

## 24.1 General Discussion

This chapter summarizes the regulations and federal coordination requirements that local agencies must follow on projects that receive funding from the Federal Highway Administration (FHWA). Detailed guidance for complying with the federal requirements is provided in the publication entitled *NEPA Categorical Exclusions – A Guidebook for Local Agencies* and in the *Environmental Manual* M 31-11.

Projects involving federal funds, permits, or land are governed by a number of environmental requirements, including but not limited to:

- National Environmental Policy Act (NEPA) of 1969, 42 USC 4321, et. seq.
- Council on Environmental Quality Regulations for Implementing NEPA, 40 CFR, Part 1500, et. seq.
- Federal Highway Administration and Federal Transit Administration Implementing Regulations, 23 CFR, Parts 771, 772, and 774
- Environmental Impact and Related Procedures, 49 CFR, Part 622
- Section 7 of the Endangered Species Act (ESA), 50 CFR, Part 402
- Section 106 of the National Historic Preservation Act, 36 CFR, Part 800
- Presidential Executive Order 12898 – Environmental Justice
- Section 4(f) of the U.S. Department of Transportation Act of 1966

Prior to approval of final NEPA documents, FHWA regulations require that a subsequent phase of a project be programmed into the current State Transportation Improvement Plan (STIP). Eligible phases include Right of Way and Construction. In cases where no federal Right of Way or Construction funding is available for a subsequent phase, projects may be listed in the STIP by allocating local agency money for the subsequent project phase.

Approval of NEPA, in particular the final signature on the Categorical Exclusion Documentation Form, does not signify an approval of the State Environmental Policy Act (SEPA), nor any applicable local, state, and federal permits. Local agencies are responsible for ensuring compliance with SEPA and obtaining all applicable local, state, and federal permits. While the local agency may utilize the analysis completed in the NEPA process to assist in the completion of SEPA and applicable permits, NEPA approval must not be misconstrued as a guaranteed approval of any other local, state, or federal requirement. The local agency must work with other agencies, as appropriate, to provide the required analysis to complete their responsibilities under SEPA and other local, state, and federal permit and process requirements.

## 24.2 NEPA Classification

Projects subject to NEPA fall into one of the three following classifications:

- Class I Projects require preparation of an Environmental Impact Statement (EIS) because the action is likely to have significant adverse environmental impacts.
- Class II Projects are Categorical Exclusions (CE). These actions are not likely to cause significant adverse environmental impacts. They meet the definitions contained in 40 CFR 1508.4 and 23 CFR 771.117.
- Class III Projects require preparation of an Environmental Assessment (EA) because the project's impact on the environment is not clearly understood.

**.21 NEPA Class I Projects (EIS)** – Actions that are likely to have significant impact on the environment because of their effects on land use, planned growth, development patterns, traffic volumes, travel patterns, transportation services, natural resources, or because they are apt to create substantial public controversy. See Appendix B in the *NEPA Categorical Exclusions – A Guidebook for Local Agencies* and the EPM for guidance on preparing an EIS. Projects that usually require an EIS, as defined in 23 CFR 771.115, are:

- New controlled-access freeway.
- Highway project of four or more lanes in a new location.
- New construction or extension of fixed rail transit facilities (*e.g.*, rapid rail, light rail, commuter rail, automated guideway transit).
- New construction or extension of a separate roadway for buses or high-occupancy vehicles not located within an existing highway facility.

Although examples are given, it is important to remember that the size and significance of the potential impacts determine the need for an EIS, not the size of the project.

**.22 NEPA Class II Projects (CE)** – Actions that meet descriptions contained in NEPA rules (40 CFR 1508.4, 23 CFR 771.117) and do not typically involve significant environmental impacts. Unless specifically requested by other agencies or due to either unusual circumstances or public controversy, these actions do not require an EIS or an EA. Class II projects typically:

- Do not induce significant impacts to planned growth or land use.
- Do not require the relocation of significant numbers of people.
- Do not have a significant impact on any natural, cultural, recreational, historic, or other resource.
- Do not involve significant air, noise, or water quality impacts.
- Do not have significant impacts on travel patterns.
- Do not otherwise, either individually or cumulatively, have any significant environmental impacts.

Class II Projects are subdivided into two subcategories, which determine the documentation and approval requirements.

- a. **C-list Categorical Exclusions (c-list CE)** – Class II Projects that do not require approval. The following federal actions meeting the CEQ and FHWA criteria for c-list CEs are listed in FHWA regulations (23 CFR 771.117 (c)) and can be approved by Local Programs without signature by FHWA:
  1. Activities which do not involve or lead directly to construction, such as planning and technical studies; grants for training and research programs; research activities as defined in 23 USC 307; approval of a unified work program and any findings required in the planning process pursuant to 23 USC 134; approval of statewide programs under 23 CFR part 630; approval of project concepts under 23 CFR part 476; engineering to define the elements of a proposed action or alternatives so that social, economic, and environmental effects can be assessed; and federal aid system revisions which establish classes of highways on the federal aid highway system.
  2. Approval of utility installations along or across a transportation facility.
  3. Construction of bicycle and pedestrian lanes, paths, and facilities.
  4. Activities included in the state’s highway safety plan under 23 USC 402.
  5. Transfer of Federal lands pursuant to 23 USC 317 when the subsequent action is not an FHWA action.
  6. The installation of noise barriers or alterations to existing publicly owned buildings to provide for noise reduction.
  7. Landscaping.
  8. Installation of fencing, signs, pavement markings, small passenger shelters, traffic signals, and railroad warning devices where no substantial land acquisition or traffic disruption will occur.
  9. Emergency repairs under 23 USC 125.
  10. Acquisition of scenic easements.
  11. Determination of payback under 23 CFR part 480 for property previously acquired with federal aid participation.
  12. Improvements to existing rest areas and truck weigh stations.
  13. Ridesharing activities.
  14. Bus and rail car rehabilitation.
  15. Alterations to facilities or vehicles in order to make them accessible for elderly and handicapped persons.
  16. Program administration, technical assistance activities, and operating assistance to transit authorities to continue existing service or increase service to meet routine changes in demand.

17. The purchase of vehicles by the applicant where the use of these vehicles can be accommodated by existing facilities or by new facilities which themselves are within a CE.
18. Track and railbed maintenance and improvements when carried out within the existing right of way.
19. Purchase and installation of operating or maintenance equipment to be located within the transit facility and with no significant impacts off the site.
20. Promulgation of rules, regulations, and directives.
21. Deployment of electronics, photonics, communications, or information processing used singly or in combination, or as components of a fully integrated system, to improve the efficiency or safety of a surface transportation system or to enhance security or passenger convenience. Examples include, but are not limited to, traffic control and detector devices, lane management systems, electronic payment equipment, automatic vehicle locaters, automated passenger counters, computer-aided dispatching systems, radio communications systems, dynamic message signs, and security equipment including surveillance and detection cameras on roadways and in transit facilities and on buses.
22. Projects, as defined in 23 U.S.C. 101, that would take place entirely within the existing operational right-of-way. Existing operational right-of-way refers to right-of-way that has been disturbed for an existing transportation facility or is maintained for a transportation purpose. This area includes the features associated with the physical footprint of the transportation facility (including the roadway, bridges, interchanges, culverts, drainage, fixed guideways, mitigation areas, etc.) and other areas maintained for transportation purposes such as clear zone, traffic control signage, landscaping, any rest areas with direct access to a controlled access highway, areas maintained for safety and security of a transportation facility, parking facilities with direct access to an existing transportation facility, transit power substations, transit venting structures, and transit maintenance facilities. Portions of the right-of-way that have not been disturbed or that are not maintained for transportation purposes are not in the existing operational right-of-way.
23. Federally-funded projects:
  - (i) That receive less than \$5,000,000 of Federal funds; or
  - (ii) With a total estimated cost of not more than \$30,000,000 and Federal funds comprising less than 15 percent of the total estimated project cost.
24. Localized geotechnical and other investigation to provide information for preliminary design and for environmental analyses and permitting purposes, such as drilling test bores for soil sampling; archeological investigations for archeology resources assessment or similar survey; and wetland surveys.

25. Environmental restoration and pollution abatement actions to minimize or mitigate the impacts of any existing transportation facility (including retrofitting and construction of stormwater treatment systems to meet Federal and State requirements under sections 401 and 402 of the Federal Water Pollution Control Act (33 U.S.C. 1341; 1342) carried out to address water pollution or environmental degradation.
  26. Modernization of a highway by resurfacing, restoration, rehabilitation, reconstruction, adding shoulders, or adding auxiliary lanes (including parking, weaving, turning, and climbing lanes), if the action meets the constraints in paragraph (e) of this section.
  27. Highway safety or traffic operations improvement projects, including the installation of ramp metering control devices and lighting, if the project meets the constraints in paragraph (e) of this section.
  28. Bridge rehabilitation, reconstruction, or replacement or the construction of grade separation to replace existing at-grade railroad crossings, if the actions meet the constraints in paragraph (e) of this section.
  29. Purchase, construction, replacement, or rehabilitation of ferry vessels (including improvements to ferry vessel safety, navigation, and security systems) that would not require a change in the function of the ferry terminals and can be accommodated by existing facilities or by new facilities which themselves are within a CE.
  30. Rehabilitation or reconstruction of existing ferry facilities that occupy substantially the same geographic footprint, do not result in a change in their functional use, and do not result in a substantial increase in the existing facility's capacity. Example actions include work on pedestrian and vehicle transfer structures and associated utilities, buildings, and terminals.
- b. **D-list Categorical Exclusions (d-list CE)** – Class II Projects that typically require additional documentation and may require FHWA approval. The second part of CFR (23 CFR 771.117 (d)) is known as the “d-list”. Examples of d-list projects identified in 23 CFR 771.117 (d) include but are not limited to:
1. This section has been deleted.
  2. This section has been deleted.
  3. This section has been deleted.
  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. 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.
  - (i) Hardship acquisition is early acquisition of property by the applicant at the property owner's request to alleviate particular hardship to the owner, in contrast to others, because of an inability to sell his property. This is justified when the property owner can document on the basis of health, safety or financial reasons that remaining in the property poses an undue hardship compared to others.
  - (ii) Protective acquisition is done to prevent imminent development of a parcel which may be needed for a proposed transportation corridor or site. Documentation must clearly demonstrate that development of the land would preclude future transportation use and that such development is imminent. Advance acquisition is not permitted for the sole purpose of reducing the cost of property for a proposed project.
    - a. Where a pattern emerges of granting CE status for a particular type of action, the FHWA will initiate rulemaking proposing to add this type of action to the list of categorical exclusions in paragraph (c) or (d) of this section, as appropriate.
13. Actions described in paragraphs (c)(26), (c)(27), and (c)(28) of this section that do not meet the constraints in paragraph (e) of this section.
  - a. Actions described in (c)(26), (c)(27), and (c)(28) of this section may not be processed as CEs under paragraph (c) if they involve:
    - (1) An acquisition of more than a minor amount of right-of-way or that would result in any residential or nonresidential displacements;
    - (2) An action that needs a bridge permit from the U.S. Coast Guard, or an action that does not meet the terms and conditions of a U.S. Army Corps of Engineers nationwide or general permit under section 404 of the Clean Water Act and/or section 10 of the Rivers and Harbors Act of 1899;



- (3) A finding of “adverse effect” to historic properties under the National Historic Preservation Act, the use of a resource protected under 23 U.S.C. 138 or 49 U.S.C. 303 (section 4(f)) except for actions resulting in *de minimis* impacts, or a finding of “may affect, likely to adversely affect” threatened or endangered species or critical habitat under the Endangered Species Act;
- (4) Construction of temporary access, or the closure of existing road, bridge, or ramps, that would result in major traffic disruptions;
- (5) Changes in access control;
- (6) A floodplain encroachment other than functionally dependent uses (*e.g.* bridges, wetlands) or actions that facilitate open space use (*e.g.*, recreational trails, bicycle and pedestrian paths); or construction activities in, across or adjacent to a river component designated or proposed for inclusion in the National System of Wild and Scenic Rivers.

**.23 NEPA Class III Projects (EA)** – Actions that have uncertain or poorly understood impacts on the environment. The EA determines the extent and level of environmental impact. An EA may support a NEPA Finding of No Significant Impact (FONSI) or indicate that an EIS is warranted. The content and complexity of an EA will vary depending on the project. See Appendix C of the *NEPA Categorical Exclusions – A Guidebook for Local Agencies* and the EM for details on EA procedures and documentation requirements.

### 24.3 Early Project Coordination & Environmental Mitigation

Many projects require early coordination with a range of federal, state, local agencies and tribal governments to ensure there are a minimum of delays to permitting and construction. Local agencies are encouraged to coordinate and communicate with federal, state and local agencies and tribal governments to discuss technical issues. However, discussions related to environmental mitigation require the advance participation by the FHWA Area Engineer and/or the designated Local Programs Environmental Engineer to assure that all parties understand whether potential environmental mitigation measures will be eligible for federal reimbursement prior to a commitment being made.

Note that all elements of Emergency Repair (ER) project work require advance coordination and approval by FHWA to ensure that Federal participation is allowable.

When there are multiple federal lead agencies, early coordination between those agencies is crucial to ensure that all agencies’ NEPA requirements are met.

## 24.4 Project Re-Evaluation

Whenever single or cumulative conditions have occurred that might cause new or more severe environmental impacts, the local agency shall re-evaluate an environmental document.

A written re-evaluation is required when any one of the following conditions exists:

1. There is a change to the project scope. This requires a reevaluation even if the NEPA approval is less than three years old. (Some kinds of scope changes, such as those that include work outside of the previous study areas, are likely to result in a determination that a supplemental NEPA document is needed.)
2. An acceptable FEIS has not been submitted to FHWA within three years from the date of the DEIS circulation.
3. Federal approvals of major steps to advance the project (such as FHWA approval to acquire right of way or approval of PS&E) have not occurred within three years of NEPA approval (that is, FHWA's approval of the NEPA CE Documentation Form, issuance of a FONSI, or ROD).
4. There is a law change that is relevant to the information provided in the original document (i.e., a new species is listed as threatened or endangered under ESA). This is required even if the NEPA approval is less than three years old.
5. New information or circumstances relevant to environmental concerns and bearing on the proposed action or its impacts would result in significant environmental impacts not evaluated in the NEPA document. (This is likely to result in a determination that a supplemental NEPA document is needed.)

The re-evaluation needs to indicate whether any new information is known that alters the previous analysis and findings. If so, the local agency needs to conduct appropriate environmental studies to support the updated conclusions.

The re-evaluation is submitted in written form to the Region LPE. The Region LPE will transmit a copy of the re-evaluation to Local Programs for review and coordination with FHWA. Based on the findings of the re-evaluation, FHWA will determine if additional documentation is appropriate (for example, a supplemental EIS, updated EA or NEPA CE Documentation Form, depending on the original NEPA classification).

## 24.5 Supplemental Document

If a project re-evaluation results in a determination that the NEPA document must be supplemented, the supplement should follow the same procedures as those used for the original document. The scope of the supplement can be limited to the changes to the project. FHWA should be consulted regarding the scope and disciplines that must be analyzed.



## 24.6 Other Federal Requirements

The NEPA document must include information on how the project complies with other federal regulations and requirements. The federal requirements that most frequently pose the greatest risk to project schedules and timelines are those addressing cultural resources (Section 106 of the National Historic Preservation Act), federally listed endangered species (Section 7 of ESA) and parklands and historic properties (Section 4(f) of the Department of Transportation Act). The *NEPA Categorical Exclusions – A Guidebook for Local Agencies* provides guidance on meeting the federal regulations and requirements that must be considered under NEPA.

## 24.7 Tribal Consultation

In addition to the Section 106 process, FHWA and local agencies must consult with the affected tribes on projects that potentially affect treaty rights. Local Programs process for sharing discipline reports with tribes is described in the *NEPA Categorical Exclusions – A Guidebook for Local Agencies* (Appendix I). Tribal contact information is available online at [www.wsdot.wa.gov/tribal/tribalcontacts.htm](http://www.wsdot.wa.gov/tribal/tribalcontacts.htm).

## 24.8 Environmental Permitting

The local agency is responsible for ensuring that all required permits and approvals are obtained prior to initiating construction. The links below will direct users to a brief description of the federal, state, and local environmental permits.

- Federal Permits ([www.wsdot.wa.gov/environment/permitting/permitfsl.htm](http://www.wsdot.wa.gov/environment/permitting/permitfsl.htm))
- State Permits ([www.wsdot.wa.gov/environment/permitting/state.htm](http://www.wsdot.wa.gov/environment/permitting/state.htm))
- Local Permits ([www.wsdot.wa.gov/environment/permitting/local.htm](http://www.wsdot.wa.gov/environment/permitting/local.htm))

The Governor's Office of Regulatory Assistance has developed a web-based tool to assist users to identify the permits that are required for different types of projects. This tool can be accessed at <http://apps.ecy.wa.gov/opas/>.

## 24.9 Appendices

24.81 NEPA Categorical Exclusion Documentation Form

## 24.10 NEPA Categorical Exclusions – A Guidebook for Local Agencies

[www.wsdot.wa.gov/nr/rdonlyres/87901eb4-008a-43a0-9db7-2179e0bc939f/0/ecsguidebooksecure.pdf](http://www.wsdot.wa.gov/nr/rdonlyres/87901eb4-008a-43a0-9db7-2179e0bc939f/0/ecsguidebooksecure.pdf)

## 24.11 Environmental Manual

[www.wsdot.wa.gov/publications/manuals/m31-11.htm](http://www.wsdot.wa.gov/publications/manuals/m31-11.htm)

## 24.12 Plain Talk Toolkit

[www.wsdot.wa.gov/library/pttoolkit.htm](http://www.wsdot.wa.gov/library/pttoolkit.htm)

## 24.13 Reader-Friendly Tool Kit

[www.wsdot.wa.gov/environment/readerfriendly.htm](http://www.wsdot.wa.gov/environment/readerfriendly.htm)





Washington State Department of Transportation

NEPA Categorical Exclusion Documentation Form

Federal Aid Project Number	NEPA Start Date	Intent of Submittal <input type="checkbox"/> Preliminary <input type="checkbox"/> Final <input type="checkbox"/> Re-Evaluate
Agency	Project Title	
County		
Beginning Terminus:	Township(s):	
Ending Terminus:	Range(s):	
Miles:	Section(s):	

Part 1 - Project Description (Attach Vicinity Map)

Part 2 - Categorical Exclusion & STIP
<ul style="list-style-type: none"> <li>Identify one CE from 23 CFR 771.117 (CE Guidebook - Appendix A) that fits the entire project</li> <li>Per 23 CFR Part 452(l) identify the subsequent project phase identified on the STIP? <input type="checkbox"/> ROW <input type="checkbox"/> Construction</li> <li>Attach a copy of the STIP page to the CE documentation form.</li> </ul>

NEPA Approval Signatures

\_\_\_\_\_  
Local Agency Approving Authority                      Date                      Local Programs Environmental Engineer                      Date

\_\_\_\_\_  
Regional Local Programs Engineer                      Date                      Federal Highway Administration                      Date

Completed by (Print Official's Name):	Telephone (include area code):	Email address:
---------------------------------------	--------------------------------	----------------

Part 3 - Permits, Approvals & Right of Way (ROW)			
<b>Yes</b>	<b>No</b>	<b>Permit of Approval</b>	
<input type="checkbox"/>	<input type="checkbox"/>	Corps of Engineers <input type="checkbox"/> Sec. 10 <input type="checkbox"/> Sec. 404	<b>Yes</b> <input type="checkbox"/> <b>No</b> <input type="checkbox"/>
		<input type="checkbox"/> Nationwide Type	<input type="checkbox"/> <b>Permit of Approval</b>
		<input type="checkbox"/> Individual Permit No.	<input type="checkbox"/> <b>Water Rights Permit</b>
<input type="checkbox"/>	<input type="checkbox"/>	Coastal Zone Management Certification	<input type="checkbox"/> <b>Water Quality Certification - Section 401</b>
<input type="checkbox"/>	<input type="checkbox"/>	Critical Areas Ordinance (CAO) Permit	<input type="checkbox"/> Issued by
<input type="checkbox"/>	<input type="checkbox"/>	Forest Practices Act Permit	<input type="checkbox"/> <b>Tribal Permits(s) (if any)</b>
<input type="checkbox"/>	<input type="checkbox"/>	Hydraulic Project Approval	<input type="checkbox"/> <b>Other Permits (List)</b>
<input type="checkbox"/>	<input type="checkbox"/>	Local Building or Site Development Permits	<input type="checkbox"/> <b>Is ROW acquisition needed (excluding</b>
<input type="checkbox"/>	<input type="checkbox"/>	Local Clearing and Grading Permit	<input type="checkbox"/> <b>temporary rights)? If yes, amount needed:</b>
<input type="checkbox"/>	<input type="checkbox"/>	National Pollutant Discharge Elimination System (NPDES) Baseline General for Construction	<input type="checkbox"/> <b>(acres/sq. ft.)</b>
<input type="checkbox"/>	<input type="checkbox"/>	Shoreline Permit	<input type="checkbox"/> <b>Is relocation required?</b>
<input type="checkbox"/>	<input type="checkbox"/>	State Waste Discharge Permit	<input type="checkbox"/> <b>Has ROW (property and/or property interests)</b>
<input type="checkbox"/>	<input type="checkbox"/>	TESC Plans Completed	<input type="checkbox"/> <b>been acquired <u>for this project</u> prior to the NEPA</b>
			<input type="checkbox"/> <b>start date? If yes, documentation demonstrating</b>
			<input type="checkbox"/> <b>compliance with 23 CFR 710.501 may be</b>
			<input type="checkbox"/> <b>required. Contact your LPE and Environmental</b>
			<input type="checkbox"/> <b>Engineer to determine whether additional</b>
			<input type="checkbox"/> <b>documentation will be required.</b>
			<input type="checkbox"/> <b>Is a detour required? If yes, please attach</b>
			<input type="checkbox"/> <b>detour information.</b>

**U.S. Coast Guard Permitting**

- Does the project propose any new or modify any existing bridges or culverts crossing a waterway?  Yes  No
- If yes, attach a copy of the jurisdictional determination email from the U.S. Coast Guard.

**Other Federal Agencies** - Does the project involve any federal properties, approvals or funding from other/additional federal agencies?  Yes  No If yes, please describe.

**Part 4 - Environmental Considerations**

**Will the project involve work in or affect any of the following? Identify proposed mitigation. Attach additional pages or supplemental information if necessary.**

**1. Air Quality** - Identify any anticipated air quality issues.

Is the project exempt from Air Quality conformity requirements? .....  Yes  No

a. If Yes, identify exemption - please refer to Appendix G in the CE Guidebook for a list of exemptions.

b. Is the project included in the Metropolitan Transportation Plan? .....  Yes  No

If Yes, date Metropolitan Transportation Plan was adopted

c. Is the project located in an Air Quality Non-Attainment Area or Maintenance Area for carbon monoxide, ozone or PM 10? .....  Yes  No

**Part 4 - Environmental Considerations**

**2. Critical and Sensitive Areas**

a. Is this project within a sole source aquifer? .....  Yes  No

If located within a sole source aquifer, is the project exempt from EPA approval?

If Yes, please list exemption

If no, date of EPA approval

b. Will this project impact Species/Habitat other than ESA listed species?  
(If No, explain your answer ) .....  Yes  No

c. Is this project within one mile of a Bald Eagle nesting territory, winter concentration area or communal roost?  
 Yes  No If Yes, the local agency must go to the US Fish & Wildlife website (<http://www.fws.gov/pacific/eagle/>) and work through the *Do I Need a Permit?* section.

d. Are wetlands present within the project area? .....  Yes  No

If yes, estimate the impact in acres

Please attach a copy of the proposed mitigation plan.

**3. Cultural Resources/Historic Structures** - Identify any historic, archaeological or cultural resources present within the project's Area of Potential Effects.

Does the project fit into any of the exempt types of projects listed in Appendix J of the CE Guidebook?  
(If Yes, note exemption below). .....  Yes  No

If No:

Date of DAHP concurrence:

Date of Tribal consultation(s) (if applicable):

Adverse effects on cultural/historic resources? .....  Yes  No

If Yes, date of approved Section 106 MOA

**4. Floodplains and Floodways**

a. Is the project located in a 100-year floodplain? .....  Yes  No

b. If Yes, is the project located within a 100-year floodway? .....  Yes  No

c. Will the project impact a 100-year floodplain? (If Yes, describe impacts.) .....  Yes  No

**Part 4 - Environmental Considerations**

- 5. Hazardous and Problem Waste** - Identify potential sources and types(s).
- a. Does the project require excavation below the existing ground surface? . . . . .  Yes  No
  - b. Will groundwater be encountered? . . . . .  Yes  No
  - c. Will any properties be acquired as part of the is project? . . . . .  Yes  No
  - d. Is this site located in an undeveloped area (*i.e.* no buildings, parking, storage areas or agriculture)? . . . . .  Yes  No
  - e. Is the project located within a one-mile radius of a known Superfund Site? . . . . .  Yes  No
  - f. Is this project located within a ½-mile radius of a site or sites listed on any of the following Department of Ecology databases? (If Yes, check the appropriate boxes below.) . . . . .  Yes  No
    - Voluntary Cleanup Program (VCP), State Cleanup Site (SCS), or Independent Cleanup Program (ICP)
    - Underground Storage Tank (UST)
    - Leaking Underground Storage Tank (LUST)
    - Confirmed and Suspected Contaminated Sites List (CSCSL)
  - g. Has site reconnaissance (windshield survey) been performed? . . . . .  Yes  No  
(Please identify any properties not identified in the Ecology or ERS database search as an attachment -- name, address and property use).
  - h. Based on the information above and project specific activities, is there a potential for the project to generate, acquire or encounter contaminated soils, groundwater or surface water? . . .  Yes  No

**Please explain:**

If you responded **Yes** to any of the following questions (5A – 5C, 5F and 5H), contact your Region LPE for assistance as a *right-sized* HazMat Analysis Report/Memorandum most likely will be required.

- 6. Noise**
- a. Does the project involve constructing a new roadway? . . . . .  Yes  No
  - b. Is there a change in the vertical or horizontal alignment of the existing roadway? . . . . .  Yes  No
  - c. Does the project increase the number of through traffic lanes on an existing roadway? . . . . .  Yes  No
  - d. Is there a change in the topography? . . . . .  Yes  No
  - e. Are there auxiliary lanes extending 1½ miles or longer being constructed as part of this project? .  Yes  No
  - f. If you answered Yes to any of the preceding questions, identify and describe any potential noise receptors within the project area and subsequent impacts to those noise receptors. Please attach a copy of the noise analysis if required.

If impacts are identified, describe proposed mitigation measures.



**Part 4 - Environmental Considerations**

**7. 4(f)/6(f) Resources: parks, recreation areas, wildlife refuges, historic properties, wild & scenic rivers, scenic byways**

- a. Please identify any 4(f) properties within the project limits and the areas of impacts.
  
  
  
  
  
  
  
  
  
  
- b. Please identify any properties within the project limits that used funds from the Land & Water Conservation Fund Act.
  
  
  
  
  
  
  
  
  
  
- c. Please list any Wild and Scenic Rivers and Scenic Byways within the project limits.

**8. Agricultural Lands -**

a. Are there agricultural lands within 300 feet of the project limits? . . . . .  Yes  No  
If Yes, please describe impacts.

b. Are impacted lands considered to be unique and prime farmland? . . . . .  Yes  No  
If Yes, date of project review by Natural Resource Conservation Service (NRCS)

**9. Rivers, Streams (continuous or intermittent) or Tidal Waters**

- a. Identify all waterbodies within 300 feet of the project limits or that will otherwise be impacted.
  
  
  
  
  
  
  
  
  
  
- b. Identify stream crossing structures by type.

**Part 4 - Environmental Considerations**

**10. Tribal Lands** - Identify whether the project will occur within any Tribal lands, including reservation, trust and fee lands. Please do not list usual and accustomed areas.

**11. Water Quality/Stormwater**

a. Will this project's proposed stormwater treatment be consistent with either WSDOT's HRM, DOE's stormwater management manual for eastern/western Washington or a local agency equivalent manual? . . .  Yes  No

If No, explain proposed water quality/quantity treatment for the new and any existing impervious surface associated with the proposed project.

b. Amount of existing impervious surface within the project limits:

c. Net new impervious surface to be created as a result of this project:

**12. Previous Environmental Commitments**

Describe previous environmental commitments that may affect or be affected by the project - If any.

**Part 4 - Environmental Considerations**

**13. Environmental Justice**

Does the project meet any of the exemptions noted in Appendix L of the NEPA CE Guidebook? . . . . .  Yes  No  
If Yes, please note the exemption and appropriate justification in the space below.

If No, are minority or low-income populations located within the limits of the project's potential impacts? . . . . .  Yes  No

If No, attach appropriate data to support findings. If Yes, describe impacts and attach appropriate supporting documentation. Findings should be confirmed using at least two information sources. Please refer to the NEPA CE Guidebook for more information.

<b>Part 5 - Biological Assessments and EFH Evaluations</b>		
1. Do any listed species potentially occur in the project's action area and/or is any designated critical habitat present within the project's action area? (If No, attach species listings.) . . . . . <input type="checkbox"/> Yes <input type="checkbox"/> No		
Affected ESA Listed Species	2. Will any construction work occur within 0.25 mile of any of the following?	3. Does the project involve blasting, pile driving, concrete sawing, rock-drilling or rock-scaling activity within one mile of any of the following?
Oregon Spotted Frog proposed critical habitat or suitable habitat?	<input type="checkbox"/> Yes <input type="checkbox"/> No	<input type="checkbox"/> Yes <input type="checkbox"/> No
Yellow-billed Cuckoo suitable habitat?	<input type="checkbox"/> Yes <input type="checkbox"/> No	<input type="checkbox"/> Yes <input type="checkbox"/> No
Spotted Owl management areas, designated critical habitat or suitable habitat?	<input type="checkbox"/> Yes <input type="checkbox"/> No	<input type="checkbox"/> Yes <input type="checkbox"/> No
Marbled Murrelet nest or occupied stand, designated critical habitat or suitable habitat?	<input type="checkbox"/> Yes <input type="checkbox"/> No	<input type="checkbox"/> Yes <input type="checkbox"/> No
Western Snowy Plover designated critical habitat?	<input type="checkbox"/> Yes <input type="checkbox"/> No	<input type="checkbox"/> Yes <input type="checkbox"/> No
Is the project within 0.25 mile of marine waters? If Yes explain potential effects on Killer Whales and on Marbled Murrelet foraging areas.	<input type="checkbox"/> Yes <input type="checkbox"/> No	<input type="checkbox"/> Yes <input type="checkbox"/> No
Killer Whale designated critical habitat?	<input type="checkbox"/> Yes <input type="checkbox"/> No	<input type="checkbox"/> Yes <input type="checkbox"/> No
Grizzly Bear suitable habitat?	<input type="checkbox"/> Yes <input type="checkbox"/> No	<input type="checkbox"/> Yes <input type="checkbox"/> No
Gray Wolf suitable habitat?	<input type="checkbox"/> Yes <input type="checkbox"/> No	<input type="checkbox"/> Yes <input type="checkbox"/> No
Canada Lynx habitat?	<input type="checkbox"/> Yes <input type="checkbox"/> No	<input type="checkbox"/> Yes <input type="checkbox"/> No
Columbia White-tailed Deer suitable habitat?	<input type="checkbox"/> Yes <input type="checkbox"/> No	<input type="checkbox"/> Yes <input type="checkbox"/> No
Woodland Caribou habitat?	<input type="checkbox"/> Yes <input type="checkbox"/> No	<input type="checkbox"/> Yes <input type="checkbox"/> No
Streaked Horned Lark designated critical habitat or suitable habitat?	<input type="checkbox"/> Yes <input type="checkbox"/> No	<input type="checkbox"/> Yes <input type="checkbox"/> No
Taylor's Checkerspot designated critical habitat or suitable habitat?	<input type="checkbox"/> Yes <input type="checkbox"/> No	<input type="checkbox"/> Yes <input type="checkbox"/> No
Mazama Pocket Gopher designated critical habitat or suitable habitat?	<input type="checkbox"/> Yes <input type="checkbox"/> No	<input type="checkbox"/> Yes <input type="checkbox"/> No
Eulachon designated critical habitat or suitable habitat?	<input type="checkbox"/> Yes <input type="checkbox"/> No	<input type="checkbox"/> Yes <input type="checkbox"/> No
Rockfish proposed critical habitat or suitable habitat?	<input type="checkbox"/> Yes <input type="checkbox"/> No	<input type="checkbox"/> Yes <input type="checkbox"/> No
A mature coniferous or mixed forest stand?	<input type="checkbox"/> Yes <input type="checkbox"/> No	<input type="checkbox"/> Yes <input type="checkbox"/> No
4. Will the project involve any in-water work? . . . . . <input type="checkbox"/> Yes <input type="checkbox"/> No		
5. Will any construction work occur within 300 feet of any perennial or intermittent waterbody that either supports or drains to waterbody supporting listed fish? . . . . . <input type="checkbox"/> Yes <input type="checkbox"/> No		
6. Will any construction work occur within 300 feet of any wetland, pond or lake that is connected to any permanent or intermittent waterbody? . . . . . <input type="checkbox"/> Yes <input type="checkbox"/> No		
7. Does the action have the potential to directly or indirectly impact designated critical habitat for salmonids (including adjacent riparian zones)? . . . . . <input type="checkbox"/> Yes <input type="checkbox"/> No		
8. Will the project discharge treated or untreated stormwater runoff or utilize water from a waterbody that supports or drains into a listed-fish supporting waterbody? . . . . . <input type="checkbox"/> Yes <input type="checkbox"/> No		
9. Will construction occur outside the existing pavement? If Yes go to 9a. . . . . <input type="checkbox"/> Yes <input type="checkbox"/> No		
9a. Will construction activities occurring outside the existing pavement involve clearing, grading, filling or modification of vegetation or tree-cutting? . . . . . <input type="checkbox"/> Yes <input type="checkbox"/> No		
10. Are there any Federally listed Threatened or Endangered plant species located within the project limits? If Yes, please attach a list of these plant species within the action area. . . . . <input type="checkbox"/> Yes <input type="checkbox"/> No		
11. Does a mature coniferous or mixed forest stand occur within 200' of the project site? . . . . . <input type="checkbox"/> Yes <input type="checkbox"/> No		

**Analysis for No Effects Determination** - If there are any Yes answers to questions in Part 5, additional analysis is required. Attach additional sheets if needed.

**Analysis for RRMP ESA 4(d) determination for NMFS** - A local agency must be certified by the Regional Road Maintenance Forum to utilize 4(d).

**Maintenance Category** (check all that apply)

- |  |   |   |
|--|---|---|
| <input type="checkbox"/> 1. Roadway Surface                    | <input type="checkbox"/> 6. Stream Crossings        | <input type="checkbox"/> 11. Emergency Slide/Washout Repair |
| <input type="checkbox"/> 2. Enclosed Drainage Systems          | <input type="checkbox"/> 7. Gravel Shoulders        | <input type="checkbox"/> 12. Concrete                       |
| <input type="checkbox"/> 3. Cleaning Enclosed Drainage Systems | <input type="checkbox"/> 8. Street Surface Cleaning | <input type="checkbox"/> 13. Sewer Systems                  |
| <input type="checkbox"/> 4. Open Drainage Systems              | <input type="checkbox"/> 9. Bridge Maintenance      | <input type="checkbox"/> 14. Water Systems                  |
| <input type="checkbox"/> 5. Watercourses and Streams           | <input type="checkbox"/> 10. Snow and Ice Control   | <input type="checkbox"/> 15. Vegetation                     |

**Describe how the project fits in the RRMP 4(d) Program:**

**Effect Determinations for ESA and EFH**

If each of the questions in the preceding section resulted in a "No" response or if any of the questions were checked "Yes," but adequate justification can be provided to support a "no effect" determination, then check "No Effect". If this checklist cannot be used for Section 7 compliance (i.e., adequate justification cannot be provided or a "may effect" determination is anticipated), a separate biological assessment document is required.

- | NMFS   | USFWS | EFH Determination   |
|--|-------|---|
| <input type="checkbox"/> No Effect                   |       | <input type="checkbox"/> No Adverse Effect                            |
| <input type="checkbox"/> NLTAA - Date of Concurrence |       | <input type="checkbox"/> Adverse Effect -<br>Date of NMFS concurrence |
| <input type="checkbox"/> LTAA - Date BO issued       |       |   |
| <input type="checkbox"/> RRMP 4(d)                   |       | <input type="checkbox"/> Not Applicable                               |

**Part 6- FHWA Comments**

