

This is a tool for the LPAs and DLEs to correctly address the issues on the CE2 form.

The CE2 must be approved by FHWA prior to preliminary plan approval (no more than 35% plan completion).

## INSTRUCTIONS FOR PREPARING

### CATEGORICAL EXCLUSION DETERMINATION

[As per 23CFR771.117(d)]

**Job Number:**

**Route:**

**County:**

**Purpose and Need:** Provide information regarding planning and scheduling information related to the project. For planning, this could be in reference to its inclusion in a long-range transportation land and/or other area planning document/initiative.

**Project Termini and Length:** Location not Stations – use crossing streets for reference

**Project Description:** FHWA requires a thorough description of existing conditions and what the proposed project is. Provide a topographical map showing the alignment.

**Current ADT:** year and number  
This is required information in NEPA approval.

**Future ADT:** year and number

**Right of Way Required in Acres:**

Existing ROW: (acres)

New ROW: (acres)

Temporary Easements: (acres)

Permanent Easements: (acres)

❖ *When right of way has been acquired or donated by the city/county using local funds and you want federal funds to plan/build the project, NEPA compliance is still required due to the use of federal funds in the project. If the city/county purchases the right of way with local funds and later wants to use federal funds to construct, the right-of-way purchase must follow the Uniform Relocation Assistance and Real Property Acquisition Policies Act.*

**Displacements (Number and Type):** If you have displacements, FHWA will need to know how many and what kind (business or residential) and number of people to relocate.

**Social/Economic/Environmental Justice:** See 4-15 for more details.

**Farmland Impacts (Type and Area):** Coordinate with the Natural Resources Conservation Service (NRCS) regional contact to complete the Farmland Conversion Impact Rating (Form AD-1006), Figure 4 - 2- 1. Complete Parts I and III of the form, then send an original copy of the form, together with appropriately scaled maps indicating the location of the project, to the NRCS representative. NRCS will make a determination as to whether the site of the proposed project contains prime, unique, statewide, or locally important farmland. For sites where farmland will be converted, NRCS will

complete Parts II, IV and V of the form and will return the original copy of the form to the applicant, who then completes Parts VI and VII of the form.

**Wetland Impacts:** Indicate the area of wetland (area or square feet) being impacted by the project. (Quantify area of impact, look for streams, areas of standing water, culvert extensions, bridge repair/rehab.) Wetlands are regulated under Section 404 of the Clean Water Act as well as other laws. The U.S. Army Corps of Engineers (COE) is the principal agency that regulates the excavations or placements of fill in jurisdictional wetlands. These activities should be avoided if possible. National Wetlands Inventory (NWI) maps are available online at <http://www.fws.gov/nwi/>. The County Soil Survey may be consulted for additional information. A visit to the project site will be required to assess wetland impacts and/or absence of wetlands.

**Water Quality Impacts:** Are any wells, sinkholes, sensitive streams, springs, or caves present? Will they be impacted? Why or why not?

NPDES-The National Pollutant Discharge Elimination Systems (NPDES) permit program regulates construction activities where 1 acre or more of land will be disturbed. If the project proponent has a general NPDES permit for all their construction activities, this is adequate. If the project proponent does not have a valid general permit, and will disturb 1 acre or more of land a project specific NPDES permit is required. For information on the permit process or to determine the specific requirements contact the MDNR Environmental Assistance Office at 800-361-4827 or (573) 526-6627 or visit <http://www.dnr.state.mo.us/oac/pub2009.pdf>. A pollution prevention plan maybe required with an NPDES application.

**404 Permit Required (Yes/No):** Characterize impacts or lack of impacts. If there are any stream or wetland impacts a 404 permit will be required. If impacts to wetlands and streams are less than ½ acre and there is no channel realignment, the project should be covered under a Nationwide Permit (NWP). Amounts over that would likely require an individual permit. The COE has control over most streams that exhibit an ordinary high water mark (drainage with a vegetation line on the bank); this includes ditches that have captured natural streams. For more information see 4-6.

**Floodplain Impacts:** Executive Order 11988, Floodplain Management, and subsequent federal floodplain management guidelines mandate an evaluation of floodplain impacts. When available, flood hazard boundary maps (National Flood Insurance Program) and flood insurance studies for the project area are used to determine the limits of the base (100-year) floodplain and the extent of encroachment.

The Federal Emergency Management Agency (FEMA) and Federal Highway Administration (FHWA) guidelines 23 CFR 650 have identified the base (100-year) flood as the flood having a one-percent probability of being equaled or exceeded in any given year. The base floodplain is the area of 100-year flood hazard within a county or community. The regulatory floodway is the channel of a stream plus any adjacent floodplain areas that must be kept free of encroachment so that the 100-year flood discharge can be conveyed without increasing the base flood elevation more than a specified amount. FEMA has mandated that projects can cause no rise in the regulatory floodway, and a one-foot cumulative rise for all projects in the base (100-year) floodplain. If your project is within the 100-year floodplain or regulatory floodway, you must attain a permit from the local floodplain authority (i.e. City/County). In the case of projects proposed within regulatory floodways, a “no-rise” certificate, if applicable, should be obtained from the City/County prior to issuance of a permit.

*SEMA/FEMA flood buyout properties will likely have deed restrictions that prohibit transportation projects.*

**Air Quality Impacts:** St. Louis and Kansas City MPO areas–The project sponsor shall work in cooperation with the MPO to determine the level of analysis required. See Page 4-20 for more information.

**Noise Impacts:** The local agency is normally required to conduct a noise analysis during the project development stage. A noise analysis will not be necessary for minor widening, bridge replacements near existing, resurfacing, and projects for which there are no adjacent receptors since they are not likely to result in a significant increase in highway traffic noise.

Larger projects such as those adding lanes, having significant alignment change, or involving new construction will require noise analysis.

**Cultural Resources:** Examples of a cultural resource include but are not limited to buildings, bridges, structures, archaeological sites, cemeteries, and historic locations. Section 106 of the National Historic Preservation Act requires federal agencies to consider the effects of their actions on historic properties and to provide the Advisory Council on Historic Preservation (ACHP) the opportunity to comment on the proposed project. The project sponsor initiates the Section 106 process by submitting a Section 106 Project Information Form to the State Historic Preservation Office (SHPO). If the SHPO determines there is a need for a survey, the local agency hires a cultural resource consultant to conduct a cultural resource survey. A Phase I cultural survey should identify potentially significant archaeological sites, buildings, bridges, historic locations, and traditional cultural places. These resources may be tested (Phase II site evaluation) to determine whether they are eligible for nomination to the National Register of Historic Places (NRHP). If determined to be eligible and the resource cannot be avoided or preserved in place, actions must be taken to mitigate the adverse effects to the eligible property. All phases require consultation with the SHPO. If mitigation is required, the ACHP must also be afforded an opportunity to comment on the project and may be a signatory on a Memorandum of Agreement between the involved agencies. Cemeteries and human remains may be included under Section 106 but can also adjudicated under RMSO 194.00 *et seq.* (unmarked burials), RMSO 214 *et seq.* (cemeteries), and the Native American Graves Protection and Repatriation Act. For further information regarding the need for a Section 106 Cultural Resource Assessment, please contact the DNR-State Historic Preservation Office at 573-526-1680.

**Section 4(f)/6(f) Involvement (Types and Area):** Section 4(f) of the Department of Transportation Act protects lands that are publicly owned or held by means of a long-term lease and are intended for use as public parks, recreation areas, wildlife and waterfowl refuges, or any public or private significant historical site per 23CFR771.135(a). Federally funded transportation projects cannot impact such parkland unless there are no feasible and prudent alternatives. Some public parks have also been purchased or improved by funding from the Land and Water Conservation Fund (LWCF) Act. Proposed use of these lands for transportation purposes requires extensive coordination with other state and federal agencies. Any park project funded by the LWCF Act is protected by an established Section 6(f) boundary encompassing the entire facility or portions of the facility. Be aware that temporary, permanent, and aerial easements on parkland are all subject to Section 4(f) and Section 6(f) considerations. *\*This includes the contractor using the public land as a staging area to park equipment or storage.* Examples of public lands are city parks, boat access, sporting facilities, picnic tables, and school playgrounds. Characterize the impact.

**Threatened and Endangered Species:**

See Page 4-29 for more information.

**Hazardous Waste:**

See Page 4-29 for more information.

**Comments:** Explain the reasoning and benefit of the proposed change.