

LAP TYPE 1 CATEGORICAL EXCLUSION (CE) CHECKLIST GUIDE (April 5, 2021)

The following is a guide on completing the Type I CE checklist for Local Agency Program (LAP) projects. All LAP projects are required to complete the Type I CE Checklist and a backup memorandum to support the checklist, for submittal to the District Four PLEMO through the District's LAP Coordinator. A clean copy of the checklist without guidance should be filled out, not this version which has background/guide type information contained in it. The information from this checklist, the backup memorandum, and all additional studies such as Cultural Resource Assessment Survey (CRAS) Reports, Bonneted Bat Survey Reports, and other required additional reports are typically uploaded to the Statewide Environmental Project Tracker (SWEPT) system in order for the official Type I CE checklist and Environmental Certification to be generated on LAP projects by the District Four Environmental Administrator. The District Four PLEMO Environmental Liaison is responsible for uploading all documentation into the SWEPT database but as discussed above, it is the LAP Agency's responsibility to fill out the LAP Type I CE Checklist and prepare the Type I CE Memorandum and all required additional study reports for a LAP Project. This environmental documentation satisfies the requirements of the National Environmental Policy Act (NEPA) laws/regulations for Federal Aid LAP projects.

The procedure for the environmental phase typically starts at the beginning of the design phase for LAP projects when District Four's Environmental Liaison is assigned to review the project. The Environmental Liaison will review the approved project scope and project location map that is submitted as part of the LAP Agency's Preliminary Phase Submittal. Because the liaisons are assigned several projects within the District including LAP projects, their time is valuable and limited. Therefore, the LAP agency will need to submit the preliminary phase in a timely manner and the liaison will review the project based on the project schedule generated at the beginning of the LAP design phase. From this information the liaison will review GIS data layers and perform a field review. The Liaison will prepare and submit the LAP Environmental Request for Review Memo to the LAP agency through the District's LAP Coordinator. The memo contains existing environmental conditions information about the project corridor/project vicinity, and recommendations on what kind of supplemental studies/reports will be required. It typically takes the Environmental Liaison approximately one month to complete this process which includes circulating the draft memorandum for internal PLEMO review.

Once the memorandum is submitted to the LAP Agency though the District LAP Coordinator, the documentation should be carefully reviewed by the LAP agency to determine which additional studies will be required in addition to reviewing the existing environmental conditions/features identified by the Memorandum. It is the LAP Agency's responsibility to perform a project corridor field review, and to provide an environmental evaluation of impacts to the LAP projects based on the agency's own desktop review and research/coordination with other sources. The LAP Agency should not be relying solely on the information contained within the LAP Environmental Request for Review Memorandum in order to generate their own environmental documentation. The LAP Field Review Checklist is a valuable reference in terms of agency resources and links to additional environmental documentation, and should be used as an important tool in order to ensure that all environmental resources are reviewed on a project corridor. This checklist along with the official Type I CE checklist and this guide will be available on the District Four LAP section of the website.

In addition, as part of the LAP agency's requirement for working on a LAP project, some form of public involvement should be initiated on all LAP projects preferably during the beginning of the design phase

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– this is especially important when the LAP agency is proposing to install new sidewalks in neighborhoods, or if the LAP agency proposes to eliminate existing trees and other fences/privacy walls that are encroaching into LAP agency right of way (ROW). It is imperative that public involvement is included as part of the design phase, and at the constructability phase, as part of the review of the Type I CE, the Environmental Liaison will be making sure that some form of recent public involvement is initiated by the LAP Agency. Examples of public involvement can include posting a project informational flyer to the Agency's website, or conducting a public workshop for adjacent stakeholders/residents.

If any additional agency consultation is required, such as Section 7 Consultation with US Fish & Wildlife Service (USFWS), Section 106 Consultation with the State Historic Preservation Officer (SHPO) or meeting with the FDOT's Office of Environmental Management (OEM) for a Section 4(f) concern, the District Four PLEMO staff will be taking the lead on handling this consultation.

Once all environmental studies are completed, and agency concurrence is obtained (SHPO concurrence letter, USFWS Section 7 concurrence letter/email, Section 4(f) Forms approved by OEM, etc.), the Type I CE Checklist, Backup Memorandum, and LAP Field Review checklist are finalized, the LAP Agency will submit these items as part of the Constructability Phase Review in ERC and as initiated by the District Four LAP Coordinator. As part of the review of these items, the Environmental Liaison will make comments, and submit those comments through ERC or through email transmittal to the LAP Coordinator. Once all comments have been addressed by the LAP agency, and the Type I CE Checklist has been signed by the LAP Agency, the Environmental Liaison will upload all of the required documentation into the SWEPT database. The LAP Agency should note that other certifications/documentation are required prior to uploads to the SWEPT database. A Contamination Certification, ROW Certification, and Permits Required Memorandum with all necessary permits (unless an NPDES permit is required, in which case the LAP agency's contractor would typically apply for that permit prior to construction commencement) are also required to be uploaded to the SWEPT database.

Please see the following web link for the FDOT PD&E Manual Part 2, Chapter 2, Class of Action Determination for Federal Projects ([Part 2 Chapter 2 PD&E Manual.pdf](#)). The LAP Agency should refer to this chapter for further guidance on the different parts of the checklist and what kind of information is needed to satisfy each item within this checklist.

This Guide, the LAP Type I CE checklist, and the LAP Field Review Checklist is available on the District Four LAP section of the website. See the following Type I CE Checklist with additional guidance after each resource section. Note the blue highlighted areas which provide additional detail/guidance.

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Financial Management Number: XXXXXXXX-1-58-01

FAP Number: *Please ask your LAP Coordinator for Federal Aid Number*

CE Number: (c) Add appropriate scope number here or (d) or here This scope number comes from PART 1, Chapter 2 of the FDOT PD&E Manual.

Work Program Project Description (include project name, project limits, and brief description of the proposed scope of work): (Include mileposts when available) *Include the project title, limits including Mileposts, and a brief description of the proposed scope of work based on the original LAP Application for funding or based on the most current approved scope.*

County Name:

Local Agency Program (LAP) Agency Name:

Note: The items below consider the requirements described in 23 CFR § 771.117 (c) and (d) for listed Categorical Exclusions (CEs). The constraints of 23 CFR § 771.117(e) are addressed in this form for CEs identified as 23 CFR § 771.117 (c) (26), (27) and (28) or (d) list projects.

Directions for bulleted verifications below: The LAP Agency should consider if the project has any of the significant impacts described. If project does not meet the criteria, STOP, this form does not apply. If the project does meet the criteria, check “verified” and proceed through the rest of the form.

- This action **will not induce significant impacts** to planned growth or land use for the area; travel patterns; air or water quality; or cause substantial controversy on environmental grounds.

Verified

- **(This statement will only appear if c26, c27, c28 or d-list project is selected)** The action will not cause changes in interchange access control; result in major traffic disruptions due to the construction of temporary access; or the closure of existing road, bridge, or ramps.

Verified

1. Right of Way (ROW):

Within existing ROW Minor acquisition without relocation and/or displacement

Are there state-owned conservation lands being acquired in the project area subject to review and approval by the Acquisition and Restoration Council (ARC) Yes No

No acquisitions are allowed on LAP projects so these two highlighted boxes will never be checked. Coordinate further with the District Four PLEMO if any acquisitions are proposed and/or if there is any involvement with State-owned conservation lands).

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2. Wetland impacts that would require a permit from the U.S. Army Corps of Engineers (USACE) under the Clean Water Act, Section 404, 33 U.S.C. § 1344 and/or section 10 of the Rivers and Harbors Act: *(Refer to the Chapter 9, Wetlands and Other Surface Waters, of the FDOT PD&E Manual for additional detail on what kind of permit is required depending on the scope of work and impacts to wetlands).*

No Wetland(s) Present/ No Impacts Nationwide permit General Permit (SAJ 92) Standard Permit *(Provide correspondence with permitting agencies that your project meets this criterion. New construction in wetlands shall be avoided unless there is no practicable alternative to the construction and the proposed action includes all practicable measures to minimize harm to wetlands which may result from such construction. If a standard permit is needed, this form cannot be utilized, and the project will require a Type II CE).*

3. Bridge permits required from the United States Coast Guard (USCG):

No Waterway Crossing No USCG Bridge permit required USCG Bridge permit *(Coordinate further with the District Four PLEMO. If you are unsure about whether a US Coast Guard (USCG) permit is necessary, contact the USCG and provide coordination documentation on this issue (i.e., phone log or copy of e-mail). If a USCG is required, this form cannot be utilized, and the project will most likely require a Type II CE).*

4. The project involves a floodplain encroachment other than functionally dependent uses (e.g., bridges, wetlands) or actions that facilitate open space use (e.g., recreational trails, bicycle and pedestrian paths):

No Floodplain Present Functionally Dependent Use or Facilitate Open Space Use
 Other Encroachment *(Coordinate further with the District Four PLEMO) Refer to Part 2, Chapter 13, Floodplains for additional guidance. Provide documentation in the form of the applicable FEMA map within the project area. Describe whether the project is located within the 100-year floodplain. Also include the applicable floodplain statement which is located in Part 2, Chapter 13).*

5a. Does the project involve a Wild and Scenic River or Study River?

[There is involvement with a Wild and Scenic River or Study River if project activities are located within the river corridor (within one-quarter mile of the banks), across, or adjacent to (upstream, downstream, or on a tributary) the designated river segment]

No, the project does not involve a river designated as a Wild and Scenic or Study River Yes, Northwest Fork of the Loxahatchee River in D4 (See FDOT PD&E Manual Chapter for limits) Yes, Wekiva River in D5 (See FDOT PD&E Manual Chapter for limits); Yes, St. Mary's River in D2 (See FDOT PD&E Manual Chapter for limits); Yes, Myakka River in D1, located in Manatee, Sarasota, and Charlotte Counties. If the project will adversely affect a federally designated Wild and Scenic or Study River, the project does not meet the criteria of a Type I C: *(Coordinate further with the District Four PLEMO) Refer to Part 2, Chapter 12, Wild and Scenic Rivers to confirm that there are no designated or candidate Wild and Scenic Rivers, as listed in this chapter. If there is an involvement, this form cannot be utilized, and the project will most likely require a Type II CE.*

5b. Does the project involve a river on the National River Inventory (NRI)?

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No, the project will not involve a river on the NRI Yes, the project will not affect a river segment on the NRI (*Include documentation to support this determination. Any correspondence with National Park Service (NPS) should be added to the project file in SWEPT. District Four PLEMO will upload such documentation*)

Yes, the project will affect a river segment but will not have an adverse effect on the natural, cultural, or recreational values of the NRI River segment. (*If there is an involvement, this form cannot be utilized, and the project will most likely require a Type II CE.*)

6. Section 7 of the Endangered Species Act (ESA) of 1973, as amended and/or Magnuson-Stevens Fishery Conservation and Management Act (MSFCMA): (*Coordinate further with the District Four PLEMO if you have any additional questions about this section. Also refer to Part 2, Chapter 16, Protected Species and Habitat, and Chapter 17, Essential Fish Habitat of the FDOT PD&E Manual for additional reference. Will the project impact a specific area occupied by an endangered or threatened species (examples include Wood stork core foraging areas and trees or expansion joints below bridge deck slabs where Florida bonneted bats may exist)? Does the area contain physical or biological features essential to conservation of listed species particularly those features which may require special management considerations or are considered essential for conservation? (Examples include: wetlands, Essential Fish Habitat (EFH), coral reefs, seagrasses, or mangroves). If necessary, District Four PLEMO may require that wildlife surveys be performed by the LAP agency to confirm presence/absence and abundance of species. FDOT requires that correspondence be submitted (Section 7 (a) (2) of Endangered Species Act) with the appropriate agency (US Fish & Wildlife Service (USFWS), National Marine Fisheries Service (NMFS) and Florida Fish & Wildlife Conservation Commission (FFWCC) regarding the occurrence of listed species or critical habitat in the project area. Species occurrence information should be obtained through agency approved GIS databases and verified in the field. Species Programmatic Keys can be utilized by the LAP Agency. For instance, the Bonneted Bat Programmatic Key will need to be followed for all LAP projects. If the District Four Environmental Liaison identifies specific species that are within a USFWS Consultation Area for a LAP project, then the LAP Agency will need to provide determination of effect for all of the species identified and this documentation will need to be included in the Type I CE Backup Memorandum.*)

No ESA listed species and/or Essential Fish Habitat (EFH) present

ESA listed species, and/or Essential Fish Habitat (EFH) present

Consultation with the US Fish & Wildlife Service or National Marine Fisheries Service, results in:

May Affect, Not Likely to Adversely Affect (attach concurrence letter)

May Affect, Likely to Adversely Affect

(Coordinate further with the District Four PLEMO if consultation is required because the District Four PLEMO will take the lead in this consultation).

7. Will the action impact any properties protected by Section 4(f) pursuant to 23 CFR § 774?

No potential Section 4(f) properties present

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No LAP projects should have a Section 4(f) de minimis use. If a LAP project will have a Section 4(f) use, please coordinate further with the District Four PLEMO for further guidance.

Programmatic or Individual Section 4(f) Evaluation required (by checking this box, the project does not meet the criteria of “e” and cannot proceed as a Type I CE). *No LAP projects should have a Section 4(f) use that would require a Programmatic or Individual Section 4(f) Evaluation. If a LAP project will have a Section 4(f) use, then the LAP project will not qualify as a Type I CE.*

8. Historic and/or Archaeological Resources protected under Section 106 of the National Historic Preservation Act: No Historic or Archeological resources present within the APE Pursuant to Section 106 Programmatic Agreement (include appropriate documentation):) *If there are no cultural resources identified within the project corridor, and if the scope of the project qualifies under the Section 106 Programmatic Agreement, the District Four PLEMO staff will prepare appropriate Section 106 documentation for submittal to the SHPO for review/concurrence. If there are cultural resources adjacent to the project corridor that need to be evaluated for National Register eligibility, then the District Four PLEMO will require that the LAP agency prepare a Cultural Resource Assessment Survey (CRAS) Report or Technical Memorandum, then the next set of boxes are checked according to the results of the Cultural Resources Evaluation. Once the CRAS is submitted to the District Four PLEMO, upon approval, PLEMO staff will submit that CRAS for consultation and concurrence from the SHPO. A letter from the SHPO stating that the proposed work will have “no effect” or “no adverse effect” on historic and/or archaeological sites must be documented in the project file before proceeding with the project and is required prior to the approval of the Type 1 Checklist. The District Four PLEMO is available to guide the LAP applicant/agency through the process with any potential historic resources that are within the project area of the proposed project).*

Determination of No Involvement Determination of “No Effect” Determination of “No Adverse Effect” Determination of “Adverse Effect”

No Historic or Archeological resources present within the APE

Pursuant to Section 106 Programmatic Agreement (include appropriate documentation)

Determination of No Involvement Determination of “No Effect” Determination of “No Adverse Effect”

Determination of “Adverse Effect”

9. Noise considerations:

The project does not require a Noise Analysis

The project does require a Noise Analysis

If there is a capacity improvement and/or shift in alignment, further analysis will be required to determine whether a Noise Study Report will be required. LAP projects utilizing a Type I CE checklist, do not typically involve capacity improvements but might involve shifts in alignments, necessitating a need for a Noise Study Report, therefore, additional coordination with the District Four PLEMO if, there is a shift in an alignment on a LAP project.

The scope of LAP projects does not typically involve the need for Noise Analysis; therefore, the first box should be checked.

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10. Contamination considerations:

The project was evaluated (provide brief summary in text box and attach appropriate documentation): *(Refer to Part 2, Chapter 20, Contamination, of the FDOT PD&E Manual for further guidance. Most LAP projects occur on off-system roadways and therefore if excavation activity will take place (i.e., mast arms, pedestrian lighting, drainage, dewatering) near a potential contamination source or hazardous material generator, Florida Department of Environmental Protection (FDEP) and County (if relevant) agency file reviews are required to see if this is an identified contamination site. Further investigation, including groundwater/soil testing may be warranted if there is a potential for contamination. Please coordinate with the District Four PLEMO on this issue. If potential contamination is located on a LAP project, it is the LAP Agency's responsibility to conduct level 1 & 2 assessments. If there is a superfund site located in the construction footprint or within 500 feet of the project corridor, then this project cannot qualify as a Type I CE.*

11. Planning Consistency:

This project was reviewed for fiscal constraint and determined to have committed, available or reasonably available funds for the implementation of all the phase(s) of the Project within the time period anticipated for completion of the Project (23 CFR Part 450). *District Four PLEMO will provide the necessary State Transportation Improvement Plan (STIP) information and will upload it to the SWEPT File to satisfy this requirement on the checklist.*

12. Project Commitment Record (PCR): Attach PCR if applicable. Refer to Chapter 22, Commitments of the FDOT PD&E Manual for further guidance. *A PCR should be prepared if there are any project commitments of any type that are appropriate to be documented during the course of the LAP project. These commitments could include, Maintenance of Traffic, Access Management, Public Involvement, Environmental, Construction Staging, etc. In addition, a project commitment does not have to be an environmental commitment either.*

This project has been reviewed and has been verified to meet the conditions of a Type 1 CE.

LAP Preparer/Agency Signature: _____

Date: _____

Printed Name: _____

Company/Agency: _____

Address: _____