

CHAPTER 2 ENVIRONMENTAL CLASS OF ACTION DETERMINATION

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2. ENVIRONMENTAL CLASS OF ACTION DETERMINATION

2-1 OVERVIEW

The Council on Environmental Quality (CEQ) promulgated regulations in **40 Code of Federal Regulations (CFR) parts 1500-1508** to implement the **National Environmental Policy Act (NEPA)**. These regulations provide that the Environmental Document [Environmental Impact Statement (EIS), Finding Of No Significant Impact (FONSI), or Categorical Exclusion (CE)] serve as the administrative record of compliance with the policies and procedures of **NEPA** and other environmental statutes and executive orders. The standard used for document development and processing will be the **Project Development and Environment (PD&E) Manual** any time the Department prepares and processes, or assists in the processing of, an Environmental Document. Adherence to the **PD&E Manual** assures compliance with **NEPA**, its implementing regulations, and other related environmental laws. Throughout this manual the Environmental Document is often referred to as the PD&E Study.

The Class of Action (COA) determination identifies the level of documentation required for a project. The COA determination is made in consultation with the Lead Federal Agency for Environmental Assessments (EAs), EISs, and CEs as appropriate. The Federal Highway Administration (FHWA), Federal Transit Administration (FTA), Federal Railroad Administration (FRA), the Federal Aviation Administration (FAA) the U.S. Coast Guard (USCG), or the U.S. Army Corps of Engineers (COE) may serve as the Lead Federal Agency. If multiple agencies are involved, coordination may be necessary to determine which will serve as the Lead Federal Agency.

State and local agencies may seek federal funds or seek to maintain federal funding eligibility for transportation projects. These projects are processed through either Florida Department of Transportation (FDOT's) Local Agency Program (LAP) or by FDOT agreement with state or local agencies. FHWA has delegated the management and disbursement of federal aid funds for transportation projects to FDOT; therefore FDOT provides oversight and is the liaison with FHWA on all federally funded projects (including LAP). To be considered a LAP project, funding has to be already programmed in the State Transportation Improvement Plan (STIP)/Transportation Improvement Plan (TIP). LAP projects are developed by a local agency that has received federal funds and is certified by FDOT (per **FDOT LAP Manual, Topic No. 525-010-300**) to administer FHWA federal-aid projects. LAP projects and those maintaining federal funding eligibility must follow the same procedures for the preparation of environmental documentation as other FHWA projects detailed in this manual.

A transportation project is considered a federal action, and therefore must comply with **NEPA** when one of the following conditions applies:

1. Federal funds or assistance is or is expected to be used during any phase of project development or implementation;

2. Federal funding or assistance eligibility is being maintained for subsequent phases;
3. Federal permit(s) is (are) required when based on consultation the federal permitting agency has determined that a DOT **NEPA** document is required to support the permit (e.g., U.S. Coast Guard Bridge permit, COE **Section 404** permit); or
4. Federal approval of an action is required (e.g., change in Interstate access control, use of Interstate right-of-way).

There are three classes of actions defined in **23 CFR 771.115** which establish the level of documentation required in the **NEPA** process.

1. Class I: Environmental Impact Statements (EISs). This COA is applied to actions that significantly affect the environment as defined by CEQ regulations. The types of actions which normally require an EIS are:
 - a. A new controlled-access freeway
 - b. A highway project of four or more lanes on new location
 - c. New construction or extension of fixed rail transit facilities (e.g., high speed or heavy rail, light rail, commuter rail)
 - d. New construction or extension of a separate roadway for buses or high occupancy vehicles not located within or separated from (e.g., elevated lands for bus rapid transit or high occupancy vehicles) an existing highway facility
2. Class II: Categorical Exclusions (CEs). This COA is applied to actions that do not individually or cumulatively have a significant environmental effect. They are actions which **do not**:
 - a. Induce significant impacts to planned growth or land use for an area;
 - b. Require the relocation of significant numbers of people;
 - c. Have a significant impact on any natural, cultural, recreational, historic, or other resources;
 - d. Involve significant air, noise, or water quality impacts;
 - e. Have significant impacts on travel patterns;
 - f. Either individually or cumulatively, have any significant environmental impacts.

CEs are exempt from the requirements to prepare an EA or EIS. A CE determination can be elevated by the lead agency when extenuating circumstances and/or controversy exist or when such issues arise later in project development.

3. Class III: Environmental Assessments (EAs). This environmental COA is assigned to actions in which the significance of the environmental impact is not clearly established. All actions that are not Class I or Class II are Class III. All actions in this class require the preparation of an EA to determine the appropriate environmental documentation required.

The term significant as used in **NEPA** is described in **40 CFR 1508.27**, and requires consideration of both context and intensity (see insert). In many cases, the determination of significance will be obvious because of the absence of resources or because the proposed action does not impact resources. In other cases, the degree to which the project may affect a resource will need to be considered. Consideration of these types of effects should be done in consultation with District environmental staff, specific resource agencies as appropriate, and the Lead Federal Agency.

The determination of significance per NEPA requires considerations of both context and intensity:

Context: Context refers to the geographic, physical, natural, economic, and social settings of the action. The context is both the broader arena (society as a whole or watershed, for example) and the narrower environment (such as a specific neighborhood or stream).

Intensity: This refers to the severity of impact. Responsible officials must bear in mind that more than one agency may make a decision about partial aspects of a major action. The severity of the impacts must be viewed in both the larger and smaller contexts applicable to the action.

This chapter provides guidance on determining the COA for projects in which FHWA is the Lead Federal Agency. For determining the COA for Federal Transit Administration (FTA) projects, see **Part 1, Chapter 14, Federal Transit Administration Environmental Process**.

FHWA Florida Division recognizes three types of CEs: Type 1, Programmatic, and Type 2. **23 CFR 771.117(c)** describes activities considered as Type 1 CEs. These are listed in **Section 2-2.2.1.1**. Programmatic Categorical Exclusions (PCEs) are determined by the existing agreement with FHWA and listed in **Section 2-2.2.1.2**. For all projects not listed in the Type 1 or PCE categories, the District must consult with FHWA to determine the appropriate class of action and whether or not it should be screened through the Department's Efficient Transportation Decision Making (ETDM) process.

ETDM is FDOT's process to engage other agencies and the public early in project development. ETDM provides information used to aid in developing and focusing the project scope for the PD&E Study. The Environmental Screening Tool (EST) is an internet-accessible, interactive Geographic Information System (GIS) database application that is used to coordinate with agencies and the public as part of the ETDM process. This tool provides standardized geographic data of environmental resources

and provides agencies and the public an opportunity to view information about the project and comment on the potential effects of a proposed project. The decision of whether a project is entered into the EST is based on a qualifying project type and the conditions illustrated in the ETDM Programming Screen Matrix in **Figure 2.1**.

Project types qualifying for EST screening include:

1. Roadway Projects

- a. Additional through lanes which add capacity to an existing road
- b. A new roadway, freeway or expressway
- c. A highway which provides new access to an area
- d. A new or reconstructed arterial highway (e.g., realignment)
- e. A new circumferential or belt highway that bypasses a community
- f. Addition of interchanges or major interchange modifications to a completed freeway or expressway (based on coordination with FHWA)
- g. A new bridge which provides new access to an area, bridge replacements (e.g., non PCE)

2. Public Transportation

- a. Major capital improvements including Intermodal Centers, Rail, and Transit Centers
- b. Rail - new commuter rail, passenger rail, or new freight rail extending beyond current footprint
- c. Transit - new facility, new terminal, New Start/Small Start/Very Small Start project extending beyond current footprint
- d. A new seaport, airport, or non-passenger rail project on the Strategic Intermodal System (SIS)

The Department must complete the Programming phase in the EST for all transportation projects described above before making a COA determination. During the Programming phase each qualifying project is reviewed by appropriate Department personnel (i.e., project manager, environmental specialist, design and drainage staff), Environmental Technical Advisory Team (ETAT) and the Lead Federal Agency. **See Chapter 5, Programming Phase** of FDOT's **ETDM Planning and Programming Manual**. The District should coordinate with the Lead Federal Agency prior to submitting a COA determination for approval. A District may choose to do additional studies or

coordination prior to making the COA determination and submitting it for approval. The **Final Programming Screen Summary Report** documents the COA determination and type of environmental analyses needed.

For projects using **only** state funds, the District determines whether the proposed project is a State Environmental Impact Report (SEIR) or Non-Major State Action (NMSA). SEIRs are screened through the EST. If the project is a Non-Major State Action, it is not screened and a checklist for non-major transportation projects will be required. See **Part 1, Chapter 10, Non-Federal Projects** for information on how to prepare a SEIR or NMSA.

2-2 PROCEDURE

The first step of the Class of Action Determination process is to determine whether or not a project should be processed as a federal action as described in **Section 2-1**. The next step is to determine if the action or project should be screened through the EST or if it qualifies as a Type I or PCE, as discussed in **Sections 2-2.2.1.1** or **2-2.2.1.2**. For projects qualifying for EST screening, the environmental COA is typically determined in the ETDM Programming phase; however, in certain circumstances the District may decide to delay the COA determination until additional analysis is completed. The environmental COA determination process for FHWA projects is summarized in **Figure 2.2**.

2-2.1 Determination of Federal Action

Prior to initiating PD&E, the District must determine whether a project is going to be processed as a federal or state project. Projects involving a federal action, federal funds, or are maintaining federal eligibility, must be processed in accordance with the procedures in this chapter and other appropriate chapters in the **PD&E Manual**. By definition, LAP projects are federal actions requiring FDOT oversight and FHWA approval. Non-federal projects are processed as outlined in accordance with **Part 1, Chapter 10, Non-Federal Projects**.

Information related to funding type can be found in the Long Range Transportation Plan (LRTP), TIP and STIP depending on the project. If the project is not identified in those plans and it will proceed as a federal project, then steps should be taken to fulfill FHWA's planning consistency requirements as it advances. The environmental document must include information as to the project's fulfillment of FHWA's planning consistency requirements (LRTP, STIP, and TIP). This information is included in the planning consistency form located in **Part 1, Chapter 4, Project Development Process and Engineering Considerations**. All consistency requirements must be met prior to requesting Location and Design Concept Acceptance (LDCA).

2-2.2 Categorical Exclusions

A Categorical Exclusion (CE) is a project which, based upon past experience with similar actions, does not individually or cumulatively have a significant environmental effect, and is excluded from the requirement to prepare an EA or an EIS. The definition of CE in **40 CFR 1508.4** and **23 CFR 771** provides further guidance for FHWA and FTA projects. CE determinations only apply to projects with a federal action. Generally, CEs are flexible documents that can vary based on the level of coordination and documentation needed to support the determination that an EA or EIS is not needed.

In order for a project to be classified as a CE, it must meet the definition for CEs contained in **40 CFR 1508.4** and meet certain criteria contained in **23 CFR 771.117(a)**, listed below. The criteria must be met and documented as appropriate before a CE determination can be made. It must be sufficiently evident that the proposed project will not involve significant environmental impacts such as:

1. Induce significant impacts to planned growth or land use for the area
2. Require the relocation of significant numbers of people
3. Have a significant impact on any natural, cultural, recreational, historic, or other resource
4. Involve significant air, noise, or water quality impacts
5. Have significant impacts on travel patterns
6. Have significant impacts either individually or cumulatively

In unusual circumstances [provided in **23 CFR 771.117(b)**] a project normally classified as a CE will require coordination with or a finding from the Lead Federal Agency to determine if the CE classification is appropriate. These unusual circumstances may include:

1. Significant environmental impacts
2. Substantial controversy on environmental grounds
3. Significant impact on properties protected by **Section 4(f)** of the **DOT Act** or **Section 106** of the **National Historic Preservation Act**
4. Inconsistency with any federal, state, or local law, requirement, or administrative determination relating to environmental aspects of the action

For CE projects, the level of detail required to support the determination depends upon the magnitude of environmental impacts and the particular circumstances. Since projects approved with CEs are generally minor in nature and have less than significant

impacts, indirect and cumulative impacts assessments will generally not be warranted. There may be exceptions, which can be evaluated on a case-by-case basis. The following sections provide guidance for projects in which the FHWA is the Lead Federal Agency. For FTA projects, guidance is provided in **Part 1, Chapter 14, Federal Transit Administration Environmental Process**.

2-2.2.1 FHWA Categorical Exclusions

FDOT recognizes three forms of CEs as agreed upon with FHWA:

1. Type 1 CE: applies to minor projects or actions listed in **23 CFR 771.117(c)** (see **Section 2-2.2.1.1**)
2. Programmatic CE (PCE): applies to projects and actions identified by FHWA in the **Agency Operating Agreement** between FHWA, FTA and the FDOT, executed February 12, 2003 (see **Section 2-2.2.1.2**) that originated from **23 CFR 771.117(d)**
3. Type 2 CE: actions which require additional documentation to support the determination that an EA or EIS is not needed. The decision requires consultation with and approval from FHWA (see **Part 1, Chapter 5, Type 2 Categorical Exclusion**)

Type 1 CEs and PCEs are not typically screened in the EST; however the EST may be utilized to view GIS data layers applicable to the project without initiating ETAT review. On occasion an EST screened project that was originally not thought to be a CE may result in a COA determination of Type 1 CE or PCE based on consultation with the FHWA.

This section outlines the process used to confirm the validity of the CE determination and the required documentation for those projects.

2-2.2.1.1 Type 1 Categorical Exclusions

The federal projects described in this section are identified in **23 CFR 771.117(c)**. Type 1 CE actions are non-construction activities (i.e., planning, grants, or research programs) or limited construction activities (i.e., landscaping, fencing, etc.). FHWA identified these actions or projects based on past experience with similar actions that were found not to involve significant environmental impacts. These actions or projects must satisfy the conditions found in **23 CFR 771.117(a)** (summarized in **Section 2-2.2.1.3**) prior to determining that they are a Type 1 CE.

The following actions or projects have been identified as Type 1 CEs:

1. Activities which do not involve or lead directly to construction, such as planning and research activities; grants for training; engineering to define the elements of a proposed action or alternatives so that social, economic, and environmental

effects can be assessed; and federal-aid system revisions which establish classes of highways on the federal-aid highway system.

2. Approval of utility installations along or across a transportation facility.
3. Construction of bicycle and pedestrian lanes, paths, and facilities.
4. Activities included in the **State's Highway Safety Plan** under **23 USC 402**.
5. Transfer of federal lands pursuant to **23 USC 107(d)** and/or **23 USC 317** when subsequent action is not a FHWA action.
6. The installation of noise barriers, or alterations, to existing publicly-owned buildings to provide for noise abatement.
7. Landscaping.
8. Installation of fencing, signs, pavement markings, small passenger shelters, traffic signals, and railroad warning devices where no substantial land acquisition or traffic disruption will occur.
9. The following actions for transportation facilities damaged by an incident resulting in an emergency declared by the Governor of the State and concurred in by the Secretary, or a disaster or emergency declared by the President pursuant to the **Robert T. Stafford Act (42 U.S.C. 5121)**:
 - a. Emergency repairs under **23 U.S.C. 125**; and
 - b. The repair, reconstruction, restoration, retrofitting, or replacement of any road, highway, bridge, tunnel, or transit facility (such as a ferry dock or bus transfer station), including ancillary transportation facilities (such as pedestrian/bicycle paths and bike lanes), that is in operation or under construction when damaged and the action:
 1. Occurs within the existing right of way and in a manner that substantially conforms to the preexisting design, function, and location as the original (which may include upgrades to meet existing codes and standards as well as upgrades warranted to address conditions that have changed since the original construction); and
 2. Is commenced within a 2-year period beginning on the date of the declaration.

(note: The Type 1 Categorical Exclusion applies to the immediate work necessary to repair and restore facilities during the first 180 days after the emergency declaration. A separate COA should be made for any project betterments, permanent repairs and for any repairs that do not occur within the

first 180 days following the emergency declaration. The initial COA is indicated on the **Detailed Damage Inspection Report** prepared for the repair work. Coordination with FHWA is recommended to determine the COA for any subsequent work that includes betterments to the existing facility.)

10. Acquisition of scenic easements.
11. Determination of payback under **23 CFR, Part 156** for property previously acquired with federal-aid participation.
12. Improvements to existing rest areas and truck weigh stations.
13. Ride-sharing activities.
14. Bus and rail car rehabilitation.
15. Alterations to facilities or vehicles in order to make them accessible for elderly and handicapped persons.
16. Program administration, technical assistance activities, and operating assistance to transit authorities to continue existing service or increase service to meet routine changes in demand.
17. The purchase of vehicles by the applicant where the use of these vehicles can be accommodated by existing facilities or by new facilities which themselves are within a CE.
18. Track and rail-bed maintenance and improvements when carried out within the existing right-of-way.
19. Purchase and installation of operating or maintenance equipment to be located within the transit facility and with no significant impacts off the site.
20. Promulgation of rules, regulations, and directives.
21. Deployment of electronics, photonics, communications, or information processing used singly or in combination, or as components of a fully integrated system, to improve the efficiency or safety of a surface transportation system or to enhance security or passenger convenience. Examples include, but are not limited to, traffic control and detector devices, lane management systems, electronic payment equipment, automatic vehicle locaters, automated passenger counters, computer-aided dispatching systems, radio communications systems, dynamic message signs, and security equipment including surveillance and detection cameras on roadways and in transit facilities and on buses (e.g., Intelligent Transportation Systems type installations).

22. Projects, as defined in 23 U.S.C.101, that would take place entirely within the existing operational right-of-way. Existing operational right-of-way refers to right-of-way that has been disturbed for an existing transportation facility or is maintained for a transportation purpose. This area includes the features associated with the physical footprint of the transportation facility (including the roadway, bridges, interchanges, culverts, drainage, fixed guideways, mitigation areas, etc.) and other areas maintained for transportation purposes such as clear zone, traffic control signage, landscaping, any rest areas with direct access to a controlled access highway, areas maintained for safety and security of a transportation facility, parking facilities with direct access to an existing transportation facility, transit power substations, transit venting structures, and transit maintenance facilities. Portions of the right-of-way that have not been disturbed or that are not maintained for transportation purposes are not in the existing operational right-of-way.
23. Federally-funded projects: (i) That receive less than \$5,000,000 of Federal funds; or (ii) With a total estimated cost of not more than \$30,000,000 and Federal funds comprising less than 15 percent of the total estimated project cost.

If the project is not listed above as a Type 1 CE, then an additional determination must be made as to whether it is a PCE (**Section 2-2.2.1.2**), it must be evaluated through the Minor Categorical Exclusion (MiCE) process (**Section 2-2.2.1.5**), or a determination must be made as to the appropriate COA.

2-2.2.1.2 Programmatic Categorical Exclusions

The projects that qualify as PCEs are similar to those defined as categorical exclusions in **23 CFR 771.117(c)**, but are not specifically identified in this regulation. Federal projects described in this section were determined to be PCEs in the **Agency Operating Agreement** between FHWA, FTA and the FDOT (February 12, 2003) and apply only to FHWA. The PCE is a determination mechanism developed by FHWA Florida Division Office and FDOT to expedite projects that are minor activities. Like the Type 1 CEs discussed in **Section 2-2.2.1.1**, these actions or projects have been identified based on past experience with similar actions that were found not to involve significant environmental impacts. These projects also must satisfy the conditions found in **Section 2-2.2.1.3, Conditions for Type 1 and Programmatic Categorical Exclusions**, prior to determining that they are PCEs.

The following actions or types of projects have been identified as PCEs:

1. Adding or lengthening turning lanes (including continuous turn lanes), intersection improvements, channelization of traffic, dualizing lanes at intersection and interchanges, auxiliary lanes, and reversible lanes. For auxiliary lanes and reversible lanes, discussion with FHWA is recommended to ensure the appropriate level of documentation before advancing the project.

2. Flattening slopes; improving vertical and horizontal alignments.
3. Highway safety or traffic operations improvement projects including the installation of ramp metering control devices and lighting.
4. Restore, replace, and rehabilitate culverts, inlets, drainage pipes, and systems including safety treatments.
5. Widening, adding roadway width and shoulders without adding through traffic lanes.
6. Roadway skid hazard treatment.
7. Upgrade, removal, or addition of guardrail.
8. Upgrade median barrier.
9. Install or replace impact attenuators.
10. Upgrade bridge end approaches/guardrail transition.
11. Upgrade railroad track circuitry.
12. Improve railroad crossing surface.
13. Improve vertical and horizontal alignment of railroad crossing.
14. Improve sight distance at railroad crossing.
15. Railroad crossing elimination by closure, and railroad overpass removal within right of way.
16. Clear zone safety improvements, such as fixed object removal or relocation.
17. Screening unsightly areas.
18. Freeway traffic surveillance and control systems.
19. Motorist aid systems.
20. Highway information systems.
21. Preventive maintenance activities such as joint repair, pavement patching, shoulder repair and the removal and replacement of old pavement structure.
22. Restore, rehabilitate, and/or resurface existing pavement.

23. Computerized traffic signalization systems.
24. Restoring and rehabilitating existing bridge (including painting, crack sealing, joint repair, scour repair, scour counter measures, fender repair, bridge rail or bearing pad replacement, seismic retrofit, etc.).
25. Widening of substandard bridge to provide safety shoulders without adding through lanes.
26. Replacement of existing bridge (in same location) by present criteria. Discussion with FHWA is recommended to ensure proper level of documentation.
27. Transportation enhancement projects involving acquisition of historical sites and easements, or historical preservation.
28. Preservation of abandoned railway corridors, including the conversion and use for pedestrian, equestrian, or bicycle trails.
29. Rehabilitation and operation of historic transportation buildings, structures, or facilities, including railroad facilities and canals.
30. Mitigation of water pollution due to highway runoff.
31. Bridge removal.
32. Approvals for disposal of excess right-of-way or for joint or limited use of right-of-way, where the proposed use does not have significant adverse impacts.
33. Rehabilitation or reconstruction of existing rail and bus transit buildings and ancillary buildings where only minor amounts of additional land are required, and there is not a substantial increase in the number of users.
34. Construction of bus transfer facilities (an open area consisting of passenger shelters, boarding areas, kiosks, and related street improvements) when located in a commercial area or other high activity center in which there is adequate street capacity for projected bus traffic.
35. Acquisition of land for hardship or protective purposes for a particular parcel or a limited number of parcels; advance land acquisition loans under **Section 3(b)** of the ***Urban Mass Transportation Act***.
36. Mitigation projects.
37. Animal crossings.
38. Changes in access controls.

39. Intelligent Transportation Systems.

If the project is not identified on the Type 1 or PCE listings shown in **Sections 2-2.2.1.1** or **2-2.2.1.2** above, then the project may need to proceed using the MiCE process (**Section 2-2.2.1.5**), or additional coordination would be required to determine the appropriate COA.

2-2.2.1.3 Conditions for Type 1 and Programmatic Categorical Exclusions

FHWA has determined that all of the projects listed as Type 1 and PCEs will, based on past experience or agreement, meet the definition for CEs contained in **40 CFR 1508.4**. However, to qualify as a Programmatic or a Type 1 CE, the project must satisfy the conditions described under **23 CFR 771.117(a)** accepted by FHWA that presume the following conditions are met:

1. The project or action causes no potentially significant adverse impacts to local traffic patterns, property access, or community cohesiveness, or planned community growth or land use patterns.
2. There are no potentially significant air, noise, and water quality impacts.
3. There are no potentially significant wetland impacts.
4. There are no potentially significant impacts to navigation.
5. There are no potentially significant floodplain encroachments in accordance with **Part 2, Chapter 24, Floodplains**.
6. There are no potentially significant impacts to endangered and threatened species and/or their critical habitat in accordance with **NEPA** and formal consultation is not required by **Section 7** of the **Endangered Species Act**. Therefore, a finding is not required by FHWA.
7. There are no potentially significant amounts of right-of-way required and no potentially significant amounts of relocations involved.
8. The project does not involve any properties protected by **Section 4(f)** of the **U.S. Department of Transportation Act**, or FHWA has made a determination that **Section 4(f)** is not applicable in accordance with **Part 2, Chapter 13, Section 4(f) Evaluations**. Transportation Enhancement projects that take or require the use of **Section 4(f)** properties or resources must show written agreement with the action by the local agency having jurisdiction.

9. There are no properties protected under **Section 106** of the **National Historic Preservation Act** in the project limits, or if there are, those properties are not adversely affected as determined in consultation with the State Historic Preservation Officer (SHPO) or, when appropriate, the Tribal Historic Preservation Office (THPO) in accordance with **Part 2, Chapter 12, Archeological and Historical Resources**. Any project involving a designated National Landmark must be coordinated with the National Parks Service to address their concerns pursuant to the requirements of the National Historic Landmarks Program prior to the CE determination.

10. There are no known potential contamination sites which would impact design, right-of-way, or construction activities (see **Part 2, Chapter 22, Contamination Impacts**). **NEPA** requires the evaluation of this issue for impacts. If contamination is identified, we are required to document it and describe how it will be addressed as the project advances.

A public hearing is not required in accordance with **Part 1, Chapter 11, Public Involvement**. However, if the District determines that a sensitive community issue exists on or near the proposed improvement, a **Community Awareness Memorandum** may be prepared recommending appropriate public involvement activities (see **Part 1, Chapter 11, Public Involvement**).

The satisfaction of the conditions described in this section is documented by completing a project evaluation checklist (see **Figure 2.3**), field review as appropriate, and any necessary supporting documentation or technical reports required to substantiate the findings on the checklist.

Failure of a project to meet any of the conditions set out in this section will require coordination with the FHWA. This could include following the MiCE process, screening the project in the EST, completing a technical study to assess the impact to particular resources, coordination with a resource agency, and/or the preparation of Type 2 CE documentation, an EA or an EIS.

2-2.2.1.4 Coordination and Documentation of Type 1 and Programmatic Categorical Exclusions

For Type 1 CEs or PCEs, coordination with appropriate resource agency personnel (this may be an ETAT representative) will need to take place in some instances (such as coordination on historic resources, wetlands, listed species, etc.) in order to verify the finding that there is no potential to significantly impact certain environmental resources. Coordination and documentation is also important because it may affect environmental permitting [e.g., SHPO coordination in a Water Management District permit]. Coordination with FHWA may also be required in order to make findings under concurrent

laws [such as the *Endangered Species Act* and *Section 4(f)*] prior to finalizing the COA determination.

Documentation consists of an evaluation checklist prepared after environmental analysis has been completed (see *Figure 2.3, Type 1 and Programmatic Categorical Exclusion Checklist*). Documentation of the results of any analysis or coordination should be attached to the checklist and placed in the project file for the administrative record. This documentation should include any supporting documents and/or technical reports required to substantiate the findings on the checklist. It is important to document that the project will not have significant impacts and that environmental issues have been addressed. In some instances final design information will not be available and the project will need to be evaluated and a determination made based upon its design concept.

For Type 1 and Programmatic CEs, whenever FHWA under the provisions of **23 CFR 650, Subpart H** determines that a USCG bridge permit is not required, a copy of the FHWA determination and supporting documentation may need to be provided to USCG and the COE (as appropriate).

The District Environmental Office will also complete and provide the date of the determination on the *Status of Environmental Certification*, as shown in *Figure 2.4*, which is required as part of the contract documents for federal-aid construction projects. The *Status of Environmental Certification* should be used when submitting all projects, including LAP projects, for approval to the Federal Aid Office. As specified by the *LAP Manual*, LAP agencies cannot make COA determinations or certify projects for advancement. LAP agencies do not have signature authority for environmental certifications; therefore, the *Status of Environmental Certification* should be signed by the appropriate FDOT personnel as noted on the form. Acceptance by FHWA of the *Status of Environmental Certification* for the project constitutes formal approval that the proposed action is a Type 1 CE or PCE.

The District Federal Aid coordinator or the Federal Aid Management Office utilizes information from the *Status of Environmental Certification* to complete the *Federal-Aid Project Authorization/Agreement Form (PR-1240 Form)*. After documenting the project file and FHWA's acceptance of the federal-aid form, the Type 1 and PCE projects advance to the next production phase (usually design).

After final design is complete, the project should be reevaluated to ascertain that the original determination remains valid. Reevaluations consist of reassessing the checklist and submitting it with the *Status of Environmental Certification (Part 1, Chapter 13, Reevaluations)*.

2-2.2.1.5 Minor Categorical Exclusion (MiCE) Process

The purpose of the Minor Categorical Exclusion (MiCE) process is to assist Districts in making and validating CE determinations and providing specific findings and documentation to address potential impacts to relevant environmental issues/or resources

without causing the COA of the project to be elevated (**23 CFR 771 a and b**). The MiCE is not a new type of CE, but rather a process which can be used to support the determination that a project can be classified as a Type 1 CE, a PCE, and, in some cases, a Type 2 CE (see **Figure 2.2**). This process provides guidance on managing project issues, documenting findings, and developing appropriate and focused documentation to support the CE determination. A finding implies that a decision must be made or a signature is needed by FDOT, FHWA, and/or an appropriate resource agency. MiCE can apply to PD&E studies or final design projects where the CE determination must be made.

The following items should be assessed and documented for projects being developed using the MiCE process:

1. Existing conditions
2. Potential impacts [e.g., **Section 106** involvement, listed species, **Section 4(f)**]
3. Anticipated/required consultations, permitting need(s)
4. Conclusions- need for findings/agency consultation
5. Coordination with FHWA

This assessment defines the project context and provides the basis for the level of analysis. The results should identify issues requiring resolution in the document. After coordinating the results of the assessment with FHWA a decision is made on the level of documentation necessary to validate the CE determination. This results in a document focused on the issues requiring resolution.

There are two scenarios in the MiCE process. The first scenario is for projects that would normally qualify as Type 1 or PCEs, but may involve potential environmental impacts requiring additional analysis and documentation to assure the COA is valid based on analysis or coordination with FHWA. This scenario is triggered when there is a “Yes” checked on the **Type 1 and Programmatic Categorical Exclusion Checklist**.

The second scenario is for projects that were screened in the EST or may qualify as a Type 2 CE. The MiCE process can be used to focus the environmental analysis on the issues which triggered the Type 2 CE COA. Advance notifications are only required for projects that qualify for EST screening (see **Section 2-1**).

A key is provided in **Figure 2.6** to help determine the appropriate level of documentation for the CE. It is important to note that the COA determination is based on the context and intensity of impacts, therefore, the ultimate determination of the COA is made by FHWA.

2-2.2.1.6 Type 2 Categorical Exclusions

For all projects that are not in the Type 1 or PCE categories, the District must consult with the FHWA and together recommend whether the project should be developed through the MiCE Process, classified as a Type 2 CE under **23 CFR 771.117(d)**, or be screened through the EST to determine the COA. For all Type 2 CE projects, the level of detail required is dependent upon the type(s) and magnitude of environmental impacts.

Type 2 CEs require completion of a **Type 2 Categorical Exclusion Determination Form (Figure 2.5)** and a **Preliminary Engineering Report (PER)**. Details on Type 2 CEs and guidance on completing a **PER** is provided in **Part 1, Chapters 4, Project Development Process and Engineering Considerations** and **5, Type 2 Categorical Exclusion**. For Type 2 CEs, the documentation is sent to USCG when a bridge permit is required or FHWA has made a bridge permit determination under **23 CFR 650, Subpart H**. Type 2 CE documentation is also sent to COE whenever there is a **Section 404** permit involvement. All Type 2 CEs must be approved by FHWA who provides LDCA allowing the project to proceed to final design.

2-2.2.1.7 Procedures for Completing a Type 2 Categorical Exclusion Determination Form

This section outlines the directions for completing a **Type 2 Categorical Exclusion Determination Form**. The descriptions of how to address the topical categories can be used as guidance by the District when preparing summary degree of effect determinations in the EST. Each block must be completed as appropriate.

Block 1. General Information:

Provide the county(ies); project name or title (including bridge number, if appropriate); project limits (as agreed upon by FHWA); project numbers (ETDM Number (if applicable), Financial Management Number and, Federal-aid number), and attach and reference a project location map.

Block 2. Project Purpose and Need:

A. Purpose and Need Statement:

Briefly describe the purpose, location, length, logical termini, etc. Identify and describe the transportation needs the purpose is intended to satisfy (e.g., provide system continuity, alleviate traffic congestion, and correct safety or roadway deficiencies). See **Part 2 Chapter 5, Purpose of and Need for Action** and **Part 2 Chapter 4, Project Description** for detailed guidance on preparing a Purpose and Need Statement and Project Description.

B. Proposed Improvements:

Briefly describe the proposed action and typical section(s), using appropriate engineering detail that shows the number of lanes and their width, major structures, proposed capacity and safety improvements, estimated right-of-way to be acquired, and construction year.

This section must also include the specific engineering detail required to address project impacts to comply with the other specific federal and state environmental laws, regulations, and executive orders and discuss required avoidance alternatives, measures to minimize harm, and the incorporation of mitigation strategies into the project design. Sufficient detail should be provided to support the findings.

In addition, a basic engineering discussion should be included per **Part 1, Chapter 4, Project Development Process and Engineering Considerations**.

C. Project Planning Consistency:

The completion of the planning consistency table is required prior to submittal to FHWA for LDCA to verify that the project meets the planning requirements in **23 CFR 450**. The appropriate LRTP, TIP, and STIP pages should be submitted to FHWA with this determination form. This table is intended to document and demonstrate project planning consistency. For future phases (e.g., right-of-way, construction, etc.) not currently shown on the referenced plans, this form should also document planned steps towards implementation, including the anticipated fiscal years. This should be coordinated with appropriate District Planning staff and may need to be documented in the appropriate plans as well. To address LRTP consistency for projects not qualifying for screening, verify that the project is represented in the LRTP summary sheet (e.g., general sidewalk, pedestrian improvement, and safety projects) and include a copy of the sheet with the determination form.

Block 3. Class of Action:

This determination form is only completed for Type 2 CEs. Based on information and associated analysis in Block 6 of this form, FDOT and FHWA determine that the project fulfills the criteria for a CE. In addition, mark an "X" in the box for other environmental regulations, which were completed on line 3b. All environmental evaluations must be completed before submittal of the form to FHWA for approval. In line 3c, after consultation with FHWA, mark the appropriate box regarding the status of the public hearing and, if applicable, project LDCA. On line 3d, indicate by marking an "X" for the appropriate cooperating agency, based on early coordination with FHWA. Cooperating agencies are determined following the procedures in **40 CFR 1500 et seq.** (CEQ Regulations) and associated FHWA guidance. If there are no cooperating agencies, mark None.

Block 4. Reviewers' Signature:

The FDOT Project Manager and Environmental Administrator or designee must sign and date the review block.

Block 5. FHWA Concurrence:

The FHWA Division Administrator or designee must sign and date this block to concur with the recommendation(s) in Block 3.

Block 6. Impact Evaluation:

The analyst uses input received from private and public entities, previous coordination efforts, coupled with the evaluation of the project area, knowledge of the project, past experience, and the results of environmental evaluations to complete the form. An "X" is placed in the appropriate column, indicating the impact level as significant, not significant, none, or no involvement. Documentation must be provided by the analyst in the Basis for Decision column and/or with attachments, if necessary, to substantiate the impact determination.

For clarity, the following definitions are provided to assist in determining the magnitude of the impact of the project on the affected environment:

- a. If the impact is significant per **40 CFR 1508.27** mark the column "Sig" with an "X". If this determination is made coordinate with FHWA.
- b. If impact is not significant mark the column "Not Sig" with an "X". Not significant means the project involves an environmental issue/resource and has an impact which may range in a level of magnitude from minimal to substantial.
- c. If impact is none mark the column "None" with an "X". None means the project has been evaluated for impacts to the environmental issue/resource in question and it is present, but there is no impact to it.
- d. If issue/resource is not involved mark the column "NoInv" with an "X". No involvement means the environmental issue/resource in question is not part of or in any way involved with the project.

Documentation must be provided to substantiate the finding whenever the impact is shown to be significant, not significant, or none. If analysis results in a finding of significant impact(s), coordinate with FHWA since the significance finding must be made by them.

Impact evaluation material should be briefly summarized and appended to the form in the order listed on this form. Correspondence representing findings or concurrence should be appended to the form. If the project was screened through the EST, address

comments received from the ETAT and reference or cite the ***Final Programming Screen Summary Report***. It is not necessary to attach the ***Final Programming Screen Summary Report***. All issues with the ETAT should be resolved and documented. A summary of coordination and/or consultation which verifies the finding should be included with the form. The administrative record should document environmental evaluations supporting coordination, consultations, and findings and must be produced upon request by FHWA. The purpose of this form is to provide streamlined documentation of Type 2 CEs.

The following topical categories contained in A, B, C & D below must be addressed using applicable chapters of the ***PD&E Manual*** to satisfy federal and state environmental laws, regulations, and executive orders. The analysis should be focused to the relevant issues and those requiring findings. Topics must address project impacts and mitigation as required by the referenced ***PD&E Manual*** chapters. If a topical category is marked in the "NoInv" column then no further documentation is needed. The only exception is when No Involvement is marked for Nondiscrimination Considerations. In this case, the standard statement in ***Part 2, Chapter 9, Sociocultural Effects Evaluation*** must be provided.

The form must document interagency coordination on relevant issues and public involvement efforts. In addition, all commitments and recommendations made must be summarized in Block 7 of the form. FHWA grants LDCA by approving the form.

The following topical categories contained in A, B, C & D below must be addressed as appropriate:

A. Social: Consider potential effects on the community including:

- 1. Land Use Changes:** Consider any potential for the project to induce secondary development or change existing land use patterns. For guidance see ***Part 2, Chapter 9, Sociocultural Effects Evaluation***.
- 2. Community Cohesion:** Consider any potential for the splitting or isolation of neighborhoods, changing travel patterns, affecting access or parking, and other variables of local community concern. For guidance see ***Part 2, Chapter 9, Sociocultural Effects Evaluation***.
- 3. Relocation Potential:** What is the relocation potential? Estimate the number and type of relocatees, and consider the impact to sensitive groups, etc. For guidance see ***Part 2, Chapter 9, Sociocultural Effects Evaluation***.
- 4. Community Services:** How will the proposed action affect school districts and churches? How will the proposed action affect community services and facilities? Identify community services and facilities on the project by name and any potential involvement (i.e., First Street Baptist Church, Big Bend Elementary School, First Street Hospital, Willow Street Fire Station). For guidance see ***Part 2, Chapter 9, Sociocultural Effects Evaluation***.

5. **Nondiscrimination Considerations:** Consider potential impacts to distinct ethnic, elderly, minority, handicapped, or other groups. Consider the likelihood of disproportionate impacts. Regardless of the impact level identified, documentation should always contain the standard statement and, if applicable, a brief summary of the assessment. For guidance and standard statement see **Part 2, Chapter 9, Sociocultural Effects Evaluation**.
 6. **Controversy Potential:** Consider any areas of controversy resulting directly or indirectly from this project. Consider likelihood of disproportionate impacts. Districts should reference results of public hearing or other public coordination. If the project was screened reference ETAT issue resolution.
 7. **Scenic Highways:** Identify, by formal name, all designated (or candidate) Scenic Highways within the project study area and consider their involvement with the project. For guidance see **Part 2, Chapter 29, Scenic Highways**.
 8. **Farmlands:** Consider any involvement with Farmlands. For guidance see **Part 2, Chapter 28, Farmlands**.
- B. **Cultural:** Consider potential impacts to any **Section 4(f)**, historical or archaeological sites (**Section 106** of the **National Historic Preservation Act** and implementing regulations).
1. **Section 4(f):** Identify, by formal name, any existing or proposed **Section 4(f)** properties within the project's study area. On the appended sheet discuss any project related impacts to these properties and specifically identify any right of way or other acquisition from these parcels which may be required to complete the project. For guidance see **Part 2, Chapter 13, Section 4(f) Evaluations**.
 2. **Historic Sites and/or Districts:** Consider potential involvement with properties listed or eligible for listing on The **National Register of Historic Places**. Include findings and necessary approvals per **Part 2, Chapter 12, Archaeological and Historical Resources**. Also include the applicable standard statement.
 3. **Archaeological Sites:** Consider potential involvement with properties eligible or listed on The **National Register of Historic Places**. Include findings and necessary approvals per **Part 2, Chapter 12, Archaeological and Historical Resources**. Also include the applicable standard statement.
 4. **Recreation Areas:** Identify, by formal name, all such sites within the project study area and consider their involvement with the project. Consider involvement with public property. For guidance see **Part 2, Chapter 13, Section 4(f) Evaluations**.

C. Natural:

1. **Wetlands:** Does the project involve wetlands? Identify wetlands and the approximate acreage affected. What type of wetlands are involved and what is their overall functional value based on Uniform Mitigation Assessment Methodology (UMAM), as appropriate? A wetland finding needs to be included. If wetlands are impacted, include a brief discussion of proposed compensatory mitigation, as appropriate. See **Part 2, Chapter 18, Wetlands** for further guidance and standard statements.
2. **Aquatic Preserves:** Identify any Aquatic Preserves, by name, and potential involvement (i.e., water quality impacts, retention, right-of-way needs). For projects located in an Aquatic Preserve without impacts include the standard statement provided in **Part 2, Chapter 19, Aquatic Preserves**.
3. **Water Quality:** Consider potential right-of-way needs for roadway and retention ponds, and potential water quality impacts. What is the potential for water quality impacts? Conduct a qualitative evaluation of potential project involvement using the **Water Quality Impact Evaluation (WQIE) Checklist**, for all EST screened projects. Where a detailed **WQIE** is required include the standard statement provided in **Part 2, Chapter 20, Water Quality**.
4. **Outstanding Florida Waters:** Identify any Outstanding Florida Waters, by name, and potential involvement (i.e., water quality impacts, retention, right-of-way needs). For guidance see **Part 2, Chapter 21, Outstanding Florida Waters**.
5. **Wild and Scenic Rivers:** Determine if the project is involved with a Wild and Scenic River or one identified on the Southeastern Rivers Inventory. For guidance see **Part 2, Chapter 23, Wild and Scenic Rivers**.
6. **Floodplains:** Determine if the 100-year floodplain is involved with the project and the type of effect, if applicable. Identify if a regulatory floodway is involved and provide a finding as applicable. See **Part 2, Chapter 24, Floodplains** for further guidance and standard statements.
7. **Coastal Zone Consistency:** Note if the project is consistent with the Coastal Zone Management Program. Include the standard statement provided in **Part 2, Chapter 25, Coastal Zone Consistency**. A Coastal Zone Consistency determination is only needed at this phase of the project if it was screened through the EST. Keep in mind the final Coastal Zone Consistency determination is not given until the project is permitted.
8. **Coastal Barrier Resources:** Consider access impact to Coastal Barrier Resources protected under the **Coastal Barrier Resources Act (CBRA)** and **Governor's Executive Order 81-105**. For guidance see **Part 2, Chapter 26, Coastal Barrier Resources**.

9. **Wildlife and Habitat:** Consider any potential impacts to wildlife and habitat as appropriate. Provide a finding if one is necessary. For guidance see **Part 2, Chapter 27, Wildlife and Habitat Impacts**.
10. **Essential Fish Habitat:** Consider any potential impacts to Essential Fish Habitat as appropriate and include the applicable standard statement per **Part 2, Chapter 11, Essential Fish Habitat**.

D. Physical:

1. **Noise:** Is the consideration of noise impacts required under **23 CFR 772** or FDOT policy? Consider if implementation of the project will cause an increase in noise as a result of a qualitative review per **Part 2, Chapter 17, Noise**.
2. **Air Quality:** Consider if implementation of the project will cause an impact on air quality as appropriate, in accordance with procedures in **Part 2, Chapter 16, Air Quality Analysis**.
3. **Construction:** Consider potential construction impacts relative to all impact categories and document this consistent with **Part 2, Chapter 30, Construction Impacts**.
4. **Contamination:** **NEPA** requires the evaluation of this issue for impacts. If contamination is identified we are required to document it and describe how it will be addressed as the project advances. Determine the likelihood of contamination impacting the project as appropriate and include the applicable standard statement per **Part 2, Chapter 22, Contamination Impacts**.
5. **Aesthetic Effects:** Consider aesthetic effects impacts in accordance with procedures in **Part 2, Chapter 15, Visual Impacts/Aesthetics**.
6. **Bicycles and Pedestrians:** Consider bicycle alternatives and the aspect of providing reasonable alternatives for the bicycling public per **Part 2, Chapter 14, Pedestrian and Bicycle Facilities**.
7. **Utilities and Railroads:** Discuss any involvement with utilities and/or rail systems. For guidance see **Part 2, Chapter 10, Utilities and Railroads**.
8. **Navigation:** Consider any potential impacts to navigation by providing the following information which FHWA will use to make its determination under **23 CFR 650, Subpart H**. Pursuant to **23 CFR 650, Subpart H**, FHWA can determine that a project is exempt from a USCG permit whenever the proposed construction, reconstruction, rehabilitation, or replacement of the federally-aided or assisted project is over waters:

- a. Which are not used or are not susceptible to use in their natural condition or by reasonable improvement as a means to transport interstate or foreign commerce; and
- b. Which are not tidal; or
- c. If tidal, are used only by recreational boating, fishing, and other small vessels less than 21 feet in length.

In order for FHWA to determine that a project is exempt from a USCG navigational permit, the District must provide the following information on the determination form:

- a. Three (3) photographs of the proposed bridge site: one looking upstream, one looking downstream, and one looking along the alignment centerline across the bridge site.
- b. The name of waterway including: (1) Mileage along waterway measured from mouth or confluence; or (2) Tributary of (name of river) at mile ____.
- c. Geographical location including: road number, City, County and State.
- d. Section, Township, and Range, if applicable.
- e. State if waters are tidally influenced at proposed bridge site and provide the range of tide.
- f. State if these waters are used to transport interstate or foreign commerce, and also indicate:
 - 1. If these waters are susceptible to use in their natural condition or by reasonable improvement as a means to support interstate or foreign commerce.
 - 2. If there are any planned waterway improvements to permit larger vessels to navigate based on coordination with COE.
- g. State if there are any natural or manmade obstructions, bridges, dams, weirs, etc., downstream or upstream.
 - 1. If obstructions exist, provide upstream/downstream location with relation to the proposed bridge.
 - 2. Provide a photograph of the bridge from the waterway showing channel spans.

- h. List names and addresses/location of marinas, marine repair facilities, public boat ramps, private piers/docks along waterway within ½ mile of site.
- i. Attach location map and plans for the proposed bridge; include vertical clearances above mean high water and mean low water and horizontal clearance normal to axis of the waterway.
- j. Provide a description of the navigational clearances provided by the existing bridge(s).
- k. Provide a description of waterway characteristics at the bridge sites, including width at mean high and mean low water, depth at mean high and mean low water, and currents.
- l. Provide a description of the type, size, and number of vessels using the waterway, and the number of bridge openings required to serve waterborne traffic. This includes the vertical clearance requirement for the largest vessel using the waterway; a photograph of each type of vessel using the waterway; and the length of the largest type vessel using the waterway. If the types of vessels using the waterways are not known then coordinate with USCG and document the results of the coordination.
- m. Provide a description of any bridge-related boating accidents.
- n. Provide a description of the potential impacts of the project on navigation including, effects during the construction period.
- o. Determine the need for navigational lighting or signals or special notices to mariners for the proposed bridge and its construction activity.

If FHWA cannot determine that the project is exempt from a USCG permit then coordination with the USCG will be needed prior to approval of the Type 2 CE.

- E. Permits Required:** List all possible, federal and state permits required by providing the name of the permitting agency, the name of the permit and the permit status.

Block 7. Commitments:

This section is to be completed to document any commitments made by the Department over the course of the project, see **Part 2, Chapter 32, Commitments and Recommendations**.

2-2.3 Environmental Assessments and Environmental Impact Statements

An EA is prepared when the significance of the environmental impact is not clearly established. Guidance on preparing EAs is provided in **Part 1, Chapter 6, Environmental Assessment**. An EIS is prepared when a project significantly affects the environment. Examples of the types of actions which would normally require an EIS are listed in **Section 2-1**. Guidance on preparing EISs is provided in **Part 1, Chapters 8, Draft Environmental Impact Statement, and 9, Final Environmental Impact Statement**. An EA or EIS must have sufficient documentation to support the COA Determination. Supporting information may include technical reports (i.e., **PER, Noise Report, Wetlands Evaluation Report**).

2-2.4 Non-Federal Projects

For non-federal transportation projects with FDOT involvement the District determines whether the proposed project should be classified as a State Environmental Impact Report (SEIR) or a Non-Major State Action (NMSA). For projects requiring a federal permit, coordination with the permit agency is needed to ensure that the state document will provide sufficient information to serve as the agency's **NEPA** document (e.g., USCG bridge permits, COE **Section 404** permits). If the project qualifies for screening through the EST (see **Section 2-1**), a SEIR will be prepared. A SEIR may also be prepared for a project that might otherwise not be entered into the EST at the District's discretion. NMSAs are prepared for non-major state actions and a checklist is prepared for documentation. Guidance on preparing SEIRs and NMSAs is provided in **Part 1, Chapter 10, Non-Federal Projects**.

2-2.5 Class of Action Determination for Programming Screen Projects

For all FHWA projects not falling into the Type 1 or PCE categories, FDOT must consult with the FHWA to determine if the MiCE process is appropriate and/or if they should be entered in the EST for screening.

For these projects the environmental COA can be determined during the Programming phase that takes place as part of the ETDM process. See **Chapter 5, Programming Phase** of the FDOT's **ETDM Planning and Programming Manual**. The District may choose to perform analysis to assist in determining the appropriate COA. The COA is proposed by the FDOT and is approved by the Lead Federal Agency. This determination, in addition to the potential effects for various environmental issues and the potential scope of work to be performed during the PD&E phase, is included in the **Final Programming Screen Summary Report**.

The process for obtaining the environmental COA requires that the District ETDM Coordinator complete the on-line COA determination during the Programming Phase, through the EST, and submit it to FHWA for approval. After the Lead Federal Agency and the District ETDM Coordinator have agreed on the COA, the Lead Federal Agency accepts the COA. For non-federal projects, the ETDM Coordinator will indicate that the project is to be a SEIR, and the lead agency is FDOT. After the COA determination is

complete, the determination becomes part of the ***Final Programming Screen Summary Report***. The COA determination may be withheld to allow for technical studies and additional coordination, potentially leading to a reduced COA.

Once the COA determination is made, the level of documentation required for ***NEPA*** compliance is described in the respective chapters for a Type 2 CE, an EA, or an EIS in ***Part 1*** of this ***PD&E Manual***. For major FTA projects guidance is provided in ***Part 1, Chapter 14, Federal Transit Administration Environmental Process***.

2-2.6 Change of Class of Action

Prior to the beginning of PD&E or even during PD&E, the District or FHWA may seek to revisit the COA determination. Changes in the COA could arise if there are changes in the project's scope or changes in impact status of issues. It should be noted if the project was an EIS (which is based on significant impacts) a change in COA may be difficult or not warranted since a complete determination of significance is made upon completion of the analysis and approval by the Lead Federal Agency. In addition it would require the withdrawal of the ***Notice of Intent (NOI)*** with cause from the ***Federal Register***. See ***Part 1, Chapter 8, Draft Environmental Impact Statement*** for information on the ***NOI***. In all cases, FHWA must be consulted if FDOT seeks modifications to a project's approved COA to obtain approval for the proposed change.

2-3 REFERENCES

1. Council on Environmental Quality, Executive Office of the President, 1978. Regulations for Implementing the Procedural Provisions of the National Environmental Policy Act. Reprint 43 FR 55978-56007, 40 CFR Parts 1500-1508.
2. Federal Register, August 28, 1987, Volume 52, No. 167. "Part 771-Environmental Impact and Related Procedures", 23 CFR 771.
3. Federal Register, 1987, Volume 52, No. 144. "Subpart H- Navigational Clearances for Bridges", 23 CFR 650.
4. Memorandum, titled, "Florida-Meeting with U.S. Coast Guard", from FHWA Highway Safety and Environmental Coordinator to FHWA Assistant Division Administrator (Copy to C. L. Irwin), September 2, 1988.
5. Memorandum, titled, "Preventive Maintenance", from Bill Deyo, Director, Office of Design to District Directors of Production and Operations, and to Design Engineers, August 27, 1992.
6. U.S. Department of Transportation, Federal Highway Administration, October 30, 1987. Guidance for Preparing and Processing Environmental and Section 4(f) Documents, FHWA Technical Advisory T6640.8A.

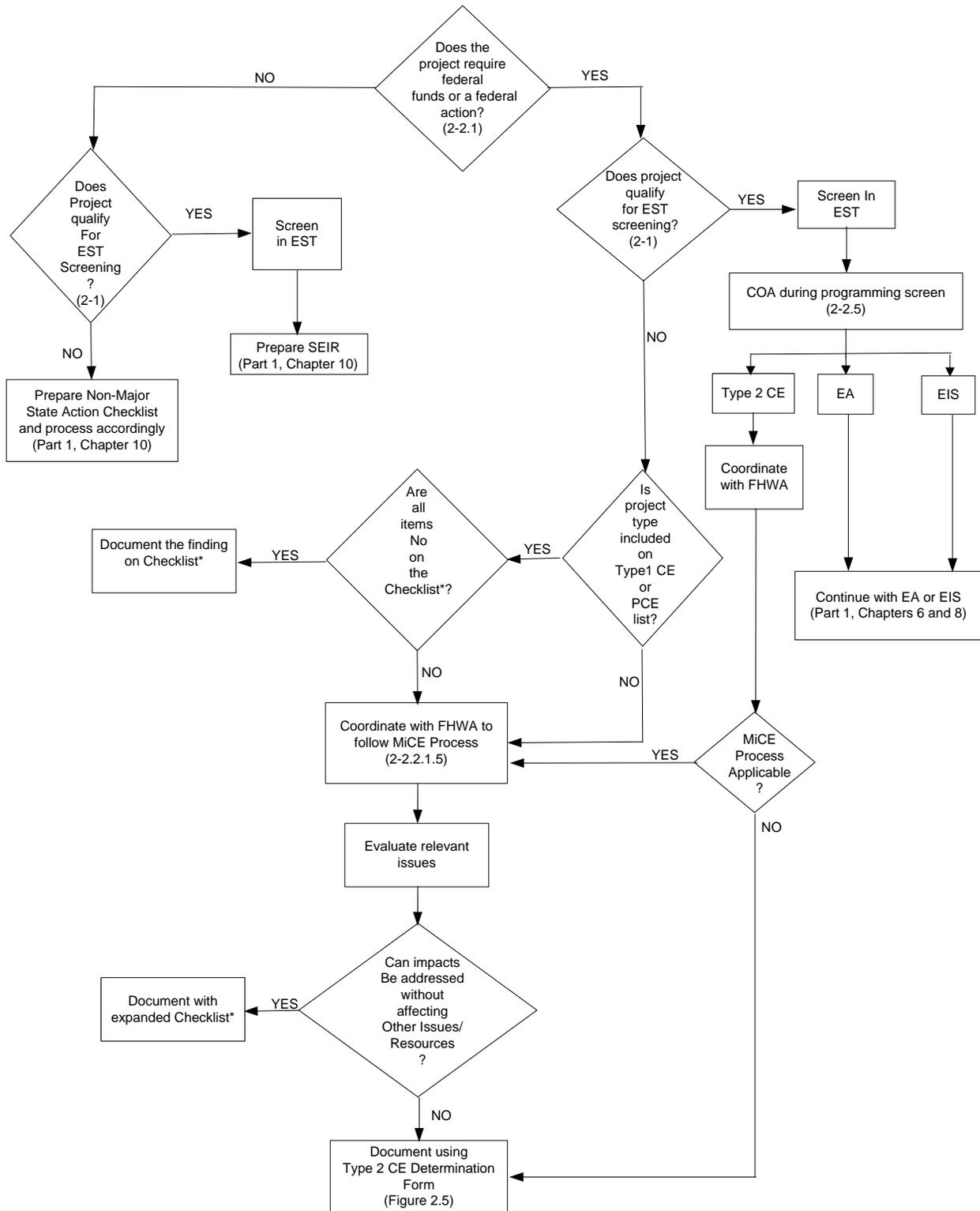
7. Procedure 525-030-300, Transportation Enhancement Projects.
8. FHWA and FTA “Agency Operating Agreement signed by Thomas F. Barry, FDOT Secretary, James St. John, FHWA Division Administrator and Jerry Franklin, FTA Regional Administrator, and executed on February 12, 2003.
9. Florida Department of Transportation, Efficient Transportation Decision Making (ETDM) Planning and Programming Manual.
10. Florida Department of Transportation, Local Agency Program Manual, March 28, 2008. http://www.dot.state.fl.us/projectmanagementoffice/LAP/LAP_TOC.shtm
11. Federal Highway Administration, Questions and Answers Regarding the Consideration of Indirect and Cumulative Impacts in the NEPA Process, 2003. <http://www.environment.fhwa.dot.gov/projdev/qaimpact.asp>
12. Federal Highway Administration, Supplement to January 28, 2008 “Transportation Planning Requirements and Their Relationship to NEPA Process Completion”, February 9, 2011

2-4 HISTORY

1/31/2007, 1/12/2004, 3/06/2012

ETDM Programming Screen Matrix (Qualifying Transportation Projects*)									
Responsible Agency/ETDM Involvement/Environmental Documentation vs. Funding Source									
	Federal Dollars (FHWA or FTA transportation funds or required approval)			State Dollars (TRIP, Transit/Intermodal System Grants, etc) No Federal Dollars Involved			Local Dollars Only		
	Responsible Agency (1)	ETDM Screening	Type of Environmental Document	Responsible Agency (1)	ETDM Screening	Type of Environmental Document	Responsible Agency (1)	ETDM Screening	Type of Environmental Document
System									
State Highway System (SHS) on the Strategic Intermodal System (SIS)	FDOT	YES	NEPA	FDOT	YES	SEIR	FDOT	YES	SEIR
							Local (2)	YES (3)	SEIR or (6)
State Highway System (SHS) not on the Strategic Intermodal System (SIS)	FDOT	YES	NEPA	FDOT	YES	SEIR	FDOT	YES	SEIR
				Local (2)	YES	SEIR	Local (2)	YES (3)	SEIR or (6)
Highways not on State Highway System (SHS) but on the Strategic Intermodal System (SIS)	FDOT	YES	NEPA	FDOT	YES	SEIR	FDOT	YES	SEIR
	Local (2)	YES	NEPA	Local (2)	Local Option	Fed/State/Local Regulations (5)	Local (2)	N/A (4)	Fed/State/Local Regulations
Highways not on State Highway System (SHS) and not on the Strategic Intermodal System (SIS)	FDOT	YES	NEPA	FDOT	YES	SEIR	Local (2)	N/A (4)	Fed/State/Local Regulations
	Local (2)	YES	NEPA	Local (2)	Local Option	Fed/State/Local Regulations (5)			
Major Public Transit Projects (new intermodal center, new terminal, New Start/Small Start) on or off the Strategic Intermodal System (SIS)	FDOT	YES	NEPA	FDOT	YES	SEIR	Local (2)	N/A (4)	Fed/State/Local Regulations
	Local (2)	Local Option	NEPA	Local (2)	Local Option	Fed/State/Local Regulations (5)			
Non-Passenger Rail Projects, and non-highway Port and Airport Projects on the Strategic Intermodal System (SIS)	Local (2)	N/A (4)	NEPA	Local (2)	N/A (4)	Fed/State/Local Regulations (5)	Local (2)	N/A (4)	Fed/State/Local Regulations
NOTE: If there are ANY federal Funds use Federal columns. State funds WITHOUT any federal funds follow state columns. Follow local columns only if NO federal or state funds									
(1) The Responsible Agency is the agency that develops project concepts and preliminary engineering and evaluates and documents compliance with federal, state, and local environmental requirements.									
• FDOT will be responsible agency on all projects funded with federal-aid highway funds (FHWA) including Local Agency Program (LAP) Projects.									
• A local agency may be the responsible agency on a Federal Transit Administration funded project.									
• FDOT will be the responsible agency for all state funded projects located on the State Highway System									
• An agency other than FDOT will usually be the responsible agency for any locally funded project; however, there may be circumstances that could be worked out on a project-by-project basis where FDOT agrees to serve as the responsible agency.									
(2) Local applies to any local government agency, other state agency, expressway authority, bridge authority or private entity									
(3) Expressway authorities have the option of using the ETDM process based on consultation with FDOT									
(4) The formal ETDM Programming screening process (including agency review) is not applicable; however, the environmental screening tool may be used at the local agency option to evaluate the project.									
(5) Federal, State and local regulations apply unless JPA specifies otherwise									
(6) Or similar document to SEIR by Expressway Authorities									
* Refer to PD&E Manual Part 1 Chapter 2 for list of qualifying projects									
All bridge replacement projects with an anticipated Type 2 Categorical Exclusion environmental class of action or higher should be screened.									
Exceptions must be approved by the Assistant Secretary for Intermodal Systems Development									

FIGURE 2.1 ETDM Programming Screen Matrix



*Checklist = Type 1 and Programmatic Categorical Exclusion Checklist (Figure 2.3)

FIGURE 2.2 Environmental Class of Action Determination Process for FHWA and State Projects

TYPE 1 AND PROGRAMMATIC CATEGORICAL EXCLUSION CHECKLIST

Financial Management No. _____

FAP No. _____

Project Description (include project title, limits, and brief description of the proposed scope of work): _____

	YES	NO
1. Will the project cause adverse impacts to local traffic patterns, property access, or community cohesiveness, or planned community growth or land use patterns?	___	___
2. Will the project cause adverse impacts to air, noise and water?	___	___
3. Will the project cause adverse impacts to wetlands requiring a federal finding?	___	___
4. Will the project cause adverse impacts to navigation requiring a federal finding or permit?	___	___
5. Will the project cause impacts to floodplains in accordance with Part 2, Chapter 24?	___	___
6. Will the project affect endangered and threatened species or their critical habitats requiring a federal finding?	___	___
7. Will the project require acquisition of a significant amount of right-of-way?	___	___
8. Will the project require relocation of residents or businesses?	___	___
9. Is there any potential involvement with properties protected under Section 4(f) requiring a finding from FHWA in accordance with Part 2, Chapter 13?	___	___
10. Are there any properties protected under Section 106 that may be affected by the project? Coordination with SHPO (or THPO as appropriate) per Part 2, Chapter 12 of this manual should occur if potential adverse impacts to these properties are identified, requiring a federal finding.	___	___
11. Are there any known potential contamination sites which would impact right-of-way, design, or construction activities, or other issues/resources? (see Part 2, Chapter 22 for specifics on contamination impacts)	___	___
12. Will the project require a public hearing or an opportunity for a public hearing?	___	___

IMPORTANT: If all answers are **No**, the project is a Type 1 or PCE and this checklist will be the NEPA document. If the answer to any of these questions is **Yes**, follow the Minor Categorical Exclusion Determination Key and coordinate with FHWA as appropriate.

FIGURE 2.3 Type 1 and Programmatic Categorical Exclusion Checklist (continued)

Financial Management No. _____
FAP No. _____

Project Description: (include project title, limits, and brief description of the proposed scope of work) _____

FINDING:

This project has been evaluated and has been determined to meet the conditions as set forth in the PD&E Manual, Part 1, Chapter 2; therefore:

___ This project is a Type 1 Categorical Exclusion under [23 CFR 771.117(c)] effective November 27, 1987.

___ This project is a Programmatic Categorical Exclusion per FHWA, FTA, and FDOT Agency Operating Agreement executed on February 12, 2003.

Reviewer: _____ Date: _____

The following is a list of any supporting activities (e.g., field reviews, as appropriate, etc.), reports, or technical studies that were prepared and are included in the project file that were necessary to support the conclusions reached on the checklist.

- _____
- _____
- _____
- _____

FIGURE 2.3 Type 1 and Programmatic Categorical Exclusion Checklist (concluded)

Exhibit 20-D Status of Environmental Certification
STATUS OF ENVIRONMENTAL CERTIFICATION

Financial Management No. _____

Federal Aid No. _____

Project Description (include project title, limits, and brief description of the proposed scope of work) _____

_____ This project is a Categorical Exclusion under 23 C.F.R. 771.117:

_____ This project is a Type 1 Categorical Exclusion under 23 CFR 771.117(c) effective November 27, 1987 as determined on _____, and the determination remains valid.

_____ This project is a Programmatic Categorical Exclusion per FHWA, FTA, and FDOT Agency Operating Agreement executed on February 12, 2003 as determined on _____, and the determination remains valid.

The environmental document for this project was a (check one):

_____ A Type 2 Categorical Exclusion under 23 C.F.R. 771.117(d) approved on _____, or

_____ A Finding of No Significant Impact under 23 C.F.R. 771.121 approved on _____, or

_____ A Final Environmental Impact Statement under 23 C.F.R. 771.125 approved on _____.

A reevaluation in accordance with 23 C.F.R. 771.129 was (check one):

_____ Approved on _____

_____ Not required.

Signature: _____ Date: _____

Environmental Administrator

Exhibit 20-D from Plans Preparation Manual, Volume I, Chapter 20, Plans Processing and Revisions

FIGURE 2.4 Status of Environmental Certification

Minor Categorical Exclusion Determination Key

1. Was the project screened in the EST?

No, go to 2

Yes, go to 12

2. After analysis are findings needed to advance the project?

No, go to 3

Yes, go to 4

3. Districts may need to coordinate with agencies to meet regulatory and permit requirements (e.g., SHPO, FWS). Document with **Type 1 and Programmatic Categorical Exclusion Checklist**. Advance the project

4. After coordination with agencies do findings need to be made by FHWA?

No, go to 5

Yes, go to 6

5. Complete the **Type 1 and Programmatic Categorical Exclusion Checklist**. Attach summary of coordination and the findings to the checklist. Advance the project

6. Coordinate with FHWA on the issues/resources requiring findings. Is a FHWA signature required?

No, go to 5

Yes, go to 7

7. Do the impact(s) requiring findings affect other environmental issues/resources?

No, go to 8

Yes, go to 9

8. Document as a Type 2 CE focusing on resource/issue(s) that require resolution using the **Type 2 Categorical Exclusion Determination Form**. Summarize the coordination and attach the findings to the form. Submit for FHWA approval and advance appropriately

9. Do these impacts require changes to the preliminary design (coordinate with engineer)?

No, go to 8

Yes, go to 10

Figure 2.5 Minor Categorical Exclusion Determination Key

10. Are other issues/resources impacted by project changes?

No, go to 8

Yes, go to 11

11. Document as a Type 2 CE focusing on relevant issues that require resolution using the ***Type 2 Categorical Exclusion Determination Form***. Provide supporting environmental and engineering documentation. Summarize the coordination and attach the findings for all affected issues to the form. Submit for FHWA approval and advance appropriately

12. Do impacts require engineering modifications that affect other issues?

No, go to 11

Yes, go to 13

13. Do the impacts to the other issues/resources require consideration of additional alternative(s)?

No, go to 11

Yes, go to 14

14. Document as a Type 2 CE focusing on relevant issues that require resolution using the ***Type 2 Categorical Exclusion Determination Form***. Provide supporting environmental and engineering documentation. Requires alternatives analysis documented in a Preliminary Engineering Report. Summarize the coordination and attach the findings for all affected issues to the form. Submit for FHWA approval and advance appropriately.

Figure 2.5 Minor Categorical Exclusion Determination Key

STATE OF FLORIDA DEPARTMENT OF TRANSPORTATION
TYPE 2 CATEGORICAL EXCLUSION DETERMINATION FORM

1. GENERAL INFORMATION

County: _____
 Project Name: _____
 Project Limits: _____
 Project Numbers: _____
 ETDM (if applicable) Financial Management Federal-Aid

2. PROJECT PURPOSE AND NEED

- a. Purpose and Need Statement:

- b. Proposed Improvements:

- c. Project Planning Consistency: disregard providing historical details, instead focus on future phases of segments being advanced. If more than one segment is being advanced additional tables should be added.

Currently Adopted CFP-LRTP	COMMENTS				
Y/N	(If N, then provide detail on how implementation and fiscal constraint will be achieved)				
PHASE	Currently Approved TIP	Currently Approved STIP	TIP/STIP \$	TIP/STIP FY	COMMENTS
PE (Final Design)	Y/N	Y/N	\$		(If phase completed, note as such otherwise provide comments describing status and activities needed to achieve consistency)
R/W	Y/N	Y/N	\$		(If phase completed, note as such otherwise provide comments describing status and activities needed to achieve consistency)
Construction	Y/N	Y/N	\$		(provide comments as appropriate describing status and activities needed to achieve consistency)

****Include pages from TIP/STIP/LRTP***

FIGURE 2.6 Type 2 Categorical Exclusion Determination Form

3. CLASS OF ACTION

a. Class of Action:

Type 2 Categorical Exclusion

b. Other Actions:

Section 4(f) Evaluation

Section 106 Consultation

Endangered Species Biological Assessment

c. Public Involvement:

1. A public hearing is not required, therefore, approval of this Type 2 Categorical Exclusion constitutes acceptance of the location and design concepts for this project.

2. A public hearing was held on (insert date of the hearing) and a transcript is included. Approval of this determination constitutes location and design concept acceptance for this project.

An opportunity for a public hearing was afforded and a certification of opportunity is included. Approval of this determination constitutes acceptance of the location and design concepts for this project.

3. A public hearing will be held and the public hearing transcript will be provided at a later date. Approval of this determination DOES NOT constitute acceptance of the project's location and design concepts.

An opportunity for a public hearing will be afforded and a certification of opportunity will be provided at a later date. Approval of this determination DOES NOT constitute acceptance of the project's location and design concepts.

d. Cooperating Agency: COE USCG FWS EPA NMFS NONE

4. REVIEWERS' SIGNATURES

_____ / ____ / ____
FDOT Project Manager Date

_____ / ____ / ____
FDOT Environmental Administrator or Designee Date

5. FHWA CONCURRENCE

_____ / ____ / ____
(For) Division Administrator or Designee Date

FIGURE 2.6 Type 2 Categorical Exclusion Determination Form

6. IMPACT EVALUATION

Topical Categories	Impact Determination*				Basis for Decision*
	Sig	Not Sig	None	Nolnv	
A. SOCIAL & ECONOMIC					
1. Land Use Changes	[]	[]	[]	[]	_____
2. Community Cohesion	[]	[]	[]	[]	_____
3. Relocation Potential	[]	[]	[]	[]	_____
4. Community Services	[]	[]	[]	[]	_____
5. Nondiscrimination Considerations	[]	[]	[]	[]	_____
6. Controversy Potential	[]	[]	[]	[]	_____
7. Scenic Highways	[]	[]	[]	[]	_____
8. Farmlands	[]	[]	[]	[]	_____
B. CULTURAL					
1. Section 4(f)	[]	[]	[]	[]	_____
2. Historic Sites/District	[]	[]	[]	[]	_____
3. Archaeological Sites	[]	[]	[]	[]	_____
4. Recreation Areas	[]	[]	[]	[]	_____
C. NATURAL					
1. Wetlands	[]	[]	[]	[]	_____
2. Aquatic Preserves	[]	[]	[]	[]	_____
3. Water Quality	[]	[]	[]	[]	_____
4. Outstanding FL Waters	[]	[]	[]	[]	_____
5. Wild and Scenic Rivers	[]	[]	[]	[]	_____
6. Floodplains	[]	[]	[]	[]	_____
7. Coastal Zone Consistency []	[]	[]	[]	[]	_____
8. Coastal Barrier Resources	[]	[]	[]	[]	_____
9. Wildlife and Habitat	[]	[]	[]	[]	_____
10. Essential Fish Habitat	[]	[]	[]	[]	_____
D. PHYSICAL					
1. Noise	[]	[]	[]	[]	_____
2. Air Quality	[]	[]	[]	[]	_____
3. Construction	[]	[]	[]	[]	_____
4. Contamination	[]	[]	[]	[]	_____
5. Aesthetic Effects	[]	[]	[]	[]	_____
6. Bicycles and Pedestrians []	[]	[]	[]	[]	_____
7. Utilities and Railroads	[]	[]	[]	[]	_____
8. Navigation	[]	[]	[]	[]	_____
a. [] FHWA has determined that the project is EXEMPT from a USCG Permit in accordance with 23 CFR 650, Subpart H.					
b. [] Coordination with the USCG is necessary.					

* **Impact Determination:** Sig = Significant; NotSig = Not significant; None = Issue present, no impact; Nolnv = Issue absent, no involvement. Basis of decision is documented in the referenced attachment(s).

E. PERMITS REQUIRED

7. COMMITMENTS AND RECOMENDATIONS

FIGURE 2.6 Type 2 Categorical Exclusion Determination Form