

**PROGRAMMATIC AGREEMENT  
BETWEEN THE FEDERAL HIGHWAY ADMINISTRATION, LOUISIANA DIVISION  
AND  
THE LOUISIANA DEPARTMENT OF TRANSPORTATION AND DEVELOPMENT**

**REGARDING THE PROCESSING OF ACTIONS CLASSIFIED AS CATEGORICAL EXCLUSIONS FOR  
FEDERAL-AID HIGHWAY PROJECTS**

**THIS PROGRAMMATIC AGREEMENT**, (“Agreement”) is made and entered into between the Louisiana Department of Transportation and Development (“DOTD”) and the Federal Highway Administration (“FHWA”) on this, the 23rd day of April, 2019, for the public purposes of streamlining the environmental process for Federal-aid projects.

**Whereas**, the National Environmental Policy Act of 1969 (“NEPA”), 42 U.S.C. §§ 4321-4370m-12 (2017), and the Regulations for Implementing the Procedural Provisions of NEPA (40 CFR parts 1500-1508) direct Federal agencies to consider the environmental impacts of their proposed major Federal actions through the preparation of an environmental assessment (“EA”) or environmental impact statement (“EIS”) unless a particular action is categorically excluded;

**Whereas**, the FHWA’s distribution and spending of Federal funds under the Federal-aid Highway Program and approval of actions pursuant to Title 23 of the U.S. Code are major Federal actions subject to NEPA;

**Whereas**, the Secretary of Transportation has delegated to FHWA the authority to carry out functions of the Secretary under NEPA as they relate to matters within FHWA’s primary responsibilities (49 CFR 1.81(a)(5));

**Whereas**, the FHWA’s NEPA implementing procedures (23 CFR part 771) list a number of categorical exclusions (“CE”) for certain actions that FHWA has determined do not individually or cumulatively have a significant effect on the human environment and therefore do not require the preparation of an EA or EIS;

**Whereas**, the DOTD is a State agency that undertakes transportation projects using Federal funding received under the Federal-aid Highway Program and must assist FHWA in fulfilling its obligations under NEPA for Federal-aid projects (23 CFR 771.109);

**Whereas**, Section 1318(d) of the Moving Ahead for Progress in the 21st Century Act (MAP-21), Pub. L. 112-141, 126 Stat. 405 (July 6, 2012), allows FHWA to enter into programmatic agreements with the States that establish efficient administrative procedures for carrying out environmental and other required project reviews, including agreements that allow a State to determine whether a project qualifies for a CE on behalf of FHWA;

**Whereas**, the FHWA developed regulations implementing the authorities in section 1318(d), effective November 6, 2014 (79 FR 60100, Oct. 6, 2014);

**WHEREAS**, Section 1315 of the Fixing America’s Surface Transportation Act (FAST Act), Pub. L. 114-94, 129 Stat. 1312 (Dec. 4, 2015) directed FHWA to allow programmatic agreements for actions described in 23 CFR 771.117(c)-(d) and for actions that meet the criteria for a CE as defined in 40 CFR 1508.4 that are identified in the programmatic agreement.

**Whereas**, it is the policy of the United States that programmatic approaches be used to reduce project delivery times. (23 USC 101(b)(4)(B)(iv));

**WHEREAS**, FHWA may enter into programmatic agreements with a State to allow a State DOT to make a NEPA CE certification or determination and approval on FHWA's behalf. (23 CFR 771.117(g));

**WHEREAS**, Programmatic Categorical Exclusions ("PCE") are actions which meet the criteria for Categorical Exclusions and are given prior approval by FHWA pursuant to a programmatic agreement;

**WHEREAS**, FHWA and DOTD have operated within some type of PCE letter agreement since September 1980; and

**NOW THEREFORE**, the FHWA and DOTD enter into this Agreement for the processing of CE for the mutual benefit of both agencies.

**I. PARTIES**

The parties to this Agreement are the FHWA and DOTD.

**II. PURPOSE**

The purpose of this Agreement is to authorize DOTD to determine on behalf of FHWA whether a project qualifies for a CE specifically listed in 23 CFR 771.117 (c) and (d) as long as there are no unusual circumstances present that would require the preparation of either an EA or EIS. This Agreement also authorizes DOTD to certify to FHWA that an action not specifically listed in 23 CFR 771.117, but meeting the CE criteria in 40 CFR 1508.4 and 23 CFR 771.117(a), qualifies for a CE as long as there are no unusual circumstances present that would require the preparation of either an environmental assessment (EA) or an environmental impact statement (EIS).

**III. AUTHORITIES**

- A. National Environmental Policy Act, 42 U.S.C. 4321 – 4370
- B. Moving Ahead for Progress in the 21<sup>st</sup> Century Act, P.L. 112-141, 126 Stat. 405, Sec. 1318(d)
- C. Fixing America's Surface Transportation Act, P.L. 114-94, 129 Stat.1312, Section 1315
- D. 40 CFR parts 1500 – 1508
- E. DOTD Order 5601.1C
- F. 23 CFR 771.117

**IV. RESPONSIBILITIES**

- A. The DOTD is responsible for ensuring that the following process is completed for each project that qualifies for a CE pursuant to this Agreement.
  - (i) It is unnecessary for DOTD to submit CE documentation individually to FHWA for approval for those actions listed in Appendix A (23 CFR 771.117(c) and 23 CFR 771.117(d)) that meet the below listed conditions.

**CONDITIONS**

The following conditions apply. If one or more of the following conditions are not satisfied, separate documentation which demonstrates that the specific conditions or criteria for the CE classification are satisfied, and that significant environmental impacts will not result, will be submitted to FHWA to support the classification.

1. The action does not have any significant environmental impacts as described in 23 CFR 771.117(a).
  2. The action does not involve unusual circumstances as described in 23 CFR 771.117(b).
    - a. significant environmental impacts;
    - b. substantial controversy on environmental grounds;
    - c. significant impact on properties protected under section 4(f) or section 106;
    - d. inconsistencies with any federal, state or local law, requirement or administrative determination relating to the environmental aspects of the action.
  3. The action does not involve the following:
    - a. The use of properties protected by Section 4(f) of the Department of Transportation Act (23 U.S.C. 138 or 49 USC 303) except for actions resulting in *de minimis* impacts.
    - b. A finding of adverse effect to historic properties under the National Historic Preservation Act.
    - c. Substantial taking of wetlands, (e.g., individual Section 404 permit is anticipated).
    - d. A finding of may affect, likely to adversely affect a federally listed endangered or threatened species or their critical habitat under the Endangered Species Act;
    - e. Work encroaching on a regulatory floodway other than functionally dependent uses (e.g., bridges, wetlands) or actions that facilitate open space use (e.g., recreational trails, bicycle and pedestrian paths) or any work adversely affecting the base floodplain elevation of a water course or lake.
    - f. Construction in, across or adjacent to a river component designated or proposed for inclusion in the National System of Wild and Scenic Rivers.
    - g. Acquisition of or disturbance of any known hazardous waste sites not previously remediated.
    - h. The acquisition of more than a minor amount of right-of-way or that would result in any residential or nonresidential displacements;
    - i. An action that needs a bridge permit from the U.S. Coast Guard due to a change in the horizontal or vertical clearances for marine navigation.
  4. The action is consistent with the State Coastal Zone Management Plan.
- (ii) The DOTD's Environmental Section will review project information such as draft scopes of work or preliminary plans, and if necessary perform site surveys, to determine whether any unusual circumstances are present and to determine if any of the conditions mentioned above apply to the project. Based on these reviews and surveys, the Environmental Section will determine if the CE classification is proper. If the project meets the requirements herein stated for a CE and no unusual circumstances or significant impacts exist, DOTD will make a CE determination on

behalf of FHWA evidenced by a signature by an authorized individual<sup>1</sup> and date, without having to be submitted to FHWA for environmental approval. DOTD's approval means that due consideration was given to the social, economic, and environmental effects of the proposed projects in this group, and that all FHWA requirements, regulations, and laws will be met as applicable.

- (iii) At a minimum, for projects requiring construction, DOTD's Environmental Section will document NEPA compliance through the use of the environmental determination checklist which has been approved by FHWA. (A copy of the checklist currently in use is attached hereto as Appendix C.)
- (iv) DOTD will notify FHWA of the finding by an emailed copy of the memorandum with a copy of the environmental checklist. The Federal Aid project number will appear on the memorandum.
- (v) Actions listed in Appendices A and B that do not meet the conditions listed in section IV.A.(i) above may not be approved by the DOTD. Instead, the DOTD may certify to FHWA that the action qualifies for a CE.
  - a. If DOTD concludes that the action qualifies for a CE and the action does not involve unusual circumstances that warrant the preparation of an EA or EIS, DOTD shall submit a certification to FHWA for approval. With the certification, DOTD shall provide FHWA a copy of the environmental documentation prepared for the action.
    - i. At a minimum, the documentation shall include the completed environmental checklist along with appropriate information supporting the certification.
    - ii. DOTD will allow FHWA up to 30 calendar days from submittal to respond.
  - b. If any project requires a Section 4(f) *de minimis* determination or programmatic evaluation, DOTD shall submit the 4(f) documentation for FHWA determination and approval.
- (vi) DOTD will retain, in accordance with its approved retention schedule, the documentation (the environmental determination checklist and attachments) demonstrating that projects processed in accordance with this Agreement meet the terms of the agreement.

B. The FHWA is responsible for:

- (i) Providing timely advice and technical assistance on CEs to DOTD, as requested.
- (ii) Providing timely input and review of certified actions. FHWA will base its approval of CE actions on the project documentation and certifications prepared by DOTD under this Agreement. FHWA shall respond to DOTD's CE certification within 30 calendar days of submittal, with one of three responses:
  - a. Object to certification – project-specific review required
  - b. Approve certification – no additional information or review required
  - c. Approve certification – additional information for the file or minor edits to submittal required
- (iii) Overseeing the implementation of this Agreement in accordance with the provisions in Section V, including applicable monitoring and performance provisions.

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<sup>1</sup> Authorized individuals are the Environmental Engineer Administrator, Assistant Environmental Engineer, and the Environmental Impact Managers within the Environmental Section of DOTD, Section 28.

**V. QUALITY CONTROL (QC)/QUALITY ASSURANCE (QA), MONITORING & PERFORMANCE**

**A. DOTD QC/QA, Monitoring & Performance**

- (i) DOTD agrees to carry out regular QC/QA activities to ensure that its approvals and submissions to FHWA are made in accordance with applicable law and this Agreement.
- (ii) At the end of each Federal fiscal year (September 30<sup>th</sup>), DOTD will submit a summary report to FHWA listing all projects processed as a PCE and CE during that year. The report will include the Project Number, Project Name, Route (if any), and approval date.
- (iii) DOTD agrees to cooperate with FHWA in all oversight and quality assurance activities.
- (iv) DOTD will prepare and implement a corrective action plan to address any negative findings or observations identified by DOTD or FHWA during a program review as part of its oversight.

**B. FHWA Oversight and Monitoring**

- (i) Monitoring by FHWA will include consideration of the technical competency and organizational capacity of DOTD, as well as DOTD's performance of its CE processing functions. Performance considerations include the quality and consistency of DOTD's approvals, adequacy and capability of DOTD staff and consultants.
- (ii) FHWA may conduct one or more program reviews as part of its oversight activities, during the term of this Agreement. The results of the review and corrective actions taken by the DOTD will be considered at the time this Agreement is considered for renewal.
- (iii) FHWA may undertake other monitoring or oversight actions, including audits, with respect to performance pursuant to this Agreement. To ensure that DOTD is adequately fulfilling the terms of this Agreement, FHWA may at its discretion access and review documentation at any time during regular business hours.
- (iv) FHWA agrees to cooperate with the DOTD and provide technical assistance as needed in the implementation of this Agreement.

**VI. GENERAL TERMS**

**A. Length of Agreement**

The term of this Agreement shall run for a period of five years from the date of signature of the last signing party unless renewed or terminated as provided in this Agreement.

**B. Renewal**

The agreement shall automatically renew unless one party notifies the other parties in writing of its intent to terminate the agreement in accordance with this Agreement. FHWA will take into account DOTD's performance when deciding whether to allow renewal to occur.

**C. Modification and Amendments**

This Agreement may be modified or amended by the mutual agreement of the signatory parties at any time. Amendments or Modifications must be in writing.

D. Termination

This Agreement may be terminated by either the party upon sixty (60) days written notice to the other party provided that the parties will consult during the period prior to the termination to seek agreement on amendments or other actions that would avoid termination.

E. Public Availability

This Agreement will be posted to DOTD's web site once executed.

IN WITNESS WHEREOF, the parties hereto have caused these presents to be executed by their respective officers thereunto duly authorized as of the day and year first above written

Signed 04-23-2019

Charles "Wes" Bolinger  
Division Administrator  
FHWA  
Date:

Signed 04-22-2019

Chris Knotts, P.E.  
Chief Engineer  
DOTD  
Date:

# Appendix A

Project listing (23 CFR 771.117 (c) and (d) projects)

## 23 CFR 771.117 (c)

The following actions meet the criteria for CEs in the CEQ regulations (40 CFR 1508.4) and §771.117(a) and normally do not require any further NEPA approvals by the FHWA:

- (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. 107(d) and/or 23 U.S.C. 317 when the land transfer is in support of an action that is not otherwise subject to FHWA review under NEPA.
- (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) The following actions for transportation facilities damaged by an incident resulting in an emergency declared by the Governor of the State and concurred in by the Secretary, or a disaster or emergency declared by the President pursuant to the Robert T. Stafford Act (42 U.S.C. 5121):
  - (i) Emergency repairs under 23 U.S.C. 125; and
  - (ii) The repair, reconstruction, restoration, retrofitting, or replacement of any road, highway, bridge, tunnel, or transit facility (such as a ferry dock or bus transfer station), including ancillary transportation facilities (such as pedestrian/bicycle paths and bike lanes), that is in operation or under construction when damaged and the action:
    - (A) Occurs within the existing right-of-way and in a manner that substantially conforms to the preexisting design, function, and location as the original (which may include upgrades to meet existing codes and standards as well as upgrades warranted to address conditions that have changed since the original construction); and
    - (B) Is commenced within a 2-year period beginning on the date of the declaration.
- (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.
- (21) Deployment of electronics, photonics, communications, or information processing used singly or in combination, or as components of a fully integrated system, to improve the efficiency or safety of a surface transportation system or to enhance security or passenger convenience. Examples include, but are not limited to, traffic control and detector devices, lane management systems, electronic payment equipment, automatic vehicle locaters, automated passenger counters, computer-aided dispatching systems, radio communications systems, dynamic message signs, and security equipment including surveillance and detection cameras on roadways and in transit facilities and on buses.
- (22) Projects, as defined in 23 U.S.C. 101, that would take place entirely within the existing operational right-of-way. Existing operational right-of-way means all real property interests acquired for the construction, operation, or mitigation of a project. This area includes the features associated with the physical footprint of the project including but not limited to the roadway, bridges, interchanges, culverts, drainage, clear zone, traffic control signage, landscaping, and any rest areas with direct access to a controlled access highway. This also includes fixed guideways, mitigation areas, areas maintained or used for safety and security of a transportation facility, parking facilities with direct access to an existing transportation facility, transportation power substations, transportation venting structures, and transportation maintenance facilities.
- (23) Federally funded projects:
- (i) That receive less than \$5,000,000 (as adjusted annually by the Secretary to reflect any increases in the Consumer Price Index prepared by the Department of Labor, see [www.fhwa.dot.gov](http://www.fhwa.dot.gov) or [www.fta.dot.gov](http://www.fta.dot.gov)) of Federal funds; or
  - (ii) With a total estimated cost of not more than \$30,000,000 (as adjusted annually by the Secretary to reflect any increases in the Consumer Price Index prepared by the Department of Labor, see [www.fhwa.dot.gov](http://www.fhwa.dot.gov) or [www.fta.dot.gov](http://www.fta.dot.gov)) and Federal funds comprising less than 15 percent of the total estimated project cost.
- (24) Localized geotechnical and other investigation to provide information for preliminary design and for environmental analyses and permitting purposes, such as drilling test bores for soil

sampling; archeological investigations for archeology resources assessment or similar survey; and wetland surveys.

(25) Environmental restoration and pollution abatement actions to minimize or mitigate the impacts of any existing transportation facility (including retrofitting and construction of stormwater treatment systems to meet Federal and State requirements under sections 401 and 402 of the Federal Water Pollution Control Act (33 U.S.C. 1341; 1342)) carried out to address water pollution or environmental degradation.

(26) Modernization of a highway by resurfacing, restoration, rehabilitation, reconstruction, adding shoulders, or adding auxiliary lanes (including parking, weaving, turning, and climbing lanes), if the action meets the constraints in paragraph (e) of this section.

(27) Highway safety or traffic operations improvement projects, including the installation of ramp metering control devices and lighting, if the project meets the constraints in paragraph (e) of this section.

(28) Bridge rehabilitation, reconstruction, or replacement or the construction of grade separation to replace existing at-grade railroad crossings, if the actions meet the constraints in paragraph (e) of this section.

(29) Purchase, construction, replacement, or rehabilitation of ferry vessels (including improvements to ferry vessel safety, navigation, and security systems) that would not require a change in the function of the ferry terminals and can be accommodated by existing facilities or by new facilities which themselves are within a CE.

(30) Rehabilitation or reconstruction of existing ferry facilities that occupy substantially the same geographic footprint, do not result in a change in their functional use, and do not result in a substantial increase in the existing facility's capacity. Example actions include work on pedestrian and vehicle transfer structures and associated utilities, buildings, and terminals.

## 23 CFR 771.117 (d)

Additional actions which meet the criteria for a CE in the CEQ regulations (40 CFR 1508.4) and paragraph (a) of this section may be designated as CEs only after Administration approval unless otherwise authorized under an executed agreement pursuant to paragraph (g) of this section. The applicant shall submit documentation which demonstrates that the specific conditions or criteria for these CEs are satisfied and that significant environmental effects will not result. Examples of such actions include but are not limited to:

(1)-(3) [Reserved]

(4) Transportation corridor fringe parking facilities.

(5) Construction of new truck weigh stations or rest areas.

(6) Approvals for disposal of excess right-of-way or for joint or limited use of right-of-way, where the proposed use does not have significant adverse impacts.

(7) Approvals for changes in access control.

(8) Construction of new bus storage and maintenance facilities in areas used predominantly for industrial or transportation purposes where such construction is not inconsistent with existing zoning and located on or near a street with adequate capacity to handle anticipated bus and support vehicle traffic.

(9) Rehabilitation or reconstruction of existing rail and bus buildings and ancillary facilities where only minor amounts of additional land are required and there is not a substantial increase in the number of users.

(10) Construction of bus transfer facilities (an open area consisting of passenger shelters, boarding areas, kiosks and related street improvements) when located in a commercial area or other high activity center in which there is adequate street capacity for projected bus traffic.

(11) Construction of rail storage and maintenance facilities in areas used predominantly for industrial or transportation purposes where such construction is not inconsistent with existing zoning and where there is no significant noise impact on the surrounding community.

(12) Acquisition of land for hardship or protective purposes. Hardship and protective buying will be permitted only for a particular parcel or a limited number of parcels. These types of land acquisition qualify for a CE only where the acquisition will not limit the evaluation of alternatives, including shifts in alignment for planned construction projects, which may be required in the NEPA process. No project development on such land may proceed until the NEPA process has been completed.

(i) Hardship acquisition is early acquisition of property by the applicant at the property owner's request to alleviate particular hardship to the owner, in contrast to others, because of an inability to sell his property. This is justified when the property owner can document on the basis of health, safety or financial reasons that remaining in the property poses an undue hardship compared to others.

(ii) Protective acquisition is done to prevent imminent development of a parcel which may be needed for a proposed transportation corridor or site. Documentation must clearly demonstrate that development of the land would preclude future transportation use and that such development is imminent. Advance acquisition is not permitted for the sole purpose of reducing the cost of property for a proposed project.

(13) Actions described in paragraphs (c)(26)<sup>2</sup>, (c)(27)<sup>3</sup>, and (c)(28)<sup>4</sup> of this section that do not meet the constraints in paragraph (e) of this section.

23 CFR 771.117(e) reads:

*Actions described in (c)(26), (c)(27), and (c)(28) of this section may not be processed as CEs under paragraph (c) if they involve:*

*(1) An acquisition of more than a minor amount of right-of-way or that would result in any residential or non-residential displacements;*

*(2) An action that needs a bridge permit from the U.S. Coast Guard, or an action that does not meet the terms and conditions of a U.S. Army Corps of Engineers nationwide or general permit under section 404 of the Clean Water Act and/or section 10 of the Rivers and Harbors Act of 1899;*

*(3) A finding of “adverse effect” to historic properties under the National Historic Preservation Act, the use of a resource protected under 23 U.S.C. 138 or 49 U.S.C. 303 (section 4(f)) except for actions resulting in de minimis impacts, or a finding of “may affect, likely to adversely affect” threatened or endangered species or critical habitat under the Endangered Species Act;*

*(4) Construction of temporary access or the closure of existing road, bridge, or ramps that would result in major traffic disruptions;*

*(5) Changes in access control;*

*(6) A floodplain encroachment other than functionally dependent uses (e.g., bridges, wetlands) or actions that facilitate open space use (e.g., recreational trails, bicycle and pedestrian paths); or construction activities in, across or adjacent to a river component designated or proposed for inclusion in the National System of Wild and Scenic Rivers.*

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<sup>2</sup> (c)(26) Modernization of a highway by resurfacing, restoration, rehabilitation, reconstruction, adding shoulders, or adding auxiliary lanes (including parking, weaving, turning, and climbing lanes)

<sup>3</sup> (c)(27) Highway safety or traffic operations improvement projects, including the installation of ramp metering control devices and lighting

<sup>4</sup> (c)(28) Bridge rehabilitation, reconstruction, or replacement or the construction of grade separation to replace existing at-grade railroad crossings

# Appendix B

## Project listing (Information)

*Below is additional information related to some of the Appendix A listed actions. This information is based on past experience with similar actions that do not involve significant environmental impacts and do not involve unusual circumstances. The below listing is not all-inclusive but merely a list of specific actions and their potential fit. The notation of (c) refers to the 23 CFR 771.117(c) list of actions and notation of (d) refers to the 23 CFR 771.117(d) list of actions.*

- (c)(2): Installation of renewable energy systems including but not limited to solar arrays and wind turbines.
- (c)(7): Vegetative management such as the removal of unwanted or invasive species, tree trimming, installation of watering system, etc.
- (c)(8): Installation of kiosks and historic markers; Removal and replacement of obsolete, worn, outdated, or deteriorated signs.
- (c)(22): Eligible preventive maintenance activities, including but not limited to, safety and surface treatments, cleaning and painting, and repairing and restoring existing transportation and related facilities, or their components; Clearing and grubbing and ditch cleaning.
- (c)(25): Conversion of vehicle fleet to alternative fuel source for the purposes of improving air quality.
- (c)(26) or (d)(13): Projects designed to improve traffic flow through traffic and access management practices including but not limited to installation of medians, turn lanes, bulb outs, J turns, U-turns, RCUT, roundabouts, intersection improvements, median barriers, pedestrian safety islands, and turn restrictions.
- (c)(28) or (d)(13): Scour repairs.
- (c)(29): Dry docking ferries for repairs.

Projects which fall within the set-aside of the Surface Transportation Block Grant (STBG) program funding for transportation alternatives (formerly covered under past programs such as the Transportation Enhancement program, Transportation Alternatives Program, and Safe Routes to Schools program) and the Recreational Trail Program will typically fit one or more of the categories listed in Appendix A and are processed in accordance with this Agreement if conditions are met. These projects and activities include a variety of smaller-scale transportation projects such as pedestrian and bicycle facilities, recreational trails, safe routes to school projects, community improvements such as historic preservation and vegetation management, and environmental mitigation related to storm water and habitat connectivity.

# Appendix C

Environmental Determination Checklist  
(Subject to change in consultation with FHWA)

## ENVIRONMENTAL CHECKLIST

**WBS No.**

**Name:**

**Route:**

**Parish:**

### 1. General Information

- |  |   |   |
|--|---|---|
| <input type="checkbox"/> Conceptual Layout | <input type="checkbox"/> Line and Grade | <input type="checkbox"/> Preliminary Plans    |
| <input type="checkbox"/> Survey            | <input type="checkbox"/> Plan-in-Hand   | <input type="checkbox"/> Advance Check Prints |

### 2. Class of Action

- |  |   |
|--|---|
| <input type="checkbox"/> Environmental Impact Statement (E.I.S.) | <input type="checkbox"/> Programmatic C.E. (P.C.E.) |
| <input type="checkbox"/> Environmental Assessment (E.A.)         | <input type="checkbox"/> 23 CFR 771.177(c) _____    |
| <input type="checkbox"/> Categorical Exclusion (C.E.)            | <input type="checkbox"/> 23 CFR 771.177(d) _____    |
| <input type="checkbox"/> State Funded Only (EE/EF/ER)            |   |

### 3. Project Description

### 4. Public Involvement

- Views were solicited.
- Views were not solicited.
- Public Involvement events held. (List events and dates in Section 11.)
- A public hearing/opportunity for requesting a public hearing required. (List dates in Section 11.)
- A public hearing/opportunity for requesting a public hearing not required.

### 5. Real Estate

- |  | NO                       | YES                      | N/A                      |
|--|--------------------------|--------------------------|--------------------------|
| a. Will additional <b>right-of-way</b> be required? .....                          | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| Is right of way required from a <b>burial/cemetery</b> site? .....                 | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| Is right-of-way required from a Wetland Reserve Program ( <b>WRP</b> ) property?   | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| Is required right-of-way prime <b>farmland</b> ? (Use form AD 1006, if needed) ... | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| b. Will any <b>relocation</b> of residences or businesses occur? .....             | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| c. Are construction or drainage <b>servitudes</b> required? .....                  | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |

### 6. Section 4(f) and Section 6(f)

- |  | NO                       | YES                      | N/A                      |
|--|--------------------------|--------------------------|--------------------------|
| a. Will historic sites or publicly owned parks, recreation areas, wildlife or waterfowl refuges ( <b>Section 4f</b> ) be affected? ..... | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| b. Are properties acquired or improved with <b>L&amp;WC</b> funds affected? .....  | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |

**7. Cultural Section 106**

	NO	YES	N/A
a. Are any <b>known historic properties</b> adjacent or impacted by the project? (If so, list below).....	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
b. Are any <b>known archaeological sites</b> adjacent or impacted by the project? (If so, list site # below) .....	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
c. Would the project affect property owned by or held in trust for a federally recognized <b>tribal government</b> ? .....	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

**8. Natural & Physical Environment**

	NO	YES	N/A
a. Are <b>wetlands</b> affected? .....	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
b. Are <b>other waters</b> of the U.S. affected? .....	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
c. Are <b>Endangered/Threatened Species/Habitat</b> affected? .....	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
d. Is project within 100 Year <b>Floodplain</b> ? .....	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
e. Is project in <b>Coastal Zone</b> Management Area? .....	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
f. Is project in a <b>Coastal Barrier Resources</b> area? .....	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
g. Is project on a <b>Sole Source Aquifer</b> ? .....	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
h. Is project impacting a <b>navigable waterway</b> ? .....	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
i. Are any State or Federal <b>Scenic Rivers/Streams</b> impacted? .....	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
j. Is a <b>noise</b> analysis warranted (Type I project) .....	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
k. Is an <b>air</b> quality study warranted? .....	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
l. Is project in a <b>non-attainment</b> area? .....	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
m. Is project in an approved Transportation Plan, Transportation Improvement Program (TIP) and State Transportation Improvement Program ( <b>STIP</b> )? .....	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
n. Are <b>construction</b> air, noise, & water impacts major? .....	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
o. Will the project affect or be affected by a <b>hazardous waste site</b> , leaking underground storage tank, oil/gas well, or other potentially contaminated site? .....	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

**9. Social Impacts**

	NO	YES	N/A
a. Will project change <b>land use</b> in the area? .....	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
b. Are any <b>churches and schools</b> impacted by or adjacent to the project? ..... (If so, list below)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
c. Has <b>Title VI</b> been considered? .....	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
d. Will any <b>specific groups</b> be adversely affected? (i.e., <i>minorities, low-income, elderly, disabled, etc.</i> ) .....	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
e. Are any <b>hospitals, medical facilities, fire police</b> facilities impacted by or adjacent to the project? (If so, list below).....	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
f. Will <b>Transportation patterns</b> change? .....	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
g. Is <b>Community cohesion</b> affected by the project? .....	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
h. Are <b>short-term social/economic</b> impacts due to construction considered major? .....	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
i. Do conditions warrant <b>special construction times</b> ? (i.e., <i>school in session, congestion, tourist season, harvest</i> ) .....	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
j. Were <b>Context Sensitive Solutions</b> considered? (If so explain below).....	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
k. Were <b>bike and pedestrian</b> accommodations considered? (explain below).....	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>



		NO	YES	N/A
I.	Will the <b>roadway/bridge be closed?</b> (If yes, answer questions below).....	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
	Will a <b>detour bridge</b> be provided? .....	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
	Will a <b>detour road</b> be provided? .....	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
	Will a <b>detour route</b> be signed? .....	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

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**10. Permits (Check all permits that may be required)**

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- |  |  |   |
|--|--|---|
| <input type="checkbox"/> Corps Nationwide      | <input type="checkbox"/> CUP/Consistency Determination | <input type="checkbox"/> LA Scenic Stream |
| <input type="checkbox"/> Corps Section 404/10  | <input type="checkbox"/> USCG Bridge                   | <input type="checkbox"/> DEQ WQC          |
| <input type="checkbox"/> Levee                 | <input type="checkbox"/> USCG Navigational Lights      | <input type="checkbox"/> LPDES Stormwater |
| <input type="checkbox"/> Other (explain below) |  |   |

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**11. Other (Use this space to explain or expand answers to questions above.)**

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Preparer:  
 Title:  
 Date:

**Attachments**

- S.O.V. and Responses
- Wetlands Finding
- Project Description Sheet
- Conceptual Stage Relocation Plan
- Noise Analysis
- Air Analysis
- Exhibits and/or Maps
- 4(f) Evaluation
- Form AD 1006 (Farmlands)
- 106 Documentation
- Other\_\_\_\_\_