



# Illinois Department of Transportation

2300 South Dirksen Parkway / Springfield, Illinois / 62764

## BDE PROCEDURE MEMORANDUM

**NUMBER:** 20-11

**SUBJECT:** BDE Manual Revision – Categorical Exclusion (CE) Agreement

**DATE:** November 30, 2020

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Chapter 12, 23, 66, and Appendix A of the BDE Manual as well as BDE 488 Certification Acceptance/Project Status have been revised to implement the revised IDOT/FHWA CE Agreement. Please see the BDE Manual and forms on-line to view the revisions.

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### Background

On October 1, 2020, the FHWA and IDOT revised the programmatic agreement regarding the process of actions classified as Categorical Exclusions for Federal-aid highway projects. The revised CE Agreement contains several significant changes as compared to the previous agreement. Explanations of these revisions are included as part of the final CE process review document.

Unusual Circumstances: The following two unusual circumstances were removed from the CE Agreement:

- Through consultation with the Illinois Department of Natural Resources (IDNR) under the Illinois Endangered Species Act, requires an Incidental Take Authorization; and
- Requires an individual Water Quality Certification from the Illinois Environmental Protection Agency.

Several unusual circumstances had their language revised:

- “Requires an Individual Section 4(f) evaluation for the use of properties protected by Section 4(f) of the Department of Transportation Act (49 U.S.C. 303) was revised to “Require the use of properties as defined and protected by Section 4(f) of the Department of Transportation Act (49 U.S.C. 303) that cannot be documented with either an FHWA *de minimis* determination or a programmatic Section 4(f) evaluation;”
- “Involve State designated Nature Preserves, areas listed on the Illinois Natural Area Inventory, Land and Water Reserves” was revised to

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- “Involve State designated Nature Preserves”
- “Involve impacts to a stream listed on the National Park Service’s National Rivers Inventory” was revised to “Involve impacts to a stream listed on the National Park Service’s National Rivers Inventory and would adversely affect the listings Outstandingly Remarkable Value.”
- Involve impacts that would require an Individual Section 404 Permit from the U.S. Army Corps of Engineers or involve stream channelization or stream relocations was revised to Involve impacts that would require an Individual Section 404 Permit from the U.S. Army Corps of Engineers”;

Staff Qualifications: this requirement has been removed from the CE Agreement. Department staff are no longer required to:

- Have completed the web based course FHWA-NHI-142052, “Introduction to NEPA and Transportation Decision making” or equivalent; and
- Have experience addressing NEPA compliance for transportation projects; or
- Have their work reviewed by staff who have met items 1 and 2.

Approval Authority: the revised CE Agreement allows for the Regional Engineer to appoint a designee to approve State CE projects, in addition to this change, as well as others affecting State and Local Roads approval authority, please see Appendix C in the CE Agreement for all of the revisions.

BDE Manual revisions: The following chapters were revised accordingly:

Chapter 12 was revised to include language regarding NEPA approval for projects where a Phase I report is not needed. This revision occurs in Section 12-3.10.

Chapter 23 was revised due to revisions in the CE Agreement.

Chapter 66 was revised to add guidance on completing BDE 488 Certification Acceptance/Project status. This guidance was added as Figure 66-2.A

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Jack A. Elston, P.E.

Bureau Chief

Bureau of Design and Environment