

MEMORANDUM

State of Alaska

Department of Transportation & Public Facilities
Statewide Environmental Office

TO: See Distribution:

DATE: October 13, 2009

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FROM: Bill Ballard *BJM*
Statewide Environmental Manager

SUBJECT: CE Class of Action
Determinations prior to
September 22, 2009

CE class of action determinations you received from FHWA prior to September 22, 2009 are no longer valid due to the legal liability assumed by the state for CE projects under the 6004 assignment. This is problematic since the project file needs documentation of class of action. Therefore, I am programmatically adopting class of action determinations you received for CE level projects prior to September 22, provided you have the class of action documentation in your file.

This does not alleviate you from coordinating with the applicable NEPA manager regarding the applicability of CE assignment nor does it alleviate you from completing all necessary documentation to demonstrate that specific conditions and requirements for CE approval have been met including Programmatic CE (PCE) certification.

Keep in mind a PCE is not a “class of action,” it is an advanced approval. The PCE agreements provide: 1) advanced approval of certain “c” list activities with no further documentation; 2) approval for the remaining “c” list and all “d” list activities once the regional environmental manager certifies that all applicable CE documentation has been complete (e.g. CE documentation form) and that specific conditions for use of the programmatic have been met; and 3) approval for disposal of joint use right-of-way.

The attached class of action form was developed to standardize the information necessary the NEPA Managers need to determine if a project is on the “c” or “d” list and if the project is assignable.

Please provide a copy of this memo in the project file of all applicable projects. If you have any questions please contact me.

Distribution

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