

Contract Scope of Services for Categorical Exclusion (CE)

Depending on the project scope, the anticipated environmental document will vary:

For safety improvements such as adding shoulders, turn lanes, intersection enhancements, minor curve corrections, or for bridge replacements on or near the existing alignment, the project will typically require either a Programmatic or Individual Categorical Exclusion (CE), as outlined below.

If the project involves adding through lanes or constructing a new alignment, a Documented CE will be required.

For projects located within a corridor with a previously approved Environmental Assessment (EA) and Finding of No Significant Impact (FONSI), and if the project qualifies as either an Individual or Documented CE, a separate EA Reevaluation Report must be submitted to ODOT and FHWA for signature along with the CE.

The project scope and associated work will be based on the approved hourly rate or a lump-sum agreement with a not-to-exceed amount.

1. The Consultant shall designate a Project Manager and provide their contact information to the Environmental Programs Division. Any change in the designated Project Manager must receive written approval from the Environmental Programs Division before the change takes effect.
2. The Consultant shall follow the attached schedule, which specifies milestone dates for each major task or study, including property owner notification, initiation of Cultural Resources and Tribal Consultation, completion of each Specialist Study, coordination with NRCS, preparation of the Draft CE document, preparation of the Final CE document, and preparation of the CE distribution memo.
3. The Consultant Project Manager shall provide monthly status reports to the ODOT Environmental Project Manager (EPM) on the 15th of each month. The reports shall include updates on the progress and status of all studies.
4. The Department will review the project footprint submitted by ODOT or Consultant designers, which will serve as the basis for initiating the NEPA process.
5. The Consultant shall attend plan-in-hand meetings, right-of-way (R/W) meetings, and any other meetings required for the project .
6. If the project involves a Section 4(f) or Section 6(f) property, the preparation of the Section 4(f) document and coordination for Section 6(f) shall be performed under a separate Task Order, unless otherwise specified in this Task Order or contract scope.

7. The ODOT EPM shall be included in ALL communication including study review requests sent to the specialists. The following steps shall be followed in the preparation of the NEPA document.

STEP 1

The Consultant Project Manager shall:

- Have the Designer provide a project footprint on an aerial image to meet the following requirements:
 - 1-Meter GSD Aerial/Satellite Ortho Imagery of the project footprint.
 - Aerial shall be to a 400' = 1" scale with Section Line, State Highway and County Section Line Road Numbers, Township and Range, North Arrow, Scale, Bridge NBI numbers and Dimensions of the project footprint. County, Project Number, and State Highway number shall be shown in a box at the bottom right-hand corner with an ODOT Logo.
 - Provide a KMZ file of the project footprint, or GIS shape files used, generated in USA Contiguous Albers Equal Area Conic (NAD83) or NAD83 UTM Zone.
 - Adobe PDF Version which can be printed on 11 "x17" paper. The file shall be sized for 11 "x17" prints with a 400:1 scale.
 - This project footprint shall be reviewed by the ODOT EPM prior to start of any specialist studies.
- Create project location map for the project identified to meet the following requirements:
 - A project location map created using ODOT County / City Maps from the ODOT ArcGIS Hub: [ODOT Spotlight \(arcgis.com\)](http://arcgis.com).
 - The location map shall have a North Arrow and have the Project Location Circled. County, Project Number, and State Highway number shall be shown in a box at the bottom right-hand corner with an ODOT Logo. The location maps need not include the entire County but should include a sufficient amount of the surrounding area to allow the location to be easily identified within the County.
 - This location map shall be reviewed and approved by the ODOT EPM prior to being sent out with Property Owner Notification.
- Identify the Purpose and Need for the Project from the Initiation Report.
- Identify how the Project fits in with the State's Long-Range Plan (if applicable).
- Establish the Logical Termini for environmental studies in coordination with the ODOT EPM.
- Identify alternatives considered (if applicable).
- Identify any Section 4(f) or 6(f) eligible properties. The Consultant shall contact the Department of Tourism to identify the Section 6(f) properties. If Section 4(f) and/or Section 6(f) coordination and documentation are deemed necessary, a separate Task Order will be issued for such coordination and documentation.
- Contact the ODOT Noise Specialist to make a determination if a noise study is required for the project. If such study is required, a separate task order may be issued or completed by the Department.

STEP 2

The Consultant shall request the Initial Tribal Coordination by submitting the required information using the online form. The form can be found here: <https://app.smartsheet.com/b/form/3faa6693f57c4bf6ab40dabd20cac6f3>. The form requires a location map and KMZ to be uploaded. Any additional attachments are helpful but not required. You do not need a Smartsheet account to submit the form. Tribal Coordination will be in accordance with the latest guidelines provided by the Department. No Specialist Studies shall commence until the initial Tribal Coordination has been requested and completed by ODOT's Tribal Liaison, the 30-day response period for the Tribes is complete.

STEP 3

Public Involvement for Road Closure (*if applicable*)

Public notification will be required on all projects if the road will be closed to through traffic during construction. This should be done prior to start of studies. See the Road Closure Procedures for details.

STEP 4

Property owner contact prior to Specialist Field Studies shall be done during the time the Consultant is waiting on the completion of Tribal Coordination.

No Specialist Studies shall start until the property owner notification is complete.

- The Consultant Project Manager shall be responsible for obtaining property owner addresses and send notification letters to property owners at least 10 days prior to Specialist Studies.
- Word files for form letters are available from the ODOT EPM. The original form letter for property owner notification will be signed electronically by the Environmental Programs Division Manager on a template with ODOT letterhead. Letters should be sent via regular mail. Letters should be mailed from within the State of Oklahoma.
- The Consultant is responsible for distributing PDF electronic copies to ODOT Divisions and other parties on the copy list and shall provide a list of Property owners to the ODOT EPM. (Hard copies of letters do not need to be sent to the copy list.)
- The Consultant Project Manager shall provide their Specialists with a copy of the notification letter and a list of the notified property owners to take to the Field.
- If property owner resistance is encountered, the Consultant shall send a certified mail with a permission form to the property owner. The Consultant shall contact the ODOT EPM to get the sample letter and form.
- If there are Tribal Properties within the project footprint, the Consultant shall send a notification to the BIA and follow the current ODOT Process for obtaining permission to enter these properties for studies.

STEP 5

Specialist Studies

Prior to start of Specialist Studies, the Consultant Specialists shall contact the ODOT Specialists to clarify any scope questions related to the specialist studies. Once the studies are completed, the Consultant shall complete the SPECIALIST REVIEW REQUEST FORM with the necessary attachments and specialist report and submit it to the Specialists and copy the ODOT EPM. Incomplete submittals or reports not in compliance with the Specialist Studies scope will be returned to the NEPA Consultant and the ODOT EPM will be copied in return. Finalized documents will be included in the CE Document.

If the scope calls for any of the studies to be done by ODOT Specialists, the Consultant shall complete the SPECIALIST REVIEW REQUEST FORM with the necessary attachments and submit it to the ODOT EPM and the appropriate ODOT Specialist. Once the studies and applicable coordination are complete, the ODOT Specialist will send the completed studies to the Consultant and copy the ODOT EPM along with copies of any coordination. These will be included as supporting documents in the CE Document.

A. Cultural Resources

The Cultural Resources studies shall be in accordance with the latest guidelines provided by the Department and the project specific scope established by the ODOT Cultural Resources Specialist. The Consultant shall not contact SHPO or other Agencies directly. Once the report is finalized and approved and all SHPO coordination completed, the ODOT Cultural Resources Specialist will send the final package back to the Consultant and copy the ODOT EPM.

If specified in the scope, the Cultural Resources Studies will include Historic American Engineering Record (HAER) Level II documentation in accordance with the attached scope.

B. Threatened & Endangered Species and Wetland

The Threatened & Endangered Species and Wetland Studies will be in accordance with the latest guidelines provided by the Department. The Consultant shall not contact USFWS or other Agencies directly. The Consultant shall submit electronically to the Biologist and copy the ODOT EPM. Once the report is finalized and approved and all coordination completed, the ODOT Biologist will send the final memo back to the Consultant and any updated reports along with the letter from USFWS (if applicable) and copy the ODOT EPM.

C. Hazardous Materials

The Hazardous Materials Studies shall be in accordance with the latest guidelines provided by the Department. The Consultant shall submit electronically to the ODOT Hazardous Materials (HM) Coordinator/Specialist and copy the ODOT EPM. Once the report is finalized and approved, the ODOT HM Coordinator/Specialist will complete the internal review and prepare the Consultant Review Report memo, along with any supporting attachments such as plan notes or recommendations for further action and send the documents to the Consultant and copy the ODOT EPM.

D. Farmland Impact

The Consultant shall perform NRCS Coordination for determination for Farmland Impact in accordance with the following steps.

Complete the Form AD 1006 and send with the cover letter to NRCS. These forms can be sent either by mail or email to NRCS. If NRCS does not respond within 45 days, then Farmland Impact is considered not applicable. If the NRCS responds, complete the rest of Form AD1006 in accordance with the NRCS instructions found at the website.

- The Form and Instructions for completing the can be found at [Farmland Protection Policy Act | NRCS \(usda.gov\)](https://www.nrcs.usda.gov/programs/farmland-protection-policy-act) and the FHWA regulations relating to Farmland Impact can be found at <http://www.environment.fhwa.dot.gov/guidebook/chapters/v1ch5.asp>
- The Consultant shall use an approved sample letter for the typical wording on the NRCS Coordination letter, which can be obtained from the ODOT EPM.

E. Flood Plain Impact

The Consultant shall obtain current Flood Plain Maps from the FEMA website to identify whether the project falls within the regulated flood plain extents (Zone A-E) and create a FIRMette. If the project falls within Zone A-E, the NEPA Consultant shall contact the Designer through the ODOT EPM to check if a FEMA map revision is anticipated as a result of the proposed project.

F. Noise (*Applicable to Capacity Expansion or new alignment projects*)

The Specialist Studies for Noise Studies shall be in accordance with the latest guidelines provided by the Department. The Consultant Project Manager shall consult the ODOT Noise Specialist to determine whether a study is needed. If a study is required, the ODOT Noise Specialist will provide the project specific scope prior to the start of studies. The Consultant shall submit to the ODOT Noise Specialist electronically and copy ODOT EPM. Once the report is finalized and approved, the ODOT Noise Specialist will provide the summary language to be included in the main body of the NEPA document to the Consultant Project Manager and copy the ODOT EPM. In addition, the results of the noise studies may need to be presented at the Public Meetings.

G. Identification of Required Permits

The Consultant shall identify the need for any 404 permits based on the biological studies and FAA Permits if the project is within 4 miles of a public airport. If the project is over any known navigable waters such as Arkansas/Verdigris River, the Consultant shall contact the Coast Guard to determine the need for permit. This can be done via letter, email, or phone call. Contact name for the Bridge Specialist can be found at [U.S. Coast Guard Heartland District](https://www.usace.army.mil/missions/regulatory/section10waters.aspx). Phone calls require memo to file with a summary of the conversation. The actual permit coordination will be done by ODOT during plan development. Coastguard permits are required for Section 10 Waters or Navigable Waters. Section 10 Waters can be identified at [http://www.swt.usace.army.mil/Missions/Regulatory/Section10Waters.aspx](https://www.swt.usace.army.mil/Missions/Regulatory/Section10Waters.aspx).

H. Identification of Wild and Scenic Rivers

If the project involves any state Wild and Scenic Rivers, the Consultant shall coordinate with the ODOT EPM to send a solicitation letter to the Scenic River Commission. Response to any comments from the Scenic River Commission shall be coordinated through the ODOT EPM.

STEP 6

Public Meeting *(Public Involvement is coordinated through Government and Community Affairs Division)*

Public meetings are NEPA required for projects involving capacity expansion or new alignment. Public meetings may also be required for road closure, grade separation, and access control. [Government & Community Affairs](#)

STEP 7

Preparation of CE Document

The CE Document can be prepared at various project schedule milestones when preliminary design plans have sufficient information to convey extents of construction impact and proposed R/W needs if the environmental studies are complete. (This could be done after 30% plan review meeting, in rare circumstances, or after 60% plans are available, or after the milestone plan review meeting.) The Consultant shall verify that the plans are within the original project footprint. If the plans are outside the project footprint, the Consultant shall identify these areas and coordinate with the ODOT EPM using the pre-NEPA review process to determine whether additional study is required. If additional study is required, the Consultant will be provided with additional budget and time as needed.

If the plans show the need for any relocations, the Consultant shall coordinate with the ODOT EPM to request a relocation study from the ODOT Right-of-Way Division. A Community Impact Analysis (CIA) may be required for any projects with relocations. The Consultant will coordinate with the ODOT EPM to determine if the CIA is needed. The CIA will be done by task order.

Prior to preparation of the document, the Consultant shall obtain the latest CE form from the ODOT Environmental webpage, contacting the ODOT EPM if unavailable. The Consultant shall prepare the document for ODOT and FHWA signatures.

The document shall include the supporting studies and be arranged in the same order as the issues being discussed in the document.

The Consultant shall provide a single pdf of the complete draft document for review by ODOT and FHWA. Once the document is approved, the Consultant shall provide a signed single pdf of the complete revised document.