

Chapter Twenty-three
CATEGORICAL EXCLUSIONS

BUREAU OF DESIGN AND ENVIRONMENT MANUAL

Chapter Twenty-three
CATEGORICAL EXCLUSIONS

Table of Contents

<u>Section</u>	<u>Page</u>
23-1 GENERAL	23-1.1
23-1.01 Definition.....	23-1.1
23-1.02 Applicability to Federal Actions.....	23-1.2
23-1.03 Applicability to Non Federal-Aid Actions.....	23-1.2
23-1.04 CE Procedures	23-1.2
23-1.04(a) CE Classifications	23-1.2
23-1.04(b) CE I Actions	23-1.3
23-1.04(c) CE II Actions	23-1.5
23-1.05 Development	23-1.6
23-1.05(a) Evaluation for Unusual Circumstances	23-1.6
23-1.05(b) Compliance with Other Requirements	23-1.7
23-1.05(c) CE II Project Development.....	23-1.8
23-1.06 Duration of Validity of CE Designation	23-1.9
23-2 ENVIRONMENTAL DOCUMENTATION IN PHASE I ENGINEERING REPORTS FOR CATEGORICAL EXCLUSIONS	23-2.1
23-2.01 General.....	23-2.1
23-2.02 Content.....	23-2.1
23-2.03 Processing.....	23-2.2
23-3 THE CE PROCESS	23-3.1
Activity Title 01: Initiate CE Process	23-3.4
Activity Title 02: Inventory and Evaluate Project Alternatives	23-3.5
Activity Title 03: Initiate Early Coordination.....	23-3.6
Activity Title 04: Evaluate Alternatives for Unusual Circumstances	23-3.8
Activity Title 05: Prepare Environmental Documentation	23-3.9
Activity Title 06: Notify Public/Affected Agencies	23-3.10
Activity Title 07: Secure CE Approval	23-3.11

Chapter Twenty-three

CATEGORICAL EXCLUSIONS

Chapter 23 discusses IDOT procedures for those projects that may be classified as Categorical Exclusions. IDOT and FHWA are both committed to addressing environmental requirements under the *National Environmental Policy Act* (NEPA) and doing so in a streamlined and efficient manner.

23-1 GENERAL

23-1.01 Definition

References: 40 CFR 1508.4 “Categorical Exclusion” Definition
23 CFR 771.115(b) “Class II (CEs)” Action Definition
Section I of FHWA Technical Advisory T6640.8A “Categorical Exclusion (CE)”

The FHWA environmental regulations (23 CFR 771) define “categorical exclusions” (CEs) as “Class II” actions that meet the definition as contained in 40 CFR 1508.4, and based on past experience with similar actions, do not involve significant environmental impacts. They are actions that:

- do not induce significant impacts to planned growth or land use for the area;
- 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; and
- do not otherwise, either individually or cumulatively, have any significant environmental impacts.

Therefore, these actions are excluded from the requirement to prepare an Environmental Assessment (EA) (see Chapter 24) or Environmental Impact Statement (EIS) (see Chapter 25). The FHWA has listed examples of Class II actions in 23 CFR 771.117. Most projects developed by IDOT do not have significant environmental impacts and therefore qualify as CEs.

A Statewide Implementation Agreement, herein referred to as “CE Agreement,” has been developed in conformance with 23 CFR 771.117 to address the development and approval of CEs in a streamlined and efficient manner.

23-1.02 Applicability to Federal Actions

References: 23 CFR 771.117(a) Characteristics of CE Projects
23 CFR 771.107(b) "Action" Definition
Paragraph I.A. of FHWA Technical Advisory T6640.8A "Documentation of Applicability"

These procedures apply to any Federal "action," defined in 23 CFR 771.107(b) as follows:

A highway or transit project proposed for FHWA or FTA funding. It also includes activities such as joint and multiple use permits, changes in access control, etc., which may or may not involve a commitment of Federal funds.

For example, a project may require an Interstate access justification approval by FHWA, and the entire project would therefore be subject to all Federal requirements.

23-1.03 Applicability to Non Federal-Aid Actions

Although Categorical Exclusion is a Federal concept, BDE also applies this concept to categories of State-only or State/locally funded actions that have been found not to involve significant environmental impacts. Non Federal-aid CE-type projects are excluded from the need to prepare in-depth environmental documentation in accordance with Section 22-2.05(b), unless the project has unusual circumstances. Environmental documentation for non Federal-aid projects qualifying as CE's shall conform to Section 23-2.

23-1.04 CE Procedures

23-1.04(a) CE Classifications

IDOT and FHWA have identified two groups of CEs:

1. CE I. These actions must meet the definition of CE in 23 CFR 771.117(a) and must not involve unusual circumstances (23 CFR 771.117(b)). Project-specific FHWA approval for CEs meeting these requirements has been completed through the CE Agreement and no further FHWA NEPA approval action is necessary. IDOT is required to certify that projects classified as CE I projects meet the criteria established in this agreement on a project-specific basis. See Section 23-1.05 for further guidance.
2. CE II. These actions may be eligible for processing as CEs, but they are actions that could involve unusual circumstances. FHWA must approve a project as a CE if it has potential to involve unusual circumstances.

23-1.04(b) CE I Actions

References: 23 CFR 771.117(c) Examples of projects that meet the criteria for a CE I Paragraph I.A. of FHWA Technical Advisory T6640.8A, "Documentation of Applicability" for CE projects

Documentation of the CE I approval will be included in the Project Report, if required (see Sections 12-3.06 "Project Reports," 12-3.07 "Abbreviated Project Reports," and 12-3.08 "3P and SMART Projects"), or in the project files. Include the following paragraph:

This project will not have any significant impacts on the environment, or involve any unusual circumstances; therefore, it is a Categorical Exclusion I.

It is not required that CE I actions be discussed at regularly scheduled IDOT coordination meetings; see Section 22-5. IDOT or FHWA may determine that a CE I action should be discussed at a coordination meeting if either agency deems it necessary. Appropriate project documentation, as determined by IDOT, should be retained by IDOT to document the CE I determination. FHWA may request to review CE I documentation at any time. While a project may qualify as a CE I action, other applicable Federal requirements still must be satisfied (e.g., *National Historic Preservation Act, Clean Air Act*).

Actions that normally do not involve unusual circumstances and would qualify as CE I actions include those listed in 23 CFR 771.117(c) and the following actions:

1. traffic signal modifications;
2. pavement markings not affecting the number of through traffic lanes;
3. anti-skid treatments;
4. curb and/or gutter repairs and construction of curb ramps for the disabled;
5. the following bridge rehabilitation activities:
 - bridge rail replacement and upgrading,
 - bridge deck overlay and waterproofing,
 - expansion joint replacement and upgrading,
 - bearing replacement and upgrading,
 - substantial repairs to deck including partial or full-depth patches,
 - painting of all structural steel for a particular bridge,
 - stringer replacement for a portion of the superstructure, and

- repairs to damaged rails, corroded or damaged structural steel members, and deteriorated areas of concrete elements including sidewalks, curbs, water tables, girders, and portions of the substructure above ground or water;
6. lighting and electrical work including:
 - continuous and tower lighting,
 - tunnel lighting,
 - temporary lighting,
 - bridge lighting,
 - pedestrian lighting,
 - pumping station,
 - highway advisory radio,
 - control systems for changeable lanes,
 - traffic monitoring systems, and
 - changeable message signing;
 7. sediment and erosion control work that may also include slope repair and reconstruction within existing right-of-way (ROW);
 8. storm sewer installations to eliminate open ditches (that do not reduce necessary urban runoff storage/retention) within existing ROW;
 9. impact attenuator and glare screen installations and upgrading of safety features;
 10. highway/railroad grade crossing improvements including:
 - repair/rehabilitation of crossing proper,
 - rehabilitation of immediate roadway approaches to crossing, and
 - upgrading of crossing protection;
 11. the following restoration-type projects within existing ROW limits:
 - retaining wall restoration,
 - fencing,
 - guardrail replacement and upgrading,
 - substantial pavement and shoulder patching/sealing,
 - resurfacing, and
 - restoration of drainage structures;
 12. installation of parking lanes, weaving lanes, turning lanes, or climbing lanes within existing ROW limits;
 13. junkyard screening;

14. approval of utility installations along or across a transportation facility, excluding longitudinal installations within the access control lines of Interstate and freeway rights-of way;
15. emergency repairs under 23 USC 125 that do not substantially change the design of the facility and that are initiated during or immediately after the occurrence of a declared national disaster;
16. approval of air space agreements; and
17. disposal of excess ROW.

23-1.04(c) CE II Actions

References: 23 CFR 771.117(d) Examples of projects which may be designated as CEs after FHWA approval
Paragraph I.A. of FHWA Technical Advisory T6640.8A, "Documentation of Applicability" for CE projects

These actions have potential to involve one or more of the unusual circumstances listed in Section 23-1.05(a). CE II actions require project-by-project approval from FHWA in their classification as CEs. The actions listed in 23 CFR 771.117(d) are examples of actions that normally may be classified as CEs with FHWA approval, but this list is not all inclusive.

The district will use Chapter 26 for any special environmental analyses needed. As needed, the district should use the "Checklist for Phase I Reports" (see Figure 12-3.F) to document the basis for CE approval actions.

IDOT will discuss CE II projects at coordination meetings as often as necessary to ensure that FHWA has sufficient information to determine if the project should be classified as a CE II, including results of the Environmental Survey Request and any other coordination results relevant to potential environmental impacts. FHWA may request written reports or technical documents to assist in this determination. IDOT will provide FHWA with documentation that supports the CE classification for these actions. FHWA approval of CE II determination may be obtained at regularly scheduled IDOT coordination meetings, by telephone, or email. The district will include the completed Phase I report checklist in the Phase I report for a project classified as a CE II.

Minutes of the meeting or a memorandum to the file, as appropriate, will document the discussions and approval by stating:

This project will not have any significant impacts on the human environment; therefore, the FHWA has approved its designation as a Categorical Exclusion on [Date of FHWA approval].

23-1.05 Development

23-1.05(a) Evaluation for Unusual Circumstances

References: 23 CFR 771.117(b) Unusual Circumstances
Paragraph I.B. of FHWA Technical Advisory T6640.8A "Consideration of Unusual Circumstances"

Unusual circumstances can arise on any project normally advanced with a CE. Projects that IDOT proposes to classify as a CE that could involve unusual circumstances will require further environmental studies to determine the appropriateness of a CE classification and may result in the need for special studies or reports as described in Chapter 26 "Special Environmental Analyses." The type and depth of additional studies will vary with the type of CE and the facts and circumstances of each situation. In evaluating proposed CE projects for the involvement of unusual circumstances, the effects of all aspects of the project, including any detours, runarounds, or ramp closures that the action will involve, must be considered.

As discussed in 23 CFR 771.117(b), unusual circumstances include:

- significant environmental impacts;
- substantial controversy on environmental grounds;
- significant impact on properties protected by Section 4(f) of the DOT Act or Section 106 of the *National Historic Preservation Act*; or
- inconsistencies with any Federal, State, or local law, requirement or administrative determination relating to the environmental aspects of the action.

If environmental studies result in the identification of a project's involvement of one of the above-mentioned unusual circumstances, additional studies may need to be done to determine if the CE classification is appropriate.

FHWA and IDOT have agreed that actions that indicate the project could involve unusual circumstances include, but are not limited to, those that will:

1. involve impacts to Waters of the United States that would require an Individual Section 404 permit from the US Army Corps of Engineers, involve stream channelization or stream relocations, or a stream listed on the National Park Service National Rivers Inventory;
2. involve a wetland requiring an Individual Section 404 permit or an individual water quality certification from the Illinois Environmental Protection Agency;
3. involve relocations and/or the acquisition of more than 10 acres (4 ha) total for a non-linear improvement (e.g., bridge, intersection) or the acquisition of more than 3 acres/mile (0.75 ha/km);

4. require substantial changes in access, access control, or travel patterns;
5. require the use of a temporary road, detour or ramp closure, unless the use of such facilities satisfies the following conditions:
 - provisions are made for access by local traffic and so posted;
 - businesses dependent on through-traffic will not be adversely affected;
 - to the extent practical, there is no interference with any local special event or festival;
 - there is no substantial change to the environmental consequences of the action; and
 - there is no substantial controversy associated with such facilities;
6. exceed the Illinois Department of Natural Resources (IDNR) threshold for an increase in 100-year flood water surface elevations, or have potential for a “significant encroachment” in floodplains, as defined in Executive Order 11988;
7. require preparation of a Biological Assessment for Federal endangered and threatened species or their critical habitat;
8. involve State-designated Nature Preserves, areas listed on the Illinois Natural Areas Inventory, or Land and Water Reserves;
9. result in a “no adverse effect” or an “adverse affect” finding to a historic or archaeological resource on or eligible for inclusion on the National Register of Historic Places;
10. result in a “use” of land from a Section 4(f) resource; and/or
11. have potential for controversy on environmental grounds as determined by FHWA, or inconsistency with Federal, State, or local requirements relating to the environment or planning.

For projects processed through the BDE Environmental Survey Process (Chapter 27), the survey results will identify wetlands, biological resources, cultural resources, and special waste sites that may require special consideration and coordination. The district must ensure that these and other environmental issues (e.g., farmland impacts, Section 404 permit requirements, noise) relevant to the proposed action are identified and appropriately considered in the evaluation of unusual circumstances. These should be documented as appropriate for the resources involved.

23-1.05(b) Compliance with Other Requirements

References: Chapter 26 “Special Environmental Analyses”

Federal actions processed as CEs still require compliance with other applicable Federal environmental requirements (e.g., Section 4(f), *Endangered Species Act*, Executive Order 11990 - Wetlands, Executive Order 11988 - Floodplain Management, *Comprehensive Environmental Response, Compensation, and Liability Act* (CERCLA)). CE approval may only be granted after all applicable Federal requirements are satisfied.

State-only or State/locally funded actions that do not require Federal actions are not required to comply with NEPA. However, all such actions require appropriate analyses and coordination to evaluate their potential environmental impacts and ensure compliance with applicable Federal and State environmental requirements (e.g., *Clean Air Act*, *Interagency Wetland Policy Act*, *Farmland Preservation Act*, *Endangered Species Act*, and *State Agency Historic Resources Preservation Act*).

23-1.05(c) CE II Project Development

1. Field Review. The district should conduct an on-site field review early in the project development to identify current environmental factors that the project may involve. The review must be sufficient to identify whether there are obvious resource involvements that will raise potential impact concerns sufficient to warrant preparation of an EA or that could result in a significant impact to warrant preparation of an EIS. The district will ensure that key environmental issues are considered and documented in the results of the field review. The district will notify FHWA of any scheduled field reviews so that FHWA can attend if appropriate.
2. Present Recommendation on Type of Environmental Processing. The district will present its recommendation to FHWA at a regularly scheduled coordination meeting on whether to proceed as a CE II, an EA, or EIS for the project. The district should explain the basis for the recommendation. The basis of this decision should be documented in the minutes of the coordination meeting.
3. Public Involvement. Public involvement for CE projects will be in accordance with Chapter 19. When public involvement activities are conducted, the district will present project environmental information.
4. Present Results at District Coordination Meetings. As the district completes studies, analyses, and public involvement activities regarding the project's environmental impacts, these results may be discussed with FHWA at regularly scheduled district coordination meetings. The district may discuss these results as each study is completed, or wait to consolidate the discussion of several studies.
5. CE Approval. After all environmental resources/issues identified as being potentially involved are evaluated, the impacts are determined and closure is attained for the issues involved, the district will request that FHWA approve the designation of the action as a CE II. If the district conducts public involvement, it should occur before requesting CE approval so that the results of public involvement activities can be considered in

determining the appropriateness of the CE classification. Minutes of the meeting or a memorandum to the file, as appropriate, shall document the discussions and approval by including the following:

This project will not have any significant impacts on the human environment; therefore, the FHWA has approved its designation as a Categorical Exclusion on [Date of FHWA approval].

Documentation of the CE II approval will be included in the Phase I Engineering Report; see Section 23-2 and Chapter 12.

23-1.06 Duration of Validity of CE Designation

Prior to requesting major Federal approvals (e.g., construction authorization), IDOT will ensure that the CE designation remains valid for the requested action, regardless of time between CE approval and subsequent Federal approval. IDOT will consult with FHWA if there is a change in the field conditions or proposed scope of a proposed action, or if there is new information or circumstances relevant to environmental concerns that could affect the potential for either unusual circumstances or significant impacts since the original CE approval. FHWA will determine if and how these consultations will be documented. If the CE designation is no longer appropriate, the district will consult with FHWA to determine if an EA or EIS needs to be prepared.

23-2 ENVIRONMENTAL DOCUMENTATION IN PHASE I ENGINEERING REPORTS FOR CATEGORICAL EXCLUSIONS

References: Chapter 12 "Phase I Engineering Reports"
Chapter 26 "Special Environmental Analyses"
Chapter 27 "Environmental Surveys"
Chapter 28 "Environmental Permits/ Certifications"

23-2.01 General

Although there is no required format for documentation of actions eligible for Categorical Exclusions (CEs), the Phase I Engineering Report for these actions must include evidence of consideration of environmental factors, as discussed elsewhere in this chapter. Circulation of a Phase I Engineering Report to outside agencies for comment normally is not required.

23-2.02 Content

Chapter 12 discusses the engineering information included in Phase I Engineering Reports and the overall format and content of the Report. The following provides guidance for the environmental documentation appropriate for inclusion in Phase I Engineering Reports for CE projects:

1. CE Determination Action. IDOT will discuss CE II projects at coordination meetings as often as necessary to ensure that FHWA has sufficient information to determine if the project should be classified as a CE II. FHWA may request written reports or technical documents to assist in determining if a project should be classified as a CE II. FHWA approval of CE II determination may be obtained at regularly scheduled IDOT coordination meetings, by telephone, or email. Minutes of the meeting or a memorandum to the file, as appropriate, shall document the discussions and approval by stating:

This project will not have any significant impacts on the human environment; therefore, the FHWA has approved its designation as a Categorical Exclusion on [Date of FHWA approval].

This documentation should also be included in the Phase I Engineering Report.

As needed, the district should use the "Checklist for Phase I Reports" (see Figure 12-3.H) to document the basis for CE approval actions and should include the completed checklist in the Phase I Engineering Report.

2. Environmental Surveys and Mitigation Commitments. The Phase I Engineering Report should summarize the results of any necessary environmental screening, surveys, and related coordination for biological resources, wetlands, cultural resources, and special waste. If surveys are not required, the basis for this determination should be documented. The Report should include a statement that the Comprehensive

Environmental Response, Compensation and Liability Information System (CERCLIS) list was reviewed and should indicate whether any sites on the list are located within the project limits. In addition, either a copy of the Special Waste screening form or the response to the Preliminary Environmental Site Assessment (PESA) should be included. Any mitigation commitments resulting from the environmental survey and coordination process should be briefly discussed. Environmental mitigation measures to be implemented for the project should be described. This may include mitigation for wetlands, tree replacement, prairie replacement, etc. See Chapter 27 for more information.

For CEs that involve wetland impacts the following language is required to be included on the project report approval sheet:

The FHWA issued a programmatic Wetland Finding for CEs on November 1, 2006 in compliance with Executive Order 11990, Protection of Wetlands. The Programmatic Wetland Finding is available for review on IDOT's website at: <http://www.dot.il.gov/desenv/environmental/wetlandfindings.html>".

3. Special Reports. These include reports for Section 4(f), wetlands, Section 106, special waste site investigations, etc. Where a special report is prepared, the Phase I Engineering Report should contain a brief summary of the circumstances, findings, and processing status of each report.
4. Congestion Management System (CMS) Alternatives. A Phase I Engineering Report must include information on CMS alternatives for projects that would significantly increase capacity for single occupancy vehicles in areas designated a nonattainment for carbon monoxide or ozone. See Section 24-3.06 for recommended wording to address this requirement on applicable projects.
5. Coordination. Coordination required to make a CE determination should be summarized in the Phase I Engineering Report. For example, where coordination with the Natural Resources Conservation Service and/or the Illinois Department of Agriculture is required, the Phase I Engineering Report should include a brief summary of the results of the coordination (a copy of Form AD-1006, when required, and/ or a synopsis of comments received and the related responses).
6. Permits. The Phase I Engineering Report should indicate those permits (e.g., Section 404, Section 402 National Pollutant Discharge Elimination System (NPDES), Section 10, IDNR Office of Water Resources) that will be required for the project.

23-2.03 Processing

For all CE projects requiring Phase I Engineering Reports, the district must include appropriate environmental information to document the basis for determining that the project qualifies as a CE. BDE will review the Phase I Engineering Reports for CE projects for the following environmental information:

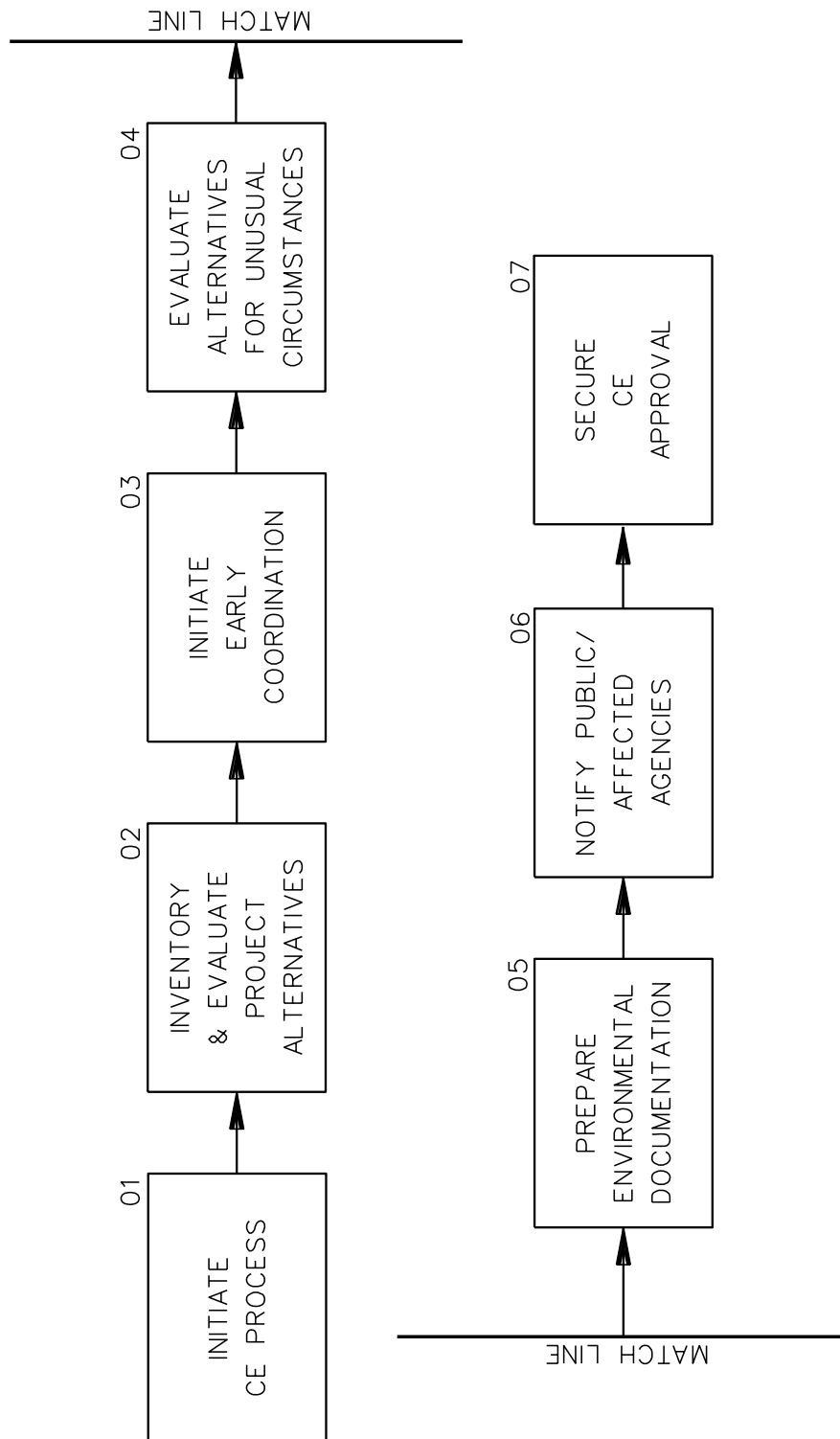
- the CE certification paragraph signed by the Regional Engineer for CE I projects, or statement of CE approval from FHWA for CE II projects;
- information on the need for and results of environmental surveys;
- information indicating the environmental issues involved and why the project would not result in significant impacts on those issues;
- documentation of compliance with special waste procedures and other applicable requirements for specific environmental issues involved; and
- information on the need for and status of any environmental permits.

When Phase I Engineering Reports for CE I and CE II projects are submitted for design approval, BDE will advise the district of any problems or deficiencies with the environmental information and will provide recommendations, as appropriate, for correcting the problems or deficiencies. FHWA will be provided Phase I Engineering Reports for review only on new Interstate projects or Interstate reconstruction projects over \$1 million.

23-3 THE CE PROCESS

Figure 23-3.A presents a network that graphically illustrates the general process for a Categorical Exclusion action. This is followed by a brief description of each activity within the network. The user of Figure 23-3.A should consider the following:

1. Lines of Communication. The rigid application of the network would lead to predetermined, precise points at which communication occurs between units. This is neither realistic nor desirable. Communication between units must be continuous. This will result in fewer problems and fewer “surprises” in the process.
2. Lead Agency. Figure 23-3.A assumes that the Federal Highway Administration is the lead agency for FHWA-funded projects. If another Federal agency is the lead agency, other procedures may be required.
3. Application. Figure 23-3.A applies to all CE projects involving State highway projects regardless of the source of funding.
4. Sequencing/Duration. Figure 23-3.B presents a bar chart for the CE process which provides approximate relative sequencing and duration for each activity within the process.



**PROCESS FOR CATEGORICAL EXCLUSION (CE)
(FHWA) Lead Agency**

Figure 23-3.A

Act. No.	Activity Title	Sequencing and Duration
01	Initiate CE Process	↑
02	Inventory & Evaluate Project Alternatives	— — — — —
03	Initiate Early Coordination	— — — — — Continue Coordination
04	Evaluate Alternatives for Unusual Circumstances	— — — — —
05	Prepare Environmental Documentation	— — — — —
06	Notify Public/Affected Agencies	— — — — —
07	Secure CE Approval	— — — — —

Key:

- Primary Activity
- - - Ongoing As Needed

**PROCESS FOR CATEGORICAL EXCLUSION (CE)
(FHWA Lead Agency)**

Figure 23-3.B

Categorical Exclusion Process

Activity Title: Initiate CE Process

Activity No.: 01

Responsible Unit: District Office

Activity Description:

For actions that will ultimately be processed with a CE, this is often known at the time of project initiation. This network for the CE process (Figure 23-3A) assumes it is known at the time of project initiation that a CE will be required.

The district will initiate the CE by assigning a team and discussing the project at a coordination meeting. The district will also assemble project information which may include:

- planning reports or studies,
- record plans (as-builts),
- letters/correspondence on the project,
- traffic data,
- documentation on any public or private meetings,
- original surveys,
- aerial photos,
- statistical data documenting need for improvement,
- scoping data providing recommended improvement,
- Maintenance Management Information System (MMIS) data,
- appropriate information from engineering and Department databases,
- verification that the project is included in the applicable Transportation Improvement Program/State Transportation Improvement Program,
- existing right-of-way,
- information and decisions from the programming process, and
- results of the preliminary field check of project location.

If the district intends to use the Professional Transportation Bulletin to hire a consultant, the district must determine what level of environmental prequalification will be required for the project.

References:

- 40 CFR 1501.2 Early Application of NEPA
- 23 CFR 771.115(b) Definition of Class II (CE) Action
- Section 22-3.06 "Proposed Action"
- Section 23-1 "General"

Categorical Exclusion Process

Activity Title: Inventory and Evaluate Project Alternatives

Activity No.: 02

Responsible Unit: District Office/BDE/FHWA

Activity Description:

Based on the general project design concept, the district office with technical assistance from BDE and FHWA will inventory the affected environment and evaluate the project alternatives as practical at this stage of project development. The evaluation of preliminary alternatives should be sensitive to those environmental resources for which analysis of alternatives for avoidance and minimization of adverse impacts is required (e.g., wetlands, floodplains, Section 4(f) properties/historic sites, threatened and endangered species). In addition, districts should recognize that avoidance of environmental resources requiring special compliance procedures for impacts should be the preferred course of action. Avoidance of these resources will help to shorten project development time by avoiding the reporting and coordination necessary for compliance. The compilation of these inventories should be pursued only as necessary to provide high-quality information on the environmental impacts of the proposed action and to promote decision making. Discussion of the proposed project with resource agencies at a district coordination meeting may be helpful in determining the optimum level of effort for the inventorying activity.

The district should identify the full range of the environmental inventory by evaluating environmental data bases, discussing the project at a district coordination meeting, and submitting an environmental survey request and Special Waste Assessment Screen/Survey Request Form, as appropriate, to BDE. The district may use the "Checklist for Phase I Reports" (see Figure 12-3.H) to document the results of the assessment and evaluation of the affected environment. If the checklist is used, include it in the Phase I Engineering Report. Resources involved may include:

- Section 4(f) and/or 6(f) properties;
- archaeological and historical properties;
- floodplains;
- sensitive noise receptors;
- prime farmland;
- wetlands;
- threatened or endangered species habitat, nature preserves, and natural areas;
- wild and scenic rivers and Class I streams;
- status of air quality attainment;
- water quality of streams and lakes;
- special waste;
- social/economic characteristics of the population;
- visual quality factors;
- wellhead protection areas;
- groundwater recharge areas; and
- other biological resources (biodiversity, riparian habitat, etc.).

After the inventory has been prepared, the district should perform a preliminary evaluation of the magnitude and importance of the potential environmental impacts precipitated by the proposed action. This will assist in initiating the early coordination process (Activity 03).

References:

- 40 CFR 1500.1(b) Environmental Information for Decision-Making
- 23 CFR 771.111 "Early Coordination, Public Involvement and Project Development"
- FHWA Technical Advisory T6640.8A, "Background"
- Chapter 27 "Environmental Surveys"

Categorical Exclusion Process

Activity Title: Initiate Early Coordination

Activity No.: 03

Responsible Unit: District Office/BDE

Activity Description:

Coordination with governmental agencies and the public, as appropriate, is one of the most important aspects of the CE process. This coordination should begin as early as practical in project planning.

As necessary, the district and BDE will initiate early coordination with organizations and persons and appropriate local, State, and Federal agencies that have an interest in the project or have information or expertise concerning environmental issues the project may involve. The purpose of this coordination will be to assist in the evaluation of alternatives and the social, economic, and environmental impacts of the proposed project and possible impact mitigation measures. One specific objective of this early coordination is to gather information from other entities that may assist in the effort to compile an inventory of the affected environment (Activity 02). This may be necessary to identify historic/archaeological sites (SHPO), natural resources (IDNR), land-use activities (local governments), etc. Where written notification is considered appropriate, see Figure 23-3.C for a sample letter.

If applicable, the district office should begin developing the public involvement plan for the project at this stage; see Chapter 19.

References:

- 40 CFR 1500.1(b) Environmental Information for Decision Making
- 40 CFR 1500.2(d) Public Involvement
- 40 CFR 1500.5(b) Interagency Cooperation
- 40 CFR 1501.1(b) Interagency Cooperation
- 40 CFR 1501.6 "Cooperating Agencies"
- 23 CFR 771.111 "Early Coordination, Public Involvement and Project Development"
- 23 CFR 771.119(b) Early Coordination/Scoping
- Question 9. of CEQ Q&A, Approvals from Other Agencies
- Section 22-5 "Coordination"
- Chapter 19 "Public Involvement Guidelines"

[Date]

[Address]

Dear Sir or Madam:

The Illinois Department of Transportation is initiating the information gathering phase of activities for the proposed improvement of US Route 45 from Harrisburg to Eldorado. Because the project may affect your area of expertise, your facilities, or your activities or programs, we are seeking your comments on this project.

The study area for the project begins at a point west of Harrisburg along the new Illinois Route 13 and extends to the intersection of US Route 45 with Illinois Route 142 in Eldorado (see Figure 1). The estimated length of the project is 8.6 miles (13.8 km).

Existing US Route 45 is a north/south route that runs along the eastern edge of Harrisburg to Eldorado. The existing route includes two traffic lanes with aggregate-paved shoulders. Pavement width is generally 24 ft (7.2 m). Access is uncontrolled, contributing to high crash rates in areas of commercial development.

The proposed action is to rehabilitate, restore, and resurface US Route 45 between Eldorado and Harrisburg from a point on new Illinois Route 13 west of Harrisburg to US Route 45. The project would include resurfacing the existing pavement, improving drainage, improving the existing at-grade intersections, flattening selected horizontal and vertical curves, and upgrading roadside safety throughout the project length. In addition, the no-action alternative will be evaluated. The proposed project would be designated as Federal Aid Route 332.

We look forward to your response to this request. If you would like to discuss the project in more detail, please contact (*name*) at this office (phone: _____, fax: _____).

Sincerely,

[Name]
Region 5 Engineer

292jhs

SAMPLE COORDINATION LETTER

Figure 23-3.C

Categorical Exclusion Process

Activity Title: Evaluate Alternatives for Unusual Circumstances

Activity No.: 04

Responsible Unit: District Office/BDE

Activity Description:

As a part of the CE process, the district/BDE must evaluate the project alternatives for any potential unusual circumstances. This will be according to 23 CFR 771.117(b). If significant impacts are likely, an EIS is required for a Federal action. If there is a question on whether or not unusual circumstances are involved, the district may need to perform additional studies and/or prepare an EA. If environmental studies result in the identification of a project's involvement of one or more unusual circumstances, additional studies may need to be done to determine if CE classification is appropriate.

The district will initiate those studies necessary to determine the environmental impact of the proposed project alternatives. The depth of the studies will be as appropriate for the project consistent with its designation as a CE. The nature of the studies will include:

- coordination with affected local, State, and Federal agencies and the public; and
- an evaluation of the environmental impacts including:

<ul style="list-style-type: none"> + social/economic; + agricultural; + historical/archaeological; + air quality; + noise; + energy; + natural resources, threatened and endangered species; 	<ul style="list-style-type: none"> + water quality/resources; + floodplains; + wetlands; + special waste; + Section 4(f)/6(f);and + other issues as applicable (e.g., Wild and Scenic Rivers, wellhead protection regulated groundwater recharge areas).
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References:

- 40 CFR 1502.24 "Methodology and Scientific Accuracy"
- 23 CFR 771.117(b) Unusual Circumstances
- 23 CFR 774 "Parks, Recreation Areas, Wildlife and Waterfowl Refuges, and Historic Sites (Section 4(f))"
- Paragraph I.B. of FHWA Technical Advisory T6640.8A "Consideration of Unusual Circumstances"
- Section 23-1.05(a) "Evaluation for Unusual Circumstances"
- Chapter 26 "Special Environmental Analyses"

Categorical Exclusion Process

Activity Title: Prepare Environmental Documentation

Activity No.: 05

Responsible Unit: District Office

Activity Description:

Once the district has completed its environmental evaluation of the project alternatives for unusual circumstances (Activity 04), the district will document its findings. The documentation will vary depending upon the CE processing type and whether or not a Phase I Engineering Report is required. CE processing types include the following:

1. CE I Actions. See Section 23-1.04(b).
2. CE II Actions. See Section 23-1.04(c).

Categorical Exclusion Process

Activity Title: Notify Public/Affected Agencies

Activity No.: 06

Responsible Unit: District Office/BDE

Activity Description:

In Activity 03, the district will have made a preliminary identification of those agencies which may have an interest in the project. For proposed CE projects, the district and BDE will coordinate with the public and appropriate agencies to verify the decision, if applicable, that the project includes no unusual circumstances (Activity 04). Typically, the following agencies may be contacted:

- FHWA or other joint lead agency;
- US Environmental Protection Agency;
- Illinois Environmental Protection Agency;
- Corps of Engineers;
- US Fish and Wildlife Service;
- Illinois Department of Natural Resources;
- State Historic Preservation Officer (Illinois Historic Preservation Agency);
- Advisory Council on Historic Preservation;
- Metropolitan Planning Organization(s), or other appropriate local planning agency;
- Natural Resources Conservation Service;
- Illinois Department of Agriculture;
- governmental land management agencies whose properties are affected; and/or
- other governmental agencies that have special expertise, jurisdiction by law regarding a project issue, or otherwise have an interest in the project.

References:

- 23 CFR 771.111 "Early Coordination, Public Involvement, and Project Development"
- Section 22-5 "Coordination"
- Chapter 19 "Public Involvement Guidelines"

Categorical Exclusion Process

Activity Title: Secure CE Approval

Activity No.: 07

Responsible Unit: District Office

Activity Description:

CE I Actions (i.e., those that do not involve potential for “unusual circumstances”) may be approved as CEs by the IDOT Region Engineer. For CE II Actions (i.e., those that could involve unusual circumstances), the district will secure FHWA approval of the CE designation for FHWA-funded projects and will secure BDE approval for State-only or State/locally funded projects.

The FHWA or BDE CE approval will complete the environmental process for these projects. However, the project must also meet the procedural requirements for any specific environmental impacts identified in the environmental studies (Activity 04). These may include, for example, a separate Section 4(f) Evaluation, a Section 404 permit, NPDES permit, etc.

References:

- 23 CFR 771.113(a) “Timing of Administration Activities”
- 23 CFR 771.129(c) “Re-evaluations”
- Section 22-3.15 “Ensuring Validity of Environmental and Design Documents”
- Section 23-1.04(b) CE I Actions
- Section 23-1.04(c) CE II Actions

