

Federal Environmental Approval Worksheet

PIN:	Completed by: B. Priestley	Date Completed: 3/28/22	FUNDING TYPE: Federal
TITLE/PUBLIC DESCRIPTION: New England Thruway (I-95) Rehabilitation			NEPA CLASS: Class II: CE
			SEQR TYPE: Type II
LOCALITY (Village, Town, City): Pelham Manor, Pelham, New Rochell, Larchmont & Mamaroneck		COUNTY: Westchester	Is this a Reevaluation? No

Purpose of this Worksheet:

- Implement the Programmatic Agreement Between the Federal Highway Administration, New York Division (FHWA), and the New York State Department of Transportation (NYSDOT) Regarding the Processing of Actions Classified as Categorical Exclusions (CEs) for Federal-Aid Highway Projects (PARCE), executed September 2017.
- Communicate the project National Environmental Policy Act (NEPA) classification and identify whether the FHWA or the NYSDOT (titles identified per Project Development Manual (PDM) Chapter 4, Exhibit 4-2) is making the CE determination.
- Identify any FHWA independent determinations, approvals and/or concurrences required before the CE determination can be made.
- To be included within the Design Approval Document (DAD¹) in accordance with the documentation requirements in the PARCE.

Categorical Exclusion (CE) - a category of actions which do not individually or cumulatively have a significant effect on the human environment and which have been found to have no such effect in procedures adopted by a Federal agency (40 CFR 1508.4). Actions that do not individually or cumulatively have a significant environmental effect are excluded from the requirement to prepare an Environmental Assessment (EA) or Environmental Impact Statement (EIS) (23 CFR 771.115(b)).

Instructions:

Initial review of the Federal Environmental Approval Worksheet (FEAW) should occur in scoping or early in Design Phase I to identify potential risks. Complete new review of the FEAW periodically, particularly if project parameters or site condition changes result in potential resource impacts. Completion of the FEAW with signature in Step 4 is required prior to Design Approval. See PDM Chapter 4 for additional details.

Step 1A: Unusual Circumstances Threshold Determination – 23 CFR 771.117(b)

Do any, or the potential for any, unusual circumstances exist²?

- | | |
|---|---|
| • Significant environmental impacts | YES <input type="checkbox"/> NO <input checked="" type="checkbox"/> |
| • Substantial controversy on environmental grounds | YES <input type="checkbox"/> NO <input checked="" type="checkbox"/> |
| • Significant impact on properties protected by Section 4(f) of the DOT Act or Section 106 of the National Historic Preservation Act | YES <input type="checkbox"/> NO <input checked="" type="checkbox"/> |
| • Inconsistencies with any Federal, State, or local law, requirement or administrative determination relating to the environmental aspects of the project | YES <input type="checkbox"/> NO <input checked="" type="checkbox"/> |

If yes to any of the above, contact the Main Office Project Liaison (MOPL) (see PDM Exhibit 4-1). Any project which would normally be classified as a CE but could involve unusual circumstances (or even uncertainty) will require consultation with the Office of Environment (OOE) and subsequently with the FHWA to determine if CE classification is still warranted. If, after consultation with the FHWA, it is determined that the project cannot be progressed as a CE, **skip to step 4** and see PDM Chapter 4 for NEPA Class I (EIS) or Class III (EA) processing. If, after consultation with the FHWA, it is determined that the project can be progressed as a CE, **proceed to step 1B**.

If no to all the above, then this project qualifies as a CE; **proceed to step 1B**.

Step 1B: Identification of CE action

Is the project an action listed in 23 CFR 771.117 (c) - (d) (or as identified in FHWA's additional flexibilities memo)?

YES NO

If Yes, proceed to step 2.

If No, contact the MOPL (see PDM Exhibit 4-1). If, after consultation with the OOE and the FHWA, it is determined that the project cannot be progressed as a CE, **skip to step 4** and see PDM Chapter 4 for NEPA Class I (EIS) or Class III (EA) processing. If, after consultation with the FHWA, it is determined that the project can continue as a CE, **proceed to step 2**.

¹ For FHWA actions not associated with a project (no DAD), include in the appropriate documentation for that action.

² See definitions and examples of unusual circumstances in *FEAW_Instructions.doc*

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Step 2: FHWA environmental actions required prior to CE determination³

The Step 2 table identifies certain issues that require: the FHWA to make the CE determination (Column A and 2.4); independent FHWA determinations (2.1); FHWA approvals, compliance or concurrence (2.2); or notification to the FHWA (2.3). Review *the FEAW Thresholds document* to determine how to fill out each column of Step 2.

2.1	Required FHWA Independent environmental determinations	PARCE threshold exceeded ⁴	FHWA independent determination/ concurrence required	Date Federal determination/ concurrence issued	Resource not present, or present but threshold not exceeded
		A	B	B1	C
	Executive Order (EO) 11990 Protection of Wetlands Individual Finding		<input type="checkbox"/>	Date Issued	<input checked="" type="checkbox"/>
	ESA Section 7 Threatened and Endangered Species	<input type="checkbox"/>	<input type="checkbox"/>	Date Issued	<input checked="" type="checkbox"/>
	Section 106 of National Historic Preservation Act	<input type="checkbox"/>	<input type="checkbox"/>	Date Issued	<input checked="" type="checkbox"/>
	Section 4(f) (Park, Wildlife Refuge, Historic Sites, and National Wild and Scenic Rivers)	<input type="checkbox"/>	<input type="checkbox"/>	Date Issued	<input checked="" type="checkbox"/>
2.2	Other FHWA environmental approvals, compliance and/or concurrence required	PARCE threshold exceeded ⁴	Threshold exceeded; FHWA approval, compliance or concurrence required		Resource not present, or present but threshold not exceeded
	EO 11988 Floodplains	<input type="checkbox"/>	<input type="checkbox"/>		<input checked="" type="checkbox"/>
	EO 13112 Invasive Species		<input type="checkbox"/>		<input checked="" type="checkbox"/>
	EO 12898 Environmental Justice		<input type="checkbox"/>		<input checked="" type="checkbox"/>
	Safe Drinking Water Act Section 1424(e)		<input type="checkbox"/>		<input checked="" type="checkbox"/>
	US Army Corps of Engineers, Section 404/10 NWP #23		<input type="checkbox"/>		<input checked="" type="checkbox"/>
	Section 6(f) Land and Water Conservation Funds		<input type="checkbox"/>		<input checked="" type="checkbox"/>
	Migratory Bird Treaty Act		<input type="checkbox"/>		<input checked="" type="checkbox"/>
	23CFR772 Type I Noise abatement		<input type="checkbox"/>		<input checked="" type="checkbox"/>
2.3	Other Environmental Issues requiring FHWA notification	PARCE threshold exceeded ⁴	FHWA notification threshold exceeded		Resource not present, or present but threshold not exceeded
	US Army Corps of Engineers, Section 404/10 Individual Permit	<input type="checkbox"/>	<input type="checkbox"/>		<input checked="" type="checkbox"/>
	National Wild and Scenic Rivers	<input type="checkbox"/>	<input type="checkbox"/>		<input checked="" type="checkbox"/>
	US Coast Guard Bridge Permit	<input type="checkbox"/>	<input type="checkbox"/>		<input checked="" type="checkbox"/>
	Known hazardous waste site (only EPA National Priority list)		<input type="checkbox"/>		<input checked="" type="checkbox"/>
	Project on or affecting Native American Lands		<input type="checkbox"/>		<input checked="" type="checkbox"/>
2.4	Other Issues Triggering FHWA Approval of Categorical Exclusion	PARCE threshold exceeded ⁴			Resource not present, or present but threshold not exceeded
	Property Acquisition	<input type="checkbox"/>			<input checked="" type="checkbox"/>
	Major Traffic Disruptions	<input type="checkbox"/>			<input checked="" type="checkbox"/>
	Changes in Access Control	<input type="checkbox"/>			<input checked="" type="checkbox"/>

³ This table does not represent all environmental issues and actions that a project is subject to. Classification as a CE does not exempt the project from further environmental review. Refer to the PDM and The Environmental Manual (TEM) to determine review requirements.

⁴ When PARCE threshold is exceeded, the NYSDOT recommends that the project qualifies as a CE and requests the FHWA make the CE determination. Information on PARCE specific thresholds is contained within *the FEAW Thresholds document*.

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Step 3: Who makes the NEPA CE Determination?

To identify which party, either the FHWA or the NYSDOT, makes the CE determination in accordance with the PARCE, follow the instructions found in the table below, beginning in Step 3A. This step also identifies which correspondence shell to use to distribute the FEAW and other environmental notifications or approvals.

3	<p>Determine whether the FHWA or the NYSDOT makes the CE determination and whether additional notifications or approvals are required.</p>
3A	<p>Is the project an action listed in 23 CFR 771.117 (c) - (d) (Answered yes in Step 1B)?</p> <p>YES <input checked="" type="checkbox"/> If Yes, proceed to 3B.</p> <p>NO <input type="checkbox"/> If No, the FHWA makes the CE determination.</p> <ul style="list-style-type: none"> For Locally Administered Federal Aid Projects only, the DAD, the NYSDOT recommendation and request (that the FHWA determines the project qualifies as a CE) are sent from the Regional Planning and Program Manager (RPPM) to the FHWA directly using Shell 4. For all other projects, the DAD and the NYSDOT recommendation and request (that the FHWA determines the project qualifies as a CE) are sent to the MOPL for review using Shell 3. <p>Proceed to Step 4.</p>
3B	<p>Are any of the CE Thresholds from the PARCE exceeded (Are there any checks in Column A of Step 2)?</p> <p>YES <input type="checkbox"/> If Yes, the FHWA makes the CE determination.</p> <ul style="list-style-type: none"> For Locally Administered Federal Aid Projects only, the DAD and the NYSDOT recommendation and request (that the FHWA determines the project qualifies as a CE) are sent from the RPPM to the FHWA directly using Shell 4. For all other projects, the DAD and the NYSDOT recommendation and request (that the FHWA determines the project qualifies as a CE) are sent to the MOPL for review using Shell 3. <p>Proceed to Step 4.</p> <p>NO <input checked="" type="checkbox"/> If No, proceed to 3C.</p>
3C	<p>Are there outstanding independent environmental approvals or concurrences? (Are there checks in column B of Step 2.1 without dates in column B1)?</p> <p>YES <input type="checkbox"/> If Yes, then the FHWA makes the CE determination.</p> <ul style="list-style-type: none"> For Locally Administered Federal Aid Projects only, the DAD and the NYSDOT recommendation and request (that the FHWA determines the project qualifies as a CE) are sent from the RPPM to the FHWA directly using Shell 4. For all other projects, the DAD and the NYSDOT recommendation and request (that the FHWA determines the project qualifies as a CE) are sent to the MOPL for review using Shell 3. <p>Proceed to Step 4.</p> <p>NO <input checked="" type="checkbox"/> If No, the NYSDOT makes the NEPA CE determination. Proceed to 3D.</p>
3D	<p>Are there</p> <p><input type="checkbox"/> any circumstances requiring demonstration of applicable EO compliance (any checks in column B of Table 2.2); or</p> <p><input type="checkbox"/> any issues requiring the FHWA environmental notification (any checks in column B of Table 2.3)?</p> <p>YES <input type="checkbox"/> If either box is checked, once all required approvals and concurrences have been secured, the NYSDOT makes the CE determination but the information must be forwarded to FHWA for notification or action prior to Design Approval using Shell 1. Proceed to step 4.</p> <p>NO <input checked="" type="checkbox"/> If neither box is checked, once all required approvals and concurrences have been secured the NYSDOT makes the CE determination without notification to the FHWA. The project will use Shell 2. Proceed to step 4.</p>

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Step 4: Summary and Recommendation

- The project is located within an area subject to transportation air quality conformity.
 - **If the project is within such areas, the NEPA process may not be completed until all transportation conformity requirements are met⁵.** Transportation conformity requirements have been met at the time of this signature.
- This project does qualify to be progressed as a Categorical Exclusion.
- The NEPA Determination will be made by NYSDOT
- Project is c(22) "Projects, as defined in 23 U.S.C. 101, that would take place entirely within the existing operational right-of-way." ⁶
- All outstanding FHWA environmental approvals will be obtained and are listed here:

- All the conditions of the PARCE are addressed herein (or within the DAD or attachments).

I certify that the information provided above is true and accurate and recommend the project be processed as described above.

Project Manager/Designer
(or Responsible Local Official)

X

Date _____

Print Name and Title: _____

Regional Environmental Unit
Supervisor

X

Date _____

Print Name and Title: _____

Regional Local Project Liaison
(Locally Administered Projects Only)

X

Date _____

Print Name and Title: _____

Changes that may have occurred since the preparation of the FEAW which would create the need to review the FEAW again include but are not limited to triggers for reevaluations described in PDM Appendix 11. Based on the review of the previously certified FEAW, if the current scope of the action would change any of the answers to the FEAW and more specifically if any of the determinations within step 2.1 require a new federal determination or concurrence then a new FEAW should be produced and certified.

⁵ See additional information on conformity in *FEAW_Instructions.doc*

⁶ See additional information on identifying (c)26, (c)27 & (c)28 versus d (13) in *FEAW_Instructions.doc*