

PART 1, CHAPTER 2

CLASS OF ACTION DETERMINATION FOR FEDERAL PROJECTS

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PART 1, CHAPTER 2

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2.1 OVERVIEW

Pursuant to **23 United States Code (U.S.C.) § 327** and the implementing Memorandum of Understanding (MOU) executed on December 14, 2016, the Florida Department of Transportation (FDOT) has assumed and Federal Highway Administration (FHWA) has assigned its responsibilities under the **National Environmental Policy Act (NEPA)** for highway projects on the State Highway System (SHS) and Local Agency Program (LAP) projects off the SHS (**NEPA** Assignment). In general, FDOT's assumption includes all highway projects in Florida which source of federal funding comes from FHWA or which constitute a federal action through FHWA. **NEPA** Assignment includes responsibility for environmental review, interagency consultation and other activities pertaining to the review or approval of **NEPA** actions. Consistent with law and the MOU, FDOT will be the Lead Federal Agency for highway projects with approval authority resting in the Office of Environmental Management (OEM).

The Council on Environmental Quality (CEQ) promulgated regulations in **40 Code of Federal Regulations (CFR) parts 1500-1508** to implement **NEPA**. These regulations provide that the Environmental Document [Environmental Impact Statement (EIS)/Record of Decision (ROD), Finding of No Significant Impact (FONSI), or Categorical Exclusion (CE)] serves as the administrative record of compliance with the policies and procedures of **NEPA** and other environmental statutes and executive orders. The [Project Development and Environment \(PD&E\) Manual, Topic No. 650-000-001](#) is used by FDOT to develop or assist in the processing of an Environmental Document. Adherence to the [PD&E Manual, Topic No. 650-000-001](#) assures compliance with **NEPA**, its implementing regulations, and other related environmental laws. Throughout the [PD&E Manual](#), the process for preparing the Environmental Document for Type 2 CEs, Environmental Assessments (EAs), and EISs is referred to as the PD&E Study.

The Class of Action (COA) Determination identifies the level of documentation required for a federal project. A federal project is one which requires federal funding or constitutes a federal action. The COA Determination is made in consultation with OEM for EAs, EISs, and Type 2 CEs. OEM has assumed the role and responsibility of FHWA in determining the COA of federal highway actions, serving as the Lead Federal Agency. For determining the COA for Federal Transit Administration (FTA) projects, see [Part 1, Chapter 14, Transit Project Delivery](#).

OEM has assumed the role of FHWA for LAP projects. The District Environmental Offices [District Environmental Management Office (DEMO), Planning and Environmental

Management Offices (PLEMO)] provide oversight and will be the liaison for LAP projects. To be considered a LAP project, funding must already be programmed in the State Transportation Improvement Program (STIP)/Transportation Improvement Program (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 procedures in this Manual for the preparation of environmental documentation.

When one of the following conditions exists, a project is considered a federal action, and therefore must comply with **NEPA**:

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. Consultation with the federal permitting agency results in the determination that an FDOT **NEPA** document (rather than the federal permitting agency using a State Environmental Impact Report as the basis of their **NEPA** document) is required to support the permit [e.g., U.S. Coast Guard (USCG) bridge permit, U.S. Army Corps of Engineers (USACE) **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 (ROW)].

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

1. EIS (Class I) - This COA applies 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. Construction or extension of a fixed rail transit facility (e.g., rapid rail, light rail, commuter rail, bus rapid transit) that will not be located primarily within an existing transportation right of way; or
 - d. New construction or extension of a separate roadway for buses or high occupancy vehicles not located within an existing transportation right of way.

2. CE (Class II) - This COA applies to actions that do not individually or cumulatively have a significant environmental effect. These actions **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; or
 - f. Either individually or cumulatively, have any significant environmental impacts

CEs are exempt from the requirements to prepare an EA or EIS.

3. EA (Class III) - This 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 OEM.

FDOT recognizes two types of CEs: Type 1 and Type 2 CEs. Type 1 CEs are those listed in **23 CFR § 771.117(c)** and identified in **23 CFR § 771.117(d)** and listed in [Section 2.2.2.1](#). For all projects not listed as a Type 1 CE, the District must consult with OEM to determine the appropriate COA. If the project qualifies for screening, then it should be screened through FDOT's Efficient Transportation Decision Making (ETDM) process according to the [ETDM Manual, Topic No. 650-000-002](#).

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.

Intensity: This refers to the severity or degree of impact. The severity of the impacts must be viewed in both the larger and smaller contexts applicable to the action.

See 40 CFR 1508.27 for more detail

ETDM is FDOT's process to engage other agencies and the public early in project development. The decision of whether a project is entered into the Environmental Screening Tool (EST) is based on a qualifying project type and the conditions illustrated in the ETDM Screening Matrix for Qualifying Projects in [Figure 2-1](#).

Roadway project types qualifying for EST screening include:

1. Additional through lanes which add capacity to an existing road;
2. A new roadway, freeway or expressway;
3. A highway which provides new access to an area;
4. A new or reconstructed arterial highway (e.g., realignment);
5. A new circumferential or belt highway that bypasses a community;
6. Addition of interchanges or major interchange modifications to a completed freeway or expressway (based on coordination with OEM); or
7. A new bridge which provides new access to an area, bridge replacements (e.g., non-Type 1 CE).

FDOT must complete the Programming Screen in the EST for all transportation projects described above before making a COA determination. During the Programming Screen, each qualifying project is reviewed by appropriate FDOT personnel (i.e., project manager, environmental specialist, design and drainage staff), Environmental Technical Advisory Team (ETAT) and OEM (see FDOT's [ETDM Manual, Topic No. 650-000-002](#)). The District should coordinate with OEM 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.

2.2 PROCEDURE

Once a federal action is established ([Section 2.2.1](#)), the next step is to determine if FDOT is the Lead Federal Agency. Once this is determined, the project should be screened through the EST or prepared as a Type 1 CE, as discussed in [Section 2.2.2.1](#). For projects qualifying for EST screening, the COA is typically determined in the ETDM Programming Screen ([Section 2.2.4](#)); however, in certain circumstances the District may decide to delay the COA determination until additional analysis is completed. The COA determination process for federal 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 (including LAP), federal permits, or that are maintaining federal eligibility, must be processed in accordance with the procedures in the [PD&E Manual, Topic No. 650-000-001 \(Section 2.1\)](#).

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 or programs, then steps should be taken to fulfill FHWA's planning consistency requirements. The status must be included in the Environmental Document. This information is included in the planning consistency form located in [Part 1, Chapter 4, Project Development Process](#) and for Type 2 CEs, the [Type 2 Categorical Exclusion Determination Form](#), discussed in [Part 1, Chapter 5, Type 2 Categorical Exclusion](#). FHWA planning consistency requirements must be satisfied prior to requesting Location and Design Concept Acceptance (LDCA) from OEM. More information on FHWA's planning consistency requirements can be found in [Part 1, Chapter 4, Project Development Process](#).

2.2.1.1 Statewide Acceleration Transformation

All state and federally funded projects are evaluated through the Statewide Acceleration Transformation (SWAT) process to determine project parameters for funding, scope of work, and scheduling. The SWAT process promotes and enhances communication and collaboration within District offices when projects are evaluated for inclusion in the Tentative Work Program. As further described in the [FDOT SWAT Training Workbook](#) and [Part 1 Chapter 4, Project Development Process](#), the SWAT team's COA considerations are facilitated through review of ETDM Screening results and other information, as available, and completion of the SWAT scoping forms.

2.2.2 Categorical Exclusions

A 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 § 771.117** provides further guidance for projects where FDOT has assumed responsibilities from FHWA. 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.

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 projects:

1. Do not involve significant environmental impacts;
2. Do not induce significant impacts to planned growth or land use for the area;
3. Do not require the relocation of significant numbers of people;
4. Do not have a significant impact on any natural, cultural, recreational, historic, or other resource;
5. Do not involve significant air, noise, or water quality impacts;
6. Do not have significant impacts on travel patterns; or
7. Do not otherwise, either individually or cumulatively, have any significant environmental impacts.

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 OEM to determine if the CE classification is appropriate. FDOT may decide or OEM may require additional studies be performed prior to making a CE approval. 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 **U.S. Department of Transportation (USDOT) Act** or **Section 106** of the **National Historic Preservation Act (NHPA)**; or
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 classified as 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.

FDOT recognizes two types of CEs:

1. **Type 1 CE:** applies to projects or actions listed in **23 CFR § 771.117(c)** or identified in **23 CFR § 771.117(d)**
2. **Type 2 CE:** actions, which do not have significant effects based on past experience and therefore qualify as CEs, but require documentation and approval to support the determination that an EA or EIS is not needed. The decision requires

consultation with and approval from OEM (see [Part 1, Chapter 5, Type 2 Categorical Exclusion](#)).

Type 1 CEs 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 may result in a COA determination of Type 1 CE based on consultation with OEM.

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 Type 1 Categorical Exclusions

The District is authorized to determine whether a proposed action is a Type 1 CE if the action is listed in **23 CFR § 771.117(c)** or identified in **23 CFR § 771.117(d)**. **Subsections 771.117(c)26, (c)27 and (c)28**, must also satisfy the criteria in **subsection 771.117(e)** (listed in [Section 2.2.2.1.3](#)) to qualify as a Type 1 CE. These actions normally do not require any further **NEPA** approvals by OEM.

A Type 1 CE determination is made using a **Type 1 Categorical Exclusion Checklist** in the StateWide Environmental Project Tracker (SWEPT) (see [Figure 2-4](#) and [Section 2.2.2.1.4](#)). The checklist is completed to determine if the project meets the criteria of **23 CFR § 771.117(c)** or **(d)**. If the project meets the criteria, the project is a Type 1 CE and this checklist constitutes the **NEPA** document. If the project does not meet the checklist criteria, coordination occurs with OEM as appropriate. This may require screening the project in the EST, completing a technical study to assess the impact to particular resources, coordination with a resource agency or the public, and/or the preparation of a Type 2 CE.

2.2.2.1.1 Actions listed in 23 CFR 771.117(c)

The following actions are listed in **23 CFR 771.117(c)** and meet the criteria for CEs in the CEQ regulations and **23 CFR § 771.117(a)** and normally do not require any further **NEPA** approvals by OEM. This list includes additional clarification and flexibility in the use of CEs under **23 CFR § 771.117(c)** as provided in **FHWA Informational Memos: Additional Flexibilities in Categorical Exclusions**, dated May 22, 2017 and June 12, 2018.

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. The replacement of existing utility powerline poles for overhead utilities and installation of new poles are considered approval of utility installation projects.

3. Construction of bicycle and pedestrian lanes, paths, and facilities.
4. Activities included in the **State's Highway Safety Plan** under **23 U.S.C. § 402**.
5. Transfer of federal lands pursuant to **23 U.S.C. § 107(d)** and/or **23 U.S.C. § 317** when the land transfer is in support of an action that is not otherwise subject to FHWA (OEM as Assigned) review under **NEPA**.
6. The installation of noise barriers, or alterations, to existing publicly owned buildings to provide for noise reduction.
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:
 - i. Occurs within the existing ROW 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
 - ii. Is commenced within a 2-year period beginning on the date of the declaration.
10. Acquisition of scenic easements.
11. Determination of payback under **23 U.S.C. § 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 railbed maintenance and improvements when carried out within the existing ROW.
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.
22. Projects, as defined in **23 U.S.C. § 101**, that would take place entirely within the existing operational ROW. Existing operational ROW means all real property interests acquired for the construction, operation, or mitigation of a project. This area includes the features associated with the physical footprint of the project including but not limited to the roadway, bridges, interchanges, culverts, drainage, clear zone, traffic control signage, landscaping, and any rest areas with direct access to a controlled access highway. This also includes fixed guideways, mitigation areas, areas maintained or used for safety and security of a transportation facility, parking facilities with direct access to an existing transportation facility, transportation power substations, transportation venting structures, and transportation maintenance facilities. Bridge removal may be a component of a bridge replacement project under this CE if the bridge is not

replaced. This CE includes widening and improving existing transportation facilities by adding through lanes that add capacity within the existing operational ROW. It should be noted that if adding capacity, a public hearing is required by **Section 339.155, Florida Statutes (F.S.)**. Refer to [Part 1, Chapter 11, Public Involvement](#). This CE can also include restoration, rehabilitation, or replacement of retaining walls within the existing operational ROW. Restoration, rehabilitation, or replacement of culverts, inlets, drainage pipes, and systems can be under this CE when done within an existing operational ROW. Clarification on other actions [listed under (d)] that may be considered under this CE when the project is located within the existing operational ROW include 1) Transportation corridor fringe parking facilities; 2) Construction of new truck weigh stations or rest areas; and 3) Approvals for joint or limited use of ROW, when the use is within the existing operational ROW.

23. Federally-funded projects:

- a. That receive less than \$5,000,000 (as adjusted annually by the Secretary to reflect any increases in the Consumer Price Index prepared by the Department of Labor. See **FHWA's Environmental Review Toolkit** for the current figures) of Federal funds. This includes highway project actions, regardless of location within or outside a highway ROW. Clarification on other actions [listed under (d)] that may be considered under this CE include 1) Transportation corridor fringe parking facilities; 2) Construction of new truck weigh stations or rest areas; and 3) Approvals for joint or limited use of ROW, when the use is within the existing operational ROW; or
- b. With a total estimated cost of not more than \$30,000,000 (as adjusted annually by the Secretary to reflect any increases in the Consumer Price Index prepared by the Department of Labor. See **FHWA's Environmental Review Toolkit** for the current figures) and Federal funds comprising less than 15 percent of the total estimated project cost.

24. Localized geotechnical and other investigation to provide information for preliminary design and for environmental analyses and permitting purposes, such as drilling test bores for soil sampling; archeological investigations for archeology resources assessment or similar survey; and wetland surveys.

25. Environmental restoration and pollution abatement actions to minimize or mitigate the impacts of any existing transportation facility (including retrofitting and construction of stormwater treatment systems to meet federal and state requirements under **Sections 401 and 402 of the Federal Water Pollution Control Act (33 U.S.C. § 1341; § 1342)** carried out to address water pollution or environmental degradation). Bank repairs to protect against stream erosion are considered environmental restoration and pollution abatement actions under this CE.

26. Modernization of a highway by resurfacing, restoration, rehabilitation, reconstruction, adding shoulders, or adding auxiliary lanes (including parking, weaving, turning, and climbing lanes), if the action meets the constraints in **23 CFR § 771.117(e)**. Restoration, rehabilitation, or replacement of culverts, inlets, drainage pipes, and systems can be under this CE when done as highway modernization.
27. Highway safety or traffic operations improvement projects, including the installation of ramp metering control devices and lighting, if the project meets the constraints in **23 CFR § 771.117(e)**. Construction of new roundabouts or traffic circles are considered traffic operations improvement projects under this CE.
28. Bridge rehabilitation, reconstruction, or replacement or the construction of grade separation to replace existing at-grade railroad crossings, if the actions meet the constraints in **23 CFR § 771.117(e)**. Bridge removal may be a component of a bridge replacement project under this CE.
29. Purchase, construction, replacement, or rehabilitation of ferry vessels (including improvements to ferry vessel safety, navigation, and security systems) that would not require a change in the function of the ferry terminals and can be accommodated by existing facilities or by new facilities which themselves are within a CE.
30. Rehabilitation or reconstruction of existing ferry facilities that occupy substantially the same geographic footprint, do not result in a change in their functional use, and do not result in a substantial increase in the existing facility's capacity. Example actions include work on pedestrian and vehicle transfer structures and associated utilities, buildings, and terminals.

It should be noted that the procedure for documenting emergency relief efforts are outlined in [Part 1, Chapter 4, Project Development Process](#).

2.2.2.1.2 Actions listed in 23 CFR § 771.117(d)

The following actions or projects are included in **23 CFR § 771.117(d)** and meet the criteria for CEs in the CEQ regulations and **23 CFR § 771.117(a)** and may be designated as CEs:

- 1-3. [Reserved]
4. Transportation corridor fringe parking facilities.
5. Construction of new truck weigh stations or rest areas.
6. Approvals for disposal of excess ROW or for joint or limited use of ROW, where the proposed use does not have significant adverse impacts.

7. Approvals for changes in access control.
8. Construction of new bus storage and maintenance facilities in areas used predominantly for industrial or transportation purposes where such construction is not inconsistent with existing zoning and located on or near a street with adequate capacity to handle anticipated bus and support vehicle traffic.
9. Rehabilitation or reconstruction of existing rail and bus buildings and ancillary facilities where only minor amounts of additional land are required and there is not a substantial increase in the number of users.
10. 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.
11. Construction of rail storage and maintenance facilities in areas used predominantly for industrial or transportation purposes where such construction is not inconsistent with existing zoning and where there is no significant noise impact on the surrounding community.
12. Acquisition of land for hardship or protective purposes. Hardship and protective buying will be permitted only for a particular parcel or a limited number of parcels. These types of land acquisition qualify for a CE only where the acquisition will not limit the evaluation of alternatives, including shifts in alignment for planned construction projects, which may be required in the **NEPA** process. No project development on such land may proceed until the **NEPA** process has been completed.
 - a. Hardship acquisition is early acquisition of property by the applicant at the property owner's request to alleviate particular hardship to the owner, in contrast to others, because of an inability to sell his property. This is justified when the property owner can document on the basis of health, safety or financial reasons that remaining in the property poses an undue hardship compared to others.
 - b. Protective acquisition is done to prevent imminent development of a parcel which may be needed for a proposed transportation corridor or site. Documentation must clearly demonstrate that development of the land would preclude future transportation use and that such development is imminent. Advance acquisition is not permitted for the sole purpose of reducing the cost of property for a proposed project.

When an early acquisition project qualifies for a Type 1 CE, the environmental review is accomplished through the completion of **Type 1 Categorical Exclusion**

Checklist. It is important to note that **23 CFR 710.501(e)(2)(i)** does not allow early acquisition of any real property interests that would involve a **Section 4(f)** property. The environmental review for the acquisition project requires the coordination with multiple agencies, other stakeholders, and OEM. Coordination with OEM is necessary to verify that the acquisition project:

- Will not limit the choice of reasonable alternatives for the project or otherwise influence the decision on any approval required for the transportation project

- Does not prevent OEM from making an impartial decision as to whether to accept an alternative that is being considered in the environmental review process for the transportation project

13. Actions described in **23 CFR § 771.117(c)(26), (27), and (28)** that do not meet the constraints in **23 CFR § 771.117(e)**. Use of this CE requires consultation with OEM.

2.2.2.1.3 Actions listed in 23 CFR § 771.117(e)

According to **23 CFR § 771.117(e)**, actions described in **23 CFR § 771.117(c)(26), (c)(27), and (c)(28)** may not be processed as CEs under **23 CFR § 771.117(c)** if they involve:

1. An acquisition of more than a minor amount of ROW or that would result in any residential or non-residential displacements;
2. An action that needs a bridge permit from the USCG, or an action that does not meet the terms and conditions of a USACE nationwide or general permit under **Section 404** of the **Clean Water Act (CWA)** and/or **Section 10** of the **Rivers and Harbors Act of 1899**;
3. A finding of “adverse effect” to historic properties under the **NHPA**, the use of a resource protected under **23 U.S.C. § 138** or **49 U.S.C. § 303 [Section 4(f)]** except for actions resulting in *de minimis* impacts, or a finding of “may affect, likely to adversely affect” threatened or endangered species or critical habitat under the **Endangered Species Act (ESA)**;
4. Construction of temporary access, or the closure of existing road, bridge, or ramps, that would result in major traffic disruptions;
5. Changes in access control; or
6. 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); or construction activities in, across or adjacent to a river

component designated or proposed for inclusion in the National System of Wild and Scenic Rivers.

2.2.2.1.4 Coordination and Documentation

For Type 1 CEs, coordination with appropriate resource agency personnel (this may be an ETAT representative) may need to take place (such as coordination on historic resources, wetlands, listed species) 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., State Historic Preservation Officer (SHPO) coordination in a Water Management District (WMD) permit]. Coordination with OEM may also be required in order to make findings under concurrent laws [such as the *ESA* and **Section 4(f)**] prior to finalizing the COA Determination.

A public hearing is typically not required for Type 1 CEs in accordance with [Part 1, Chapter 11, Public Involvement](#), unless the project is considered a major transportation improvement by **Section 339.155(5)(b), F.S.** In addition, if the District determines that a sensitive community issue exists on or near the proposed project, a **Community Awareness Memorandum (CAM)** may be prepared recommending appropriate public involvement activities (see [Part 1, Chapter 11, Public Involvement](#)).

Documentation consists of an evaluation checklist prepared after environmental analysis has been completed (see [Figure 2-3, Type 1 Categorical Exclusion Checklist](#)). This checklist is only prepared using SWEPT. This is typically completed at the end of the Plans, Specifications, and Estimates (PS&E) or 100% plans.

The CE number/activity type from either **23 CFR § 771.117(c)** or **23 CFR § 771.117(d)** is selected at the beginning of the form. For projects that may fall under two or more actions, identify the CE designation that is most appropriate.

Documentation of analysis, coordination, and results should be uploaded to SWEPT for the project file. This documentation should include the results of desktop and/or field review, agency consultation, and any supporting documents and/or technical reports required to substantiate the responses on the checklist. Some of the questions may require consultation with OEM prior to completion by the District. It is important to document that the project will not have significant impacts and that environmental issues have been addressed. Approval of the **Type 1 Categorical Exclusion Checklist** will be granted by the District Environmental Manager or designee using SWEPT.

Once the final **Type 1 Categorical Exclusion Checklist** is completed in SWEPT, the District Environmental Office will complete and provide the date of the determination on the **Status of Environmental Certification For Federal Project**, as shown in [Figure 2-4](#). This form is required as part of the contract documents for federal-aid construction projects and is used when submitting all projects, including LAP projects, for approval to the Federal Aid Office. As specified by the [LAP Manual, Topic No. 525-010-300](#), 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 For Federal Project** should be signed by appropriate FDOT personnel as noted on the form.

The District Federal Aid coordinator or the Federal Aid Management Office utilizes information from the **Status of Environmental Certification for Federal Project** to complete the **Federal-Aid Project Authorization/Agreement Form (PR-1240 Form)**.

2.2.2.2 Type 2 Categorical Exclusions

For all projects that are not qualifying Type 1 CEs, the District must consult with OEM to determine whether the project should be developed through the Minor Categorical Exclusion (MiCE) Process, classified as a Type 2 CE, 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 CE documentation includes the **Type 2 Categorical Exclusion Determination Form** and supporting information. The public hearing transcript is uploaded to SWEPT as well as the **Public Hearing Certification, Form No. 650-050-56**. Details on Type 2 CEs and guidance is provided in [Part 1, Chapter 5, Type 2 Categorical Exclusion](#). The approved Type 2 CE may be sent to the USCG when a bridge permit is required or the USACE whenever a USACE permit is needed. The **Type 2 Categorical Exclusion Determination Form** must be approved by OEM. Approval of this form grants LDCA, allowing the project to proceed to the Design phase.

2.2.3 Minor Categorical Exclusion Process

The purpose of the MiCE process is to assist Districts in supporting CE determinations, and providing specific documentation to address potential impacts to relevant environmental issues/or resources without causing the COA of the project to be elevated [**23 CFR § 771.117 (a) and (b)**]. MiCE is not a COA, but rather a process which can be used to validate the determination that a project can be classified as a Type 1 CE, and, in some cases, a Type 2 CE (see [Figure 2-2](#)). This process provides guidance on managing project issues, documenting coordination with OEM and/or an appropriate resource agency, and developing appropriate and focused documentation to support the CE determination. MiCE can apply to PD&E studies or projects in Design where the CE determination must be made.

The following items should be assessed and/or documented in the Environmental Document and project file 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 agency consultation
5. Coordination with OEM

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

The following is considered during the MiCE process:

- Do the impacts requiring OEM coordination affect other environmental issues/resources?
- Do the impacts requiring OEM coordination require changes to the design that would affect other issues/resources?
- Do the impacts to the other issues/resources require consideration of additional alternative(s)?

There are two scenarios in the MiCE process. The first scenario is for projects that would normally qualify as a Type 1 CE, but may involve potential environmental impacts requiring additional analysis and documentation to assure the COA is valid based on analysis or coordination with OEM. This process is built into the ***Type 1 Categorical Exclusion Checklist***. If any of the following are selected on the checklist, coordination with OEM is required to determine if the project can proceed as a Type 1 CE.

- 1. Right of Way:**
 - Any acquisitions with relocations and/or displacements
- 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:**
 - Standard Permit
- 3. Bridge permits required from the United States Coast Guard (USCG):**
 - USCG Bridge permit
- 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):**
 - Other Encroachment

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

- Yes, Northwest Fork of the Loxahatchee River in D7
- Yes, Wekiva River in D5
- Yes, St. Marys River in D2
- 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 cannot be a Type 1 CE.
- If the project will have an adverse effect on the natural, cultural, or recreational values of the NRI River segment, coordination with the NPS is required, and the project cannot be processed as a Type 1 CE.

6. Section 7 of the Endangered Species Act (ESA) of 1973, as amended, and/or Magnuson-Stevens Fishery Conservation and Management Act (MSFCMA):

- May Affect, Likely to Adversely Affect

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

- Exception or Exemption
- de minimis
- Programmatic or Individual Section 4(f) Evaluation required

8. Historic and/or Archaeological Resources protected under Section 106 of the National Historic Preservation Act:

- Determination of "Adverse Effect"

If during the preparation of the ***Type 1 Categorical Exclusion Checklist***, an answer requires discussion with OEM, the OEM District Project Delivery Coordinator is contacted. Coordination with OEM does not necessarily mean that the project will need to be elevated to a Type 2 CE. Any coordination with OEM is documented in the project file in SWEPT.

If it is determined that a Type 2 CE is required after working through the checklist and/or coordination with OEM, the project does not necessarily have to be screened in the EST. In addition, alternatives analysis may not be needed. The ***Type 2 Categorical Exclusion Determination Form*** is then focused on the issues which triggered the Type 2 CE COA.

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. The Type 2 CE should focus on the relevant issues that require resolution using the ***Type 2 Categorical Exclusion Determination Form*** and include supporting environmental and engineering documentation. The appropriate documentation for all affected issues is attached to the form.

If project conditions change, and a project that was screened in the EST as a Type 2 CE can now be completed as a Type 1 CE, a **Type 1 Categorical Exclusion Checklist** is prepared, OEM is notified, and the change is documented in the project file in SWEPT.

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 OEM.

2.2.4 Efficient Transportation Decision Making Qualifying Projects

For projects qualifying for ETDM screening, the COA can be determined at the end of the Programming Screen (see FDOT's [ETDM Manual, Topic No.650-000-002](#)). The District performs analysis to assist in determining the appropriate COA. The COA is proposed by the District and is approved by OEM. 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 COA during the Programming Screen requires that the District ETDM Coordinator completes the **Environmental Class of Action Recommendation Form** (see [Figure 2-5](#)) in the EST. The form should be completed as follows:

1. Enter the project's identifying information.
2. In the "Potential for Significant Impacts?" section, depending on the project's potential impacts on an issue/resource, select:
 - Sig = The project is anticipated to have a significant impact on the particular issue/resource, therefore the recommended class of action should be an EIS for federal projects
 - Sig? = There is a question of significance or significance is unknown regarding the project's potential impact to the issue/resource. If "Sig?" is checked for one or more issues/resources and "Sig" is not checked for another issue/resource, the recommended class of action should be an EA for federal projects
 - NoSig = The project is not anticipated to have significant impacts to the issue/resource
 - NoInv = No involvement, the issue/resource is absent
 - NoIm = No impact

Comments must be entered in the related comment box when “Sig” or “Sig?” is selected, but may be entered for “NoSig” and “NoInv”, and “NoIm” at the District’s discretion.

3. Check the box for the recommended COA
4. Identify any Other Actions
5. Identify the Lead Agency
6. Identify Participating/Cooperating Agencies

After OEM and the District have agreed on the COA, OEM accepts it in the EST. After the COA determination is complete, the determination becomes part of the **Final Programming Screen Summary Report**. The COA Determination may be deferred to allow for technical studies and additional coordination, potentially leading to a reduced COA. When the COA is determined later, the **Environmental Class of Action Recommendation Form** is completed and a **Final Programming Screen Summary Report** is published.

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 Manual.

2.2.5 Environmental Assessments and Environmental Impact Statements

An EA is prepared when there is a question of significance or the significance of the environmental impact is unknown. 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 an EIS is provided in [Part 1, Chapter 8, Draft Environmental Impact Statement](#), and [Part 1, Chapter 9, Final Environmental Impact Statement](#). If an EIS is anticipated, the District should coordinate with OEM as early as possible. An EA or EIS must have sufficient documentation to support the COA Determination. Supporting information may include technical reports [e.g., **Preliminary Engineering Report (PER)**, **Noise Study Report (NSR)**, **Natural Resources Evaluation (NRE)**].

2.2.6 Change of Class of Action

Prior to the beginning of PD&E or even during PD&E, the District or OEM 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. If a project is an EA changing to an EIS, a **Notice of Intent (NOI)** in the **Federal Register (FR)** is required.

The decision to downgrade from an EIS document requires thorough analysis and consideration. Notification was previously provided to the public and stakeholders that significant impacts were anticipated. Documentation is required to substantiate the downgrade. Approval by OEM is required for the reclassification, and the **NOI** must be withdrawn from the **FR**. See [Part 1, Chapter 8, Draft Environmental Impact Statement](#) for information on the **NOI**. In all cases, OEM must be consulted if FDOT seeks modifications to a project's approved COA to obtain approval for the proposed change.

2.3 REFERENCES

- CEQ, 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
- FDOT. Efficient Transportation Decision Making Manual, Topic No. 650-000-002.
<https://www.fdot.gov/environment/pubs/pdeman/pdeman1.shtm>
- FHWA, Environmental Review Toolkit, Fixing America's Surface Transportation (FAST) Act Sec. 1314 "Categorical Exclusion for Limited Federal Assistance" Implementation Guidance.
https://www.environment.fhwa.dot.gov/legislation/authorizations/fastact/FAST_ACT_Section1314_Implementation_Guide.aspx
- FHWA, October 30, 1987. Guidance for Preparing and Processing Environmental and Section 4(f) Documents, FHWA Technical Advisory T6640.8A
- FHWA, Memorandum: Additional Flexibilities In Categorical Exclusions, May 22, 2017
- FHWA, Memorandum: Additional Flexibilities In Categorical Exclusions, June 12, 2018
- FHWA. 2003. Questions and Answers Regarding the Consideration of Indirect and Cumulative Impacts in the NEPA Process.
<http://www.environment.fhwa.dot.gov/projdev/qaimpact.asp>
- FHWA. 2011. Supplement to January 28, 2008. Transportation Planning Requirements and Their Relationship to NEPA Process Completion, February 9, 2011
- Memorandum of Understanding Between FHWA and FDOT Concerning the State of Florida's Participation in the Surface Transportation Project Delivery Program Pursuant to 23 U.S.C. 327, December 14, 2016.
<http://www.fdot.gov/environment/pubs/Executed-FDOT-NEPA-Assignment-MOU-2016-1214.pdf>
- National Environmental Policy Act, Section 7
- Title 23 CFR § 771, Environmental Impact and Related Procedures

2.4 FORMS

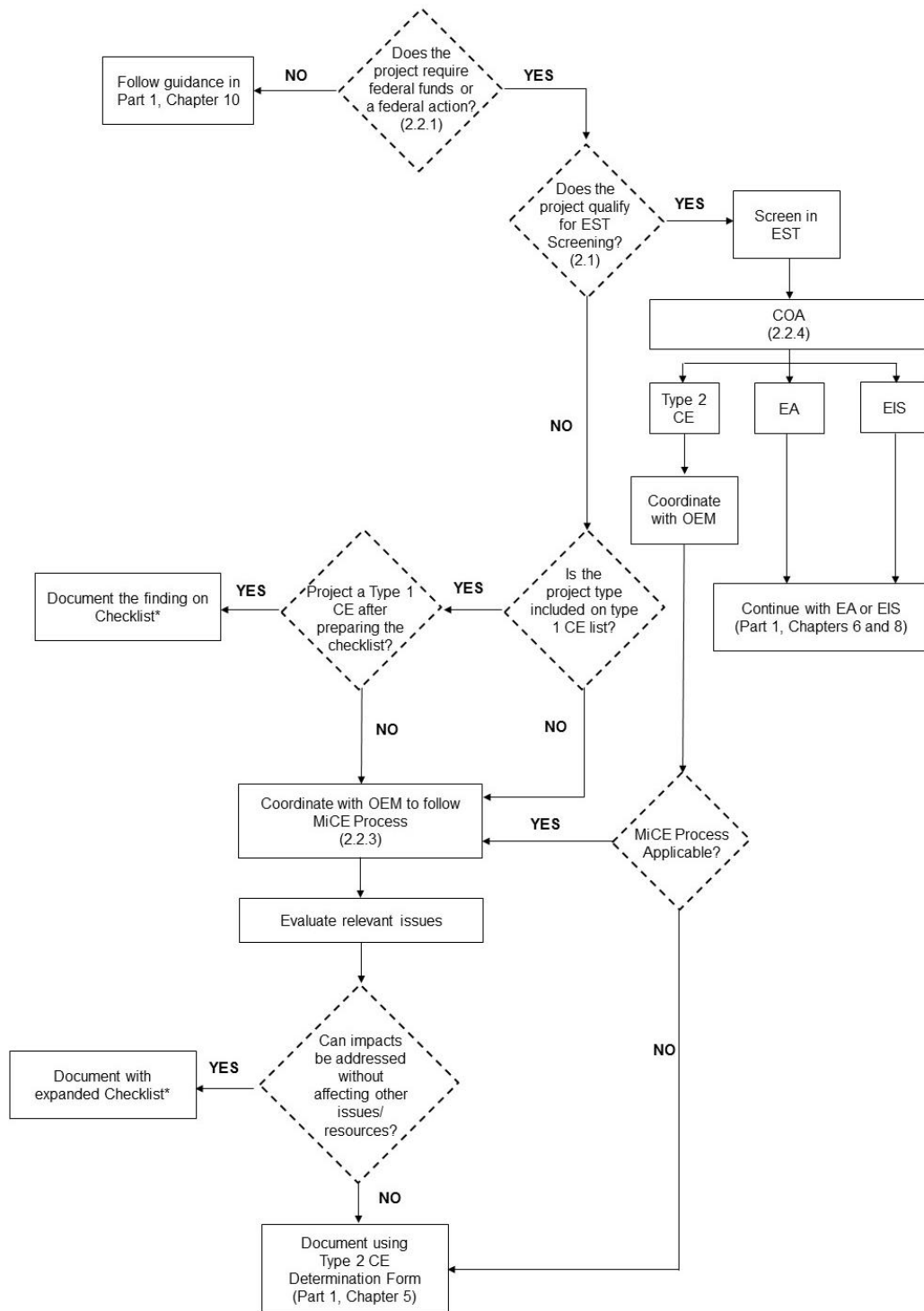
[Public Hearing Certification Form, Form No. 650-050-56](#)

2.5 HISTORY

1/12/2004, 1/31/2007, 3/6/2012, 2/3/2014, 8/2/2016, 6/14/2017: NEPA Assignment,
1/14/2019

ETDM Screening Matrix for Qualifying Projects						
	Federal Dollars (any FHWA, FTA or FRA funds or federal authorization)		State Dollars (TRIP, Transit/ Intermodal System Grants, etc) No Federal Dollars Involved		Local Dollars Only	
	Responsible Agency	ETDM Screening	Responsible Agency	ETDM Screening	Responsible Agency	ETDM Screening
System						
Highways on the State Highway System (SHS) and on the Strategic Intermodal System (SIS)	FDOT	YES FDOT Lead	FDOT	YES	FDOT	YES
	Local		Local and FDOT	Local Option	Local and FDOT	Local Option
Highways on the SHS but not on the SIS	FDOT	YES FDOT Lead	FDOT	YES	FDOT	YES
	Local		Local and FDOT	Local Option	Local and FDOT	Local Option
Highways not on SHS but on the SIS	FDOT	YES FDOT Lead	FDOT	YES	FDOT	YES
	Local		Local and FDOT	Local Option	Local and FDOT	Local Option
Highways not on SHS nor on the SIS	FDOT	YES FDOT Lead	FDOT	YES	Local	N/A
	Local		Local	Local Option		
Major Transit Projects (new fixed guideway, New Starts) or Major Freight Projects	FDOT	YES	FDOT	YES	Local	N/A
	Local	Local Option	Local	Local Option		
NOTE: Local applies to any local government agency, other state agency, expressway authority, bridge authority or private entity						

Figure 2-1 ETDM Screening Matrix for Qualifying Projects



* Checklist = Type 1 Categorical Exclusion Checklist (Figure 2-3)

Figure 2-2 Class of Action Determination Process for Federal Projects

TYPE 1 CATEGORICAL EXCLUSION CHECKLIST

Financial Management No. _____

FAP No. _____

CE Number: (Choose one option **from dropdown**) (c) _____ or (d) _____ **(Will be required for d-list projects to provide supporting documentation for all areas)**

Title: _____

Work Mix: _____

District: _____

County: _____

Local Agency Program (LAP) (to be considered a LAP project, federal dollars must be programmed into the adopted Work Program)

Yes No

Project Description: (include project limits and brief description of the proposed scope of work) **(TEXT BOX)**

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: District 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; involve significant air or water quality impacts; 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

REST OF FORM NOT ACCESSIBLE UNTIL Verified IS CHECKED

1. Right of Way (ROW): (Pop-up will appear- if situation changes document in the project file)

Within existing ROW Minor acquisition without relocation and/or displacement

Any acquisitions with relocations and/or displacements [Contact the Office of Environmental Management (OEM) and add date of consultation] **(If chosen warning label will appear if it is c26, c27, c28, or (d): This project has been identified as a c26, c27, c28 or (d) list project. By checking this box, the project does not meet the criteria of (e) and cannot proceed as a Type 1)**

Are there state-owned conservation lands being acquired in the project area subject to review and approval by the Acquisition and Restoration Council? Yes No **(If yes is selected, a pop up will state, “Advise OEM of involvement with state-owned conservation lands”)**

Comments:

Figure 2-3 Type 1 Categorical Exclusion Checklist

- 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:**
 No Wetland(s) Present/ No Impacts Nationwide permit General Permit (SAJ 92) Standard Permit [Contact OEM and add date of consultation] **(If chosen warning label will appear if it is c26, c27, c28 or (d): This project has been identified as a c26, c27, c28 or (d) list project. By checking this box, the project does not meet the criteria of (e) and cannot proceed as a Type 1)**
Comments:
- 3. Bridge permits required from the United States Coast Guard (USCG):**
 No Waterway Crossing No USCG Bridge permit required USCG Bridge permit [Contact OEM and add date of consultation] **(If chosen warning label will appear if it is c26, c27, c28, or (d): This project has been identified as a c26, c27, c28 or (d) list project. By checking this box, the project does not meet the criteria of (e) and cannot proceed as a Type 1)**
Comments:
- 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/No Floodplain Impact Functionally Dependent Use or Facilitate Open Space Use Other Encroachment [Contact OEM and add the date of consultation] **(If chosen warning label will appear if it is c26, c27, c28, or (d): This project has been identified as a c26, c27, c28 or (d) list project. By checking this box, the project does not meet the criteria of (e) and cannot proceed as a Type 1)**
Comments:
- 5.a 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 PD&E Manual Chapter for limits) **(automatically populated if applicable)** [Contact OEM and add the date of consultation] Yes, Wekiva River in D5 (See PD&E Manual Chapter for limits) [Contact OEM and add the date of consultation] Yes, St. Marys River in D2 (See PD&E Manual Chapter for limits) [Contact OEM and add the date of consultation] Yes, Myakka River in D1, located in Manatee, Sarasota, and Charlotte Counties [Contact OEM and add the date of consultation] **(If box 2, 3, or 4 is chosen a warning label will appear if it is c26, c27, c28, or (d): This project has been identified as a c26, c27, c28 or (d) list project. By checking this box, the project does not meet the criteria of (e) and cannot proceed as a Type 1.)** (If yes is selected, in the comment box summarize the results of coordination with OEM and NPS (or FDEP if the Myakka River). Identify that there will be no direct or adverse effects on the values for which the river was designated. If the project will adversely affect a federally designated Wild and Scenic or Study River, the project cannot be a Type 1 CE. Any correspondence should be added to the project file in SWEPT.)
Comments:

Figure 2-3 Type 1 Categorical Exclusion Checklist (Page 2 of 4)

5b. Will the action involve a river on the Nationwide Rivers Inventory (NRI)? [This information can be found in the Environmental Screening Tool or the NRI interactive map]

- No, the project will not involve a river on the NRI Yes, the project will involve, but will not affect a river segment on the NRI. **(Include details to support this determination. Any correspondence with NPS should be added to the project file in SWEPT)** Yes, the project will affect a river segment on the NRI, but will not have an adverse effect on the natural, cultural, or recreational values of the NRI River segment [See Part 2, Chapter 12 of the PD&E Manual to determine if there is an adverse effect] **(Include details to support this determination. Any correspondence with NPS should be added to the project file in SWEPT. If yes is selected, add the name of river and any details in the comment box. If the project will have an adverse effect on the natural, cultural, or recreational values of the NRI River segment, coordination with the NPS is required, and the project cannot be processed as a Type 1 CE.)**

Comments:

6. Section 7 of the Endangered Species Act (ESA) of 1973, as amended, and/or Magnuson-Stevens Fishery Conservation and Management Act (MSFCMA):

- No ESA listed species and/or Essential Fish Habitat (EFH) present
- ESA listed species and/or Essential Fish Habitat (EFH) present **(If selected, the following will appear)**
- Determination of No Effect **Identify species in text box.**
 - Used key, no consultation required **Identify species in text box.**
- Consultation with the US Fish and Wildlife Service or National Marine Fisheries Service, results in: **(If selected, the following will appear)**
- May Affect, Not Likely to Adversely Affect (attach concurrence letter)
 - May Affect, Likely to Adversely Affect [Contact OEM and add the date of consultation] **(If chosen warning label will appear if it is c26, c27, c28, or (d): This project has been identified as a c26, c27, c28 or (d) list project. By checking this box, the project does not meet the criteria of (e) and cannot proceed as a Type 1)**

Comments:

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

- No potential Section 4(f) properties present
- Section 4(f) resource(s) present or adjacent, but there is “no use” within the meaning of Section 4(f) **List resource(s) and describe how “no use” determination was made in text box.**
 - Exception or Exemption [attach description of type and Official with Jurisdiction (OWJ) concurrence] [See 23 CFR 774.13] [Contact the OEM] **(If selected a pop up will provide a box to record the date of OEM coordination. Fill in date in order to proceed.) List resource(s) in text box.**
 - de minimis* (attach determination and OWJ concurrence) [Contact the OEM] **(If selected a pop up will provide a box to record the date of OEM coordination” Fill date in order to proceed.) List resource(s) in text box.**
 - 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 1)**

Comments:

Figure 2-3 Type 1 Categorical Exclusion Checklist (Page 3 of 4)

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):

Determination of No Involvement Determination of "No Effect" Determination of "No Adverse Effect"

Determination of "Adverse Effect" [Contact OEM and add the date of consultation] **(If chosen warning label will appear if it is c26, c27, c28, or (d): This project has been identified as a c26, c27, c28 or (d) list project. By checking this box, the project does not meet the criteria of (e) and cannot proceed as a Type 1)**

Comments:

9. Noise considerations:

The project does not require a Noise Analysis

The project does require Noise Analysis (provide appropriate documentation):

Noise abatement is not warranted Noise abatement is warranted (Provide decision)

Comments:

10. Contamination considerations:

The project was evaluated (Provide brief summary in text box and attach appropriate documentation.)

Comments:

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]. The appropriate LRTP/TIP/STIP pages must be submitted as supporting documentation. The **Project Commitment Record** may also be attached.

IMPORTANT: If during the preparation of the form, an answer requires discussion with OEM, contact your OEM District Project Delivery Coordinator.

The environmental review, consultation, and other actions required by applicable federal environmental laws for this project are being, or have been, carried out by FDOT pursuant to 23 U.S.C. § 327 and a Memorandum of Understanding dated December 14, 2016 and executed by FHWA and FDOT.

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

Signature: _____ Date: _____
District Environmental Manager or designee

Figure 2-3 Type 1 Categorical Exclusion Checklist (Page 4 of 4)

**STATUS OF ENVIRONMENTAL CERTIFICATION
FOR FEDERAL PROJECT**

Financial Management No. _____

FAP No. _____

Title: _____

Work Mix: _____

District: _____

County: _____

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

This project is a Categorical Exclusion under 23 CFR § 771.117:

- A Type 1 Categorical Exclusion per (c) _____ or (d) _____ as determined on _____
- A Type 2 Categorical Exclusion approved on _____

The final Environmental Document for this project was a (check one):

- A Finding of No Significant Impact under 23 CFR § 771.121 approved on _____
- A Record of Decision under 23 CFR § 771.127 approved on _____

A re-evaluation in accordance with 23 CFR § 771.129 was (check one):

- Approved on _____
- Not required

Signature: _____ Date: _____

Environmental Manager or designee

The environmental review, consultation, and other actions required by applicable federal environmental laws for this project are being, or have been, carried out by the Florida Department of Transportation (FDOT) pursuant to 23 U.S.C. 327 and a Memorandum of Understanding dated December 14, 2016 and executed by the Federal Highway Administration and FDOT.

Figure 2-4 Status of Environmental Certification for Federal Project

ENVIRONMENTAL CLASS OF ACTION RECOMMENDATION

Project Name and limits: _____
 District: _____ Phase: _____
 County: _____ From: _____
 Planning Organization: _____ To: _____
 Plan ID: _____ Financial Management No.: _____
 Federal Involvement: _____
 Contact Information: _____

Potential for Significant Impacts?*

Comments must be entered when Sig or Sig? are selected, and may be entered for NoSig, NoInv, and NoIm at the District's discretion.

Issues/Resources	Sig	Sig?	NoSig	NoInv	NoIm	Comments
A. SOCIAL & ECONOMIC						
1. Social	[]	[]	[]	[]	[]	_____
2. Economic	[]	[]	[]	[]	[]	_____
3. Land Use Changes	[]	[]	[]	[]	[]	_____
4. Mobility	[]	[]	[]	[]	[]	_____
5. Aesthetic Effects	[]	[]	[]	[]	[]	_____
6. Relocation Potential	[]	[]	[]	[]	[]	_____
7. Farmland	[]	[]	[]	[]	[]	_____
B. CULTURAL						
1. Section 4(f)	[]	[]	[]	[]	[]	_____
2. Historic Sites/Districts	[]	[]	[]	[]	[]	_____
3. Archaeological Sites	[]	[]	[]	[]	[]	_____
4. Recreational Areas and Protected Lands	[]	[]	[]	[]	[]	_____
C. NATURAL						
1. Wetlands and Other Surface Waters	[]	[]	[]	[]	[]	_____
2. Aquatic Preserves and Outstanding FL Waters	[]	[]	[]	[]	[]	_____
3. Water Resources	[]	[]	[]	[]	[]	_____
4. Wild and Scenic Rivers	[]	[]	[]	[]	[]	_____
5. Floodplains	[]	[]	[]	[]	[]	_____
6. Coastal Zone Consist.	[]	[]	[]	[]	[]	_____
7. Coastal Barrier Resources	[]	[]	[]	[]	[]	_____
8. Protected Species an Habitat	[]	[]	[]	[]	[]	_____
9. Essential Fish Habitat	[]	[]	[]	[]	[]	_____
D. PHYSICAL						
1. Highway Traffic Noise	[]	[]	[]	[]	[]	_____
2. Air Quality	[]	[]	[]	[]	[]	_____
3. Contamination	[]	[]	[]	[]	[]	_____
4. Utilities and Railroads	[]	[]	[]	[]	[]	_____
5. Construction	[]	[]	[]	[]	[]	_____
6. Bicycles and Pedestrians	[]	[]	[]	[]	[]	_____
7. Navigation	[]	[]	[]	[]	[]	_____

* **Potential Impact Determination:** Sig = Significant Impact; Sig? = Question of Significance; NoSig = No Significant Impact; NoInv = no involvement, Issue is absent; NoIm = No Impact

Figure 2-5 Environmental Class of Action Recommendation Form

Recommended Class of Action: EA EIS Type 2 CE SEIR

Other Actions: Section 4(f) Evaluation, Section 106 Consultation, Endangered Species Assessment Consultation, US Coast Guard Bridge Permit Anticipated, US Army Corps of Engineers 404 Permit Anticipated

Consider recommending US Army Corps of Engineers to serve as a cooperating agency if a USACE 404 Individual Permit is anticipated:

- *USACE 404 Nationwide Permit*
- *USACE 404 Individual Permit*
- *Regional General Permit*

Lead Agency: _____

Participating/Cooperating Agencies: _____

Figure 2-5 Environmental Class of Action Recommendation Form (Page 2 of 2)