ADMINISTRATIVE INFORMATION:
This Engineering Bulletin (EB) is effective for:
- Categorical Exclusion projects that will complete Design Phase I after December 15, 2014; and
- appropriate Real Property transactions.
This EB supersedes EB 14-007. The revisions issued with this EB will be incorporated into future updates of the NYSDOT Environmental Manual Chapter 4, the Project Development Manual Chapter 4 and the Procedures for Locally Administered Federal-Aid Projects Manual Chapter 7.

PURPOSE:
The purpose of this EB is to issue Version 1.1 of the “Federal Environmental Approvals Worksheet” and associated materials (see Transmitted Materials).

TECHNICAL INFORMATION:
This issuance updates previously-issued materials associated with the “Federal Environmental Approvals Worksheet” to clarify the thresholds associated with:
- Table 2.1, Section 7 of the Endangered Species Act, to reflect the need for USFWS concurrence with the FHWA determination;
- Table 2.1, Section 106 of the National Historic Preservation Act, to reflect scenarios where FHWA must issue a determination on the presence of historic properties; and
- Table 2.2, Executive Order 11988 (Floodplain Management), to eliminate confusion and clarify which scenarios trigger a need for FHWA concurrence.

The update also reflects two new Categorical Exclusions made part of 23 CFR Part 771.117(c), as a result of publication of a Final Rule in the Federal Register on January 13, 2014. These are:
- (22) any project (as defined in 23 U.S.C. 101(a)) that will take place entirely within an existing operational right-of-way; and
- (23) any Federally funded project that receives less than $5,000,000 of Federal funds or with a total estimated cost of not more than $30,000,000 and the Federal funds comprising less than 15 percent of the total estimated project cost, respectively.

Finally, this update corrected grammatical inconsistencies throughout the materials.

IMPLEMENTATION:
The updated “Federal Environmental Approvals Worksheet” should be completed for all projects that will complete Design Phase I after December 15, 2014. It should also be used for appropriate Real Property transactions. The “Federal Environmental Approvals Worksheet”
should be completed by the appropriate staff or designee as identified in the certification section and instructions.

TRANSMITTED MATERIALS:
This EB transmits Version 1.1 of:

- The *Federal Environmental Approvals Worksheet* and *Federal Environmental Approvals Worksheet Thresholds, Instructions, Memo Shells, and Flow Chart*.

The above documents are all located at the following link:  

BACKGROUND:

- The “*Federal Environmental Approvals Worksheet*” is a tool to communicate the project National Environmental Protection Act (NEPA) classification to the Federal Highway Administration (FHWA) and to document the status of other Federal environmental approvals of interest to FHWA that must be completed prior to making the NEPA determination. It replaced the NEPA Assessment Checklist for all federally-funded, NYSDOT-let projects and federally-funded, locally administered projects, and is to be completed prior to the end of Design Phase I.

CONTACT:
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1 Operational right-of-way is defined as “those portions of the right-of-way that have been disturbed for an existing transportation facility or are regularly maintained for transportation purposes. This area includes the features associated with the physical footprint of the transportation facility (including the roadway, bridges, interchanges, culverts, drainage, fixed guideways, substations, etc.) and other areas regularly maintained for transportation purposes such as clear zone, traffic control signage, landscaping, any rest areas with direct access to a controlled access highway, or park and ride lots with direct access to an existing transit facility. It does not include portions of the existing right-of-way that are not currently being used or not regularly maintained for transportation purposes.”