



## Instructions for Filling out CDOT Form 128

Updated 6/6/2017

Completion of CDOT Form 128 is required for all CDOT projects, even those that have been cleared as fully documented (template) CatEx's, EAs or EISs. Parts A and B must be completed for Right of Way (ROW) authorization and obligation of federal funds for ROW. Parts A, B, C, and E must be completed prior to project advertisement and/or construction.

FHWA signature is required for all federally funded CatExs unless CDOT has been allowed to make a CatEx certification or determination and approval on FHWA's behalf (Programmatic CatEx). Programmatic CatExs are those that can be approved by CDOT without FHWA's signature based upon the requirements of the FHWA/CDOT Programmatic Agreement for Categorical Exclusions.

When FHWA signature is required, the FHWA will retain a copy of the signed Form 128 and return the original to the RPEM. A scanned copy is acceptable. The RPEM will be responsible for distributing copies within CDOT and maintaining the original within the Region.

FHWA approval is required for projects that exceed certain evaluation criteria, even if they would normally be considered Programmatic CatExs. Examples of reasons why a project could require FHWA approval include residential displacements, Individual Section 404 permits, individual Section 4(f) evaluations, or changes to access to the Interstate. The reason why FHWA signature is required when the project would normally be a Programmatic CatEx shall be stated in the Part B comments section.

If it is necessary for the Environmental Programs Branch to prepare a Form 128 for a statewide project, the EPB manager will be responsible for clearances, certification, and appropriate distribution.

If project revisions result in changes to the clearance/permit requirements, a revised Form 463 (Design Data) are required in addition to an updated Form 128. A CDOT Form 1399, NEPA Reevaluation, may also be appropriate.

### **STEP BY STEP INSTRUCTIONS FOR FILLING OUT THE FORM**

#### **Section A. Project Information**

1. **Scoping Date:** An initiation date is required for FHWA annual tracking purposes. If there is no scoping meeting, please use the date of the environmental kick-off meeting. The third preference for this cell would be the date of the EPB Environmental Clearance Request.
2. **Federal Project #:** This is the federal project number including its prefix.
3. **Subaccount #:** This is the CDOT 5-digit Project Control Number (PCN).
4. **Related Subaccount Numbers:** Some projects have different subaccount numbers for the NEPA phase and the construction phase(s), especially for EA and EIS projects. Also, for smaller Design Build projects it is common to combine multiple Catex projects into one project for construction. This is where you would enter all those numbers.
5. **Project Name:** Enter the full name of the project.
6. **Project Description (and location):** Succinctly explain the full scope of work including the name of the roadway, endpoints or mileposts, etc.
7. **Region:** Enter Region(s) number. For statewide projects enter HQ.
8. **CDOT Program/Residency:** Based on how your Region divides projects, enter either the Program or Residency
9. **Environmental PM:** Provide the name of the person who has coordinated the environmental work for the project.
10. **FHWA Area Engineer:** Provide the name of the Area Engineer who is responsible for the project.
11. **FHWA Nexus:** This is for annual tracking purposes so please make sure to check the box if this is a project with FHWA oversight.
12. **Other Federal Nexus:** This is for projects that have a federal nexus from a different agency. An example is: a project that needs a 404 permit from the USACE. This field should be filled out even if there is not a FHWA nexus.
13. **Form # \_\_\_\_\_:** It is a way to track clearances for projects that need to be updated more than twice and require multiple Form 128s. This is applicable for projects with multiple phases, including Design Build.
14. **Project Lead:** Provide the Agency proponent. This is required for annual tracking purposes. An example of when the "Other" box would be checked is if you were working on an FTA project.

- 15. Class of Action:** This form should be filled out for every project, even EIS/ROD and EA/FONSI projects, in order to document back part clearance (Section E) and project certification. For Catex projects, the Catex designation must be entered in the second line of this section. The designation must be taken from 23 CFR 771.117(c)-(d) or from the current FHWA/CDOT Programmatic Agreement for Categorical Exclusions. Project types that are not listed in 23 CFR 771.117(c)-(d) or the Programmatic Agreement may still be considered as non-Programmatic CatExs; these require a transmittal letter of explanation to FHWA, and are coded as “DX” CatExs.
- 16. Project Delivery Method:** This is for annual tracking purposes and will help explain how the form will be used (i.e. whether the revised clearances will be used only if there are changes to the project, or if they will have to be used as a regular part of the approval process [for design-builds]). In SAP, it is anticipated that this field will be “greyed out” and populated by the Project Engineer via another function prior to the obligation of funds.

## Section B. The NEPA Process

1. **Clearance Date:** The original clearance date for a resource on most CatEx projects is noted here (in the left hand column). Each dated resource area must have corresponding clearance documentation in the project file. Resources without dates indicate the resource did not require a clearance. A brief note/memo to the file should describe the conditions of non-cleared resources (i.e. project limits remain in ROW and no excavation will occur, therefore no 4(f), 6(f) or paleo clearances are requested.).

For separately or fully documented CatEx (using a template), EA, and EIS projects, these dates are left blank.

For Design Build projects, this column indicates a clearance for preliminary design (traditionally no more 30% design), as well as for Advertised plans or Bid. After awarded, subsequent environmental clearances will be obtained based on final design. The project can then be certified for construction.

**Check box:** The check box to the right of a resource should be checked if there is an impact or anticipated impact to that resource, or if a minimization/avoidance measure needs to be included in the construction plans (see explanation for each resource below). A clearance date will always accompany a checked box. During the clearance process it was determined if: mitigation is required, further evaluation is required, or a permit is required. Minimization or avoidance measures should be noted on the plan sheets. Here is an explanation of when to check the box for each resource:

- Air Quality: checked if there is an air quality impact within non-attainment or maintenance areas.
- Noise: checked if the project is classified as Type I in CDOT’s Noise Guidance and there is a noise impact, even if noise mitigation is not recommended
- Hazmat: checked if there are special handling requirements of known or potential hazardous materials or if further hazmat investigation is required prior to construction
- T &E/ State Listed Species: checked if there is an impact to federal or state listed species and/or avoidance/minimization measures are needed during construction. Clearance will include Section 7 consultation and Concurrence (if required).
- Wetlands: checked if there are impacts to wetland or Waters of the US, or a permit or mitigation is required to avoid impacts
- Paleontology: checked if there is a paleontology impact or mitigation/monitoring is required.
- Archaeology: checked if there are direct impacts to any significant archaeological sites or features, or if mitigation/monitoring is required.
- History: checked if there are *Adverse Effects* or a *No Adverse Effects* with impacts to any eligible historic site, or if mitigation/monitoring is required.
- Section 4(f) - Historic: checked if a *de minimis*, programmatic, or individual 4(f) is required, or if an exception is required that includes mitigation (e.g. temporary occupancy).
- Section 4(f) - Non-Historic: checked if a *de minimis*, programmatic, or individual 4(f) is required or if an exception is required that includes mitigation (e.g. temporary occupancy).
- Section 6(f): checked if a Temporary Non-conforming Use or Conversion is required; or if avoidance measures are required.
- Other: this box can be used for any other resource that is not listed on the form. An example is visual, floodplain or farmlands. If you have two or more resources that you need to add, please add them to the comment box at the bottom of the page.

Date Only - If there is no impact or minimization measure to a specific resource, the check box should not be checked. However, there should be a date on the line to document when the resource was evaluated and clearance was provided.

Air Quality: provide clearance date if a hotspot analysis is required

- Noise: provide clearance date if a noise analysis or review by the noise specialist is required
- Hazmat: provide clearance date if an ISA or MESA is required
- T &E/ State Listed Species: provide date of no effect or no impact determination
- Wetlands: provide clearance date if a wetland delineation was conducted.
- Paleontology: provide clearance date if paleontology specialist reviewed the project.
- Archaeology: provide clearance date if an archaeological survey was done.
- History: provide clearance date for history review of the project.
- Section 4(f) - Historic: provide clearance date if the History or Archaeology reviews show that Section 4(f) is not applicable.
- Section 4(f) - Non-Historic: provide clearance date from 4(f) subject matter expert when there are non-historic Section 4(f) resources in the area, e.g. parks, trails, wildlife refuges.
- Section 6(f): provide clearance date if there are parks or trails in the area.
- Other: this box can be used for any other resource that is not listed on the form. An example is Visual Resources of Farmlands. If you have two or more resources that you need to add, please add them to the comment box at the bottom of the page.

Neither Checkbox nor Date - If a resource is clearly not present in the project area or if the project scope would clearly not impact a certain resource and therefore no verification would be necessary, the check box and date line can be left blank. They can also be blank for projects that have an EIS/ROD, EA/FONSI, or separately/fully documented (e.g. template) CatEx.

3. **Revised Clearances**: (the middle and right-hand columns) should be filled out for NEPA reevaluations, including the following:

- If the Form 1399 is used, the resource portion does not need to be filled out, just check the box indicating that a Form 1399 was completed and provide the reevaluation date, design plan set date, and signature are required.
- For CatExs, these columns can be used to reassess the project, including documenting the updated resource clearances and/or impacts. Checkboxes and dates are used in the same way as for the first column. However, only resources with new impacts should have checked boxes.
- For EAs or EISs where there are NO changes to the project or impacts, this column can be used in place of the Form 1399, and dates can be entered to show that the resources were reviewed.

These columns are applicable for Design Build Projects. As mentioned above, when a design-build project goes out for bid it is generally at 30% design. Once awarded, the contractor will be responsible for finalizing the design. So this design set needs an environmental clearance before it is released for construction. This could happen once or several times depending on how the contractor is advancing the project. Any of the above reevaluation methods could be appropriate depending on the circumstances. It also needs to be used for back part clearance (project certification) in Section E. A second form should be used if additional reevaluations are required.

4. **Design plan Set and Date** - This section should always be filled out so that it is clear what level of design (scoping, FIR, or FOR) was used for the front part clearance in Section B. This is the plan set provided to specialist for resource clearances.
5. **RPEM Signature and Date** - Coordinate with your RPEM to determine who has authorization to sign within your region.
6. **FHWA Signature**: The checkboxes at the bottom of Section B (above the signature lines) should be checked if an FHWA signature at the bottom is not required.
7. **(In SAP) Revision Signature Section**: Check the box to open a new signature box for revisions.

## Section C. Permits and additional requirements

**CDPS-SCP:** Checked for a project with any construction activity that disturbs one or more acres or is part of a larger common plan of development.

**Permanent Water Quality:** Checked only when a project will install PWQ. However, all projects require a PWQ clearance date. Enter the date when PWQ CJ20N (environmental tab) information has been completed in SAP.

**SWMP:** SWMPs must be prepared for every CatEx, regardless of the size of the disturbance area. The clearance date is when a project SWMP has been reviewed and cleared by official SWMP Reviewer.

For Design-Build projects, the left-hand column displays the permits that the contractor will be required to obtain and which will be obtained by CDOT. When plans are sent to the CDOT Environmental Manager for review, a copy of the contractor-obtained permits should also be included. The Environmental PM should enter the date the permit was obtained on the appropriate line in the middle and right hand columns.

## Section D. Comments

Describe any permits to be obtained by the contractor after advertisement or other special conditions.

## Section E. Environmental Project Certification

1. **Design Plan Set and Date:** The RPEM, or designee, must indicate the set of plans and specification (FIR, FOR, advertisement, award etc.) that were reviewed prior to certification. The date of these plans must be provided. If the project is being certified for construction then the plans being reviewed need to be marked as FINAL, AD or AWARD.
2. **Certification Type:**
  - a) Advertisement – Applicable for Design-Build. By checking this box you are releasing the project for advertisement, but not for construction. For design-build, the project is certified for construction when the final plans are verified. This subsequent sign off will be documented in the middle column of this section.
  - b) Advertisement & Construction – Checked for a traditional design-bid-build project that is being released for advertisement and construction at the same time.
  - c) Other - An example of when this boxes gets checked is a CM/GC project.
3. **RPEM Signature & Date:** This is required for all projects being released for advertisement and/or construction. This signature is a certification that 1) all required clearance and permits have been obtained, 2) environmental mitigation is included in the referenced plans and specifications, 3) and appropriate NEPA documentation is on file.