**NCDOT-FHWA’s Updated 2019 CE Agreement**

On October 21, 2019, NCDOT and FHWA approved a new [**Programmatic Agreement for the processing of Categorical Exclusions (CEs)**](https://connect.ncdot.gov/resources/Environmental/PDEA%20Procedures%20Manual%20Documents/2019%20NCDOT-FHWA%20Categorical%20Exclusion%20%28CE%29%20Programmatic%20Agreement.pdf) for our projects. This new agreement supersedes the January 2017 agreement. The new agreement is the​​ result of several needs that had arisen from both agencies, including the following:

* Integrates many of the maintenance activities that were covered by old programs, such as Interstate Maintenance Preservation and Bridge Preservation
* Clarifies which Type I activities do not require further NEPA approvals, such as signage and pavement marking (referred to as Type I(C) actions)
* Clarifies a few questions that were causing inconsistencies, such as the endangered species questions and how we addressed the applicability of programmatic agreements

 The new CE forms should be our **standard when providing checklist documentation**. Producing federal-level documentation provides the Department with maximum flexibility for construction funding (it “keeps our options open” for grants and other opportunities). Using federal-level documentation is the determining factor for making FHWA our lead federal agency (federal funding is not our only nor the primary deciding factor). In certain project-specific cases, our Project Managers can coordinate with the Environmental Policy Unit (EPU) to produce Minimum Criteria Checklists (MCDCs) when it is deemed necessary for project advancement. **Having FHWA as our lead federal agency creates consistency and flexibility for most projects**.

 As a part of this CE agreement (as well as with past agreements), an annual “audit” is required by FHWA. Therefore, all NEPA/SEPA documentation needs to be **saved on project sharepoint sites using the ATLAS Workbench**. This will help ensure a successful quality audit and enhance our long-term file maintenance. We have many projects needing documentation and we do not want to jeopardize the authority that FHWA has entrusted to us.

 The Environmental Policy Unit will be reaching out to Units and Divisions directly to spread the word and educate everyone on the updates and to answer any questions. We may start using the new CE forms immediately, but must start using by Jan. 1, 2020 when we will retire the 2017 version of the forms.

**New CE templates are now posted:**

[**NCDOT-FHWA 2019 CE Type I-C Template.docx**](https://connect.ncdot.gov/resources/Environmental/PDEA%20Procedures%20Manual%20Documents/NCDOT-FHWA%202019%20CE%20Type%20I-C%20Template.docx)

[**NCDOT-FHWA 2019 CE Type I-II Limited Disturbance Template.docx**](https://connect.ncdot.gov/resources/Environmental/PDEA%20Procedures%20Manual%20Documents/NCDOT-FHWA%202019%20CE%20Type%20I-II%20Limited%20Disturbance%20Template.docx)

[**NCDOT-FHWA 2019 CE Type I-II Ground-Disturbing Template.docx**](https://connect.ncdot.gov/resources/Environmental/PDEA%20Procedures%20Manual%20Documents/NCDOT-FHWA%202019%20CE%20Type%20I-II%20Ground-Disturbing%20Template.docx)

[**NCDOT-FHWA 2019 CE Type III Template.docx**](https://connect.ncdot.gov/resources/Environmental/PDEA%20Procedures%20Manual%20Documents/NCDOT-FHWA%202019%20CE%20Type%20III%20Template.docx)