



NEPA/SEPA COMPLIANCE For Division and Locally Administered Projects

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Western Region Project Development
Engineer

TOPICS

1. NEPA/SEPA Requirements
2. Type II Categorical Exclusion Form
3. Minimum Criteria Checklist
4. Other Laws and Regulations

- National Environmental Policy Act (NEPA)
 - Requires Agencies to consider environmental factors before committing to a course of action for federally funded actions.
- NC Environmental Policy Act (SEPA)
 - Requires a consideration of environmental effects of State actions.

Types of Environmental Documents

Federal

DEIS (ROD)

EA (FONSI)

CE or PCE

State

SDEIS (SROD)

SEA (SFONSI)

State Minimum Criteria

Categorical Exclusions

Type I CE (PCE)

- Actions are Pre-Approved by FHWA
- Still need to consider other federal laws
- Recommend completing the CE Action Classification Form

Type II CE (A and B) (PCE)

- Actions designated as CE only after FHWA approval
- Requires completion of the CE Action Classification Form

Type II (C) CE (Full CE)

- Exceeds the threshold values in the CE Form (several “bad” boxes or checked)
- Requires the completion of a CE Report

TYPE II CATEGORICAL EXCLUSION ACTION CLASSIFICATION FORM

TYPE II CATEGORICAL EXCLUSION ACTION CLASSIFICATION FORM

[For completion by a Local Government Agency]

TIP Project No. _____
WBS Element _____
Federal Project No. _____

A. **Project Description: (Include project scope and location and refer to the attached project location map and photos.)**

B. **Purpose and Need:**

C. **Proposed Improvements:**

Circle one or more of the following Type II improvements which apply to the project:

1. Modernization of a highway by resurfacing, restoration, rehabilitation, reconstruction, adding shoulders, or adding auxiliary lanes (e.g., parking, weaving, turning, climbing).
 - a. Restoring, Resurfacing, Rehabilitating, and Reconstructing pavement (3R and 4R improvements)
 - b. Widening roadway and shoulders without adding through lanes
 - c. Modernizing gore treatments
 - d. Constructing lane improvements (merge, auxiliary, and turn lanes)
 - e. Adding shoulder drains
 - f. Replacing and rehabilitating culverts, inlets, and drainage pipes, including safety treatments
 - g. Providing driveway pipes
 - h. Performing minor bridge widening (less than one through lane)
 - i. Slide Stabilization
 - j. Structural BMP's for water quality improvement
2. Highway safety or traffic operations improvement projects including the installation of ramp metering control devices and lighting.
 - a. Installing ramp metering devices
 - b. Installing lights
 - c. Adding or upgrading guardrail
 - d. Installing safety barriers including Jersey type barriers and pier protection
 - e. Installing or replacing impact attenuators
 - f. Upgrading medians including adding or upgrading median barriers
 - g. Improving intersections including relocation and/or realignment
 - h. Making minor roadway realignment
 - i. Channelizing traffic



TYPE II FORM CONTINTUED

- j. Performing clear zone safety improvements including removing hazards and flattening slopes
 - k. Implementing traffic aid systems, signals, and motorist aid
 - l. Installing bridge safety hardware including bridge rail retrofit
3. Bridge rehabilitation, reconstruction, or replacement or the construction of grade separation to replace existing at-grade railroad crossings.
- a. Rehabilitating, reconstructing, or replacing bridge approach slabs
 - b. Rehabilitating or replacing bridge decks
 - c. Rehabilitating bridges including painting (no red lead paint), scour repair, fender systems, and minor structural improvements
 - d. Replacing a bridge (structure and/or fill)
4. Transportation corridor fringe parking facilities.
5. Construction of new truck weigh stations or rest areas.
6. Approvals for disposal of excess right-of-way or for joint or limited use of right-of-way, where the proposed use does not have significant adverse impacts.
7. Approvals for changes in access control.
8. Construction of new bus storage and maintenance facilities in areas used predominantly for industrial or transportation purposes where such construction is not inconsistent with existing zoning and located on or near a street with adequate capacity to handle anticipated bus and support vehicle traffic.
9. Rehabilitation or reconstruction of existing rail and bus buildings and ancillary facilities where only minor amounts of additional land are required and there is not a substantial increase in the number of users.
10. Construction of bus transfer facilities (an open area consisting of passenger shelters, boarding areas, kiosks and related street improvements) when located in a commercial area or other high activity center in which there is adequate street capacity for projected bus traffic.
11. Construction of rail storage and maintenance facilities in areas used predominantly for industrial or transportation purposes where such construction is not inconsistent with existing zoning and where there is no significant noise impact on the surrounding community.
12. Acquisition of land for hardship or protective purposes, advance land acquisition loans under section 3(b) of the UMT Act. Hardship and protective buying will be permitted only for a particular parcel or a limited number of parcels. These types of land acquisition qualify for a CE only where the acquisition will not limit the evaluation of alternatives, including shifts in alignment for planned construction projects, which may be required in the NEPA process. No project development on such land may proceed until the NEPA process has been completed.



TYPE II FORM CONTINUED

12. Acquisition and construction of wetland, stream and endangered species mitigation sites.
13. Remedial activities involving the removal, treatment or monitoring of soil or groundwater contamination pursuant to state or federal remediation guidelines.

D. Special Project Information: (Include Environmental Commitments and Permits Required)

TYPE II FORM CONTINUED

E. Threshold Criteria

The following evaluation of threshold criteria must be completed for Type II actions

ECOLOGICAL

	<u>YES</u>	<u>NO</u>
(1) Will the project have a substantial impact on any unique or important natural resource?	<input type="checkbox"/>	_____
(2) Does the project involve habitat where federally listed endangered or threatened species may occur?	<input type="checkbox"/>	_____
(3) Will the project affect anadromous fish?	<input type="checkbox"/>	_____
(4) If the project involves wetlands, is the amount of permanent and/or temporary wetland taking less than one-tenth (1/10) of an acre and have all practicable measures to avoid and minimize wetland takings been evaluated?	_____	<input type="checkbox"/>
(5) Will the project require the use of U. S. Forest Service lands?	<input type="checkbox"/>	_____
(6) Will the quality of adjacent water resources be adversely impacted by proposed construction activities?	<input type="checkbox"/>	_____
(7) Does the project involve waters classified as Outstanding Water Resources (OWR) and/or High Quality Waters (HQW)?	<input type="checkbox"/>	_____
(8) Will the project require fill in waters of the United States in any of the designated mountain trout counties?	<input type="checkbox"/>	_____
(9) Does the project involve any known underground storage tanks (UST's) or hazardous materials sites?	<input type="checkbox"/>	_____

PERMITS AND COORDINATION

	<u>YES</u>	<u>NO</u>
(10) If the project is located within a CAMA county, will the project significantly affect the coastal zone and/or any "Area of Environmental Concern" (AEC)?	<input type="checkbox"/>	_____
(11) Does the project involve Coastal Barrier Resources Act resources?	<input type="checkbox"/>	_____
(12) Will a U. S. Coast Guard permit be required?	<input type="checkbox"/>	_____
(13) Will the project result in the modification of any existing regulatory floodway?	<input type="checkbox"/>	_____

TYPE II FORM CONTINUED

(14) Will the project require any stream relocations or channel changes? _____

SOCIAL, ECONOMIC, AND CULTURAL RESOURCES

YES

NO

(15) Will the project induce substantial impacts to planned growth or land use for the area? _____

(16) Will the project require the relocation of any family or business? _____

(17) Will the project have a disproportionately high and adverse human health and environmental effect on any minority or low-income population? _____

(18) If the project involves the acquisition of right of way, is the amount of right of way acquisition considered minor? _____

(19) Will the project involve any changes in access control? _____

(20) Will the project substantially alter the usefulness and/or land use of adjacent property? _____

(21) Will the project have an adverse effect on permanent local traffic patterns or community cohesiveness? _____

(22) Is the project included in an approved thoroughfare plan and/or Transportation Improvement Program (and is, therefore, in conformance with the Clean Air Act of 1990)? _____

(23) Is the project anticipated to cause an increase in traffic volumes? _____

(24) Will traffic be maintained during construction using existing roads, staged construction, or on-site detours? _____

(25) If the project is a bridge replacement project, will the bridge be replaced at its existing location (along the existing facility) and will all construction proposed in association with the bridge replacement project be contained on the existing facility? _____

(26) Is there substantial controversy on social, economic, or environmental grounds concerning the project? _____

(27) Is the project consistent with all Federal, State, and local laws relating to the environmental aspects of the project? _____

(28) Will the project have an "effect" on structures/properties eligible for or listed on the National Register of Historic Places? _____



TYPE II FORM CONTINUED

- (29) Will the project affect any archaeological remains which are important to history or pre-history? _____
- (30) Will the project require the use of Section 4(f) resources (public parks, recreation lands, wildlife and waterfowl refuges, historic sites, or historic bridges, as defined in Section 4(f) of the U. S. Department of Transportation Act of 1966)? _____
- (31) Will the project result in any conversion of assisted public recreation sites or facilities to non-recreation uses, as defined by Section 6(f) of the Land and Water Conservation Act of 1965, as amended? _____
- (32) Will the project involve construction in, across, or adjacent to a river designated as a component of or proposed for inclusion in the National System of Wild and Scenic Rivers? _____

F. Additional Documentation Required for Unfavorable Responses in Part E
(Discussion regarding all unfavorable responses in Part E should be provided below. Additional supporting documentation may be attached, as necessary.)

State Minimum Criteria

- Actions which meet the requirements of the Department's Minimum Criteria rules do not require the preparation of a document pursuant to SEPA (No SDEIS or SEA is required)
- Requires completion of the Minimum Criteria Determination Checklist
- List of Approved Actions

MINIMUM CRITERIA DETERMINATION CHECKLIST

- **Highway Division:**
- **TIP Project No.:**
- **State Project No.:**
- **County:**
- **Project Location:** SR-_____ US. Hwy-_____ I-_____ Other:
- **Road Name:**
- **Project Description:**
- **Estimated Completion Date:**
- **Anticipated Permit or Consultation Requirements:**
- **Special Project Information:**

PART A: MINIMUM CRITERIA

**YE
S**

NO

Item 1 to be completed by the Engineer.

1. Is the proposed project listed as a type and class of activity allowed under the Minimum Criteria Rule in which environmental documentation is not required?

If the answer to number 1 is “no”, then the project does not qualify as a minimum criteria project. A state environmental assessment is required.

If yes, under which _____ category?

If either category #8, #12(i) or #15 is used complete Part D of this checklist.

PART B: MINIMUM CRITERIA EXCEPTIONS

Items 2 – 4 to be completed by the Engineer.

2. Could the proposed activity cause significant changes in land use concentrations that would be expected to create adverse air quality impacts?
3. Will the proposed activity have secondary impacts or cumulative impacts that may result in a significant adverse impact to human health or the environment?
4. Is the proposed activity of such an unusual nature or does the proposed activity have such widespread implications, that an uncommon concern for its environmental effects has been expressed to the Department?

If any questions 2 through 8 are answered “yes”, the proposed project may not qualify as a Minimum Criteria project. A state environmental assessment (EA) may be required. For assistance, contact:

Manager, Project Development and Environmental Analysis Branch

P. O. Box 25201

Raleigh, NC 27611

(919) 733 –3141

Fax: (919) 733-9794

PART C: COMPLIANCE WITH STATE AND FEDERAL REGULATIONS

Items 9- 12 to be completed by Division Environmental Officer.

- | | YES | NO |
|--|--------------------------|--------------------------|
| 9. Is a federally protected threatened or endangered species, or its habitat, likely to be impacted by the proposed action? | <input type="checkbox"/> | <input type="checkbox"/> |
| 10. Does the action require the placement of temporary or permanent fill in waters of the United States? | <input type="checkbox"/> | <input type="checkbox"/> |
| 11. Does the project require the placement of a significant amount of fill in high quality or relatively rare wetland ecosystems, such as mountain bogs or pine savannahs? | <input type="checkbox"/> | <input type="checkbox"/> |
| 12. Is the proposed action located in an Area of Environmental Concern, as defined in the coastal Area Management Act? | <input type="checkbox"/> | <input type="checkbox"/> |

Items 13 – 15 to be completed by the Engineer.

13. Does the project require stream relocation or channel changes?

Cultural Resources

14. Will the project have an “effect” on a property or site listed on the National Register of Historic Places?

15. Will the proposed action require acquisition of additional right of way from publicly owned parkland or recreational areas?

Questions in Part “C” are designed to assist the Engineer and the Division Environmental Officer in determining whether a permit or consultation with a state or federal resource agency may be required. If any questions in Part “C” are answered “yes”, follow the appropriate permitting procedures prior to beginning project construction.

PART D:(To be completed when either category #8, #12(i), or #15 of the rules are used.)

Items 16- 22 to be completed by Division Environmental Officer.

16. Project length: _____

17. Right of Way width: _____

18. Project completion date: _____

19. Total acres of newly disturbed ground surface: _____

20. Total acres of wetland impacts: _____

21. Total linear feet of stream impacts: _____

22. Project purpose: _____

If Part D of the checklist is completed, send a copy of the entire checklist document to:

Don G. Lee
State Roadside Environmental Engineer
Mail Service Center 1557
Raleigh, NC 27699-1557
(919) 733-2920
Fax (919) 733-9810
Email: dlee@dot.state.nc.us

Reviewed by: _____
Lead Engineer

Date: _____

Date: _____

New SEPA Law

- SEPA document not needed if :
 - Less than \$10,000 public expenditure
 - Less than 10 acres of public land impacts

Recommend Minimum Criteria Checklist



Other Laws and Regulations

- Section 4(f) Transportation Act
 - Public Areas and Historic Resources
- Section 6(f) LWCF
- Section 106 Historic Act
 - Historic Resources
- Section 7 Endangered Species Act
 - Federally Protected Species

Large Projects (EAs and CEs)

- Scopes/Estimates
- Scoping Meeting
- Agency Review
- Product Review