland where Natural Resources Conservation Agency (NRCS) has required consideration of alternatives and measures to avoid and minimize impacts?		
<b>Item (k)</b>		
Does the project involve increase to the base 100 Year floodplain in a regulatory floodway (Zone A-E in a FEMA Map) that will require a flood map revision as determined by the appropriate state or local authority?		
<b>Item (l)</b>		
Does the project involve any known Superfund site?		
<b>Item (m)</b>		
Does the project involve any permanent changes to the operation of an Interstate highway, associated interchanges or ramps?		
<b>Item (n)</b>		
Does the project have potential for disproportionately high and adverse impact on minority or low income populations, based on known demographics in the project vicinity, extent of R/W, relocations, and other identified impacts?		
<b>Item (o)</b>		
Does the project have any substantial or public controversy on environmental grounds?		
<b>Item (p)</b>		
If the project involves road closure or ramp closure, do any of the following conditions apply? ( <i>Check the boxes ONLY if the project involves road closure</i> )		
i. No Access will be provided to local traffic or posted		
ii. Through traffic dependent businesses will be affected		
iii. The detour closure will interfere with special events or activities		
iv. The detour or closure will substantially alter the environmental consequences of the action, such as by creating unsafe conditions on the detour route or requiring additional work or expansion to detour routes to carry the additional traffic.		
v. There is a public controversy associated with the detour or closure		
<b>Explanation for Individual CE (If any of the answers above are YES):</b>		
Item for which the answer is YES		
Explanation that CE Classification is appropriate		
Item for which the answer is YES		
Explanation that CE Classification is appropriate		

<b>Commitments</b> ( <i>Check Applicable ones</i> )	
	Plan notes requiring avoidance of cultural resources in off-project areas will be added to the final project plans under “Environmental Mitigation Notes” per policy Directive C-201-2D(2).
	Properties eligible for the National Register of Historic Places (NRHP) have been identified within the project area. Plans need to be submitted to Environmental Programs Division by the Designer for further coordination with the State Historic Preservation Office (SHPO) prior to the bid solicitation process or construction.
	Properties eligible for the National Register of Historic Places (NRHP) have been identified within the project area. The State Historic Preservation Office (SHPO)’s approval is based on the project as currently proposed. The following Plan notes will be added to the final project plans under “Environmental Mitigation Notes” per policy Directive C-201-2D(2). <b><i>If there are any changes to the project plans, further coordination with the SHPO will be required through the Environmental Programs Division prior to the bid solicitation process or field changes during construction.</i></b>
	(Only for Special Projects) Properties eligible for the National Register of Historic Places (NRHP) have been identified within the project area. Further coordination with the State Historic Preservation Office (SHPO) is required by the ODOT Project Management’s Special Projects Branch prior to the bid solicitation process or construction. The SHPO letter which cites the information needed to proceed is included in the Appendix. The file number from the SHPO letter should be referenced in all correspondence with SHPO. Copies of such coordination should be provided to the Environmental Programs Division for the project record.
	(Only for Special Projects) Properties eligible for the National Register of Historic Places (NRHP) have been identified within the project area. The State Historic Preservation Office (SHPO)’s approval is based on the project as currently proposed. The following Plan notes will be added to the final project plans under “Environmental Mitigation Notes” per policy Directive C-201-2D(2). If there are any changes to the project plans, further coordination with the SHPO will be required by the ODOT Project Management’s Special Projects Branch prior to the bid solicitation process or field changes during construction. Please reference the SHPO letter which cites the conditions of approval and reference the file number from SHPO letter in all correspondence. Copies of such coordination should be provided to the Environmental Programs Division for the project record.
	The project occurs in an area where the American burying beetle (ABB) occurs. Special Provision 656-4 for ABB will be added to the final project plans/contract per policy Directive C-201-2D(2).
	Plan notes requiring survey for the following species will be added to the final project plans under “Environmental Mitigation Notes” per policy Directive C-201-2D(2). ( <i>List species below</i> )
	Plan notes requiring construction season restrictions for the following species will be added to the final project plans under “Environmental Mitigation Notes” per policy Directive C-201-2D(2). ( <i>List species below</i> )
	Plan notes requiring avoidance and minimization of impacts for the following species will be added to the final project plans under “Environmental Mitigation Notes” per policy Directive C-201-2D(2). ( <i>List species below</i> )
	The action may involve work in potentially jurisdictional waters and potentially jurisdictional wetlands. For State Projects, the 404 permit application form needs to be submitted by the Designer through Project Management Division to Environmental Programs Division at the time of Right-of-Way submittal for evaluation and determination of the appropriate Clean Water Act Section 404 permit application for the project. For Local Government Projects or Special Projects, a copy of the 404 permit obtained by the County/City should be submitted by Local Government Division or Special Projects to Environmental Programs Division for the Project File.

<b>Commitments</b> ( <i>Check Applicable ones</i> )	
	The action involves work in Critical Resource Waters and requires Pre Construction Notification (PCN) to USACE regardless of the area of impact. For Local Government Projects or Special Projects, a copy of the PCN by the County should be submitted by Local Government Division or Special Projects Branch to Environmental Programs Division for the Project File.
	The action will require a FEMA Map revision.
	Plan notes requiring avoidance of potential hazardous materials remains areas will be added to the final project plans under "Environmental Mitigation Notes" per policy Directive C-201-2D(2).
	The Department's Hazardous Coordinator has determined that a Preliminary Site Investigation (PSI) is required for this project. Construction Plans need to be submitted by the Designer to Environmental Programs Division at the time of Right-of-Way submittal for the PSI.
	The following plan note regarding Road Closure will be added to the plans ( <i>Add plan notes restricting road closure</i> ).
	<i>(Only for Local Government Projects)</i> The roadway will be closed to traffic during construction. The County or City will be responsible for notifying all local residential and commercial property owners, schools, and emergency services providers prior to construction. The County or City will be responsible for posting the detour routes. The Contractor will provide access to local property owners at all times during construction.
	<i>(Only for Local Government Projects)</i> The Local Government Project Manager shall coordinate any required species surveys with Environmental Programs Division prior to letting the project. Note the seasonal restrictions for surveys in the biological studies summary.
	The following Airport/Airfield located within 4 miles of this project. This action may require notifying the Federal Aviation Administration (FAA) of proposed construction via FAA Form 7460-1 prior to construction. ( <i>List the name of the Airport below</i> )
	Other ( <i>List Commitment below</i> )
	Other ( <i>List Commitment below</i> )

The mitigation measures above should be discussed at all Pre-work conferences per Policy Directive C-201-2E(1). The Designer shall provide a **copy of the final plans with the mitigation notes** to Environmental Programs Division for the project Records.

Development of the project including coordination and assessment of potential social, economic and environmental impacts has been considered in accordance with DOT ORDER 5610.1C, and CEQ REGULATIONS 40 CFR 1500 -1508 as amended, 23 CFR 771.117 and the 2011 FHWA/ODOT Programmatic Agreement for processing of categorical exclusions. Implementation of this action as a "Categorical Exclusion" will satisfy the requirements of the National Environmental Policy Act.

**Preparer/Reviewer Signatures**

Environmental Consultant Project Manager (If Applicable)	Date
Environmental Consultant Firm Name (If Applicable)	Date
County Commissioner (For County Local Government Projects)	Date
ODOT Environmental Project Manager	Date
Assistant Environmental Programs Division Engineer	Date
Environmental Programs Division Engineer	Date
CONCLUSION:	
<b>ODOT has reviewed the conditions identified in Section IIIb.3 of Federal Highway Agency (FHWA)/ODOT Programmatic Agreement for Processing Categorical Exclusions (CE) and determined that an Individual CE must be submitted to FHWA for approval.</b>	YES
	NO

**For Individual CEs requiring FHWA Approval:**

Concurrence that this project qualifies for a Categorical Exclusion:

Environmental Programs Manager, FHWA	Date

Attachments: Memos with Plan Notes  
Studies

**Distribution List (Check Applicable Ones)**

<input type="checkbox"/>	Project Management Division (All State Projects)
<input type="checkbox"/>	Roadway Design Division (All State projects with the exception of projects from Traffic Division and Special Projects)
<input type="checkbox"/>	Bridge Division (All State Bridge Projects)
<input type="checkbox"/>	Traffic Division (For projects from Traffic Division)
<input type="checkbox"/>	Local Government Division (County or City Projects)
<input type="checkbox"/>	Special Projects (Special Projects Only)
<input type="checkbox"/>	Safe Routes to School Coordinator (SRTS Projects Only)
<input type="checkbox"/>	Field Division Engineer (All Projects)
<input type="checkbox"/>	Right-of-Way Division (All Projects)
<input type="checkbox"/>	Office Engineer Division (All Projects)
<input type="checkbox"/>	FHWA (All Projects. Place Copy of Complete Document on FHWA's Directory)

Copy to: Reading File

**Documented Categorical Exclusion (DCE) for**  
**PROJECT DESCRIPTION**  
**XXXX County**  
**PROJECT NO, JOB PIECE NUMBER**

**Existing Conditions and Purpose and Need for the Action**

*Describe existing bridge width, approach roadway width, etc., traffic (current and projected), Existing Problems such as sufficiency rating.*

*The existing bridge has a clear roadway width of [Provide Clear Roadway Width from Bridge Inventory rounded to a whole number] ft and an approach roadway width of [Provide Approach Roadway Width from Bridge Inventory rounded to a whole number] ft. The existing roadway has [Provide Number of Lanes] – [Provide width of Driving Lanes rounded to a whole number] ft wide driving lanes and [Provide width of existing shoulders rounded to a whole number] ft wide [Provide type of shoulder] shoulders. The existing bridge is structurally deficient and/or functionally obsolete [Pick appropriate one based on Bridge Inventory]. [For Roadway projects, provide additional description of any roadway geometric deficiencies such as substandard vertical or horizontal curves]. The current Annual Average Daily Traffic (AADT) is [provide current traffic] vehicles per day (vpd) with a future 20 year traffic of [provide projected traffic] vpd. [Provide additional justification for capacity increase if applicable].*

*Why the project is needed such as structural deficiency or bridge does not meet current state/federal standards for width or vertical clearance or the roadway has sharp horizontal curves or sight distance problems or narrow shoulders which do not meet current standards.*

*The purpose and need for this project is [Provide purpose and need – PURPOSE & NEED INCLUDES INFRASTRUCTURE DEFICIENCIES, GEOMETRIC DEFICIENCIES, SAFETY, CAPACITY, CONNECTIVITY, ECONOMIC DEVELOPMENT, ETC. IT ANSWERS THE QUESTION ON WHY THE PROJECT IS NEEDED]. [EXAMPLES: The purpose of the project is to correct a structurally deficient bridge. The purpose of the project is to correct a functionally obsolete bridge which is too narrow. The purpose of the project is to improve an existing low water crossing over XXXX to maintain year-round access on County Road XX.] Identify project's fit with Long Range Plan such as County's, City's or State's Long Range/Construction Program. This project is in the Department's Current 8 Year Construction Program or the County's Five Year Construction Program or the City's Long Range Plan and the urban Transportation Improvement Plan. [Pick one].*

*Describe the extent of study area such as logical termini. If project could be logically considered part of a broader planned corridor improvement, justify the selected NEPA study area considering travel patterns and needs, local safety needs, current and projected land use prompting improvement and other appropriate factors to show compliance with FHWA logical termini guidance.*

**Prior Planning & Alternatives Considered**

*Describe and evaluate alternatives if there was an alternatives analysis done in planning or pursuant to NEPA, 4(f), or for other reasons.*

**Description of Proposed Action**

*The proposed improvement consists of [Provide width of the proposed structures] ft wide bridge (or reinforced concrete box (RCB)) with an approach roadway with [Provide number of proposed lanes] –*

*[Provide width of proposed lane] ft wide driving lanes and [Provide width of proposed shoulders] ft wide paved (or sod) shoulders on existing alignment or an offset alignment to the east/west/north/south of the existing alignment.*

*(Provide reason why an offset alignment to one side is selected vs the other side, Proposed construction such as roadway and bridge widths, AND mention whether the road will be open to traffic during construction.):*

### **Public Involvement & Agency Solicitations**

*There was a Public Meeting held on [Date]. The comments received from the public included [Summarize Comments].*

*Mention any property owner notifications or small city letters or stakeholders meetings. Summarize any comments received.*

*Summarize any solicitations sent and comments received.*

*Does the project have any substantial or public controversy on environmental grounds?*

### **Social, Economic and Environmental Impacts & Agency Coordination**

#### **Right of Way and Relocations**

- 1. Does the project involve residential or commercial relocation?*
- 2. Does the project involve acquisition of right-of-way not adjacent to the existing facility?*
- 3. Does the project involve property in which another Federal Agency or Federally Recognized Tribe has ownership, oversight or any other encumbrance?*
  - A. The project has no additional right-of-way.*
  - B. The project involves acquisition of right-of-way. However, the acquisition does not involve any residential or commercial relocations nor involve property in which another Federal Agency or Federally Recognized Tribe has ownership, oversight or any other encumbrance.*
  - C. The Department completed a Relocation Plan and the Plan identified XX potential residential (and XX commercial) relocation(s). Acquisition and relocation assistance will be conducted in accordance with the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970, as amended, effective February 3, 2005. Housing of last resort may be required and will be provided if sufficient comparable replacement housing is not available within the financial means of displaces. Describe any social and economic impact of the relocations and attach the Relocation Plan from R/W Division.*
  - D. The project involve property in which another Federal Agency or Federally Recognized Tribe has ownership, oversight or any other encumbrance. Specify Agency.*

#### **Environmental Justice (If Applicable)**

*Does the project have potential for disproportionately high and adverse impact on minority or low income populations, based on known demographics in the project vicinity, extent of R/W, relocations, and other identified impacts?*

#### **Cultural Resources**

*Does the project involve a determination of adverse effect by Oklahoma State Preservation Office (SHPO) or a designated Tribal Historic Preservation (THPO) in accordance with Section 106? An exception to this would apply if adverse effects are addressed programmatically as part of a previously*

*executed general Section 106 Programmatic Agreement with SHPO, FHWA and others, and a project-specific MOA will not be required.*

- A. On behalf of FHWA, the Department has consulted with the Oklahoma State Historic Preservation Office (SHPO), the Oklahoma Archaeological Survey, and appropriate Native American tribes regarding the impacts of this undertaking on historic properties. No historic properties are present in the project area of potential effect (APE).
- B. On behalf of FHWA, the Department has consulted with the Oklahoma State Historic Preservation Office (SHPO), the Oklahoma Archaeological Survey, and appropriate Native American tribes regarding the impacts of this undertaking on historic properties. The project has no adverse effect on historic properties.
- C. The Oklahoma State Historic Preservation Office (SHPO) and the Oklahoma Archaeological Survey (OAS) were solicited for comment on [date]. The OAS responded that an archaeological field inspection was not necessary and SHPO responded that no historic properties were affected by the proposed project.
- D. Prior to Right-of-Way submittal, plan notes requiring avoidance of cultural resources in off-project areas will be added to the project plans under “Environmental Mitigation Notes” per policy Directive C-201-2D(2).
- E. On behalf of FHWA, the Department has consulted with the Oklahoma State Historic Preservation Office (SHPO), the Oklahoma Archaeological Survey, appropriate Native American tribes, *(and other potential consulting parties, if applicable)* regarding the impacts of this undertaking on historic properties. It has been determined that this project will have an adverse effect on *[name or description of historic property affected]*, which is *[eligible for or listed in]* the National Register of Historic Places (NRHP). A Memorandum of Agreement (MOA) has been developed in consultation with *[name all the parties involved]* to mitigate the adverse impact of this project on historic properties. The complete Section 106 consultation record and executed MOA is contained in an appendix to this CE. The stipulations of this MOA are listed below: *[add stipulations of the MOA verbatim or summarize]*

#### Section 4(f) and Section 6(f) Involvement

*Does the project involve a Programmatic Section 4(f) or de minimis finding which has not been previously approved by FHWA?*

*Does the project involve a Section 6(f) property?*

- A. The action does not involve the use of properties protected by Section 4(f) of the Department of Transportation Act (49 U.S.C. 303).
- B. There is a XXXX property within the project limits. However it is privately owned and hence is not protected by Section 4(f) of the Department of Transportation Act (49 U.S.C. 303).
- C. There is a property protected by Section 4(f) of the Department of Transportation Act (49 U.S.C. 303) *(NAME OF PROPERTY)* within the vicinity of the project. However, the project does not affect the property. *[If possible 4(f) properties are in immediate vicinity but are determined either not 4(f) or are not impacted, provide brief explanation why 4(f) doesn't apply]*
- D. The action involves the use of properties protected by Section 4(f) of the Department of Transportation Act (49 U.S.C. 303). *Describe the Section 4(f) Resource. Attach Section 4(f) Coordination Documents and summarize whether Programmatic or de minimis is used and the conditions of the Section 4(f) mitigation. If use is de minimis, include discussion of how the de minimis determination was reached in the CE itself – no separate de minimis finding report is necessary. . Discuss any public involvement for Section 4(f) here. If Programmatic 4(f) is used, attach the separate Programmatic 4(f) Statement.*
- E. This project adversely affects an archaeological resource eligible for inclusion in the National Register of Historic Places (NRHP). In coordination with FHWA, the Department has

determined that this resource is important chiefly for information that can be obtained by data recovery, and has minimal value for preservation in place. As provided in 23 CFR 774.13, use of this site is exempted from the requirement for Section 4(f) approval. The officials with jurisdiction have been informed and do not object to this determination. Information regarding this property and the measures proposed to mitigate the adverse impact are included with the cultural resources appendix.

#### Waters and Wetlands

- A. The action involves work in XXXX Creek, exhibiting the characteristics of a jurisdictional waterway (and potentially jurisdictional wetlands). The proposed construction activities will be evaluated to ensure that the appropriate Clean Water Act Section 404 permit application is made.
- B. The action involves work in Critical Resource Waters and requires a General Permit and a Preconstruction Notification to USACE regardless of the area of impact.
- C. The action involves work in a USACE Lake. An Individual Permit may be required for any work below the normal elevation at the top of the conservation pool.

#### Threatened & Endangered Species, Bald Eagles, and Migratory Birds

1. *Does the project involve a finding of “may effect, likely to adversely affect” to a federally listed endangered or threatened species or its critical habitat determined during the Section 7 Informal Consultation Process? The exception to this is the American Burying Beetle or any other species which has been addressed under a separate formal programmatic agreement.*

2. *Does the project involve a Section 7 Formal Consultation Process?*

- A. A biological field review was performed for the referenced project. The Department has determined that the project, as proposed, will have no effect on the federally-listed LIST SPECIES and CRITICAL HABITAT. The project, as proposed, is unlikely to adversely affect the LIST SPECIES. The U.S. Fish and Wildlife Service (USFWS) has concurred with the Department’s findings. The project, as proposed, is likely to adversely affect the American Burying Beetle (ABB). This project has been incorporated into a programmatic biological assessment for the ABB and the USFWS has concurred with ODOT’s effects determination based on ODOT’s and FHWA’s implementation of the USFWS July 17, 2008 biological opinion. Prior to Right-of-Way submittal, plan notes for mitigation and/or avoidance of LIST SPECIES will be added to the project plans under “Environmental Mitigation Notes” per policy Directive C-201-2D(2).
- B. The project, as proposed, is unlikely to adversely affect the Bald Eagle. The USFWS removed the Bald Eagle from the Federal List of Threatened and Endangered Wildlife and Plants on July 9, 2007.
- C. The project, as proposed, is may affect the Bald Eagle. There will be a plan note for the bald eagle added to the plans and a bald eagle survey will be conducted during the winter prior to the start of construction.
- D. In addition, to accommodate USFWS’s concerns over impacts of the proposed construction on riparian zones, the right-of-way for the proposed project will be minimized as much as reasonably consistent with the needs of public mobility and safety to accommodate the design of the project to meet current design standards and accommodate any utility relocations.
- E. USFWS has noted the project could potentially affect species protected by the Migratory Bird Treaty Act (MBTA). To the extent determined appropriate and biologically sound by ODOT biologists, the Department will consider appropriate measures to minimize such impacts on this project. The Department and FHWA are also committed to development of a programmatic understanding with USFWS which balances broad consideration of the MBTA with the needs of transportation improvement in Oklahoma.

- F. The project as proposed could adversely affect Cliff (and/or Barn) Swallows, a species protected by the Migratory Bird Treaty Act (MBTA), if construction activities occur during the nesting season of this species. A Cliff (and/or Barn) Swallow plan note requiring avoidance of demolition or construction of any existing structures with swallow use during the nesting season will be added to the final construction plans.

#### Scenic River Coordination (If applicable)

*Does the project involve construction across or adjacent to a river designated as a component in the National or State System of Wild and Scenic Rivers?*

Discuss coordination with Scenic River Commission

#### Floodplains

*Does the project involve increase to the base 100 Year floodplain in a regulatory floodway (Zone A-E in a FEMA Map) that will require a flood map revision as determined by the appropriate state or local authority?*

- A. The project involves increase to the base 100 Year floodplain in a regulatory floodway (Zone A-E in a FEMA Map) that will require a flood map revision as determined by the appropriate state or local authority.
- B. The project is not located in not located in a n in a regulatory floodway that will require a flood map revision as determined by the appropriate state or local authority.
- C. No Flood Insurance Map was available for the Project Location. However, All work in the floodplain will conform to applicable State or local floodplain protection standards.

#### Farmlands

*Does the project involve an adverse impact on prime farmland where Natural Resources Conservation Agency (NRCS) has required consideration of alternatives and measures to avoid and minimize impacts?*

- A. The action does pass through areas containing prime, unique, or farmlands of statewide importance.
- B. In accordance with the current 7 CFR Part 658 - Farmland Protection Policy Act, Parts 1 and III of Form AD-1006 was completed and sent to Natural Resources Conservation Services (NRCS). The NRCS did not return the form within 45 days. Hence FPPA does not apply.
- C. In accordance with the current 7 CFR Part 658 - Farmland Protection Policy Act, Parts 1 and III of Form AD-1006 was completed and sent to Natural Resources Conservation Services (NRCS). The NRCS responded that there was no prime farmland.
- D. In accordance with the current 7 CFR Part 658 - Farmland Protection Policy Act (FPPA), Parts 1 and III of Form AD-1006 was completed and sent to Natural Resources Conservation Services (NRCS). However, the site assessment score received a total score less than 160 points. Hence FPPA does not apply.
- E. In accordance with the current 7 CFR Part 658 - Farmland Protection Policy Act (FPPA), Parts 1 and III of Form AD-1006 was completed and sent to Natural Resources Conservation Services (NRCS). The site assessment score received a total score exceeding 160 points. The “no-build” alternative retains the substandard bridge and does not fulfill the purpose and need for this project. Replacing the bridge on another alignment would affect more farmland than the proposed solution. In addition, the proposed wider bridge would accommodate the wider widths of agricultural equipment crossing the bridge and improve the general accessibility of agricultural landowners in the vicinity to farm support services and markets. In light of this it is our determination that no further consideration or protection of farmland is warranted.
- F. The action occurs within existing right of way or in an urban area. Hence the project will not affect any farmlands.

## Hazardous Waste

*Does the project involve any known Superfund site?*

- A. There are no known hazardous materials sites or previous land uses with potential for hazardous materials remains within the proposed action area.
- B. There are no known hazardous materials sites or previous land uses with potential for hazardous materials remains within the proposed action area. However, prior to Right-of-Way submittal, plan notes for avoidance of potential LUST or hazardous waste sites in the vicinity of the project will be added under “Environmental Mitigation Notes” per policy Directive C-201-2D(2).

## Changes to Access or Access Control (If Applicable)

*Does the project involve any permanent changes to the operation of an Interstate highway, associated interchanges or ramps?*

Describe change in limits of no access and the reason for it. Identify any access control issues and its effect.

## Temporary Construction Impacts

*If the project involves road closure or ramp closure, do any of the following conditions apply?*

- i. *No Access will be provided to local traffic or posted*
  - ii. *Through traffic dependent businesses will be affected*
  - iii. *The detour closure will interfere with special events or activities.*
  - iv. *The detour or closure will substantially alter the environmental consequences of the action, such as by creating unsafe conditions on the detour route or requiring additional work or expansion to detour routes to carry the additional traffic.*
  - v. *There is a public controversy associated with the detour or closure*
- A. The road will remain open to through traffic.
  - B. There will be temporary shoo fly constructed for the through and local traffic for use during construction.
  - C. The roadway will be closed to through traffic during construction. The Department has notified all local residential and commercial property owners, schools, post offices, nearby towns, State Troopers, and emergency services providers. The proposed detour is XX miles long and the anticipated duration of closure is XX days. *Summarize any public involvement for road closure [Attach road closure letter + list of recipients, public comments, and Field Division’s response to Public comments]. Describe any social & economic impacts of the road closure.*
  - D. The roadway will be closed to through traffic during construction. The Department has notified all local residential and commercial property owners, schools, post offices, nearby towns, State Troopers, and emergency services providers. The proposed detour is XX miles long and the anticipated duration of closure is XX days. There were no concerns expressed over the closure. The closure is not expected to affect the through traffic dependent local businesses. The Contractor will provide access to local property owners at all times.
  - E. The roadway will be closed to through traffic during construction. The County or City will be responsible for notifying all local residential and commercial property owners, schools, and emergency services providers prior to construction. The County or City will be responsible for posting the detour routes. The Contractor will provide access to local property owners at all times.

## Noise

*Does the project involve any impact on Noise Abatement Criteria (NAC) Category A, B, C or D receptors?*

Summarize any noise impacts and whether or not noise barriers are warranted or feasible.

#### Other Permits & Coordination

Appropriate coordination with U.S. Coast Guard will be done during the development of Design plans and the appropriate permit shall be obtained.

Mention if FAA permit will be required due to proximity to Airport (within 4 miles)

The action may require notifying the Federal Aviation Administration (FAA) of proposed construction via FAA Form 7460-1 prior to construction, in accordance with 14 CFR 77.13 – 77.17 due to the location of [NAME OF AIRPORT] airport within 4 miles of the project location.

Mention if there were any NRCS structures or properties identified within the study area.

The Natural Resources Conservation Service (NRCS) has noted that the action may impact the floodplain of a Watershed Dam located downstream of the proposed project. Additional coordination with NRCS will be required during the design.

#### Summary of Commitments

1. Plan notes requiring avoidance of cultural resources in off-project areas will be added to the final project plans under “Environmental Mitigation Notes” per policy Directive C-201-2D(2).
2. Properties eligible for the National Register of Historic Places (NRHP) have been identified within the project area. Plans need to be submitted to Environmental Programs Division by the Designer for further coordination with the State Historic Preservation Office (SHPO) prior to the bid solicitation process or construction.
3. Properties eligible for the National Register of Historic Places (NRHP) have been identified within the project area. The State Historic Preservation Office (SHPO)’s approval is based on the project as currently proposed. The following Plan notes will be added to the final project plans under “Environmental Mitigation Notes” per policy Directive C-201-2D(2). If there are any changes to the project plans, further coordination with the SHPO will be required through the Environmental Programs Division prior to the bid solicitation process or field changes during construction.
4. (Only for Special Projects) Properties eligible for the National Register of Historic Places (NRHP) have been identified within the project area. Further coordination with the State Historic Preservation Office (SHPO) is required by the ODOT Project Management’s Special Projects Branch prior to the bid solicitation process or construction. The SHPO letter which cites the information needed to proceed is included in the Appendix. The file number from the SHPO letter should be referenced in all correspondence with SHPO. Copies of such coordination should be provided to the Environmental Programs Division for the project record.
5. (Only for Special Projects) Properties eligible for the National Register of Historic Places (NRHP) have been identified within the project area. The State Historic Preservation Office (SHPO)’s approval is based on the project as currently proposed. The following Plan notes will be added to the final project plans under “Environmental Mitigation Notes” per policy Directive C-201-2D(2). If there are any changes to the project plans, further coordination with the SHPO will be required by the ODOT Project Management’s Special Projects Branch prior to the bid solicitation process or field changes during construction. Please reference the SHPO letter which cites the conditions of approval and reference the file number from SHPO letter in all correspondence. Copies of such coordination should be provided to the Environmental Programs Division for the project record.

6. The project occurs in an area where the American burying beetle (ABB) occurs. Special Provision 656-4 for ABB will be added to the final project plans/contract per policy Directive C-201-2D(2).
7. Plan notes requiring survey for the following species will be added to the final project plans under "Environmental Mitigation Notes" per policy Directive C-201-2D(2). (List species below).
8. Plan notes requiring construction season restrictions for the following species will be added to the final project plans under "Environmental Mitigation Notes" per policy Directive C-201-2D(2). (List species below)
9. Plan notes requiring avoidance and minimization of impacts for the following species will be added to the final project plans under "Environmental Mitigation Notes" per policy Directive C-201-2D(2). (List species below)
10. The action may involve work in potentially jurisdictional waters and potentially jurisdictional wetlands. For State Projects, the 404 permit application form needs to be submitted by the Designer through Project Management Division to Environmental Programs Division at the time of Right-of-Way submittal for evaluation and determination of the appropriate Clean Water Act Section 404 permit application for the project. For Local Government Projects or Special Projects, a copy of the 404 permit obtained by the County/City should be submitted by Local Government Division or Special Projects to Environmental Programs Division for the Project File.
11. The action involves work in Critical Resource Waters and requires Pre Construction Notification (PCN) to USACE regardless of the area of impact. For Local Government Projects or Special Projects, a copy of the PCN by the County should be submitted by Local Government Division or Special Projects Branch to Environmental Programs Division for the Project File.
12. The action will require a FEMA Map revision.
13. Plan notes requiring avoidance of potential hazardous materials remains areas will be added to the final project plans under "Environmental Mitigation Notes" per policy Directive C-201-2D(2).
14. The Department's Hazardous Coordinator has determined that a Preliminary Site Investigation (PSI) is required for this project. Construction Plans need to be submitted by the Designer to Environmental Programs Division at the time of Right-of-Way submittal for the PSI.
15. The following plan note regarding Road Closure will be added to the plans (Add plan notes restricting road closure).
16. (Only for Local Government Projects) The roadway will be closed to traffic during construction. The County or City will be responsible for notifying all local residential and commercial property owners, schools, and emergency services providers prior to construction. The County or City will be responsible for posting the detour routes. The Contractor will provide access to local property owners at all times during construction.
17. The following Airport/Airfield located within 4 miles of this project. This action may require notifying the Federal Aviation Administration (FAA) of proposed construction via FAA Form 7460-1 prior to construction. (List the name of the Airport below)
18. Other (List Commitment below)

**Conclusions (DO NOT CHANGE THIS SECTION)**

The Oklahoma Department of Transportation (ODOT) has completed the environmental analysis and review of the referenced project. ODOT has determined that this project does not individually or cumulatively have a significant impact on the environment as defined by NEPA, or involve unusual circumstances as defined in 23 CFR 771.117(b), and is therefore excluded from the requirements to prepare an Environmental Assessment or Environmental Impact Statement. As provided by the 2011 Federal Highway Administration (FHWA)/ODOT Programmatic Agreement Processing of Categorical Exclusions, FHWA has previously determined that processing this action as a Documented Categorical

Exclusion (DCE) is appropriate. Based on consideration of prior planning studies, appropriate agency solicitation, thorough environmental review, and public coordination, ODOT has determined that this action results in no significant impacts to the human and natural environment, involves no public controversy on environmental grounds, and no inconsistency with any federal, state or local laws, regulations, and administrative determinations relating to the environment. FHWA concurrence with this finding is requested.

All documentation, analyses, and agency coordination regarding this Categorical Exclusion are contained in a supporting appendix maintained in the project file at the Oklahoma Department of Transportation, Environmental Programs Division.

**Preparer/Reviewer Signatures**

Environmental Consultant Project Manager (If Applicable)	Date
Environmental Consultant Firm Name (If Applicable)	
County Commissioner or City Manager (For County Local Government or City Projects)	Date
ODOT Environmental Project Manager	Date
Assistant Environmental Programs Division Engineer	Date
Environmental Programs Division Engineer	Date

Concurrence that this project qualifies for a Documented Categorical Exclusion:

Environmental Programs Manager, FHWA	Date

Attachments: Memos with Plan Notes  
Studies

Distribution List (Check Applicable Ones)

	Project Management Division (All State Projects)
	Roadway Design Division (All State projects with the exception of projects from Traffic Division and Special Projects)

	Bridge Division (All State Bridge Projects)
	Traffic Division (For projects from Traffic Division)
	Local Government Division (County or City Projects)
	Special Projects (Special Projects Only)
	Safe Routes to School Coordinator (SRTS Projects Only)
	Field Division Engineer (All Projects)
	Right-of-Way Division (All Projects)
	Office Engineer Division (All Projects)
	FHWA (All Projects. Place Copy of Complete Document on FHWA's Directory)

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