***This instructional page contains hidden text and should not be printed***

Instructional Information:

* Please refer to the [2019 NCDOT-FHWA CE Agreement](https://connect.ncdot.gov/resources/Environmental/EPU/NEPA/Documents/2019_NCDOT-FHWA_Categorical_Exclusion_%28CE%29_Programmatic_Agreement.pdf) with questions about the CE documentation process.
* Please review NCDOT’s [CE Checklist training module](https://connect.ncdot.gov/resources/DMPDT/DMPDT%20Documents/Categorical%20Exclusion%20Checklist/CE%20Checklist%20Training%20-%20Presentation/CE%20Checklist%20Training%20Presentation.pdf) from 2017 for additional direction (slightly dated, but generally applicable).
* You can Enable/Disable hidden text by selecting File>Options>Display> tick/untick hidden text.
* Some hidden text is contained in the checklist in this or a *similar font* – it will not PDF or print
* The green background on the Commitments page is a shape that is slightly larger than the page. You can delete or modify this if needed to customize your own formatting.
* Please contact the Environmental Policy Unit at EPU@ncdot.gov with questions or comments regarding this documentation.

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| --- |
| **Programmatic Categorical Exclusion Types and Approval** |
| *Type* | *Descriptions* | *Identified Actions* | *Required Documentation* | *Grey Box**Checked*  | *Who**Approves* |
| I(C) | Pre-Approved (No Further CE Approval Required) | Appendix A Actions including: 1, 5, 8 (signs and pavement markings only), 11, 13, 14, 15, 16, 17, 19, and 20 and several other Type I Action subcategories identified in past programmatic agreements included in Appendix D. | Appendix E SectionA-D | N/A | N/A |
| I(A) | No Ground Disturbance or Limited Ground Disturbance within the Operational ROW  | Appendix A Actions including 4, 7, 8 (except for signs and pavement markings), 10, 22 (no to limited ground disturbing) and/or 29 and that result in either no, or limited, ground disturbance within the operational ROW. | Appendix E SectionA-E, F1, & G-I | No | NCDOT |
| I(B) | No Ground Disturbance or Limited Ground Disturbance within the Operational ROW  | Appendix A Actions including 4, 7, 8 (except for signs and pavement markings), 10, 22 (no to limited ground disturbing) and/or 29 and that result in either no, or limited, ground disturbance within the operational ROW. | Appendix E Section A-E, F1, & G-I | Yes | FHWA |
| **I(A)**  | **Ground Disturbing Actions** | **Appendix A Actions including: 2, 3, 6, 7, 9, 12, 18, 21, 22 (ground disturbing), 23, 24, 25, 26, 27, 28, &/or 30**  | **Appendix E Section****A-E, F2, & G-I** | **No** | **NCDOT** |
| **II(A)** | **Appendix B Actions where project impact thresholds are not met nor exceeded.** |
| **I(B)**  | **Ground Disturbing Actions** | **Appendix A Actions including: 2, 3, 6, 7, 9, 12, 18, 21, 22 (ground disturbing), 23, 24, 25, 26, 27, 28, &/or 30**  | **Appendix E Section****A-E, F2, & G-I** | **Yes** | **FHWA** |
| **II(B)**  | **Appendix B Actions where project impact thresholds are met or exceeded.** |
| **III** | Other Ground Disturbing Actions | These are activities not identified as Type I or II and do not involve significant environmental impacts.  | Appendix E SectionsA-E, **F3**, & G-I | N/A | FHWA |

# Type I or II Categorical Exclusion Action Classification Form

|  |  |
| --- | --- |
| STIP Project No. | Project Number (e.g. R-1234) |
| WBS Element | WBS Element Number (e.g. 12345.1.1) |
| Federal Project No. | Federal Aid Number |

1. Project Description:

Include STIP description, project scope and location, including Municipality and County. Refer to the attached vicinity map.

1. Description of Need and Purpose:

Clearly state the project’s need(s) and the purpose of the project.

1. Categorical Exclusion Action Classification:

|  |  |
| --- | --- |
| **Type** | **Choose the type of CE** |

1. Proposed Improvements:

Include ALL applicable Type I Actions (included in NCDOT-FHWA CE Programmatic Agreement, Appendix A) and/or Type II Actions (included in NCDOT-FHWA CE Programmatic Agreement, Appendix B). For Type III CEs, leave blank.
*Example:*
3. Construction of bicycle and pedestrian lanes, paths, and facilities.

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| *NOTE: The following Type I(C) Actions (NCDOT-FHWA 2019 CE Agreement, Appendix A) only require completion of Sections A through D to substantiate and document the CE classification: 1, 5, 8 (signs and pavement markings only), 11, 13, 14, 15, 16, 17, 19, and 20; or several other Type I Action subcategories identified in past NCDOT-FHWA CE Programmatic Agreements (see Appendix D).* ***Pre-approval as a CE does not exempt activities from compliance with other federal environmental laws.***  |

1. Special Project Information:

Provide a **brief** description of **relevant** project information that **affected your alternative selection**, which may include costs, alternative analysis (if any), traffic control and staging, and resource agency/public involvement. This should generally be a few paragraphs, not numerous pages of copied/pasted information.

1. Project Impact Criteria Checklists:

|  |
| --- |
| **F2. Ground Disturbing Actions – Type I (Appendix A) & Type II (Appendix B)** |
| Proposed improvement(s) that fit Type I Actions (NCDOT-FHWA CE Programmatic Agreement, Appendix A) including 2, 3, 6, 7, 9, 12, 18, 21, 22 (ground disturbing), 23, 24, 25, 26, 27, 28, &/or 30; &/or Type II Actions (NCDOT-FHWA CE Programmatic Agreement, Appendix B) answer the project impact threshold questions (below) and questions 8 – 31. * *If any question 1-7 is checked “Yes” then NCDOT certification for FHWA approval is required.*
* *If any question 1-31 is checked “Yes” then additional information will be required for those questions in Section G.*
 |
| PROJECT IMPACT THRESHOLDS(FHWA signature required if any of the questions 1-7 are marked “Yes”.) | Yes | No |
| 1 | Does the project require formal consultation with U.S. Fish and Wildlife Service (USFWS) or National Marine Fisheries Service (NMFS)? |[ ] [ ]
| 2 | Does the project result in impacts subject to the conditions of the Bald and Golden Eagle Protection Act (BGEPA)? |[ ] [ ]
| 3 | Does the project generate substantial controversy or public opposition, for any reason, following appropriate public involvement? |[ ] [ ]
| 4 | Does the project cause disproportionately high and adverse impacts relative to low-income and/or minority populations? |[ ] [ ]
| 5 | Does the project involve a residential or commercial displacement, or a substantial amount of right of way acquisition? |[ ] [ ]
| 6 | Does the project require an Individual Section 4(f) approval? |[ ] [ ]
| 7 | Does the project include adverse effects that cannot be resolved with a Memorandum of Agreement (MOA) under Section 106 of the National Historic Preservation Act (NHPA) or have an adverse effect on a National Historic Landmark (NHL)? |[ ] [ ]
| If any question 8-31 is checked “Yes” then additional information will be required for those questions in Section G.  |
| Other Considerations | Yes | No |
| 8 | Is an Endangered Species Act (ESA) determination unresolved or is the project covered by a Programmatic Agreement under Section 7? |[ ] [ ]
| 9 | Is the project located in anadromous fish spawning waters? |[ ] [ ]
| 10 | Does the project impact waters classified as Outstanding Resource Water (ORW), High Quality Water (HQW), Water Supply Watershed Critical Areas, 303(d) listed impaired water bodies, buffer rules, or Submerged Aquatic Vegetation (SAV)? |[ ] [ ]
| 11 | Does the project impact Waters of the United States in any of the designated mountain trout streams? |[ ] [ ]
| 12 | Does the project require a U.S. Army Corps of Engineers (USACE) Individual Section 404 Permit? |[ ] [ ]
| 13 | Will the project require an easement from a Federal Energy Regulatory Commission (FERC) licensed facility? |[ ] [ ]
| Other Considerations for Type I and II Ground Disturbing Actions (continued) | Yes | No |
| 14 | Does the project include a Section 106 of the National Historic Preservation Act (NHPA) effects determination other than a No Effect, including archaeological remains?  |[ ] [ ]
| 15 | Does the project involve GeoEnvironmental Sites of Concerns such as gas stations, dry cleaners, landfills, etc.? |[ ] [ ]
| 16 | Does the project require work encroaching and adversely affecting a regulatory floodway or work affecting the base floodplain (100-year flood) elevations of a water course or lake, pursuant to Executive Order 11988 and 23 CFR 650 subpart A? |[ ] [ ]
| 17 | Is the project in a Coastal Area Management Act (CAMA) county and substantially affects the coastal zone and/or any Area of Environmental Concern (AEC)? |[ ] [ ]
| 18 | Does the project require a U.S. Coast Guard (USCG) permit? |[ ] [ ]
| 19 | Does the project involve construction activities in, across, or adjacent to a designated Wild and Scenic River present within the project area? |[ ] [ ]
| 20 | Does the project involve Coastal Barrier Resources Act (CBRA) resources? |[ ] [ ]
| 21 | Does the project impact federal lands (e.g. U.S. Forest Service (USFS), USFWS, etc.) or Tribal Lands? |[ ] [ ]
| 22 | Does the project involve any changes in access control or the modification or construction of an interchange on an interstate? |[ ] [ ]
| 23 | Does the project have a permanent adverse effect on local traffic patterns or community cohesiveness? |[ ] [ ]
| 24 | Will maintenance of traffic cause substantial disruption? |[ ] [ ]
| 25 | Is the project inconsistent with the STIP, and where applicable, the Metropolitan Planning Organization’s (MPO’s) Transportation Improvement Program (TIP)? |[ ] [ ]
| 26 | Does the project require the acquisition of lands under the protection of Section 6(f) of the Land and Water Conservation Act, the Federal Aid in Fish Restoration Act, the Federal Aid in Wildlife Restoration Act, Tennessee Valley Authority (TVA), Tribal Lands, or other unique areas or special lands that were acquired in fee or easement with public-use money and have deed restrictions or covenants on the property? |[ ] [ ]
| 27 | Does the project involve Federal Emergency Management Agency (FEMA) buyout properties under the Hazard Mitigation Grant Program (HMGP)? |[ ] [ ]
| 28 | Does the project include a *de minimis* or programmatic Section 4(f)? |[ ] [ ]
| 29 | Is the project considered a Type I under the NCDOT Noise Policy? |[ ] [ ]
| 30 | Is there prime or important farmland soil impacted by this project as defined by the Farmland Protection Policy Act (FPPA)? |[ ] [ ]
| 31 | Are there other issues that arose during the project development process that affected the project decision? |[ ] [ ]

1. Additional Documentation as Required from Section F (ONLY for questions marked ‘Yes’):

Insert additional information for those questions above marked “Yes”.

*Example:*
12. The project will require an easement from Duke Energy. The conveyance permit is expected to be processed by Duke Energy and is not anticipated to require FERC review; coordination is underway with Duke’s lake management staff to provide the necessary materials.

1. Project Commitments (attach as Green Sheet to CE Form):

NCDOT PROJECT COMMITMENTS

STIP Project No. Project Number (e.g. R-1234)

Short Project Description

County

Federal Aid Project No. Federal Aid Number

WBS Element WBS Element Number (e.g. 12345.1.1)

COMMITMENTS FROM PROJECT DEVELOPMENT AND DESIGN

Insert all applicable special project commitments that have been made by the Department, including both environmental and non-environmental measures to date. The commitments should be specific, should denote the responsible parties, and should include a timeline for achieving them.

*Examples:*

No special commitments have been made to date.

*or*

**NCDOT Division Project Development**

NCDOT has agreed to include sidewalks on both sides of the alignment throughout the project. The Division will coordinate with the Town to include these in a municipal agreement prior to letting.

1. Categorical Exclusion Approval:

|  |  |
| --- | --- |
| STIP Project No. | Project Number (e.g. R-1234) |
| WBS Element | WBS Element Number (e.g. 12345.1.1) |
| Federal Project No. | Federal Aid Number |

**Prepared By:**

|  |  |  |
| --- | --- | --- |
|  |  | *Signature line for primary preparer* |

 Date Name of Preparer, Title of Preparer

 Preparer’s Organization/Division

|  |
| --- |
| PM’s Name, PM’s Organization (typically NCDOT) |

**Prepared For:**

**Reviewed By:**

|  |  |  |
| --- | --- | --- |
|  |  | *Signature line for qualified NCDOT QC Reviewer* |

 Date Reviewer’s Name, Reviewer’s Title

 Reviewer’s Organization (typically NCDOT)

|  |  |
| --- | --- |
|[ ]  **Approved** | * If NO grey boxes are checked in Section F (pages 2 and 3), NCDOT approves the Type I or Type II Categorical Exclusion.
 |
|  |  |  |
|[ ]  **Certified** | * If ANY grey boxes are checked in Section F (pages 2 and 3), NCDOT certifies the Type I or Type II Categorical Exclusion for FHWA approval.
* If classified as Type III Categorical Exclusion.
 |

|  |  |  |
| --- | --- | --- |
|  |  | *Signature line for qualified NCDOT Certifier/Approver* |

 Date Approver/Certifier’s Name, Approver/Certifier’s Title

 North Carolina Department of Transportation

FHWA Approved: For Projects Certified by NCDOT (above), FHWA signature required.

|  |  |  |
| --- | --- | --- |
|  |  | *Signature line for FHWA Division staff, type “N/A” if approval not required* |

 Date *for* Yolonda K. Jordan, Division Administrator

 Federal Highway Administration

*Note: Prior to ROW or Construction authorization, a consultation may be required (please see
Section VII of the NCDOT-FHWA CE Programmatic Agreement for more details).*

*Attachments should include vicinity map and relevant resource agency concurrence letters, Section 106 effect/no effect forms or MOA (without maps and photos), relocation report summary sheet, etc.*