

NDDOT Process for CE's



ETS Division
September 2016

Today's Presentation

- How we process Cat Ex's currently
- Legislative / Law changes
- New Programmatic CE Agreement
- New process for documentation
- New tools(checklists) for documentation
- Exercise – where does your project fit
- Schedule for implementation

Cat Ex Regs.

- 23 CFR 771.117 – FHWA Categorical Exclusions
 - “based on past experience with similar actions, do not involve significant environmental impacts.”
- 771.117 (c) = c list. Listing of actions with very minimal disturbance.
- 771.117 (d) = d list. Still categorically excluded but requires more supportive documentation.

Current/past method of doing Business

- (d)-listed actions or (c)-listed actions with unusual circumstances or greater impacts
 - completed PCR/DCE and needed FHWA approval of CATEX.
- (c)-listed actions
 - completed ECL and Decision Document based on Programmatic Agreement with FHWA. ETS and CRS signed Worksheet C as CATEX approval.

Why a new Process?

- MAP-21, 1318(d)
 - Codified the use of Programmatic CE Agreements
 - Changes to Categorical Exclusions in 23 CFR 771.117
 - 4 brand new and 3 moved CE's to c-list
- Fast Act, 1315(b)
 - Clarified PCE usage and allowed for full or partial NEPA Delegation to DOTs.
 - The FHWA Division Office, by agreement with the State DOT, does not require individual project-by-project and approval for the projects which meet the conditions stipulated in the agreements and the State DOT may make a CE approval on FHWA's behalf.

Why a new Process?

- It was time to renew our existing Programmatic Agreement with FHWA.
- Changes to c-list and d-list actions presented challenges/inefficiencies with current ECL and DCE setup.



What do CE changes mean for NDDOT?

- (d)-list 1, 2, 3 actions and moved them to (c)-list 26, 27, 28 with constraints.
 - (c) 26 – Modernization of a highway by resurfacing, restoration, rehabilitation, reconstruction, adding shoulders, , or adding auxiliary lanes.
 - (c) 27 – Highway safety or traffic operations, metering control devices or lights.
 - (c) 28 – Bridge Rehab, reconstruction, or replacement, grade separation at RR.

What do we do with these Changes?

- MAP 21 moved some (d)-list actions to the (c)-list, with constraints.
 - Created a broad spectrum of actions in (c)-list now
 - Need to categorize (c)-list actions (documentation)
- FAST Act allowed FHWA to delegate CE approval authority to NDDOT.
 - NDDOT will approve all (c)-listed actions
- Needed to update the Programmatic Agreement (every 5 years).

New Programmatic CE Agreement

- FHWA & NDDOT finalized and renewed its Programmatic CE Agreement Summer 2016.
 - NDDOT can approve CEs as long as on the (c)-list and thresholds aren't crossed.
 - Based on changes this would lead to rewrites of processes, design manual, and formwork.
 - Had to create new tools for implementing PCE. (incorporate thresholds & new documentation)

Threshold Examples

- Minor amount of right of way
 - Permanent acquisition of federal fee land
 - Capacity expansion, thru lanes
 - Adverse Effect on historic properties
 - Coast Guard Permit needed
 - 404 permit other than Nationwide or General
-
- *For complete list of Thresholds, found in Section VII of Programmatic Agreement

Plan for Implementation

- 1. Renewal of Programmatic CE Agreement
 - Incorporate new legislative changes
 - Incorporate new work types into PCE
 - Determine extent of NDDOT Approval Authority
- 2. Create Tools (Forms) to Implement PCE
- 3. Use new forms on Pilot Projects to determine if Process and Forms work.
- 4. Begin to document Process based on feedback from Pilots.
- 5. Complete rollout of new CE process for all projects.
- 6. Rewrite/update Design Manual to match new procedures and forms.

Levels of Environmental Documents

- Categorical Exclusions
 1. Categorical Exclusion By Definition (CED)
 2. Programmatic Categorical Exclusion (PCE)
 - NEW LEVEL
 3. Documented Categorical Exclusion (DCE)

New Tool

CEDA Form

- Required for all 3 levels of Categorical Exclusions.
- Below each level states which signatures are required.

Categorical Exclusion Determination and Approval
North Dakota Department of Transportation
Federal Highway Administration – ND Division Office

Project Number: SCB-5-200025095	PCN: 19734	Date: 05/06/16																
Project Location: I-94 ND 2243/Deer To East of Dunn Center		Length: 7.35 mi																
Work Type: Widening, Grading, PDR, Hot Bit Surfacing																		
Project Comments: Project of Decision Interest for Environmental Only.																		
<p>Determination: Based on the evaluation of this project and the attached documentation, it has been determined the project meets the criteria of a categorical exclusion. Pursuant to the Code of Federal Regulations, Title 23 Highways this project best meets the work types described in 23 CFR 771.117 (i) 26 - Modernization of a Highway.</p> <p>Based on the project work type the level of NEPA documentation required has been determined to be:</p> <p><input type="radio"/> Categorical Exclusion by Definition (CED) Work is generally confined to the roadway surface but may include minor safety, structural, pedestrian facility, or miscellaneous work that does not require permanent right of way acquisition. Work types are defined in Appendix A of the Programmatic Agreement. No further NEPA documentation is required, not some consultation, coordination, notifications, or permit may be required. Requires approval by NDDOT Designer/Tech Support.</p> <p><input checked="" type="radio"/> Programmatic Categorical Exclusion (PCE) Work is a public improvement project, not a new project, that involves replacement of existing work and enhancement or replacement of structural elements. May require permanent acquisition of minor amounts of right of way. Requires approval by NDDOT Designer/Tech Support and NDDOT Environmental Reviewer.</p> <p><input type="radio"/> Documented Categorical Exclusion (DCE) Work involves a new project, not a new project, that requires a new project. Requires approval by NDDOT Designer/Tech Support and NDDOT Environmental Reviewer. If the project exceeds one of the identified thresholds in Section 18 of the Programmatic Categorical Exclusion Agreement or is a (j) list project, PHWA approval is also required.</p>																		
<p>Additional/Re-Evaluation: If changes to original project scope or analysis: <input type="checkbox"/> Additional <input type="checkbox"/> Re-evaluation</p> <p>Approvals: Supporting documentation is complete and compliant with the National Environmental Policy Act (NEPA).</p> <table border="0"> <tr> <td>NDDOT Designer/Tech Support</td> <td>Date</td> <td>NDDOT Environmental Reviewer</td> <td>Date</td> </tr> <tr> <td>Required in all cases</td> <td></td> <td>Only required for PCE and DCE</td> <td></td> </tr> <tr> <td>Federal Highway Administration</td> <td>Date</td> <td>Consultant or Local Public Agency</td> <td>Date</td> </tr> <tr> <td>Only required if NDDOT Approval thresholds are exceeded</td> <td></td> <td>If applicable</td> <td></td> </tr> </table> <p style="text-align: right;">Last Revised Date: 09/18/14</p>			NDDOT Designer/Tech Support	Date	NDDOT Environmental Reviewer	Date	Required in all cases		Only required for PCE and DCE		Federal Highway Administration	Date	Consultant or Local Public Agency	Date	Only required if NDDOT Approval thresholds are exceeded		If applicable	
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Only required if NDDOT Approval thresholds are exceeded		If applicable																

Categorical Exclusion by Definition (CED)

- Projects with no new fills, work types found in Appendix A of Programmatic Agreement.
- NEPA is complete, very short checklist to ensure permits & coordination is handled.
- Signed by Designer or Tech Support
- Public Involvement – work with District on coordination with Local Public agencies. (If Detour or Road Closure – need meeting).

Categorical Exclusion by Definition (CED)

- SOV's
 - The District makes contact with the local city/county representative as described in the field review outline.
 - Local Government is already in coordination with the local public agencies.
 - Email is to be added to the CED checklist and noted in the *Documentation added to the Project File* column for Local Public Agencies.

Subject Area	Questions	Yes	No	Documentation added to the Project File
Local Public Agencies	Do any Local Public Agencies have an interest in the project? If Yes, then ensure proper coordination/communication has occurred.			

What's In a CED Package?

- CED
 - Categorical Exclusion Determination and Approval (CEDA) form – **new tool**
 - Categorical Exclusion by Definition (CED) Checklist – **new tool**
 - Any corresponding figures and/or reports required
 - Project Location Map

Programmatic Categorical Exclusion (PCE) **New Level**

- Projects with minimal earthwork, turn lanes, sliver widening. (off road top prism but below thresholds)
- An Environmental Checklist (Short Version) which incorporates thresholds from agreement.
- If threshold triggered, continue on to complete DCE. If not triggered, NDDOT approves Catex.

Programmatic Categorical Exclusion (PCE) **New Level**

- SOV's - letters are still sent for letter #5 – SHPO, letter #2 – USACE, and the air force bases when applicable.
 - SOV emails are sent to the following: City and County officials, NDDOH, NDSWC, USFWS, NDG&F, ND Dept. of Emergency Services, USGS, and Utilities
- Public Involvement – Give consideration to (input of info) when thru or adjacent to communities. **Required if detours, road or intersection closures).**
- Decision Document – Use executive summary just as DCE*

*In some circumstances, only an Executive Concurrence Memo may be required.

What's in a PCE Package?

- PCE
 - Categorical Exclusion Determination and Approval (CEDA) form – **new tool**
 - Decision Document
 - Environmental Impact Checklist (Short Version)
 - Any corresponding figures, reports, maps required

Environmental Impact Checklist

- The same checklist is used for PCE and DCE level documents.
- Short Version = PCE
- Long Version = DCE

Threshold categories in the Programmatic Agreement

The screenshot shows the Environmental Impact Checklist form. A red circle highlights the 'Threshold categories in the Programmatic Agreement' section, which is located at the top of the form. The form is divided into several sections, including 'Categorical Exclusion', 'Decision Document', and 'Environmental Impact Checklist'. The 'Threshold categories in the Programmatic Agreement' section is the first section of the checklist and contains various questions and thresholds for different types of actions.

Section	Question	Yes/No	Comments
Categorical Exclusion	1.1 Will the action require permanent right of way?		
	1.1.1 Number of parcels (Other Date)		
	1.1.2 Number of Acres (Other Date)		
	1.2 Will the action involve more than the following: 10 acres or more per linear mile (and an average) or more than 5 acres per bridge, intersection, or interchange?		
	1.3 Will the action involve acquisition of land for roadside or protective purposes, or early acquisition pursuant to Federal acquisition project (22 U.S.C. 1602g)?		
	1.3.1 Will the action require permanent acquisition of Federal fee title land or trust land?		
	1.3.2 Are there any special program requests such as U.S. Army Corps of Engineers U.S. Fish and Wildlife Service, U.S. Forest Service, Tribal Lands, National, or State School Lands?		
	1.4 Will the action require relocation of owners or tenants?		
	1.4.1 Number of homes to be Relocated		
	1.4.2 Number of businesses to be Relocated		
Decision Document	1.5 Will the action require temporary construction easements?		
	1.5.1 Number of parcels (Other Date)		
	1.5.2 Number of Acres (Other Date)		
	1.6 Will the action require any access changes?		
	1.7 Will the action require any access changes on interstates?		
	2.1 Will the action involve disturbance of the roadway surface?		
	2.2 Will the action involve disturbance as a bridge or bridge gap?		
	2.3 If not to both questions: The proposed action is for type of actions or activities that have the potential to affect historic properties and further review and consideration is required. Stop in Review.		
	2.4 Please consider the Cultural Resources Section to complete the following information prior to completion of the checklist and append by reference the Cultural Resources Report and related correspondence, see the above comments?		
	2.5 When is the Search completed?		

Documented Categorical Exclusion (DCE)

- For work types on the (d)-list or any projects on (c)-list that surpass thresholds of the programmatic.
- SOV's, Public involvement, Decision Documents – processes all remain the same.
- **NEW – NDDOT can approve CATEX if no Thresholds are crossed.**

***Major Reconstruction and Bridge Replacement are to be completed using a DCE due to complexity potential.**

What's in a DCE Package?

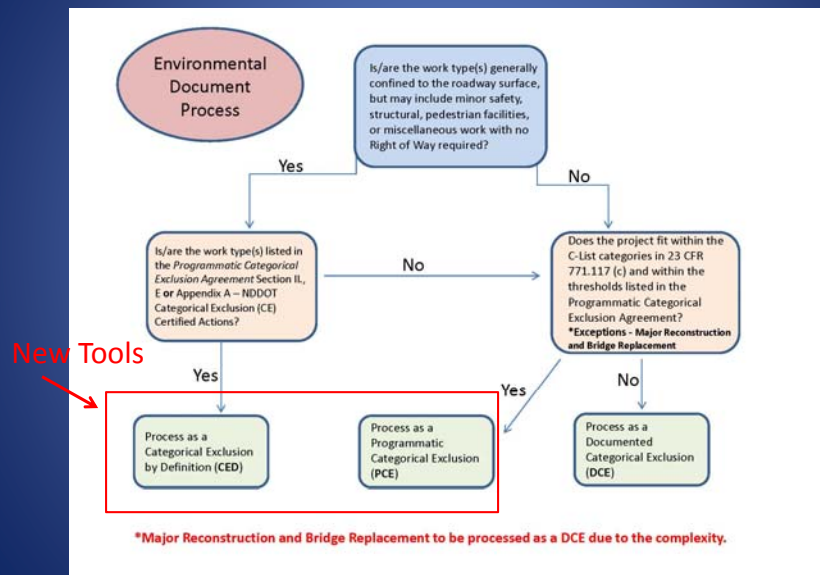
- DCE
 - Categorical Exclusion Determination and Approval (CEDA) form
 - Decision Document (Executive Summary)
 - Environmental Impact Checklist (Long Version).
 - Any corresponding figures, reports, and maps.

What level is your project?

- Minor Rehabilitation
 - Work types include the following:
 - Hot Mix Asphalt
 - Milling
 - Subcuts
 - Replace existing:
 - Guardrail
 - Signing
 - Rumble Strips



How to determine which level fits your project?



Work Types for CED Level

APPENDIX A
NDDOT CATEGORICAL EXCLUSION (CE) CERTIFIED ACTIONS

Categorical Exclusion by Definition
The NDDOT and FHWA have experience with the projects that are generally confined to the roadway surface but may include minor utility, structural, pedestrian facility, or resurfacing work that does not require permanent right of way acquisition. Based on that experience the NDDOT certifies that the following project types meet the requirements of a CE under 40 CFR 1508.4 and 23 CFR 771.117 (a). These project types are considered categorically excluded by definition and do not require further NEPA approval by FHWA. NDDOT will ensure that any need for consultation, coordination, notification, or permitting is completed as part of the project development process.

Typical work types include:

- Hot Mix Asphalt Surfacing
- Warm Mix Asphalt Surfacing
- Cold or Warm Recycling
- Aggregate Surfacing
- Milling
- Concrete Overlay
- Subcuts (no disturbance outside of foreslope)
- Seal Coat
- Slurry Seal
- Microsurfacing
- Patching
- Crack Repairs & Sealing
- Dowel Bar Retrofits
- Concrete or Asphalt Pavement Repair
- Grading
- Mulching or Fumigation
- Landscaping
- Disposal of Excess Right of Way
- Early Acquisition of Right of Way
- Environmental Mitigation

10 | June 2016

New, therefore, the FHWA and NDDOT enter into this Programmatic Agreement ("Agreement") for the processing of categorical exclusions.

I. PARTIES
The parties to this Agreement are the Federal Highway Administration ("FHWA") and the North Dakota Department of Transportation ("NDDOT").

II. PURPOSE

A. The purpose of this Agreement is to authorize NDDOT to determine and document on behalf of FHWA whether a project qualifies for a CE specifically listed in 23 CFR 771.117(c) and for right of way disposal actions listed in 23 CFR 771.117(d)(5).

B. This Agreement also authorizes NDDOT to certify to FHWA that an action not specifically listed in 23 CFR 771.117(c) or 23 CFR 771.117(d) (5) but meeting the CE criteria in 40 CFR 1508.4 and 23 CFR 771.117(a), qualifies for a CE, as long as there are no unusual circumstances that would require the preparation of other an EA or an EIS.

C. This authorization is contingent on the action not exceeding one or more of the thresholds identified in Section VII.

D. This Agreement does not allow for the NDDOT to assume CE approval authority for actions listed in 23 CFR 771.117(c) except for right of way disposal actions that meet the conditions specified in 23 CFR 771.117(d)(5).

E. Also under this Agreement certain c-listed actions, based on NDDOT and FHWA experience with similar actions with limited scope of work, meet the requirements of a CE under 40 CFR 1508.4 and 23 CFR 771.117(a). These actions are considered categorical exclusion by definition and do not require further documentation:
6031; 6040; 6050; 6060; 6070; 6080; 6090; 6100; 6110; 6120; 6130; 6140; 6150; 6160; 6170; 6180; 6190; 6200; 6210; 6220; 6230; 6240; 6250; 6260; 6270; 6280; 6290; 6300; 6310; 6320; 6330; 6340; 6350; 6360; 6370; 6380; 6390; 6400; 6410; 6420; 6430; 6440; 6450; 6460; 6470; 6480; 6490; 6500; 6510; 6520; 6530; 6540; 6550; 6560; 6570; 6580; 6590; 6600; 6610; 6620; 6630; 6640; 6650; 6660; 6670; 6680; 6690; 6700; 6710; 6720; 6730; 6740; 6750; 6760; 6770; 6780; 6790; 6800; 6810; 6820; 6830; 6840; 6850; 6860; 6870; 6880; 6890; 6900; 6910; 6920; 6930; 6940; 6950; 6960; 6970; 6980; 6990; 7000; 7010; 7020; 7030; 7040; 7050; 7060; 7070; 7080; 7090; 7100; 7110; 7120; 7130; 7140; 7150; 7160; 7170; 7180; 7190; 7200; 7210; 7220; 7230; 7240; 7250; 7260; 7270; 7280; 7290; 7300; 7310; 7320; 7330; 7340; 7350; 7360; 7370; 7380; 7390; 7400; 7410; 7420; 7430; 7440; 7450; 7460; 7470; 7480; 7490; 7500; 7510; 7520; 7530; 7540; 7550; 7560; 7570; 7580; 7590; 7600; 7610; 7620; 7630; 7640; 7650; 7660; 7670; 7680; 7690; 7700; 7710; 7720; 7730; 7740; 7750; 7760; 7770; 7780; 7790; 7800; 7810; 7820; 7830; 7840; 7850; 7860; 7870; 7880; 7890; 7900; 7910; 7920; 7930; 7940; 7950; 7960; 7970; 7980; 7990; 8000; 8010; 8020; 8030; 8040; 8050; 8060; 8070; 8080; 8090; 8100; 8110; 8120; 8130; 8140; 8150; 8160; 8170; 8180; 8190; 8200; 8210; 8220; 8230; 8240; 8250; 8260; 8270; 8280; 8290; 8300; 8310; 8320; 8330; 8340; 8350; 8360; 8370; 8380; 8390; 8400; 8410; 8420; 8430; 8440; 8450; 8460; 8470; 8480; 8490; 8500; 8510; 8520; 8530; 8540; 8550; 8560; 8570; 8580; 8590; 8600; 8610; 8620; 8630; 8640; 8650; 8660; 8670; 8680; 8690; 8700; 8710; 8720; 8730; 8740; 8750; 8760; 8770; 8780; 8790; 8800; 8810; 8820; 8830; 8840; 8850; 8860; 8870; 8880; 8890; 8900; 8910; 8920; 8930; 8940; 8950; 8960; 8970; 8980; 8990; 9000; 9010; 9020; 9030; 9040; 9050; 9060; 9070; 9080; 9090; 9100; 9110; 9120; 9130; 9140; 9150; 9160; 9170; 9180; 9190; 9200; 9210; 9220; 9230; 9240; 9250; 9260; 9270; 9280; 9290; 9300; 9310; 9320; 9330; 9340; 9350; 9360; 9370; 9380; 9390; 9400; 9410; 9420; 9430; 9440; 9450; 9460; 9470; 9480; 9490; 9500; 9510; 9520; 9530; 9540; 9550; 9560; 9570; 9580; 9590; 9600; 9610; 9620; 9630; 9640; 9650; 9660; 9670; 9680; 9690; 9700; 9710; 9720; 9730; 9740; 9750; 9760; 9770; 9780; 9790; 9800; 9810; 9820; 9830; 9840; 9850; 9860; 9870; 9880; 9890; 9900; 9910; 9920; 9930; 9940; 9950; 9960; 9970; 9980; 9990; 10000.

2 | June 2016

What level is your project?

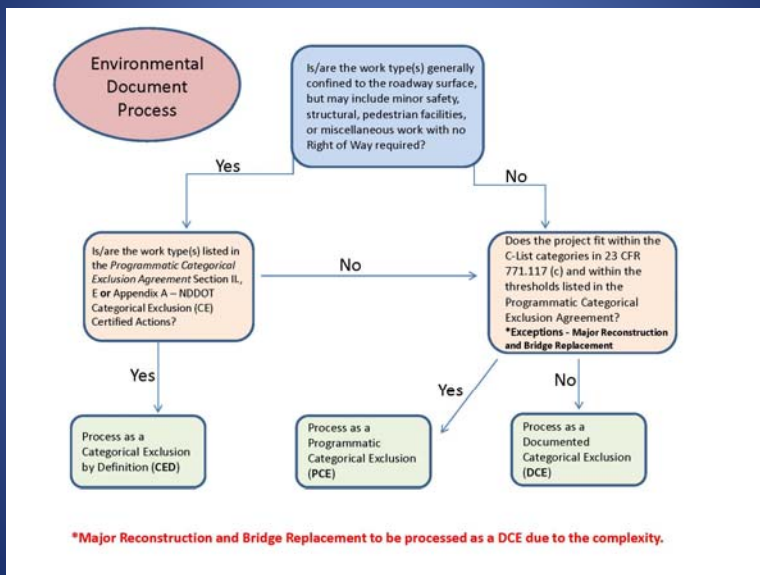
Minor Rehabilitation

– Work types include the following:

- Sliver Grading
- Turn Lanes
- Subcuts
- Signing
- Rumble Strips
- Guardrail



How to determine which level fits your project?



Work Types for CED Level

APPENDIX A
NDDOT CATEGORICAL EXCLUSION (CE) CERTIFIED ACTIONS

Categorical Exclusion by Definition
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Typical work types include:

<ul style="list-style-type: none"> Hot Mix Asphalt Surfacing Warm Mix Asphalt Surfacing Cold in Place Recycling Aggregate Surfacing Milling Concrete Overlay Subcuts (no disturbance outside of foreslope) Soil Grout Slurry Seal Microsurfacing Macrosurfacing Patching Crack Repairs & Sealing Dowel Bar Retrofits Concrete or Asphalt Pavement Repair Grinding Mulchpaving or Foampacking Landscaping Disposal of Excess Right of Way Early Acquisition of Right of Way Environmental Mitigation 	<ul style="list-style-type: none"> In Kind Replacement of Pedestrian Facilities Curb Ramps Curbs & Gutter repair (including spot replacement) Pipe Repairs or Pipe Liners Joint or Manhole repair or replacement Lighting Traffic Signals Intelligent Transportation Systems Railroad Crossings & Warning Devices Installation of Electrical & Communication Lines Guardrail Guaranteed embankment (no disturbance outside of foreslope) Signing Pavement Marking Bumble Strips Approach Slab Work Bridge Deck Overlays Bridge Deck Replacement (if traffic is maintained on half the bridge at a time) Beam or Abutment Repairs Substructure & Deck Sealing Repair of Road Surface Slope Protection Bridge Rail Retrofit Painting
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No Sliver Widening or Turn Lanes

10 June 2016

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C. This authorization is contingent on the action not exceeding one or more of the thresholds identified in Section VI.

D. This Agreement does not allow for the NDDOT to assume CE approval authority for actions listed in 23 CFR 771.117(c) except for right of way disposal actions that meet the conditions specified in 23 CFR 771.117(d)(5).

E. Also under this Agreement certain closed actions, based on NDDOT and FHWA experience with similar actions with limited scope of work, meet the requirements of a CE under 40 CFR 1508.4 and 23 CFR 771.117(a). These actions are considered categorical exclusion by definition and do not require further documentation:
63X1; 63X6; 63X8; 63X9; 63X10; 63X11; 63X12; 63X13; 63X14; 63X15; 63X16; 63X17; 63X18; 63X19; 63X20; 63X24; and 63X29.

Not included under Section II. E.

¹ Emergency Relief Manual 2003; Emergency Relief Programmatic Agreement between US Army Corps of Engineers, US Fish and Wildlife Service, FHWA ND Division, and NDDOT

2 June 2016

Environmental Impact Checklist

- The same checklist is used for PCE and DCE level documents.
- Short Version = PCE
- Long Version = DCE

Threshold categories in the Programmatic Agreement

The screenshot shows the 'Environmental Impact Checklist' form. At the top, there is a blue-shaded section titled 'Threshold Categories'. A red circle highlights this section, and a red arrow points from the text 'Threshold categories in the Programmatic Agreement' to it. The form contains various sections with questions and checkboxes, including 'Right of Way', 'Archaeological Resources', and 'Historical and Archaeological Resources'.

Plan for Implementation

1. Renewal of Programmatic CE Agreement (June 2016)
 - Incorporate new legislative changes
 - Incorporate new work types into PCE
 - Determine extent of NDDOT Approval Authority
2. Create Tools (Forms) to Implement PCE (Sept 2016)
3. Use new forms on Pilot Projects to determine if Process and Forms work. (current)
4. Begin to document Process based on feedback from Pilots. (Creating quick guides to help with process)
5. Complete rollout of new CE process for all projects. (October 1, 2016)
6. Rewrite/update Design Manual to match new procedures and forms. (Finalize Feb 2017)

Points of contact for ETS:

Env. Services Section 1,
Section Leader

Cory Lawson – 328-4818
colawson@nd.gov

Environmental Liaisons:

Kristen Sperry – 328-3704
ksperry@nd.gov

Pete Christensen – 328-4539
pchristensen@nd.gov

Any Questions...
Just Ask!



Upcoming Topic Schedule:

- October – No Meeting
- November 23, 2016
 - Environmental Topic: Threatened & Endangered Species & Programmatic Agreement
- December – No Meeting
- January 18, 2017
 - ROW: Appraisal & Waiver Valuation
- February 15, 2017
 - Consultant Administrative Services

Categorical Exclusion Determination and Approval

North Dakota Department of Transportation

Federal Highway Administration – ND Division Office

Project Number:	PCN:	Date:
Project Location:		Length:
Work Type:		
Project Comments:		
<p>Determination: Based on the evaluation of this project and the attached documentation, it has been determined the project meets the criteria of a categorical exclusion. Pursuant to the Code of Federal Regulations, Title 23-Highways this project best meets the work types described in 23 CFR 771.117</p> <p>Based on the project work type the level of NEPA documentation required has been determined to be:</p> <ul style="list-style-type: none"> <input type="radio"/> Categorical Exclusion by Definition (CED) Work is generally confined to the roadway surface but may include minor safety, structural, pedestrian facility, or miscellaneous work that does not require permanent right of way acquisition. Work types are defined in Appendix A of the Programmatic Categorical Exclusion Agreement. No further NEPA documentation is required, but some consultation, coordination, notifications, or permitting may be required. <i>Requires approval by NDDOT Designer/Tech Support.</i> <input type="radio"/> Programmatic Categorical Exclusion (PCE) Work is primarily on the roadway surface, but may also include localized areas of earthwork and enhancement or replacement of structural elements. May require permanent acquisition of minor amounts of right of way. <i>Requires approval by NDDOT Designer/Tech Support and NDDOT Environmental Reviewer.</i> <input type="radio"/> Documented Categorical Exclusion (DCE) Work involves substantial earthwork, regrading, reconstruction, or structure replacements. <i>Requires approval by NDDOT Designer/Tech Support and NDDOT Environmental Reviewer. If the project exceeds any of the identified thresholds in Section VII of the Programmatic Categorical Exclusion Agreement or is a (d) list project, FHWA approval is also required.</i> 		
Addendum/Re-Evaluation: <div style="float: right; text-align: right;"> <input type="radio"/> Addendum <input type="radio"/> Re-evaluation </div> <p>If changes to original project scope or analysis.</p>		
Approvals: Supporting documentation is complete and compliant with the National Environmental Policy Act (NEPA).		
<div style="border-bottom: 1px solid black; display: flex; justify-content: space-between; margin-bottom: 5px;"> NDDOT Designer/Tech Support Date </div> <i>Required in all cases</i>	<div style="border-bottom: 1px solid black; display: flex; justify-content: space-between; margin-bottom: 5px;"> NDDOT Environmental Reviewer Date </div> <i>Only required for PCE and DCE</i>	
<div style="border-bottom: 1px solid black; display: flex; justify-content: space-between; margin-bottom: 5px;"> Federal Highway Administration Date </div> <i>Only required if NDDOT Approval thresholds are exceeded</i>	<div style="border-bottom: 1px solid black; display: flex; justify-content: space-between; margin-bottom: 5px;"> Consultant or Local Public Agency Date </div> <i>If applicable</i>	

Last Revised Date: 09/19/16

Categorical Exclusion by Definition Checklist

Project Number:		PCN:		Date:	
Estimated Construction CE Cost:					
Although no further NEPA approval is required for the project, the checklist below is intended to identify any additional consultation, coordination, notifications, or permitting that may be required. If the answer is Yes to any of the questions below, additional documentation of that Subject Area is required, shall be added to the project file, and incorporated into the design. For any questions contact your NDDOT Environmental Reviewer. An overall project map is required to be included with the CED package.					
Subject Area	Questions	Yes	No	Documentation added to the Project File	
Right of Way	Is permanent right of way required? <i>If Yes, then a Catex by Definition does not apply.</i>				
	Are temporary easements required? <i>If Yes, then attach a figure showing the location(s) and amount(s) needed at each location.</i>				
Historic/ Archeological	Does the project involve any of the following: <div> <div>- Work on a Historic Bridge</div> <div>- Work in a Historic District</div> <div>- Work within Reservation Boundaries</div> <div>- Landscaping</div> <div>- Disposal or Early Acquisition of Right of Way</div> <div>- Environmental Mitigation</div> </div> <i>If Yes, to any of these items, then a Class III Survey and consultation may be required. Contact ETS Division, Cultural Resource Section for further guidance.</i>				
Section 4(f)	Are there any impacts to Section 4(f) properties such as: <div> <div>- Historic Sites</div> <div>- Publicly owned parks and recreation areas</div> <div>- Wildlife & waterfowl refuges</div> </div> <i>If Yes, then the applicable documentation and agency coordination is required.</i>				
Section 6(f)	Are there any permanent impacts to Section 6(f) properties: - Recreational sites that used Land & Water Conservation Funds: http://www.parkrec.nd.gov/recreation/grants/lwcf/attachments/lwcf_project_listing.pdf <i>If Yes, then a Catex by Definition does not apply and a Documented Catex will be required to be prepared.</i>				
Threatened or Endangered Species	Are there any known threatened or endangered species or designated critical habitat adjacent to the project area? See link to designated critical habitat map: http://gis.dot.nd.gov/external/ge_html/?viewer=wildlifemap <i>If yes, consultation with FHWA and/or USFWS may be required.</i>				
Floodway and Floodplain	Is the project located in a floodway or floodplain? See link for maps: https://msc.fema.gov/portal <i>If Yes then a floodway authorization or floodplain permit may be required.</i>				
Airports	Does the project intersect the glide path of an airport? <i>If Yes then a Notification may need to be provided to the FAA. See Design Manual Section III-17.</i>				
Railroads	Does the project intersect any railroads? <i>If Yes, there may need to be agreements for any proposed crossing improvements or for work to be authorized inside the Railroad Right of Way.</i>				
Local Public Agencies	Do any Local Public Agencies have an interest in the project? <i>If Yes, then ensure proper coordination/communication has occurred.</i>				
Migratory Bird	Does your project involve work on bridges, box culverts, or Structural Plate Pipes? <i>If Yes, then the Migratory Bird Special Provision is required in the plan set.</i>				

APPENDIX A
NDDOT CATEGORICAL EXCLUSION (CE) CERTIFIED ACTIONS

Categorical Exclusion by Definition

The NDDOT and FHWA have experience with projects that are generally confined to the roadway surface but may include minor safety, structural, pedestrian facility, or miscellaneous work that does not require permanent right of way acquisition. Based on that experience the NDDOT certifies that the following project types meet the requirements of a CE under 40 CFR 1508.4 and 23 CFR 771.117 (a). These project types are considered categorically excluded by definition and do not require further NEPA approval by FHWA. NDDOT will ensure that any need for consultation, coordination, notification, or permitting is completed as part of the project development process.

Typical work types include:

- Hot Mix Asphalt Surfacing
- Warm Mix Asphalt Surfacing
- Cold in Place Recycling
- Aggregate Surfacing
- Milling
- Concrete Overlay
- Subcuts (no disturbance outside of foreslope)
- Seal Coat
- Slurry Seal
- Microsurfacing
- Macrosurfacing
- Patching
- Crack Repairs & Sealing
- Dowel Bar Retrofit
- Concrete or Asphalt Pavement Repair
- Grinding
- Mudjacking or Foamjacking
- Landscaping
- Disposal of Excess Right of Way
- Early Acquisition of Right of Way
- Environmental Mitigation
- In Kind Replacement of Pedestrian Facilities
- Curb Ramps
- Curb & Gutter repair (including spot replacement)
- Pipe Repairs or Pipe Liners
- Inlet or Manhole repair or replacement
- Lighting
- Traffic Signals
- Intelligent Transportation Systems
- Railroad Crossings & Warning Devices
- Installation of Electrical & Communication Lines
- Guardrail
- Guardrail embankment (no disturbance outside of foreslope)
- Signing
- Pavement Marking
- Rumble Strips
- Approach Slab Work
- Bridge Deck Overlays
- Bridge Deck Replacement (if traffic is maintained on half the bridge at a time)
- Beam or Abutment Repairs
- Substructure & Deck Sealing
- Repair of Hard Surface Slope Protection
- Bridge Rail Retrofit
- Painting