



Project Delivery Academy

ENVIRONMENTAL CLEARANCE

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Environmental Clearance

- Environmental clearance means the project impacts have been reviewed under all applicable environmental requirements, and the project is cleared for construction
- Federal Environmental **Approval**
 - Required for Federal Highway Administration (FHWA) funding for Design, Right-of-Way and Construction
- ADOT Environmental **Clearance**
 - The project is ready to advertise for construction (Final Step)



Federal Requirements

- National Environmental Policy Act (NEPA)
 - Overarching Federal environmental law
- “NEPA Umbrella” includes all other applicable environmental laws
- The level of environmental review required depends on the scope of the project and the context (location/setting)
- The applicability of the “other” environmental requirements will drive the critical path of the environmental clearance schedule



Types of NEPA Approval (1 of 4)

- Class of Action
 - Environmental Impact Statement (EIS)
 - Impacts are significant (New Freeway)
 - Environmental Assessment (EA)
 - Significance of impacts not clearly known (Expansion projects)
 - Categorical Exclusion (CE) – *Focus of this training*
 - Impacts not significant (majority of ADOT and LPA projects)
 - Match the project description to the description of the CE listed in the regulations
 - CEs exclude formal requirements of an EIS or an EA (“NEPA Process”)

Types of NEPA Approval (2 of 4)

- Environmental Impact Statement (EIS)
 - Many formal requirements such as alternatives and their impacts need to be studied
 - Can take several years and significant funds to complete an EIS



South Mountain Freeway

Types of NEPA Approval (3 of 4)

- Environmental Assessment (EA)
 - Typically involves alternatives developed and screened – Build and No Build
 - Can take several years and significant funds to complete an EIS



US 93 Two Lanes to Four Lanes

Types of NEPA Approval (4 of 4)

- Categorical Exclusion (CE)

Pathways



Preservation



Capacity



Bridges



Safety

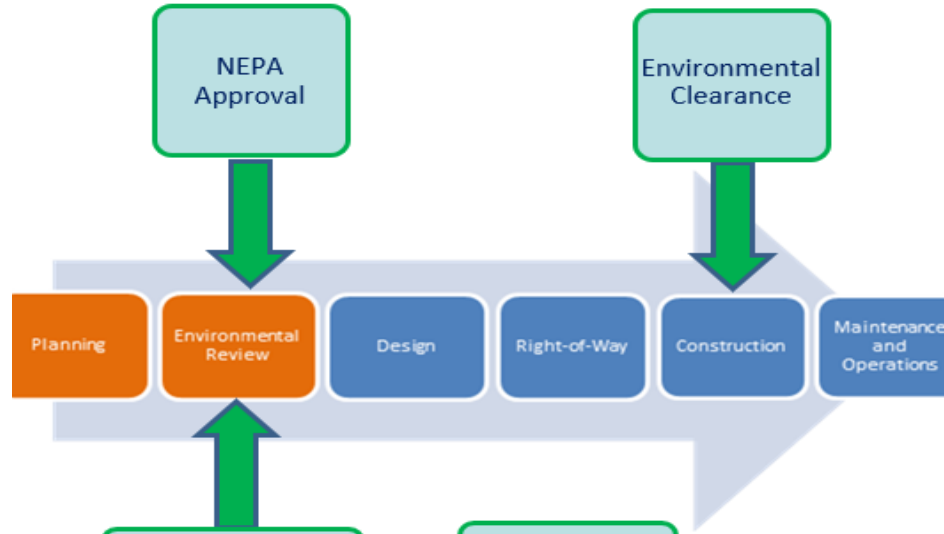


Assignment of FHWA Environmental Review Responsibility

- FHWA environmental review responsibilities have been assigned to ADOT by agreement (MOUs)
 - Legal responsibility
 - ADOT is “lead federal agency” and “decision-maker” in the federal environmental review process
 - ADOT cannot delegate any environmental responsibility (LPAs)
- CE Assignment and NEPA Assignment
 - “CE Assignment” – 23 U.S.C. 326
 - “NEPA Assignment” – 23 U.S.C. 327

The Project Development Process (1 of 2)

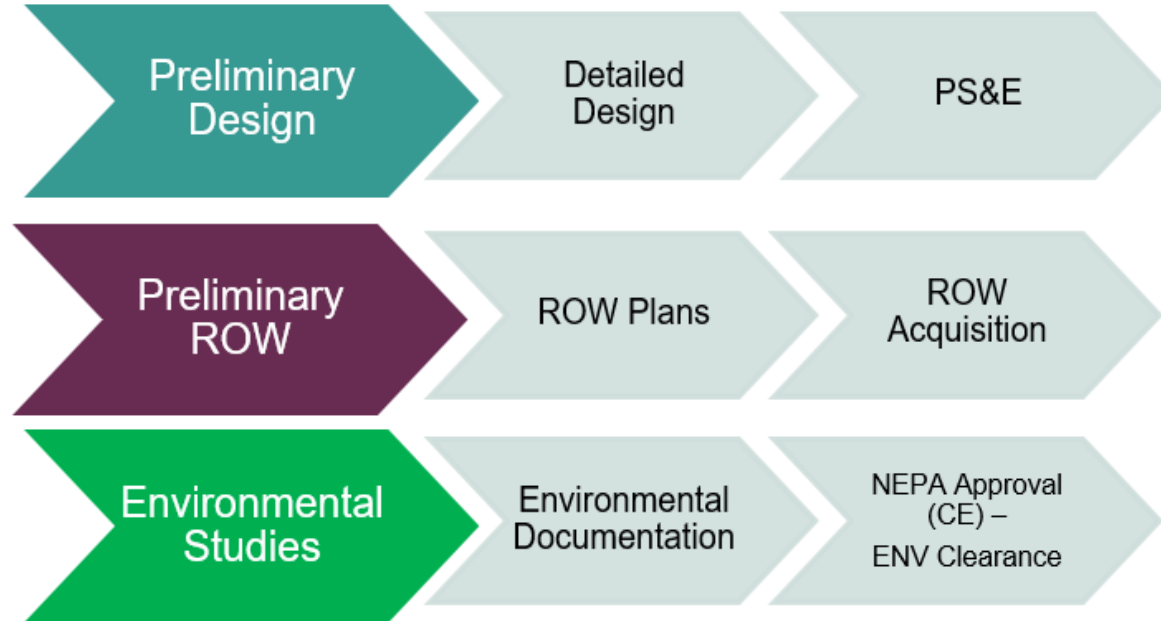
Traditional Delivery
(Design/Bid/Build)



Major Projects

Alternative Delivery
(Design-Build/CMAR)

The Project Development Process (2 of 2)



The reality for “**non-major**” (CE) projects is that the PDP typically looks more like this with a **parallel** tracks of development

Preparation of an Environmental Clearance



Period of Performance End Date Form



Project Cost Summary Template



Project Environmental Data Sheet (PEDS)



- [Project Environmental Data Sheet \(PEDS\) - Completed Sample Form](#)
- [Project Environmental Data Sheet \(PEDS\) - Blank Fillable Form](#)

Record Drawing Guidance



❖ Project Environmental Data Sheet (PEDS) on LPA CAA website

- ADOT Environmental Planning technical input on scope of consultant work
- “Just right” contract scope
- It is in the CAA’s best interest to have ADOT staff prepare a PEDS *before* contracting with a consultant

Environmental Requirements

- “Other” Federal Requirements
- For most projects, one of the other environmental laws under the “NEPA umbrella” is most likely to be the critical path in the preparation of CEs:
 - Section 4(f) – Parks, Historic Properties, Wildlife Refuges
 - National Historic Preservation Act – Section 106
 - Clean Water Act – Army Corps Individual Permit
 - Endangered Species Act – Section 7 Consultation
 - Clean Air Act – Conformity Determination
 - Noise Requirements
 - Public Involvement
 - Visual, Farmlands, Section 6(f)

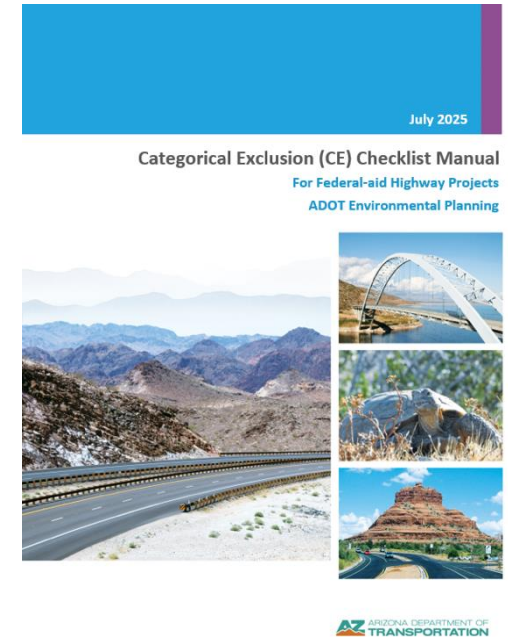
CE Projects

- ❑ CEs require the consideration “unusual circumstances”
- ❑ For nearly all projects, consideration for one of the “other” environmental laws under the “NEPA umbrella” is most likely to be the critical path in the preparation of a CE.
- ❑ Match the general project description to the to the type of project and descriptions listed in the regulations to determine the applicable CE



CE Checklist (1 of 4)

- NEPA Documentation
 - The CE Checklist is a template format for documenting the federal environmental requirements
 - The “CE” approval is for NEPA but the “other” environmental requirements are acknowledged on the form as completed
- ADOT CE Checklist Manual
 - Guides environmental planners/managers through the CE Checklist preparation step-by-step



CE Checklist (2 of 4)

- Basic project information, funding and timing
- PM provides the project location/limits and description/scope of work (engineering scoping phase)
- CE type is selected from two drop-down menus (c and d list)
- ADOT Environmental Planner completes the CE Checklist based on all scope of work and technical reviews

Project Information:	
Project Name: ADOT Project Number: Federal-Aid Number: Estimated Project Construction Cost: Planning Requirements: ☐ STIP/Line Item ☐ ADOT Sub-program CE Start Date: Click here to enter a date.	Construction Project Administration ADOT ☐ CA Agency ☐ Categorical Exclusion Approval for FMIS 2A - (c) Listed ☐ 2B - (d) Listed ☐ 2C - (d) Unlisted ☐
Re-evaluation:	
☐ This project has been re-evaluated pursuant to 23 CFR 771.129 due to a change in the project scope, location, or termini or because of the need to evaluate new impacts not previously considered, or because significant time has passed since the date of the CE Approval. The information on this form reflects all updates to the project information.	
Location and Limits:	
PM	
Purpose and Description (scope of work):	
PM	
Type of CE - Choose one from (c) or (d) or Appendix A drop-down lists:	
(c) - list:	(d) - list:
ADOT ENV Planning	
Note: If the project qualifies for a (c)(1) or a (c)(9) immediate emergency repair CE then no technical review is required and the CE is complete. Proceed to NEPA Certification and Determination and Categorical Exclusion Approval.	

CE Checklist (3 of 4)

- A series of drop-down menu selections are used to document consideration of all technical areas as appropriate
- The responsible technical areas of ADOT Environmental Planning verify the appropriate technical variations have been considered

Environmental Review Section	
Each category below will be reviewed and a determination from a drop-down menu will be selected for each. The checkbox will indicate review has been completed and the appropriate documentation placed in the Project File as applicable.	
Air Quality – Clean Air Act	
☒	326 conformity documentation is located in the project file
Noise – 23 CFR 772	
☒	This project requires a noise analysis. The report is complete and located in the project file
Biological Resources – Endangered Species Act	
☒	Project Determination: May Affect, not Likely to Adversely Effect under Section 7 of the Endangered Species Act with USFWS Concurrence
Cultural Resources – Section 106	
☒	Section 106 Determination: Screened Undertaking - Attachment 3

CE Checklist (4 of 4)

- MOU approval authority (326/327)
- Environmental commitments and EPIC Sheet included (ADOT projects only)
- Environmental Planner signature and approval

Certification and Determination by ADOT	
☐	The State has determined that this project has no significant impact(s) on the environment and that there are no unusual circumstances as described in 23 CFR 771.117(b). As such, the project is categorically excluded from the requirements to prepare an environmental assessment or environmental impact statement under NEPA. The action complies with NEPA requirements relating to connected actions and segmentation [23 CFR 771.111(f)]. The State has been assigned, and hereby certifies that it has carried out, the responsibility to make this determination pursuant to 23 U.S.C. 326 and a Memorandum of Understanding dated December 20, 2023, executed between FHWA and the State.
☐	The State has determined that this project has no significant impact(s) on the environment and that there are no unusual circumstances as described in 23 CFR 771.117(b). As such, the project is categorically excluded from the requirements to prepare an environmental assessment or environmental impact statement under NEPA. The action complies with NEPA requirements relating to connected actions and segmentation [23 CFR 771.111(f)]. The environmental review, consultation, and other actions required by applicable Federal environmental laws for this project are being, or have been, carried out by ADOT pursuant to 23 U.S.C. 327 and a Memorandum of Understanding dated June 25, 2024 and executed by FHWA and ADOT.

Environmental Commitments	
☐	Environmental commitments are included with this project and will be incorporated into the project plans, specifications and estimates as required.
☐	Environmental Permits Issues and Commitments (EPIC) sheet to be included.

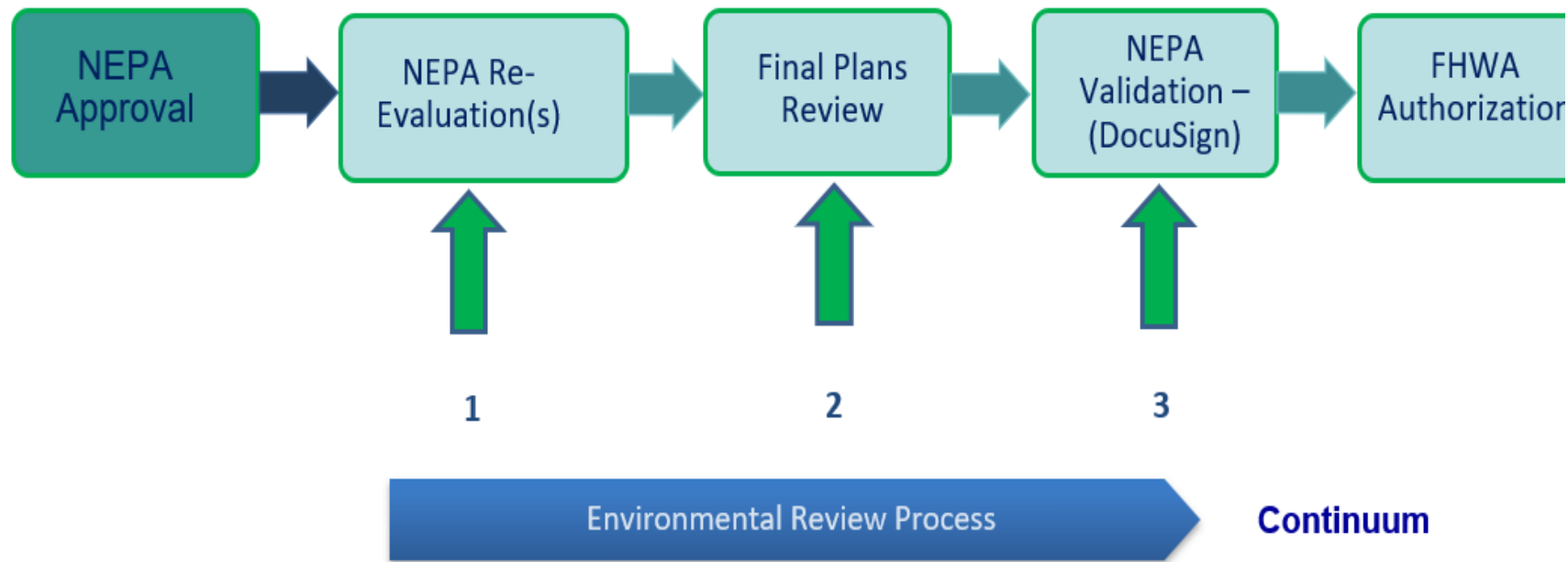
Categorical Exclusion Approval			
Prepared By: Click here to enter text. Environmental Planner		Date:	
Approved By: Administrator, Environmental Planning		Date:	

Environmental Clearance (continued)



- **Environmental Commitments**
 - Developed with the project
 - Avoid, minimize, compensate
- Part of the NEPA approval by incorporation
- Contractor commitments included in the contract and plans (EPIC sheet)
- The ADOT Resident Engineer is responsible for implementation and recording (As-builts)

Final Steps (1 Of 4)



Final Steps (2 Of 4)

NEPA Re- Evaluation(s)

1

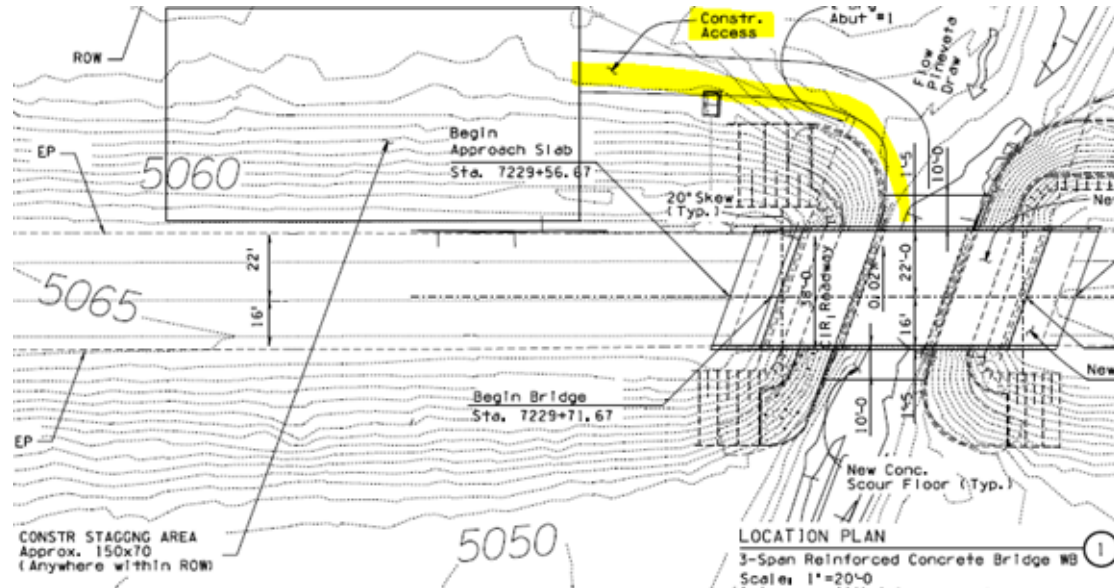
- ☐ NEPA re-evaluation may come any time after NEPA Approval for a change in scope, ROW already cleared and/or project limits
 - ☐ PM must notify ADOT Environmental Planner of scope changes
- ☐ **Formal** - (More complex scope change, substantial time elapsed)
 - ☐ Updated CE or Environmental Document (EA)
 - ☐ CE Re-Evaluation (update of CE Checklist)
 - ☐ EA Re-Evaluation (template)
- ☐ **Informal** - (no substantial changes)
 - ☐ For review of changes after NEPA
 - ☐ Note to File

Final Steps (3 Of 4)

Final Plans Review

2

- ❑ ENV Planner checks the final plans prior to ADOT validating NEPA
- ❑ Confirm not change in project scope, ROW and/or project limits
- ❑ Confirm environmental commitments are complete and included



Final Steps (4 Of 4)

NEPA
Validation –
(DocuSign)

3

- ADOT Project Manager submits funding authorization request to FHWA
 - Required for Design/ROW/Construction funding approval
 - NEPA approval is up to date
 - Environmental commitments are included in the project

Conclusion (1 of 3)

- Environmental “footprint” cleared but also the scope of work as described; “paving” “bridge” “traffic signals” “lighting” etc.
- “Project footprint” is the impact areas including new right-of-way (permanent or temporary)
- The “clearance” covers the sum total of all work described above in compliance with each individual law/regulation as applicable
- Technical reviews drive the schedule - For example, if a capacity project requires a CAA conformity determination but the MPO “planning requirements” are not up to date the CE approval could be delayed for many months

Conclusion (2 Of 3)

- Communicate changes - project team
- Goal - 100% footprint at 60% Design
- Identify ROW and TCEs early as possible
- Identify Geotech early and clear if needed
- Get funding in place ASAP for changes
- The CE is a summary of the totality of surveys, studies, consultations, analysis and “other law” compliance as applicable so the time to complete is based on many factors

Conclusion (3 of 3)

- Some projects such as procurement or technical equipment can be cleared with a (c)(1) CE with limited technical review
- “Individually documented and approved” CEs for projects such as adding a travel lane to a roadway can take 9 to 12 months
- Keep in mind all the previous planning and technical reviews involved
 - For example, if a project requires a air quality conformity determination but the “planning & programming requirements” are not up to date the CE approval could be delayed for months

Questions?