



South Carolina Department of Transportation  
On Behalf of the Federal Highway Administration - South Carolina Division Office



PROCESSING FORM FOR PROGRAMMATIC CATEGORICAL EXCLUSIONS  
NON MAJOR FEDERAL ACTIONS

Project ID

Route

County

### Part 1 - Project Description

Include the Project Name/Description

### Part 2 - PCE Type

Select the appropriate Categorical Exclusion from 23 CFR Part 771.117 that best fits the entire project from the drop-down menu. **Reference Appendix A of the PCE Agreement for a more detailed description of each CE contained in 23 CFR 771.117.**

23 CFR 771.117(c)

23 CFR 771.117(d)

### Part 3 - Thresholds

To be processed as a Programmatic Categorical Exclusion (PCE) the following conditions must be met in addition to the General Criteria (as outlined in the PCE Agreement between FHWA-SC and SCDOT). Place a "X" in the appropriate box below. If the answer is "Yes" to any of the below criteria, SCDOT will consult with FHWA-SC to determine the appropriate level of NEPA documentation required and forward to FHWA-SC for approval. **\*Reference Part 4 of the Processing form or Section IV of the PCE Agreement for more details and definitions regarding each threshold.**

1.	Involves any unusual circumstances as described in <u>*23 CFR Part 771.117(b)</u>	<input type="checkbox"/> Yes	<input type="checkbox"/> No
2.	The acquisition of more than <u>*minor amounts</u> of temporary or permanent strips of right-of-way	<input type="checkbox"/> Yes	<input type="checkbox"/> No
3.	Involves acquisitions that result in residential or non-residential displacements	<input type="checkbox"/> Yes	<input type="checkbox"/> No
4.	Results in capacity expansion of a roadway by adding through lanes	<input type="checkbox"/> Yes	<input type="checkbox"/> No

## Part 3 - Thresholds Continued

5.	Involves construction that would result in <u>*major traffic disruptions</u>	<input type="checkbox"/> Yes	<input type="checkbox"/> No
6.	Involves <u>*changes in access control</u> requiring FHWA approval	<input type="checkbox"/> Yes	<input type="checkbox"/> No
7.	An adverse effect determination under Section 106 of the National Historic Preservation Act where the Advisory Council on Historic Preservation has decided to participate in the resolution of adverse effects	<input type="checkbox"/> Yes	<input type="checkbox"/> No
8.	Use of Section 4(f) property that cannot be documented with a FHWA <i>de minimis</i> determination or a programmatic Section 4(f) evaluation	<input type="checkbox"/> Yes	<input type="checkbox"/> No
9.	Any use of a Section 6(f) property	<input type="checkbox"/> Yes	<input type="checkbox"/> No
10.	Work encroaching in a regulatory floodway, adversely affecting the base floodplain (100 yr.) pursuant to E.O. 11988 and 23 CFR Part 650 Subpart A	<input type="checkbox"/> Yes	<input type="checkbox"/> No
11.	Construction in, across, or adjacent to a river designated as a National Wild and Scenic River	<input type="checkbox"/> Yes	<input type="checkbox"/> No
12.	Involves an increase of 15 dBA or greater on any noise receptor or abatement measures are found to be feasible and reasonable due to noise impacts	<input type="checkbox"/> Yes	<input type="checkbox"/> No
13.	May affect and is likely to adversely affect a Federally listed species or designated critical habitat or projects with impacts subject to the BGEPA, unless the determination was made through programmatic consultation with the USFWS	<input type="checkbox"/> Yes	<input type="checkbox"/> No
14.	Involves acquisition of land for hardship, protective purposes, or early acquisition	<input type="checkbox"/> Yes	<input type="checkbox"/> No
15.	Does not meet the latest Conformity Determination for air quality non-attainment areas (if applicable).	<input type="checkbox"/> Yes	<input type="checkbox"/> No
16.	Is not included in or is inconsistent with the STIP and/or TIP	<input type="checkbox"/> Yes	<input type="checkbox"/> No

## Part 3 Continued - Additional criteria to be completed for disposal of excess right-of-way PCE

1. Is the parcel part of a SCDOT environmental mitigation effort or could it be used for environmental mitigation?	<input type="checkbox"/> Yes	<input type="checkbox"/> No
2. Is there a formal plan to use this parcel for a future transportation project (is it part of an approved LRTP)?	<input type="checkbox"/> Yes	<input type="checkbox"/> No

## Part 4 - Threshold Definitions

**Unusual Circumstances (23 CFR Part 771.117) -** Unusual circumstances are defined as:

- a. Significant environmental impacts;
- b. Substantial controversy on environmental grounds;
- c. Significant impact on properties protected by Section 4(f) of the DOT ACT or Section 106 of the National Historic Preservation Act; or
- d. Inconsistencies with any Federal, State, or local law, requirement, or administrative determination relating to the environmental aspects of the action.

**Minor Amount of Right-of-Way (ROW):**

A minor amount of ROW is defined as less than 3 acres per linear mile for linear projects or less than 10 acres of impacts for non-linear projects (eg: intersections, bridges), and no removal of major property improvements. Examples of major improvements include residential and business structures, or the removal of other features which would change the functional utility of the property. Removal of minor improvements, such as fencing, landscaping, sprinkler systems, and mailboxes would be allowed.

**Major Traffic Disruptions:**

A major traffic disruption is defined as an action that would result in: a) adverse effects to through-traffic businesses or schools, b) substantial change in environmental impacts, or c) public controversy associated with the use of the temporary road, detour, or ramp closure.

**Changes in Access Control:**

Requires approval from FHWA for changes in access control on the Interstate system (eg: Interchange Modification Reports or Interchange Justification Reports).

### Environmental Commitments: (Check all that apply)

- |   |   |  |
|---|---|--|
| <input type="checkbox"/> USTs/Hazardous Materials     | <input type="checkbox"/> General Permit         | <input type="checkbox"/> Right of Way                        |
| <input type="checkbox"/> Water Quality                | <input type="checkbox"/> Individual Permit      | <input type="checkbox"/> Floodplains                         |
| <input type="checkbox"/> Migratory Bird Treaty Act    | <input type="checkbox"/> Essential Fish Habitat | <input type="checkbox"/> Lead Based Paint                    |
| <input type="checkbox"/> Stormwater                   | <input type="checkbox"/> Cultural Resources     | <input type="checkbox"/> Non-Standard Commitment (see below) |
| <input type="checkbox"/> Coast Guard Permit Exclusion | <input type="checkbox"/> Noise                  |  |

Relevant field studies and environmental reviews have been completed to determine that the project meets the criteria set forth in the Programmatic Categorical Exclusion Agreement signed by FHWA-SC and SCDOT. It is understood that any additions/deletions to the project may void environmentally processing the project as presently classified; consequently, any engineering changes must be brought to the attention of SCDOT Environmental Services Office immediately. A copy of this form is included in the project file and one (1) copy has been provided to FHWA.

Approved By:

Date

NEPA Start Date:

Does the project contain additional commitments?: (if Yes attach to form) ☐ Yes ☐ No

**- SCDOT -**  
**NEPA ENVIRONMENTAL COMMITMENTS FORM**

Date:  Project ID :  County :  District :  Doc Type:

Project Name:

**STANDARD ENVIRONMENTAL COMMITMENTS**

Applies	Standard Commitment	Commitment Language	Responsibility
<input checked="" type="checkbox"/>	USTs/Hazardous Materials	If avoidance of hazardous materials is not a viable alternative and soils that appear to be contaminated are encountered during construction, the South Carolina Department of Environmental Services (SCDES) will be informed. Hazardous materials will be tested and removed and/or treated in accordance with the United States Environmental Protection Agency and the SCDES requirements, if necessary.	<input type="text" value="Contractor"/>
<input checked="" type="checkbox"/>	Migratory Bird Treaty Act	<p>The federal Migratory Bird Treaty Act, 16 USC § 703-711, states that it is unlawful to pursue, hunt, take, capture or kill; attempt to take, capture or kill; possess, offer to or sell, barter, purchase, deliver or cause to be shipped, exported, imported, transported, carried or received any migratory bird, part, nest, egg or product, manufactured or not. The South Carolina Department of Transportation (SCDOT) will comply with the Migratory Bird Treaty Act of 1918 in regard to the avoidance of taking of individual migratory birds and the destruction of their active nests.</p> <p>The contractor shall notify the Resident Construction Engineer (RCE) at least four (4) weeks prior to construction/demolition/maintenance of bridges and box culverts. The RCE will coordinate with SCDOT Environmental Services Office (ESO), Compliance Division, to determine if there are any active birds using the structure. After this coordination, it will be determined when construction/demolition/maintenance can begin. If a nest is observed that was not discovered after construction/demolition/maintenance has begun, the contractor will cease work and immediately notify the RCE, who will notify the ESO Compliance Division. The ESO Compliance Division will determine the next course of action.</p> <p>The use of any deterrents by the contractor designed to prevent birds from nesting, shall be approved by the RCE with coordination from the ESO Compliance Division. The cost for any contractor provided deterrents will be provided at no additional cost to SCDOT.</p>	<input type="text" value="Contractor"/>
<input checked="" type="checkbox"/>	Cultural Resources	The contractor and subcontractors must notify their workers to watch for the presence of any prehistoric or historic remains, including but not limited to arrowheads, pottery, ceramics, flakes, bones, graves, gravestones, or brick concentrations during the construction phase of the project, if any such remains are encountered, the Resident Construction Engineer (RCE) will be immediately notified and all work in the vicinity of the discovered materials and site work shall cease until the SCDOT Archaeologist directs otherwise.	<input type="text" value="Contractor"/>
<input checked="" type="checkbox"/>	Water Quality	The contractor will be required to minimize possible water quality impacts through implementation of BMPs, reflecting policies contained in 23 CFR 650B and the Department's Supplemental Specification on Erosion Control Measures (latest edition) and Supplemental Technical Specifications on Seeding (latest edition). Other measures including seeding, silt fences, sediment basins, etc. as appropriate will be implemented during construction to minimize impacts to water quality.	<input type="text" value="Contractor"/>
<input checked="" type="checkbox"/>	Stormwater	Stormwater control measures, both during construction and post-construction, are required for SCDOT projects with land disturbance and/or constructed in the vicinity of 303(d), TMDL, ORW, tidal, and other sensitive waters in accordance with the SCDOT's MS4 Permit. The selected contractor would be required to minimize potential stormwater impacts through implementation of construction best management practices, reflecting policies contained in 23 CFR 650 B and SCDOT's Supplemental Technical Specifications on Seed and Erosion Control Measures (latest edition).	<input type="text" value="Contractor"/>
<input type="checkbox"/>	Noise	SCDOT will inform local planning officials of future, generalized noise levels expected to occur in the project vicinity after FHWA has made a final decision on the Environmental document.	<input type="text"/>

## STANDARD ENVIRONMENTAL COMMITMENTS CONTINUED

Applies	Standard Commitment	Commitment Language	Responsibility
<input type="checkbox"/>	Coast Guard Permit Exclusion	<p>a. Timely notice of any and all events that may affect navigation shall be given to the District Commander during construction of the bridge project. Contact the US Coast Guard sixty (60) days prior to the commencement of construction over the waterway.</p> <p>b. Upon completion of design and finalization of the location the Coast Guard shall be contacted regarding approval of lights and other signals that may be required under 33 CFR 118. Approval of said lighting or waiver shall be obtained prior to construction.</p> <p>c. Upon completion of construction, the bridge owner shall submit photos and "as built" drawings (8 1/2 X 11") showing clearances through the bridge and a completion report. This report is used for Coast Guard and other mariner publications.</p>	
<input type="checkbox"/>	Displacements	The SCDOT will acquire all new right-of-way and process any relocations in compliance with the Uniform Relocation Assistance and Real Property Acquisition policies Act of 1970, as amended (42 U.S.C. 4601 et seq.). The purpose of these regulations is to ensure that owners of real property to be acquired for Federal and federally-assisted projects are treated fairly and consistently, to encourage and expedite acquisition by agreements with such owner, to minimize litigation and relieve congestion in the courts, and to promote public confidence in Federal and federally-assisted land acquisition programs.	
<input checked="" type="checkbox"/>	Floodplains	The Engineer of Record will send a set of final plans and request for floodplain management compliance to the local County Floodplain Administrator.	Contractor
<input type="checkbox"/>	Lead-Based Paint	The existing structures shall be removed and disposed of by the Contractor in accordance with Subsection 202.3.2.6 of the Standard Specifications. The Contractor's attention is called to the fact that this project may require removal and disposal of structural components containing lead-based paints. Removal and disposal of structural components containing lead-based paints shall comply with all applicable Federal, State, and Local requirements for lead as waste, lead in air, lead in water, lead in soil, and worker health and safety.	
<input type="checkbox"/>	Essential Fish Habitat	<p>Avoidance and Minimization:</p> <p>The selected contractor will be required to minimize impacts of siltation and erosion through implementation of Best Management Practices (BMPs).</p>	

## PERMIT

<input checked="" type="checkbox"/>	USACE Section 404 Permit	Impacts to jurisdictional waters will be permitted under a Department of the Army Section 404 permit from the U.S. Army Corps of Engineers. SCDOT will provide the Army Corps with information regarding any proposed demolition activities during the Section 404 permitting process. The required mitigation for this project will be determined through consultation with the USACE and other resource agencies.
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NON-STANDARD ENVIRONMENTAL COMMITMENTS

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Special Provision

NEPA Doc Ref:

Biological Assessment

Responsibility:

SCDOT/FHWA

Tricolored Bat Consultation

SCDOT/FHWA will re-initiate consultation with the USFWS if potential project impacts (i.e., tree clearing; structure work) have not occurred prior to the effective date of a Federal listing determination by the USFWS.

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Special Provision

NEPA Doc Ref:

Responsibility:

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Special Provision

NEPA Doc Ref:

Responsibility: