

Texas Department of Transportation
Environmental Affairs Division

**Standards of Uniformity for
Categorical Exclusions**

[Most recent revisions made 03/15/2011](#)

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List of Revisions

*Texas Department of Transportation
Environmental Affairs Division*

**Standards of Uniformity for
Categorical Exclusions**

Chapter 1.

Questions and Answers

Chapter 1. Questions and Answers

1. What is a Standard of Uniformity (SOU)?

An SOU defines the state and/or federal minimum requirements for each element of a work product. Its purpose is to speed approval and avoid or minimize repetition or unnecessary revisions of work. (In this context, “work products” also include supporting items in projects files.)

An SOU offers the user an established approach to the work product, to satisfy legal, scientific and other matters relevant to the environmental review and public involvement process. Alternative solutions to an SOU may be used, but cannot be guaranteed in advance to be acceptable, even if they are free of errors.

2. What are the goals of the SOUs?

- Getting producers and reviewers on the same page
- Defining performance standards for various environmental and public involvement tasks
- Defining standards for documentation/disclosure
- Developing project information and coordination early for successful outcomes
- Reducing preventable do-overs
- Increasing consultant, district, and ENV accountability
- Providing a baseline for the related Quality Assurance (QA)/Quality Control (QC) and subsequent environmental compliance reviews of SOU use.

3. Can ENV guarantee that the SOU will always work?

No. An SOU cannot prevent errors of fact or method. ENV also expects to modify these SOUs to reflect lessons learned as they are put to use, including addressing problems identified during the QA/QC process and environmental compliance reviews. SOUs will also be modified to adapt to new or changing expectations from resource agencies, FHWA, and the public.

4. Who will be trained to use SOUs?

ENV, district staff, and Regional Environmental Centers (Centers) personnel have been trained to use SOUs. Updated training may be necessary at a later date. Training will expand later to include consultants, Regional Mobility Authorities (RMAs), local governments, and developers, as needed.

5. Will ENV develop SOUs beyond those needed for PCEs?

Yes. ENV plans to develop Standards of Uniformity for the development of environmental assessments, environmental impact statements, section 4(f) evaluations and re-evaluations. Some of the SOUs apply to all types of NEPA classification and regulatory issues.

Chapter 1. Questions and Answers

6. Does ENV intend to review how well the SOUs are working?

Yes. Project reviews will be conducted on a certain percentage of work products. ENV will meet periodically with the resource/regulatory agencies and FHWA to gauge how well the SOUs are working and make necessary adjustments as they are identified. ENV conducted a customer service survey in July 2009 for Districts and RECs. The survey included SOU quality. These results informed the latest revisions of the SOUs.

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**Standards of Uniformity for
Categorical Exclusions**

Chapter 2.

Documentation Format, No Added Capacity

Chapter 2. Documentation Format, No Added Capacity

This SOU lays out the appropriate format and content of documentation for Categorical Exclusions(s) (CE) related to projects that do not require additional capacity. This format is based on pages 3-12 of TxDOT's Environmental Manual, located at <ftp://ftp.dot.state.tx.us/pub/txdot-info/gsd/manuals/env.pdf>.

A detailed format outline is included at the end of this SOU.

The CE document is composed of:

- 1) Cover Sheet
- 2) Existing Facility
- 3) Proposed Action
- 4) Project Funding
- 5) Need and Purpose
- 6) Alternatives
- 7) Surrounding Area
- 8) Specific Areas of Environmental Concern
- 9) Permits/Commitments
- 10) Public Involvement
- 11) Exhibits / Figures / Coordination
- 12) CE Determination

1. Cover Sheet

- A. Title (Categorical Exclusion)
- B. Roadway/Limits
- C. County
- D. CSJ
- E. Federal Highway Administration & Texas Department of Transportation
- F. Month/Year

2. Existing Facility

Describe what is planned. Discuss how the existing facility would change – what type of bridge is proposed, how many spans, how the typical section would change, etc., to provide a clear overall picture of the project.

Example: The proposed action would replace and widen the bridge with a single 40-foot pre-stressed concrete main span structure, to provide for a deck width of 30.3 feet consisting of a 28-foot wide roadway with two 12-foot travel lanes, 2 foot wide shoulders, and guard railing. The proposed structure would be 80 feet long.

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3. Proposed Action

- A. Describe what the existing facility looks like. At a minimum, for a roadway this includes the number of lanes (and dimensions), shoulders (with dimensions), medians (type and dimensions), drainage (open-ditch or underground storm sewer), right of way width, and any other information necessary to compare the difference between the existing and proposed facilities. Include the existing and proposed average daily traffic and posted speed limits. If the project is a site-based facility (e.g., safety rest area), describe the site size and elements.

Example: The CR X bridge at Y Creek is an eight-span, multiple beam timber stringer bridge. The structure has an overall bridge length of 106 feet and an overall deck width of 27.7 feet. The bridge was constructed in 1970. CR X is a two-lane roadway with 12-foot lanes and no shoulders in an existing right of way of 70 feet.

- B. Discuss right of way. If the project requires additional right of way on an existing highway, appropriate public involvement is required (as outlined in the Texas Administrative Code and [TxDOT's Environmental Manual](#)). The document should indicate the amount of additional ROW required.

In some instances, there is a need to acquire ROW prior to the approval of the environmental document. In such cases, the acquisition of land for hardship or protective purposes, as well as advance land acquisition loans under the Urban Mass Transit Act (UMTA), may qualify as a CE separate from the project document -- provided that hardship and protective buying are permitted only for a particular parcel or a limited number of parcels, and/or in instances where the acquisition will not limit the evaluation of alternatives, including shifts in alignment for planned construction projects that may be required in the NEPA process. (No project development on such land may proceed until the NEPA process has been completed.) The project document must discuss all ROW required for the project, including any early acquisitions.

At a minimum:

- i. Describe the existing right of way (in feet).
- ii. If no additional right of way is needed, state this in the document.
- iii. Describe the proposed right of way needed in acres, including the number of parcels (if available).
- iv. Explain where the proposed right of way will occur (which side of the roadway, where in the project area, etc.). State whether there would be any residential/commercial displacements.
- v. Describe, by location and acreage, any temporary and permanent easements needed. Describe the purpose of the easement(s) (e.g., utilities). Show this information in typical sections and schematics.

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- vi. Disclose any right of way that has been donated or, if purposed, disclose whether there were willing sellers.
- vii. If there are early acquisitions, include the information per right of way guidance provided by FHWA on December 6, 2007.
- viii. For right of way acquisition, FHWA requires the document to include a statement that the acquisition was done in accordance with the Uniform Relocation Assistance and Real Property Acquisition Policy Act of 1970, as amended.

Note: If advance acquisition of right of way has occurred for CE projects, the acquisitions may be considered “at-risk” by FHWA. See the [FHWA requirement dated December 6, 2007 from FHWA and the TxDOT Administration memo dated January 4, 2008.](#)

Note: You do not have to follow the above list in the precise order given.

4. Project Funding

Describe the project funding and planning information. See the [Air Quality and Transportation Planning Conformity Standard of Uniformity](#) for text.

5. Need and Purpose.

- A. The need must be different from the purpose. The need may be considered the “why” -- the problem(s) or unsatisfactory conditions that currently exist or are expected to exist. The purpose may be thought of as the “what” -- the essential purpose(s) the project is expected to address to correct the unsatisfactory condition(s). For most CEs, the purpose is to satisfy safety needs, relieve congestion, or correct operational deficiencies.

According to the FHWA/FTA [Interim Guidance on Purpose and Need](#) (2003), a few paragraphs should suffice to effectively describe the need and purpose of a project. Briefly describe the proposed project’s history; include any measures taken to date, such as feasibility studies, early coordination/planning, and a discussion about the proposed project’s relationship to regional and/or statewide planning/transportation plans (linkage to system, capacity, and projected traffic/transportation demand).

Provide data and other evidence to support the need and purpose:

- If the proposed action is intended to address safety issues, explain the reasons behind an excessively high existing crash rate, and discuss how the proposed action will improve safety. Include data on statewide rates for comparable facilities.
- Discuss any existing roadway deficiencies (e.g., substandard geometrics, load limits on structures, inadequate cross-section, high maintenance costs, etc.) and explain how the proposed action will correct these deficiencies.
- If the proposed project is not reflected in the state or regional plan, explain the basis for the proposed project.

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Example 1: *The proposed project is needed to replace a bridge that is classified as functionally inadequate and structurally deficient. A bridge inspection report completed August 3, 2005, found that the 1940 bridge had moderate scaling and minor cracking of the concrete deck and minor to moderate impact damage to one stringer, a compression truss diagonal, a tension truss diagonal, and a few other members. Additionally, the timber wingwall extensions had moderate to severe decay. Because of these deficiencies, the TxDOT Bridge Inspection Manual requires that the bridge be closed if it has not been replaced within two years (by August 2007).*

Example 2: *Wellborn Road, which traverses College Station, is an essential north-south element of the local roadway system, located adjacent to Texas A&M University and continuing into Bryan. In the past 15 years, Wellborn Road traffic has increased by 58 percent, from 15,000 vehicles per day (vpd) to 23,700 vpd in 2005. Traffic is expected to increase by approximately 47 percent to 34,840 vpd in 2025.*

The Union Pacific Railroad rail line is active, with 26 daily trains. The trains traverse the area at all times of day and night. Particularly during peak hours, traffic moves slowly through the existing intersection, and is stopped completely when trains cross the intersection. During the past five years, there have been 17 rail/vehicle collisions, of which three had fatalities. This is 12 percent higher than similar rail/vehicle intersections statewide.

While the number of trains has remained relatively the same, the increase in traffic has resulted in operational problems with increased traffic volumes leading to substantial queues, particularly during peak hours. During the morning peak hours, vehicles must wait through multiple (at least three) signal cycles when there are trains moving through the intersection.

The purposes of the proposed project are to improve the efficiency of Wellborn Road and to eliminate the safety issues created by vehicle/rail conflicts.

Following the modified language above, a section on desirable outcomes that are not central to the need and purpose statement (i.e., environmental protection and scenic improvements), but that may be MPO goals, can be included. This discussion of desired outcomes should be distinct from the need and purpose statement. One example of information to include might be an increase in pedestrian and bicycle access (if this effect were an MPO goal).

See the [FHWA web site](#) for more guidance on need and purpose.

Note: The FHWA guidance refers to “purpose and need.” TxDOT now calls this “need and purpose.”

- B. Bicycle and Pedestrian Accommodations. With this stronger emphasis for multimodal transportation facilities, TxDOT is committed to proactively plan, design and construct facilities to safely accommodate bicyclists and pedestrians on appropriate facilities. It is critical that bicycle and pedestrian accommodations be considered and discussed as the need and purpose of a project is defined during the NEPA process, taking into consideration existing and anticipated bicycle and pedestrian facility systems and needs. In the NEPA document, the district should include a discussion in the project

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description of proposed bicycle and pedestrian facilities. If no bicycle or pedestrian facilities are planned, the document should state why no such facilities are planned.

For all urban sections, regardless of the type of improvement, the following guidance is provided:

- i. For construction projects within existing right-of-way and when the scope of work is limited to within the roadway typical section, the project plans should:
 - remove barriers to accommodate pedestrians according to Texas Accessibility Standards and Americans with Disabilities Act Accessibility Guidelines (TAS/ADAAG) and TxDOT's PED standard, and;
 - accommodate for bicyclists by restriping the existing roadway typical section to provide a 14' wide curb lane when practical.
- ii. For construction projects within existing right-of-way but when the scope of work involves pavement widening, the project plans should:
 - accommodate bicyclists by widening the pavement to either provide a 14-foot wide curb lane or a 5-foot bicycle lane;
 - Include necessary work to ensure all existing ADA curb ramps comply with current standards; and
 - reconstruct or add sidewalks and crosswalks to ensure a continuous ADA compliant pedestrian route.
- iii. For full reconstruction or new construction projects in urban areas, where new right-of-way is acquired, the project plans should provide the desired geometric values shown in the Roadway Design Manual for each facility type. The inclusion of bicycle and pedestrian facilities should be included in the project plans as appropriate.

When restriping existing pavement to achieve a 14-foot wide shared use lane, the minimum lane widths and curb offsets for the appropriate roadway classification defined in TxDOT's Roadway Design Manual should be maintained. Local city and Metropolitan Planning Organization bicycle and pedestrian plans should also be considered.

6. Alternatives

Discuss alternatives. If alternatives were considered, describe them clearly. For a non-added capacity CE, alternatives usually relate to design or right of way.

Example 1: Two designs were considered. One would construct the project with a 14-foot center left-turn lane. The second would construct the project with channelized left turns at X Boulevard and Y Street. To maximize access to adjacent businesses, the center left-turn lane alternative was chosen.

Example 2: Ten acres of additional right of way is necessary for this project. Consideration was given to acquiring all of the additional right of way on the north

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side, all of the additional right of way on the south side, or dividing the additional right of way on both sides.

7. Surrounding Area

- A. What is the land use in the project area? At a minimum, describe the setting of the project (urban, rural, etc.). Describe land uses such as homes, businesses, schools or parks to provide an accurate picture of the project area.

Example: The project is located in a rural area, with primarily undeveloped land. There are scattered farmsteads.

- B. What is the natural setting of the project area? At a minimum, describe the type of vegetation, any water courses and any resources that will help provide a complete overall picture of the project area (using other SOUs such as Biology, Water Quality, etc.).

Example: The project is located in the watershed of the San Jacinto-Brazos Coastal Basin. In its upper reaches, Mustang Bayou is generally an intermittent stream. Mustang Bayou flows south through the project limits and continues to flow south-southeast into New Bayou in southeastern Brazoria County.

8. Specific Areas of Environmental Concern

- A. Socioeconomics
- B. Section 4(f) Resources
- C. Historic Properties
- D. Archeological Resources
- E. Air Quality
- F. Biological Resources
- G. Water Quality
- H. Noise
- I. Hazardous Materials
- J. Indirect and Cumulative Impacts

For most activities that may be conducted as CEs, the project's potential to have indirect effects or to contribute to a cumulative effect is far more dependent on the project's context than the scope of activities. Use the screening tools in Appendix C of TxDOT's Revised [Guidance on Preparing Direct and Cumulative Impacts Analyses](#) to determine whether your project will require such an analysis.

If your project requires an Indirect and Cumulative Impacts Analysis, use the [Guidance](#) and the SOUs in Chapter 14 Indirect and Cumulative Impacts to complete the analysis. You may also refer to the National Cooperative Highway Research Program ([NCHRP Report 466](#)) assistance with analyzing indirect effects.

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If the analysis results in the identification of substantial indirect or cumulative effects, it may not be appropriate to proceed with a CE. Although the decision to begin the study as a CE may be based on project type, analysis results may prompt the need for a higher classification. Coordinate with ENV and FHWA to determine the appropriate document classification.

Note: It is not necessary to use the list above in the precise order given. These are merely resources/issues to address. They may be grouped or re-ordered as necessary.

9. Permits/Commitments

List all that apply

10. Public Involvement

Include the results of any public involvement held. See the [Public Involvement Standard of Uniformity](#) for the reporting requirements for various public involvement types.

11. Exhibits / Figures / Coordination

- A. County road map showing project area
- B. Typical section(s) (including dimensions) for both existing and proposed condition
- C. Schematics, project layouts, etc. (scales to be determined by designer)
- D. Photos (including natural resources and potential historic resources)
- E. Surveys (National Wetland Inventory, historic resources, etc.)
- F. Natural Diversity Database check
- G. Record of any preliminary coordination

Surveys, technical reports, etc. may be included or appended by reference in the CE document. If they are appended by reference, keep these reports and studies in the project file.

12. Categorical Exclusion Determination

The proposed action meets the criteria for a Categorical Exclusion (CE) as defined in the [Programmatic Agreement for the Review and Approval of NEPA Categorically Excluded Transportation Projects](#) (PA) executed by the Texas Division of the Federal Highway Administration (FHWA) and the Texas Department of Transportation (TxDOT) on October 26, 2004, or received an exception (attached) from FHWA to process the proposed action as a CE.

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No significant social, economic, and/or environmental impacts associated with this project have been discovered. Therefore, the proposed action qualifies as a Categorical Exclusion.

Name (Printed)

Certified/Approved

Date

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Categorical Exclusion Document Format Outline**1) Cover Sheet**

- a) Title (Categorical Exclusion)
- b) Roadway/Limits
- c) County
- d) Control Section Job (CSJ) number
- e) Federal Highway Administration & Texas Department of Transportation
- f) Month/Year

2) Introduction

- a) Description of the project
- b) Project Sponsor

3) Existing Facility

- a) Number of lanes & dimensions
- b) Shoulders & dimensions
- c) Median type & dimensions
- d) Drainage type
- e) ROW Width
- f) Existing AADT
- g) Posted Speed Limit

4) Proposed Action

- a) Number of lanes & dimensions
- b) Shoulders & dimensions
- c) Median type & dimensions
- d) Changes in drainage type
- e) Proposed ROW Width
- f) Permanent easements
- g) Temporary easements
- h) Projected AADT
- i) Proposed Speed Limit

5) Project Funding and Planning

- a) Project description in TIP/STIP
- b) Time frame of TIP/STIP
- c) Letting year
- d) Funding source
- e) Reasonable total project cost (includes preliminary engineering, environmental studies, right of way, utilities, construction and mitigation costs)
- f) Date of the cost estimate
- g) Estimated date of completion

6) Need and Purpose

- a) Need - the problem(s) or unsatisfactory conditions that currently exist or are expected to exist

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- b) Purpose - the essential purpose(s) the project is expected to address to correct the unsatisfactory condition(s)
- c) Data and evidence to support the need and purpose

7) Logical Termini and Independent Utility

- a) Logical termini – rational end points such as state or federal system roadways or local thoroughfares when appropriate
- b) Independent utility – how the project would function on its own without further construction of an adjoining segment

8) Discuss Alternatives

- a) Description of all alternatives considered including the no build option

9) Surrounding Area

- a) Land use
 - i) Urban or rural
 - ii) Homes, businesses & schools in the project area
- b) Natural setting
 - i) Vegetation type
 - ii) Watershed and water courses in the project area

10) Areas of Environmental Concern or Affected Environment

- a) **Socioeconomics**
 - i) Community Impacts
 - (1) Census data
 - (2) Income and language characteristics
 - (3) Changes in neighborhood or community cohesion
 - (4) Changes in access and travel patterns
 - ii) Environmental Justice
 - (1) Definition of EO 12898
 - (2) Definition of disproportionate impacts
 - (3) Health and Human Services' current poverty guideline for a family of four
 - (4) Determination of whether any potential EJ communities exist in the project area
 - (5) Analysis of impacts of each alternative on EJ populations
 - iii) Limited English Proficiency
 - (1) Definition of EO 13166
 - (2) Indicators of LEP populations observed in the field
 - (3) Efforts to include LEP populations in the project development process
 - (4) Commitment to include LEP populations in future public involvement activities
 - iv) Land Use
 - (1) Current uses
 - (2) Land use changes by acreage
 - (3) Zoning for land that will be acquired for right-of-way
 - v) Right-of-Way Acquisition, Displacements, and Relocations
 - (1) Number and type of properties to be taken (if any)
 - (2) Compliance with Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970
 - (3) Number of households to be displaced (if applicable)

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- (a) anticipated relocation problems
 - (b) special advisory services
 - (c) commitment to last resort housing
 - (4) Number of businesses to be displaced (if applicable)
 - (a) Anticipated relocation problems
 - (5) Farm and Ranch Displacements (if applicable)
 - vi) Bike/Pedestrian
 - (1) Provisions made to accommodate bicyclists and pedestrians OR justification for the exceptional circumstances that preclude these provisions
 - (2) Reference to USDOT Policy Statement on March 11, 2010
- b) **Section 4(f) Resources**
- i) Applies if the project would take ROW or result in constructive use of any of the following:
 - (1) Publicly owned parklands
 - (2) Waterfowl refuges
 - (3) Wildlife refuges
 - (4) Significant historic sites
- c) **Introductory Paragraph for Cultural Resources**
- d) **Historic Properties**
- i) Results of the Project Coordination Request, Reconnaissance Survey, and/or Intensive Survey
 - ii) Results of project coordination (if applicable)
- e) **Archeological Resources**
- i) Certification for Projects that Do Not Require Project-Specific Review or Results of Impact Evaluation or Archeological Survey
 - ii) Results of project coordination (if applicable)
- f) **Air Quality**
- i) Basic Criteria
 - ii) Project Consistency with Transportation Plans and Funding
 - iii) National Ambient Air Quality Standards (NAAQS) – Transportation Conformity
 - iv) Carbon Monoxide (CO) Traffic Air Quality Analysis (TAQA - if applicable)
 - v) Mobile Source Air Toxics Qualitative Assessment (if applicable)
 - (1) Mobile Source Air Toxics
 - (2) Project-Specific MSAT Assessment
 - (3) Sensitive Receptor Assessment
 - (4) Unavailable Information for Project Specific MSAT Impact Analysis
 - (5) Information that is Unavailable or Incomplete
 - (6) Summary of Existing Credible Scientific Evidence Relevant to Evaluating the Impacts of MSATs
 - (7) Relevance of Unavailable or Incomplete Information
 - vi) Congestion Management Process (CMP)/System (CMS) when applicable (if applicable)
 - vii) Construction Emissions

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g) Biological Resources

- i) Endangered Species Act of 1973
- ii) Migratory Bird Treaty Act
- iii) Magnuson-Stevens Fishery Conservation and Management Act (Essential Fish Habitat - if applicable)
- iv) Fish and Wildlife Coordination Act (FWCA - if applicable)
- v) Farmland Protection Policy Act (if applicable)
- vi) Executive Order 13112 on Invasive Species
- vii) Environmentally and Economically Beneficial Practices on Federal Landscaped Grounds
- viii) FEDERAL Species Impact Table
- ix) STATE Species Impact Table
- x) SOC Species Impact Table
- xi) Triggers for Texas Parks and Wildlife Department Coordination
- xii) MOU/MOA Documentation – Vegetation
- xiii) National Diversity Database (NDD)

h) Water Quality

- i) Section 404 of the Clean Water Act: Waters of the U.S. NWP's and IP's
- ii) Section 401 of the Clean Water Act: Water Quality Certification
- iii) Executive Order 11990, Wetlands
- iv) General Bridge Act/Section 9 of the Rivers and Harbors Act (U.S. Coast Guard Permit)
- v) Rivers and Harbors Act of 1899, Section 10 (if applicable)
- vi) Section 303(d) of the Clean Water Act
- vii) Section 402 of the Clean Water Act: TPDES
- viii) Section 402 of the Clean Water Act: MS4
- ix) Floodplains
- x) Trinity River Corridor Development Certificate (if applicable)
- xi) Texas Coastal Management Program (if applicable)
- xii) Coastal Barrier Resources Act (CBRA - if applicable)
- xiii) Edwards Aquifer Recharge and Contributing Zones (if applicable)
- xiv) International Boundary and Water Commission (if applicable)
- xv) Wild and Scenic Rivers (if applicable)

i) Noise

- i) Determination of whether or not a traffic noise analysis is required
- ii) Results of traffic noise analysis (if applicable)
- iii) Discussion of noise abatement measures (if applicable)

j) Hazardous Materials

- i) Discussion of methods used to conduct an Initial Site Assessment (ISA)
- ii) Results of the ISA
- iii) Concerns Identified
- iv) Identification of environmental commitments to be completed prior to construction (if applicable)

k) Indirect and Cumulative Impacts Analysis

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i) Screening Tools

- (1) Discussion of the use of the screening tools in Appendix C of the current TxDOT Guidance on Preparing Indirect and Cumulative Impacts to determine if an analysis is required

ii) Indirect Impacts (if applicable)

- (1) Step 1: Scoping
- (2) Step 2: Identify the Study Area's Goals and Trends
- (3) Step 3: Inventory the Study Area's Notable Features
- (4) Step 4: Identify Impact-Causing Activities of the Proposed Action
- (5) Step 5: Identify Potentially Substantial Indirect Effects For Analysis
- (6) Step 6: Analyze Indirect Effects and Evaluate Results
- (7) Step 7: Assess Consequences and Consider/Develop Mitigation

iii) Cumulative Impacts (if applicable)

- (1) Step 1: Identify the Resources to Consider in the Analysis
- (2) Step 2: Define the Study Area for Each Resource
- (3) Step 3: Describe the Current Status/Viability and Historical Context for Each Resource
- (4) Step 4: Identify Direct and Indirect Impacts of the Project that Might Contribute to a Cumulative Impact
- (5) Step 5: Identify Other Reasonably Foreseeable Future Effects
- (6) Step 6: Identify and Assess Cumulative Impacts
- (7) Step 7: Report the Results
- (8) Step 8: Assess the Need for Mitigation

11) Permits/Commitments

- a) Summary of all permits (if any) – TPDES, NWP, USCG Bridge Permit etc.

12) Public Involvement

- a) Summary of Meetings with Affected Property Owners (MAPO), Public Meeting, Opportunity for a Public Hearing or Public Hearing

13) Project Certification

- a) Certification that the project is a CE with a signature and date

14) Exhibits & Figures

- a) County road map showing project area
- b) Typical section(s) for existing and proposed facilities
- c) Schematics or project layouts
- d) Photos

15) Appendices

- a) Copies of the appropriate pages of the TIP/STIP (or MTP/RTP if applicable)
- b) Record of any coordination
- c) Natural Diversity Database check
- d) Surveys & Tech Reports (if applicable)

*Texas Department of Transportation
Environmental Affairs Division*

**Standards of Uniformity for
Categorical Exclusions**

Chapter 3.

Documentation Format, Added Capacity

Chapter 3. Documentation Format, Added Capacity

This SOU lays out the appropriate format and content of documentation for Categorical Exclusions(s) (CE) related to projects that plan to add capacity (travel lanes). This format is based on pages 3-12 of TxDOT's Environmental Manual, located at <ftp://ftp.dot.state.tx.us/pub/txdot-info/gsd/manuals/env.pdf>.

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1. Cover Sheet

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- B. Roadway/Limits
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- F. Month/Year

2. Existing Facility

Describe what is planned. Discuss how the existing facility would change – what type of bridge is proposed, how many spans, how the typical section would change, etc., to provide a clear overall picture of the project.

Example: The proposed action would replace and widen the bridge with a single 40-foot pre-stressed concrete main span structure, to provide for a deck width of 30.3 feet

Chapter 3. Documentation Format, Added Capacity

consisting of a 28-foot wide roadway with two 12-foot travel lanes, 2 foot wide shoulders, and guard railing. The proposed structure would be 80 feet long.

3. Proposed Action

- A. Describe what the existing facility looks like. At a minimum, for a roadway this includes the number of lanes (and dimensions), shoulders (with dimensions), medians (type and dimensions), drainage (open-ditch or underground storm sewer), right of way width, and any other information necessary to compare the difference between the existing and proposed facilities. Include the existing and proposed average daily traffic and posted speed limits. If the project is a site-based facility (e.g., safety rest area), describe the site size and elements.

Example: The CR X bridge at Y Creek is an eight-span, multiple beam timber stringer bridge. The structure has an overall bridge length of 106 feet and an overall deck width of 27.7 feet. The bridge was constructed in 1970. CR X is a two-lane roadway with 12-foot lanes and no shoulders in an existing right of way of 70 feet.

- B. Discuss right of way. If the project requires additional right of way on an existing highway, appropriate public involvement is required (as outlined in the Texas Administrative Code and [TxDOT's Environmental Manual](#)). The document should indicate the amount of additional ROW required.

In some instances, there is a need to acquire ROW prior to the approval of the environmental document. In such cases, the acquisition of land for hardship or protective purposes, as well as advance land acquisition loans under the Urban Mass Transit Act (UMTA), may qualify as a CE separate from the project document -- provided that hardship and protective buying are permitted only for a particular parcel or a limited number of parcels, and/or in instances where the acquisition will not limit the evaluation of alternatives, including shifts in alignment for planned construction projects that may be required in the NEPA process. (No project development on such land may proceed until the NEPA process has been completed.) The project document must discuss all ROW required for the project, including any early acquisitions.

At a minimum:

- i. Describe the existing right of way (in feet).
- ii) If no additional right of way is needed, state this in the document.
- iii) Describe the proposed right of way needed in acres, including the number of parcels (if available).
- iv) Explain where the proposed right of way will occur (which side of the roadway, where in the project area, etc.). State whether there would be any residential/commercial displacements.

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- v) Describe, by location and acreage, any temporary and permanent easements needed. Describe the purpose of the easement(s) (e.g., utilities). Show this information in typical sections and schematics.
- vi) Disclose any right of way that has been donated or, if purposed, disclose whether there were willing sellers.
- vii) If there are early acquisitions, include the information per right of way guidance provided by FHWA on December 6, 2007.
- viii) For right of way acquisition, FHWA requires the document to include a statement that the acquisition was done in accordance with the Uniform Relocation Assistance and Real Property Acquisition Policy Act of 1970, as amended.

Note: If advance acquisition of right of way has occurred for CE projects, the acquisitions may be considered “at-risk” by FHWA. See the [FHWA requirement dated December 6, 2007 from FHWA and the TxDOT Administration memo dated January 4, 2008](#).

Note: You do not have to follow the above list in the precise order given.

4. Project Funding

Describe the project funding and planning information. See the [Air Quality and Transportation Planning Conformity Standard of Uniformity](#) for text.

5. Need and Purpose.

- A. The need must be different from the purpose. The need may be considered the “why” -- the problem(s) or unsatisfactory conditions that currently exist or are expected to exist. The purpose may be thought of as the “what” -- the essential purpose(s) the project is expected to address to correct the unsatisfactory condition(s). For most CEs, the purpose is to satisfy safety needs, relieve congestion, or correct operational deficiencies.

According to the FHWA/FTA [Interim Guidance on Purpose and Need](#) (2003), a few paragraphs should suffice to effectively describe the need and purpose of a project. Briefly describe the proposed project’s history; include any measures taken to date, such as feasibility studies, early coordination/planning, and a discussion about the proposed project’s relationship to regional and/or statewide planning/transportation plans (linkage to system, capacity, and projected traffic/transportation demand).

Provide data and other evidence to support the need and purpose:

- If the proposed action is intended to address safety issues, explain the reasons behind an excessively high existing crash rate, and discuss how the proposed action will improve safety.

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- Discuss any existing roadway deficiencies (e.g., substandard geometrics, load limits on structures, inadequate cross-section, high maintenance costs, etc.) and explain how the proposed action will correct these deficiencies.
- If the proposed project is not reflected in the state or regional plan, explain the basis for the proposed project.

Example 1: The proposed project is needed to replace a bridge that is classified as functionally inadequate and structurally deficient. A bridge inspection report completed August 3, 2005, found that the 1940 bridge had moderate scaling and minor cracking of the concrete deck and minor to moderate impact damage to one stringer, a compression truss diagonal, a tension truss diagonal, and a few other members. Additionally, the timber wingwall extensions had moderate to severe decay. Because of these deficiencies, the TxDOT Bridge Inspection Manual requires that the bridge be closed if it has not been replaced within two years (by August 2007).

Example 2: Wellborn Road, which traverses College Station, is an essential north-south element of the local roadway system, located adjacent to Texas A&M University and continuing into Bryan. In the past 15 years, Wellborn Road traffic has increased by 58 percent, from 15,000 vehicles per day (vpd) to 23,700 vpd in 2005. Traffic is expected to increase by approximately 47 percent to 34,840 vpd in 2025.

The Union Pacific Railroad rail line is active, with 26 daily trains. The trains traverse the area at all times of day and night. Particularly during peak hours, traffic moves slowly through the existing intersection, and is stopped completely when trains cross the intersection. During the past five years, there have been 17 rail/vehicle collisions, of which three had fatalities. This is 12 percent higher than similar rail/vehicle intersections statewide.

While the number of trains has remained relatively the same, the increase in traffic has resulted in operational problems with increased traffic volumes leading to substantial queues, particularly during peak hours. During the morning peak hours, vehicles must wait through multiple (at least three) signal cycles when there are trains moving through the intersection.

The purposes of the proposed project are to improve the efficiency of Wellborn Road and to eliminate the safety issues created by vehicle/rail conflicts.

Following the modified language above, a section on desirable outcomes that are not central to the need and purpose statement (i.e., environmental protection and scenic improvements), but that may be MPO goals, can be included. This discussion of desired outcomes should be distinct from the need and purpose statement. One example of information to include might be an increase in pedestrian and bicycle access (if this effect were an MPO goal).

See the [FHWA web site](#) for more guidance on need and purpose.

Note: The FHWA guidance refers to “purpose and need.” TxDOT now calls this “need and purpose.”

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B. Bicycle and Pedestrian Accommodations. With this stronger emphasis for multimodal transportation facilities, TxDOT is committed to proactively plan, design and construct facilities to safely accommodate bicyclists and pedestrians on appropriate facilities. It is critical that bicycle and pedestrian accommodations be considered and discussed as the need and purpose of a project is defined during the NEPA process, taking into consideration existing and anticipated bicycle and pedestrian facility systems and needs. In the NEPA document, the district should include a discussion in the project description of proposed bicycle and pedestrian facilities. If no bicycle or pedestrian facilities are planned, the document should state why no such facilities are planned.

For all urban sections, regardless of the type of improvement, the following guidance is provided:

- i. For construction projects within existing right-of-way and when the scope of work is limited to within the roadway typical section, the project plans should:
 - remove barriers to accommodate pedestrians according to Texas Accessibility Standards and Americans with Disabilities Act Accessibility Guidelines (TAS/ADAAG) and TxDOT's PED standard, and;
 - accommodate for bicyclists by restriping the existing roadway typical section to provide a 14' wide curb lane when practical.
- ii. For construction projects within existing right-of-way but when the scope of work involves pavement widening, the project plans should:
 - accommodate bicyclists by widening the pavement to either provide a 14-foot wide curb lane or a 5-foot bicycle lane;
 - Include necessary work to ensure all existing ADA curb ramps comply with current standards; and
 - reconstruct or add sidewalks and crosswalks to ensure a continuous ADA compliant pedestrian route.
- iii. For full reconstruction or new construction projects in urban areas, where new right-of-way is acquired, the project plans should provide the desired geometric values shown in the Roadway Design Manual for each facility type. The inclusion of bicycle and pedestrian facilities should be included in the project plans as appropriate.

When restriping existing pavement to achieve a 14-foot wide shared use lane, the minimum lane widths and curb offsets for the appropriate roadway classification defined in TxDOT's Roadway Design Manual should be maintained. Local city and Metropolitan Planning Organization bicycle and pedestrian plans should also be considered.

6. Logical Termini and Independent Utility

- A. Discuss logical termini and independent utility.

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- i. Logical termini. Additional travel lanes should be proposed only between rational endpoints. A rational endpoint is typically a state or federal system roadway, although local thoroughfares may be substituted when/if state or federal roadways are not appropriate. County limits, county lines, or water bodies are not logical termini. This is regardless of whether or not the termini match the construction limits. The logical termini should reflect the projects need.

Example of logical termini = SH 92 from CR 403 to FM 1488

NOT logical termini = SH 92 from 1.2 miles East of CR 403 to 1.6 miles West of FM 1488.

(In the second case, identify study area limits that extend to a state or federal roadway.)

Example: *The construction limits for the project stretch from 1.2 miles east of SH 92 to 1.6 miles west of FM 1488. However, in order to provide an adequate evaluation of social, economic and environmental impacts, construction study limits were established. These limits extend from CR 785 to SH 88.*

Additional guidance on determining logical termini can be found on the [FHWA web site](#) and in TxDOT's [Environmental Manual](#).

Independent Utility. Additional travel lanes should be a reasonable expenditure and should "stand alone," not requiring additional transportation improvements to complete. The project must be able to function on its own without further construction of an adjoining segment.

Example: *SH 6 is planned to expand from four 12-foot lanes to six 12-foot lanes between SH 288 and IH 45. This typical section will match the six-lane section of SH 6 at IH 45. These limits address the congestion on SH 6 resulting from recent development.*

More guidance on independent utility is available in TxDOT's [Environmental Manual](#).

7. Alternatives

Discuss alternatives. If alternatives were considered, describe them clearly. For a non-added capacity CE, alternatives usually relate to design or right of way.

Example 1: *Two designs were considered. One would construct the project with a 14-foot center left-turn lane. The second would construct the project with channelized left turns at X Boulevard and Y Street. To maximize access to adjacent businesses, the center left-turn lane alternative was chosen.*

Example 2: *Ten acres of additional right of way is necessary for this project. Consideration was given to acquiring all of the additional right of way on the north side, all of the additional right of way on the south side, or dividing the additional right of way on both sides.*

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8. Surrounding Area

- C. What is the land use in the project area? At a minimum, describe the setting of the project (urban, rural, etc.). Describe land uses such as homes, businesses, schools or parks to provide an accurate picture of the project area.

Example: The project is located in a rural area, with primarily undeveloped land. There are scattered farmsteads.

- D. What is the natural setting of the project area? At a minimum, describe the type of vegetation, any water courses and any resources that will help provide a complete overall picture of the project area (using other SOUs such as Biology, Water Quality, etc.).

Example: The project is located in the watershed of the San Jacinto-Brazos Coastal Basin. In its upper reaches, Mustang Bayou is generally an intermittent stream. Mustang Bayou flows south through the project limits and continues to flow south-southeast into New Bayou in southeastern Brazoria County.

9. Specific Areas of Environmental Concern

- A. Socioeconomics
- B. Section 4(f) Resources
- C. Historic Properties
- D. Archeological Resources
- E. Air Quality
- F. Biological Resources
- G. Water Quality
- H. Noise
- I. Hazardous Materials
- J. Indirect and Cumulative Impacts

For most activities that may be conducted as CEs, the project's potential to have indirect effects or to contribute to a cumulative effect is far more dependent on the project's context than the scope of activities. Use the screening tools in Appendix C of the revised [Guidance on Preparing Direct and Cumulative Impacts Analyses](#) to determine whether your project will require such an analysis.

To prepare the analysis see the [SOUs in Chapter 14 Indirect/Cumulative Impacts](#) and the most recent version of TxDOT's Revised Guidance on Preparing Indirect and Cumulative Impact Analyses. You may also refer to the National Cooperative Highway Research Program [\(NCHRP\) Report 466](#) for assistance with analyzing indirect effects.

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If the analysis results in the identification of substantial indirect or cumulative effects, it may not be appropriate to proceed with a CE. Although the decision to begin the study as a CE may be based on project type, analysis results may prompt the need for a higher classification. Coordinate with ENV and FHWA to determine the appropriate document classification.

Note: It is not necessary to use the list above in the precise order given. These are merely resources/issues to address. They may be grouped or re-ordered as necessary.

10. Permits/Commitments

List all that apply.

11. Public Involvement

Include the results of any public involvement held. See the [Public Involvement Standard of Uniformity](#) for the reporting requirements for various public involvement types.

12. Exhibits / Figures / Coordination

- A. County road map showing project area
- B. Typical section(s) (including dimensions) for both existing and proposed condition
- C. Schematics, project layouts, etc. (scales to be determined by designer)
- D. Photos (including natural resources and potential historic resources)
- E. Surveys (National Wetland Inventory, historic resources, etc.)
- F. Natural Diversity Database check
- G. Record of any preliminary coordination

Surveys, technical reports, etc. may be included or appended by reference in the CE document. If they are appended by reference, keep these reports and studies in the project file.

13. Categorical Exclusion Determination

The proposed action meets the criteria for a Categorical Exclusion (CE) as defined in the [Programmatic Agreement for the Review and Approval of NEPA Categorically Excluded Transportation Projects](#) (PA) executed by the Texas Division of the Federal Highway Administration (FHWA) and the Texas Department of Transportation (TxDOT) on October 26, 2004, or received an exception (attached) from FHWA to process the proposed action as a CE.

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No significant social, economic, and/or environmental impacts associated with this project have been discovered. Therefore, the proposed action qualifies as a Categorical Exclusion.

Name (Printed)

Certified/Approved

Date

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Categorical Exclusion Document Format Outline**1) Cover Sheet**

- a) Title (Categorical Exclusion)
- b) Roadway/Limits
- c) County
- d) Control Section Job (CSJ) number
- e) Federal Highway Administration & Texas Department of Transportation
- f) Month/Year

2) Introduction

- a) Description of the project
- b) Project Sponsor

3) Existing Facility

- a) Number of lanes & dimensions
- b) Shoulders & dimensions
- c) Median type & dimensions
- d) Drainage type
- e) ROW Width
- f) Existing AADT
- g) Posted Speed Limit

4) Proposed Action

- a) Number of lanes & dimensions
- b) Shoulders & dimensions
- c) Median type & dimensions
- d) Changes in drainage type
- e) Proposed ROW Width
- f) Permanent easements
- g) Temporary easements
- h) Projected AADT
- i) Proposed Speed Limit

5) Project Funding and Planning

- a) Project description in TIP/STIP
- b) Time frame of TIP/STIP
- c) Letting year
- d) Funding source
- e) Reasonable total project cost (includes preliminary engineering, environmental studies, right of way, utilities, construction and mitigation costs)
- f) Date of the cost estimate
- g) Estimated date of completion

6) Need and Purpose

- a) Need - the problem(s) or unsatisfactory conditions that currently exist or are expected to exist

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- b) Purpose - the essential purpose(s) the project is expected to address to correct the unsatisfactory condition(s)
- c) Data and evidence to support the need and purpose

7) Logical Termini and Independent Utility

- a) Logical termini – rational end points such as state or federal system roadways or local thoroughfares when appropriate
- b) Independent utility – how the project would function on its own without further construction of an adjoining segment

8) Discuss Alternatives

- a) Description of all alternatives considered including the no build option

9) Surrounding Area

- a) Land use
 - i) Urban or rural
 - ii) Homes, businesses & schools in the project area
- b) Natural setting
 - i) Vegetation type
 - ii) Watershed and water courses in the project area

10) Areas of Environmental Concern or Affected Environment

- a) **Socioeconomics**
 - i) Community Impacts
 - (1) Census data
 - (2) Income and language characteristics
 - (3) Changes in neighborhood or community cohesion
 - (4) Changes in access and travel patterns
 - ii) Environmental Justice
 - (1) Definition of EO 12898
 - (2) Definition of disproportionate impacts
 - (3) Health and Human Services' current poverty guideline for a family of four
 - (4) Determination of whether any potential EJ communities exist in the project area
 - (5) Analysis of impacts of each alternative on EJ populations
 - iii) Limited English Proficiency
 - (1) Definition of EO 13166
 - (2) Indicators of LEP populations observed in the field
 - (3) Efforts to include LEP populations in the project development process
 - (4) Commitment to include LEP populations in future public involvement activities
 - iv) Land Use
 - (1) Current uses
 - (2) Land use changes by acreage
 - (3) Zoning for land that will be acquired for right-of-way
 - v) Right-of-Way Acquisition, Displacements, and Relocations
 - (1) Number and type of properties to be taken (if any)
 - (2) Compliance with Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970

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- (3) Number of households to be displaced (if applicable)
 - (a) anticipated relocation problems
 - (b) special advisory services
 - (c) commitment to last resort housing
- (4) Number of businesses to be displaced (if applicable)
 - (a) Anticipated relocation problems
- (5) Farm and Ranch Displacements (if applicable)
- vi) Bike/Pedestrian
 - (1) Provisions made to accommodate bicyclists and pedestrians OR justification for the exceptional circumstances that preclude these provisions
 - (2) Reference to USDOT Policy Statement on March 11, 2010
- b) **Section 4(f) Resources**
 - i) Applies if the project would take ROW or result in constructive use of any of the following:
 - (1) Publicly owned parklands
 - (2) Waterfowl refuges
 - (3) Wildlife refuges
 - (4) Significant historic sites
- c) **Introductory Paragraph for Cultural Resources**
- d) **Historic Properties**
 - i) Results of the Project Coordination Request, Reconnaissance Survey, and/or Intensive Survey
 - ii) Results of project coordination (if applicable)
- e) **Archeological Resources**
 - i) Certification for Projects that Do Not Require Project-Specific Review or Results of Impact Evaluation or Archeological Survey
 - ii) Results of project coordination (if applicable)
- f) **Air Quality**
 - i) Basic Criteria
 - ii) Project Consistency with Transportation Plans and Funding
 - iii) National Ambient Air Quality Standards (NAAQS) – Transportation Conformity
 - iv) Carbon Monoxide (CO) Traffic Air Quality Analysis (TAQA - if applicable)
 - v) Mobile Source Air Toxics Qualitative Assessment (if applicable)
 - (1) Mobile Source Air Toxics
 - (2) Project-Specific MSAT Assessment
 - (3) Sensitive Receptor Assessment
 - (4) Unavailable Information for Project Specific MSAT Impact Analysis
 - (5) Information that is Unavailable or Incomplete
 - (6) Summary of Existing Credible Scientific Evidence Relevant to Evaluating the Impacts of MSATs
 - (7) Relevance of Unavailable or Incomplete Information

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- vi) Congestion Management Process (CMP)/System (CMS) when applicable (if applicable)
- vii) Construction Emissions
- g) **Biological Resources**
 - i) Endangered Species Act of 1973
 - ii) Migratory Bird Treaty Act
 - iii) Magnuson-Stevens Fishery Conservation and Management Act (Essential Fish Habitat - if applicable)
 - iv) Fish and Wildlife Coordination Act (FWCA - if applicable)
 - v) Farmland Protection Policy Act (if applicable)
 - vi) Executive Order 13112 on Invasive Species
 - vii) Environmentally and Economically Beneficial Practices on Federal Landscaped Grounds
 - viii) FEDERAL Species Impact Table
 - ix) STATE Species Impact Table
 - x) SOC Species Impact Table
 - xi) Triggers for Texas Parks and Wildlife Department Coordination
 - xii) MOU/MOA Documentation – Vegetation
 - xiii) National Diversity Database (NDD)
- h) **Water Quality**
 - i) Section 404 of the Clean Water Act: Waters of the U.S. NWP's and IPs
 - ii) Section 401 of the Clean Water Act: Water Quality Certification
 - iii) Executive Order 11990, Wetlands
 - iv) General Bridge Act/Section 9 of the Rivers and Harbors Act (U.S. Coast Guard Permit)
 - v) Rivers and Harbors Act of 1899, Section 10 (if applicable)
 - vi) Section 303(d) of the Clean Water Act
 - vii) Section 402 of the Clean Water Act: TPDES
 - viii) Section 402 of the Clean Water Act: MS4
 - ix) Floodplains
 - x) Trinity River Corridor Development Certificate (if applicable)
 - xi) Texas Coastal Management Program (if applicable)
 - xii) Coastal Barrier Resources Act (CBRA - if applicable)
 - xiii) Edwards Aquifer Recharge and Contributing Zones (if applicable)
 - xiv) International Boundary and Water Commission (if applicable)
 - xv) Wild and Scenic Rivers (if applicable)
- i) **Noise**
 - i) Determination of whether or not a traffic noise analysis is required
 - ii) Results of traffic noise analysis (if applicable)
 - iii) Discussion of noise abatement measures (if applicable)
- j) **Hazardous Materials**
 - i) Discussion of methods used to conduct an Initial Site Assessment (ISA)
 - ii) Results of the ISA

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- iii) Concerns Identified
- iv) Identification of environmental commitments to be completed prior to construction (if applicable)

k) Indirect and Cumulative Impacts Analysis**i) Screening Tools**

- (1) Discussion of the use of the screening tools in Appendix C of the current TxDOT Guidance on Preparing Indirect and Cumulative Impacts to determine if an analysis is required

ii) Indirect Impacts (if applicable)

- (1) Step 1: Scoping
- (2) Step 2: Identify the Study Area's Goals and Trends
- (3) Step 3: Inventory the Study Area's Notable Features
- (4) Step 4: Identify Impact-Causing Activities of the Proposed Action
- (5) Step 5: Identify Potentially Substantial Indirect Effects For Analysis
- (6) Step 6: Analyze Indirect Effects and Evaluate Results
- (7) Step 7: Assess Consequences and Consider/Develop Mitigation

iii) Cumulative Impacts (if applicable)

- (1) Step 1: Identify the Resources to Consider in the Analysis
- (2) Step 2: Define the Study Area for Each Resource
- (3) Step 3: Describe the Current Status/Viability and Historical Context for Each Resource
- (4) Step 4: Identify Direct and Indirect Impacts of the Project that Might Contribute to a Cumulative Impact
- (5) Step 5: Identify Other Reasonably Foreseeable Future Effects
- (6) Step 6: Identify and Assess Cumulative Impacts
- (7) Step 7: Report the Results
- (8) Step 8: Assess the Need for Mitigation

16) Permits/Commitments

- a) Summary of all permits (if any) – TPDES, NWP, USCG Bridge Permit etc.

17) Public Involvement

- a) Summary of Meetings with Affected Property Owners (MAPO), Public Meeting, Opportunity for a Public Hearing or Public Hearing

18) Project Certification

- a) Certification that the project is a CE with a signature and date

19) Exhibits & Figures

- a) County road map showing project area
- b) Typical section(s) for existing and proposed facilities
- c) Schematics or project layouts
- d) Photos

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20) Appendices

- a) Copies of the appropriate pages of the TIP/STIP (or MTP/RTP if applicable)
- b) Record of any coordination
- c) Natural Diversity Database check
- d) Surveys & Tech Reports (if applicable)

*Texas Department of Transportation
Environmental Affairs Division*

**Standards of Uniformity for
Categorical Exclusions**

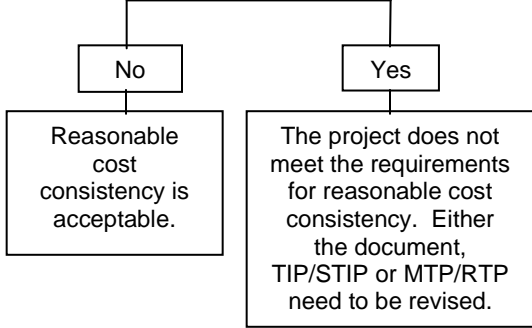
Chapter 4.

Transportation Planning Consistency

Chapter 4. Transportation Planning Consistency

Yes	No	N/A	Description of Item Sufficiency	References/Guidance
Consistency Check of the environmental document, the TIP/STIP and the MTP/RTP				
1			<p>Is the project scope in the document consistent with the project scope in the TIP/STIP and if applicable the project scope in the MTP/RTP for all CSJs?</p> <p>Check all of the following:</p> <ul style="list-style-type: none"> • CSJ Number, • Roadway, • Limits, and • Project Description (i.e., type of project, number of lanes, length, etc.). 	
2			<p>Is the letting year in the document consistent with the letting year in the TIP/STIP and if applicable the letting year in the MTP/RTP?</p>	
3			<p>Is the project cost in the document within reasonable cost consistency of the project cost in the TIP/STIP and if applicable the project cost in the MTP/RTP?</p> <p><u>Determine Reasonable Cost Consistency</u></p> <div style="border: 1px solid black; padding: 5px; margin: 10px auto; width: fit-content;"> <p>Is the project cost in the document, TIP/STIP or MTP/RTP greater than \$1,500,000?</p> </div> <div style="display: flex; justify-content: space-around; margin: 10px auto;"> <div style="text-align: center;"> <div style="border: 1px solid black; padding: 2px 10px;">No</div> <div style="border: 1px solid black; padding: 5px; margin-top: 5px;">Cost consistency does not apply.</div> </div> <div style="text-align: center;"> <div style="border: 1px solid black; padding: 2px 10px;">Yes</div> <div style="border: 1px solid black; padding: 5px; margin-top: 5px;">Is the project cost in the document greater than 50% of what is contained in either the TIP/STIP or the MTP/RTP?</div> <div style="text-align: center; margin-top: 5px;">↓</div> </div> </div>	

Chapter 4. Transportation Planning Consistency

Yes	No	N/A	Description of Item Sufficiency	References/Guidance
				
4			<p><i>General note: If the environmental document differs from the TIP/STIP or the MTP/RTP, then either the environmental document, the TIP/STIP, or the MTP/RTP must be revised. If the TIP/STIP or the MTP/RTP need to be revised, begin coordination with District Transportation Planning and Development staff as soon as possible. If the TIP/STIP or the MTP/RTP must be revised, the project cannot be let before the TIP/STIP or the MTP/RTP have been updated.</i></p>	
Consistency Language to Appear in the Document				
5			<p>Does the document indicate that the project is included the TIP/STIP and the timeframe of the TIP/STIP?</p> <p>If applicable, does the document indicate that the project is in the MTP/RTP and the timeframe of the MTP/RTP?</p>	
6			<p>Example language: <i>The proposed project is included in the <u>2008-2011 Transportation Improvement Program (TIP)</u> and in the <u>Houston-Galveston 2035 Regional Transportation Plan (RTP) approved on June 5, 2007.</u></i></p>	
7			<p>If the project includes more than one CSJ, does the document indicate that all project CSJs are included in the TIP/STIP and if applicable in the MTP/RTP? Does the project demonstrate how the different CSJs in the planning documents cover the entire project limits and project scope as described in the environmental document?</p>	
8			<p>Example language: <i>The project is covered under the following CSJs that are listed in</i></p>	

Chapter 4. Transportation Planning Consistency

Yes	No	N/A	Description of Item Sufficiency	References/Guidance
			<p><i>both the TIP and the RTP: 0500-01-107 includes the widening of 8 main lanes and the addition of two 2 lane frontage roads from .1 mile north of Causeway to south of Texas City Wye; 0500-04-104 includes the widening of 8 main lanes and the addition of two 2 lane frontage roads from north of Texas City Wye to north of FM 519;</i></p> <p><i>0500-04-105 includes the widening of 8 main lanes and the addition of two 2 lane frontage roads north of FM 519 to north of FM 1764; and 0500-04-103 includes the reconstruction of the IH 45/SH 146/SH 6 interchange.</i></p>	
9			<p>Does the document include the funding source, the reasonable total project cost, the date of the cost estimate, and estimated date of completion (open to traffic)? Reasonable total project cost includes preliminary engineering, environmental studies, right of way, utilities, construction and mitigation costs.</p>	<p>Project Cost Memorandum dated June 19, 2009</p>
10			<p>Example language: <i>The funding for this project is <u>80 percent federal and 20 percent state</u>. The total project cost is <u>\$1,000,000</u> as of <u>October 2007</u>.</i></p> <p><i>Estimated time of completion is November, 2009.</i></p>	
11			<p>Does the document include copies of the appropriate pages of the TIP/STIP and if applicable the MTP/RTP as an appendix?</p>	
12			<p>Example language: <i>Copies of the applicable pages of the TIP and the RTP with project listings are included in Appendix D.</i></p>	
13			<p>Example language: <i>The project is included in the FY 2008-2011 STIP as a grouped CSJ. The group number is 500000952. A copy of the page of the plan where the project appears is attached. The project is Category 1, Rehabilitation and is certified in</i></p>	

Chapter 4. Transportation Planning Consistency

Yes	No	N/A	Description of Item Sufficiency	References/Guidance
			<i>the current 2009 letting schedule. Funding is 80% Federal funds and 20% state funds. The total project cost is \$1,935,366.03.</i>	

*Texas Department of Transportation
Environmental Affairs Division*

**Standards of Uniformity for
Categorical Exclusions**

Chapter 5.

Socioeconomic Resources, No Added Capacity

Chapter 5. Socioeconomic Resources, No Added Capacity

Yes	No	N/A	Description of Item Sufficiency	References/Guidance
Community Impacts				
1			The document describes the characteristics of the project area population. Either census data or the results of a field visit are presented.	Community Impact Assessment – A Quick Reference for Transportation TxDOT Interim Guidance for Project Level Environmental Justice (EJ) Analysis
2			The document identifies any changes in neighborhood or community cohesion resulting from the proposed action.	T6640.8a Community Impact Assessment – A Quick Reference for Transportation
3			The document discusses any changes in access and travel patterns (e.g., vehicular, commuter, bicycle, pedestrian). Changes in travel patterns may result from cutting off streets, introducing a median, increasing automobile dependency, improving pedestrian facilities, altering or changing access to public transportation, etc.	T6640.8a Community Impact Assessment – A Quick Reference for Transportation
Environmental Justice				
4			The document includes a definition of EO 12898. The following definition may be used: <i>Executive Order (EO) 12898 “Federal Actions to Address Environmental Justice in Minority Populations and Low-Income Populations” requires each Federal agency to “make achieving environmental justice part of its mission by identifying and addressing, as appropriate, disproportionately high and adverse human health or environmental effects of its programs, policies, and activities on minority populations and low-income populations.” FHWA has identified three fundamental principles of environmental justice:</i> <i>1. To avoid, minimize, or mitigate</i>	FHWA’s Western Resource Center Interim Guidance for Environmental Justice

Chapter 5. Socioeconomic Resources, No Added Capacity

Yes	No	N/A	Description of Item Sufficiency	References/Guidance
			<p><i>disproportionately high and adverse human health or environmental effects, including social and economic effects, on minority populations and low-income populations;</i></p> <ol style="list-style-type: none"> 2. <i>To ensure the full and fair participation by all potentially affected communities in the transportation decision-making process; and</i> 3. <i>To prevent the denial of, reduction in, or significant delay in the receipt of benefits by minority populations and low-income populations.</i> 	
5			<p>The document includes a definition of “disproportionate impacts.” The following definition may be used:</p> <p><i>Disproportionately high and adverse human health or environmental effects are defined by FHWA as adverse effects that:</i></p> <ol style="list-style-type: none"> 1. <i>are predominately borne by a minority population and/or a low-income population; or</i> 2. <i>will be suffered by the minority population and/or low-income population and are appreciably more severe or greater in magnitude than the adverse effects that will be suffered by the non-minority population and/or non-low-income population.</i> 	<p>FHWA's Western Resource Center Interim Guidance for Environmental Justice</p>
6			<p>The document includes the U.S. Department of Health and Human Services' current poverty guideline for a family of four. The current poverty guideline may be accessed at the HHS web site.</p>	<p>FHWA's Western Resource Center Interim Guidance for Environmental Justice</p>
7			<p>The document clearly identifies any potential Environmental Justice populations/communities that exist in the project area. If none exist, no further discussion is needed, other than a statement of no impact.</p>	<p>Community Impact Assessment – A Quick Reference for Transportation FHWA's Western Resource Center Interim</p>

Chapter 5. Socioeconomic Resources, No Added Capacity

Yes	No	N/A	Description of Item Sufficiency	References/Guidance
				Guidance for Environmental Justice
8			If an Environmental Justice population is present, the analysis considers the impacts of each alternative (including No-Build) on Environmental Justice populations.	FHWA's Western Resource Center Interim Guidance for Environmental Justice
Limited English Proficiency				
9			The document includes a definition of EO 13166. The following definition may be used: <i>EO 13166 "Improving Access to Services for Persons with Limited English Proficiency" requires agencies to examine the services they provide, identify any need for services to those with limited English proficiency (LEP), and develop and implement a system to provide those services so that LEP persons can have meaningful access to them.</i>	
10			The document identifies any indicators of LEP populations observed in the field, such as signage in languages other than English.	LEP Policy Guidance for DOT Recipients available at
11			The document describes any efforts undertaken so far to include the LEP population in the project development process.	See also Limited English Proficiency: A Federal Interagency Website
12			The document includes a commitment to make specific efforts to include the LEP population in future public involvement activities.	
Right-of-Way Acquisition, Displacements, and Relocations				
			The document explains how and when the existing right-of-way was acquired.	FHWA guidance memo dated December 6, 2007 from FHWA and the TxDOT Administration
13			The document clearly states whether any additional right-of-way is required.	
14			The document clearly identifies any required displacements.	

Chapter 5. Socioeconomic Resources, No Added Capacity

Yes	No	N/A	Description of Item Sufficiency	References/Guidance
15			The document includes a map or aerial photo with locations of any properties to be displaced clearly marked.	
16			The document contains detailed information regarding the number and specific type(s) of properties to be taken (if any).	T6640.8a
17			If the project involves acquisition of property, the document includes a statement that the acquisition and any relocations will be conducted in accordance with the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970, as amended, and that relocation resources are available to all residential and business relocatees without discrimination.	T6640.8a T6640.8a T6640.8a
18			<p>Residential displacements (if any):</p> <p>The document includes a discussion of the number of households to be displaced and any anticipated relocation problems. Discussion includes a description of:</p> <ol style="list-style-type: none"> 1. Dwelling types(s); i.e., single-family, multi-family, Section 8 or other subsidized housing, etc. 2. Occupancy type (owner/tenant) 3. Resident characteristics <ol style="list-style-type: none"> a. Elderly b. Disabled c. Minorities (racial, ethnic, or religious groups) d. Income level (low, middle, high) e. Large or small families f. Length of occupancy g. Transit dependency h. Limited English speaking 4. Approximate value of properties to be displaced. <p>NOTE: If there are very few displacees, specific information on race, ethnicity, and income levels should not be included to</p>	

Chapter 5. Socioeconomic Resources, No Added Capacity

Yes	No	N/A	Description of Item Sufficiency	References/Guidance
			protect the privacy of those affected.	
19			Residential displacements (if any): The document describes available housing in the area, using current information from the Multiple Listing Service (MLS) or another reliable indicator (census data is not a reliable indicator of current real estate market conditions). If MLS information is not available, then the document should state this.	
20			The document describes any special advisory services or other services that will be necessary for special relocation problems (if these problems exist).	TA6640.8a
21			The document includes a statement of commitment to last resort housing (in cases where sufficient comparable replacement housing may not be available).	T6640.8a
22			Business displacements (if any): The document includes a discussion of the number of businesses to be displaced and any anticipated relocation problems. The discussion should include descriptions of: <ol style="list-style-type: none"> 1. Business type(s); i.e., restaurant, hardware store, automotive repair, etc. 2. Occupancy type(s) (owner/tenant) 3. Business characteristics <ol style="list-style-type: none"> a. Traffic-dependent b. Population served c. Minority ownership or operation d. Skilled or unskilled employees e. Number of employees f. Length of occupancy g. Impact to community, if the business cannot be relocated h. Facility requirements i. Parking requirements j. Whether the business is non-profit organization 	T6640.8a

Chapter 5. Socioeconomic Resources, No Added Capacity

Yes	No	N/A	Description of Item Sufficiency	References/Guidance
			<p>4. The approximate value of properties to be displaced.</p> <p>5. Existing zoning and current use of real property to be acquired for right of way.</p>	
23			<p>Business Displacements (if any): The document describes available commercial properties in the area using information from the Multiple Listing Service or another reliable indicator (census data is not a reliable indicator of the current real estate market conditions).</p>	T6640.8a
24			<p>Farm and Ranch Displacements (if any): Farms and ranches should be described similarly to businesses, with additional consideration for farm operations (Does the project divide farms and leave areas unsuitable for farming activities? Does the project separate livestock from water sources or other services? etc.). The discussion should include:</p> <ol style="list-style-type: none"> 1. Occupancy type (owner/tenant) 2. Farm/Ranch characteristics <ol style="list-style-type: none"> a. Agricultural products b. Minority ownership or operation c. Number of employees d. Length of occupancy e. Facility requirements 3. Approximate value of properties to be displaced. 4. Impacts to farm/ranch operations. 	T6640.8a
25			<p>Farm and Ranch Displacements (if any): The document describes available farm/ranch properties in the area using information from the Multiple Listing Service or another reliable indicator (census data is not a reliable indicator of current real estate market conditions).</p>	T6640.8a

Chapter 5. Socioeconomic Resources, No Added Capacity

*Texas Department of Transportation
Environmental Affairs Division*

**Standards of Uniformity for
Categorical Exclusions**

Chapter 6.

Socioeconomic Resources, Added Capacity

Chapter 6. Socioeconomic Resources, Added Capacity

Yes	No	N/A	Description of Item Sufficiency	References/Guidance
Community Impacts				
1			The document describes characteristics of the neighborhood population. Census data that has been utilized is presented at the lowest level available which, for race and ethnicity, is the block level. The results of a field visit should be incorporated into the analysis to supplement the Census data.	Community Impact Assessment – A Quick Reference for Transportation (also known at the “Purple Book”), available at TxDOT Interim Guidance for Project Level Environmental Justice (EJ) Analysis
2			Income and language characteristics may be presented at the block group level.	
3			Census data is presented for each block/block group/census tract and is not aggregated across the project area.	
4			Census data is compared to the next larger level (e.g., block-to-block group).	
5			The document identifies any changes in neighborhood or community cohesion resulting from the proposed action.	T6640.8a Community Impact Assessment – A Quick Reference for Transportation T6640.8a Community Impact Assessment – A Quick Reference for Transportation
6			The document discusses any changes in access and travel patterns (e.g., vehicular, commuter, bicycle, pedestrian). Changes in travel patterns may result from cutting off streets, introducing a median, increasing automobile dependency, improving pedestrian facilities, altering or changing access to public transportation, etc.	
Environmental Justice				
7			The document includes a definition of EO 12898. The following definition may be used: <i>Executive Order (EO) 12898 “Federal Actions to Address Environmental Justice in Minority Populations and Low-Income Populations” requires each federal agency to “make achieving environmental justice part of its mission by identifying and addressing, as appropriate, disproportionately high and adverse human</i>	FHWA’s Western Resource Center Interim Guidance for Environmental Justice

Chapter 6. Socioeconomic Resources, Added Capacity

Yes	No	N/A	Description of Item Sufficiency	References/Guidance
			<p><i>health or environmental effects of its programs, policies, and activities on minority populations and low-income populations.”</i></p> <p><i>FHWA has identified three fundamental principles of environmental justice:</i></p> <ol style="list-style-type: none"> <i>1. To avoid, minimize, or mitigate disproportionately high and adverse human health or environmental effects, including social and economic effects, on minority populations and low-income populations;</i> <i>2. To ensure the full and fair participation of all potentially affected communities in the transportation decision-making process; and</i> <i>3. To prevent the denial of, reduction in, or significant delay of the receipt of benefits by minority populations and low-income populations.</i> 	
8			<p>The document includes a definition of “disproportionate impacts.” The following definition may be used:</p> <p><i>Disproportionately high and adverse human health or environmental effects are defined by FHWA as adverse effects that:</i></p> <ol style="list-style-type: none"> <i>1. are predominately borne by a minority population and/or a low-income population; or</i> <i>2. will be suffered by the minority population and/or low-income population and are appreciably more severe or greater in magnitude than the adverse effects that will be suffered by the nonminority population and/or non-low- income population.</i> 	<p>FHWA’s Western Resource Center Interim Guidance for Environmental Justice</p>
9			<p>The document includes the U.S. Department of Health and Human Services’ current poverty guideline for a family of four. The current poverty guideline may be</p>	<p>FHWA’s Western Resource Center Interim Guidance for Environmental Justice</p>

Chapter 6. Socioeconomic Resources, Added Capacity

Yes	No	N/A	Description of Item Sufficiency	References/Guidance
			accessed at the HHS web site .	
10			The document clearly indicates whether any potential Environmental Justice populations/communities exist in the project area. If not, no further discussion is needed, other than a statement of no impact.	Community Impact Assessment – A Quick Reference for Transportation FHWA's Western Resource Center Interim Guidance for Environmental Justice
11			If an Environmental Justice population is present, the analysis considers the impacts of each alternative (including No-Build) on Environmental Justice populations.	FHWA's Western Resource Center Interim Guidance for Environmental Justice
Limited English Proficiency				
12			The document includes a definition of EO 13166. The following definition may be used: <i>EO 13166 "Improving Access to Services for Persons with Limited English Proficiency" requires agencies to examine the services they provide, identify any need for services to those with limited English proficiency (LEP), and develop and implement a system to provide those services so that LEP persons can have meaningful access to them.</i>	
13			The document identifies any indicators of LEP populations observed in the field, such as signage in languages other than English.	LEP Policy Guidance for DOT Recipients
14			The document describes any efforts undertaken so far to include the LEP population in the project development process.	Limited English Proficiency: A Federal Interagency Website
15			The document includes a commitment to make specific efforts to include the LEP population in future public involvement activities.	
Land Use				
16			The document describes direct land use changes by acreage. This should include a	T6640.8a

Chapter 6. Socioeconomic Resources, Added Capacity

Yes	No	N/A	Description of Item Sufficiency	References/Guidance
			discussion of the current uses and zoning for land that will be acquired for right-of-way.	
Right-of-Way Acquisition, Displacements, and Relocations				
			The document explains how and when existing right-of-way was acquired.	FHWA guidance memo dated December 6, 2007 from FHWA and the TxDOT Administration
			The document contains detailed information regarding the number and type of properties to be taken (if any).	
			If the project involves acquisition of property, the document includes a statement that the acquisition and any relocations will be conducted in accordance with the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970, as amended, and that relocation resources are available to all residential and business relocatees without discrimination.	T6640.8a
			<p>Residential displacements (if any):</p> <p>The document includes a discussion of the number of households to be displaced and any anticipated relocation problems. Discussion includes a description of:</p> <ol style="list-style-type: none"> 1. Dwelling types(s) (i.e., single-family, multi-family, Section 8 or other subsidized housing, etc.) 2. Occupancy type (owner/tenant). 3. Resident characteristics <ol style="list-style-type: none"> a. Elderly b. Disabled c. Minorities (racial, ethnic, or religious groups) d. Income level (low, middle, high) e. Large or small families f. Length of occupancy g. Transit dependency 	T6640.8a

Chapter 6. Socioeconomic Resources, Added Capacity

Yes	No	N/A	Description of Item Sufficiency	References/Guidance
			<p>h. Limited English speaking</p> <p>4. Approximate value of properties to be displaced.</p> <p>NOTE: If there are very few displacees, specific information on race, ethnicity, and income levels should not be included to protect the privacy of those affected.</p>	
			<p>Residential displacements (if any):</p> <p>The document describes available housing in the area, using current information from the Multiple Listing Service (MLS) or another reliable indicator (census data is not a reliable indicator of current real estate market conditions). If MLS information is not available, the document should state this.</p>	<p>T6640.8a</p>
			<p>The document describes any special advisory services or other services that will be necessary for special relocation problems (if these problems exist).</p>	<p>T6640.8a</p>
			<p>The document includes a statement of commitment to last resort housing (in cases where sufficient comparable replacement housing may not be available).</p>	<p>T6640.8a</p>
			<p>Business displacements (if any):</p> <p>The document includes a discussion of the number of businesses to be displaced and any anticipated relocation problems. The discussion should include:</p> <ol style="list-style-type: none"> 1. Business types(s) (i.e., restaurant, hardware store, automotive repair, etc.) 2. Occupancy type (owner/tenant) 3. Business characteristics <ol style="list-style-type: none"> a. Traffic-dependent b. Population served c. Minority ownership or operation d. Skilled or unskilled employees e. Number of employees f. Length of occupancy g. Impact to community, if the business 	<p>T6640.8a</p>

Chapter 6. Socioeconomic Resources, Added Capacity

Yes	No	N/A	Description of Item Sufficiency	References/Guidance
			<p>cannot be relocated</p> <ul style="list-style-type: none"> h. Facility requirements i. Parking requirements j. Whether the business is non-profit organization <p>4. The approximate value of properties to be displaced</p> <p>5. Existing zoning and current use of real property to be acquired for right of way.</p>	
			<p>Business Displacements (if any):</p> <p>The document describes available commercial properties in the area using information from the Multiple Listing Service or other reliable indicator (census data is not a reliable indicator of the current real estate market conditions).</p>	<p>T6640.8a</p>
			<p>Farm and Ranch Displacements (if any):</p> <p>Farms and ranches should be described much like businesses; with additional consideration for farm operations (Does the project divide farms and leave areas unsuitable for farming activities? Does the project separate livestock from water sources or other services? etc.). The discussion should include:</p> <ul style="list-style-type: none"> 1. Occupancy type (owner/tenant) 2. Farm/Ranch characteristics <ul style="list-style-type: none"> a. Agricultural products b. Minority ownership or operation c. Number of employees d. Length of occupancy e. Facility requirements 3. Approximate value of properties to be displaced 4. Impacts to farm/ranch operations. 	<p>T6640.8a</p>
			<p>Farm and Ranch Displacements (if any):</p> <p>The document describes available farm/ranch properties in the area using information from the Multiple Listing Service</p>	<p>T6640.8a</p>

Chapter 6. Socioeconomic Resources, Added Capacity

Yes	No	N/A	Description of Item Sufficiency	References/Guidance
			or another reliable indicator (census data is not a reliable indicator of current real estate market conditions).	

* General Note: The document may discuss issues briefly, but needs to provide sufficient information to support the CE classification.

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**Standards of Uniformity for
Categorical Exclusions**

Chapter 7.

Historical Studies

Chapter 7. Historical Studies

NOTE: The District submits Section 1, Part 1 of the Project Coordination Request (PCR) only. Subsequent forms (Sections 3-9) should only be used based on consultation with the appropriate TxDOT Historian.

Chapter 7. Historical Studies. Section 1. Project Coordination Request

District/County _____ Highway _____ CSJ _____
Contractor _____ Submittal Date _____

Section 1. Project Coordination Request

The District completes Part 1 for submission to ENV. If appropriate, the qualified contractor will fill out Part 2. This Standard of Uniformity (SOU) will be reviewed by ENV's Historical Studies (HIST) staff; HIST will return it to the District if the information does not comply with the standards. The District will then either (1) address any information insufficiencies or (2) initiate the steps necessary to address ENV HIST's recommendations. Once any additional issues have been addressed, the District will resubmit this form for review.

Note: Part 1 includes information that is minimally required to properly facilitate the review process. Please submit all relevant documentation at one time.

PART 1: Information Required to Process Historic Resources Coordination and Consultation		Comments*
<i>[To be completed with all appropriate documentation attached by District personnel. Quality Control must be performed by District personnel if completed by a consultant]</i>		
1	District provided: <input type="checkbox"/> Active CSJ (or equivalent if the project is not a construction project) against which environmental work can be charged.	
2	District indicated the targeted expected: <input type="checkbox"/> Letter of Authority (LOA) date <input type="checkbox"/> Anticipated letting date	
3	District provided: <input type="checkbox"/> "Historic-age" date (let date minus 45 years)	
4	District identified: <input type="checkbox"/> Proposed additional ROW (estimated in acres) <input type="checkbox"/> Any easements (estimated in acres)	
5	District provided aerial map(s) or equivalent of the project area. Map includes: <input type="checkbox"/> Current ROW <input type="checkbox"/> Proposed ROW <input type="checkbox"/> Area of Potential Effects (APE) <input type="checkbox"/> Known historic resources <input type="checkbox"/> Major streets names	

Chapter 7. Historical Studies. Section 1. Project Coordination Request

District/County _____ Highway _____ CSJ _____
Contractor _____ Submittal Date _____

<p>PART 1: Information Required to Process Historic Resources Coordination and Consultation <i>[To be completed with all appropriate documentation attached by District personnel. Quality Control must be performed by District personnel if completed by a consultant]</i></p>	<p>Comments*</p>
<p>6 As determined in consultation with ENV HIST, the District provided:</p> <ul style="list-style-type: none"> <input type="checkbox"/> The project description <input type="checkbox"/> Preliminary plans showing: <ul style="list-style-type: none"> <input type="checkbox"/> The existing ROW boundaries <input type="checkbox"/> Proposed right of way boundaries <input type="checkbox"/> Property parcel boundaries <input type="checkbox"/> Temporary easements <input type="checkbox"/> Permanent easements 	
<p>7 District provided:</p> <ul style="list-style-type: none"> <input type="checkbox"/> Typical roadway sections <input type="checkbox"/> Proposed roadway sections 	
<p>8 District provided:</p> <ul style="list-style-type: none"> <input type="checkbox"/> The results of the Texas Historic Sites Atlas search, identifying NHL, NRHP, RTHL, and OTHM resources located within one-quarter mile of the project area. Markers to be relocated must also be identified. <input type="checkbox"/> The results of the search are listed: <ul style="list-style-type: none"> <input type="checkbox"/> in table format <input type="checkbox"/> sites are identified on aerial map(s) or equivalent 	
<p>9 For Bridge Projects <u>or projects with historic-age bridges in the project area</u>, the District provided:</p> <ul style="list-style-type: none"> <input type="checkbox"/> The Bridge Inventory Number <input type="checkbox"/> The reported results of Historic Bridge Inventory Search (available from ENV HIST) <input type="checkbox"/> The results of the search are listed: <ul style="list-style-type: none"> <input type="checkbox"/> in table format <input type="checkbox"/> ALL bridges are identified on aerial map(s) or equivalent <input type="checkbox"/> As appropriate and in consultation with ENV HIST, the District provides copy of CHC consultation letter and results 	

Chapter 7. Historical Studies. Section 1. Project Coordination Request

District/County _____ Highway _____ CSJ _____
Contractor _____ Submittal Date _____

PART 1: Information Required to Process Historic Resources Coordination and Consultation <i>[To be completed with all appropriate documentation attached by District personnel. Quality Control must be performed by District personnel if completed by a consultant]</i>	Comments*
of consultation	
10 The District consulted with ENV HIST to determine: <input type="checkbox"/> If rest area(s) have been evaluated for inclusion in the NRHP. <input type="checkbox"/> The results of the search are: <input type="checkbox"/> listed in table format <input type="checkbox"/> sites are identified on aerial map(s) or equivalent	
11 When right of entry (ROE) is required, as determined in consultation with ENV HIST, the District sends out ENV HIST ROE forms to affected land owners. District provided: <input type="checkbox"/> Dated ROE letters sent out to ENV HIST for time tracking purposes	
12 If applicable, the District appropriately identified: <input type="checkbox"/> Consulting parties (as stipulated by federal and state historic preservation law) <input type="checkbox"/> Individuals, local governments and known historic preservation groups are listed with contact information	
13 District provided: <input type="checkbox"/> Representative photographs of the project area, including: <input type="checkbox"/> adjacent buildings <input type="checkbox"/> road features <input type="checkbox"/> areas of construction	
14 Additional Comments: 	

**A District's response and/or comments should reflect known data about the project and identify any data limits that would prevent the District from providing the requested information.*

Chapter 7. Historical Studies. Section 1. Project Coordination Request

District/County _____ Highway _____ CSJ _____
Contractor _____ Submittal Date _____

PART 2: Additional Project Information that can be Provided by a Qualified TxDOT Consultant		Comments*
<i>[A professionally qualified Historian or Architectural Historian must provide the following information; however, Quality Assessment and Quality Control must be performed by District personnel if completed by a consultant]</i>		
1	<input type="checkbox"/> Period of Historical Significance (if known)	
2	Research repositories used or will be used: <input type="checkbox"/> State Archives <input type="checkbox"/> CSJ log books <input type="checkbox"/> Local repositories <input type="checkbox"/> Other sources	
3	<input type="checkbox"/> Potential historic resources in the APE and study area (e.g. modern commercial, mid-20 th century residential, etc.)	
4	<input type="checkbox"/> Literature review appropriate to the study area	
5	<input type="checkbox"/> A succinct summary of the literature review results with: <input type="checkbox"/> clear descriptions of identification, evaluation, and documentation tasks required, and a description of <input type="checkbox"/> potential areas of significance appropriate to the survey area)	
6	Additional documentation: <input type="checkbox"/> Methodology <input type="checkbox"/> Historic context <input type="checkbox"/> Bibliography	

Chapter 7. Historical Studies. Section 1. Project Coordination Request

District/County _____ Highway _____ CSJ _____
Contractor _____ Submittal Date _____

PART 3: ENV HIST Determinations		Yes
Additional actions required by the District. SOU to be resubmitted with requested information <i>[DO NOT WRITE on this page; for ENV HIST STAFF ONLY]</i>		
1	Project information is insufficient to determine level of Historic Resource Review and Consultation (see attached comments indicating why information is insufficient).	<input type="checkbox"/>
2	Project information is sufficient to recommend that a Reconnaissance Survey be performed.** ENV HIST staff will consult with the District to (1) specify survey needs and (2) develop a scope of work and a timeline for receiving contract deliverables.	<input type="checkbox"/>
3	Project information is sufficient to recommend that an Intensive Survey be performed.** ENV HIST staff will consult with the District to (1) specify survey needs and (2) develop a scope of work and a timeline for receiving contract deliverables.	<input type="checkbox"/>
4	Additional Comments:	

** All work must meet appropriate Standards of Uniformity. Please consult ENV HIST if assistance is required through an ENV Scientific Services Contract.

PART 4: ENV HIST Certification	
<i>[TO BE FILLED OUT BY ENV HIST STAFF; TO BE INCLUDED WITH DISTRICT'S SUBMISSION TO THE REC]</i>	
1	ENV HIST staff determined that the project information is sufficient to record Section 106 actions on HIST screen in ETS. The appropriate NEPA language has been submitted to the District and recorded in ETS.
2	ENV HIST Reviewer Name: _____ Date: _____

Chapter 7. Historical Studies. Section 2. NEPA Language

Section 2. NEPA Language

Part 1. Instructions

This section of the SOU contains standard language for documenting the results of historic resources studies. The standard language includes an introductory statement that applies to both archeological studies and historical studies. This paragraph should precede the discipline-specific statements and needs to only be included once in the document. In other words, the introductory statement does not need to precede both the individual ARCH and HIST paragraphs.

Introductory Paragraph for Cultural Resources:

Cultural Resources

Cultural resources are structures, buildings, archeological sites, districts (a collection of related structures, buildings, and/or archeological sites), cemeteries and objects. Both federal and state laws require consideration of cultural resources during project planning. At the federal level, NEPA and the National Historic Preservation Act (NHPA) of 1966, among others, apply to transportation projects such as this one. In addition, state laws such as the Antiquities Code of Texas apply to these projects. Compliance with these laws often requires consultation with the Texas Historical Commission/Texas State Historic Preservation Officer and/or federally-recognized tribes to determine the project's effects on cultural resources. Review and coordination of this project followed approved procedures for compliance with federal and state laws.

Part 2. Instructions

After including the introductory paragraph for all cultural resources, add appropriate statements for both archeological and historic resources (see the [SOU for Archeological Studies](#) for the archeological resource language). For historic resources, choose one of the following two paragraphs.

- *Statement A is used when ENV HIST staff has determined the project activities have no potential to affect historic properties.*
- *Statement B is used when the project requires individual coordination through ENV HIST. Please note that Statement B requires additional information to be added, based on information provided by ENV Historians. Statement B provides prompts to indicate where information needs to be selected and added.*

A. No Potential to Affect Historic Properties

Use the following introduction paragraph for Historical Resources:

A review of the National Register of Historic Places (NRHP), the list of State Archeological Landmarks (SAL), and the list of Recorded Texas Historic Landmarks (RTHL) indicated that no historically significant resources have been previously documented within the area of potential effects (APE). It has been determined through consultation with the State Historic Preservation Officer (SHPO) that the APE for the proposed project is the current right-of-way. A site visit revealed that there are no

Chapter 7. Historical Studies. Section 2. NEPA Language

historic-age resources (built prior to **[insert date of letting minus 45 years]***), located within the Project APE.

Use the following conclusion paragraph for Historical Resources:

Pursuant to Stipulation V “Undertakings with No Potential to Affect Historic Resources” of the First Amended Programmatic Agreement Regarding the Implementation of Transportation Undertakings (PA-TU) between the Federal Highway Administration (FHWA), the Texas State Historic Preservation Officer (SHPO), the Advisory Council on Historic Preservation, and the Texas Department of Transportation (TxDOT) and the Memorandum of Understanding (MOU) between TxDOT and SHPO, TxDOT historians determined that the proposed action has no potential to affect historic properties and that individual project coordination with SHPO is not required.

B. Individual Coordination with ENV HIST Required

Use the appropriate conclusion paragraph for Historic Resources:

There are three possible scenarios:

- 1. Negative Survey*
- 2. No Historic Properties Present*
- 3. Historic Properties Present but not Affected*

ENV HIST should be consulted to determine which scenario is appropriate.

Scenario One - Negative Survey: No previously recorded historic properties are present and no historic-age properties were identified within the Project APE.

A review of the National Register of Historic Places (NRHP), the list of State Archeological Landmarks (SAL), and the list of Recorded Texas Historic Landmarks (RTHL) indicated that no historically significant resources have been previously documented within the area of potential effects (APE). It has been determined through consultation with the State Historic Preservation Officer (SHPO) that the APE for the proposed project is **[Insert the correct APE per the PA-TU]**. A site visit revealed that there are no historic-age resources (built prior to **[insert date of letting minus 45 years]***), located within the Project APE.

Pursuant to **[Stipulation V “Undertakings with No Potential to Affect Historic Resources”]** or **[Stipulation VI “Undertakings with the Potential to Affect Historic Resources”]** of the First Amended Programmatic Agreement Regarding the Implementation of Transportation Undertakings (PA-TU) between the Federal Highway Administration (FHWA), the Texas State Historic Preservation Officer (SHPO), the Advisory Council on Historic Preservation, and the Texas Department of Transportation (TxDOT) and the Memorandum of Understanding (MOU), TxDOT historians determined that no historic-age properties are present and that individual project coordination with SHPO is not required.

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* Note that the **bolded italicized text** in brackets [] indicates language that must be customized by the District depending on the facts of the specific project for which the NEPA language is being written.

- If the proposed project would require TxDOT to relocate a marker, coordination with THC for marker relocation is required. Therefore, the District needs to report the status of the THC marker coordination in the last sentence of the Disclosure Statement paragraph of the NEPA language.

* Note that in order to be a Stipulation V, the project activities have to be identified within Appendix 3 as activities that do not have the potential to affect listed or eligible properties.

Scenario Two – No Historic Properties Present: TxDOT historian has determined that no NRHP listed and no NRHP eligible properties are located within the Project APE.

A review of the National Register of Historic Places (NRHP), the list of State Archeological Landmarks (SAL), and the list of Recorded Texas Historic Landmarks (RTHL) indicated that no historically significant resources have been previously documented within the area of potential effects (APE). It has been determined through consultation with the State Historic Preservation Officer (SHPO) that the APE for the proposed project is **[choose correct APE per PA-TU]**. A site visit revealed that there are **[insert number of historic-age resources]** historic-age resources (built prior to **[insert date of letting minus 45 years]**), located within Project APE. TxDOT historians have determined that none of the historic-age resources are NRHP eligible.

Pursuant to **[Stipulation V “Undertakings with No Potential to Affect Historic Resources”]** or **[Stipulation VI “Undertakings with the Potential to Affect Historic Resources”]** of the First Amended Programmatic Agreement Regarding the Implementation of Transportation Undertakings (PA-TU) between the Federal Highway Administration (FHWA), the Texas State Historic Preservation Officer (SHPO), the Advisory Council on Historic Preservation, and the Texas Department of Transportation (TxDOT) and the Memorandum of Understanding (MOU).

* Note that the **bolded italicized text** in brackets [] indicates language that must be customized by the District depending on the facts of the specific project for which the NEPA language is being written.

* Note that in order to be a Stipulation V, the project activities have to be identified within Appendix 3 as activities that do not have the potential to affect listed or eligible properties.

Scenario Three – Historic Properties Present, but not Affected: TxDOT historian has determined that NRHP listed and/or NRHP eligible properties located within the Project APE will not be adversely affected by project activities.

A determination by ENV Historians that project activities would have no adverse effect to historic properties located within the project APE is dependent on the following components. These components include:

- Evidence of efforts to identify and evaluate historic properties located within a proposed project area of potential effects;

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- *Documentation that project planners and engineers considered project effects on properties listed or eligible for listing in the National Register of Historic Places and; through appropriate consultation sought ways to avoid, minimize or mitigate any adverse effects on historic properties;*
- *Findings of determination of effects to historic properties, with the appropriate documentation showing that Section 106 consultation is completed.*

Use the following conclusion paragraphs for Historic Resources:

A review of the National Register of Historic Places (NRHP), the list of State Archeological Landmarks (SAL), and the list of Recorded Texas Historic Landmarks (RTHL) indicated that no historically significant resources have been previously documented within the area of potential effects (APE). It has been determined through consultation with the State Historic Preservation Officer (SHPO) that the APE for the proposed project is ***[choose correct APE per PA-TU]***. A site visit revealed that there are ***[insert number of historic-age resources]*** historic-age resources (built prior to ***[insert date of letting minus 45 years]***), located within Project APE. TxDOT historians have determined there are ***[insert number]*** of historic-age resources that are determined NRHP eligible.

- ❖ *Include a list of all NRHP historic properties with location information, and descriptive summary of each resource by type*
- ❖ *Describe any consultation efforts with Section 106 consultation parties*
- ❖ *For each NRHP property provide determination statements of NRHP eligibility and significance*
- ❖ *For each NRHP property document how project planners and engineers have considered efforts to minimize and avoid adverse effects. AND the results of the application of Adverse Effects Criteria*

Pursuant to Stipulation VI “Undertakings with the Potential to Affect Historic Resources” of the First Amended Programmatic Agreement Regarding the Implementation of Transportation Undertakings (PA-TU) between the Federal Highway Administration (FHWA), the Texas State Historic Preservation Officer (SHPO), the Advisory Council on Historic Preservation, and the Texas Department of Transportation (TxDOT) and the Memorandum of Understanding (MOU), TxDOT Historians have determined that the proposed action will not adversely affect historic properties and that the proposed undertaking would have no reasonably foreseeable adverse effects that may occur later in time, be farther removed in distance, or be cumulative. Therefore, individual project coordination with SHPO is not required.

** Note that the **bolded italicized text in brackets []** indicates language that must be customized by the District depending on the facts of the specific project for which the NEPA language is being written.*

Chapter 7. Historical Studies. *Section 3. Windshield Survey of Non-Archeological Historic-Age
Resource Review Checklist*

Chapter 7. Historical Studies. *Section 4. Non-Archeological Historic-Age Resource Research Designs Review Checklist*

Chapter 7. Historical Studies. Section 9. Section 106 Public Involvement Plan – Review Checklist

*Texas Department of Transportation
Environmental Affairs Division*

**Standards of Uniformity for
Categorical Exclusions**

Chapter 8.

Archeological Resources

Chapter 8. Archeological Resources. Section 1. Standards of Uniformity for Archeological Resources

Section 1. Standards of Uniformity for Archeological Resources

Purpose of these standards

Categorically excluded projects, by definition, can have no significant impact on cultural or historic resources (23 CFR 771.117(a)). FHWA's regulations governing compliance with the National Environmental Policy Act (NEPA) state that no "unusual circumstances" may occur that would preclude the project from being categorically excluded. These regulations closely tie NEPA analysis and compliance with cultural resources laws. "Unusual circumstances" include: substantial environmental controversy; significant impacts on properties protected by [Section 4\(f\) of the DOT Act or Section 106 of the National Historic Preservation Act \(NHPA\)](#); or inconsistency with other federal, state, or local statutes, regulations, and requirements (23 CFR 771.117(b)).

This Standard of Uniformity (SOU) provides guidance to establish and document that these unusual circumstances do not exist.

Procedures, roles, and responsibilities

As noted previously, the NEPA analysis relies upon work done in compliance with the [National Historic Preservation Act](#) and other laws, such as the [Antiquities Code](#) and [Health and Safety Code](#). Usually, two main sources of information are needed to comply with these laws and to determine whether unusual circumstances exist. First, some kind of technical study is typically needed to evaluate the project's effects on archeological sites and cemeteries. Second, consultation with various parties—including, but not limited to, the Texas Historical Commission/Texas State Historic Preservation Officer and federally-recognized tribes—must often be conducted. Consequently, the procedures detailed in this SOU also provide a guide to compliance with the Antiquities Code and Section 106 of the National Historic Preservation Act, since the essential information for the NEPA analysis is generated from this compliance process.

The following paragraphs outline the steps required to complete such work, describing the analysis and documentation of the project's effects on archeological sites and cemeteries. These sections also identify the roles and responsibilities of the District, ENV, and other parties involved in this process. Some responsibilities that can be handled by ENV may also be assumed by the District, at its discretion; however, existing agreements for compliance with Section 106 of the NHPA and the Antiquities Code reserve certain responsibilities for ENV alone.

Step 1: Initial review of project. Some projects require very little review and documentation, because of their limited scope. The District, ENV, or another project sponsor determines whether the project can be classified as not requiring formal project-specific review (see [Certification Standards for Projects that Do Not Require Project-Specific Review \(Archeology\)](#)).

- If the project can be so classified, an authorized person at the District, other project sponsor's office, or ENV completes the SOU entitled [Certification Standards for Projects that Do Not Require Project-Specific Review](#), archives the original form in the project file, and submits a copy to ENV.
 - The District or other project sponsor documents this finding in the CE document.

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- The next section of this SOU provides suggested language for the CE document. If you are following this suggested language, use the introductory paragraph and statement A; no further work is required.
- If the project can not be so classified, go to Step 2.

Step 2: Coordination is initiated. Information about projects that require formal review and coordination must be passed to ENV. The District or other project sponsor provides this information to ENV in accordance with the [Standards of Uniformity for Coordination Requests Regarding Archeological Resources](#). ENV begins the necessary consultation and undertakes an initial review of the project. Go to Step 3.

Step 3: Project review and coordination. ENV recommends an appropriate level of effort for archeological investigations. For example, ENV may recommend a background study (see the [Standards of Uniformity for Background Study](#)) or field investigation (applicable standards include the [Standards of Uniformity for Individual Antiquities Permit Applications](#); the [Review Standards for Archeological Survey Reports, Individual Permit](#); and the [Review Standards for Impact Evaluations](#)).

- The background study or field investigation may be performed in one of several different ways.
 - In coordination with the District, ENV may perform the work in-house.
 - In coordination with the District, ENV may contract with a consultant under its scientific services contracts.
 - The District may obtain these services through a sub-consultant under an engineering contract. ENV initiates other required coordination and consultation.
 - Another project sponsor may also have a consultant perform a background study or survey.
- In any case, ENV reviews the results and performs any necessary consultation with other parties. One of the following four results will occur:
 - A background study or field investigation is performed and consultation is completed. If ENV concludes that the project will have no unresolved adverse effects and no public controversy exists, go to Step 4.
 - If further field investigation is required, repeat Step 3.
 - Field investigations could not be completed because right-of-entry to private property was denied; go to Step 5.
 - ENV concludes that the project will have an unresolved adverse effect, or public controversy exists over the project's potential impacts on archeological sites or cemeteries. Go to Step 6.

Step 4: NEPA analysis. The District or other project sponsor has primary responsibility for conducting the NEPA analysis regarding potential project impacts on archeological sites and cemeteries; ENV will assist with the interpretation of technical data as necessary. This analysis uses the results of all the studies and consultation. The District, other project sponsor, or consultant uses the results to document the project's effects and the level of public controversy surrounding the potential impacts on archeological sites and cemeteries.

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- The District or other project sponsor reports the results of all studies and coordination in the CE document, showing that the project will not have an adverse effect.
- The [next section of this SOU](#) provides suggested language for the CE document. If you are following this suggested language, use the introductory paragraph and Statement B.

Step 5: NEPA analysis and documentation of denial of right-of-entry. In this case, the District or other project sponsor has primary responsibility for conducting the NEPA analysis; however, the analysis will be partial because right-of-entry was denied. The analysis will be completed to the extent possible with the available information.

- The District reports the results of any studies and coordination, documents the denial of right-of-entry, and commits to the completion of investigations and consultation when access to the parcels is obtained, in the CE document.
- The [next section of this SOU](#) provides suggested language for the CE document. If you are following the suggested language, use the introductory paragraph and Statement C.

Step 6: Reconsider NEPA classification. The project can not be classified as a standard categorical exclusion. Another level of NEPA analysis may be more appropriate. The District or other project sponsor should consult with FHWA and ENV.

Timing of work

Review and consultation under [Section 106](#) and the [Antiquities Code](#) must be completed in order to finalize the NEPA analysis. The only exception occurs when access to property has been denied by a property owner and a field investigation cannot be performed. Existing agreements between TxDOT and FHWA allow the NEPA process to continue in such cases, as long as TxDOT commits to complete review and consultation prior to construction. Such a commitment must be included in the PS&E package as an EPIC, and reported in the NEPA document and/or project files.

In cases where ENV will perform the required review, project information should be submitted to ENV more than six months prior to approval of the NEPA document (see the SOU for Coordination Requests Regarding Archeological Resources), because the findings resulting from this work must be reported in the NEPA document. A background study or field investigation may be conducted as part of the review; the time needed to complete these different studies varies. For planning purposes, the typical time required to complete a background study or field investigation and consultation can be specified.

- Among CE-level projects cleared for [Antiquities Code](#) and [Section 106](#) compliance in the last several years, more than 59 percent could be cleared with no more than a background study or certification that the project had no potential to cause effect to archeological properties. On average, these projects required 15 weeks to clear. 75 percent of these projects were cleared within 19 weeks.
- Among CE-level projects cleared for [Antiquities Code](#) and [Section 106](#) compliance in the last several years, over 40 percent required some type of field investigation. On average, these projects required 15 weeks to clear. 75 percent of these projects were cleared within 20 weeks. A few projects took much longer to complete.

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It may seem surprising that the average times to complete projects that require no field work and projects that require fieldwork are so similar. Because such projects are relatively simple, completion of work for them is typically scheduled around other, competing demands to make the most efficient use of time. The time required to complete work, however, varies much more for projects that require fieldwork, with a small minority of cases taking a long time to complete.

A field investigation may identify a site that requires additional field work in order to complete evaluation. Such discoveries occur in only one percent of CE-level projects, but when they do, they can derail the original project schedule. Any project requiring additional field work typically needs another eight months to complete. This time is required to (1) develop a work authorization for a consultant to do the work, (2) schedule and implement fieldwork, (3) produce and reviewing a draft report, and (4) coordinate the report with appropriate parties. Additional time will also be required for consultation with groups such as federally-recognized tribes.

Reporting results of compliance work in the NEPA document

The SOU does not mandate use of boilerplate language, since the necessary analyses can be documented many different ways. Follow the directions of the applicable SOU for the format of the CE document to determine what supporting documentation (such as coordination letters) needs to be included as part of the CE document. The bottom line is that the CE document establishes two findings. First, it establishes that the proposed project will not have an unresolved adverse effect on archeological historic properties or cemeteries. Second, it establishes that no public controversy exists over the proposed project's impacts on archeological sites and cemeteries. Following the checklist, some suggested language and instructions for the preparation of a document section are provided.

ENV has determined that the suggested language provides adequate documentation of a proposed project's effects. A District may deviate from the suggested text at its discretion and as individual situations warrant; however, such deviation increases the risk that the District and ENV will not initially agree on the level of documentation that is adequate.

Statutes, regulations, and other applicable guidelines

[Section 106 of the National Historic Preservation Act](#) requires federal agencies to consider the effects of their undertakings on historic properties, which include archeological sites and cemeteries. When the project will receive federal funding or requires federal approval or licensing, the requirements of Section 106 must be satisfied. See this link:

http://frwebgate.access.gpo.gov/cgi-bin/getdoc.cgi?dbname=browse_usc&docid=Cite:+16USC470f

[36 CFR 800](#) provides the implementing regulations of Section 106. Compliance with Section 106 requires consultation with both the Texas State Historic Preservation Officer (TSHPO) and federally-recognized tribes. Other parties may also need to be consulted. For the regulations, see this link: <http://ecfr.gpoaccess.gov/cgi/t/text/text-idx?c=ecfr&sid=45b0db2aef5536422feb88bb67207aa9&rqn=div5&view=text&node=36:3.0.6.1.1&idno=36>

The [First Amended Programmatic Agreement among the Federal Highway Administration, the Texas Department of Transportation, the Texas State Historic Preservation Officer, and the Advisory Council on Historic Preservation Regarding the Implementation of Transportation](#)

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[Undertakings \(PA-TU\)](#) outlines TxDOT's procedures for evaluating project effects and completing associated consultation on behalf of FHWA in compliance with Section 106. See the following link: <ftp://ftp.dot.state.tx.us/pub/txdot-info/library/pubs/bus/env/programmatic.pdf>

The [Antiquities Code](#) requires the [Texas Historical Commission \(THC\)](#) to review all ground-disturbing projects occurring on non-federal public lands. The THC evaluates the effects of those projects on archeological sites, including cemeteries. The implementing rules for the Antiquities Code occur at Title 13 Texas Administrative Code (TAC) Part 2 Chapter 26. For the statute, use the following link: <http://www.statutes.legis.state.tx.us/Docs/NR/pdf/NR.191.pdf>

To read the rules, click here:

[http://info.sos.state.tx.us/pls/pub/readtac\\$ext.ViewTAC?tac_view=4&ti=13&pt=2&ch=26&rl=Y](http://info.sos.state.tx.us/pls/pub/readtac$ext.ViewTAC?tac_view=4&ti=13&pt=2&ch=26&rl=Y)

TxDOT's [Memorandum of Understanding \(MOU\) with the Texas Historical Commission](#) (43 TAC 2.24) specifies TxDOT's procedures for compliance with the Antiquities Code. The MOU describes procedures that are consistent with the process detailed in the PA-TU. See the following link:

[http://info.sos.state.tx.us/pls/pub/readtac\\$ext.TacPage?sl=R&app=9&p_dir=&p_rloc=&p_tloc=&p_ploc=&pg=1&p_tac=&ti=43&pt=1&ch=2&rl=24](http://info.sos.state.tx.us/pls/pub/readtac$ext.TacPage?sl=R&app=9&p_dir=&p_rloc=&p_tloc=&p_ploc=&pg=1&p_tac=&ti=43&pt=1&ch=2&rl=24)

TxDOT-ENV-ARCH has written [a number of SOUs](#) that provide information to be used in NEPA analysis. These SOUs include: an [SOU for background studies](#), an [SOU for individual Antiquities Permits](#), and an [SOU for survey reports](#). See the following page:

http://www.dot.state.tx.us/txdot_library/publications/business/contractors_consultants/cultural_resource.htm

The Health and Safety Code has various requirements concerning cemeteries and the disposition of burials. Three of the most salient requirements are noted here.

- [Health and Safety Code, Title 1, Section 711.004](#) requires permission to be obtained from the cemetery organization and relatives of deceased individuals before graves can be removed from an incorporated, actively maintained cemetery.
- [Health and Safety Code, Title 1, Section 711.010](#) concerns the treatment of abandoned or unknown cemeteries. If an abandoned or previously unknown cemetery is located on TxDOT right of way or easements, TxDOT cannot disturb that cemetery until the human remains have been removed.
- [Health and Safety Code, Title 1, Section 711.035](#) states that dedicated cemetery property shall be used exclusively for cemetery purposes until the dedication is removed by court order or until the maintenance of the cemetery is enjoined or abated as a nuisance. If TxDOT acquires ROW or easements in a dedicated cemetery, it cannot use that ROW without a court order removing the dedication. This requirement is independent of the process to be undertaken for the relocation of human remains.

To review the statute, follow this link: <http://www.statutes.legis.state.tx.us/?link=HS%20>

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YES	NO	N/A	Description of Item Sufficiency	References/Guidance
Analysis of Impacts to Archeological Sites and Cemeteries in a CE Document				
1			<p>The project is classified as one that does not require project-specific review (see Certification Standards for Projects that Do Not Require Project-Specific Review (Archeology)), or the district/other project sponsor has provided project information to ENV in accordance with the SOU for Coordination Requests Regarding Archeological Resources.</p>	<p>Certification Standards for Projects that Do Not Require Project-Specific Review (Archeology). The First Amended Programmatic Agreement among the Federal Highway Administration, the Texas Department of Transportation, the Texas State Historic Preservation Officer, and the Advisory Council on Historic Preservation Regarding the Implementation of Transportation Undertakings (PA-TU), Appendix 3 Memorandum of Understanding between TxDOT and the Texas Historical Commission (MOU) (43 TAC 2.24) Standards of Uniformity for Coordination Requests Regarding Archeological Resources.</p>
2			<p>For projects that require project-specific review and consultation, technical review documents and consultation letters identify the horizontal dimensions and depth of impacts resulting from the project (the area of potential effects, or APE). Considered cumulatively, the three-dimensional space (APE) evaluated by the various required technical review documents and consultation letters completely encompasses the project area and depth of impacts disclosed in the most recent project description.</p>	<p>36 CFR 800.4(a)(1) PA-TU, Stipulation IX.D.1.a MOU, 43 TAC 2.24(c)(3)(A)</p>

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YES	NO	N/A	Description of Item Sufficiency	References/Guidance
			<p>All appropriate parties with whom coordination must be undertaken have been identified.</p> <p>a) Consultation with the Texas Historical Commission/Texas State Historic Preservation Officer occurred or was not required under the terms of the PA-TU and MOU.</p> <p>Projects with no adverse effects or controversy can be evaluated internally by ENV.</p> <p>b) Consultation with federally-recognized Native American tribes occurred or was not required. ENV maintains a list of tribes that must be consulted for each district. Some tribes have signed programmatic agreements with TxDOT that limit consultation to major projects on new location or projects that have archeological sites.</p> <p>c) Coordination with other parties occurred or was not required. This requirement can be satisfied through the district's NEPA public involvement process. These other parties include:</p> <ul style="list-style-type: none"> i) representatives of local governments with jurisdiction, ii) project sponsors, iii) affected property owners, and iv) anyone with a demonstrated interest in archeological historic properties in the region (county historical commission or someone who has requested consulting party status, for example). 	<p>a. 36 CFR 800.2</p> <p>b. PA-TU, Stipulation IV</p> <p>c. MOU</p>
			<p>No unresolved adverse effects occur to archeological historic properties or designated State Archeological Landmarks anywhere within the project area, because:</p> <p>a) the project, by definition, has no potential to cause such impacts; or</p> <p>b) the project area is too disturbed to</p>	<p>a. PA-TU</p> <p>b. MOU, 13 TAC. 26.14(e)(1) and 43 TAC 2.24(e)(1)</p> <p>c. Certification Standards for Projects that Do Not Require Project-Specific</p>

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YES	NO	N/A	Description of Item Sufficiency	References/Guidance
			<p>contain such properties; and/or</p> <p>c) the project area contains no archeological sites; and/or</p> <p>d) the project area contains no sites eligible for inclusion in the National Register of Historic Places and no sites warranting formal designation as State Archeological Landmarks; and/or</p> <p>e) any archeological historic properties or designated State Archeological Landmarks in the project area would not be adversely affected by the project; and/or</p> <p>f) the document includes a plan approved by all appropriate parties to resolve any adverse effects, and/or</p> <p>g) access to investigate portions of proposed right-of-way or easements was denied by the property owners.</p>	<p>Review (Archeology)</p> <p>d. SOUs for Background Study, Individual Antiquities Permit Applications, and Archeological Survey Reports.</p>
			<p>No unresolved effects occur on cemeteries or burials, because:</p> <p>a) The project, by definition, has no potential to cause such impacts; or</p> <p>b) no designated cemetery property (regardless of whether burials exist within the property) occurs within the project area; and/or</p> <p>c) the project would not disturb any burials (regardless of whether they are associated with an incorporated and actively maintained cemetery); and/or</p> <p>d) the document includes a plan approved by all appropriate parties to resolve impacts to designated cemetery property and/or burials.</p>	<p>a. Health and Safety Code, Title 1, Section 711</p> <p>b. PA-TU</p>
			<p>No substantial controversy exists regarding the project's effects on archeological sites, cemeteries, or burials.</p> <p>a) Neither the District nor ENV has received an unresolved objection to the project (in any form) from a member of the public because of the project's</p>	<p>a. 23 CFR 771.117(b)</p> <p>b. PA-TU</p>

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YES	NO	N/A	Description of Item Sufficiency	References/Guidance
			<p>potential effects on such resources, or b) any objections or adverse effects have been resolved through further consultation. Resolution of objections or adverse effects is documented through letter agreements signed by the appropriate parties to indicate concurrence or to which appropriate parties expressed no objection.</p>	
Documentation of Findings				
3			<p>The project file contains complete documentation of appropriate review covering the entirety of the project area, including one or more of the following documents:</p> <p>a. A signed form certifying that the project has no potential to cause effects to archeological historic properties (signatory is ENV staff, appropriate District staff, or third-party project sponsor's representative)</p> <p>b. A background study</p> <p>c. Report(s) of field investigations.</p>	<p>a. PA-TU b. MOU c. Certification Standards for Projects that Do Not Require Project-Specific Review (Archeology) d. SOUs for Background Study, Individual Antiquities Permit Applications, and Archeological Survey Reports.</p>
4			<p>The project file and ETS contain documentation of review completion regarding the entirety of the project area, including:</p> <p>a. A signed form certifying that the project, by definition, has no potential to cause effects to archeological historic properties (signatory is ENV staff, appropriate District staff, or project sponsor's representative)</p> <p>b. A weekly clearance list signed by ENV</p> <p>c. Internal review memo(s) signed by ENV</p> <p>d. Individual review letter(s), with signed concurrence from THC/TSHPO</p> <p>e. Internal review memo(s) documenting denial of right-of-entry and TxDOT's commitment to complete required investigations and consultation once</p>	<p>a. PA-TU b. MOU c. Certification Standards for Projects that Do Not Require Project-Specific Review (Archeology)</p>

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YES	NO	N/A	Description of Item Sufficiency	References/Guidance
			access has been acquired.	
5			<p>The project file and ETS contain documentation of completion of consultation with other parties, when required, including:</p> <ul style="list-style-type: none"> a. federally-recognized Native American tribes, and b. other parties, as appropriate. 	<ul style="list-style-type: none"> a. 36 CFR 800.2 b. PA-TU, Stipulation VIII.F c. MOU
6			<p>The CE document demonstrates the following, based on the project type and/or review and consultation:</p> <ul style="list-style-type: none"> a. The project will have no unresolved adverse effects on archeological historic properties, and b. The project will not have an unresolved impact on a cemetery or burials, and c. No public controversy exists regarding the project's impact on archeological sites and cemeteries. 	<ul style="list-style-type: none"> a. 23 CFR 771.117

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Suggested Language for the Cultural Resources Section of CE Documents

Instructions (part one): *This section contains the suggested language for documenting the results of cultural resources studies. It includes an introductory statement that applies to results for both Archeological Studies and [Historical Studies](#). This introductory paragraph should precede the discipline-specific statements; it only needs to be included once in the document. The introductory statement does not have to precede both the individual ARCH and HIST paragraphs.*

This italicized text provides directions for producing the archeology section of the CE document. [Bracketed] text shows information that must be input by the document preparer.

Introductory Paragraph for Cultural Resources:

Cultural Resources

Cultural resources are structures, buildings, archeological sites, districts (a collection of related structures, buildings, and/or archeological sites), cemeteries, and objects. Both federal and state laws require consideration of cultural resources during project planning. At the federal level, NEPA and the National Historic Preservation Act (NHPA) of 1966, among others, apply to transportation projects such as this one. In addition, state laws such as the Antiquities Code of Texas apply to these projects. Compliance with these laws often requires consultation with the Texas Historical Commission/Texas State Historic Preservation Officer and/or federally-recognized tribes to determine the project's effects on cultural resources. Review and coordination of this project followed approved procedures for compliance with federal and state laws.

Instructions (part two): *After including the above introductory paragraph for all cultural resources, add appropriate statements for both archeological and non-archeological resources (see the appropriate [SOU for Historical Studies](#) for the non-archeological resource language). For archeological resources, choose one of the following:*

Statement A *is used when the project does not require project-specific review (see the [Certification Standards for Projects that Do Not Require Project-Specific Review](#)).*

Statement B *is used when the project does require a project-specific review, and review and consultation have been completed. Statement B requires additional information from ETS. It provides [bracketed] prompts where information needs to be selected and added.*

Statement C *is used when field investigations could not be completed because property owners denied right-of-entry to their property, preventing archeologists from conducting necessary field work in those areas. It also requires additional information from ETS, and provides [bracketed] prompts where information should be selected and added.*

Statement A. No Project-Specific Review Required

ARCH paragraph. Archeological Resources. Existing agreements for compliance with applicable cultural resource laws define this project as a type that has no potential to affect archeological sites or cemeteries that require additional consideration during project planning. No consultation with the Texas Historical Commission/Texas State Historic Preservation Officer or other groups was required.

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Statement B. Project Review Completed

ARCH paragraph. This paragraph should be assembled from the individual sentences as indicated. The heading and sentences have been presented as a list for ease of reference.

Heading: Archeological Resources.

First sentence: Based on the archeological study and consultation results, no further work is warranted.

Second sentence: [Add brief discussion of the results of this work. Example: The background study found that the project area had been extensively disturbed, precluding the possibility of it containing any intact archeological deposits. Another example: A field investigation found no archeological sites within the project area.]

Third sentence: Consultation with federally-recognized Native American tribes [with a demonstrated historic interest in the area [Check ETS and select one of the following two options: (1) was initiated on [DATE] or (2) was not required for this project].

Fourth sentence (contingent on tribal consultation being required): [Report the results of any tribal consultation; see record of consultation in ETS. If appropriate, state: No objections or expressions of concern were received within the comment period].

Fifth sentence (contingent on additional coordination being conducted for the project through the NEPA public involvement process). No objections or expressions of concern were received from other contacted parties, including [identify those parties contacted, such as representatives of local governments with jurisdiction, affected property owners, or the County Historical Commission].

Sixth, seventh, and eighth sentences. Choose one of the following two sets of sentences:

(1) If the project was processed using an internal memo or on TxDOT-ENV's weekly list of projects that did not warrant THC/TSHPO review select the following text:

TxDOT archeologists completed their review of this project on [DATE] and determined that the project will have no effect or no adverse effect on archeological sites or cemeteries that would be afforded further consideration under cultural resource laws. No consultation with the Texas Historical Commission/Texas State Historic Preservation Officer was required. In addition, no public controversy exists regarding the project's potential impacts on archeological sites or cemeteries. *The date for completion of coordination can be obtained from the ENV-A coordination row End Date in ETS.*

(2) If, on the other hand, the project was the subject of an individual consultation letter with THC/TSHPO, use the following text and determine from the scanned letter in ETS which finding applies:

TxDOT and the THC/TSHPO consulted on the project impacts. The THC/TSHPO concurred that the project will

[Refer to the consultation letter conclusions and select one of the following two options to complete this sixth sentence (note that the indentation is intended to make the following text easier to read and is not to be taken as a suggestion for the format of the NEPA document):

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(2a) not affect archeological sites or cemeteries that would be afforded further consideration under cultural resource laws

or

(2b) not adversely affect archeological sites or cemeteries that are afforded further consideration under cultural resource laws]

In either case, conclude this sixth sentence by adding the date for completion of processing or consultation: [DATE] and add the following seventh sentence: In addition, no public controversy exists regarding the project's potential impacts on archeological sites or cemeteries. The date for completion of coordination can be obtained from the THC-A coordination row End Date in ETS.

Concluding sentence: In the event that unanticipated archeological deposits are encountered during construction, work in the immediate area will cease, and TxDOT archeological staff will be contacted to initiate post-review discovery procedures.

Statement C. Project Review Not Completed Due to Denial of Right-of-Entry

ARCH paragraph. This paragraph should be assembled from the individual sentences as indicated. The heading and sentences have been presented as a list for ease of reference.

Heading: Archeological Resources.

First sentence: Evaluation of project effects on archeological resources could not be completed because right-of-entry was denied to some properties, preventing archeologists from conducting the necessary field work.

Second sentence: [Add a brief discussion of the results of any work that has been completed, using information from existing consultation letters, memos, reports, and ETS. Example: A background study found that only some areas warranted survey. Another example: A field investigation of the portions of the project area to which archeologists could obtain access found no archeological sites.]

Third sentence: Consultation with federally-recognized Native American tribes with a demonstrated historic interest in the area [Check ETS and select one of the following two options: (1) was initiated on [DATE] or (2) was not required for this project].

Fourth sentence (contingent on tribal consultation being required): [Report the results of any tribal consultation; see record of consultation in ETS. If appropriate, state: No objections or expressions of concern were received within the comment period].

Fifth sentence (contingent on additional coordination being conducted for the project through the NEPA public involvement process). No objections or expressions of concern were received from other contacted parties, including [identify those parties contacted, such as representatives of local governments with jurisdiction, affected property owners, or the County Historical Commission].

Concluding sentences: Work conducted up to this point has identified no archeological resources that would be afforded further consideration under cultural resource laws and that the project would adversely affect. No public controversy exists regarding the project's potential impacts on archeological sites or cemeteries. Once access to the areas requiring field investigations has been obtained, TxDOT will complete all required investigations and consultation. In the event that unanticipated archeological deposits are encountered during

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construction, work in the immediate area will cease, and TxDOT archeological staff will be contacted to initiate post-review discovery procedures.

Chapter 8. Archeological Resources. *Section 2. Standards of Uniformity for Coordination Requests Regarding Archeological Resources*

Section 2. Standards of Uniformity for Coordination Requests Regarding Archeological Resources

Purpose of these standards

All projects with the potential to affect archeological sites must be passed through ENV-ARCH for review and/or processing. This SOU specifies the information ENV-ARCH requires to determine the level of effort necessary in evaluating project effects, and to begin required coordination with other parties, such as federally-recognized tribes.

Projects that meet the criteria for having “no potential to cause effects” (such as maintenance projects and some projects with a minor amount of ground disturbance) do not have to be sent to ENV-ARCH for review. These projects can be certified using the [Certification Standards for Projects that Do Not Require Project-Specific Review SOU](#).

Role of ENV, District, Regional Environmental Center and others

The District should use this form to ensure that all necessary and available information is supplied with the coordination request. The District can also use this form to determine what information should be supplied to a consultant providing archeological services under a District contract.

ENV-ARCH will review all requests and proceed with investigations and coordination to the extent practical with the available information.

How to use the standards

District project submittals for coordination or initiation of fieldwork by ENV-ARCH staff should include the information on the following table. Some of this information may not be available, depending on when coordination is initiated during project planning. The District should submit as much information as it has available, as early as possible.

ENV may undertake coordination efforts to the extent practical with the available information, but these efforts may not be complete until all the requested information has been provided. Also, if the project changes, additional coordination will be required.

Timing of work

Send project information to ENV more than 23 weeks prior to submitting the PCE document to the Regional Environmental Center for certification. Submitting information to ENV earlier is always recommended – even if the information is incomplete – because the outcome of archeological investigations cannot be predicted in advance. Completion of a survey and coordination of the results can take a full 23 weeks, even if the survey results find that no additional investigations are required.

Chapter 8. Archeological Resources. *Section 2. Standards of Uniformity for Coordination Requests Regarding Archeological Resources*

This time is required for developing a work authorization, scheduling and implementing fieldwork, producing and reviewing a draft report, and coordinating the report with appropriate parties. For example, most projects require consultation with federally-recognized tribes regarding the findings of archeological evaluations. Tribes are afforded 45 days to respond once information has been sent to them. Providing project information more than 23 weeks in advance of draft environmental document production allows time for survey and coordination results to be included in the draft environmental document.

If a project requires fieldwork beyond survey, 23 weeks will not be sufficient time to complete all required investigations and coordination. Initial field surveys can disclose the presence of resources that require extensive additional evaluation. The discovery of archeological materials within the project area may also require multiple rounds of tribal consultation. Submitting project information early allows more time for handling such occurrences when they arise, while also minimizing the effects on the overall project schedule as much as possible.

Integrating the results with NEPA documentation

This SOU does not directly produce results to be reported in a NEPA document. It will produce a packet of information for ENV to begin review and coordination. Since ENV does not review the PCE document, submission of this information is critical for the completion of review and coordination. ENV will use the information to determine the appropriate type of investigation. An investigation is conducted using a corresponding SOU (e.g., [SOU for Background Study](#) or the [SOU for Archeological Survey Reports, Individual Permit](#)). These other SOUs are available from the staff of [ENV's Archeological Studies Branch](#). Based on the results of the investigation, ENV will produce results to be reported in the PCE document. [The Standards of Uniformity for Archeological Resources](#) also provides appropriate language for the PCE document.

Regulations and other applicable guidelines

ENV is responsible for completing project evaluations and conducting coordination as specified in the [First Amended Programmatic Agreement among the Federal Highway Administration, the Texas Department of Transportation, the Texas State Historic Preservation Officer, and the Advisory Council on Historic Preservation Regarding the Implementation of Transportation Undertakings \(PA-TU\)](#). See the following link: <ftp://ftp.dot.state.tx.us/pub/txdot-info/library/pubs/bus/env/programmatic.pdf>

The [Memorandum of Understanding between TxDOT and the Texas Historical Commission \(MOU\) \(13 TAC 26.14\(d\)\(1\)\(D\) and 43 TAC 2.24\(d\)\(1\)\(D\)\)](#) also requires ENV to coordinate with the [Texas Historical Commission](#) regarding its projects. The PA-TU, Stipulation VIII, and the MOU identify the type of project information to be documented. For [43 TAC 2.24](#), go to: [http://info.sos.state.tx.us/pls/pub/readtac\\$ext.TacPage?sl=R&app=9&p_dir=&p_rloc=&p_tloc=&p_ploc=&pg=1&p_tac=&ti=43&pt=1&ch=2&rl=24](http://info.sos.state.tx.us/pls/pub/readtac$ext.TacPage?sl=R&app=9&p_dir=&p_rloc=&p_tloc=&p_ploc=&pg=1&p_tac=&ti=43&pt=1&ch=2&rl=24)

Chapter 8. Archeological Resources. Section 2. Standards of Uniformity for Coordination Requests Regarding Archeological Resources

District/County _____ Highway _____ CSJ _____

Contractor _____ Submittal Date _____ Reviewed by _____

YES	NO	N/A	Description of Item Sufficiency	References/Guidance
Administrative Requirements				
1			The District has provided Segment ID, CSJ, and an active function code (or equivalent if the project is not a construction project) against which work can be charged.	
2			Project information is submitted more than 23 weeks prior to submission of the PCE document to the REC for certification.	
Project Description				
3			Submittal includes a map of the project area on a USGS 7.5' quadrangle, or equivalent if a 7.5' quadrangle is unavailable.	Memorandum of Understanding between TxDOT and the Texas Historical Commission (MOU) (13 TAC 26.14(f)(2)(D)(iii) and 43 TAC 2.24(f)(2)(D)(iii))
4			The project description identifies any culvert replacements or construction, bridge-class culvert replacements, bridge replacements, bridge approach work, storm sewer installations, and utility relocations associated with the project.	First Amended Programmatic Agreement among the Federal Highway Administration, the Texas Department of Transportation, the Texas State Historic Preservation Officer, and the Advisory Council on Historic Preservation Regarding the Implementation of Transportation Undertakings (PA-TU) , Stipulation VIII(A). MOU (13 TAC 26.14(j)(3)(A) and 43 TAC 2.24(j)(3)(A))
5			The project description identifies (1) the project limits, (2) right-of-way (ROW) width, and (3) acreage of existing ROW,	PA-TU , Stipulation VIII(A)

Chapter 8. Archeological Resources. Section 2. Standards of Uniformity for Coordination Requests Regarding Archeological Resources

YES	NO	N/A	Description of Item Sufficiency	References/Guidance
			new ROW, and easements. The project description also identifies the maximum depth of impacts from the project, referring either to project plans or to typical impacts for this class of project.	
6			The description (1) notes whether the project includes any new ROW, easements, or project-specific locations, (2) describes the location of any such features, and (3) quantifies their area.	PA-TU , Stipulation VIII(A) 13 TAC 26.14(j)(3)(A) and 43 TAC 2.24(j)(3)(A)
7			Clearly reproducible layouts are attached, including bridge and culvert layouts. These layouts show the existing and proposed ROW boundaries and easements.	PA-TU , Stipulation VIII(A) and (H)
8			Clearly reproducible profiles are attached.	PA-TU , Stipulation VIII(A) and (H)
9			Clearly reproducible typical sections are attached.	PA-TU , Stipulation VIII(A) and (H)
Information Required for Field Investigations				
10			Right of entry forms, signed by the owners of parcels from which new right of way or easements shall be acquired, are attached.	TxDOT Form 2140 (others may be used by the District in consultation with ENV)
11			When artifacts are to be collected, right of entry forms are accompanied by an explicit transfer of ownership of any recovered artifacts from private property owners to the State. NOTE: This criterion may be waived for survey-level investigations where artifact collection will not be conducted but is required for all test excavation and data recovery projects.	Requirement to permanently curate: PA-TU , Stipulation II(F) and MOU (13 TAC 26.14(f)(6)(B) and 43 TAC 2.24(f)(6)(B)) Transfer of Ownership form available from ENV.
Conclusion (for use by ENV Staff)				
12			Project submittal approved for coordination or further investigation.	

ENV ARCH Reviewer Name _____ Date _____

Chapter 8. Archeological Resources. *Section 3. Certification Standards for Projects that Do Not Require Project-Specific Review*

Section 3. Certification Standards for Projects that Do Not Require Project-Specific Review

Purpose of these standards

Some projects, by definition, require no review by ENV or the Texas State Historic Preservation Officer (TSHPO)/Texas Historical Commission (THC). The standards identify the projects of this type and describe the documentation required to certify them as such projects.

Role of ENV, District, and others

The District should use the following checklist to determine whether the project conforms to a type that does not require project-specific review by ENV or TSHPO/THC. Once completed, an authorized D/D/O staff member shall sign the checklist. ENV may also use and sign this checklist, as appropriate, for projects that have been sent to ENV for review.

How to use the standards

Certification of the project's status as a project that does not require review should be done by completing the following checklist. The checklist identifies the project elements and required supporting documentation. A copy of the completed checklist and documentation should be kept on file with other project information, as it may be subject to audit. Once completed, an authorized D/D/O staff member projects shall sign the checklist, certifying that the project description meets the criteria on the list. Any changes to the project description should be followed by verification that the project still conforms to a type listed on the checklist and that existing documentation is adequate. If not, the certification should be completed again with the revised project description, or the project should be sent to ENV for review.

Timing of work

A project can be certified as a type that does not require review once the project description has been finalized. The certification must occur prior to approval of the NEPA document, because the certification must be reported in that document. Any changes to the project description that occur following certification must be followed by verification that the project still conforms to a type listed on the checklist and that existing documentation is adequate.

Integrating the results with NEPA documentation

The Standards of Uniformity for the Archeology Section of a PCE Document contains standard language to use in cases where the project does not require review. PCE documents should employ the standard introductory paragraph for cultural resources and statement A for archeology from that SOU. Other forms of NEPA documentation should use a similar statement.

Chapter 8. Archeological Resources. *Section 3. Certification Standards for Projects that Do Not Require Project-Specific Review*

Regulations and other applicable guidelines

Appendix 3 of the First Amended Programmatic Agreement among the Federal Highway Administration, the Texas Department of Transportation, the Texas State Historic Preservation Officer, and the Advisory Council on Historic Preservation Regarding the Implementation of Transportation Undertakings (PA-TU) identifies those projects that do not require project specific review by ENV or by the TSHPO. The Memorandum of Understanding (MOU) between the Texas Historical Commission and TxDOT also identifies those projects that do not require project specific review by ENV or by the THC (13 TAC 26.14(e)(1) and 43 TAC 2.24(e)(1)). The PA-TU and MOU contain identical lists. For 43 TAC 2.24 see:

[http://info.sos.state.tx.us/pls/pub/readtac\\$ext.TacPage?sl=R&app=9&p_dir=&p_rloc=&p_tloc=&p_ploc=&pg=1&p_tac=&ti=43&pt=1&ch=2&rl=24](http://info.sos.state.tx.us/pls/pub/readtac$ext.TacPage?sl=R&app=9&p_dir=&p_rloc=&p_tloc=&p_ploc=&pg=1&p_tac=&ti=43&pt=1&ch=2&rl=24)

Certification Standards for Projects that Do Not Require Project-Specific Review

Project name and description (attach project location map and include in project file or maintenance log): _____

#	Criterion (indicate whether a particular criterion applies by checking one of the following three columns)	Yes	No	N/A
Project Classified as Routine Maintenance				
1	Project entails routine roadway maintenance (such as vegetation control, traffic control, and routine painting and striping) that does not have the potential to affect State Archeological Landmarks or historic properties.			
Project Is Not Routine Maintenance But Contains Only Elements from the Following List (Check All That Apply)				
2	(A) installation, repair, or replacement of fencing, signage, traffic signals, railroad warning devices, safety end treatments, cameras and intelligent highway system equipment;			
	(B) earthmoving projects involving less than 100 cubic yards of excavation below the original grade;			
	(C) routine structural maintenance and repair of non-historic bridges, highways, railroad crossings, picnic areas, and rest areas;			
	(D) in-kind repair, replacement of non-historic lighting, signals, curbs and gutters, and sidewalks;			
	(E) crack seal, overlay, milling, grooving, resurfacing, and restriping;			
	(F) replacement, upgrade, and repair of safety barriers, ditches, storm drains, and culverts constructed after the depression-era period (i.e. after 1939) except in association with historic bridges;			
	(G) intersection improvements that require no additional right of way;			
	(H) placement of riprap to prevent erosion of waterway banks and bridge piers provided no ground disturbance is required;			
	(I) all maintenance work between a highway and an adjacent frontage road;			
	(J) installation of noise barriers or alterations to existing publicly owned buildings less than 50 years old, to provide for noise reduction except in potential or listed National Register districts;			
	(K) driveway and street connections;			
	(L) all work within interchanges and within medians of divided highways except where graves are present;			
	(M) all work between the flowlines of the ditches and channels and above the original line and grade;			
	(N) ditch and channel maintenance provided removal of fill is above the original line and grade;			
	(O) repairs needed as a result of an event, natural or man-made, which causes damage to a designated state highway, resulting in an imminent threat to life or property of the traveling public or which substantially disrupts or may disrupt the orderly flow of traffic and commerce; or			
	(P) FOR ARCHEOLOGY ONLY: sidewalk construction or modification—including ADA ramps—except (i) sidewalk installations where the depth of impacts exceeds one foot or (ii) projects within the historic districts of Goliad, Rio Grande City, Roma, San Antonio, San Elizario, and San Ygnacio or (iii) projects within the city limits of Anahuac, San Patricio, and Socorro.			
Other Project Elements				
3	The project contains only elements listed under criteria 1 or 2.			
Supporting Documentation				
4	Documentation included in the project files or maintenance log support the conclusion that this project contains only elements listed under criterion 1 or 2.			

The undersigned certifies that the project meets the criteria above. Therefore, the project qualifies as an Undertaking with No Potential to Affect Historic Properties under Stipulation V and Appendix 3 of the First Amended Programmatic Agreement Among the Federal Highway Administration, the Texas Department of Transportation, the Texas State Historic Preservation Officer, and the Advisory Council on Historic Preservation Regarding the Implementation of Transportation Undertakings. It also qualifies as a project that does not have potential to affect State Archeological Landmarks under 43 TAC 2.24(e).

Certified by:

 Signature Date

 Name, Title

Chapter 8. Archeological Resources. Section 4. Background Study

Section 4. Background Study

Purpose of these standards

For purposes of regulatory compliance regarding archeological sites, many projects can be evaluated with only a background study and do not require a field investigation or greater level of effort. Background studies are limited to a review of existing literature, maps, and other documentation. Depending on the results of the study, a background study may be sufficient for evaluating a project's effects. A background study may also result in a recommendation for further investigations, including fieldwork.

Role of ENV, District, and others

The following checklist or standards of uniformity (SOU) should be used by ENV staff and archeological consultants to develop such studies. Districts may use criteria 1 through 14 on the form as the basis for a scope of work. The Districts shall incorporate the results of the background study into their NEPA documents when the study results in a determination that no further work is required.

How to use the standards

As is the case for any project documentation, coordination of a background study depends on the extent to which the submission adheres to the required criteria. A study with all "Yes" responses will be automatically accepted. One or more "No" responses may result in acceptance pending specified revisions or clarifications, or may be rejected depending on the nature and relative importance of the error or omission. A background study that identifies sites within the project area may be accepted pending outcome of consultation with Texas Historical Commission, federally-recognized tribes, and other consulting parties. A background study shall include the elements listed on the following checklist.

Timing of work

For cases where ENV will perform the required review, project information must be submitted more than six months prior to approval of the NEPA document (see the SOU for Coordination Requests Regarding Archeological Resources), because the study results must be reported in that document. A background study itself generally does not take very long to complete, but it may lead to a determination that a field investigation is warranted. Field investigations may require six months to complete. This time is required for developing a work authorization, scheduling and implementing fieldwork, producing and reviewing a draft report, and coordinating the report with appropriate parties.

Integrating the results with NEPA documentation

The background study often produces information that can form the basis for a corresponding NEPA section. When the background study results in a determination that further investigations are needed, that additional work must be completed before any results can be reported in a

Chapter 8. Archeological Resources. Section 4. Background Study

NEPA document. A background study, however, may often result in the determination that no further work is required. In such cases, the results and conclusions of the study should be summarized briefly in the NEPA document. The following two paragraphs provide guidance for PCE documents and for other types of NEPA document when the investigations conclude with the background study.

For PCE documents, see the SOU for the Archeology Section of a PCE Document. The PCE document should employ the standard introductory paragraph for cultural resources and statement B for archeology from that SOU. Statement B requires that a summary of the results of the background study to be included in the document. The results may frequently be summarized using the following statement: "The study found that the project area had been extensively disturbed, precluding the possibility of it containing intact archeological deposits." This finding often applies in cases where the project is confined to existing right-of-way. In some, rarer cases, the project area may not be extensively disturbed, and other factors such as the lack of suitable landforms for human occupation may provide the basis for the determination that no field investigation was warranted. The background study should be consulted for the appropriate finding. In addition to the findings, the date that this study was processed internally at ENV or coordinated with the Texas State Historic Preservation Officer/Texas Historical Commission should also be noted in the NEPA document.

For other types of NEPA document, the results may also frequently be summarized using the following statement: "The study found that the project area had been extensively disturbed, precluding the possibility of it containing intact archeological deposits." This finding often applies in cases where the project is confined to existing right-of-way. In some, rarer cases, the project area may not be extensively disturbed, and other factors such as the lack of suitable landforms for human occupation may provide the basis for the determination that no field investigation was warranted. The background study should be consulted for the appropriate finding. In addition to the findings, the date that this study was processed internally at ENV or coordinated with the Texas State Historic Preservation Officer/Texas Historical Commission should also be noted in the NEPA document. Additional information, such as a description of the sources of information used to make this determination and a brief overview of the utilized information, should be included in EA or EIS documents. This information supports the reported results.

Regulations and other applicable guidelines

Requirements for the contents of a background study derive from the First Amended Programmatic Agreement among the Federal Highway Administration, the Texas Department of Transportation, the Texas State Historic Preservation Officer, and the Advisory Council on Historic Preservation Regarding the Implementation of Transportation Undertakings (PA-TU), Stipulation VIII and 43 TAC 2.24 (j) (3)

For 43 TAC 2.24 see:

[http://info.sos.state.tx.us/pls/pub/readtac\\$ext.TacPage?sl=R&app=9&p_dir=&p_rloc=&p_tloc=&p_ploc=&pg=1&p_tac=&ti=43&pt=1&ch=2&rl=24](http://info.sos.state.tx.us/pls/pub/readtac$ext.TacPage?sl=R&app=9&p_dir=&p_rloc=&p_tloc=&p_ploc=&pg=1&p_tac=&ti=43&pt=1&ch=2&rl=24)

Standards of Uniformity for Background Study

CSJ _____ Hwy/County/Dist _____

Author/Affiliation _____ Reviewed by _____

#	Criterion	Meets criterion? Yes / No / N/A
Administrative Requirements (for Studies Produced under District Contracts; To Be Verified by District)		
i	District has provided Segment ID, CSJ, and function code (or equivalent if the project is not a construction project) against which the time for review and coordination can be charged.	
ii	Project information is submitted more than six months prior to NEPA draft document completion.	
Project Description		
1	Submission includes a map of the project area on a USGS 7.5' quadrangle or equivalent if a 7.5' quadrangle is unavailable.	
2	The project description clearly identifies the project type and any associated elements.	
3	The project description identifies the area of potential effects (APE) in three dimensions, including the project limits, width, acreage, and depth of impacts. The description of the APE identifies the maximum depth of impacts from the project, referring to project plans or to typical impacts for this class of project.	
4	The project description notes whether the project includes any new right of way, easements, or project-specific locations; describes the location of any such features; and quantifies their area	
5	Clearly reproducible layouts are attached when available; layouts show the existing and proposed right of way boundaries and easements.	
6	Clearly reproducible profiles are attached when available	
7	Clearly reproducible typical sections are attached when available.	
Background Information		
8	Study includes description of relevant natural conditions that could affect the visibility and preservation of archeological deposits, including topography, soils, and geology. The study references soil survey maps and geological maps for the entire area of the background study or indicates that none are published for the area surveyed.	
9	Study includes discussion of previous work/sites within one kilometer of the project area with explicit reference to review of TARL files, THC or Historic Sites Atlas maps, and explicitly indicates trinomials of sites or absence of sites within one kilometer. The study also includes a map of unevaluated archeological sites, ineligible properties, and historic properties in and adjacent to the APE.	
10	Study contains a description of existing disturbances in the project area. For those existing disturbances that could affect the integrity of historic properties, the description shall include the type of existing disturbances and the extent of those disturbances. This discussion focuses on the effects of the disturbances on the integrity of location, design, materials, and association unless a discussion of other aspects of integrity is justified as appropriate.	
Identification of Areas that Require Field Investigation		
11	The study describes how geologic conditions, previous disturbances, and other factors could affect the integrity of archeological deposits. Evaluation of potential site integrity explicitly considers the aspects of integrity presented in 36 CFR 60.4. Typically, the integrity of archeological sites is characterized by their integrity of location, design, materials, and association.	
12	For areas with the potential for intact archeological deposits, the study accounts for the locations of previously-identified archeological sites, the results of previous archeological investigations in the area of the construction project, and settlement patterns and likely locations for unrecorded prehistoric and historic archeological sites (including historic cemeteries). For these areas, the study also makes use of other sources of information such as historic maps, in addition to the THC Archeological Sites Atlas or TARL files, as a basis for drawing conclusions.	
Recommendations and Justification		
13	Recommendations regarding project effects and the need for further work are explicitly expressed, indicating the portions of the project area where additional work is necessary to identify the project's effect on archeological historic properties, sites that warrant formal designation as State Archeological Landmarks, or cemeteries. For areas where additional work is recommended, an appropriate level of effort is recommended. (TxDOT reserves the right to deviate from recommendations for additional work.)	
14	Study includes an explicit justification of the level of effort used to identify and evaluate historic properties and make recommendations. For a background study, this justification either explains why no fieldwork is necessary or explains why fieldwork should be conducted.	

Standards of Uniformity for Background Study

ENV Reviewer Conclusions		
15	Study contains no factual errors affecting the finding(s). (Reviewer comments required if “No”)	
16	Study approved for acceptance	

ENV Staff Reviewer Signature

Date

Provide any comments below:

Chapter 8. Archeological Resources. Section 5. Individual Antiquities Permit Applications

Section 5. Individual Antiquities Permit Applications

Purpose of these standards

Some projects will require field investigations in order to evaluate or mitigate their effects on archeological sites. All field investigations performed by consultants working on behalf of TxDOT must be conducted under a permit issued by the Texas Historical Commission (THC). Review and transmittal of the permit to THC by ENV will be facilitated by following these standards.

Role of ENV, District, and others

The following checklist or standards of uniformity (SOU) should be used by all consultants preparing a permit to conduct fieldwork for a project with TxDOT involvement. ENV staff will evaluate the permit using these criteria. (Under the terms of TxDOT's Memorandum of Understanding with the Texas Historical Commission, ENV staff does not need individual permits to conduct their own surveys and test excavations.) Districts may also use criteria 1 through 27 on the form as the basis for a scope of work for a survey permit; note that it should be used in conjunction with the Standards of Uniformity for Archeological Survey Reports.

How to use the standards

The following list contains the elements for inclusion in all permit applications other than annual permits for survey. The duration of the permit must include time needed to produce a final report that meets THC standards. The duration can be extended only once by THC staff, although an additional extension can be granted by the Antiquities Advisory Board. ENV recommends that the archeological consultant contact ENV in advance to coordinate on the terms of the scope of work, particularly in the case of testing and data recovery permit applications. Although TxDOT will review and approve applications, the THC has final approval authority for all permits. Adherence to these standards will facilitate THC approval.

Timing of work

For projects that require a survey, project information must be submitted by the District to ENV more than six months prior to approval of the NEPA document (see the SOU for Coordination Requests Regarding Archeological Resources), because the study results must be reported in that document. All necessary work may require six months to complete. This time is required for developing a work authorization, scheduling and implementing fieldwork, producing and reviewing a draft report, and coordinating the report with appropriate parties. Be aware that a survey may identify a site that requires additional field work in order to evaluate the site.

If field investigations beyond survey are necessary this work will require more than an additional six months to complete. Typically, a test excavation, conducted in order to evaluate an archeological site, requires eight months for a consultant to complete. These eight months only include time to acquire a permit, conduct field work, and complete an interim report. This time frame does not include the amount of time required to negotiate and develop the work authorization for the consultant. Additional time will also be required for consultation with groups

Chapter 8. Archeological Resources. Section 5. Individual Antiquities Permit Applications

such as federally-recognized tribes and the Texas Historical Commission/Texas State Historic Preservation Officer. Data recovery excavations, conducted to mitigate the effects of a project on an archeological site, often take much more time to complete, although projects can usually proceed to construction once field work has been finished.

Integrating the results with NEPA documentation

This SOU does not produce results to be reported in a NEPA document. The SOU will primarily be used to guide field methods and to commit the investigating firm to producing complete documentation of their work. Investigations are completed using the corresponding SOU (e.g., the SOU for Archeological Survey Reports). The other technical SOUs for archeology include directions for integrating the results into a NEPA document.

Regulations and other applicable guidelines

The Natural Resources Code Title 9 Chapter 191.054 grants the THC authority to issue permits for field investigations. See the following link: <http://tlo2.tlc.state.tx.us/statutes/nr.toc.htm>

Procedures for acquiring a permit can be found in 13 TAC 26.17. For 13 TAC 26.17 see: [http://info.sos.state.tx.us/pls/pub/readtac\\$ext.TacPage?sl=R&app=9&p_dir=&p_rloc=&p_tloc=&p_ploc=&pg=1&p_tac=&ti=13&pt=2&ch=26&rl=17](http://info.sos.state.tx.us/pls/pub/readtac$ext.TacPage?sl=R&app=9&p_dir=&p_rloc=&p_tloc=&p_ploc=&pg=1&p_tac=&ti=13&pt=2&ch=26&rl=17)

Requirements for the contents of a permit application derive from 13 TAC 26.21(c); the reporting requirements of the PA-TU, Stipulation VIII; and 43 TAC 2.24 (j) (3)

For 13 TAC 26.21 see:

[http://info.sos.state.tx.us/pls/pub/readtac\\$ext.TacPage?sl=R&app=9&p_dir=&p_rloc=&p_tloc=&p_ploc=&pg=1&p_tac=&ti=13&pt=2&ch=26&rl=21](http://info.sos.state.tx.us/pls/pub/readtac$ext.TacPage?sl=R&app=9&p_dir=&p_rloc=&p_tloc=&p_ploc=&pg=1&p_tac=&ti=13&pt=2&ch=26&rl=21)

For 43 TAC 2.24 see:

[http://info.sos.state.tx.us/pls/pub/readtac\\$ext.TacPage?sl=R&app=9&p_dir=&p_rloc=&p_tloc=&p_ploc=&pg=1&p_tac=&ti=43&pt=1&ch=2&rl=24](http://info.sos.state.tx.us/pls/pub/readtac$ext.TacPage?sl=R&app=9&p_dir=&p_rloc=&p_tloc=&p_ploc=&pg=1&p_tac=&ti=43&pt=1&ch=2&rl=24)

Standards of Uniformity for Individual Antiquities Permit Applications

CSJ _____ Hwy/County/Dist _____

Consultant _____ Reviewed by _____

#	Criterion	Meets criterion? Yes / No / N/A
Administrative Requirements (for Permits Produced under District Contracts; To Be Verified by District)		
i	District has provided Segment ID, CSJ, and function code (or equivalent if the project is not a construction project) against which the time for review and coordination can be charged.	
ii	Project information is submitted more than six months prior to approval of NEPA document.	
Project Description		
1	Submission includes a map of the project area on a USGS 7.5' quadrangle or equivalent if a 7.5' quadrangle is unavailable.	
2	The project description clearly identifies the project type and any associated elements.	
3	The project description identifies the area of potential effects (APE) in three dimensions, including the project limits, width, acreage, and depth of impacts. The description of the APE identifies the maximum depth of impacts from the project, referring to project plans or to typical impacts for this class of project.	
4	The project description notes whether the project includes any new right of way, easements, or project-specific locations; describes the location of any such features; and quantifies their area	
5	Clearly reproducible layouts are attached; layouts show the existing and proposed right of way boundaries and easements.	
6	Clearly reproducible profiles are attached.	
7	Clearly reproducible typical sections are attached.	
Background Information		
8	The permit scope of work includes description of the project area's topography, soils, and geology. The scope of work references soil survey maps and geological maps for the entire area to be surveyed or indicates that none are published for the area to be surveyed.	
9	The permit scope of work includes discussion of previous work and sites within one kilometer of the project area with explicit reference to review of TARL files, THC Archeological Sites Atlas maps, and other utilized sources. The scope of work explicitly indicates the trinomials of sites or the absence of sites within one kilometer.	
10	The permit scope of work includes a description of existing disturbances in the project area that affect identification, evaluation, or data recovery efforts. Determine these disturbances from soils maps, Digital Ortho Quads, available photographs, and other materials provided by the project sponsor.	
Research Design		
11	Based on the background information, the scope of work summarizes expectations for location, type, and integrity of archeological finds within the APE. Typically, the integrity of archeological sites is characterized by their integrity of location, design, materials, and association.	
12	The scope of work identifies the type of work to be undertaken, conforming to one of the categories of archeological investigation listed in 13 TAC 26.20 and defined in 13 TAC 26.5.	
13	The scope of work includes a clear statement of the methods that will be employed during all phases of work, following guidance on the preparation of appropriate research designs in 13 TAC 26.21(d).	
14	The scope of work defines the areas to be investigated, whether 100 percent of the area of potential effects shall be investigated or some subset thereof.	
15	For investigations where artifact collection is proposed, the scope of work clearly states whether the land on which the work is conducted is "privately owned" or "publicly owned" or contains both privately and publicly owned land. The scope of work identifies the land owners, including public and private owners.	
16	The scope of work explicitly details the sampling intensity. Sampling intensity comprises such factors as transect spacing, sample intervals along a transect, unit density, unit sizes, screen size, and sediment sample volumes.	
17	The scope of work explicitly justifies these methods with reference to details of the project background information and/or appropriate middle-level theory, demonstrating the adequacy of the methods. For testing and data recovery projects, this justification should explain how the methods will provide data that could address important questions of prehistory or history and identifies such questions.	
18	The scope of work states that the methods will comply with applicable standards as defined or referenced in 13 TAC 26.20 and THC policy (such as THC's policy on survey-level historic sites background documentation) or that the resulting report will provide explicit, plausible justification for deviation from these standards.	

Standards of Uniformity for Individual Antiquities Permit Applications

19	The scope of work specifies an artifact collection policy. The application specifies that artifacts will not be collected from private land without explicit written transfer of ownership to the State. No eligibility testing and data recovery projects can be undertaken on private land without explicit written transfer of ownership or artifacts to the State.	
20	The scope of work specifies a curation plan, including the intended curation facility and a commitment to prepare collections for curation according to the curation facility's standards for collection preparation.	
Reporting Requirements		
21	The scope of work specifies that the resulting report will meet the reporting standards of 13 TAC 26.24, including satisfaction of the Council of Texas Archeologists (CTA) reporting guidelines.	
22	The scope of work specifies that the resulting report will include a discussion of the results of the field investigations.	
23	For survey, testing, and monitoring projects, the scope of work notes that the report's discussion will include a list of sites identified, the ownership of the land on which the sites lie, each sites' recommended eligibility for inclusion in the National Register and formal designation as a State Archeological Landmark, and the appropriate criteria under which the sites were evaluated. The scope of work notes that site forms will be submitted to TARL and that trinomials will be obtained. The scope of work notes that the report will also include recommendations for further work or no further work with appropriate justifications based on the requirements of 13 TAC 26.20 and defined in 13 TAC 26.5.	
24	For data recovery projects, the scope of work notes that the report's discussion will address how the project results contribute to an understanding of important issues of prehistory or history. The scope of work also specifies a public outreach program for such projects.	
25	The scope of work specifies that the report will indicate which excavations units were placed on public land and private land, and identify artifacts collected from public land and private land.	
26	The scope of work specifies that four copies of the draft report will be submitted for review by TxDOT and THC.	
27	The scope of work specifies that at least 25 paper copies of the final report (24 bound copies and one unbound copy) and two electronic copies (CD's with the electronic document in tagged PDF format) will be submitted to TxDOT. Twenty of these paper copies (19 bound copies and one unbound copy) and one of the CD's will go to the THC.	

 ENV Staff Reviewer Signature

 Date

Comments:

Chapter 8. Archeological Resources. *Section 6. Review Standards for Archeological Survey Reports, Individual Permit*

Section 6. Review Standards for Archeological Survey Reports, Individual Permit

Purpose of these standards

Archeological surveys are frequently conducted to evaluate a project's effects on archeological historic properties. Several different sources provide requirements for the content of survey reports. The checklist form compiles these requirements for use by those qualified archeologists who prepare such reports.

Role of ENV, District, and others

The following form will be used to evaluate both consultant and ENV staff reports. Districts may also use it as the basis of a scope of work for an archeological subcontractor under a district engineering contract. In cases where the District wants to use this form as the basis for a scope of work, please note that it should be used in conjunction with the Standards for Individual Antiquities Permits, Individual Permit.

How to use the standards

Reports shall be evaluated based on the following criteria. These criteria mainly elicit the information required in a Full Report, as described in the Council of Texas Archeologist's reporting guidelines and referenced in 13 TAC 26.24. Reports with all "Yes" responses will be automatically accepted. One or more "No" responses may result in acceptance pending specified revisions or clarifications or may be rejected depending on the nature and relative importance of the error or omission. Reports for surveys resulting in identification of sites may be accepted pending outcome of consultation with Texas Historical Commission, federally-recognized tribes, and other consulting parties.

Timing of work

For projects that require a survey, project information must be submitted by the District to ENV more than six months prior to completion of the draft NEPA document (see the SOU for Coordination Requests Regarding Archeological Resources). Field investigations may require six months to complete. This time is required for developing a work authorization, scheduling and implementing fieldwork, producing and reviewing a draft report, and coordinating the report with appropriate parties.

Be aware that a survey may identify a site that requires additional field work in order to evaluate the site. Any such project will require more than six months for completion of the additional field work. Additional time will also be required for consultation with groups such as federally-recognized tribes.

Chapter 8. Archeological Resources. *Section 6. Review Standards for Archeological Survey Reports, Individual Permit*

Integrating the results with NEPA documentation

Survey reports often produce information that can form the basis for a corresponding NEPA section. The field study may result in the determination that no further work is required. In such cases, the results and conclusions of the report may be summarized briefly. The date that this study was processed internally or was coordinated with the Texas State Historic Preservation Officer/Texas Historical Commission should be noted in the NEPA document. When the study results in a determination that further investigations are needed, the additional work must be completed before any results can be reported in a NEPA document. See the Standards of Uniformity for the Archeology Section of a PCE Document. The NEPA document should employ the standard introductory paragraph for cultural resources and statement B for archeology from that SOU.

Regulations and other applicable guidelines

Requirements for the contents of a survey report derive from the PA-TU, Stipulation VIII; 43 TAC 2.24 (j) (3); and 13 TAC 26.24.

For 43 TAC 2.24 see:

[http://info.sos.state.tx.us/pls/pub/readtac\\$ext.TacPage?sl=R&app=9&p_dir=&p_rloc=&p_tloc=&p_ploc=&pg=1&p_tac=&ti=43&pt=1&ch=2&rl=24](http://info.sos.state.tx.us/pls/pub/readtac$ext.TacPage?sl=R&app=9&p_dir=&p_rloc=&p_tloc=&p_ploc=&pg=1&p_tac=&ti=43&pt=1&ch=2&rl=24)

Review Standards for Archeological Survey Reports, Individual Permit

CSJ _____ Hwy/County/Dist _____

Permit # _____ Author/Affiliation _____ Reviewed by _____

#	Criterion	Meets criterion? Yes / No / N/A
Front Matter		
1	Report includes Hwy/limits, Counties, CSJ(s), District(s), Antiquities Permit #, Principal Investigator's name, investigative firm's name, and date of publication. This information is provided on cover and title page of draft and final reports or on first page of interim reports.	
2	Abstract included in draft and final reports unless the investigation does not identify sites within the area of potential effects (APE). It contains a description of findings, list of sites recorded, identification of which artifacts were curated, and location of curation facility. (Abstract form and, when appropriate, curation form must always accompany final reports.)	
3	Management summary included in draft and final reports, which describes the context in which the work was performed and identifies the investigation's sponsor, the purpose of the investigation, the identity of the institution conducting the investigation, the personnel involved in the investigation and their roles, the person-hours invested in the project, and the dates of fieldwork. It should also include a brief summary of the scope of work, a summary of the results, and the recommendations.	
Introduction and Project Description		
4	Introduction included in draft and final reports, unless the investigation does not identify sites within the APE. The introduction describes the context in which the work was performed and identifies the investigation's sponsor, the purpose of the investigation, the identity of the institution conducting the investigation, the personnel involved in the investigation and their roles, the person-hours invested in each project phase, and the dates of fieldwork. It provides a brief summary of the methods and any difficulties encountered in completing the project that affect the results, the curation facility, and the organization and content of the succeeding sections.	
5	Report includes a map of the area surveyed on a USGS 7.5' Quadrangle or equivalent if 7.5' Quad unavailable. (In final report, the map of the area surveyed cannot include site locations. Maps with site locations must be included as separate enclosure.)	
6	The project description clearly identifies the project type and any associated elements.	
7	The project description identifies the APE in three dimensions, including the project limits, width, acreage, and depth of impacts. The description of the APE identifies the maximum depth of impacts from the project, referring to project plans or to typical impacts for this class of project.	
8	The project description notes whether the project includes any new right of way, easements, or project-specific locations; describes the location of any such features; and quantifies their area.	
9	Clearly reproducible layouts are attached; layouts show the existing and proposed right of way boundaries and easements.	
10	Clearly reproducible profiles are attached.	
11	Clearly reproducible typical sections are attached.	
Background Information		
12	Report includes description of topography, soils, and geology. Report references soil survey maps and geological maps for the entire area surveyed or indicates that none are published for the area surveyed.	
13	Report includes estimate of surface visibility, description of land use, and general description of vegetation in and adjacent to the area surveyed.	
14	Report includes discussion of previous work and sites within one kilometer of the area surveyed with explicit reference to review of TARL files, THC or Historic Sites Atlas maps, and explicitly indicates trinomials of sites or absence of sites within one kilometer. The study also includes a map of unevaluated archeological sites, ineligible properties, and historic properties in and adjacent to the APE.	
15	Report includes discussion of how the project setting, as detailed in criteria 12-14, affect the likelihood of intact, buried deposits being present.	
Methods		
16	Report documents methods used. For intensive surveys, report documents compliance with THC/CTA survey standards (as referenced in 13 TAC 26.20 and THC policy) or provides explicit, plausible justification for deviation from THC/CTA standards. Documentation of compliance with THC/CTA standards will take the form of an explicit description of the number and kind of transects surveyed and the number and kinds of units excavated. Justification of deviations shall refer to project setting conditions that affect the likelihood of archeological deposits with sufficient integrity to address important questions of history or prehistory being present.	

Review Standards for Archeological Survey Reports, Individual Permit

17	Report documents compliance with THC/CTA standards for site definition (as referenced in 13 TAC 26.20) or provides explicit, plausible justification for deviation from THC/CTA standards. Documentation of compliance with THC/CTA standards will take the form of an explicit description of the number and kinds of units excavated. All sites have site trinomials assigned by Texas Archeological Research Laboratory.	
18	Report documents locations of excavated units, and explicitly indicates which excavated units are on public and private land.	
19	Report explicitly states whether land surveyed is public, private or both and delineates boundaries on map.	
20	Report explicitly documents which portions of the APE were investigated and which portions were not investigated. Report also explicitly documents and justifies any variability in methods if the methods vary across the APE.	
	Results	
21	Report documents cultural materials recovered and observed and explicitly indicates which were recovered/observed on public and private land. If no cultural materials were recovered/observed, the report explicitly notes their absence.	
22	For historic sites, the report notes the beginning and end dates of diagnostic artifacts. The report identifies artifact types and distinguishes explicitly between modern trash and historically relevant materials (materials greater than 50 years in age).	
23	Report provides explicit quantification of observed artifacts and indicates whether collections were made. The report indicates in the abstract and concluding chapter the repository where materials will be curated.	
24	Report documents conditions that affect the integrity of the deposits within the area surveyed and describes how these conditions would affect the integrity of archeological sites, regardless of whether any sites were identified within the APE. As applicable, report states that no conditions exist to compromise integrity. Evaluation of potential site integrity explicitly considers the aspects of integrity presented in 36 CFR 60.4. Typically, the integrity of archeological sites is characterized by their integrity of location, design, materials, and association.	
25	For Intensive Surveys: Report explicitly evaluates each site's eligibility for inclusion in the National Register of Historic Places (NRHP) or for designation as a State Archeological Landmark (SAL). Report notes whether or not a project will adversely affect eligible sites.	
26	For Intensive Surveys: For historic sites, the report includes two of the following elements of historic background to meet THC requirements for assessing site age and eligibility: Oral history, deed or tax record research, other archival research, title search, other detailed historic research directly related to the specific location of the site. (Reviewer comments required if "No")	
27	Evaluation of each site in the APE refers to relevant background information presented in the report.	
28	Evaluation of each site in the APE incorporates data collected in the field regarding site constituents.	
29	Evaluation of each site in the APE refers to data requirements needed to be eligible for inclusion in the NRHP or for designation as a SAL.	
30	Evaluation of each site in the APE refers to conditions affecting the integrity of the site constituents, including the possibility that no conditions compromise integrity. Evaluation of site integrity explicitly considers the aspects of integrity presented in 36 CFR 60.4. Typically, the integrity of archeological sites is characterized by their integrity of location, design, materials, and association.	
31	The report supports its conclusions with attached photographs, survey forms, and field note copies.	
32	Finding or findings explicitly refer(s) to relevant sections of 36 CFR 800, 36 CFR 60, and 13 TAC 26.	
33	Recommendations for further work are explicitly expressed and justified. If portions of the APE were inaccessible, the report makes explicit recommendations regarding the need for further work in those areas based on the results of the background research, field results in adjacent areas, and observations on the inaccessible areas made from adjacent, accessible areas. (Reviewer comments required if "No." TxDOT reserves the right to deviate from reported recommendations for additional work.)	
34	Report provides a references section that contains all work cited.	
	Reviewer Conclusions	
35	Report contains no factual errors affecting the finding(s). (Reviewer comments required if "No")	
36	Report approved for acceptance	

 ENV Staff Reviewer Signature

 Date

 Comments:

Section 7. Review Standards for Impact Evaluations

Purpose of these standards

Impact evaluations are a type of report defined only in TxDOT's Memorandum of Understanding (MOU) with the Texas Historical Commission (THC) (43 TAC 2.24(c)(9)). Impact evaluations are not defined in the rules of practice and procedure for compliance with the Antiquities Code of Texas (13 TAC 26). An impact evaluation has two uses. An impact evaluation may serve as the sufficient level of documentation in cases where the project setting has been so extensively disturbed as to preclude the possibility of the project's area of potential effects (APE) containing archeological historic properties or archeological sites that would warrant formal designation as State Archeological Landmarks. An impact evaluation may also focus a subsequent survey on the particular portions of the project's APE with sufficient integrity to potentially contain archeological historic properties or sites that would warrant formal designation as State Archeological Landmarks. In the latter case, the impact evaluation identifies areas where right-of-entry will be required and the appropriate level of effort in the areas to be surveyed. Because an impact evaluation can be conducted fairly easily, it can greatly reduce project costs and speed the completion of archeological investigations. This document identifies the appropriate use and contents of an impact evaluation.

Role of ENV, District, and others

Because they are not defined in 13 TAC 26, consultants working under a District contract may not submit impact evaluations for coordination with the THC. Only ENV staff or consultants working directly under contract to ENV may produce reports of this type.

How to use the standards

These reports will be evaluated using the attached criteria. Reports with all "Yes" responses to the following criteria will be automatically accepted. One or more "No" responses may result in acceptance pending specified revisions or clarifications or may be rejected depending on the nature and salience of the error or omission.

Timing of work

For projects that may only require an impact evaluation, project information must be submitted by the District to ENV more than six months prior to completion of the draft NEPA document (see the SOU for Coordination Requests Regarding Archeological Resources). Field investigations may require six months to complete. This time is required for developing a work authorization, scheduling and implementing fieldwork, producing and reviewing a draft report, and coordinating the report with appropriate parties.

Be aware that an impact evaluation may result in a determination that additional investigations are required. Any such project will likely require more than six months for completion of the additional field work. However, as noted, the use of an impact evaluation can focus right-of-entry requests to those areas where access is necessary to complete a survey. It can also identify the appropriate level of effort to be conducted during the subsequent survey. For large

Chapter 8. Archeological Resources. Section 7. Review Standards for Impact Evaluations

projects, an impact evaluation is a useful tool for reducing the workload for District and ENV staff and speeding the archeological investigations to completion.

Integrating the results with NEPA documentation

Impact evaluation reports often produce information that can form the basis for a corresponding NEPA section. The field study may result in the determination that no further work is required. In such cases, the results and conclusions of the report may be summarized briefly. The date that this study was processed internally or was coordinated with the Texas State Historic Preservation Officer/Texas Historical Commission should be noted in the NEPA document. When the study results in a determination that further investigations are needed, the additional work must be completed before any results can be reported in a NEPA document. See the Standards of Uniformity for the Archeology Section of the appropriate NEPA document.

Regulations and other applicable guidelines

The Memorandum of Understanding (MOU) with the Texas Historical Commission (THC) (43 TAC 2.24(c)(9) defines impact evaluations. The use of impact evaluations is described in 43 TAC 2.24(f)(1)(A). The contents of an impact evaluation are identified in 43 TAC 2.24(j)(3). For 43 TAC 2.24 see:

[http://info.sos.state.tx.us/pls/pub/readtac\\$ext.TacPage?sl=R&app=9&p_dir=&p_rloc=&p_tloc=&p_ploc=&pg=1&p_tac=&ti=43&pt=1&ch=2&rl=24](http://info.sos.state.tx.us/pls/pub/readtac$ext.TacPage?sl=R&app=9&p_dir=&p_rloc=&p_tloc=&p_ploc=&pg=1&p_tac=&ti=43&pt=1&ch=2&rl=24)

Review Standards for Impact Evaluations

(Contractor QC Officers should complete bold numbered items and submit signed form with each impact evaluation)

CSJ _____ Hwy _____

Contract/WA# _____ Contractor _____

QC Reviewer _____

Author/Affiliation _____ ENV Reviewer _____

#	Criterion	Meets criterion? Yes / No / N/A
Project Description		
1	Report includes Hwy/limits, Counties, CSJ(s), and District(s)	
2	Report includes a map of the area investigated on a USGS 7.5' Quadrangle or equivalent if 7.5' Quad unavailable. Map is included as a separate attachment.	
3	The project description clearly identifies the project type and any associated elements.	
4	The project description identifies the area of potential effects (APE) in three dimensions, including the project limits, width, acreage, and depth of impacts. The description of the APE identifies the maximum depth of impacts from the project, referring to project plans or to typical impacts for this class of project.	
5	The project description notes whether the project includes any new right of way, easements, or project-specific locations; describes the location of any such features; and quantifies their area	
6	Clearly reproducible layouts are attached; layouts show the existing and proposed right of way boundaries and easements.	
7	Clearly reproducible profiles are attached.	
8	Clearly reproducible typical sections are attached.	
Background Information		
9	Report includes description of topography, soils, and geology. Report references soil survey maps and geological maps for the entire area surveyed or indicates that none are published for the area surveyed.	
10	Report includes estimate of surface visibility, description of land use, and general description of vegetation in and adjacent to the area surveyed.	
11	Report includes discussion of previous work and sites within one kilometer of the area surveyed with explicit reference to review of TARL files, THC or Historic Sites Atlas maps, and explicitly indicates trinomials of sites or absence of sites within one kilometer. The study also includes a map of unevaluated archeological sites, ineligible properties, and historic properties in and adjacent to the APE.	
12	Report includes discussion of how the project setting, as detailed in criteria 9-11, affect the likelihood of intact, buried deposits being present.	
Methods		
13	Report documents methods used, including whether any subsurface probes were excavated to characterize the potential integrity of the deposits within the APE	
Results		
14	Report documents conditions that affect the integrity of the deposits within the area surveyed and describes how these conditions would affect the integrity of archeological sites, regardless of whether any sites were identified within the APE. As applicable, report states that no conditions exist to compromise integrity. Evaluation of potential site integrity explicitly considers the aspects of integrity presented in 36 CFR 60.4. Typically, the integrity of archeological sites is characterized by their integrity of location, design, materials, and association.	
15	Report explicitly documents whether any newly-recorded archeological sites occur within or adjacent to the APE.	
16	Within the constraints of an Impact Evaluation, report explicitly evaluates each site's eligibility for inclusion in the National Register of Historic Places (NRHP) or for designation as a State Archeological Landmark (SAL), or explicitly states that additional work is necessary to make a determination.	
17	Evaluation of each site in the APE refers to conditions affecting the integrity of the site constituents, including the possibility that no conditions compromise integrity. Evaluation of site integrity explicitly considers the aspects of integrity presented in 36 CFR 60.4. Typically, the integrity of archeological sites is characterized by their integrity of location, design, materials, and association.	
18	The report supports its conclusions with attached photographs, survey forms, and field note copies.	
19	Finding or findings explicitly refer(s) to relevant sections of 36 CFR 800, 36 CFR 60, and 13 TAC 26.	

Review Standards for Impact Evaluations

(Contractor QC Officers should complete bold numbered items and submit signed form with each impact evaluation)

20	Recommendations for further work are explicitly expressed and justified, including the necessary of level of effort and locations within the APE that require such work. If portions of the APE were inaccessible, the report makes explicit recommendations regarding the need for further work in those areas based on the results of the background research, field results in adjacent areas, and observations on the inaccessible areas made from adjacent, accessible areas, (Reviewer comments required if "No." TxDOT reserves the right to deviate from reported recommendations for additional work.)	
	ENV Reviewer Conclusions	
21	Report contains no factual errors affecting the finding(s). (Reviewer comments required if "No")	
22	Report approved for acceptance	

Signature of QC Officer _____

Printed Name _____ **Date** _____

ENV Staff Reviewer Signature _____ Date _____

ENV Reviewer Comments: _____

*Texas Department of Transportation
Environmental Affairs Division*

**Standards of Uniformity for
Categorical Exclusions**

**Chapter 9.
Water Resources**

Chapter 9. Water Resources

Including the SOU language below does not guarantee compliance with the SOU. The language must also be technically correct and consistent with the other information presented in the document. For example, if the document states that wetlands are not present and references the wetland delineation forms, the wetland delineation forms should not indicate that wetlands are present. Similarly, if the document includes the correct language indicating that the project is not in a floodplain, but the project is in fact in a floodplain, the document would not meet the SOU.

Yes	No	N/A	Description of Item Sufficiency	References/Guidance
Section 404 of the Clean Water Act: Waters of the U.S. NWP and IPs				
1			<p>Does the document include one of the following statements?</p> <p><i>This project would not result in the placement of temporary or permanent dredge or fill material into [potentially] jurisdictional Waters of the U.S., including wetlands or other special aquatic sites; therefore, a Section 404 permit would not be required.</i></p> <p style="text-align: center;">OR</p> <p><i>The placement of temporary or permanent dredge or fill material into [potentially] jurisdictional Waters of the U.S. would be authorized under NWP [insert number] [with or without] a Pre-Construction Notification (PCN).</i></p> <p style="text-align: center;">OR</p> <p><i>This project would result in the placement of [include amount (acres, cubic feet)] of permanent dredge or fill material into Waters of the U.S., including wetlands, and would exceed the limits authorized by a NWP; therefore a Section 404 Individual Permit would be required.</i></p>	<p>33 USC 1344 33 CFR 320-331 23 CFR 771 Regional Conditions Regulatory Guidance Letters</p>
			Required supporting documentation (may be addressed in CE or retained in the project file): Sections C, D, E, and F are not required if the project requires an Individual Permit.	
2			<p>Describe why the area was determined to be (potentially) jurisdictional or non-jurisdictional. Include the following information:</p> <p><i>The USACE issued a jurisdictional determination on [date].</i></p> <p style="text-align: center;">OR</p> <p><i>An analysis of [USGS topographic maps, FEMA maps, field reconnaissance/wetland delineation, jurisdiction established through prior work within the water, previous decisions made by the USACE</i></p>	

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Yes	No	N/A	Description of Item Sufficiency	References/Guidance						
			under similar circumstances, etc.] <i>reveals [no] potentially jurisdictional waters of the U.S. that would be impacted by the proposed project.</i>							
3			If discharge of fill or dredge material within jurisdictional or potentially jurisdictional waters or wetlands is undetermined, describe why this is the case; focus on the expected impacts and the possible permitting requirements.							
4			If jurisdictional or potentially jurisdictional waters or wetlands are present but will not be impacted by the project, describe them and discuss how impacts will be avoided.							
5			If the project would result in fill within jurisdictional or potentially jurisdictional waters:							
6			A.	<p>Include a map identifying all jurisdictional waters and/or wetlands, impacted jurisdictional waters and/or wetlands, and project limits.</p> <p>If wetlands are present, include wetland delineation form(s) and indicate observation points on the map. The wetland delineations and data forms must adhere to the requirements of the appropriate regional supplement to the 1987 USACE wetland delineation manual.</p>						
7			B.	Denote the impacts and expected permitting requirements in the table below. If quantifying the impacts in this table is overly cumbersome (e.g., the impacts are the result of dozens of SETs), a verbal summary of the same information may be provided.						
Provide acres and/or linear feet as appropriate.										
8	Name of Water Body or other location indicator	Existing Structure	Proposed Work or Structure	Permanent Fill		Temporary Fill		NWP (indicate number)	PCN (Y/N)	IP (Y/N)
				Open Waters (acres and linear feet)	Wetlands or other Special Aquatic Sites (acres)	Open Waters (acres and linear feet)	Wetlands or other Special Aquatic Sites (acres)			
9			C.	<p>Describe how the activity(ies) meet(s) the description(s) of the chosen NWP(s). See the example text below for the most common NWPs:</p> <ul style="list-style-type: none"> NWP 3(a): <i>The maintenance activity at [indicate stream name or station number if there is more than one regulated area] would result in [indicate change in footprint] acres of permanent fill within waters of the U.S. This increase is due to [indicate an allowable reason,</i> 						

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Yes	No	N/A	Description of Item Sufficiency	References/Guidance
				<p>e.g. changes in materials, construction techniques, or safety standards]. <i>The purpose of the project is not to add capacity or relocate a bridge. Therefore the activity would be authorized under paragraph (a) of NWP 3.</i></p> <ul style="list-style-type: none"> ▪ <i>NWP 13: The bank stabilization at [indicate stream name or station number, if there is more than one regulated area] would not involve the placement of material in excess of the minimum necessary for erosion protection and does not involve stream channelization. Therefore the activity would be authorized under NWP 13.</i> ▪ <i>NWP 14: The purpose of the proposed activity is to [construct, expand, modify or improve] the linear transportation facility at [indicate stream name or station number, if there is more than one regulated area]. Appropriate measures would be taken to maintain normal downstream flows and minimize flooding. Temporary fills would consist of materials and be placed in a manner that would not be eroded by expected high flows. Temporary fills would be removed in their entirety and the affected area returned to pre-construction elevations, and revegetated as appropriate. If the project involves stream modification, stream channel modifications, including bank stabilization, would be limited to the minimum necessary to construct or protect the structure and the immediate vicinity of the project.</i> ▪ <i>NWP 23: The Federal Highway Administration (FHWA) [is expected to/has concurred] that this project is categorically excluded from further environmental documentation [include date if applicable], because it is included within a category of actions which neither individually nor cumulatively have a significant effect on the human environment and the USACE has concurred with that determination in Regulatory Guidance Letter 05-07.</i>
10			D.	State: <i>The activity would comply with all general and regional conditions applicable to NWP [indicate number].</i>
11			E.	<p>Indicate why a PCN is/is not required:</p> <p><i>A Preconstruction Notification (PCN) for NWP [indicate number] at [indicate name of water body or station number] would not be required because [discuss the acreage or linear foot PCN trigger for the relevant NWP, as appropriate]. <u>There is no potential to affect listed species or designated critical habitat, or any historic properties listed or eligible for listing on the National Register of Historic</u></i></p>

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Yes	No	N/A	Description of Item Sufficiency	References/Guidance
				<p><u>Places.</u></p> <p style="text-align: center;">OR</p> <p><i>A Preconstruction Notification (PCN) is required at [indicate name of water body or station number] because [indicate which PCN trigger(s) is (are) met].</i></p> <p>If verification has been issued for this project, include the date and permit number.</p>
12			F.	<p>If more than one area of the project would require a NWP, state:</p> <p><i>The activities at [indicate name of water bodies or station numbers] have been identified as single and complete* projects as defined in the Nationwide Permits because [insert reason] and would therefore be permitted under the same NWP.</i></p> <p style="text-align: center;">OR</p> <p><i>The activities at [indicate name of water bodies or station numbers] have been determined to not be single and complete* projects as defined in the Nationwide Permits, because [insert reason] and would therefore be permitted together.</i></p> <p>*Single and complete - For linear projects, a “single and complete project” is all crossings of a single water of the United States (i.e., a single waterbody) at a specific location. For linear projects crossing a single waterbody several times at separate and distant locations, each crossing is considered a single and complete project. However, individual channels in a braided stream or river, or individual arms of a large, irregularly shaped wetland or lake, etc., are not separate waterbodies, and crossings of such features cannot be considered separately.</p>
13			G.	<p>If compensatory mitigation is triggered by the NWP General Conditions, Regional Conditions for Texas, or if it is requested at the discretion of the USACE, describe how the impacts would be mitigated (avoidance, minimization, bank credits, onsite mitigation, etc.). If use of a mitigation bank is proposed, include the bank name and the quality of wetlands being impacted, amount of impacts, and proposed credits if known. If the project requires third party mitigation, coordination with Texas Parks and Wildlife Department (TPWD) is required to provide TPWD an opportunity to offer mitigation options before pursuing the third party mitigation options.</p>
14			H.	<p>Are all technical reports in support of a wetland determination or delineation, either produced by TxDOT or TxDOT consultants, identified in either a table or a separate reference</p>

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Yes	No	N/A	Description of Item Sufficiency	References/Guidance
			page, and is the following example reference format utilized? Author, date, title, number of pages. Example: <i>Ace Environmental. 2008. Wetland Delineation, S.H. 64 at Little Coon Creek, Smith County, Texas. 45 pp.</i>	

Section 401 of the Clean Water Act: Water Quality Certification

15			<p>Does the document include one of the following statements?</p> <p><i>This project would not require a USACE Section 404 Permit; therefore Section 401 Certification would not be required.</i></p> <p style="text-align: center;">OR</p> <p><i>The 401 Certification requirements for NWP [indicate number] would be met by implementing approved [indicate applicable BMP categories: erosion controls, sediment controls, and/or post-construction TSS controls] BMPs from TCEQ's 401 Water Quality Certification Conditions for Nationwide Permits.</i></p> <p style="text-align: center;">OR</p> <p><i>The project will impact less than 1,500 linear feet of stream and/or 3 acres of waters of the U.S. and will not affect rare/ecologically significant wetlands. The Tier I 401 Certification requirements for the Section 404 Individual Permit will be met by implementing approved erosion controls, sediment controls, and post-construction TSS controls. A Tier I Checklist will be completed and submitted to TCEQ and the USACE.</i></p> <p style="text-align: center;">OR</p> <p><i>The project will impact more than 1,500 linear feet of stream and/or 3 acres of waters of the U.S. or will affect rare/ecologically significant wetlands. The Tier II 401 Certification Questionnaire and Alternatives Analysis Checklist will be completed and submitted to TCEQ.</i></p>	<p>33 USC 1341 30 TAC 279 23 CFR 771</p>
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Executive Order 11990, Wetlands

16			Does the document include one of the	Executive Order 11990
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Yes	No	N/A	Description of Item Sufficiency	References/Guidance
			<p>following statements?</p> <p><i>Executive Order 11990 on wetlands does not apply because no wetlands will be impacted.</i></p> <p style="text-align: center;">OR</p> <p><i>If wetlands [jurisdictional or non-jurisdictional] would be impacted, indicate "Alternatives were reviewed as required by Executive Order 11990 on wetlands, and no practicable alternatives to [describe wetland impacts] were identified."</i></p>	<p>DOT Order 5660.1 A 23 CFR 771 and 777</p>
Rivers and Harbors Act of 1899, Section 10				
17			<p>Does the document include one of the following statements?</p> <p><i>This project does not involve work in or over a navigable water of the U.S., therefore Section 10 of the Rivers and Harbors Act does not apply.</i></p> <p style="text-align: center;">OR</p> <p><i>This project includes [describe work] in or over a navigable water of the U.S. under Section 10 of the Rivers and Harbors Act. The Section 10 activity will be covered under NWP [insert permit number] [with/without] a PCN.</i></p> <p style="text-align: center;">OR</p> <p><i>This project includes [describe work] in or over a navigable water of the U.S. under Section 10 of the Rivers and Harbors Act and exceeds the limits of the NWPs. The Section 10 work will be authorized under an individual Section 10/404 Individual Permit.</i></p>	<p>33 USC 401, et.seq 23 CFR 650, Subparts D & H 33 CFR 114-115</p>
Section 303(d) of the Clean Water Act (Please reference the current EPA approved 303(d) list. As of July 2009, the current list is from 2008.)				
18			<p>Does the document include one of the following statements?</p> <p><i>Runoff from this project would not discharge directly into a Section 303 (d)</i></p>	<p>Memorandum of Understanding between TxDOT and TCEQ 43 TAC 2.23</p>

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Yes	No	N/A	Description of Item Sufficiency	References/Guidance
			<p><i>listed threatened or impaired water, or into a stream within 5 miles upstream of a Section 303(d) listed threatened or impaired water. The [insert year of the most recent EPA approved list] 303(d) list was utilized in this assessment.</i></p> <p style="text-align: center;">OR</p> <p><i>Runoff from this project would discharge ["directly into" or "within 5 stream miles upstream of"] Segment(s) [insert segment number(s)] of [insert stream name(s)], which [is/are] listed as threatened/impaired for [insert constituent(s) of concern] on the [insert year of the most recent EPA-approved list] 303(d) list. [Describe BMPs that would be used] to control the constituent of concern at this location.</i></p> <p style="text-align: center;">OR</p> <p><i>This project is not expected to contribute the constituent of concern to the impaired water body.</i></p> <p>Note: A stream segment number is only required for listed impaired streams. If a non-listed stream does not have a segment number, the nearest downstream segment number may be inserted into ETS. TCEQ 303(d) coordination is not required for CEs.</p>	<p>30 TAC 7.119 33 USC 1251-1377 TWC 26.023 30 TAC 307 23 CFR 771</p>
Section 402 of the Clean Water Act: Texas Pollutant Discharge Elimination System, Construction General Permit				
19			<p>Does the document include one of the following statements?</p> <p><i>This project would include less than one acre of earth disturbance, and is not part of a larger common plan of development that would disturb one or more acres, therefore TCEQ's Texas Pollutant Discharge Elimination System (TPDES) Construction General Permit (CGP) does not apply.</i></p> <p style="text-align: center;">OR</p>	<p>33 USC 1342 40 CFR 122 30 TAC 205, 216, 281.25 23 CFR 771</p>

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Yes	No	N/A	Description of Item Sufficiency	References/Guidance
			<p><u><i>This project would include one or more acres of earth disturbance, but less than five acres.</i></u> TxDOT would comply with TCEQ's Texas Pollutant Discharge Elimination System (TPDES) Construction General Permit (CGP). A Storm Water Pollution Prevention Plan (SW3P) would be prepared and implemented, and a construction site notice would be posted on the construction site. A Notice of Intent (NOI) would not be required.</p> <p style="text-align: center;">OR</p> <p><i>This project would include five or more acres of earth disturbance. TxDOT would comply with TCEQ's Texas Pollutant Discharge Elimination System (TPDES) Construction General Permit (CGP). A Storm Water Pollution Prevention Plan (SW3P) would be implemented, and a construction site notice would be posted on the construction site. A Notice of Intent (NOI) would be required.</i></p>	
Section 402 of the Clean Water Act: Texas Pollutant Discharge Elimination System, Municipal Separate Storm Sewer System (MS4)				
20			<p>Does the document include one of the following statements?</p> <p><u><i>This project is not located within the boundaries of a regulated Municipal Separate Storm Sewer System.</i></u></p> <p style="text-align: center;">OR</p> <p><i>This project is located within the boundaries of the [Phase I (indicate city) or Phase II (indicate which Urbanized Area)] Municipal Separate Storm Sewer System, and would comply with the applicable MS4 requirements.</i></p>	<p>33 USC 1342 40 CFR 122 30 TAC 205, 216, 281.25 23 CFR 771</p>
Floodplains				
21			<p>Does the document include one of the following statements?</p> <p><i>The project is not located within a Federal Emergency Management</i></p>	<p><u>Executive Order 11988</u> Executive Order 12148 DOT Order 5650.2</p>

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Yes	No	N/A	Description of Item Sufficiency	References/Guidance
			<p><i>Agency (FEMA) designated 100-year floodplain.</i></p> <p style="text-align: center;">OR</p> <p><i>The project is located within a Federal Emergency Management Agency (FEMA) designated 100-year floodplain, however no work will occur in the floodplain.</i></p> <p style="text-align: center;">OR</p> <p><i>The project is located within a Federal Emergency Management Agency (FEMA) designated 100-year floodplain. The hydraulic design for this project would be in accordance with current FHWA and TxDOT design policies. The facility would permit the conveyance of the 100-year flood, inundation of the roadway being acceptable, without causing significant damage to the facility, stream, or other property. The proposed project would not increase the base flood elevation to a level that would violate applicable floodplain regulations and ordinances. Coordination with the local Floodplain Administer will be required.</i></p> <p style="text-align: center;">OR</p> <p><i>Coordination is not required because [insert county or community] does not participate in the NFIP.</i></p>	<p>23 CFR 650, et seq. 44 CFR 59-62, 64-68, 70-73, 75 23 CFR 771</p>
Trinity River Corridor Development Certificate				
22	This section is required for projects in Dallas, Tarrant, or Denton County.			
23			<p>Does the document include one of the following statements?</p> <p><i>The project is not within the Trinity River Corridor Development Regulatory Zone; therefore, a Corridor Development Certificate (CDC) permit would not be required.</i></p> <p style="text-align: center;">OR</p> <p><i>The project is within the Trinity River Corridor Development Regulatory Zone and a Corridor Development Certificate (CDC) would be required.</i></p>	<p>North Central Texas Council of Governments</p>

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Yes	No	N/A	Description of Item Sufficiency	References/Guidance
			<p style="text-align: center;">OR</p> <p><i>The project is within the Trinity River Corridor Development Regulatory Zone and a Corridor Development Certificate (CDC) would typically be required. TxDOT [has applied/will apply] for an exemption as the project meets the criteria for exemption from the CDC requirement.</i></p>	
Texas Coastal Management Program				
24			<p>This section is required for projects in Orange, Jefferson, Chambers, Harris, Galveston, Brazoria, Matagorda, Jackson, Calhoun, Victoria, Refugio, Aransas, San Patricio, Nueces, Kleberg, Kennedy, Willacy, and/or Cameron counties.</p>	
			<p>Does the document include one of the following statements?</p> <p><i>This project is located within [indicate county(ies)], but is not within the Texas Coastal Management Program (TCMP) boundary, therefore a consistency determination is not required.</i></p> <p style="text-align: center;">OR</p> <p><i>This project is located within [indicate county(ies)], which [is/are] within the Texas Coastal Management Program (TCMP) boundary. TxDOT has reviewed this proposed action for consistency with the TCMP goals and policies in accordance with the regulations of the Coastal Coordination Council, and has determined that the proposed action is consistent with the applicable TCMP goals and policies, and would not have a direct and significant adverse effect on the Coastal Natural Resource Area (CNRAs), identified in 31 TAC Chapter 501.31.</i></p>	<p>16 USC 1451-1465 15 CFR 923, 926, 930 23 CFR 650.211 31 TAC 281 23 CFR 771</p>
25				
26			<p>Note: If the project is within the CMP Boundary, District personnel are required to mark the “CZM” and “Consistent” flags “Y” when filling out the ETS Water screen. Failure to do so will result in a non-compliance report for the Water SOU. TxDOT is required by 31 TAC 305 to “maintain a record of all proposed actions that are subject to the CMP and provide such record to the council on a quarterly basis.” ENV generates a quarterly report from ETS, based on the entries made in the Water review screen. Failure to mark those fields will result in non-compliance with 31 TAC 305.</p>	

Chapter 9. Water Resources

Yes	No	N/A	Description of Item Sufficiency	References/Guidance
<p>Coastal Barrier Resources Act (CBRA) (Coordination requirements subject to change pending FHWA/USFWS consultation)</p>				
<p>This section should be inserted after the CMP Section.</p>				
27	<p>This section is only required for projects in Jefferson, Galveston, Brazoria, Matagorda, Calhoun, Aransas, Nueces, Kleberg, Willacy, and/or Cameron Counties (Texas CBRA Maps)</p>			
28			<p>Does the document include one of the following statements?</p> <p><i>This project is located within [indicate county(ies)] but is not located within a designated CBRA map unit. Coordination with the U.S Fish and Wildlife Service (USFWS) is not <u>required</u>.</i></p> <p style="text-align: center;">OR</p> <p><i>This project is located within [indicate county(ies)] and is within a designated CBRA map unit, but is exempt from CBRA regulations according to Section 6 subsection 3 of the CBRA. The purpose of this project is to [replace, reconstruct, maintain, or repair] the existing transportation facility. The project does not add capacity or construct a new transportation facility. Contact ENV-WRM regarding coordination.</i></p> <p style="text-align: center;">OR</p> <p><i>This project is located within [indicate county(ies)] and is within a designated CBRA map unit [insert CBRA map unit name and number]. The project will [construct or expand] [roadway name and/or number]. Contact ENV-WRM regarding coordination.</i></p>	
<p>Edwards Aquifer Recharge and Contributing Zones</p>				
29	<p>This section is required for projects in Kinney, Uvalde, Medina, Bexar, Comal, Hays, Travis, and/or Williamson Counties.</p>			
30			<p>Does the document include one of the following statements?</p> <p><i>This project is not located within the Edwards Aquifer Contributing or Recharge Zones; therefore, the Edwards</i></p>	<p>Texas Water Code 26.401 30 TAC 213 23 CFR 771</p>

Chapter 9. Water Resources

Yes	No	N/A	Description of Item Sufficiency	References/Guidance
			<p><i>Aquifer Rules do not apply.</i></p> <p style="text-align: center;">OR</p> <p><i>This project is located within the Edwards Aquifer Contributing Zone and would disturb [insert "less than five" or "five or more"] acres of earth; therefore, a Contributing Zone Plan [would/would not] be submitted to TCEQ.</i></p> <p style="text-align: center;">OR</p> <p><i>This project is located within the Edwards Aquifer Recharge Zone; therefore, a Water Pollution Abatement Plan would be submitted to TCEQ.</i></p>	
International Boundary and Water Commission				
31	This section is required for projects in U.S.-Mexico Border Counties.			
32			<p>Does the document include the following statement?</p> <p><i>This project [would/would not] be located within the floodplain of the Rio Grande; therefore, coordination with the International Boundary Water Commission (IBWC) [would/would not] be required.</i></p>	<p>International Bridge Act of 1972</p> <p>33 USC 535, et seq.</p> <p>Executive Order 11423</p> <p>Executive Order 12847</p> <p>1944 Treaty to Resolve Pending Boundary Differences and Maintain the Rio Grande and Colorado River as the International Boundary between the United States of America and Mexico</p> <p>23 CFR 771</p>
Wild and Scenic Rivers				
(This section is required for projects that impact the Rio Grande between the New Mexico/EI Paso boundary to the Terrell/Val Verde County Line)				
33			<p>Does the document include one of the following statements?</p> <p><i>This project will not involve work within the designated segment of the Rio Grande that would harm the river's free-flowing condition, water quality, or outstanding resource values.</i></p>	

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Yes	No	N/A	Description of Item Sufficiency	References/Guidance
			<p style="text-align: center;">OR</p> <p><i>This project would involve work within the designated reach of the Rio Grande. Formal coordination with FHWA and the National Park Service will be required.</i></p> <p>Note: Please contact Environmental Affairs if this project will involve work in the designated segment of the Rio Grande.</p>	
General Bridge Act/Section 9 of the Rivers and Harbors Act (U.S. Coast Guard Permit)				
			<p>Does the document include one of the following statements?</p> <p><i>This project does not involve work in or over a navigable water of the U.S., therefore Section 9 of the Rivers and Harbors Act does not apply.</i></p> <p style="text-align: center;">OR</p> <p><i>This project does involve work in or over a navigable water of the U.S., but does not require a USCG permit, because the waters under the proposed bridge are not used or are not susceptible to use in their natural condition or by reasonable improvement as a means to transport interstate or foreign commerce and/or are not tidal, or if tidal, used only by recreational boating, fishing, and other small vessels less than 21 feet long. FHWA has concurred [provide date] or is expected to concur that the project falls within the approved category and a permit is not required. A lighting exemption [will/has been] requested [include date of request].</i></p> <p style="text-align: center;">OR</p> <p><i>This project includes [describe work] in or over a navigable water of the U.S [include water body name] under Section 9 of the Rivers and Harbors Act. The USCG Bridge project Questionnaire was submitted to the USCG on [date]. The</i></p>	

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Yes	No	N/A	Description of Item Sufficiency	References/Guidance
			<i>USCG Section 9 permit application was submitted on [date].</i>	

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**Standards of Uniformity for
Categorical Exclusions**

Chapter 10.

Traffic Noise

Chapter 10. Traffic Noise

Yes	No	N/A	Description of Item Sufficiency	References/ Guidance
Basic Criteria				
1			<p>Would the project be on a new location; or substantially alter the horizontal or vertical alignment; or increase the number of through-traffic lanes [add capacity]?</p> <ul style="list-style-type: none"> ➤ If no, a Traffic Noise Analysis is not required. ➤ If yes, perform a Traffic Noise Analysis in accordance with TxDOT's Noise Guidelines and TNM User's Guide. 	TxDOT's Noise Guidelines and TNM User's Guide .
2		<p>Would the project result in a noise impact?</p> <ul style="list-style-type: none"> ➤ If no, noise abatement measures are not considered/required. ➤ If yes, noise abatement measures must be considered. 		
3		<p>Would any noise abatement measure be feasible and reasonable?</p> <ul style="list-style-type: none"> ➤ If no, document why it would not be feasible or reasonable. ➤ If yes, propose the noise abatement [noise barrier] for incorporation into the project subject to the completion of the project design, utility evaluation, and polling of adjacent property owners. 		
Documentation				
4			<p>For the specific format/content necessary when documenting the results of traffic noise analyses, refer to the Examples of Recommended Text developed by TxDOT/ENV.</p>	
5			<p>Would a traffic noise analysis be required?</p> <ul style="list-style-type: none"> ➤ If no, include a simple statement to indicate that a traffic noise analysis is not required, and why. ➤ If yes, document in accordance with the appropriate Example of Recommended Text. 	Examples of Recommended Text

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**Standards of Uniformity for
Categorical Exclusions**

Chapter 11.

**Hazardous Materials
Initial Site Assessment**



Hazardous Materials Initial Site Assessment Standard of Submission

Complete this form for all construction projects to document completion of the Hazardous Materials Initial Site Assessment (ISA). Maintain a copy of the completed ISA with applicable attachments in the project file.

Completion of the ISA complies with the FHWA's policy dealing with hazardous waste contamination discussed in FHWA's *Supplemental Hazardous Waste Guidance* (January 16, 1997) located at <http://www.environment.fhwa.dot.gov/guidebook/vol1/doc7b.pdf>

In addition, completion of the ISA will reduce construction delays due to unexpected hazardous material discoveries and reduce the department's liability associated with the purchase of contaminated right-of-way.

NOTE: Completion of the ISA is not required for projects that consist only of work activities associated with overlay, seal coat, resurfacing, rehabilitation, or restoration done within the existing ROW on an existing road and completely within the footprint of existing base course.

For additional information, refer to TxDOT's online manual: *Hazardous Materials in Project Development*, located at <http://onlinemanuals.txdot.gov/txdotmanuals/haz/index.htm>

Abbreviations and Acronyms

ASTs	above ground storage tanks
ASTM	American Society for Testing and Materials
CERCLIS	Comprehensive Environmental Response Compensation Liability Information System
CSJ	control, section, job
ERNS	Emergency Response Notification System
HWY	highway
MSWLF	municipal solid waste landfills
NA	not applicable
NPL	National Priority List
LPST	leaking petroleum storage tank
RCRA	Resource Compensation Recovery Act
ROW	right-of-way
RPST	registered petroleum storage tank
RRC	Texas Railroad Commission
TBD	To be determined
TCEQ	Texas Commission on Environmental Quality
TSD	treatment storage and disposal facility
UNK	unknown
USGS	United States Geological Survey

TxDOT Hazardous Materials Initial Site Assessment (ISA)

Project Information			
CSJ No:	City:	Zip Code:	County:
HWY:	Limits:		
Section 1: Preliminary Project Design and Right-of-Way Requirements			
NOTE: If the project does not consist of any work activities other than overlay, seal coat, resurfacing, rehabilitation, or restoration done within the existing ROW on an existing road and completely within the footprint of existing base course, no further hazardous materials action is required and the project is eligible for a PCE classification or lower pending review of other environmental conditions.			
Yes/No	Obtain information/comments from design and right of way staff. Attach maps and/or details as appropriate.		
	Previous environmental assessments, testing or studies performed by local entities or TxDOT? If yes, any concerns?		
	Existing geotechnical borings/soil cores? If yes, provide location/depth.		
	Proposed borings, columns, piers or drilled shafts? If yes, provide location/depth.		
	Proposed excavations (vertical alignment/profile changes, cuts, trenches and/or storm sewers)? If yes, provide location/depth.		
	Proposed de-watering? If yes, what is anticipated depth to groundwater level?		
	Proposed demolition or structure modification? If yes, provide details.		
	Proposed right-of-way acquisition and easement requirements? If yes, provide location/width.		
	Known encroachments? If yes, provide location and type.		
	Utility and/or pipeline adjustments? If yes, provide location, depth and type.		
	Will utilities require adjustment during construction?		
	Other? <i>(Describe as necessary)</i>		
	Other? <i>(Describe as necessary)</i>		
Section 2: Identification of Potential Hazardous Material Issues			
Yes/No	2.1 Does the project include any of the following activities (indicate all that apply)?		
	Structure demolition operations or structure modifications.		

	Tunneling exceeding three feet below the surface.	
	Underpass construction.	
	Pipeline and underground utility installation or adjustments.	
	Confined spaces.	
	De-watering.	
	Vertical alignment changes.	
	Purchase of new ROW or easement.	
	Trenching, drilled shafts, cuts or other excavations exceeding three feet in depth.	
<p><i>If the project includes one or more of the activities listed above, complete Section 2.2 below. Use Table 1 in Appendix A to help identify all potential hazardous materials issues for this project.</i></p>		
<p><i>If the project <u>does not</u> include any of the activities listed above, complete a site survey and document the results in Section 6. If the site survey <u>did not</u> identify evidence of any of the environmental concerns listed in Section 6, no further hazardous materials action required and the project is eligible for a PCE classification or lower pending review of other environmental conditions. If the site survey identified evidence of any of the environmental concerns listed in Section 6, complete Section 3 below to determine additional data collection actions.</i></p>		
Yes/ No	2.2 Based on Table 1 Appendix A, what are the <i>potential</i> hazardous materials issues for this project (indicate all that apply)?	
	Lead based paint	
	Asbestos Containing Materials (ACM)	
	Oil & Gas	
	Petroleum Storage Tanks (PST)	
	Leaking Petroleum Storage Tanks (LPST)	
	Pipelines	
	Landfills	
	Non-LPST source of Contaminated Soil	
	Non-LPST source of Contaminated Groundwater	
	Other – (Describe)	
Section 3: Identification of Data Collection Actions		
<p><i>Using the information listed on Table 2, Appendix A and the potential hazardous materials issues indicated above in Section 2.2; determine the data collection actions required to identify actual hazardous material issues that may impact the project.</i></p>		
Required? Yes /No	Based on the potential hazardous materials issues indicated above and the Level 1 data collection information listed on Table 2 Appendix A, what data collection actions are required to identify actual hazardous material issues that may impact the project (indicate all that apply)?	
	Required Level 1 Data Collection Action	Corresponding Section of ISA Form
	Conduct Land Use Review (Existing & Previous)	Section 4
	Review existing project geotechnical boring logs to identify potential environmental concerns	Section 4.6
	Conduct ASTM E1527 Level or Equivalent Regulatory Database Search	Section 5
	Conduct Site Survey	Section 6
	Conduct Interviews	Section 7

	Conduct ASTM E1527-05 Phase 1 ESA	No Corresponding Section (This requires the completion of a separate document. Call ENV for assistance)	
<p><i>Based on the data collection actions indicated above, complete the required corresponding sections of the ISA form below. Use best professional judgment to determine whether to collect other data that is not required (Contact ENV for assistance or guidance). Place an "NA" in non-required sections if not completed.</i></p>			
Section 4: Existing and Previous Land Use Information			
Reviewed? (Yes/No/ Not Available)	Document and attach sources reviewed. Review and assess existing right of way, proposed acquisition and adjacent land use.		
	4.1 USGS 7.5 Minute Topographic Maps Any concerns? If yes, explain:		
	Quad(s):	Date(s):	Map ID:
	4.2 Aerial Photographs Any concerns? If yes, explain:		
	TxDOT:	Date(s):	Aerial ID:
	Soil Conservation Service:	Date(s):	Aerial ID:
	Other:	Date(s):	Map ID:
	4.3 Right-of-way Maps/Files Any concerns? If yes, explain:		
		Date(s):	Map ID:
	4.4 Sanborn Fire Insurance Maps Any concerns? If yes, explain:		
	Do Sanborn Maps cover project limits? Yes/No		
	Year:	Date(s):	Map ID:
	Year:	Date(s):	Map ID:
	Year:	Date(s):	Map ID:
	4.5 TxDOT As-Built Plans Any concerns identified during previous work within the project limits? If yes, explain:		
	4.6 TxDOT Geotechnical Soil Boring Logs Any concerns noted on the boring logs such as unusual odors, visible contamination, trash, waste or debris? If yes explain:		

	4.7 TxDOT Temporary Use Agreements: Any concerns such as monitor wells or treatment systems within the ROW? If yes, explain:
	4.8 Notifications of Contamination to TxDOT: Any concerns regarding contamination of ROW from off-site sources? If yes, explain:
	4.9 Other?

Section 4: Existing and Previous Land Use Information (Continued)

Type? (Circle and Describe)	4.10 Document types of land use on existing and proposed right-of-way. Also indicate type of adjacent land use. Obtain information from land use sources and site surveys.		
Undeveloped to Light Commercial:	undeveloped	agricultural ranch, pasture or cultivated fields	residential
	office buildings	retail	light commercial
Commercial, Repair or Maintenance:	automotive/truck repair	commercial printing facility	dry cleaners
	photo developing laboratory	service (gasoline) stations	other:
Recycling & Disposal Facilities:	auto salvage	landfill	recycling facility
	waste processing	treatment, storage or disposal	other:
Refinery/ Chemical/ Manufacturing:	ASTs	pipelines	other:
Oil & Gas Exploration:	oil/gas/injection wells	pipelines/compressor station	separation tanks
	tank batteries (ASTs)	other:	other:
Railroad:	rails and ballast	track side lubrication/maintenance	loading ramps
	railroad staging areas/spurs	warehouses storage areas	other:
Industrial / Manufacturing:			
Military:			

Other:	
Other:	
4.11 Comments:	
Section 5: Regulatory Agency Databases	
<p><i>Complete or contract for services to complete a database search in accordance with 40 CFR Part 312 Standards and Practices for All Appropriate Inquiry. A complete copy of the database search findings should be attached to this ISA. Attempts to locate "Orphan Sites", sites listed but have no listed addresses, should be made during Site Survey. Include in the table below the regulatory databases searched and indicate whether a database included a potential environmental concern.</i></p>	
Database Name	Environmental Concerns (Yes/ No)
<i>Add additional rows as needed</i>	

Section 6: Project Site Survey			
<i>Document site survey and findings. Describe location, size of concern. Attach site maps and photographs as appropriate.</i>			
Site Survey Date(s):			
Evidence? (Yes/No)	6.1 Specific Concerns Identified		
	<ul style="list-style-type: none"> underground storage tanks 		
	<ul style="list-style-type: none"> vent pipes, fill pipes, or access ways indicating a fill pipe protruding from the ground 		
	<ul style="list-style-type: none"> aboveground storage tanks 		
	<ul style="list-style-type: none"> electrical and transformer equipment 		
	<ul style="list-style-type: none"> injection wells, cisterns, sumps, dry wells flooring, drains, or walls stained by substances other than water or emitting foul odors 		
	<ul style="list-style-type: none"> vats, 55-gallon drums (labeled/unlabeled), canisters, barrels, bottles, etc. 		
	<ul style="list-style-type: none"> stockpiling, storage, spills, surface dumping of trash, garbage, refuse, rubbish, debris half exposed/buried, etc. 		
	<ul style="list-style-type: none"> damaged or discarded automotive or industrial batteries 		
	<ul style="list-style-type: none"> stained, discolored, barren, exposed or foreign (fill) soil 		
	<ul style="list-style-type: none"> dead, damaged or stressed vegetation 		
	<ul style="list-style-type: none"> oil sheen or films on surface water, seeps, lagoons, ponds, or drainage basins 		
	<ul style="list-style-type: none"> pits, ponds, or lagoons associated with waste treatment or waste disposal 		
	<ul style="list-style-type: none"> changes in drainage patterns from possible fill areas 		
	<ul style="list-style-type: none"> security fencing, protected areas, placards, warning signs 		
	<ul style="list-style-type: none"> dead animals possibly due to contamination 		
	<ul style="list-style-type: none"> other concerns (<i>Describe</i>): 		
6.2 Description of Site Survey Evidence: <i>As necessary, provide additional information about the evidence identified; include photographs as an attachment.</i>			
Section 7: Interviews			
Interviewed? (NA/Yes/No)	Attach record of communications.		
	Local Residents including TxDOT Staff		
	Name:	Title:	Date:
	City Fire Departments		
	Name:	Title:	Date:
	City or County Department of Health/Environmental Division		

	Name:	Title:	Date:
City or County Planning Department			
	Name:	Title:	Date:
Local Electric Utility Companies (PCBs)			
	Name:	Title:	Date:
Regional TCEQ			
	Name:	Title:	Date:
District RRC			
	Name:	Title:	Date:
Current or Former Property Owners or Operators: See ASTM Standard Practice E 1528 Transaction Screen for Questions.			
	Name:	Title:	Date:
	Name:	Title:	Date:
	Name:	Title:	Date:

Section 8: Determine Need for Further Investigation

(Yes/No)	
	Is additional review of project design and right-of-way requirements needed? If Yes explain:
	Is additional existing or previous land use research needed? If Yes explain:
	Is additional regulatory agency database or file review needed? If Yes explain:
	Are additional interviews needed? If Yes explain:
	Is additional assessment or investigation needed? If Yes explain:

If the answer is Yes to any of the above questions in Section 8, collect the additional information and attach the information to the ISA. Contact ENV as early as possible for assistance or guidance with these questions.

Section 9: Findings

(Yes/No/TBD)	Answer and Explain as necessary
	Does possible or known contamination exist within the right-of-way?

	Is there possible or known involvement with contamination or hazardous material concerns during construction?
	Is further investigation required during subsequent stages of project development as a result of known or potential contamination/hazardous materials?
	Will special considerations be needed during the right-of-way acquisition process or property management as a result of known or potential contamination/ hazardous materials?
	Will special considerations be needed during plans, specification and estimate (PS&E) development as a result of known or potential contamination/ hazardous materials?
	Will special considerations be needed during maintenance as a result of known or potential contamination/ hazardous materials?
<p><i>If the answer is Yes or TBD to any of the above questions in Section 9, contact ENV as early as possible for assistance. ENV will initiate actions to resolve the hazardous materials issues. Refer to ENV-PPA's online Summary Guidance for Resolving Hazardous Materials Issues - Scheduling Considerations; Internal/ External Coordination and Recommended Practices.</i></p>	
<p>Section 10: NEPA Programmatic Categorical Exclusion Determination (Yes/ No)</p>	
	Will the project involve the acquisition of known unresolved contamination where TxDOT could reasonably expect to assume liability for corrective action upon acquisition?
	Will project activities involve known hazardous materials impacts that could be anticipated to adversely affect construction (e.g. can not resolve before letting or during construction)?
<p><i>If the answer is Yes to either of the above two questions in Section 10, the project is not eligible for a PCE determination.</i></p>	
<p>Section 11: Conclusions <i>(Select the appropriate conclusion from the two listed below)</i></p>	
<p><i>(Conclusions 1 - Delete if not applicable)</i> An analysis of initial site assessment data indicates that there are no identified hazardous materials concerns for this project. The hazardous materials assessment is complete.</p>	
<p><i>(Conclusions 2 - Delete if not applicable)</i> An analysis of the initial site assessment data identified the following hazardous materials concerns for this project (select all that apply):</p>	
	Lead based paint
	Asbestos Containing Materials (ACM)
	Oil & Gas
	Petroleum Storage Tanks (PST)
	Leaking Petroleum Storage Tanks (LPST)
	Pipelines
	Landfills
	Non-LPST source of Contaminated Soil
	Non-LPST source of Contaminated Groundwater
	Other – <i>(Describe)</i>
<p><i>(Conclusion 2 continued- Delete if not applicable)</i> Additional assessment is necessary to determine the impact to the project; scheduling considerations; internal/ external coordination needs and the appropriate actions needed to resolve the hazardous materials issues.</p>	

<p>Refer to ENV-PPA's online Summary Guidance for Resolving Hazardous Materials Issues - Scheduling Considerations; Internal/ External Coordination and Recommended Practices and TxDOT's online manual Hazardous Materials in Project Development for additional information. Contact ENV as early as possible for assistance with resolving the hazardous materials issues.</p>			
<p>Refer to Table 3 in Appendix A for recommended NEPA documentation and EPIC language for hazardous materials management.</p>			
<p>Section 12: Attachments</p>			
<p>Circle</p>	Project Map (Required)	USGS Topographic Maps (Required)	Aerial Photographs
	ROW Maps/Files	Sanborn Fire Insurance Maps	Temporary Use Agreements
	TxDOT As-Built Plans	Notifications	Photographs
	Record of Communications	Other:	Other:
<p>Section 13: Contact/Completed by</p>			
Name:			Tel:
Title:			
Firm (District Section):			
Address:			
Signature:			Date:

Hazardous Materials Initial Site Assessment

Appendix A

Table 1

Project Scoping and Identification of Potential Environmental Issues Hazardous Materials Management for Project Development

Table 1
Project Scoping and Identification of Potential Environmental Issues
Hazardous Materials Management for Project Development

Review Project Requirements and Determine if the Project Includes Any of the Following Activities ^{1,3}	Potential Environmental Issues Based on the Type of Project Activity ²								
	Lead Based Paint	Asbestos Containing Materials	Oil & Gas	PST	LPST	Pipelines	Landfills	Non-LPST Source Contaminated Soil	Non-LPST Source Contaminated Groundwater
Structure demolition operations or structure modifications.	Yes	Yes	No	No	No	No	No	No	No
Tunneling exceeding three feet below the surface.	No	No	Yes	Yes	Yes	Yes	Yes	Yes	Yes
Underpass construction.	No	No	Yes	Yes	Yes	Yes	Yes	Yes	Yes
Pipeline and underground utility installation or adjustments.	No	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes
Confined spaces.	No	No	Yes	Yes	Yes	Yes	Yes	Yes	Yes
De-watering.	No	No	Yes	Yes	Yes	Yes	Yes	Yes	Yes
Vertical alignment changes.	No	No	Yes	Yes	Yes	Yes	Yes	Yes	Yes
Purchase of new ROW or easement with no structures.	No	No	Yes	Yes	Yes	Yes	Yes	Yes	Yes
Purchase of ROW or easement with structures.	No	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes
Trenching, drilled shafts, cuts or other excavations exceeding three feet in depth.	No	No	Yes	Yes	Yes	Yes	Yes	Yes	Yes
<p>Document potential environmental issues in project file⁴. Begin data collection to identify actual environmental issues that will impact the project. Refer to Table 2 <i>Data Collection for Identification of Environmental Issues Impacting the Project</i> for data collection requirements.</p>									

Notes:

1. Projects that include one or more of the listed activities will have a higher potential for hazardous material impacts to project and will require a higher level of scrutiny during the data collection phase.
2. The project scoping stage only identifies potential hazmat issue. Actual project hazmat issues are identified during the project data collection stage outlined in Table 2 Data Collection for Identification of Environmental Issues Impacting the Project.
3. Not required for projects that consist only of work activities associated with overlay, seal coat, resurfacing, rehabilitation, or restoration done within the existing ROW on an existing road and completely within the footprint of existing base course.
4. A copy of the completed TxDOT Initial Site Assessment checklist is acceptable file documentation.

Hazardous Materials Initial Site Assessment

Appendix A

Table 2

Data Collection for Identification of Hazardous Materials Issues That Impact the Project

Table 2
Data Collection for Identification of Hazardous Material Issues That Impact the Project

Data Collection Action ¹ <i>(Read all foot notes on page 3 for complete clarification of data collection actions)</i>		Project Activity and Data Collection Requirements						
		Project requires new ROW or easement with or without structures	Project requires tunneling, trenching, drilled shafts or other excavations exceeding three feet and/ or vertical alignment changes, de-watering, confined spaces	Project has identified potential encroachments or other concerns	Proposed structure demolition or structure modifications	Project requires relocation of utilities	Land parcels purchased for construction of new TxDOT Buildings (i.e. offices, maintenance sections)	For all other projects that do not have one or more of the activities listed in the previous columns
Level 1 Data Collection	Determine Project Design & ROW Requirements	Required	Required	Required	Required	Required	Required	Required
	Conduct Site Survey	Required	Required	Required	Required	Required	Required	Required ⁵
	Conduct Land Use Review (Existing & Previous)	Required	Required	Required	Required	Required	Required	Required ^{6, 10}
	Conduct ASTM E1527 Level or Equivalent Regulatory Database Search	Required ⁸	Required	Required	Required ⁹	Required	Required	Recommended ⁶
	Review existing project geotechnical boring logs to identify potential environmental concerns	Recommended if logs available	Required if logs available	Recommended if logs available	Not Required	Required if logs available	Required if logs available	Recommended if logs available ⁶
	Conduct Interviews	Recommended if other collected data indicates a need	Recommended if other collected data indicates a need	Recommended if other collected data indicates a need	Not Required	Recommended if other collected data indicates a need	Recommended if other collected data indicates a need	Recommended if other collected data indicates a need ⁶
	Conduct ASTM E1527-05 Phase 1 ESA	Optional ⁷	Optional ⁷	Optional ⁷	Optional ⁷	Optional ⁷	Recommended (note ASTM PH 1 includes all Level 1 data collection information)	Optional ^{6,7}
Review Level 1 data to determine project impacts	Required	Required	Required	Required	Required	Required	Required ⁶	
If the review of Level 1 Data indicates potential project impacts, collect Level 2 data If no impact, hazardous material review completed. Document ² for project file Level 1 data findings and conclusions.								

Table 2
Data Collection for Identification of Hazardous Material Issues That Impact the Project

Data Collection Action ¹ <i>(Read all foot notes on page 3 for complete clarification of data collection actions)</i>		Project Activity and Data Collection Requirements						
		Project requires new ROW or easement with or without structures	Project requires tunneling, trenching, drilled shafts or other excavations exceeding three feet and/ or vertical alignment changes, de-watering, confined spaces	Project has identified potential encroachments or other concerns	Proposed structure demolition or structure modifications	Project requires relocation of utilities	Land parcels purchased for construction of new TxDOT Buildings (i.e. offices, maintenance sections)	For all other projects that do not have one or more of the activities listed in the previous columns
Level 2 Data Collection	Conduct Regulatory File Reviews ^{1,11}	Required when available if issue will impact project	Required when available if issue will impact project	Required when available if issue will impact project	Optional	Required when available if issue will impact project	Required when available if issue will impact project	Required when available if issue will impact project
	Conduct Additional Investigation/ testing ^{1,3,11}	Project Dependent. Contact ENV for assistance ⁴	Project Dependent. Contact ENV for assistance ⁴	Project Dependent. Contact ENV for assistance ⁴	Required - Contact ENV for assistance ⁴	Project Dependent. Contact ENV for assistance ⁴	Project Dependent. Contact ENV for assistance ⁴	Project Dependent. Contact ENV for assistance ⁴
	Conduct Project Impact Review using additional investigation/ testing data ¹	Required	Required	Required	Required	Required	Recommended	Required
Review Level 2 data to determine project impacts		Required	Required	Required	Required	Required	Recommended	Required
<p>If the review of Level 2 data indicates project impacts, document for project file Level 1 and 2 data findings and conclusions and contact ENV Pollution Prevention and Abatement staff to begin issue resolution process. Refer to ENV-PPA's online Summary Guidance for Resolving Hazardous Materials Issues - Scheduling Considerations; Internal/ External Coordination and Recommended Practices and TxDOT's online manual Hazardous Materials in Project Development for additional information.</p> <p>If no impact, hazardous material review completed. Document² for project file Level 1 and 2 data findings and conclusions. Refer to</p>								

Table 2 Data Collection for Identification of Hazardous Material Issues That Impact the Project

Notes:

1. The [*Hazardous Materials in Project Development Manual*](#) describes in more detail the data collection procedures.
2. A copy of the completed TxDOT Initial Site Assessment checklist or the ASTM Phase 1 report are suitable forms of Level 1 data collection documentation for the project file.
3. Examples of additional investigation/ testing include Phase 2 site assessment and ACM inspections.
4. District is responsible for initiating contact with ENV.
5. Does not apply for projects that consist only of work activities associated with overlay, seal coat, resurfacing, rehabilitation, or restoration done within the existing ROW on an existing road and completely within the footprint of existing base course.
6. Not necessary for projects that fall within this column that do not include any of the following activities: Structure demolition operations or structure modifications; Tunneling exceeding three feet below the surface; Underpass construction; Pipeline and underground utility installation or adjustments; Confined spaces; De-watering; Vertical alignment changes; Purchase of ROW or easement with or without structures; Trenching; drilled shafts; Cuts or other excavations exceeding three feet in depth.
7. An ASTM E1527-05 Phase 1 ESA may be conducted in lieu of the other listed Level 1 data collection actions. However, an ASTM E1527-05 Phase 1 is more practically used as a documentation tool for an individual parcel of concern where right of entry is obtained.
8. A limited database search is acceptable for undeveloped/agricultural areas where excavations are less than three feet and the project includes no relocations.
9. A limit database search is acceptable for bridge replacement/ modifications in undeveloped/agricultural areas.
10. A historical review (i.e. Sanborn Maps) recommended for ADA/ sidewalk reconstruction, in commercial or city downtown areas.
11. Internal and contracted technical experts will utilize ENV's Standard Operating Procedures for Technical Experts when conducting pollution prevention and abatement services. Contact ENV for assistance.

Hazardous Material Concern	Potential Impacts	Suggested Language for the Environmental Document	Environmental Tracking System Suggested EPIC Language
No Concerns Identified	NA	The project consist only of work activities associated with (<i>select: overlay, seal coat, resurfacing, rehabilitation, or restoration</i>) work done within the existing ROW on an existing road and completely within the footprint of existing base course. Consequently, this project will not involve the acquisition of known unresolved contamination where TxDOT could reasonably expect to assume liability for corrective action upon acquisition. In addition, this project does not involve known hazardous materials impacts that could be anticipated to adversely affect construction (e.g. can not resolve before letting or during construction).	Include on the PS&E EPIC any applicable storage and management requirements for liquid oil products, liquid petroleum products and other chemical liquids as per 40 CFR 112 (a.k.a. SPCC) and/ or the TCEQ Construction General Permit for storm water management.
	NA	Based on the following project activities (<i>list relevant project construction activities</i>) an Initial Site Assessment (ISA) was conducted to identify potential hazardous materials in the project area. The ISA consisted of the following actions (<i>list the ISA actions</i>). An analysis of the ISA data indicates that this project will not involve the acquisition of known unresolved contamination where TxDOT could reasonably expect to assume liability for corrective action upon acquisition. In addition, this project does not involve known hazardous materials impacts that could be anticipated to adversely affect construction (e.g. can not resolve before letting or during construction).	Include on the PS&E EPIC any applicable storage and management requirements for liquid oil products, liquid petroleum products and other chemical liquids as per 40 CFR 112 (a.k.a. SPCC) and/ or the TCEQ Construction General Permit for storm water management.
Asbestos Containing Materials (ACM)	ROW Structures	The proposed project includes the [demolition and/or relocation] of building structures. The buildings may contain asbestos containing materials. Asbestos inspections, specification, notification, license, accreditation, abatement and disposal, as applicable, should comply with federal and state regulations. Asbestos issues should be addressed during the right-of-way process prior to construction.	Pre-Construction - Prior to project letting, an asbestos inspection and subsequent abatement must be conducted on all public buildings purchased for this project. Additionally, the Department of State Health and Human Service (DSHS) shall be notified (10-day notification) prior to ACM abatement and/or the demolition of a bridge structure.
	Bridges	The proposed project includes the (demolition and/or renovation) of (# of bridges to be demolished) bridge(s). The bridge(s) may contain asbestos containing materials (ACM) and shall be inspected to verify the presence or absence of ACM. Prior to the bridge demolition(s), a 10-Day Notification shall be submitted to the Department of State Health and Human Services (DSHS).	Pre-Construction - Prior to the renovation and/or demolition of a bridge structure, an asbestos inspection must be conducted to verify the presence or absence of asbestos containing materials (ACM). Additionally, the Department of State Health and Human Service (DSHS) shall be notified (10-day notification) prior to ACM abatement and/or the demolition of a bridge structure.
	Underground Asbestos Piping (Transite, Coated Pipes)	The proposed project includes the (relocation, disturbance) of pipelines (give location as well as possible) that are suspected to contain asbestos. Removal/disturbance of asbestos containing pipelines would be accomplished in accordance with OSHA and applicable Asbestos NESHAP standards, including the use of trained personnel working under the supervision of an asbestos competent person.	Pre-Letting - Develop procedures / specifications to address ACM piping prior to disturbance.
	Enhancement Projects	Due to the age of the public building structure, there is the potential for asbestos-containing materials. However, the proposed project does not include utility work, renovation, dismantling, demolition or disposal of building materials. Therefore, no further coordination or compliance with applicable asbestos regulations is required.	No EPIC produced for this situation.
		The project improvements include [partial] renovation of a public building. [At this time, no asbestos surveys are known to have been performed / Preliminary asbestos surveys have been performed].	No suggested language. Develop EPIC language appropriate for the situation.
	An Asbestos Containing Materials (ACM) and Lead Based Paint (LBP) Survey was performed by [Consultant Name] for the City of	No suggested language. Develop EPIC language appropriate for the	

Hazardous Material Concern	Potential Impacts	Suggested Language for the Environmental Document	Environmental Tracking System Suggested EPIC Language
		<p>[Name]. The document is also available for review through the [X] District of TxDOT. On [date], an asbestos inspection of the existing building was performed by a Texas Department of Health licensed asbestos inspector. [Number (X)] bulk samples of suspected asbestos containing material (ACM) were collected from the building. Polarized Light Microscopy (PLM) analysis revealed that [none of the bulk samples contain greater than 1 % asbestos fibers. The suspected materials consisted of [painted plaster and floor tiles]. The asbestos survey did not include sampling of such materials as [concrete flooring, wooden or metal doors, concrete block walls, or hidden/inaccessible components].</p> <p>[Further testing / no further testing for ACM] appears required. The proposed improvements would comply with applicable federal and state regulations, including the Texas Asbestos Health Protection Act (TAHPA), the National Emissions Standards for Hazardous Air Pollutants (NESHAP), and disposal regulations of the Texas Commission on Environmental Quality (TCEQ) and Environmental Protection Agency (EPA).</p>	situation.
		<p>On [date], a Lead Based Paint (LBP) survey was also performed on the building. The survey was performed by [testing interior and exterior painted surfaces of the building using EPA testing method [insert test method name]. The survey was performed by a Certified Inspector for Lead Hazards and LBP Risk Assessor. A limited number of painted surfaces exhibited XRF readings indicating that the painted surface contains lead. The positive LBP readings were found on the [exterior window headers, door arches, upper trim, windowsill and sash and porch ceiling]. Positive LBP readings were also found on the interior [window stools and stops, wall baseboard, support columns, ceiling, window sash, door and door jamb, cabinet door, door plinth and casing].</p> <p>Applicable regulations do not require hiring a Certified Lead Abatement Contractor for component or paint removal during remodeling. However, the waste materials and construction debris containing LBP are required to be disposed according to current disposal regulations of the TCEQ and EPA.</p>	No suggested language. Develop EPIC language appropriate for the situation.
		<p>Prior to [partial] renovation, the [work area and all immediately surrounding areas / building] would be surveyed by a licensed asbestos inspector. If asbestos is confirmed, then asbestos-related activities and the renovation would need to be performed in accordance with the Texas Asbestos Health Protection Act (TAHPA) and the National Emissions Standards for Hazardous Air Pollutants (NESHAP).</p>	No suggested language. Develop EPIC language appropriate for the situation.
		<p>The project's plans, specifications and estimates (PS&E) would disclose areas of asbestos and lead-based paint which could be disturbed. Special provisions would be developed in the PS&E for asbestos-related activities, notifications, required licenses, and monitoring in accordance with NESHAPS and TAHPA.</p>	No suggested language. Develop EPIC language appropriate for the situation.
PST	No Concern to Project	<p>Within the project limits, there are [X] registered petroleum storage tanks (RPST) facilities. [None] of the registered facilities are listed as leaking petroleum storage tanks (LPST) sites. The site survey and research into the historical land use [revealed / did not reveal] any other abandoned and/or active gasoline service stations. [As previously stated, right-of-way acquisition or easements are not required for this project. / No significant excavation is anticipated.] A summary table and map showing the location of the sites is [attached to this documentation / provided in Appendix X].</p>	No EPIC produced for this situation.
	ROW Take	<p>Within the project limits, there are (X) (registered/ abandoned) petroleum storage tanks (RPST) facilities. (None) of the PST facilities are listed as leaking petroleum storage tanks (LPST) sites. (X) of the (RPST/ abandoned) sites will be (will not be) acquired as part of the ROW requirements of the project. District ROW will be</p>	Pre-ROW – It is recommended that the district ROW section be notified of the petroleum storage tanks identified within the areas identified for taking.

Hazardous Material Concern	Potential Impacts	Suggested Language for the Environmental Document	Environmental Tracking System Suggested EPIC Language
	Unregistered PST	<p>notified of the PST regulatory status and exact location.</p> <p>During the site survey, (X) potential undisclosed Petroleum Storage Tanks (PST) sites were identified immediately adjacent (close proximity) to the proposed project. These sites were not identified on the Texas Commission on Environmental (TCEQ) petroleum storage tank (PST) database nor on the leaking petroleum storage tank (LPST) database. No information is currently known about sites, including if a release has occurred or not.</p>	<p>Pre-PS&E Development – Prior to PS&E development, it is recommended that a more detailed investigation be conducted for the sites identified as undisclosed petroleum storage tanks. The project requirements adjacent to the undisclosed sites should be reviewed for ROW acquisition requirements and any excavations greater than 3 feet (or to estimated groundwater). If a determination cannot be made on the likelihood potential impacts, then a Phase II investigation is recommended.</p>
LPST	No Concern to Project	<p>A review of TCEQ's leaking petroleum storage tank (LPST) on-line database query indicated [X] LPST sites adjacent to the proposed project. According to the priority and status indicated in the list search, only minor soil contamination was indicated in [X] of the [X] adjacent LPST listings. TCEQ issued the final concurrence for [X] of these [X] listings and the cases are closed.</p> <p>[As previously stated, right-of-way acquisition or easements are not required for this project.] [No significant excavation is anticipated. / In this area of the proposed project, only rehabilitation of the existing roadway with no significant lowering of the vertical alignment is required. / The vertical alignment would need to be raised.] Therefore, it is not anticipated that petroleum contamination would be encountered during construction. A summary table and map showing the location of the sites is [attached to this documentation / provided in Appendix X].</p>	<p>No EPIC produced for this situation.</p>
	Potential Impacts	<p>Since [displacements / tank system removal would be required / excavation greater than three feet, storm sewers or utility adjustments would be required], the LPST and RPST files for facilities adjacent or within X feet to the project limits were reviewed by [TxDOT district staff / TxDOT division staff / Consultant Name / Environmental Consultant]. Additionally, the sites were discussed with the [TCEQ project case manager / staff of TCEQ's Region X office.]</p> <p>LPST No. XXXXX is located near the [X] of the project. The status and priority of the site indicates that groundwater is impacted and quarterly monitoring is in progress. [According to the file review, the static water level in the monitoring wells is approximately X meters (XX feet) below the ground surface. In this area, a stormwater drainage structure would be installed approximately X meters (X feet) below the ground surface. Although contaminated groundwater may exist within the project limits, it is not anticipated that contaminated groundwater or soil would be encountered during construction.]</p>	<p>Advance Planning – Phase II Recommended – A Phase II (Subsurface Investigation) is recommended (for LPST#xxxxx) to assess the potential impacts to the proposed project.</p> <p>Advance Planning – Additional Research (File Search) – It is recommended that a regulatory file search be conducted for the following sites (list the locations). Please assess whether the potential contamination (soil, groundwater, and vapors) from the affected parcels will impact the proposed project</p>
	Known Impacts	<p>Follow above example for LPST potential except replace the second paragraph with the following:</p> <p>LPST No XXXXX is located at (give a good location). Contamination associated with this LPST will impact the proposed project. The (insert the affected improvements) will be installed within an area known to have soil and groundwater contamination. A Soil and Groundwater Management Plan (SGMP) will be prepared to direct the installation of all improvements for this project within the affected zone.</p>	<p>Advance Planning – Preparation of a SGMP – A Soil and Groundwater Management Plan (SGMP) shall be prepared for the installation of improvements affected by LPST XXXXX.</p>

Hazardous Material Concern	Potential Impacts	Suggested Language for the Environmental Document	Environmental Tracking System Suggested EPIC Language
Oil & Gas Wells	Identification of Well(s)	<p>XXX Oil Well(s) and X Gas well(s) were identified within the project study area. The well locations are depicted on (show the well locations on a map).</p> <p>(Assess each well as much as possible. Try to determine the regulatory standing of the well, its depth and size, production rates, possible visual contamination, etc.)</p>	<p>Pre PS&E Development – Prior to PS&E development, it is recommended that each well observed within the project study area be investigated further to determine its possible location within the chosen alignment. If the identified wells will be acquired as part of the project, contact for assistance in this matter.</p>
	Well Acquisition(s)	<p>XXX Oil Well(s) and X Gas well(s) were identified within the project study area and XXX will be acquired as part of the ROW process. The well locations are depicted on (show the well locations on a map).</p> <p>(Assess each well as much as possible. Try to determine the regulatory standing of the well, its depth and size, production rates, possible visual contamination, etc.)</p>	<p>Pre PS&E Development – Prior to PS&E development, it is recommended that each well observed within the project limits be investigated further to determine its possible impact to the project; contact ENV-PPA for assistance in this matter.</p>
Pipelines		<p>During the preliminary investigations, multiple pipelines were found to bisect the proposed project. The locations of the pipeline can be found in Section XX (show the locations on a map within the document) of this document. Negotiations will be conducted with the pipeline owners to properly relocate or deepen the affected pipelines.</p>	<p>No EPIC produced for this situation.</p>
	Active Pipelines	<p>During the preliminary investigations, multiple pipelines were found to bisect the proposed project. The locations of the pipeline can be found in Section XX (show the locations on a map within the document) of this document. Potential environmental impacts (e.g. dead vegetation, soil staining, etc.) were observed in the proposed construction area. Negotiations will be conducted with the pipeline owners to investigate the potentially impacted area for the presence of contamination.</p>	<p>Pre PS&E Development – Known Pipelines - Prior to the completion of the PS&E, all known active pipelines with suspected releases shall be investigated by the current owners and negotiations shall be initiated to facilitate the investigation of the potentially impacted areas. If owners will not or cannot conduct the investigation TxDOT will conduct the investigation and initiate cost recovery actions from the pipeline owner.</p>
	Abandon Pipelines	<p>During the preliminary investigations, abandoned pipelines were found (or have the potential) to bisect the proposed project. The locations of the known pipeline(s) (the area potentially affected by abandoned pipelines) can be found in Section XX (show the locations on a map within the document) of this document. Efforts will be made to locate the owners of the known abandoned pipelines to negotiate for their removal(s). If owners of the pipelines cannot be located, then TxDOT will “hot tap” and remove the abandon pipelines prior to construction or prepare a pipeline removal plan to facilitate their removal.</p>	<p>Pre PS&E Development – Known Pipelines - Prior to the completion of the PS&E, all known abandon pipelines shall be investigated for current owners and negotiations shall be initiated to facilitate their removal. If owners cannot be found for the abandoned pipelines, then TxDOT will assume responsibility for their “hot tap” and removal.</p> <p>Pre PS&E Development – Designated Areas – Prior to the completion of the PS&E, the affected area thought to contain abandon pipelines shall be investigated thoroughly (RRC file searched, field surveys, etc.). Pipeline Removal Plans shall be prepared to facilitate the “hot tap” and removal of any abandoned pipelines discovered during construction. This Pipeline Removal Plan should be</p>

Hazardous Material Concern	Potential Impacts	Suggested Language for the Environmental Document	Environmental Tracking System Suggested EPIC Language
			incorporated into the PS&E to be included in the work performed by the Prime Contractor. Please contact PPA-ENV to complete this function.
Landfills	Identified Landfills	During the preliminary investigation, (multiple) landfill(s) were identified within the search area. (Assess and discuss <u>each</u> Landfill as much as possible. Try to determine the regulatory standing of the landfill, its size and potential impacts to the proposed project to include contamination issues as well.)	Pre-PS&E Development – Needs more Research – Prior to PS&E development, more research/ regulatory file review shall be conducted on (give the landfill identification number (s) or other distinguishing identification). Revised Document – If impacts are likely – Please revise the document to include the following information. Additional research shall be conducted on (give the landfill identification number(s) or other distinguishing identification) to verify the likelihood of the proposed project intersecting waste material (or cells), known groundwater and/or soil contamination.
	Known Impacts	During the preliminary investigation, (multiple) landfill(s) were identified within the search area. Gather sufficient information to compare potential impacts among project alternatives and support selection of the preferred alternative. Try to determine the regulatory standing of the landfill, its size and potential impacts to the proposed project to include contamination issues as well. If impacts to the proposed project are likely, use the following paragraph.) The (give the name of the landfill along with the address or a method of identifying its location) was found to intersect the proposed project. (Give a summary of the issues and potential problems that might be felt by the landfill - volume of waste, soil and/or groundwater contamination, regulatory issues, etc.)	Pre-PS&E Development – Prior to PS&E development, investigations will be conducted to determine the impacts to the proposed project, contact ENV-PPA for assistance in this matter.
Lead Based Paint (LBP)	Bridge Span/Girders (demolition)	(Number of bridges) bridges will be demolished as part of this project, which will include the removal of steel beam(s) that may have the potential to contain Lead Based Paint (LBP). Prior to project letting, the steel coatings on the bridge(s) to be demolished will be analyzed for the presence or absence of LBP. If LBP is discovered, contingencies would be developed to address worker safety, material recycling and proper management of any paint related wastes, as necessary.	Pre-Letting - Prior to project letting, the presence or absence LBP should be determined through testing or process knowledge. If LBP is confirmed, coordinate w/ BRG and ENV for current procedures/specifications addressing lead based paint.
	Enhancement Projects	On [date], a Lead Based Paint (LBP) survey was also performed on the building. The survey was performed by [testing interior and exterior painted surfaces of the building using a Niton XRF Spectrum Analyzer. The survey was performed by a Certified Inspector for Lead Hazards and LBP Risk Assessor. A limited number of painted surfaces exhibited XRF readings indicating that the painted surface contains lead. The positive LBP readings were found on the [exterior window headers, door arches, upper trim, windowsill and sash and porch ceiling]. Positive LBP readings were also found on the interior [window stools and stops, wall baseboard, support columns, ceiling, window sash, door and door jamb, cabinet door, door plinth and casing]. Applicable regulations do not require hiring a Certified Lead Abatement Contractor for component or paint removal during remodeling. However, the waste materials and construction debris	Pre-Letting –When paints applied prior to 1978 might be disturbed, coordinate with the project sponsor conduct a LBP inspection. If LBP will be disturbed by the enhancement project, project specifications must consider worker health and safety requirements and proper waste management/ disposal. All LBP that will not be disturbed by the construction that is in good working condition can remain as is and will not require abatement.

Hazardous Material Concern	Potential Impacts	Suggested Language for the Environmental Document	Environmental Tracking System Suggested EPIC Language
		containing LBP are required to be disposed according to current disposal regulations of the TCEQ and EPA.	
	Bridge Cleaning and Painting Projects (Cleaning and Painting Steel) Requiring Paint Removal	Paint removal activities would be in accordance with appropriate specifications addressing environmental concerns including containment, waste management, and safety considerations.	Coordinate with designers/BRG to assure proper specifications.
CERCLA	Identified CERCLA Sites	<p>During the preliminary investigation, (multiple) CERCLA Sites(s) were identified within the search area. Gather sufficient information to compare potential impacts among project alternatives and support selection of the preferred alternative. Try to determine the regulatory standing of the site, its size and potential impacts to the proposed project to include contamination issues as well. If impacts to the proposed project are likely, use the following paragraph.)</p> <p>The (give the name and regulatory number of the CERCLA site along with the address or a method of identifying its location) has the potential to impact the proposed project. (Give a summary of the issues and potential problems that might be felt by the CERCLA site – potential impacts, soil and/or groundwater contamination, regulatory issues, etc.)</p>	<p>Pre-PS&E Development – Needs more Research – Prior to PS&E development, more research/ regulatory file review shall be conducted on (give the CERCLA identification number (s) or other distinguishing identification).</p> <p>Revised Document – If impacts are likely – Please revise the document to include the following information. Additional research shall be conducted on (give the CERCLA identification number(s) or other distinguishing identification) to verify the likelihood of the proposed project impacting known contaminated media.</p>

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Chapter 12.

Biological Resources

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Regulations that must be addressed in the CE document include:

- The Migratory Bird Treaty Act
- Executive Order 13112 on Invasive Species
- The Executive Memorandum on Beneficial Landscaping
- The Farmland Protection Policy Act
- The Endangered Species Act
- The Fish and Wildlife Coordination Act
- Magnuson-Stevens Fishery Conservation and Management Act, and
- The Memorandum of Understanding with the Texas Parks and Wildlife Department (TAC43(1)(2)(B)(22.2)) and memoranda of agreements.

This document includes the regulations, suggested language, and triggers for agency coordination.

Federal Level

Yes	No	N/A	Description of Item Sufficiency	References/Guidance
Endangered Species Act of 1973				
1			Are all federally listed species and designated critical habitat addressed with one of the following effect calls? 1) no effect 2) may affect, not likely to adversely affect 3) may affect, likely to adversely affect	Digest of Federal Resource Laws of Interest to the U.S. Fish and Wildlife Service (USFWS) USFWS Threatened and Endangered Species List
2			Is there a detailed assessment of the action in relation to each of the federally listed species, and their habitat, to support the effect call? <i>(Is habitat present? If so, will it be affected? If species are in or near the project's action area, how will they be affected?)</i>	
3			Are all technical reports in support of effects calls, either produced by TxDOT or TxDOT consultants, identified in a table or a separate reference page? Format should be "Author, date, title, no. pages." For example: <i>Ace Environmental. 2008. Results of Karst Invertebrate Habitat Assessment Along</i>	

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Yes	No	N/A	Description of Item Sufficiency	References/Guidance
			<i>Highway 1, Travis County, Texas. 45 pp.</i>	
Migratory Bird Treaty Act				
4			<p>Is the Migratory Bird Treaty Act adequately addressed?</p> <p>An adequate statement includes, at a minimum, the following three items:</p> <ol style="list-style-type: none"> 1. Acknowledgement of the MTBA 2. Acknowledgement of the applicability to the project 3. A statement explaining how the project will comply with the MBTA. 	Migratory Bird Treaty Act
Magnuson-Stevens Fishery Conservation and Management Act (Essential Fish Habitat)				
5			<p>Is Essential Fish Habitat adequately addressed?</p>	Essential Fish Habitat Findings
6			<p>Note that, if the project is located within a county with tidally influenced waters, it must be determined whether or not the project area contains essential fish habitat.</p> <p>If the habitat exists within the project area, then consultation with NMFS is required. Consultation may be completed through the USACE permitting process for non-federally funded projects.</p> <p>If there are no tidally influenced waters in the county where the proposed project is located, there is no requirement to address EFH.</p>	
Fish and Wildlife Coordination Act (FWCA)				
7			<p>Is compliance with the FWCA adequately addressed?</p> <p>If the project is authorized under a Section 404 NWP, or if no USACE permit is required, then no coordination under FWCA is required.</p> <p>If the project is authorized under an IP, then coordination under FWCA is</p>	Fish and Wildlife Coordination Act (FWCA) memo dated 6/16/2003

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Yes	No	N/A	Description of Item Sufficiency	References/Guidance
			required.	
Farmland Protection Policy Act				
8			Is the Farmland Protection Policy Act (FPPA) adequately addressed?	Farmland Protection Policy Act
9			A. The project is exempt if any of the following conditions are met: <ul style="list-style-type: none"> No federal nexus No new ROW If there is new ROW, the project is located in developed, urbanizing, or zoned urban areas. 	FHWA/TxDOT FPPA Guidance Memo, Farmland Protection Policy Act, January 16, 2001
10			B. If not exempt, then the following must occur: <ul style="list-style-type: none"> New ROW must be scored using either FPPA Form AD-1006 or SCS-CPA 106, depending on the project type If the project scores above 60 on part V of either form, then coordination with NRCS is required 	FPPA Form AD-1006 Farmland Conversion Impact Rating, for Corridor Type Projects (Form CS-CPA 106)
Executive Order 13112 on Invasive Species				
11			Is Executive Order 13112 on Invasive Species adequately addressed?	Executive Order 13112 of February 3, 1999: Invasive Species
Environmentally and Economically Beneficial Practices on Federal Landscaped Grounds				
12			Is the Executive Memorandum on Beneficial Landscaping adequately addressed?	Executive Memorandum on Beneficial Landscaping
Species Impact Table				
13			Does the document include a table addressing species that are found on the current federal and state county lists?	Impact Assessment Language for Species Not Federally Protected Under the Endangered

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Yes	No	N/A	Description of Item Sufficiency	References/Guidance
			<p>At minimum, the table should include:</p> <ul style="list-style-type: none"> a. the scientific name b. the common name c. the protection status, e.g., federal and state listed T&E species, federal candidates, state species of concern (state species of concern are not required at present, but are strongly recommended) d. a brief habitat description e. indicate if any suitable habitat that is present f. determination of effect/impact g. any EOIDs found in the NDD search h. table organized taxonomically i. the dates of the federal and county lists that were used to construct the table (this information cannot be more than six months old). 	<p>Species Act</p>

State Level

Yes	No	N/A	Description of Item Sufficiency	References/Guidance
Triggers for Texas Parks and Wildlife Department Coordination				
14			<p>Does the project involve more than 1.0 acre of new ROW within floodplains or creek drainages in rural or undeveloped urban areas?</p> <p>If yes, coordinate with TPWD.</p>	<p>TxDOT/TPWD Memoranda of Understanding -- TAC43(1)(2)(B) 2.22(d)(2)(A)</p>
15			<p>Does the project require channel modifications to streams, rivers, or water bodies?</p> <p>If yes, coordinate with TPWD.</p>	<p>TxDOT/TPWD Memoranda of Understanding -- TAC43(1)(2)(B) 2.22(d)(2)(B)</p>
16			<p>Does the project involve a channel re-</p>	<p>TxDOT/TPWD</p>

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Yes	No	N/A	Description of Item Sufficiency	References/Guidance
			alignment requiring the creation of new drainage ways or other excavation impacting more than 1.0 acre of mature woody vegetation? If yes, coordinate with TPWD.	Memoranda of Understanding -- TAC43(1)(2)(B) 2.22(d)(2)(C)
17			Does the project require any excavation (scraping, clearing, or other surface disturbance) of the existing channel outside of TxDOT's existing ROW, or of the channel inside the ROW which is not routinely maintained and exhibits native vegetation? If yes, coordinate with TPWD.	TxDOT/TPWD Memoranda of Understanding -- TAC43(1)(2)(B) 2.22(d)(2)(D)
18			Might the project affect mature woody vegetation or dense mature brush, including any significant remnant native vegetation (e.g., undisturbed native prairie or bottomland hardwood, etc.)? If yes, coordinate with TPWD.	TxDOT/TPWD Memoranda of Understanding -- TAC43(1)(2)(B) 2.22(d)(2)(E)
19			Is the project within range and in suitable habitat of any state or federally listed threatened or endangered species? If yes, coordinate with TPWD.	TxDOT/TPWD Memoranda of Understanding -- TAC43(1)(2)(B) 2.22(d)(2)(F)
20			Does the project involve mitigation plans or otherwise involve proposals to redress project impacts on fish, wildlife, or plant resources? If yes, coordinate with TPWD.	TxDOT/TPWD Memoranda of Understanding -- TAC43(1)(2)(B) 2.22(d)(2)(G)
21			Does the project have previous environmental clearance (i.e., three years have passed without major action(s) and/or TPWD review, but the project now meets any of the above listed criteria)? If yes, coordinate with TPWD.	TxDOT/TPWD Memoranda of Understanding -- TAC43(1)(2)(B) 2.22(d)(2)(H)
22			Have three years passed since environmental clearance with major actions (i.e., the TPWD may have or may not have reviewed, but the project meets any of the above listed criteria)?	TxDOT/TPWD Memoranda of Understanding -- TAC43(1)(2)(B) 2.22(d)(2)(I)

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Yes	No	N/A	Description of Item Sufficiency	References/Guidance
			If yes, coordinate with TPWD.	
MOU/MOA Documentation				
23			The following document elements are required per the TxDOT and Texas Parks and Wildlife Department (TPWD) Memorandum of Understanding (MOU) and Memorandum of Agreement (MOA), or by ENV guidance/policy memoranda.	TxDOT/TPWD Memoranda of Understanding -- TAC43(1)(2)(B) 2.22
24			Include a general description of vegetation types as described in the TPWD Vegetation Types of Texas (TPWD, 1984). Include any available maps, aerial photos (with dates), photos, etc. to supplement the description.	The Vegetation Types of Texas Memorandum of Agreement with TPWD for Finalization of 1998 MOU Concerning Habitat Descriptions and Mitigation
25			Provide a statement indicating whether the existing vegetation matches the description from the Vegetation Types of Texas, and if there is an unusual difference between vegetation inside and outside the ROW.	
26			Identify any unusual vegetation features and/or special habitat features within the ROW. Unusual vegetation features may include (but are not limited to): unmaintained vegetation, fencerow vegetation, riparian, unusually large trees for the area, or unusual/isolated stands of vegetation. Special habitat features include: bottomland hardwoods, caves, cliffs and bluffs, native prairies, ponds, seeps or springs, snags, water bodies, and bird or bat colonies in structures.	
27			Describe and quantify permanent and temporary impacts to (1) unusual vegetation features and (2) special habitat features. Quantification should include either the areal extent or the number of trees impacted.	
28			Discuss the steps taken to avoid or minimize impacts to unusual vegetation	

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Yes	No	N/A	Description of Item Sufficiency	References/Guidance
			and special habitat features. This discussion should include: balancing decisions made with respect to other natural and environmental issues, community, social and historic issues, and safety and operational design elements.	
29			Describe any habitat that occurs for State or Federally listed threatened or endangered species within or abutting the ROW. ENV also strongly recommends addressing state species of concern in this step. In the description, include the habitat requirements for these species.	
30			Is the project on new location? If yes, the document must include the all the information above, as well as the following: <ul style="list-style-type: none"> • dominant species for each vegetation strata, including: tree, shrub, vine, and any herbaceous (grass and forb) layers • height of trees (range and average) • diameter at breast height of trees (range and average) • percent canopy cover of trees • acreage of vegetation types. 	
31			Describe land use within and outside of the proposed ROW.	
20			For projects with multiple alternatives, evaluate all alternatives to the same level of detail.	
21			Is the project on existing location but requires additional ROW?	
22			The information required for projects on existing location shall be included for	

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	Yes	No	N/A	Description of Item Sufficiency	References/Guidance
				existing and new ROW.	
23				The information required for projects on new location shall be included for any unusual vegetation or special habitat features.	
24				Include a statement that clearly addresses mitigation for regulated and non-regulated habitats, regardless of whether or not it is proposed. Specifically, the document must address, at a minimum, the five habitat types listed in the MOA for compensatory mitigation. If no compensatory mitigation is proposed, provide justification.	TxDOT/TPWD Memorandum of Agreement TxDOT/TPWD Memorandum of Understanding TAC43(1)(2)(B)(2.22) (d)(4)(B)
Memorandum of Agreement (MOA) for Sharing and Maintaining Natural Diversity Database Information and TxDOT/TPWD MOU TAC43(1)(2)(B)(22.2) (e)(1 & 2)					
25				Per the TxDOT and Texas Parks and Wildlife Department (TPWD) Memorandum of Agreement (MOA) for Sharing and Maintaining Natural Diversity Database Information, specific criteria and standards for documentation are required. Until these criteria and standards are developed and formally agreed upon by both TxDOT and TPWD, the following minimum document elements are required.	
26				Perform a search of the Natural Diversity Database that meets all the requirements of the TxDOT/TPWD MOA for Sharing and Maintaining Natural Diversity Database Information and include the results. Results should include the enumeration of all Element Occurrence Records (EOIDs) and all managed areas within the search radius. Discuss any of the project's potential impacts to the operation of any nearby managed areas.	Memorandum of Agreement (MOA) for Sharing and Maintaining Natural Diversity Database Information and TxDOT/TPWD MOU
27				If the project area is to be surveyed for species or habitat, describe the survey protocols or state that specific USFWS established protocols were utilized.	Refer to guidance provided on Crossroads -- Biological Resources , or contact ENV.
28				Conduct a search of the NDD using a 1.5	

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Yes	No	N/A	Description of Item Sufficiency	References/Guidance
			mile buffer around the entire project area. A 10-mile search radius is also recommended.	
29			Report the results of the NDD search. Include EOID numbers, common names, scientific names, and listing status for all EO reps. This information can be included in the species impact table discussed above. If a broader search radius was used, identify that search radius and report the results, following the above guidelines.	
30			Include a statement that the NDD was checked using the NDD Mimic. Provide the NDD Mimic version date, and the date the search was performed. Include a statement that the NDD cannot be used for presence/absence determinations.	
31			Any included maps SHOULD NOT show the locations of records from the NDD in the NEPA document.	
Indirect and Cumulative Impacts Analysis				
32			Address indirect and cumulative impacts in accordance with current TxDOT guidance.	Guidance on Preparing Indirect and Cumulative Impacts Analyses

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**Standards of Uniformity for
Categorical Exclusions**

Chapter 13.

Air Quality

Chapter 13. Air Quality

Introduction

This Standard of Uniformity (SOU) has been designed to ensure that all Categorical Exclusions (CEs) using it in development and certification will comply with all air quality-related provisions of NEPA and Title 23 of the Code for Federal Regulations Section [771.117](#) (see [Appendix A](#) for a list of project types).

Specifically, if a CE is developed in accordance with this SOU, the project should conform to all applicable laws, regulations, implementation plans, or other federal and state air quality requirements pursuant to the Federal and Texas Clean Air Acts. Any exceptions that affect the use of this SOU should be coordinated through the [Environmental Affairs Division's Air Quality staff](#).

Yes	No	N/A	Description of Item Sufficiency	References/Guidance
Basic Criteria				
1			<p>Does the project have (1) a projected traffic volume of 140,000 AADT or more, (2) a Traffic Air Quality Analysis, and/or (3) a Quantitative Mobile Source Air Toxics Assessment?</p> <p>Note: If answer is "yes," the document must be sent to ENV for review.</p>	
2			<p>Does the project have a projected traffic volume of < 140,000 AADT, and is it a project of air quality concern?</p> <p>A project might be one of air quality concern if it creates or significantly alters a major intermodal freight facility or port operation (or is in close proximity to either and set to serve as a transportation route); has the potential to generate above average diesel traffic, with above average differences in the diesel vehicle mix percentage (such as a dedicated truck lane); or has MSAT sensitive receptors and the public has expressed concern regarding air pollution associated with the project.</p> <p>If the project meets one of these conditions, it may still need a TAQA and quantitative MSAT analysis, and consultation with ENV is required.</p> <p>If it is a project of air quality concern, has verification been provided that ENV has been consulted on these issues? If no, the document should not be certified as complete.</p>	Section 6.2 of the Air Quality Guidelines .

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Yes	No	N/A	Description of Item Sufficiency	References/Guidance
			If the consultation resulted in the need for a TAQA and quantitative MSAT analysis, the document must be sent to ENV for review.	
3			Does the document include a section discussing the project's consistency with transportation plans?	
4			Does the document include a section that discusses air quality?	
5	If the answer to either of the last two questions above is no, the document should not be certified as complete.			
Project Consistency with Transportation Plans and Funding				
6	The CE may only be certified if the proposed project is consistent with any applicable transportation plans. Transportation plans include: metropolitan planning organization (MPO) long-range metropolitan transportation plan (LRTP or MTP); Transportation Improvement Program (TIP) or State Transportation Improvement Program (STIP), for areas not within an MPO jurisdiction. All projects located in a nonattainment area require Transportation Consistency verifications in order to determine conformity. The representative District is responsible for determining that the project is consistent with the appropriate transportation plans and should follow the steps outlined in the Transportation Consistency SOU .			
7			<p>National Ambient Air Quality Standard (NAAQS) Attainment Area (AA): If the project is within a metropolitan planning area (MPA), does the document disclose its consistency with the local MPO's MTP and TIP (or Appendix D of the TIP, if the proposed letting date is not within the TIP timeframe)? Does the document disclose the date of the latest MTP and TIP? See AA Consistency and Conformity Template Language.</p> <p>Nonattainment Area (NAA) or Maintenance Area (MA): If the project is within a metropolitan planning area (MPA), does the document disclose its consistency with the local MPO's MTP and TIP (or Appendix D of the TIP, if the proposed letting date is not within the TIP timeframe)? Does it disclose the dates of the MTP and TIP, as well as the latest conformity dates for both? See NAA/MA Consistency and Conformity Template Language.</p>	<p>FHWA: Transportation Planning Requirements and Their Relationship to NEPA Process Completion (1/28/2008)</p> <p>23 CFR 450, Appendix B (explains congressional intent that plans should be the foundation for transportation decisions)</p> <p>23 CFR 450.220 (funding)</p> <p>40 CFR 93.101, 93.107, 93.109</p> <p>23 CFR 771.133 Clarification of Transportation Conformity Requirements for</p>

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Yes	No	N/A	Description of Item Sufficiency	References/Guidance
			<p>Rural NAA (RNAA) or Rural MA (RMA): If the proposed letting date is within the STIP timeframe, does the document disclose its consistency with the STIP? If the letting date is later than the STIP timeframe, see RNAA/RMA Consistency and Conformity Template Language.</p>	<p>FHWA/FTA Projects Requiring Environmental Impact Statements, May 20, 2003 Internal TxDOT Memo to Administration, District Engineers, Division Directors, Office Directors from John Barton dated September 23, 2008 RE: FHWA Transportation Planning and NEPA Approval Guidance</p>
National Ambient Air Quality Standards (NAAQS) – Transportation Conformity				
8			<p>If the project is in an attainment area, does the document disclose:</p> <ul style="list-style-type: none"> • the county the project is in, • that it is in attainment of all NAAQS, and • that transportation conformity rules do not apply? <p>See AA Consistency and Conformity Template Language.</p>	<p>FHWA: Transportation Planning Requirements and Their Relationship to NEPA Process Completion (1/28/2008) 40 CFR 93.101, 93.107, 93.109 Internal TxDOT Memo to Administration, District Engineers, Division Directors, Office Directors from John Barton dated September 23, 2008 RE: FHWA Transportation Planning and NEPA Approval Guidance</p>
9			<p>For a project in a nonattainment area (NAA), does the document disclose:</p> <ul style="list-style-type: none"> • the county the project is in • that the county is in a nonattainment area • the nonattainment area the county is in • nonattainment classification • the pollutant(s) for which it is nonattainment, and • that transportation conformity rules do apply? <p>See Non-Exempt text under NAA/MA Consistency and Conformity Template Language or RNAA/RMA Consistency and Conformity Template Language.</p>	<p>Internal TxDOT Memo to Administration, District Engineers, Division Directors from John Barton dated September 23, 2008 RE: FHWA Transportation Planning and NEPA Approval Guidance</p>

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Yes	No	N/A	Description of Item Sufficiency	References/Guidance
			Note: Projects exempt from a conformity determination, according to 40 CFR 93.126, are listed in Appendix B . See Exempt Project Template Language under NAA/MA Consistency and Conformity Template Language or RNAA/RMA Consistency and Conformity Template Language .	
Carbon Monoxide (CO) Traffic Air Quality Analysis (TAQA)				
10			For a non-added capacity project, does the document disclose that a CO TAQA is not required, because it will not increase capacity and current and future CO emissions should not be affected by the project? See TAQA Template Language (no added capacity) .	Section 4 of the Air Quality Guidelines for instructions and Section 7.3 for template language.
11			For an added capacity project, does the document disclose that a CO TAQA is not required for projects with Annual Average Daily Traffic (AADT) less than 140,000? See TAQA Template Language (AADT <140,000) .	Section 4 of the Air Quality Guidelines for instructions and Section 7.3 for template language.
Mobile Source Air Toxics				
12			If the project is not adding capacity, does the document disclose it has no meaningful potential Mobile Source Air Toxics (MSAT) effects? See MSAT Negative Declaration Template Language .	72 FR 8427-8476 February 26, 2007 40 CFR 59 , 80 , 85 & 86 : Control of Emissions of Hazardous Air Pollutants From Mobile Sources; 66 FR 17229 – 17272, March 29, 2001 [[Page 17230]]
13			If the project (1) is adding capacity on an existing rural highway, (2) has low potential for meaningful MSAT impacts within existing ROW, and (3) has an AADT <140,000, has the requirement for a qualitative MSAT analysis been reviewed	See section 8.2 of the Air Quality Guidelines for instructions and template language.

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Yes	No	N/A	Description of Item Sufficiency	References/Guidance
			<p>and addressed (particularly if any sensitive receptors are located within 100 and/or 500 meters of the ROW)?</p> <p>Are all of the following sections included in the Qualitative MSAT Assessment?</p> <ol style="list-style-type: none"> 1. Mobile Source Air Toxics 2. Project-Specific MSAT Assessment 3. Sensitive Receptor Assessment 4. Unavailable Information for Project Specific MSAT Impact Analysis 5. Information that is Unavailable or Incomplete 6. Summary of Existing Credible Scientific Evidence Relevant to Evaluating the Impacts of MSATs 7. Relevance of Unavailable or Incomplete Information 	
Congestion Management Process(CMP)/System (CMS)				
14			<p>Does the project meet any of the following?</p> <ul style="list-style-type: none"> • Not adding capacity • Not within a Transportation Management Area (pop. >200,000) • Located in an attainment area <p>If so, include the CMP/CMS Negative Declaration.</p>	<p>Section 3.4 of the Air Quality Guidelines for instructions.</p>
15			<p>Does the project meet all of the following criteria?</p> <ul style="list-style-type: none"> • Adding capacity • Within a Transportation Management Area (pop. >200,000) • Located in a nonattainment area <p>If so, include the CMP/CMS Template Language.</p>	<p>Section 7.3 of the Air Quality Guidelines for template language.</p>
Indirect and Cumulative Impacts (ICI) Analysis				

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	Yes	No	N/A	Description of Item Sufficiency	References/Guidance
16				Is an Indirect and Cumulative Impacts (ICI) Analysis included in the document, according to the criteria in the ICI SOU ?	CE SOU for Indirect and Cumulative Impacts
17				<p>If an ICI analysis is included, are any of the following impact-causing actions anticipated?</p> <ol style="list-style-type: none"> 1. Is project in a nonattainment area? 2. Does the project cause changes in land use designations? 3. Does Need and Purpose support economic development? 4. Does the project include roadway enhancements for industrial parks? 5. Does the project cause changes in intermodal traffic? 6. Does the project substantially increase mobility in or access to an area? <p>If not, was the ICI Negative Declaration included?</p>	See Appendix C of Guidance on Preparing Indirect and Cumulative Impact Analyses
18				<p>If an ICI was conducted, are any of the above impact-causing actions anticipated? If so, were air quality impacts addressed in the ICI?</p> <p>Also, was the template language for the appropriate steps in Appendices C and D included?</p> <p>Are all conclusions supported by facts, logic, and appropriate analyses?</p> <p>Were all actions causing air quality impacts addressed in Step 4 of the Indirect, and Step 1 of the Cumulative?</p> <p>(See Appendix E for a list of nonattainment areas in Texas.)</p>	<p>See pages 13-42 of Guidance on Preparing Indirect and Cumulative Impact Analyses for Indirect Impacts</p> <p>See pages 52-76 of Guidance on Preparing Indirect and Cumulative Impact Analyses for Cumulative Impacts</p>
Construction Emissions					
19				Does the document disclose measures to minimize construction emissions (MSAT and/or dust)? If the project may generate dust emissions or MSATs, consider including a discussion on measures to minimize construction emissions, if such	

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Yes	No	N/A	Description of Item Sufficiency	References/Guidance
			<p>measures are taken. See Construction Emission Template Language.</p> <p>Consider the presence and duration of stay for non-road equipment and the potential for nuisance dust conditions (e.g., dirt being moved, rock/concrete being crushed).</p> <p>Also consider including whether construction will be close to neighborhoods or sensitive receptors (e.g., schools, licensed day care facilities, elder care facilities, hospitals), or other areas where the public may congregate (e.g., parks).</p>	

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Template Language (See also Appendix C for more detailed ICI instructions and template language)

1. AA Consistency and Conformity Template Language:

Within an MPA

The proposed action is consistent with the (insert local MPO's name) (insert MTP title and date identifier) MTP and the (insert TIP date identifier) TIP. The project is located in (insert county) County, which is in an area in attainment of all NAAQS; therefore, the transportation conformity rules do not apply.

Not within an MPA

The proposed action is consistent with the (insert STIP with date identifier) STIP. The project is located in (insert county) County, which is in an area in attainment of all NAAQS; therefore, the transportation conformity rules do not apply.

2. NAA and MA Consistency and Conformity Template Language:

Non-exempt Projects

This project is located within (insert county name) County, which is part of the (insert area name/identifier) area that has been designated by EPA as a (insert area's classification level, e.g. marginal, moderate, serious or severe) (insert nonattainment or attainment maintenance) area for (insert the applicable NAAQS; ozone, CO, or PM10); therefore, transportation conformity rules apply.

The proposed action is consistent with the area's financially constrained Metropolitan Transportation Plan (insert local MPO's name) (insert MTP title and date identifier) and the (insert TIP date identifier) TIP. Both the MTP and the TIP were found to conform to the TCEQ State Implementation Plan (SIP) by FHWA on (insert date conformity was determined). Copies of the MTP and TIP pages are included in Appendix (insert Appendix number or identifier). All projects in the (insert name of MPO) TIP that are proposed for federal or state funds were initiated in a manner consistent with federal guidelines in Section 450, of Title 23 CFR and Section 613.200, Subpart B, of Title 49 CFR. Energy, environment, air quality, cost, and mobility considerations are addressed in the programming of the TIP.

Exempt Projects

This project is located within (insert county name) County, which is part of the (insert area name/identifier) area that has been designated by EPA as a (insert area's classification level, e.g. marginal, moderate, serious or severe) (insert nonattainment or attainment maintenance) area for (insert the applicable NAAQS; ozone, CO, or PM10). The conformity rules do apply. However, in accordance with federal guidelines in Section 93.126, of Title 40 CFR, the proposed project, (identify the type of exempt project as listed in Appendix B), is exempt from a conformity determination.

The proposed action is consistent with the area's financially constrained Metropolitan Transportation Plan (insert local MPO's name) (insert MTP title and date identifier) and the (insert TIP date identifier) TIP. Copies of the MTP and TIP pages are included in Appendix (insert Appendix number or identifier). All projects in the (insert name of MPO)

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TIP that are proposed for federal or state funds were initiated in a manner consistent with federal guidelines in Section 450, of Title 23 CFR and Section 613.200, Subpart B, of Title 49 CFR. Energy, environment, air quality, cost, and mobility considerations are addressed in the programming of the TIP.

3. RNAA/RMA Consistency and Conformity Template Language:

Non-exempt Projects

This project is located within (insert county name) County, which is part of the (insert area name/identifier) area that has been designated by EPA as a (insert area's classification level) nonattainment area for (insert the applicable NAAQS; ozone, CO, or PM10). The (insert TxDOT District's name) (insert STIP date identifier) STIP was found to conform to the TCEQ's State Implementation Plan by FHWA on (insert date of conformity determination). Copies of the STIP page(s) are included in Appendix (insert Appendix number or identifier).

The proposed action is consistent with the financially constrained Statewide Transportation Improvement Program (insert date of the STIP). The STIP was found to conform to the TCEQ State Implementation Plan (SIP) by FHWA on (insert date of STIP conformity determination). Copies of the STIP pages are included in Appendix (insert Appendix number or identifier). All projects in the STIP that are proposed for federal or state funds were initiated in a manner consistent with federal guidelines in Section 450, of Title 23 CFR and Section 613.200, Subpart B, of Title 49 CFR. Energy, environment, air quality, cost, and mobility considerations are addressed in the programming of the STIP.

Exempt Projects

This project is located within (insert county name) County, which part of the (insert area name/identifier) area that has been designated by EPA as a (insert area's classification level) nonattainment area for (insert the applicable NAAQS; ozone, CO, or PM10). The conformity rules do apply. However, in accordance with federal guidelines in Section 93.126, of Title 40 CFR, the proposed project, (identify the type of exempt project as listed in Appendix B), is exempt from conformity determination.

The proposed action is consistent with the financially constrained Statewide Transportation Improvement Program (insert date of the STIP). Copies of the STIP pages are included in Appendix (insert Appendix number or identifier). All projects in the STIP that are proposed for federal or state funds were initiated in a manner consistent with federal guidelines in Section 450, of Title 23 CFR and Section 613.200, Subpart B, of Title 49 CFR. Energy, environment, air quality, cost, and mobility considerations are addressed in the programming of the STIP.

4. TAQA Template Language (no added capacity):

Generally, (identify the type of exempt project, such as intersection improvements) are considered exempt from a TAQA because they are intended to enhance traffic safety and improve traffic flow. The proposed action would not add capacity to an existing facility. Current and future emissions should continue to follow existing trends not being affected by this project. Due to the nature of this project, further carbon monoxide

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analysis was not required.

5. TAQA Template language (AADT <140,000):

Traffic data for the design year (insert year) is (insert estimated AADT) vehicles per day. A prior TxDOT modeling study and previous analyses of similar projects demonstrated that it is unlikely that a carbon monoxide standard would ever be exceeded as a result of any project with an average annual daily traffic (AADT) below 140,000. The AADT projections for the project are (insert estimated AADT) and do not exceed 140,000 vehicles per day; therefore a Traffic Air Quality Analysis was not required.

6. MSAT Negative Declaration Template Language:

The purpose of this project is to insert project description. This project will not result in any meaningful changes in traffic volumes, vehicle mix, location of existing roadways, or any other factor that would cause an increase in emissions impacts relative to the no-build alternative. As such, TxDOT/FHWA have determined that this project will generate minimal air quality impacts for Clean Air Act criteria pollutants and has not been linked with any special MSAT concerns. Consequently, this project is exempt from analysis for MSATs.

Moreover, EPA regulations for vehicle engines and fuels will cause overall MSATs to decline significantly over the next 20 years. Even after accounting for a projected 64% increase in VMT, FHWA predicts MSATs will decline in the range of 57 to 87% from a baseline year of 2000 to 2020 based on the current vehicle and fuel regulations in effect. These reductions will reduce the background level of MSATs.

7. CMP/CMS Negative Declaration Template Language:

This project is not adding single occupancy vehicle (SOV) capacity to an existing facility; therefore a CMP/CMS analysis is not required.

Note: Dallas-Fort Worth has an approved CMP. Austin, Corpus Christi, El Paso, Houston-Galveston, Lubbock, McAllen-Edinburg-Pharr, and San Antonio each have an approved CMS.

8. CMP/CMS Template Language:

The congestion management process (CMP) is a systematic process for managing congestion that provides information on transportation system performance and on alternative strategies for alleviating congestion and enhancing the mobility of persons and goods to levels that meet state and local needs. The project was developed from (insert MPO's name)'s operational CMP, which meets all requirements of 23 CFR 500.109. The CMP was adopted by (insert MPO's name) on (insert date of adoption and latest amendment date).

The region commits to operational improvements and travel demand reduction strategies at two levels of implementation: Program level and project level. Program level commitments are inventoried in the regional CMP, which was adopted by (insert MPO's

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(name); they are included in the financially constrained MTP, and future resources are reserved for their implementation.

The CMP element of the plan carries an inventory of all project commitments (including those resulting from major investment studies) that details type of strategy, implementing responsibilities, schedules, and expected costs. At the project's programming stage, travel demand reduction strategies and commitments will be added to the regional TIP or included in the construction plans. The regional TIP provides for programming of these projects at the appropriate time with respect to the single occupancy vehicle (SOV) facility implementation and project-specific elements.

Committed congestion reduction strategies and operational improvements within the study boundary will consist of signalization and intersection improvements. Individual projects are listed in Table AA.

Table AA - Congestion Management Process Strategies

Operational Improvements in the Travel Corridor		
Location	Type	Implementation Date

In an effort to reduce congestion and the need for SOV lanes in the region, TxDOT and (insert MPO's name) will continue to promote appropriate congestion reduction strategies through the CMAQ program, the CMP, and the MTP. The congestion reduction strategies considered for this project would help alleviate congestion in the SOV study boundary, but would not eliminate it.

Therefore, the proposed project is justified. The CMP analysis for added SOV capacity projects in the TMA is on file and available for review at (insert MPO's name).

9. ICI Negative Declaration Template Language:

The project will not result in any meaningful changes in traffic volumes, vehicle mix, location of existing roadways, or any other factor that would cause an increase in emissions impacts relative to the no-build alternative. Therefore, the project will not result in actions that could possibly impact air quality. As such, TxDOT/FHWA have determined that this project would generate minimal indirect and cumulative impacts on air quality. Consequently, an Indirect and Cumulative Impacts analysis for air quality was not required for this project.

10. Construction Emission Template Language:

Air Quality Construction Emissions

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During the construction phase of this project, temporary increases in air pollutant emissions may occur from construction activities, equipment, and related vehicles. The primary construction-related emissions are particulate matter (fugitive dust) from site preparation and construction and non-road mobile source air toxics (MSAT) from construction equipment and vehicles. The primary MSAT emission related to construction is diesel particulate matter from diesel powered construction equipment and vehicles.

These emissions are temporary in nature (only occurring during actual construction); it is not possible to reasonably estimate impacts from these emissions due to limitations of the existing models. However, the potential impacts of particulate matter emissions will be minimized by using fugitive dust control measures such as covering or treating disturbed areas with dust suppression techniques, sprinkling, covering loaded trucks, and other dust abatement controls, as appropriate. The MSAT emissions will be minimized by measures to encourage use of EPA required cleaner diesel fuels, limits on idling, increasing use of cleaner burning diesel engines, and other emission limitation techniques, as appropriate.

However, considering the temporary and transient nature of construction-related emissions, as well as the mitigation actions to be utilized, it is not anticipated that emissions from construction of this project will have any significant impact on air quality in the area.

References:

The TxDOT air quality resources (including the 2006 Air Quality Guidelines and FHWA MSAT guidance) are located at: ftp://ftp.dot.state.tx.us/pub/txdot-info/library/pubs/env/air/aq_guidelines_0606.pdf

Planning information and the STIP are located at:
<http://www.txdot.gov/business/governments/stips.htm>

Basic information on the NAAQS: <http://www.epa.gov/air/criteria.html>

A table listing Counties that are nonattainment for a NAAQS and conformity dates, MTP dates and TIP/STIP dates is located at: ftp://ftp.dot.state.tx.us/pub/txdot-info/library/pubs/env/air/trans_plans_conformity.pdf

An official listing of NAAQS nonattainment counties can also be found at:
<http://www.tceq.state.tx.us/implementation/air/sip/siptexas.html#naas>

Laws and Regulations

[Federal Clean Air Act](#)

SAFETEA-LU (23 USC), Sections 6001 and 6011

[23 CFR 450](#)

[23 CFR 500.109](#)

[23 CFR 771](#), U.S. Department of Transportation's regulations on implementing NEPA

[40 CFR 50](#)

[40 CFR 51](#)

[40 CFR 58](#)

40 CFR [59](#), [80](#), [85](#) & [86](#) (MSAT)

[40 CFR 93](#)

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[49 CFR 613](#)

[30 TAC 114](#)

[43 TAC 2.1 – 2.20 \(TxDOT's Environmental Regulations\)](#)

[Texas Clean Air Act \(2 THSC 382\)](#)

Agreements that define requirements (MOUs, MOAs, PAs)

[Memoranda of Understanding between the U.S. Department of Transportation and Environmental Protection Agency on Transportation Conformity, April 25, 2000](#)

[Memoranda of Understanding between TxDOT and Texas Natural Resource Conservation Commission/Texas Commission on Environmental Quality, 43 TAC 2.23](#)

Letters and Memos Spelling Out Requirements

Internal TxDOT Memo to District Engineers from Dianna Noble and James Randall dated November 2, 2004, RE: Importance of Consistent Project Information in Planning, Programming and Environmental Documents to Avoid Delays in Project Approval

[Internal TxDOT Memo to Administration, District Engineers, Division Directors, Office Directors from John Barton dated September 23, 2008 RE: FHWA Transportation Planning and NEPA Approval Guidance](#)

Contracts, Work Authorizations, guidance and other documents that lay out expectations by resource agencies and FHWA based on practice and experience

[TxDOT's Environmental Manual](#)

[TxDOT's Guidance on Tolling](#)

[TxDOT's Air Quality Guidelines](#)

[TxDOT's Planning and Air Quality Guidelines for Toll Projects](#)

TxDOT's Consistency between NEPA and Planning Documents

Federal Highway Administration's [Transportation Conformity Guidance for Qualitative Hot-Spot Analyses in PM_{2.5} and PM₁₀ Nonattainment and Maintenance Areas, dated March, 2006](#)

Federal Highway Administration's [Transportation Conformity Reference Guide, revised March, 2006](#)

[Federal Highway Administration's Interim Guidance on Air Toxic Analysis in NEPA Documents, dated February 2006](#)

Federal Highway Administration's Transportation Planning Requirements and Their Relationship to NEPA Process Completion, dated January 2008

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Appendix A – Criteria for Categorical Exclusions

The following actions meet the criteria for CEs in the CEQ regulation (section 1508.4) and § 771.117(a) of this regulation and normally do not require any further NEPA approvals by the Administration:

- (1) Activities which do not involve or lead directly to construction, such as planning and research activities; grants for training; 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 U.S.C. 402.
- (5) Transfer of Federal lands pursuant to 23 U.S.C. 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 U.S.C. 125.
- (10) Acquisition of scenic easements.
- (11) Determination of payback under 23 U.S.C. 156 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.

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Appendix B – Projects Exempt from Conformity under 40 CFR 93.126

Safety

1. Railroad/highway crossing.
2. Hazard elimination program.
3. Safer non-Federal-aid system roads.
4. Shoulder improvements.
5. Increasing sight distance.
6. Safety improvement program.
7. Traffic control devices and operating assistance other than signalization projects.
8. Railroad/highway crossing warning devices.
9. Guardrails, median barriers, crash cushions.
10. Pavement resurfacing and/or rehabilitation.
11. Pavement marking demonstration.
12. Emergency relief (23 U.S.C. 125).
13. Fencing.
14. Skid treatments.
15. Safety roadside rest areas.
16. Adding medians.
17. Truck climbing lanes outside the urbanized area.
18. Lighting improvements.
19. Widening narrow pavements or reconstructing bridges (no additional travel lanes).
20. Emergency truck pullovers.

Mass Transit

1. Operating assistance to transit agencies.
2. Purchase of support vehicles.
3. Rehabilitation of transit vehicles 1.
4. Purchase of office, shop, and operating equipment for existing facilities.
5. Purchase of operating equipment for vehicles (e.g., radios, fareboxes, lifts, etc.).
6. Construction or renovation of power, signal, and communications systems.
7. Construction of small passenger shelters and information kiosks.
8. Reconstruction or renovation of transit buildings and structures (e.g., rail or bus buildings, storage and maintenance facilities, stations, terminals, and ancillary structures).
9. Rehabilitation or reconstruction of track structures, track, and track bed in existing rights-of-way.
10. Purchase of new buses and rail cars to replace existing vehicles or for minor expansions of the fleet 1.
11. Construction of new bus or rail storage/maintenance facilities categorically excluded in 23 CFR part 771.

Air Quality

1. Continuation of ride-sharing and van-pooling promotion activities at current levels.
2. Bicycle and pedestrian facilities.

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Other

1. Specific activities which do not involve or lead directly to construction, such as:
2. Planning and technical studies.
3. Grants for training and research programs.
4. Planning activities conducted pursuant to titles 23 and 49 U.S.C.
5. Federal-aid systems revisions.
6. Engineering to assess social, economic, and environmental effects of the proposed action or alternatives to that action.
7. Noise attenuation.

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Appendix C – Indirect Air Quality Analysis Template Language

Step 1, Scoping

Step 2, Identify the Study Area’s Direction and Goals

The (insert name of MPO and year of MTP) MTP defines transportation systems and services in the area containing the boundaries of the AOI. The MTP addresses regional transportation needs that are identified through forecasting current and future travel demand, developing and evaluating system alternatives and selecting those options which best meet the mobility needs of the region. The proposed facility is included in this plan.

Step 3, Inventory of Study Area’s Notable Features

Step 4, Identify Impact-Causing Activities of Proposed Action and Alternatives

The air quality in the AOI is currently considered in poor or declining health, because it is within the nonattainment or maintenance area for (insert the applicable NAAQS; ozone, CO & PM₁₀). In addition, the proposed project will result in (insert all that apply: changes in land use designations/roadway enhancements for industrial parks/changes in intermodal traffic/substantially increase mobility in or access to an area). All such actions can result in changes of traffic patterns and thus have the potential to indirectly impact air quality in the area.

Step 5, Identify Potential Indirect Impacts for Analysis

Indirect Impacts Not Anticipated

AA Template Language:

The AOI is in (insert county name) County, which is in attainment for all NAAQS. Based on the results of Steps 1 through 4 that evaluated the possible project-related actions that can indirectly impact air, it was determined that the proposed project would not be anticipated to cause indirect air quality impacts in the AOI. No change in attainment status is anticipated within the AOI as the result of emissions associated with the proposed project. Indirect air quality impacts from MSATs are unquantifiable due to existing limitations to determine pollutant emissions, dispersion, and impacts to human health. Emissions would likely be lower than present levels in future years as a result of the EPA’s national control regulations (i.e., new light-duty and heavy duty on road fuel and vehicle rules, the use of low sulfur diesel fuel). Even with an increase in VMT and possible temporary emission increases related to construction activities, the EPA’s vehicle and fuel regulations, coupled with fleet turnover, will over time cause substantial reductions of on road emissions, MSATs, and the ozone precursors VOC and NO_x. As the proposed project is not anticipated to result in indirect air quality impacts, further discussion in Steps 6-8 below is not necessary.

Indirect Impacts Anticipated

The AOI is in (insert county name) County, which is in attainment for all NAAQS. Based on the results of Steps 1 through 4 that evaluated the possible project-related actions that can indirectly impact air, it was determined that the proposed project would be anticipated to cause indirect air quality impacts in the AOI. (Insert all applicable justification for anticipated indirect

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air quality impacts). As the proposed project is anticipated to result in indirect air quality impacts, further evaluation and discussion of air quality and MSATs is necessary in Steps 6-8.

NAA/MA Template Language:

Indirect Impacts Not Anticipated

The AOI is part of the EPA designated (insert # of counties)-county nonattainment or maintenance area for the (insert the applicable NAAQS; ozone, CO, or PM). The AOI is currently in attainment for all other NAAQS pollutants, please refer to (insert section identifier for previous air quality section). Based on the results of Steps 1 through 4 that evaluated the possible project-related actions that can indirectly impact air, it was determined that the proposed project would not be anticipated to cause indirect air quality impacts in the AOI. No change in attainment status is anticipated within the AOI area as the result of emissions associated with the proposed project. In order for the region to achieve ozone attainment, a variety of point, non-point, and mobile source emission reduction strategies must be implemented for the entire (insert area description, e.g. Dallas-Fort Worth) area as outlined in the SIP. Indirect air quality impacts from MSATs are unquantifiable due to existing limitations to determine pollutant emissions, dispersion, and impacts to human health. Emissions would likely be lower than present levels in future years as a result of the EPA's national control regulations (i.e., new light-duty and heavy duty on road fuel and vehicle rules, the use of low sulfur diesel fuel). Even with an increase in VMT and possible temporary emission increases related to construction activities, the EPA's vehicle and fuel regulations, coupled with fleet turnover, will over time cause substantial reductions of on road emissions, MSATs, and the ozone precursors VOC and NOx. As the proposed project is not anticipated to result in indirect air quality impacts, further discussion in Steps 6-8 below is not necessary.

Indirect Impacts Anticipated

The AOI is part of the EPA designated (insert # of counties)-county nonattainment or maintenance area for the (insert the applicable NAAQS, ozone, CO & PM₁₀). The AOI is currently in attainment for all other NAAQS pollutants, including CO, please refer to (insert section identifier for previous air quality section). Based on the results of Steps 1 through 4 that evaluated the possible project-related actions that can indirectly impact air, it was determined that the proposed project would be anticipated to cause indirect air quality impacts in the AOI. (Insert all applicable justification for anticipated indirect air quality impacts). As the proposed project is anticipated to result in indirect air quality impacts, further evaluation and discussion of air quality and MSATs is necessary in Steps 6-8.

EAC/Ozone Flex Area Template Language:

Indirect Impacts Not Anticipated

The AOI is located within (insert county name) County, which is part of the (insert former EAC or Ozone Flex area's name/identifier) area. The AOI is currently in attainment for all NAAQS pollutants, please refer to (insert section identifier for previous air quality section). No change in attainment status is anticipated within the AOI as the result of emissions associated with the proposed project. Based on the results of Steps 1 through 4 that evaluated the possible project-related actions that can indirectly impact air, it was determined that the proposed project would not be anticipated to cause indirect air quality impacts in the AOI. Indirect air quality impacts from MSATs are unquantifiable due to existing limitations to determine pollutant emissions, dispersion, and impacts to human health. Emissions would likely be lower than present levels in future years as a result of the EPA's national control regulations (i.e., new light-duty and heavy

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duty on road fuel and vehicle rules, the use of low sulfur diesel fuel). Even with an increase in VMT and possible temporary emission increases related to construction activities, the EPA's vehicle and fuel regulations, coupled with fleet turnover, will over time cause substantial reductions of on road emissions, MSATs, and the ozone precursors VOC and NOx. As the proposed project is not anticipated to result in indirect air quality impacts, further discussion in Steps 6-8 below is not necessary.

Note: See Appendix E for a list of attainment, nonattainment, and EAC/Ozone Flex areas.

Indirect Impacts Anticipated

The AOI is located within (insert county name) County, which is part of the (insert former EAC or Ozone Flex area's name/identifier) area. The AOI is currently in attainment for all NAAQS, please refer to (insert section identifier for previous air quality section). Based on the results of Steps 1 through 4 that evaluated the possible project-related actions that can indirectly impact air, it was determined that the proposed project would be anticipated to cause indirect air quality impacts in the AOI. (Insert all applicable justification for anticipated indirect air quality impacts). As the proposed project is anticipated to result in indirect air quality impacts, further evaluation and discussion of air quality and MSATs is necessary in Steps 6-8.

Steps 6-8, Analyze Indirect Impacts, Evaluate Analysis Results, and Assess Consequences/Develop Mitigation

Direct impacts on air quality and MSATs from the project are primarily those associated with the increased capacity and accessibility, as well as the resulting projected increases in VMT. EPA's new fuel and vehicle standards projected to reduce emissions of air pollutants and MSATs are expected to offset these impacts resulting from the increases in VMT. These net emissions reductions are expected to contribute to continued maintenance and improvement of air quality and MSAT levels in the AOI.

The potential indirect impacts on air quality and MSATs are primarily related to any expected development/redevelopment resulting from project's increased accessibility or capacity to the area. The project would be (or would not be) expected to result in increased development/redevelopment in the area. (If there is an expected increase in development/redevelopment include a description of potential types of development such as residential and commercial uses, areas sources such as bakeries, gas stations, dry cleaners, etc.; industrial facilities, and others.) (If there is not an expected increase in development/redevelopment include a description of reasons why.)

However, any increased air pollutant or MSAT emissions resulting from the potential development or redevelopment of the area must meet regulatory emissions limits established by the TCEQ and EPA, as well as obtain appropriate authorization from the TCEQ. Regulatory emission limits set by TCEQ and EPA are established to attain and maintain the NAAQS by assuring any emissions sources resulting from new development or redevelopment will not cause or contribute to a violation of those standards.

Therefore, because the project's potential direct and indirect impacts on air quality and MSATs are projected to be offset by federal fuel and vehicle control programs or state and federal regulatory programs, negative impacts on air quality are not anticipated.

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Appendix D – Cumulative Air Quality Impacts Template Language

Step 1: Identify the resources to consider in the analysis

Step 2: Identify the Resource Study Area

AA Template Language:

Evaluating Air Quality in relation to cumulative impacts requires looking at three distinct RSAs, as described below:

- **Ozone** – The RSA for evaluating the ozone NAAQS was designated as (insert county name) County which is designated by EPA as attainment of all NAAQS. The NAAQS criteria pollutants include ozone, carbon monoxide, particulate matter, nitrogen dioxide, sulfur dioxide, and lead.
- **Carbon Monoxide** – The RSA for carbon monoxide (CO) was based on the ROW line, which represents the locations with the highest potential for CO concentrations. However, the nature of the proposed project does not warrant a TAQA. Therefore, CO levels resulting from this project would not be expected to exceed the NAAQS for CO and negatively impact air quality in this area.
- **Mobile Source Air Toxics (MSATs)** – The RSA for MSATs is the boundaries of (insert county) County. Unlike the other resources evaluated, air quality impacts from MSATs have been evaluated qualitatively in this proposed project by TxDOT and FHWA. MSATs are regulated by EPA on a national basis through requirements for fuels and vehicle technology. The MSAT RSA qualitatively evaluated emission changes based upon the proposed project and national trends.

NNA/MA Template Language

Evaluating Air Quality in relation to cumulative impacts requires looking at three distinct RSAs, as described below:

- **Ozone** – The RSA for evaluating the ozone NAAQS was designated as the (insert area name/identifier) eight-hour ozone nonattainment area, which includes (insert all counties in nonattainment area).
- **Carbon Monoxide** – The RSA for CO was based on the ROW line, which represents the locations with the highest potential for CO concentrations. However, the nature of the proposed project does not warrant a TAQA. Therefore, CO levels resulting from this project would not be expected to exceed the NAAQS for CO and negatively impact air quality in this area.
- **Mobile Source Air Toxics (MSATs)** – The RSA for MSATs is the boundaries of (insert county) County. Unlike the other resources evaluated, air quality impacts from MSATs have been evaluated qualitatively in this proposed project by TxDOT and FHWA. MSATs are regulated by EPA on a national basis through requirements for fuels and

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vehicle technology. The MSAT RSA qualitatively evaluated emission changes based upon the proposed project and national trends.

EAC/Ozone Flex Area Template Language

Evaluating Air Quality in relation to cumulative impacts requires looking at three distinct RSAs, as described below:

- **Ozone** – The RSA for evaluating air quality associated with ozone NAAQS and transportation conformity was designated as the (insert former EAC or Ozone Flex area's name/identifier) area. The area is designated by EPA as an attainment area for ozone, but the area's air quality is potentially at risk. Because air quality is generally regional in nature, the geographic study area is not limited to the immediate vicinity of the project's proposed location, but typically is the whole (insert either former EAC or Ozone Flex, as appropriate) area in which the project is located. The NAAQS criteria pollutants include ozone, carbon monoxide, particulate matter, nitrogen dioxide, sulfur dioxide, and lead.
- **Carbon Monoxide** – The RSA for CO was based on the ROW line, which represents the locations with the highest potential for CO concentrations. However, the nature of the proposed project does not warrant a TAQA. Therefore, CO levels resulting from this project would not be expected to exceed the NAAQS for CO and negatively impact air quality in this area.
- **Mobile Source Air Toxics (MSATs)** - The RSA for MSATs is the boundaries of (insert county) County. Unlike the other resources evaluated, air quality impacts from MSATs have been evaluated qualitatively in this proposed project by TxDOT and FHWA. MSATs are regulated by EPA on a national basis through requirements for fuels and vehicle technology. The MSAT RSA qualitatively evaluated emission changes based upon the proposed project and national trends.

Step 3: Describe the Current Health and Historical Context

AA Template Language:

The EPA establishes limits on atmospheric pollutant concentrations through enactment of the NAAQS for six principal, or criteria, pollutants. The (insert county name) county is in an area that is in attainment for all NAAQS. The integration of highway and alternative modes of transportation, cleaner fuels, and improved emission control technologies would collectively increase the chances of the area remaining in attainment.

NAA/MA Template Language:

The EPA establishes limits on atmospheric pollutant concentrations through enactment of the NAAQS for six principal, or criteria, pollutants. The EPA designated (insert number of counties in nonattainment area) counties in (insert area description) as nonattainment for (insert the applicable NAAQS; ozone, CO & PM₁₀). The region is currently in attainment for all other criteria pollutants. Although there have been year-to-year fluctuations, the ozone trend continues to show improvement. The trend of improving air quality in the region is attributable in part to the effective integration of highway and alternative modes of transportation, cleaner fuels, improved emission control technologies, and (insert MPO identifier) regional clean air

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initiatives.

EAC/Ozone Flex Area Template Language:

The EPA establishes limits on atmospheric pollutant concentrations through enactment of the NAAQS for six principal, or criteria, pollutants. (insert county name) county is in an area that was part of an (insert EAC or Ozone Flex) area. The area is designated by EPA as an attainment area for ozone, but the area’s air quality is potentially at risk.

Step 4: Identify the Direct and Indirect Impacts

Direct impacts on air quality and MSATs from the project are primarily those associated with the increased capacity, accessibility and the resulting projected increases in VMT. Emission reductions as a result of EPA’s new fuel and vehicle standards are anticipated to offset impacts associated with VMT increases.

Indirect impacts on air quality and MSATs are primarily related to any expected development resulting from project’s increased accessibility or capacity to the area. Any increased air pollutant or MSAT emissions resulting from the potential development of the area must meet regulatory emissions limits established by the TCEQ and EPA as well as obtain appropriate authorization from the TCEQ and therefore are not expected to result in any degradation of air quality or MSAT levels.

Step 5: Identify Other Reasonably Foreseeable Actions that May Affect Resources

Increased development and urbanization can result in increased air pollutant or MSAT emissions resulting from these actions. These must meet regulatory emissions limits established by the TCEQ and EPA as well as obtain appropriate authorization from the TCEQ and therefore are not expected to result in any degradation of air quality or MSAT levels. Reasonably foreseeable actions that could impact air quality within the RSA include (projects within the transportation plans (using applicable MTP, TIP, STIP) development projects, etc.):

TABLE XX. REASONABLY FORESEEABLE ACTIONS

Map ID	Project Name	Project Sponsor	Summary Description

Step 6: Assess Potential Cumulative Impacts to Each Resource

AA and EAC /Ozone Flex Area Template Language:

Any increased air pollutant or MSAT emissions resulting from increased capacity, accessibility and development are projected to be more than offset by emissions reductions from EPA’s new fuel and vehicle standards or addressed by EPA’s and TCEQ’s regulatory emissions limits programs. Projected traffic volumes are expected to result in (significant/minimal or no impacts) on air quality; improved mobility and circulation may benefit air quality. Increases in urbanization would likely have a negative impact on air quality; however planned transportation improvements in the project area as listed in the MTP, TIP, or STIP (use applicable transportation program), coupled with EPA’s vehicle and fuel regulations fleet turnover, are anticipated to have a cumulatively beneficial impact on air quality.

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NAA/MA Template Language:

Any increased air pollutant or MSAT emissions resulting from increased capacity, accessibility and development are projected to be more than offset by emissions reductions from EPA's new fuel and vehicle standards or addressed by EPA's and TCEQ's regulatory emissions limits programs. Projected traffic volumes are expected to result in (significant/minimal or no impacts) on air quality; improved mobility and circulation may benefit air quality. Increases in urbanization would likely have a negative impact on air quality. However planned transportation improvements in the project area as listed in a conforming MTP, TIP, or STIP (use applicable transportation program) coupled with EPA's vehicle and fuel regulations fleet turnover, are anticipated to have a cumulatively beneficial impact on air quality.

Step 7: Report the results

AA and EAC /Ozone Flex Area Template Language:

The cumulative impact on air quality from the proposed project and other reasonably foreseeable transportation projects are addressed at the regional level by analyzing the air quality impacts of transportation projects in the (insert year and identifier) MTP and the (insert year) TIP (or STIP if project is located outside a MPO). The proposed project and the other reasonably foreseeable transportation projects were included in the (insert year and identifier) MTP and the (insert year) TIP (or STIP if project is located outside a MPO). When combined, planned transportation improvements, revised EPA fuel and vehicle regulations, and fleet turnover are anticipated to have a cumulatively beneficial impact on air quality.

NAA/MA Template Language:

The cumulative impact on air quality from the proposed project and other reasonably foreseeable transportation projects are addressed at the regional level by analyzing the air quality impacts of transportation projects in the (insert year and identifier) MTP and the (insert year) TIP (or STIP if project is located outside a MPO). The proposed project and the other reasonably foreseeable transportation projects were included in the (insert year and identifier) MTP and the (insert year) TIP (or STIP if project is located outside a MPO) and have been determined to conform to the SIP. When combined, planned transportation improvements, revised EPA fuel and vehicle regulations, and fleet turnover are anticipated to have a cumulatively beneficial impact on air quality.

Step 8: Assess and discuss mitigation issues for all adverse impacts

AA and EAC /Ozone Flex Area Template Language:

A variety of federal, state, and local regulatory controls as well as local plans and projects have had a beneficial impact on regional air quality. The CAA, as amended, provides the framework for federal, state, tribal, and local rules and regulations to protect air quality. The CAA required the EPA to establish NAAQS for pollutants considered harmful to public health and the environment. In Texas, the TCEQ has the legal authority to implement, maintain, and enforce the NAAQS. The TCEQ establishes the level of quality to be maintained in the state's air and to control the quality of the state's air by preparing and developing a general comprehensive plan. Authorization in the Texas Clean Air Act (TCAA) allows the TCEQ to do the following: collect information and develop an inventory of emissions; conduct research and investigations; prescribe monitoring requirements; institute enforcement; formulate rules to control and reduce

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emissions; establish air quality control regions; encourage cooperation with citizens' groups and other agencies and political subdivisions of the state as well as with industries and the federal government; and to establish and operate a system of permits for construction or modification of facilities. Local governments having some of the same powers as the TCEQ can make recommendations to the commission concerning any action of the TCEQ that may affect their territorial jurisdiction, and can execute cooperative agreements with the TCEQ or other local governments. In addition, a city or town may enact and enforce ordinances for the control and abatement of air pollution not inconsistent with the provisions of the TCAA or the rules or orders of the TCEQ.

The cumulative impact of reasonably foreseeable future growth and urbanization on air quality within this area would be minimized by enforcement of federal and state regulations, including the EPA and TCEQ, which are mandated to ensure that such growth and urbanization would not threaten the air quality such that the area would no longer be in compliance with federal air quality standards.

NAA/MA Template Language:

A variety of federal, state, and local regulatory controls as well as local plans and projects have had a beneficial impact on regional air quality. The CAA, as amended, provides the framework for federal, state, tribal, and local rules and regulations to protect air quality. The CAA required the EPA to establish NAAQS for pollutants considered harmful to public health and the environment. In Texas, the TCEQ has the legal authority to implement, maintain, and enforce the NAAQS. The TCEQ establishes the level of quality to be maintained in the state's air and to control the quality of the state's air by preparing and developing a general comprehensive plan. Authorization in the Texas Clean Air Act (TCAA) allows the TCEQ to do the following: collect information and develop an inventory of emissions; conduct research and investigations; prescribe monitoring requirements; institute enforcement; formulate rules to control and reduce emissions; establish air quality control regions; encourage cooperation with citizens' groups and other agencies and political subdivisions of the state as well as with industries and the federal government; and to establish and operate a system of permits for construction or modification of facilities. Local governments having some of the same powers as the TCEQ can make recommendations to the commission concerning any action of the TCEQ that may affect their territorial jurisdiction, and can execute cooperative agreements with the TCEQ or other local governments. In addition, a city or town may enact and enforce ordinances for the control and abatement of air pollution not inconsistent with the provisions of the TCAA or the rules or orders of the TCEQ.

The CAA also requires states with areas that fail to meet the NAAQS prescribed for criteria pollutants to develop a SIP. The SIP describes how the state would reduce and maintain air pollution emissions in order to comply with the federal standards. Important components of a SIP include emission inventories, motor vehicle emission budgets, control strategies to reduce emissions, and an attainment demonstration. The TCEQ develops the Texas SIP for submittal to the EPA. One SIP is created for each state, but portions of the plan are specifically written to address each of the non-attainment areas. These regulatory controls, as well as other local transportation and development initiatives implemented throughout the (insert name of metropolitan area) metropolitan area by local governments and other entities provide the framework for growth throughout the area consistent with air quality goals. As part of this framework, all major transportation projects, including the proposed project, are evaluated at the

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regional level by the (insert MPO identifier) for conformity with the SIP.

The cumulative impact of reasonably foreseeable future growth and urbanization on air quality within this area would be minimized by enforcement of federal and state regulations, including the EPA and TCEQ, which are mandated to ensure that such growth and urbanization would not prevent attainment with the (specify the NAAQS pollutant and nonattainment or maintenance area) standard or threaten the maintenance of the other air quality standards.

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Appendix E – Nonattainment Areas in Texas

Nonattainment Area	Counties	Classification	Attainment Date Required by EPA	MPO	Conformity Date
Eight-Hour Ozone Nonattainment Areas					
Houston-Galveston-Brazoria (HGB)	Brazoria Chambers Fort Bend Galveston Harris Liberty Montgomery Waller	Severe	June 15, 2010	H-GAC	RTP TIP/STIP: Nov. 9, 2007
Dallas-Fort Worth (DFW)	Collin Dallas Denton Tarrant Ellis Johnson Kaufman Parker Rockwall	Moderate	June 15, 2010	NCTCOG	MTP: June 12, 2007 TIP/STIP: Oct. 31, 2007
Beaumont-Port Arthur (BPA)	Hardin Jefferson Orange	Moderate	June 15, 2010	SETRPC	MTP: Sept. 25, 2007 TIP/STIP: Oct. 31, 2007
Ozone Early Action Compact (EAC) Areas					
Austin-San Marcos (AUS)	Travis Williamson Bastrop Hays Caldwell	Attainment	Dec. 31, 2007	CAMPO	
San Antonio (SA)	Bexar Comal Guadalupe Wilson	Attainment ¹	Dec. 31, 2007	SA-BC	
Northeast Texas (NET)	Rusk Smith Upshur Gregg Harrison	Attainment	Dec. 31, 2007	TA-MPO LO-MPO	
Carbon Monoxide (CO) Nonattainment Areas					
El Paso (ELP)	El Paso	Attainment ²	Dec. 31, 1995	EP-MPO	RTP

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					TIP/STIP: Dec. 20, 2007
Particulate Matter 10 (PM10) Nonattainment Areas					
El Paso (ELP)	El Paso	Moderate	Dec. 31, 1994	EP-MPO	RTP/TIP: Dec. 20, 2007

¹ San Antonio area designated attainment by EPA effective April 15, 2008 (conformity does not apply).

² El Paso area designated attainment by EPA effective October 3, 2008 (conformity does apply).

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Chapter 14.

Indirect and Cumulative Impacts

Chapter 14. Indirect and Cumulative Impacts

YES	NO	N/A	Description of Item Sufficiency	References/Guidance
Indirect and Cumulative Impacts				
1			<p>1. To determine if an indirect impacts analysis is required, follow the Screening tools in Appendix C of the current Guidance on Preparing Indirect and Cumulative Impact Analyses. The <i>Screening Tool for Indirect Impacts Documentation</i> must be completed and retained in the project file and/or appended to the environmental document, along with any additional information needed to explain how the screening tools were applied to the project.</p>	<p>Guidance on Preparing Indirect and Cumulative Impact Analyses</p>
2			<p>2. To determine if a cumulative impacts analysis is required, follow the Screening tools in Appendix C of the current Guidance on Preparing Indirect and Cumulative Impact Analyses. The <i>Screening Tool for Cumulative Impacts Documentation</i> must be completed and retained in the project file and/or appended to the environmental document, along with any additional information needed to explain how the screening tools were applied to the project.</p>	
3			<p>3. If both of the above checklists indicate that no further analysis is required, the document should indicate that no analysis is required. (SOUs 4 through 27 do not apply in this situation). The following text may be used:</p> <p><i>A screening level analysis was performed for the proposed project. The results of this analysis indicated that the project is not likely to result in indirect or cumulative impacts; therefore, no further analysis is required.</i></p> <p>This statement must be followed by a discussion of how the screening tool was applied. Discuss any question in the tool that corroborates the conclusion that no</p>	

Chapter 14. Indirect and Cumulative Impacts

YES	NO	N/A	Description of Item Sufficiency	References/Guidance
			further analysis is needed, and describe how that question was answered for the project. All answers should be fully supported in this discussion. This discussion should be similar to the example provided in the guidance.	
4			4. If the screening checklist indicates that an analysis of indirect effects is required, the SOUs outlined in rows 5 through 16 below must be met.	
5			5. The indirect impacts analysis must clearly address each of the following seven steps described in TxDOT's <u>Guidance on Preparing Indirect and Cumulative Impact Analyses</u> .	
6			6. Step 1: Scoping includes a description of, and the rationale behind the selection of, the Area of Influence (AOI) defined for the project.	
7			7. Step 1: Scoping includes a description of, and the rationale behind the selection of, the future year that defines the temporal boundary of the analysis.	
8			8. Step 2: Identify the Study Area's Goals and Trends describes any plans or policies that would affect development in the AOI.	
9			9. Step 2: Identify the Study Area's Goals and Trends describes ongoing growth trends in the AOI.	
10			10. Step 3: Inventory the Study Area's Notable Features includes a discussion of any specific sensitive, unique, vulnerable, or valued features of the AOI's ecosystem or community(ies).	
11			11. Step 4: Identify Impact-Causing Activities of the Proposed Action breaks the project down into component activities that may result in impacts to the environment. These may be described in relation to the general categories of	

Chapter 14. Indirect and Cumulative Impacts

YES	NO	N/A	Description of Item Sufficiency	References/Guidance
			<p>impact-causing activities listed below:</p> <ul style="list-style-type: none"> • Modification of regime • Land transformation and construction • Resource extraction • Processing • Land alteration • Resource renewal activities • Changes in traffic • Waste emplacement • Chemical treatment • Access alteration 	
12			<p>12. Step 5: Identify Potentially Substantial Indirect Effects For Analysis clearly describes the reasons why an impact does or does not need to be analyzed further. Impacts may be discussed in terms of three general categories:</p> <ul style="list-style-type: none"> • Encroachment-alteration effects • Induced growth effects • Effects related to induced growth 	
13			<p>13. Step 6: Analyze Indirect Effects and Evaluate Results includes a detailed analysis of each effect that was identified in Step 5 as requiring further analysis. The methods of analysis should be appropriate for the scale and scope of the project (see Appendix D of the Guidance on Preparing Indirect and Cumulative Impact Analyses for an overview of analysis types).</p>	
14			<p>14. Step 6: Analyze Indirect Effects and Evaluate Results includes details on the underlying logic and assumptions, adequate to clearly support each conclusion.</p>	
15			<p>15. Step 6: Analyze Indirect Effects and Evaluate Results includes a discussion of the uncertainty associated with the</p>	

Chapter 14. Indirect and Cumulative Impacts

YES	NO	N/A	Description of Item Sufficiency	References/Guidance
			analysis results, including the assumptions used and any unavailable data.	
16			16. <i>Step 7: Assess Consequences and Consider/Develop Mitigation (When Appropriate)</i> discusses the relative importance of the impact and identifies any potential mitigation strategies that could offset the impact.	
17			<p>17. If an indirect impacts analysis was required, but the screening checklist indicates that a cumulative impacts analysis is <i>not</i> required, the document should indicate that no analysis is required.</p> <p>(SOUs 18 through 27 do not apply in this situation.) The following text may be used:</p> <p><i>A screening level cumulative impacts analysis was performed for the proposed project. The results of this analysis indicated that the project is not likely to contribute to cumulative impacts; therefore, no further analysis is required.</i></p> <p>This statement must be followed by a discussion of how the screening tool was applied. The discussion should cover each question in the tool needed to reach the conclusion that no further analysis is needed, and how each question was answered for the project. All answers should be fully supported in this discussion; it should be similar to the example provided in the guidance.</p>	
18			18. If the screening checklist indicates that an analysis of cumulative effects is required, SOUs 19 through 27 must be met.	
19			19. The cumulative impacts analysis clearly addresses each of the following eight steps described in TxDOT's <u>Guidance on Preparing Indirect and Cumulative Impact Analyses</u> .	

Chapter 14. Indirect and Cumulative Impacts

	YES	NO	N/A	Description of Item Sufficiency	References/Guidance
20				20. Step 1: Identify the Resources to Consider in the Analysis clearly indicates which resources are to be analyzed and the rationale behind selection of those resources.	
21				21. Step 2: Define the Study Area for Each Resource describes the boundaries of, and the rationale behind the selection of, an appropriate Resource Study Area (RSA) for each resource identified in Step 1.	
22				22. Step 2: Define the Study Area for Each Resource gives a past and a future year to be used for the temporal boundaries of the analysis, and describes the reasons for the selection of these years.	
23				23. Step 3: Describe the Current Status/Viability and Historical Context for Each Resource describes the status and context of each resource within its RSA.	
24				24. Step 4: Identify Direct and Indirect Impacts of the Project that Might Contribute to a Cumulative Impact briefly summarizes the direct and indirect effects of the project on each resource. This information must match the results of the direct and indirect impacts analyses.	
25				25. Step 5: Identify Other Reasonably Foreseeable Future Effects must describe other transportation and non-transportation-related impacts within each RSA. If no other reasonably foreseeable future actions are identified, the document must describe the steps taken to determine that no future actions are planned.	
26				26. Step 6: Identify and Assess Cumulative Impacts describes the total impact on each resource when direct impacts of the project, indirect impacts of the project, and impacts of other	

Chapter 14. Indirect and Cumulative Impacts

YES	NO	N/A	Description of Item Sufficiency	References/Guidance
			reasonably foreseeable future actions are added together.	
27			27. Step 7: Report the Results should briefly summarize the results of the analysis and put them into the context of the status of each resource.	
28			28. Step 8: Assess the Need for Mitigation discusses the relative importance of the impact and identifies any potential mitigation strategies that could offset the impact.	
29			29. All conclusions in the document must be clearly supported by facts, logic, and appropriate analyses.	

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Chapter 15.

Public Involvement

Chapter 15. Public Involvement

TxDOT's public involvement regulations are found in [43 TAC Chapter 2](#).

Additional information about the entire range of public involvement, how to notify the public, meeting/hearing formats and how to prepare various comment/response reports is available in the [TxDOT Environmental Manual](#) (Chapter 4, Sections 2 and 5).

YES	NO	N/A	Description of Item Sufficiency	References/Guidance
Meeting with Affected Property Owners				
1			Meetings with Affected Property Owners (MAPO) shall be held where there are detours, a minimal amount of new right of way, or temporary construction easements.	43 TAC 2.6
2			Affected property owners include property owners adjacent to the projects and other affected property owners (business owners, governments, etc.) that may be affected by the project.	
3			At a minimum, affected property owners shall be notified of the meeting(s). All MAPOs should be documented in the project file and summarized in the CE document/certification. A separate summary of the meeting(s) may also be prepared.	
Public Meetings				
At a minimum, these meetings will be held in the following occurrences:				
4			A public meeting can be held at any time during project development with the general public, public interest, or special interest groups. When developing a Draft Environmental Impact Statement (DEIS), a public meeting must be held. (In the case of a public meeting for an EIS, notices similar to those published for a public hearing must be prepared and published.)	43 TAC 2. z7
5			Notification of the meeting shall be done in a manner fitting the anticipated audience, including the time, place, and format of the meeting.	

Chapter 15. Public Involvement

YES	NO	N/A	Description of Item Sufficiency	References/Guidance
6			Summarize the results in the project file, including a comment and response report, and submit the results. Forward a copy of the meeting materials to ENV for review as well.	
Opportunity for Public Hearing				
At a minimum, an opportunity for public hearing will be offered in the following manner:				
7			If there is some question about whether or not a public hearing should be held, an opportunity for public hearing may be offered. The opportunity for public hearing consists of notices published in newspapers, as well as notices sent to adjacent property owners.	43 TAC 2.8
8			The opportunity for public hearing is offered for a project that requires the acquisition of substantial amounts of right of way, substantial changes to the layout or function of the connecting roadway/facility, adds capacity, has a measurable adverse impact on abutting real property or otherwise causes a substantial social, economic, or environmental impact.	
9			If no requests for a public hearing are received, document the project file and submit a signed certification to ENV. Note: If a public hearing is planned, an opportunity for public hearing is not required.	
Public Hearing				
At a minimum, a public hearing will be held in the following manner:				
10			A public hearing is held to present project alternatives, and to encourage and solicit public comment. A hearing is held only after location and design studies are developed and the environmental studies are considered substantially complete.	43 TAC 2.9

Chapter 15. Public Involvement

YES	NO	N/A	Description of Item Sufficiency	References/Guidance
			FHWA must determine whether or not the document/certification is technically complete. FHWA will return any documents/certifications to ENV if revisions are needed to the document/certifications.	
11			A public hearing is held in the cases listed in 43 TAC 2.9 . These include, but are not limited to, controversial projects, projects with Environmental Impact Statements, high profile projects, and projects with hearings requested pursuant to the requirements of the Transportation Code §201.604.	
12			The Notices for the Hearing should meet the requirements of 43 TAC 2.9 .	
			All hearing testimony, comments, and response reports and certifications shall comply with 43 TAC 2.9 .	
13			All project hearing-related materials may be referenced in any final document.	
Public Involvement under the Texas Parks and Wildlife Code				
14			If a project requires the taking of public lands designated as parklands, recreational areas, scientific areas, wildlife refuges, or historic sites, an opportunity for a public hearing may not be afforded where one might normally be offered. State law (Vernon's Code, Chapter 26.002 of the Parks and Wildlife Code), requires that a public hearing be conducted. (Please note that notification and publication requirements differ from 43 TAC requirements.)	Texas Parks and Wildlife Code Chapter 26: Protection of Public Parks and Recreational Lands

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Chapter 16.

Tolling

Chapter 16. Tolling

This SOU applies to all projects which involve tolling.

YES	NO	N/A	Description of Item Sufficiency	References/Guidance
Early Right-of-Way Acquisition				
1			The document identifies available non-toll facilities and alternate routes (e.g., free main lanes on same facility, frontage roads, and parallel arterials). Maps depicting tolled and non-tolled roadways should be included.	Guidance on Environmental Justice/Title VI Considerations for Toll Roads (March 2005) FHWA and TxDOT Joint Guidance for Project and Network Level Environmental Justice, Regional Network Land Use, and Air Quality Analyses for Toll Roads (April 23, 2009)
2			The document compares travel times and distance between the proposed project and available non-tolled alternatives (including frontage roads).	Guidance on Environmental Justice/Title VI Considerations for Toll Roads (March 2005) FHWA and TxDOT Joint Guidance for Project and Network Level Environmental Justice, Regional Network Land Use, and Air Quality Analyses for Toll Roads (April 23, 2009)
3			The document discusses toll policies regarding transit, HOVs, and motorcycles; use of toll revenues; and mitigation measures. If there is a toll policy, a copy should be included in the environmental document or a website link provided. In some areas, it may also be important to discuss policies related to emergencies or special events (i.e., hurricane evacuations).	Guidance on Environmental Justice/Title VI Considerations for Toll Roads (March 2005) FHWA and TxDOT Joint Guidance for Project and Network Level Environmental Justice, Regional Network Land Use, and Air Quality Analyses for Toll Roads (April 23, 2009)
4			The document identifies all potential impacts to transit service.	Guidance on Environmental Justice/Title VI Considerations for Toll Roads (March 2005)

Chapter 16. Tolling

YES	NO	N/A	Description of Item Sufficiency	References/Guidance
5			The document discusses the anticipated toll rate, or range of rates if tolls are variable.	Guidance on Environmental Justice/Title VI Considerations for Toll Roads (March 2005) FHWA and TxDOT Joint Guidance for Project and Network Level Environmental Justice, Regional Network Land Use, and Air Quality Analyses for Toll Roads (April 23, 2009)
6			The document discusses toll collection methods, associated costs, and the differences between various collection methods for households at various income levels. Cost differences between toll tags purchased with credit/debit cards versus cash should be discussed. The document should address whether toll tags are only available to those with credit cards and bank accounts. If cash accounts are available, the document should reflect where and how cash customers can pay.	Guidance on Environmental Justice/Title VI Considerations for Toll Roads (March 2005) FHWA and TxDOT Joint Guidance for Project and Network Level Environmental Justice, Regional Network Land Use, and Air Quality Analyses for Toll Roads (April 23, 2009)
7			If toll booths are planned, the document should address where they are located in relation to identified low-income and minority areas.	Guidance on Environmental Justice/Title VI Considerations for Toll Roads (March 2005) FHWA and TxDOT Joint Guidance for Project and Network Level Environmental Justice, Regional Network Land Use, and Air Quality Analyses for Toll Roads (April 23, 2009)
8			The document addresses any potential discounts for low-income drivers, or any other program which may provide increased access to the facility for low-income persons.	Guidance on Environmental Justice/Title VI Considerations for Toll Roads (March 2005)

Chapter 16. Tolling

YES	NO	N/A	Description of Item Sufficiency	References/Guidance
9			The document identifies potential users of the toll facility. Origin and destination (O&D) studies are one example of an analysis that may be used to identify potential users of the toll road.	Guidance on Environmental Justice/Title VI Considerations for Toll Roads (March 2005) FHWA and TxDOT Joint Guidance for Project and Network Level Environmental Justice, Regional Network Land Use, and Air Quality Analyses for Toll Roads (April 23, 2009)
10			The document provides EJ-related demographic data for the toll road user groups (generally by TAZ). Maps may be used to graphically represent this.	Guidance on Environmental Justice/Title VI Considerations for Toll Roads (March 2005) FHWA and TxDOT Joint Guidance for Project and Network Level Environmental Justice, Regional Network Land Use, and Air Quality Analyses for Toll Roads (April 23, 2009)
11			The document discloses that inability to use the toll facilities or lack of parallel non-tolled alternatives may result in increased travel times when using non-tolled alternatives.	FHWA and TxDOT Joint Guidance for Project and Network Level Environmental Justice, Regional Network Land Use, and Air Quality Analyses for Toll Roads (April 23, 2009)
12			The document illustrates the potential economic impact to individuals using the toll facilities. One method is to multiply the anticipated toll cost to use the proposed facility by an estimate of 500 trips per year (i.e., 250 round trips to work per year). This should be put into context by discussing what percentage of household income this cost represents for a household at the poverty level vs. a house at median household income. If variable toll rates are used, the document	FHWA and TxDOT Joint Guidance for Project and Network Level Environmental Justice, Regional Network Land Use, and Air Quality Analyses for Toll Roads (April 23, 2009)

Chapter 16. Tolling

YES	NO	N/A	Description of Item Sufficiency	References/Guidance
			should provide analyses of the high, low, and mid-range toll rates.	
13			Since the economic impact of tolls will be greater for low-income populations, mitigation measures can be recommended for consideration. If the analysis does find disproportionately high and adverse effects, mitigation measures must be considered. Mitigation measures may be addressed in a region's/ MPO's toll policy.	FHWA and TxDOT Joint Guidance for Project and Network Level Environmental Justice, Regional Network Land Use, and Air Quality Analyses for Toll Roads (April 23, 2009)
14			The document discusses any potential for traffic to be diverted through neighborhoods.	Guidance on Environmental Justice/Title VI Considerations for Toll Roads (March 2005)
15			The document addresses any issues related to air quality and/or noise in neighborhoods.	Guidance on Environmental Justice/Title VI Considerations for Toll Roads (March 2005)
16			The document addresses how the toll facility will affect access to businesses, and the impact to businesses.	Guidance on Environmental Justice/Title VI Considerations for Toll Roads (March 2005)
17			The document addresses the potential for denial of benefits or disproportionate impacts to low-income drivers.	Guidance on Environmental Justice/Title VI Considerations for Toll Roads (March 2005)
18			The document discusses accommodations provided by the tolling authority to allow populations with Limited English Proficiency and the disabled to access the toll facilities.	FHWA and TxDOT Joint Guidance for Project and Network Level Environmental Justice, Regional Network Land Use, and Air Quality Analyses for Toll Roads (April 23, 2009)
19			When travel demand or other models are used in the analysis, the document must include a discussion of the assumptions and limitation association with the model.	FHWA and TxDOT Joint Guidance for Project and Network Level Environmental Justice, Regional Network Land Use, and Air Quality Analyses for Toll Roads

Chapter 16. Tolling

YES	NO	N/A	Description of Item Sufficiency	References/Guidance
				(April 23, 2009)
20			The document discusses whether the project would be part of a network of tolled facilities.	FHWA and TxDOT Joint Guidance for Project and Network Level Environmental Justice, Regional Network Land Use, and Air Quality Analyses for Toll Roads (April 23, 2009)
21			If the project is part of a tolled network, the document must include maps indicating the implementation of the toll network over time. Maps should identify all planned toll projects and discuss the anticipated timeline for implementation of each segment of the network.	FHWA and TxDOT Joint Guidance for Project and Network Level Environmental Justice, Regional Network Land Use, and Air Quality Analyses for Toll Roads (April 23, 2009)
22			If the project is part of a tolled network, the document must estimate the cumulative economic impact to individuals of using the toll network facilities. This should be based on a reasonable estimate of the distance a commuter would travel along toll facilities, multiplied by the toll rate, multiplied by an assumed number of trips per year. This should be discussed in a similar manner to the economic impact estimate done for the individual project.	FHWA and TxDOT Joint Guidance for Project and Network Level Environmental Justice, Regional Network Land Use, and Air Quality Analyses for Toll Roads (April 23, 2009)
23			If the project is part of a tolled network, the anticipated growth of the tolled network should be discussed.	FHWA and TxDOT Joint Guidance for Project and Network Level Environmental Justice, Regional Network Land Use, and Air Quality Analyses for Toll Roads (April 23, 2009)
24			If the project is part of a tolled network, the document must identify potential users of the tolled network.	FHWA and TxDOT Joint Guidance for Project and Network Level Environmental Justice, Regional Network Land Use, and Air Quality

Chapter 16. Tolling

YES	NO	N/A	Description of Item Sufficiency	References/Guidance
				Analyses for Toll Roads (April 23, 2009)
25			If the project is part of a tolled network, the document should discuss a measure of the benefits of implementing the financially constrained metropolitan transportation plan, including the tolled network.	FHWA and TxDOT Joint Guidance for Project and Network Level Environmental Justice, Regional Network Land Use, and Air Quality Analyses for Toll Roads (April 23, 2009)
26			<p>If the project is part of a tolled network, the document should discuss potential impacts on overall land use patterns, focusing on the land use considerations incorporated into the region’s MPO analysis of the overall MTP. This discussion should address:</p> <ul style="list-style-type: none"> • Land use assumptions used in developing the travel demand model and MTP • The basis for the land use assumptions • Land use scenarios considered (if any) and whether there is a preferred growth scenario • The toll network’s consistency with land use plans • Growth patterns anticipated after implementation of the toll network. If the network is facilitating the existing trend, what will the impacts be? 	FHWA and TxDOT Joint Guidance for Project and Network Level Environmental Justice, Regional Network Land Use, and Air Quality Analyses for Toll Roads (April 23, 2009)
27			If the project is part of a tolled network, the document should briefly address air quality as part of the network level analysis, and may reference the project level analysis.	FHWA and TxDOT Joint Guidance for Project and Network Level Environmental Justice, Regional Network Land Use, and Air Quality Analyses for Toll Roads (April 23, 2009)

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**Standards of Uniformity for
Categorical Exclusions**

Chapter 17.

Early Right-of-Way Acquisitions

Chapter 17. Early Right-of-Way Acquisitions

This SOU applies to Categorical Exclusions (CEs) prepared for approval of early acquisition of right-of-way, in accordance with [43 TAC §2.17](#).

YES	NO	N/A	Description of Item Sufficiency	References/Guidance
Early Right-of-Way Acquisition				
1			The document justifies the need for the early purchase of right of way. It includes the estimated date for the normal authorization of right of way acquisition.	FHWA Guidance on Early Acquisitions and Compliance with NEPA and the Uniform Act
2			The document includes a description of the type of property that is to be acquired.	FHWA Guidance on Early Acquisitions and Compliance with NEPA and the Uniform Act
3			The document discusses the reasons for and advantages of requesting approval for early right-of-way acquisition.	FHWA Guidance on Early Acquisitions and Compliance with NEPA and the Uniform Act
4			The document clearly states that the other avenues of early right-of-way acquisition and/or the normal process of right-of-way purchase are not appropriate to the current circumstances.	FHWA Guidance on Early Acquisitions and Compliance with NEPA and the Uniform Act
5			The document substantiates the determination that acquisition of the subject property will not limit the evaluation of alternatives for the transportation project.	FHWA Guidance on Early Acquisitions and Compliance with NEPA and the Uniform Act 43 TAC §2.17
6			The document includes the amount of acreage in the property to be acquired.	FHWA Guidance on Early Acquisitions and Compliance with NEPA and the Uniform Act
7			The document includes the appropriate section of the USGS topographic map, showing the preferred project alignment and the property to be acquired.	FHWA Guidance on Early Acquisitions and Compliance with NEPA and the Uniform Act
8			The document includes the segment of the schematic or right-of-way map that shows the property involved and the	FHWA Guidance on Early Acquisitions and Compliance with NEPA

Chapter 17. Early Right-of-Way Acquisitions

YES	NO	N/A	Description of Item Sufficiency	References/Guidance
			extent of the acquisition.	and the Uniform Act
9			The document describes the current land use of the parcel to be acquired.	FHWA Guidance on Early Acquisitions and Compliance with NEPA and the Uniform Act
10			The document reports the current status of the development of the NEPA document for the project.	FHWA Guidance on Early Acquisitions and Compliance with NEPA and the Uniform Act
11			The document reports the current status of any environmental investigations performed onsite, along with a brief description of the field work and/or research performed to determine the existence or absence of major environmental concerns or hazardous materials contamination of the property.	FHWA Guidance on Early Acquisitions and Compliance with NEPA and the Uniform Act 43 TAC §2.17
12			The document includes sufficient documentation to confirm that the displacement of residences and businesses (if any) has been given careful consideration and does not appear to involve either disproportionate impacts to a minority or low income population or substantial economic, community resource, or neighborhood impacts. Supporting documentation must include information on whether or not any displaced business provides a “critical service” (i.e., the sole local grocery store, health clinic, church, community meeting center, or similar establishment within walking distance) for the environmental justice population.	FHWA Guidance on Early Acquisitions and Compliance with NEPA and the Uniform Act
13			For any business displacement, the document describes the type of business and the impacts on the community if the business is not able to relocate within its current service area, including the potential number of jobs lost.	FHWA Guidance on Early Acquisitions and Compliance with NEPA and the Uniform Act

Chapter 17. Early Right-of-Way Acquisitions

YES	NO	N/A	Description of Item Sufficiency	References/Guidance
14			For any residential displacement, the document discusses the market availability of comparable decent, safe, and sanitary (DS&S) housing, and includes a statement that all displaced persons will be relocated to DS&S housing within their financial means.	FHWA Guidance on Early Acquisitions and Compliance with NEPA and the Uniform Act
15			The document includes photographs of the properties to be acquired.	FHWA Guidance on Early Acquisitions and Compliance with NEPA and the Uniform Act
16			The documentation must confirm that the "Uniform Act" will be followed in regards to appraisal, acquisition, and any required relocation assistance on all parcels.	FHWA Guidance on Early Acquisitions and Compliance with NEPA and the Uniform Act
17			The document describes the status of any resource/regulatory agency coordination, and the result of such coordination.	FHWA Guidance on Early Acquisitions and Compliance with NEPA and the Uniform Act
18			The document describes the public and resource agency support for, or opposition to, the project. This should include a discussion of public involvement to date, including any opportunities for individuals with Limited English Proficiency to participate in the project development process.	FHWA Guidance on Early Acquisitions and Compliance with NEPA and the Uniform Act
19			The document clearly states that the required records and complete documentation of the acquired property and any associated relocations will be available for inspection by FHWA.	FHWA Guidance on Early Acquisitions and Compliance with NEPA and the Uniform Act
20			The document clearly states that the early acquisition is subject to the risk that environmental and/or public concerns could necessitate a change in alignment or the cancellation of a project after the parcels of right of way have already been acquired.	FHWA Guidance on Early Acquisitions and Compliance with NEPA and the Uniform Act

Chapter 17. Early Right-of-Way Acquisitions

YES	NO	N/A	Description of Item Sufficiency	References/Guidance
21			<p>The CE document must demonstrate that acquisition of the right of way, and construction of the preferred alternative, will result in no effect to all endangered species and endangered species habitat. The research necessary to support this conclusion includes:</p> <ol style="list-style-type: none"> 1. Informal consultation with the U.S. Fish and Wildlife Service to determine the existence of federally-listed threatened or endangered species, their habitats, and any other sensitive natural communities within the project vicinity. TxDOT has been designated as FHWA’s federal representative and is permitted to conduct informal consultations and make initial calls of “no effect” with FHWA approval. 2. Coordination with the Texas Parks and Wildlife Department, including a search of the Natural Diversity Database. 3. Onsite presence/absence surveys of the proposed acquisition for endangered species, if right-of-entry is not denied. 4. Application of predictive modeling to assess the likelihood of protected species occurrence, if available. 	<p>FHWA Guidance on Early Acquisitions and Compliance with NEPA and the Uniform Act</p>
22			<p>The document should adhere to approved TxDOT Standards of Uniformity (SOU) for cultural resources (including Historical Resources and Archeological Resources, and comply with both federal and state requirements, including the First Amended Programmatic Agreement Regarding the Implementation of Transportation Undertakings (PA-TU).</p>	<p>FHWA Guidance on Early Acquisitions and Compliance with NEPA and the Uniform Act</p> <p>First Amended Programmatic Agreement Regarding the Implementation of Transportation Undertakings (PA-TU)</p>
23			<p>The investigation for archeological issues shall, at minimum, comprise a background study. This study should follow the SOU for Background Studies,</p>	<p>FHWA Guidance on Early Acquisitions and Compliance with NEPA</p>

Chapter 17. Early Right-of-Way Acquisitions

YES	NO	N/A	Description of Item Sufficiency	References/Guidance
			<p>developed by ENV's Archeological Studies Branch. If the study determines that field investigations are necessary to complete evaluation of the project's effects on important archeological sites, these investigations shall follow the appropriate SOU(s) for the additional work, which are also available from the Archeological Studies Branch.</p> <p>Early ROW acquisitions by themselves generally do not require field investigations, although such field investigations may be required later for the associated construction project.</p>	<p>and the Uniform Act</p>
24			<p>Before a CE document is written and submitted to ENV for approval, the District or toll authority must contact ENV's Cultural Resources Management (CRM) section for assistance to determine the appropriate area of potential effects (APE) and scope of activities that may be necessary to comply with appropriate historic preservation laws and regulations.</p> <p>All historic resources review and consultation requirements must be completed prior to the finalization of the CE document.</p>	<p>FHWA Guidance on Early Acquisitions and Compliance with NEPA and the Uniform Act 43 TAC §2.17</p>
25			<p>The document must include an assessment of contamination existing within the proposed area to determine whether such contamination may impact the project. If impacts are anticipated, special provisions may be required in order to develop the project.</p> <p>The supporting documentation should include an initial site assessment, including a visual inspection and a search of all appropriate land use records (such as federal Environmental Protection Agency and Texas Commission on Environmental Quality records) to determine whether hazardous materials contamination exists or is likely to exist on</p>	<p>FHWA Guidance on Early Acquisitions and Compliance with NEPA and the Uniform Act</p>

Chapter 17. Early Right-of-Way Acquisitions

YES	NO	N/A	Description of Item Sufficiency	References/Guidance
			<p>the property.</p> <p>In many cases, obtaining site access will be critical to verify the presence and location of suspected contamination, since such confirmation may require the collection and analysis of soil and/or groundwater samples.</p> <p>For additional information regarding ROW acquisition involving hazardous materials, refer to Section 1, ROW Vol. 6 – Miscellaneous of TxDOT’s online manuals.</p>	
26			<p>The document must demonstrate that the parcels(s) proposed for early acquisition do not include any resources that may be protected by Section 4(f) of the Department of Transportation Act of 1966.</p> <p>Approval of the CE for early parcel right of way acquisition cannot be granted for any parcels containing a resource protected by Section 4(f). Any parcels that appear to have Section 4(f) issues cannot be acquired under early acquisition; they may only be acquired after the full regular right of way process release has occurred, following completion of the full environmental review, which will have addressed such issues and any mitigation that may be required.</p>	<p>FHWA Guidance on Early Acquisitions and Compliance with NEPA and the Uniform Act 43 TAC §2.17</p> <p>Section 4(f) of the Department of Transportation Act of 1966</p>
27			<p>The document must reflect careful evaluation of community and environmental justice issues. The document should conform to the approved SOUs for Socioeconomic Resources.</p>	<p>FHWA Guidance on Early Acquisitions and Compliance with NEPA and the Uniform Act</p>
28			<p>If a project has substantial public opposition, early project right of way acquisition cannot be approved -- even if all other conditions are met.</p> <p>The document must therefore describe the level of support for the project from</p>	<p>FHWA Guidance on Early Acquisitions and Compliance with NEPA and the Uniform Act</p>

Chapter 17. Early Right-of-Way Acquisitions

YES	NO	N/A	Description of Item Sufficiency	References/Guidance
			local governments, planning authorities, and the public. Failure to understand and explain the support for/opposition to the project will render a project ineligible for further consideration as a candidate for early project right of way acquisition.	

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Chapter 18.

**Construction Projects that Incorporate
Right-of-Way Parcels Acquired Prior to
NEPA Approval of Overall Project
(All Project Types)**

Chapter 18. Construction Projects that Incorporate Right-of-Way Parcels Acquired Prior to NEPA Approval of Overall Project (All Project Types)

This Standard of Uniformity (SOU) applies to all projects involving early acquisition of right-of-way.

YES	NO	N/A	Description of Item Sufficiency	References/Guidance
Early Right-of-Way Acquisition				
1			<p>The environmental document for a project incorporating right-of-way acquired in advance of the environmental process must establish that ownership of the acquired parcel did not influence the selection of the preferred alternative.</p> <p>The document includes a description of at least one alternative in addition to the preferred and “no build” alternatives.</p>	FHWA Guidance on Early Acquisitions and Compliance with NEPA and the Uniform Act
2			<p>When an environmental document is prepared for a project using state funds to purchase early right of way, and the early acquisition has been approved under a Categorical Exclusion (CE) document prepared in accordance with the Standards of Uniformity for CEs for Early Right-of-Way Acquisition, the environmental document can restate and/or summarize the information provided in the CE(s).</p> <p>Information provided in the original CE(s) may not be incorporated by reference alone and must be restated in the current environmental document.</p>	FHWA Guidance on Early Acquisitions and Compliance with NEPA and the Uniform Act
3			<p>The document specifies the locations of all parcels acquired through early acquisition. This includes maps, a description of the property acquired, and photographs. Maps should clearly indicate the location of the property acquired by early acquisition in relation to all the alternatives considered.</p>	FHWA Guidance on Early Acquisitions and Compliance with NEPA and the Uniform Act
4			<p>The document states the acreage amounts acquired through early acquisition and the number of parcels acquired.</p>	FHWA Guidance on Early Acquisitions and Compliance with NEPA and the Uniform Act

Chapter 18. Construction Projects that Incorporate Right-of-Way Parcels Acquired Prior to NEPA Approval of Overall Project (All Project Types)

YES	NO	N/A	Description of Item Sufficiency	References/Guidance
5			The document includes specific dates when parcels were acquired and specifies whether early acquisition was carried out by TxDOT, the LPA, the Toll Authority, etc.	FHWA Guidance on Early Acquisitions and Compliance with NEPA and the Uniform Act
6			The document includes a description of the land use at the time the parcels were acquired and specifies whether land use was commercial, residential, agricultural, or special use. The document should also indicate whether the early acquisition influenced land use changes on adjacent properties.	FHWA Guidance on Early Acquisitions and Compliance with NEPA and the Uniform Act
7			The document demonstrates that early acquisition of the parcels did not limit the evaluation of alternatives. It should identify any environmental constraints that precluded the selection of an alternative other than the preferred alternative.	FHWA Guidance on Early Acquisitions and Compliance with NEPA and the Uniform Act
8			The document includes a description of the impacts to low income and minority communities as a result of any early acquisition activity. If any mitigation measures are anticipated or have been carried out, they should be disclosed. If the early acquisitions did not impact minority or low income communities, this should be specifically stated.	FHWA Guidance on Early Acquisitions and Compliance with NEPA and the Uniform Act
9			If early acquisitions involved business displacements, the document describes the type of each business displaced. If any commercial operations were not able to remain in business, any impacts to the community are disclosed, including the number of jobs lost. If the business(es) remained in operation, the document specifies where the	FHWA Guidance on Early Acquisitions and Compliance with NEPA and the Uniform Act

Chapter 18. Construction Projects that Incorporate Right-of-Way Parcels Acquired Prior to NEPA Approval of Overall Project (All Project Types)

YES	NO	N/A	Description of Item Sufficiency	References/Guidance
			<p>business(es) relocated and whether or not the business(es) was able to relocate within its previous service area.</p> <p>The document specifies whether or not any special populations, such as the elderly or disabled, were affected if the business was not able to remain in operation within its previous service area.</p>	
10			<p>If early acquisitions involved residential properties, the document includes a discussion of the relocation efforts made.</p> <p>The document describes the market availability of comparable housing for the displacees at the time of the relocation, and confirms that all displaced persons were relocated to DS&S housing within their financial means.</p> <p>If relocations are ongoing, the document discloses any issues encountered that may complicate the relocation process (i.e., no other Section 8 housing available in the neighborhood/community, displacements involving interdependent extended families that need to be relocated in close proximity to one another).</p>	<p>FHWA Guidance on Early Acquisitions and Compliance with NEPA and the Uniform Act</p>
11			<p>The document includes sufficient information to determine that the Uniform Act was followed in the acquisition of all parcels acquired through early acquisition. If any parcels were acquired by the LPA, certification to TxDOT that right of way was procured in accordance with the Uniform Act must be provided.</p>	<p>FHWA Guidance on Early Acquisitions and Compliance with NEPA and the Uniform Act</p>
12			<p>The document clearly states that all required records and complete documentation regarding the acquired parcels and relocations are available for inspection by FHWA.</p> <p>The document also indicates where the</p>	<p>FHWA Guidance on Early Acquisitions and Compliance with NEPA and the Uniform Act</p>

Chapter 18. Construction Projects that Incorporate Right-of-Way Parcels Acquired Prior to NEPA Approval of Overall Project (All Project Types)

YES	NO	N/A	Description of Item Sufficiency	References/Guidance
			records are housed.	
13			The document clearly states that no properties that were acquired during early acquisition contained resources protected by Section 4(f) of the Department of Transportation Act of 1966.	FHWA Guidance on Early Acquisitions and Compliance with NEPA and the Uniform Act
14			The document includes the current status of any resource/regulatory agency coordination required during the acquisition of the parcels, and the result(s) of such coordination.	FHWA Guidance on Early Acquisitions and Compliance with NEPA and the Uniform Act
15			The document clearly states whether or not categorical exclusion documents were prepared when the property was acquired. If TxDOT environmental documents exist, the CSJ number of these documents is included.	FHWA Guidance on Early Acquisitions and Compliance with NEPA and the Uniform Act

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**Standards of Uniformity for
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List of Revisions

Most recent revisions made: 3/1/2010

List of Revisions

Chapter/ Section	SOU	Date	Placement(s)	Revision(s) Made
List of Revisions		March 11, 2010	Entire Table	Changed order, revisions are now sorted by date, rather than chapter
13	Air Quality	March 11, 2010	Page 5, line 14	Made minor changes to language
13	Air Quality	March 11, 2010	Appendix D, pages 20-22	Under "Step 1," removed NAA/MA Template Language Under "Step 2," revised "AA Template Language," "NNA/MA Template Language," "EAC/Ozone Flex Area Language"
17	Early Right-of-Way Acquisitions	February 16, 2010	Entire chapter	Entire chapter was revised and re-published. Sections 1 and 2 were made separate chapters (17 and 18, respectively)
18	Construction Projects that Incorporate Right-of-Way Parcels Acquired Prior to NEPA Approval of Overall Project (All Project Types)	February 16, 2010	Entire chapter	See Chapter 17, above
9	Water Resources	November 16, 2009	Line 8	Added a new row above table.
9	Water Resources	November 16, 2009	Line 16	Changed wording.

List of Revisions

Chapter/ Section	SOU	Date	Placement(s)	Revision(s) Made
9	Water Resources	November 16, 2009	Line 19	Changed References/Guidance information
17	Early Right-of-Way Acquisitions	November 16, 2009	Title, header	Changed title from “Advanced Acquisition of Right-of-Way” to “Early Acquisition of Right-of-Way”
2	Documentation Format, No Added Capacity	November 5, 2009	Pages 5-6	Updated additional links to Indirect and Cumulative Guidance.
13	Air Quality	November 5, 2009	Entire chapter	Added Template Language and Appendices A-E, updated links
14	Indirect and Cumulative Impacts	November 5, 2009	Lines 1, 2	Updated additional links to <i>Guidance on Preparing Indirect and Cumulative Impact Analyses</i>
2	Documentation Format, No Added Capacity	October 28, 2009	Pages 5-6	Updated links to Indirect and Cumulative Guidance and Public Involvement SOU.
3	Documentation Format, Added Capacity	October 28, 2009	Page 6	Updated link to Indirect and Cumulative Guidance.
13	Air Quality	October 28, 2009	Line 16	Added links to SOU for Indirect and Cumulative Impacts
14	Indirect and Cumulative Impacts	October 28, 2009	Lines 1, 5, 13, 19	Updated links to <i>Guidance on Preparing Indirect and Cumulative Impact Analyses</i>

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Chapter/ Section	SOU	Date	Placement(s)	Revision(s) Made
12	Biological Resources	October 19, 2009	Pages 4-10	Renumbered "State Level" table to continue from "Federal Level" table. Removed row 11 ("Does the project require new ROW?...")