

PART 1, CHAPTER 5

TYPE 2 CATEGORICAL EXCLUSIONS

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PART 1, CHAPTER 5

TYPE 2 CATEGORICAL EXCLUSIONS

5.1 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).

A Categorical Exclusion (CE) is a project or action which does not individually or cumulatively have a significant environmental impact, and is excluded from the requirement to prepare an Environmental Assessment (EA) or an Environmental Impact Statement (EIS). A CE as defined in **40 Code of Federal Regulations (CFR) § 1508.4**. **Title 23 CFR § 771.115** prescribes the level of documentation required to comply with **NEPA**. See [Part 1, Chapter 2, Class of Action Determination for Federal Projects](#) for more information on Class of Action (COA) determinations.

Generally, CEs are either listed, **23 CFR § 771.117(c)**, or documented, **23 CFR § 771.117(d)**. Listed CEs, known as Type 1 CEs in Florida, are those project types listed in either the (c) or (d) list in the regulation. Type 1 CEs are discussed in [Part 1, Chapter 2, Class of Action Determination for Federal Projects](#). Documented CEs, known as Type 2 CEs in Florida, are projects which do not have significant effects based on past experience but must demonstrate that the project meets the criteria under **23 CFR § 771.117(a)**. For Type 2 CE projects, the level of detail required to reach these conclusions is dependent upon the complexity of the project and the significance of environmental impacts from the proposed action.

Type 2 CEs require review and approval by OEM whereas a Type 1 CE determination is made by the District. Type 2 CEs require a higher level of public involvement than Type 1 CEs, and typically require a public hearing. If the project is a major transportation improvement as described in **Section 339.155(5), Florida Statutes (F.S.)**, a public hearing is required as outlined in [Part 1, Chapter 11, Public Involvement](#). If a public hearing is required, a draft Type 2 CE is made available for public inspection at the public hearing.

Under limited circumstances, when a Type 2 CE does not constitute a major transportation improvement, the District must obtain OEM approval in order to offer the public an opportunity to request a public hearing in lieu of holding it without a public request.

5.2 PROCEDURE

This chapter outlines the required processing and documentation for Type 2 CE projects ([Figure 5-1](#)) and provides guidance on completing the ***Type 2 Categorical Exclusion Determination Form***.

The Type 2 CE must include interagency coordination on respective jurisdictional issues and public involvement efforts to adequately support the determination. In addition, it must list commitments made throughout the Project Development and Environment (PD&E) Study. A summary of coordination and/or consultation efforts and results, which support the findings, should be included on the form and findings or concurrence documentation should be attached.

The results of the Efficient Transportation Decision Making (ETDM) screening events are used for project scoping and to prepare the Type 2 CE. For projects which fall under the criteria of **23 CFR § 771.117(a)** which were not screened through the Environmental Screening Tool (EST), the District is responsible for gathering enough information to scope the project and coordinating with OEM and applicable agencies according to the Minor Categorical Exclusion (MiCE) process. The MiCE process is discussed in [Part 1, Chapter 2, Class of Action Determination for Federal Projects](#).

A Type 2 CE does not typically require consideration of multiple build alternatives during the screening process. However, in some situations, the impacts to issues/resources may result in the need to consider additional alternatives during the PD&E Study. This should not preclude a District from considering minor shifts in the alignment during the PD&E Study. Districts are encouraged to prepare up to 60% preliminary design during PD&E as described in [Part 1, Chapter 4, Project Development Process](#). The ***Preliminary Engineering Report (PER)*** should be referenced in the ***Type 2 Categorical Exclusion Determination Form*** and uploaded to the StateWide Environmental Project Tracker (SWEPT) project file with the other Technical Materials. A summary of the engineering considerations and alternatives evaluation (if applicable) is included in the project description section of the ***Type 2 Categorical Exclusion Determination Form***. Guidance on completing a ***PER*** is provided in [Part 2, Chapter 3, Engineering Analysis](#).

During the PD&E Study, impacts are evaluated and engineering and environmental analysis is completed to verify that the COA determination is a Type 2 CE. Social, Cultural, Natural, and Physical issues/resources are evaluated using the pertinent chapters in **Part 2** of the [PD&E Manual, Topic No. 650-000-001](#) to satisfy applicable federal and state environmental laws, regulations, and executive orders. The analysis should focus on the relevant issues and those requiring findings. A finding implies that a

decision must be made or a signature is needed by OEM, and/or an appropriate resource agency.

The preparer uses the results of the environmental analysis, knowledge of the project area, and input received through agencies and the public, to complete the **Type 2 Categorical Exclusion Determination Form**.

The analysis should document that the project has no significant impacts and address mitigation, if applicable. See [Part 1, Chapter 2, Class of Action Determination for Federal Projects](#) for guidance on determining significance. Information to substantiate the impact determination of not significant, or enhancement must be discussed in the Type 2 CE, added as Technical Materials or attached to the form, as appropriate. If, during this effort, a significant impact is identified, coordination will need to occur with OEM to revise the COA determination for the project. A project with a significant impact to any resource or issue cannot be processed as a Type 2 CE.

Technical Materials are documents contained under separate cover. They should be referenced in the Type 2 CE and are included in the project file in SWEPT. This includes technical reports (e.g., **Project Traffic Analysis Report, Conceptual Stage Relocation Plan, Natural Resource Evaluation**), technical memorandums, and studies. Documents included in the Appendix are considered to be a part of the Type 2 CE document. The Appendix contains documents which support the findings of the document. This may include concurrence letters, determinations of effect, and MOUs.

5.2.1 Guidance for Preparing a Type 2 Categorical Exclusion Determination Form

This section provides guidance for preparing a **Type 2 Categorical Exclusion Determination Form** in SWEPT.

Section 1: Project Information

Project Information: Information such as the project name or title [including bridge number(s), if appropriate]; project limits; county(ies) involved; project numbers [ETDM Number (if applicable), Financial Management Number, and Federal-Aid Project Number] are automatically populated in the form.

Identify the Project Manager.

Cooperating Agencies: Add Cooperating Agencies. Cooperating agencies are determined following the procedures in **40 CFR § 1500 et seq.** and associated FHWA guidance. Add Cooperating Agency correspondence as Technical Materials. Participating Agencies may also be added. Cooperating and Participating Agencies are defined in [Part 1, Chapter 3, Preliminary Environmental Discussion and Advance Notification](#).

District Contact Information: Add the name, title, address, phone, and email address of the District Contact. This is typically the Project Manager, but may be a different District staff person. Also include any consulting firm information, if applicable.

Has FDEP determined Coastal Zone Consistency? Identify if the Florida Department of Environmental Protection (FDEP) has determined Coastal Zone Consistency for the project and provide the date that this was determined. If this was determined during the Programming Screen it can be populated by entering the ETDM Number, if not, the date will need to be added by the preparer. See [Part 2, Chapter 14, Coastal Zone Consistency](#) for more information.

Project Description: Add a Project Description to the form. Briefly describe the proposed action in terms of location, length, and termini of the project and typical section(s). Use appropriate engineering detail to show the number of lanes and their width, major structures, proposed capacity and safety improvements, estimated Right of Way (ROW) to be acquired, and construction year (if available). This description should also include existing conditions of the transportation facility, accommodations for pedestrians, bicyclists, and navigational needs as applicable. See [Part 2, Chapter 1, Project Description and Purpose and Need](#) for detailed guidance. Add a project location map.

Purpose and Need: Add the purpose and need to the form. Identify and describe the transportation need(s) and the purpose it is intended to satisfy (e.g., provide system continuity, alleviate traffic congestion, and/or correct safety or roadway deficiencies). If the project was screened through the EST, update the purpose and need, as appropriate to reflect current project conditions. See [Part 2, Chapter 1, Project Description and Purpose and Need](#) for detailed guidance on preparing the purpose and need.

The form then provides a place to add project file documents that will be listed as Technical Materials. There is also a separate place to add attachments to be included in the Appendix.

Section 2: Planning Consistency

Follow the instructions in the form to prepare the planning consistency table. This information is needed to verify that a project meets the planning requirements in **23 CFR § 450**. Instructions on meeting the requirements are provided in [Guidance for Meeting Planning Requirements for NEPA Approval](#) and [FDOT/FHWA Consistency Guidance](#). The intent is to advance projects derived from transportation plans and clearly describe the steps toward implementation as described in those plans.

Add supporting documentation for project plan consistency as an attachment, such as the appropriate Long Range Transportation Plan (LRTP), Cost Feasible Plan (CFP) LRTP, Transportation Improvement Program (TIP), and State Transportation

Improvement Program (STIP) relevant pages. For future phases (e.g., ROW or Design, and Construction) not currently shown on the referenced plans and programs, this form should also document planned steps towards implementation, including the anticipated fiscal years. This should be coordinated with District Planning staff and may need to be documented in the appropriate plans and programs as well.

To address LRTP consistency for Type 2 CE projects that were not screened through the EST, coordinate with District planning staff and verify that the project is represented in the LRTP summary sheet (e.g., general sidewalk, pedestrian improvement, and safety projects), which shows projects that are not individually listed in the LRTP. Include the sheet as an attachment.

Reporting should be the same for projects with segmented implementation, with each segment added to the table. It is important to note that when the project is going to be divided into segments, these segments should be described in the table. For example, if the project is 15 miles long and the first segment is 5 miles, then the table should clearly describe the other segments. It is not sufficient to simply state that the remaining 10 miles may be segmented at some point in the future. For additional clarity, a map showing project segments may also be included with the form. Additional information may also be added in the comment boxes.

The form provides a place to add project file documents that will be listed as Technical Materials. There is also a separate place to add attachments to be included in the Appendix.

Section 3: Social and Economic

Consider social and economic effects in accordance with procedures in [Part 2, Chapter 4, Sociocultural Effects Evaluation](#). Identify if there were any significant impacts to social and economic resources. If there were significant impacts, then the project cannot proceed as a Type 2 CE. If there were no significant impacts, summarize the evaluation completed for the following resources or issues, including minimization and anticipated enhancements:

Social Resources: Summarize the potential for the project to affect community groups, neighborhoods, and variables of local community concern. Consider and describe the likelihood of disproportionate impacts and discuss whether there any areas of controversy resulting directly or indirectly from the project. Reference results of public hearings or any other public involvement. If applicable, include a summary of information from the **Sociocultural Data Report**, and include the report in the project file as Technical Material.

Economic Resources: Summarize the project's potential effect on economic activity in the study area, local area, and region.

Land Use Changes: Summarize the potential for the project to induce secondary development or change existing land use patterns. Add a land use map, if applicable.

Mobility: Summarize the project's potential effect on mobility and accessibility in the study area with emphasis on non-driving population groups (i.e., elderly, young, disabled, and low-income individuals).

Aesthetic Effects: Summarize the project's aesthetic effects evaluation in accordance with [Part 2, Chapter 5, Aesthetic Effects](#).

Relocation Potential: Identify if relocation potential is present or not present and add the **Conceptual Stage Relocation Plan (CSRP)** as Technical Material, if applicable. If relocations are anticipated, indicate the number and type of relocatees (residents, tenants, businesses, institutions or community facilities), and discuss the relocation impact to groups protected by nondiscrimination laws. If there is relocation potential, indicate whether comparable replacement housing is available.

Farmland Resources: Identify if project is excluded from coordination with the Natural Resources conservation Service (NRCS) for the **Farmland Protection Act**. If it is excluded identify why excluded, if not, identify if there is involvement with farmland. If there is no involvement with farmland, identify if it is in urbanized areas or non-urbanized areas. If there is involvement with farmland, summarize project effects on farmlands and attach the applicable farmland conversion rating form as an Appendix to the Type 2 CE. For guidance see [Part 2, Chapter 6, Farmland](#).

The form then provides a place to add project commitments for this section. A place is provided to add file documents that will be listed as Technical Materials, as well as a separate place to add attachments to be included in the Appendix.

Section 4: Cultural Resources

Identify if there were any significant impacts to cultural resources. If there were, then the project cannot proceed as a Type 2 CE. If not, identify the presence of, and summarize the evaluation completed for the following resources or issues:

Section 106 protected resources (National Historic Preservation Act): Consider potential involvement with properties listed in or eligible for listing in the National Register of Historic Places (NRHP), and if present, indicate whether the resources were found to meet the eligibility criteria for inclusion in the NRHP. If eligible, identify if there is an adverse effect to any of these resources. If there is at least one adverse effect on a resource, select "Adverse Effect" and describe all the resources in the summary box. Include findings and summarize approvals and concurrence documents per [Part 2, Chapter 8, Archaeological and Historical Resources](#). Add the **Cultural Resource Assessment Survey, Section 106 Programmatic Agreement Minimal Impact Determination Form, Form No. 650-050-17, Section 106 Programmatic Agreement Desk Top Review, or Section 106 Case Study Report** as Technical Materials, if applicable. Include State Historic Preservation Officer (SHPO) concurrence letters as attachments and add a **Section 106** resource map as necessary.

It should be noted that while historic properties are also protected by **Section 4(f)**, archaeological sites that are listed in or eligible for listing in the NRHP under Criterion D (significant primarily for the information they contain) are not protected by **Section 4(f)**. **Section 4(f)**, however, does protect archaeological sites that are important for preservation in place. For additional guidance, see [Part 2, Chapter 7, Section 4\(f\) Resources](#).

Section 4(f) pursuant to USDOT Act of 1966: If present, identify, by formal name, existing or proposed **Section 4(f)** protected resources (i.e., public parks, recreational areas, wildlife and waterfowl refuges, and public or private historic and archeological sites) within the project study area and discuss any project-related impacts to these properties and specifically identify any ROW or other acquisition from these resources which may be required to complete the project in the summary box. It should be noted that **Section 4(f)** documentation will be prepared, reviewed and approved separately or concurrently depending on the level of documentation necessary to address and resolve the issue. For guidance on determining **Section 4(f)** applicability, see [Part 2, Chapter 7, Section 4\(f\) Resources](#). Add **Section 4(f)** letters, forms, and supporting documentation as attachments.

Section 6(f) of the Land and Water Conservation Fund Act of 1965: If present, identify, by formal name, all park and recreational properties funded wholly or in part under **Section 6(f)** of the **Land and Water Conservation Fund Act** within the project study area in the summary. Discuss any project-related impacts to these properties and specifically identify any ROW or other acquisition from these resources which may be required to complete the project. For guidance see [Part 2, Chapter 7, Section 4\(f\) Resources](#). Add **Section 6(f)** supporting documentation as attachments or Technical Materials.

Recreational Areas and Protected Lands:

Identify if there are state-owned conservation lands in the project area subject to review and approval by the Acquisition and Restoration Council (ARC), or other protected public lands. For guidance see [Part 2, Chapter 23 Acquisition and Restoration Council Coordination](#). If there are, then describe the resources and how the project may impact them in the summary box.

The form then provides a place to add commitments. There is also a place to add project file documents that will be listed as Technical Materials, and a separate place to add attachments to be included in the Appendix.

Section 5: Natural Resources

Identify if there were any significant impacts to natural resources. If there were, then the project cannot proceed as a Type 2 CE. If there were not, add the **Natural Resource Evaluation (NRE)** as a Technical Material. Identify the presence of, and summarize the evaluation completed for the following resources:

Protected Species and Habitat: Summarize involvement with protected species and habitat including a brief description of the analysis, mitigation and results of agency coordination or consultation if applicable. For guidance see [Part 2, Chapter 16, Protected Species and Habitat](#). Attach concurrence letters from resource agencies (if required) and include a species and habitat map as necessary.

Wetlands and Other Surface Waters: Summarize involvement with wetlands or other surface waters. If present, identify the type of wetlands or other surface waters involved, their approximate acreage, and their overall functional value based on the Uniform Mitigation Assessment Methodology (UMAM), as appropriate in the summary. Add a map of the wetlands and surface waters identifying the location as they relate to the project. The level of detail of the summary should be sufficient to clearly define wetland involvement, describe interagency coordination, and finalize the findings. See [Part 2, Chapter 9, Wetlands and Other Surface Waters](#) for further guidance. If wetland impacts are anticipated, include a brief discussion of potential mitigation options and a wetlands finding in the summary.

Essential Fish Habitat: Summarize the potential impacts to Essential Fish Habitat. If present, identify if there are adverse effects, provide a summary of the evaluation and consultation with the National Marine Fisheries Service (NMFS) for impacts as appropriate per [Part 2, Chapter 17, Essential Fish Habitat](#). Add Essential Fish Habitat correspondence with NMFS as an attachment, if applicable.

Floodplains: Determine if the 100-year floodplain is present within the project and summarize the project involvement with the floodplain based on the results of the floodplain analysis in accordance with [Part 2, Chapter 13, Floodplains](#). Provide a summary of the **Location Hydraulics Report (LHR)** and the floodplains finding, as applicable. Add the **LHR** as Technical Material and include a floodplains map as necessary. If the project involves a regulatory floodway, summarize the project's consistency with the floodway and coordination with Federal Emergency Management Agency (FEMA) and local floodway management agencies in accordance with [Part 2, Chapter 13, Floodplains](#).

Sole Source Aquifer: Identify if a Sole Source Aquifer is present in the project area. For guidance on making this determination see [Part 2, Chapter 11, Water Resources](#). If a Sole Source Aquifer is present, select the aquifer name and add any sole source aquifer coordination letters as a Technical Materials, if applicable.

Water Resources: Summarize water resource involvement or impacts as evaluated and documented in the **Water Quality Impact Evaluation Checklist, Form No. 650-050-37, Pond Siting Report, or Conceptual Drainage Report** in accordance with [Part 2, Chapter 11, Water Resources](#). Summarize best management practices (BMPs) which will be implemented to address potential water quality and stormwater impacts during construction. Add the **Pond Siting Report** and **Water Quality Impact Evaluation Checklist, Form No. 650-050-37** as Technical Materials.

Aquatic Preserves: Identify if there are any Aquatic Preserves in the project area and if they are impacted. Provide the name and potential involvement (i.e., water quality impacts, in water work, ROW needs) in the summary. For guidance see [Part 2, Chapter 11, Water Resources](#). Add any FDEP Aquatic Preserves coordination letters as attachments, if applicable.

Outstanding Florida Waters: Identify if there are any Outstanding Florida Waters in the project area and if present, provide the name and potential involvement (i.e., water quality impacts, in water work, ROW needs) in the summary. For guidance see [Part 2, Chapter 11, Water Resources](#).

Wild and Scenic Rivers: If present, identify if the river is impacted or not impacted. If not impacted, identify if the river is a Federally Designated Wild and Scenic River, Study River, river on the Nationwide Rivers Inventory, or Florida Wild and Scenic River and identify the name of the river. In the comment box include details to support this determination and identify if there are any other protected rivers present in the project limits. If they are impacted, identify any Federally Designated Wild and Scenic Rivers, Study Rivers, rivers on the Nationwide Rivers Inventory, or Florida Wild and Scenic Rivers by name, and provide detail in the summary. See [Part 2, Chapter 12, Wild and Scenic Rivers](#) for further guidance. Add any National Parks Service letters or other coordination as Technical Materials, if applicable.

Coastal Barrier Resources: If present, summarize impacts to Coastal Barrier Resources protected under the *Coastal Barrier Resources Act (CBRA)* and *Governor's Executive Order 81-105*. For guidance see [Part 2, Chapter 15, Coastal Barrier Resources](#). Briefly summarize the consultation process and final determination in the summary. Include any letters from the U.S. Fish and Wildlife Service (USFWS) concerning Coastal Barrier Resources as an attachment, if applicable.

The form then provides a place to add commitments. A place is also provided to attach project file documents that will be listed as Technical Materials, and a separate place to add attachments to be included in the Appendix.

Section 6: Physical Resources

Identify if there were any significant impacts to physical resources or issues. If there were, then the project cannot proceed as a Type 2 CE. If not, summarize the evaluation completed for the following resources or issues:

Highway Traffic Noise: Identify if it is a Type I or Type III project pursuant to **23 CFR Part 772** and **Section 335.17, F.S.** Summarize the results of noise impacts documented in the *Noise Study Report (NSR)*. The summary should include locations with the predicted noise impacts that have feasible and reasonable abatement, and locations with impacts that have no feasible or reasonable noise abatement alternative per [Part 2, Chapter 18, Highway Traffic Noise](#). Include the

NSR as Technical Material and add a map showing noise receptors, impacted noise benefited receivers, or proposed noise barriers as an attachment, if applicable.

Air Quality: Summarize the potential project impact on air quality in accordance with [Part 2, Chapter 19, Air Quality](#). Add the **Air Quality Technical Memorandum** as Technical Material, if applicable.

Contamination: Summarize project involvement with contamination (based on Level I evaluation) in accordance with [Part 2, Chapter 20, Contamination](#). Include in the summary discussion of known or potentially contaminated sites within or near the project area, measures taken to avoid or minimize impact to contaminated sites and sites that will require additional investigation (Level II or Level III investigation). Include the **Contamination Screening Evaluation Report** as Technical Material and add a potential contamination site map, if applicable.

Utilities and Railroads: Summarize the project's involvement with utilities and/or railroads in accordance with [Part 2, Chapter 21, Utilities and Railroads](#). Add any railroad coordination and/or **Utilities Assessment Package** as Technical Materials.

Construction: Summarize the measures that will be taken to minimize potential construction impacts in accordance with [Part 2, Chapter 3, Engineering Analysis](#).

The form then provides a place to add commitments for this section. A place is provided to add project file documents that will be listed as Technical Materials, as well as a separate place to add attachments to be included in the Appendix.

Section 7: Engineering Analysis Support

Add the title of the document that includes the engineering analysis to support the Type 2 CE (e.g., **PER**, **Project Traffic Analysis Report**, **Bridge Development Report**) and add that document as Technical Material. For guidance on preparing the Engineering Analysis see [Part 2, Chapter 3, Engineering Analysis](#).

The form then provides a place to add project file documents to be listed as Technical Materials for this section.

Section 8: Permits

Identify if there are environmental permits anticipated for the project. Select the appropriate permit types listed on the form and indicate status (e.g., to be acquired, application submitted, permit received). Local or other permit types may also be added if needed for the project. If there are no permits anticipated, indicated that on the form. For guidance on environmental permits see [Part 1, Chapter 12, Environmental Permits](#).

Section 9: Public Involvement

Add the **Public Involvement Plan (PIP)** as Technical Material. Or in cases where a **Community Awareness Plan (CAP)** was prepared, include a document explaining why a **CAP** was prepared instead of a **PIP**. Summarize the public involvement activities, including those outside of the public hearing (e.g., kickoff meetings, public information meetings, newsletters, flyers, and small group meetings). Identify if the project meets the definition of major transportation improvement pursuant to **Section 339.155(5), F.S.** and follow the form instructions to document the public hearing, or the process of providing opportunity for a public hearing. The **Public Hearing Transcript, Public Hearing Certification, Form 650-050-56** should be added as an attachment, when applicable. The draft Type 2 CE displayed for the public hearing should be saved in the project file in SWEPT. For more information on public involvement activities see [Part 1, Chapter 11, Public Involvement](#).

The form then provides a place to add project file documents that will be listed as Technical Materials. There is also a separate place to add attachments to be included in the Appendix.

Section 10: Commitments Summary

This section of the form includes a list of commitments that were added when preparing previous sections and provides a place to add additional commitments. Refer to [Part 2, Chapter 22, Commitments](#) for guidance on commitments. Commitments should be transmitted to the next phase of project development in accordance with [Procedure No. 650-000-003, Project Commitment Tracking](#).

Section 11: Approval and Signature

Office of Environmental Management Approval: The Director of OEM or designee must sign and date this section. Signing the Type 2 CE constitutes Location and Design Concept Acceptance (LDCA).

Section 12: Technical Materials:

This section contains a list of Technical Materials that have been prepared to support the Type 2 CE. They were uploaded to the project file when preparing previous sections of the form. The project file should contain the analytical documentation to support the project decisions ([Section 5.3](#)). Technical Materials are not attached to the approved document, instead they are referenced.

Section 13: Attachments

This section contains a list of documents that are incorporated into the Type 2 CE. They are included as attachments, and were added when preparing previous sections of the form. Attachments may include coordination letters, memos, maps,

and summaries of the environmental analysis as appropriate for each section. These documents are included in the Appendix.

When the Type 2 CE form is completed and a pdf version of the document is opened, two cover pages are generated using the information that was entered into SWEPT. The top cover page includes general project information, the **NEPA** Assignment standard statement, and the OEM Signature for LDCA. The second cover page includes the District contact information, the **Civil Rights Act of 1964** standard statement, required by [Part 2, Chapter 4, Sociocultural Effects Evaluation](#), and the coastal zone consistency standard statement required by [Part 2, Chapter 14, Coastal Zone Consistency](#), if applicable. A table of contents and Appendices are also generated upon completion and opening of the pdf version of the document.

5.2.2 FDOT Document Review Process

The District is not required to send the **Type 2 Categorical Exclusion Determination Form** to OEM prior to the public hearing, if held. However, it is recommended that the District submit the form and attachments for a preliminary OEM review. When the draft Type 2 CE is submitted to OEM prior to the public hearing, an **Environmental Document Submittal Form** is not required. Documents are reviewed using FDOT's Electronic Review and Comment (ERC) application.

After the public hearing, the District certifies the public hearing and uploads the public hearing transcript to SWEPT. The District also confirms the project file in SWEPT is complete. A diagram of FDOT's Document Review Process for Type 2 CEs is available on the [OEM website](#). The timeframes identified in this process are calendar days.

After preparing the **Type 2 Categorical Exclusion Determination Form**, the District conducts a quality control review and uses the SWEPT application to complete the **Environmental Document Submittal Form** for initial OEM review. The District uploads the **Type 2 CE Determination Form** and supporting information into the ERC application.

The OEM Project Delivery Coordinator (PDC) receives email notification and acknowledges the document is ready for review by confirming the **Environmental Document Submittal Form** in SWEPT. If necessary, the District schedules a project briefing for OEM reviewers and the Office of General Counsel (OGC) reviewers, as needed. The OEM and OGC review team will have 30 days to review the draft documents. OEM will provide comments in the ERC. The District will address OEM comments and provide responses in the ERC. The OEM project review team will have a 15-day period to confirm that comments have been addressed. If the comments have not been addressed, additional comment resolution time may be needed. If necessary, the District will schedule a meeting with the project review team to discuss comments.

If there are Cooperating Agencies, the District shares the Type 2 CE with the Cooperating Agencies. This review may be concurrent with OEM review. The District will address any Cooperating Agency comments.

Once comments have been addressed, the District submits the revised Type 2 CE along with the ***Environmental Document Submittal Form*** for approval in SWEPT. The PDC receives email notification and has 14 days to confirm that the submittal is complete. Following confirmation by the PDC, the document can advance to OEM Environmental Process Administrators for review, who have 25 days to recommend the Type 2 CE for approval. The Director of OEM, or designee, then has 5 days to approve the ***Type 2 Categorical Exclusion Determination Form***. This approval provides concurrence with the COA and grants LDCA.

Districts should maintain the project file according to [Part 1, Chapter 15, Project File and Records Management](#).

5.2.3 Actions Taken After Approval

Once the Type 2 CE is approved, the District must provide notification that LDCA has been granted.

Distribution to Agencies and Stakeholders

Announcement of LDCA is sent electronically to Cooperating Agencies and Participating Agencies through the EST. The District should also send the announcement to other interested state and federal agencies and other stakeholders. The announcement should be sent to Native American tribes according to their requested method as reflected on the [OEM Native American Coordination website](#). Others should be sent an electronic link to the document, unless a paper copy is requested.

Public Announcement of LDCA

The District publishes an announcement of LDCA in the same local newspaper(s) used for the public hearing notification, if one was held, informing the public that the project has received LDCA and is being advanced. If the Type 2 CE includes an Individual ***Section 4(f)*** Evaluation, then the LDCA notice should also notice that the Final ***Section 4(f)*** Evaluation was approved by OEM. The District should coordinate internally to advance the project as appropriate (e.g., inform Directors, Design Office, ROW Office, Federal-Aid Office, Office of the Work Program).

5.3 REFERENCES

FHWA, 1987. Technical Advisory T6640.8A. Guidance for Preparing and Processing Environmental and Section 4(f) Documents.

<https://environment.fhwa.dot.gov/projdev/impta6640.asp>

FHWA, 2011. Supplement to the Transportation Planning Requirements and Their Relationship to NEPA Process Completion.

http://www.fhwa.dot.gov/planning/tpr_and_nepa/supplementmemo.cfm

FDOT, Project Commitment Tracking, Procedure No. 650-000-003.

<http://fdotwp1.dot.state.fl.us/ProceduresInformationManagementSystemInternet/FormsAndProcedures/ViewDocument?topicNum=650-000-003>

FDOT, 2014. Section 2. Meeting Planning Requirements for NEPA Approval.

<http://www.fdot.gov/planning/policy/metrosupport/Resources/Section2.pdf>

FDOT, Efficient Transportation Decision Making Manual.

<http://www.fdot.gov/environment/pubs/etdm/etdmmanual.shtm>

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 of 1969 (NEPA) as amended (42 USC § 4321 et seq.). http://energy.gov/sites/prod/files/nepapub/nepa_documents/RedDont/Req-NEPA.pdf

Title 23 CFR 450, Planning Assistance and Standards

Title 23 CFR 650(h), Navigational Clearances for Bridges

Title 23 CFR 771, Environmental Impact and Related Procedures

Title 40 CFR 1500-1508, Regulations for Implementing the Procedural Provisions of the National Environmental Policy Act. 1978. http://energy.gov/sites/prod/files/NEPA-40CFR1500_1508.pdf

Title 23 United States Code § 139(l), Efficient Environmental Reviews for Project Decisionmaking

5.4 FORMS

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

[Section 106 Programmatic Agreement Minimal Impact Determination, Form No. 650-050-17](#)

[Water Quality Impact Evaluation Checklist, Form No. 650-050-37](#)

5.5 HISTORY

1/31/2007, 10/3/2012, 7/15/2016, 6/14/2017: NEPA Assignment, 1/14/2019

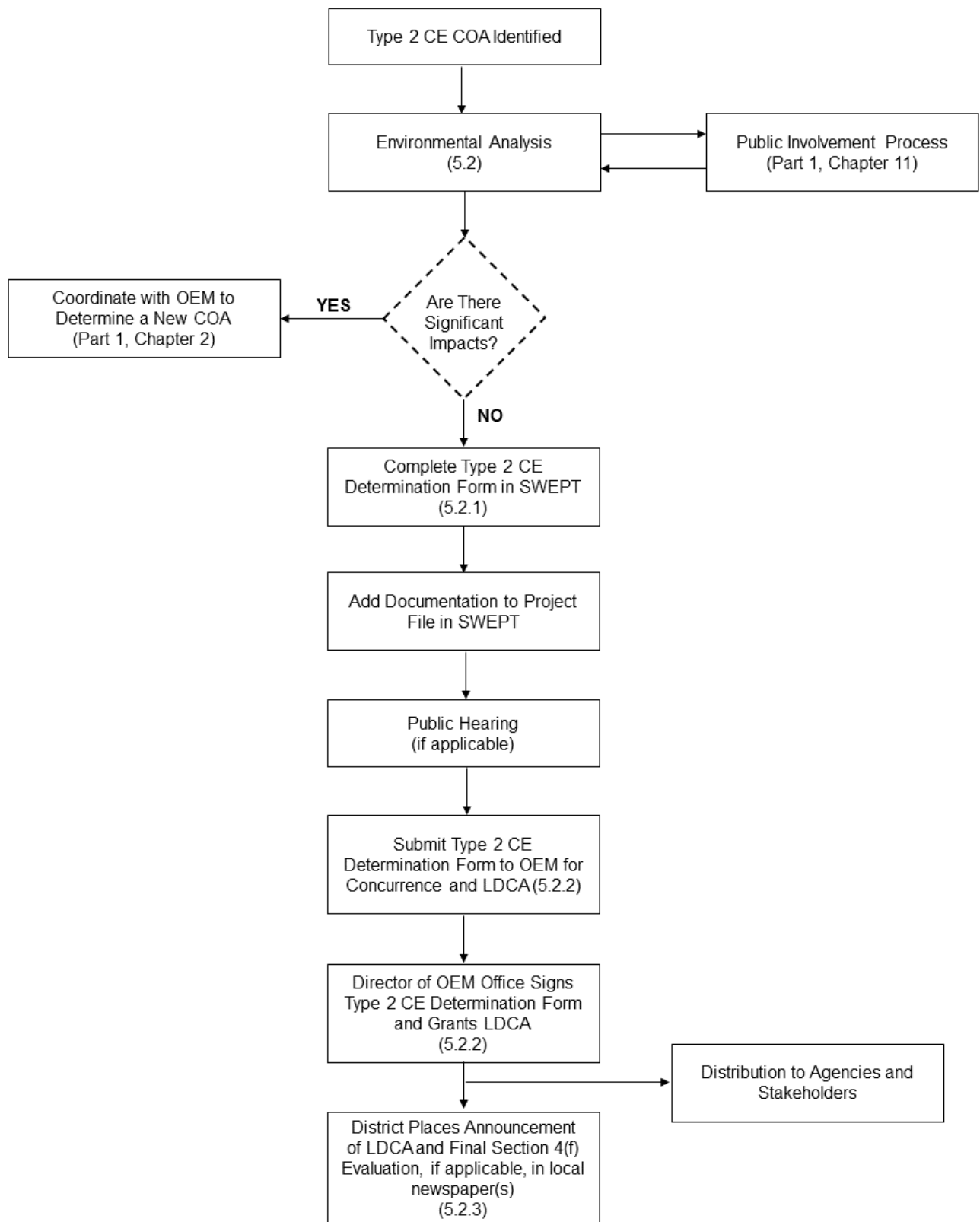


Figure 5-1 Type 2 Categorical Exclusion Process