

Procedure for NEPA for County or City Projects

- I. County or City Projects with any Federal Highway funding or action shall be submitted to Environmental Program Division (EPD) with a request to start studies to comply with National Environmental Policy Act (NEPA) and a Local Government Checklist with supporting documents such as Plans or Study Footprint, Location Map, Property Owner Notifications, etc.
- II. Once the documents have been verified as sufficient information to start NEPA, EPD will provide a list of the available NEPA Consultants in contract with the Department to the Local Government Project Manager who will share the information with the County or City. This list will have the names of the NEPA Consultant Company, NEPA Consultant Project Manager specified in the Contract and their contact information.
- III. The County or the City will pick a Consultant from the list of available NEPA consultants and notify EPD through the Local Government Project Manager and Environmental Programs Division will issue a Task Order request to the Consultant to do the NEPA.
- IV. Prior to the submittal of the cost proposal from the NEPA Consultant, the Local Government Project Manager will help coordinate a meeting between the County/City, the County's/City's Design Consultant (if applicable) or the Circuit Engineering District (CED), the Environmental Programs Division, Local Government Division and the NEPA Consultant Project Manager to clarify the project scope and discuss the responsibilities of the County/City, the NEPA Consultant, and the timelines for the project. This meeting can be in person or over the phone. In some instances when the scope and type of documentation needs to be clarified, Federal Highway Agency (FHWA) may be invited.
- V. Once the Task Order is approved and the NEPA Consultant has been issued a Notice to Proceed, the NEPA Consultant Project Manager shall work closely with the County or the City to obtain the necessary information and complete the studies and the NEPA document.
- VI. The NEPA Consultant shall follow the agreed upon schedule with a milestone date for each of the major tasks/studies. This schedule will be used as Target Dates in the Monthly Progress Report to report Progress. Any change to the schedule must be approved in writing by the County or the City and the Environmental Programs Division. The milestones include Initiation of Cultural Resources & Tribal Consultation, Completion and Approval of each Specialist Study, NRCS Coordination, Preparation of Draft CE document, Preparation of Final CE document, and Approval of CE document.

- VII. The NEPA Consultant Project Manager shall provide monthly status reports to EPD (*the Assistant Division Engineer and the Environmental Contract Manager aka ODOT NEPA Project Manager*), Local Government Project Manager, the Design Engineer and/or the CED, and the County/City on the 15th of every month. The Monthly Status Report shall include information on the status of all studies and explanation for any projects which are lagging behind the milestone dates in the agreed upon schedule and the anticipated date of completion for any milestones behind schedule.
- VIII. The Consultant shall attend Plan-In-Hand Meetings, R/W Meetings, and other Meetings as required for the Project with Local Government Division, the Design Consultants, and the County/City.
- IX. Plans showing construction limits and the proposed right-of-way may be required for the completion of some studies. In addition plans with final proposed right-of-way will be required for the completion of the NEPA document. If the plans are not available to meet the milestones in the NEPA schedule, the NEPA process will be suspended until plans become available and the schedule will be revised to account for the delay in availability of the plans.
- X. If the plans exceed the initial environmental study area provided to start studies, additional studies and additional consultation may be required. The schedule will be revised to account for these additional studies and the NEPA Consultant's task order may need to be supplemented to compensate for the additional studies.
- XI. If the project involves a historic structure, the Section 4(f) Analysis/Section 106 Proof of Public Involvement needs to be submitted as soon as possible. If the Section 4(f) information is not provided to meet the milestones in the NEPA schedule, the schedule will be revised to account for the delay in the availability of Section 4(f) information.
- XII. If the project involves residential or commercial relocations, the County or the City needs to submit a relocation plan prior to completion of the NEPA document. If the relocation plan is not provided, the schedule will be revised to account for the delay in the availability of relocation plan.
- XIII. If the project is on a new alignment or involves capacity increase (from 2 to 4 lanes), the County or the City will need to have a public meeting or other acceptable public involvement and provide the summary and proof of public involvement to the NEPA consultant prior to the completion of the NEPA document. If the public meeting information is not provided, the schedule will be revised to account for the delay in public meeting.

- XIV. When all the studies and agency consultation are completed and approved and the design plans have been verified to be within the study area, the NEPA consultant shall prepare the draft NEPA document to ODOT for review and approval. Once the document has been reviewed and deemed acceptable by ODOT, the NEPA document will be signed by the County Commissioner or the City Manager and submitted to ODOT and if necessary to FHWA for approval.

Scope of Services for NEPA

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 Categorical Exclusion (CE). If the project involves addition of through lanes or on a new alignment, it could still be a Documented CE with extensive documentation to support why it is a CE.

If a Section 4(f) or Section 6(f) property is involved, the preparation of Section 4(f) document shall be a separate Task Order unless otherwise specified in this Task Order. The County or the City will be responsible for obtaining the necessary Section 6(f) approval from the Department of Tourism.

The NEPA Consultant shall be responsible for the completion of all required studies, and final documentation following the steps below:

STEP 1

Initial Meeting

Once the NEPA footprint and the initiation report are received, at the meeting with Environmental Programs Division, the County or the City, and Local Government Division, the NEPA Consultant Project Manager shall:

- Identify the Purpose and Need for the Project
- Establish the Logical Termini for the Environmental Studies (if applicable)
- Identify alternatives considered (if applicable) and
- Identify any Section 4(f) or 6(f) eligible properties. If Section 4(f) coordination and documentation is deemed necessary, a scope will be provided for such coordination and documentation and a separate Task Order issued.

STEP 2

Tribal Coordination and Cultural Resource Study Initiation

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 County/City and the ODOT Environmental Contract Manager. Incomplete submittals will be returned to the NEPA Consultant and the County/City and the ODOT Environmental Contract Manager will be copied in the return. The Cultural Resources and Tribal Coordination will be in accordance with the attached guidelines. **None of the 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 Notification

The County Commissioner or the City Manager or their designee is responsible for notifying the property owners prior to start of NEPA. A letter from the County Commissioner or the City Manager confirming that the County/City has notified the property owners and the list of property owners notified (or copies of the letters sent to the property owners) will be provided to the NEPA Consultant Project Manager by the Local Government Division as part of the NEPA Check list. **No Specialist Studies shall start until the property owner notification is complete.** If property owner resistance is encountered during field studies, the NEPA Consultant Project Manager shall coordinate with the County Commissioner or the City Manager for resolution.

STEP 4

Solicitations (*Applicable to Capacity Expansion projects or projects on brand new alignments*)

The NEPA Consultant shall send Solicitation Letters signed by the County/City 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 EPD Assistant Division Engineer. This step shall be done simultaneously with Steps 2 and 3. The NEPA Consultant Project Manager shall prepare summarize any response received from the solicitations regarding the project to be included in the CE document.

STEP 5

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 Specialists and copy the County/City and the ODOT Environmental Contract Manager. Incomplete submittals or reports not in compliance with the Specialist Studies scope will be returned to the NEPA Consultant and the County/City and the ODOT Environmental Contract Manager will be copied in the return.

A. Cultural Resources Studies

The Cultural Resources will be in accordance with the attached scope and the project specific 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 along with the letters from SHPO and the Tribes and copy the County/City and the ODOT Environmental Contract Manager. These will be included as supporting documents in the CE Document.

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 complete the SPECIALIST REVIEW REQUEST FORM with the necessary attachments and specialist report and submit it **electronically to the Biologist and copy the County/City and the ODOT Environmental Contract Manager.** Once the report is finalized and approved and all coordinations completed, the ODOT Biologist will send the final memo back to the Consultant and any updated reports along with the letter from USFWS (if applicable) through ODOT Environmental Contract Manager. 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 Specialist and copy the County/City and the ODOT Environmental Contract Manager.** Once the report is finalized and approved, the ODOT Hazardous Waste specialist will prepare and send the Hazardous Waste & LUST Report Review Form back to the Consultant. If Plan Notes or recommendations for further action are necessary, the ODOT Hazardous Waste specialist will prepare and send a Memo, containing such, to the NEPA Consultant. These will be included as supporting documents in the CE Document.

D. Farmland Impact

The NEPA 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. Otherwise, the NEPA Consultant shall 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 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 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. In addition, the results of the noise studies may need to be presented at the Public Meetings.

G. Identification of Required Permits

The Consultant shall identify the need for any 404 permits based on the biological studies and FAA Permits if the project is within 4 miles of a public airport. If the project is over any known navigable waters such as Arkansas/Verdigris River, the Consultant shall contact the Coast Guard to determine the need for permit. This can be done via letter, email or phone call. Contact name for the Bridge Specialist can be found at <http://www.uscg.mil/d8/WesternRiversBridges/> . Phone calls require memo to file with a summary of the conversation. The actual permit coordination will be done by ODOT during plan development. Coastguard permits are required for Section 10 Waters or Navigable Waters. Section 10 Waters can be identified at <http://www.swt.usace.army.mil/Missions/Regulatory/Section10Waters.aspx>

H. Identification of Wild and Scenic Rivers

If the project involves any state Wild and Scenic Rivers, the Consultant shall coordinate with the ODOT Environmental Contract 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 Local Government Project Manager.

STEP 6

Public Meeting (*Applicable to Capacity Expansion projects or projects on new alignments*)

The County or the City will need to have a Public Meeting to provide information to the public about the expansion of 2 to 4 lanes or projects on new alignment. Environmental Programs Division will provide the guidelines for the Public Meeting to the County or the City. The County or the City or its designee will summarize the information presented at the meeting, number of attendees, and any written and verbal comments and the responses to such comments and provide copies of the Public Meeting notice such as letters with list of invitees, certified media notice (if used), Agenda for the Public Meeting, Handouts at the meeting, and copies of the meeting sign-in sheet with names of attendees. This information will be included in the Public Involvement section of the NEPA document by the NEPA Consultant. NEPA Consultant Project Manager will attend the public meeting to provide information on any known environmental concerns and answer questions related to environmental studies.

STEP 7

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 Local Government Division and the County or the City to obtain a relocation plan. ***The County or the City is responsible for providing a relocation plan identifying the relocations and the availability of suitable replacement housing. A scope for the relocation plan is available from the ODOT Environmental Contract Manager.***

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/City/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 document signed by the Consultant and the County or the City 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. The document will be approved by ODOT or submitted to FHWA for further review and approval. A copy of the approved final document with environmental commitments will be provided to the County or the City through the Local Government Division.