

## **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 May 26, 2022, 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 normally does not have a significant environmental impact, and therefore does not require the preparation of an Environmental Assessment (EA) or an Environmental Impact Statement (EIS) [**40 Code of Federal Regulations (CFR) § 1508.1**]. **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.

It is normally expected that a preferred alternative is chosen prior to the public hearing. If in unusual circumstances a preferred alternative cannot be selected before the public hearing the District should coordinate with OEM. FDOT should provide agencies and the public with an opportunity after approval of the Type 2 CE to review the impacts. For these situations, additional public involvement after the hearing would be expected and could range from another public hearing to a meeting, or a flyer/mailer.

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, uploaded as Technical Materials or attached and included in the Appendix, 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 that are incorporated by reference. They should be referenced in the Type 2 CE and are uploaded to the project file in SWEPT. This includes technical reports [e.g., **Project Traffic Analysis Report (PTAR)**, **Conceptual Stage Relocation Plan (CSR)**, **Natural Resource Evaluation (NRE)**, **PER**], technical memorandums, and studies.

Documents added as attachments are included in the Appendix and 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. Items that are to be included as attachments are specifically identified below. If not specifically identified as an attachment the document should be a Technical Material.

### **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.

**Cover Page:** The Cover Page is only displayed on the Type 2 CE document, not in SWEPT during form preparation. On the Project Information page in SWEPT, information such as the project name or title [including bridge number(s), if appropriate]; project limits; District(s)/county(ies) involved; project numbers [ETDM Number (if applicable), Financial Management (FM) Number, and Federal-Aid Project Number] are automatically

populated in the form. There is also a place to identify the Project Manager and Cooperating Agencies.

Cooperating agencies are determined following the procedures in **40 CFR § 1500 et seq.** and associated FHWA guidance. Upload 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](#).

This information (except participating agencies) is displayed on the Cover Page of the Type 2 CE document along with the **NEPA** Assignment standard statement and the following statements:

*This action has been determined to be a Categorical Exclusion, which meets the definition contained in 40 CFR 1508.4, and based on past experience with similar actions and supported by this analysis, does not involve significant environmental impacts.*

*Signature below constitutes Location and Design Concept Acceptance:*

Once the form is completed in SWEPT and approved, the Cover Page will display the signature of the Director of OEM or designee. This is an electronic signature that is added during the approval of the form in SWEPT.

**Second Cover Page:** When preparing the form, under 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 the prime consulting firm and Consultant Project Manager information, if applicable.

Identify if the Florida Department of Environmental Protection (FDEP) has determined Coastal Zone Consistency for the project and provide the date this was determined. The coastal zone consistency standard statement will auto-populate if this determination was made during the Programming Screen and the project's ETDM Number has been previously entered into SWEPT. If the determination was not made during the Programming Screen, add the date of the determination to the coastal zone consistency standard statement. If FDEP has not yet determined Coastal Zone Consistency for the project, provide further context in the comments box. See [Part 2, Chapter 14, Coastal Zone Consistency](#) for more information.

District and Prime Consulting Firm contact information is displayed on the second Cover Page of the Type 2 CE document, along with 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).

The following statement is also included:

*This document was prepared in accordance with the FDOT PD&E Manual.*

**Table of Contents:** A Table of Contents is generated by SWEPT and only visible in the Type 2 CE document.

## **Section 1: Project Information**

**1.1 Project Description:** In the Project Description box in 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. If the project description has been previously entered in SWEPT, the language for this box will be auto-populated in the form. See [Part 2, Chapter 1, Project Description and Purpose and Need](#) for detailed guidance. Add a project location map.

**1.2 Purpose and Need:** Add the purpose and need to the form. Identify and describe the transportation need(s) and the purpose the project 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 button to upload documents that will be listed as Technical Materials. There is also a separate button to add attachments to be included in the Appendix.

**1.3 Planning Consistency:** Identify if the entire project is funded for the next phase, then 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 planning 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 button to upload documents that will be listed as Technical Materials. There is also a separate button to add attachments to be included in the Appendix, as well as a button to add relevant commitments.

## Section 2: Environmental Analysis Summary

A summary is automatically generated in the Type 2 CE document based on the responses to the questions when completing the form in SWEPT and reflects if impacts are Significant, Enhanced, or if there is No Involvement for each issue/resource. This is not shown when completing the form in SWEPT but is displayed when the Type 2 CE document PDF is created.

## Section 3: Social and Economic

When preparing this section, 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:

**3.1 Social:** 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 (SDR)**, and include the report in the project file as Technical Material.

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

**3.3 Land Use Changes:** Summarize the potential for the project to induce secondary development or change existing land use patterns and discuss the use of agricultural lands that are not subject to the ***Farmland Protection Policy Act (FPPA)***. Add a land use map as an attachment, if applicable.

**3.4 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).

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

**3.6 Relocation Potential:** Identify if relocation potential is present or not present and add the ***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. SWEPT will automatically generate a Right of Way and Relocation Assistance Program standard statement that will be included in the Type 2 CE document. A standard statement will also be generated if comparable replacement housing is not available in the area.

**3.6 Farmland Resources:** Identify if project is excluded from coordination with the Natural Resources Conservation Service (NRCS) for the ***FPPA***. If it is excluded, identify why, and 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 add the applicable farmland conversion rating form as an attachment. Applicable standard statements will be automatically generated as the preparer answers farmland resources questions in the SWEPT form. Some of the standard statements require the preparer to add additional information specific to the project. The form will also prompt the preparer to attach the ***Farmland Conversion Impact Rating Form*** and include NRCS coordination documentation as Technical Material, as applicable. For guidance see [Part 2, Chapter 6, Farmland](#).

The form then provides a button to add project commitments applicable to the topics in Section 3. The form also provides buttons throughout Section 3 to upload documents that will be listed as Technical Materials. There are separate buttons to add attachments for inclusion 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, including minimization and anticipated enhancements:

**4.1 Section 106 of the National Historic Preservation Act:** When completing this section of the form, indicate whether archaeological sites or historic resources were identified within the Area of Potential Effect (APE). If present, indicate whether the resources were found to meet the eligibility criteria for inclusion in the National Register of Historic Places (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 and effects in the summary box. Include findings and summarize approvals and concurrence documents per [Part 2, Chapter 8, Archaeological and Historical Resources](#). Applicable standard statements will be automatically generated as the preparer answers cultural resources questions in the SWEPT form. Some of the standard statements require the preparer to add additional information specific to the project. Add the **Notification Letter, Cultural Resources Assessment Survey (CRAS) Report, or Technical Memorandum** as Technical Materials, if applicable. Include State Historic Preservation Officer (SHPO) concurrence letters and if applicable, the **Section 106 Memorandum of Agreement (MOA)** 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](#).

**4.2 Section 4(f) of the USDOT Act of 1966, as amended:** 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. 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. Identify if the project will have an **Individual Section 4(f) Evaluation**.

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](#). If the SWEPT **Section 4(f) Tool** was used for the project,, an option will be provided to include the output of the SWEPT **Section 4(f) Tool** as an attachment. Standard statements will be automatically generated in the form as applicable. Correspondence during this process should be included in the project file.

**4.3 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 (LWCF)** 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. Standard statements will be automatically generated in the form as applicable. Correspondence during this process should be included in the project file. Add **Section 6(f)** supporting documentation. For guidance see [Part 2, Chapter 7, Section 4\(f\) Resources](#).

#### **4.4 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) For guidance see [Part 2, Chapter 23, State-owned Upland Conservation Land Coordination](#). If such lands are present in the project area, describe the resources and how the project may impact them in the summary box. This section also documents involvement with recreational or public lands not previously described in the Type 2 CE. Include a summary of impacts and coordination with the OWJ and/or appropriate federal or state land managing agencies [e.g., National Parks Service (NPS), FDEP]. A standard statement will be automatically generated in the form as applicable. Correspondence during this process should be included in the project file.

The form then provides a button to add project commitments applicable to the topics in Section 4. There are also buttons throughout Section 4 to upload documents that will be listed as Technical Materials, and separate buttons 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 **NRE** as a Technical Material. Identify the presence of, and summarize the evaluation completed for the following resources including minimization and anticipated enhancements:

**5.1 Protected Species and Habitat:** Identify if protected species and habitat are present in the project area. Summarize involvement with protected species and habitat, including a brief description of the analysis, mitigation and results of agency coordination or consultation if applicable. A standard statement will be automatically generated in the form as applicable. For guidance see [Part 2, Chapter 16, Protected Species and Habitat](#). Add concurrence letters from resource agencies as attachments (if required) along with a species and habitat map as necessary.

**5.2 Wetlands and Other Surface Waters:** Summarize involvement with wetlands or other surface waters. If present, identify the type of wetlands and 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. A standard statement will be automatically generated in the form as applicable. If needed, 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. If wetland impacts are anticipated, include a brief discussion of potential mitigation options and a wetlands finding in the summary. See [Part 2, Chapter 9, Wetlands and Other Surface Waters](#) for further guidance.

**5.3 Essential Fish Habitat:** Summarize the potential impacts to Essential Fish Habitat (EFH). If present, identify if there is involvement or 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](#). A standard statement will be automatically generated in the form as applicable. Add EFH correspondence with NMFS as an attachment, if applicable. If consultation is in progress and not yet completed, select “Consultation in Progress”, insert the name of the species in the standard statement or reference a table of species, and briefly explain why consultation has not been completed.

**5.4 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](#). [Part 2, Chapter 13, Floodplains](#) provides a list of summary statements that are appropriate for different scenarios. Provide a summary of the **Location Hydraulics Report (LHR)** and/or **Bridge Hydraulic Report (BHR)**, as applicable. Add the **LHR** and/or **BHR** as Technical Material and include a floodplains map as an attachment 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](#). A standard statement will be automatically generated in the form as applicable.

**5.5 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 the **Sole Source Aquifer Checklist** and any sole source aquifer coordination letters as a Technical Materials, if applicable. If an Environmental Protection Agency (EPA) concurrence letter was received add it as an attachment. If not present, a standard statement will be automatically generated for inclusion in the Type 2 CE document.

**5.6 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 (PSR)**, or **Conceptual Drainage Design 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 **PSR** and **Water Quality Impact Evaluation Checklist, Form No. 650-050-37** as Technical Materials.

**5.7 Aquatic Preserves:** Identify if there are any Aquatic Preserves in the project area and if they will be impacted. Provide the name and potential involvement (i.e., water quality impacts, in water work, ROW needs) in the summary. Applicable standard statements will be automatically generated as the preparer answers questions related to aquatic preserves in the SWEPT form. If an aquatic preserve is present but will not be impacted, the applicable standard statement will prompt the preparer to enter the name of the aquatic preserve. For guidance see [Part 2, Chapter 11, Water Resources](#). Add any FDEP Aquatic Preserves coordination letters as attachments, if applicable and any other supporting documentation as Technical Materials.

**5.8 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. If Outstanding Florida Waters are not present, a standard statement will be automatically generated for inclusion in the Type 2 CE document. For guidance see [Part 2, Chapter 11, Water Resources](#).

**5.9 Wild and Scenic Rivers:** Identify if a protected river is present in the project area. 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 a Florida Wild and Scenic River. Applicable standard statements will be automatically generated as the preparer answers questions related to Wild and Scenic Rivers in the SWEPT form. Some of the standard statements will prompt the preparer to add the name of the protected river. In the comment box, identify the name of the river, include details to support the determination that impacts are not anticipated, 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 comment box. See [Part 2, Chapter 12, Wild and Scenic Rivers](#) for further guidance. Add any NPS letters or other coordination as Technical Materials, if applicable.

**5.10 Coastal Barrier Resources:** Identify if coastal barrier resources are present in the project area. A standard statement will be automatically generated in the form as applicable. If present, use the comment box to 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 button to add project commitments applicable to the topics in Section 5. There are also buttons throughout Section 5 to upload documents that will be listed as Technical Materials, and separate buttons 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 including minimization and anticipated enhancements:

**6.1 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.** A standard statement will be automatically generated in the form as applicable. 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 noise contour map as an attachment, if applicable.

**6.2 Air Quality:** Complete the automatically generated standard statement language as prompted. Identify if a screening model was performed, then 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.

**6.3 Contamination:** Identify if contamination is present within the project area. If contamination is not present, a standard statement will be automatically generated for inclusion in the Type 2 CE document. Summarize project involvement with contamination (based on Level I evaluation) in accordance with [Part 2, Chapter 20, Contamination](#). In the summary, include 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 (CSER)** as Technical Material and add a potential contamination site map as an attachment, if applicable.

**6.4 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.

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

At the end of Section 6, the form provides a button to add project commitments applicable to physical resource topics. Buttons are provided throughout Section 6 to upload documents that will be listed as Technical Materials, as well as separate buttons to add attachments to be included in the Appendix.

## Section 7: Engineering Analysis Support

A standard statement will be automatically generated for inclusion in the Type 2 CE document. If not previously included in the file, use the Find Technical Materials button in Section 7 to upload the document that includes the engineering analysis to support the Type 2 CE [e.g., **PER**, **PTAR**, **Bridge Development Report (BDR)**] as Technical Material. If the document has already been uploaded, use the Find Technical Materials button to link the document to the Type 2 CE and complete the standard statement. For guidance on preparing the Engineering Analysis, see [Part 2, Chapter 3, Engineering Analysis](#).

## Section 8: Permits

Identify if there are environmental permits anticipated for the project. If none are anticipated, a standard statement will be automatically generated for inclusion in the Type 2 CE document. If permits are needed, 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. Additional information regarding permits can also be documented in the comments box. For guidance on environmental permits see [Part 1, Chapter 12, Environmental Permits](#). This section is displayed in the Type 2 CE document as a list of permits that are anticipated for the project.

## Section 9: Public Involvement

Add the **Public Involvement Plan (PIP)** as Technical Material. In cases where a **Community Awareness Plan (CAP)** was prepared, include a document explaining why a **CAP** was prepared instead of a **PIP**. These documents are finalized when the Type 2 CE is signed. 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. An option to add more than one Public Hearing is provided. The **Public Hearing Transcript** and **Public Hearing Certification, Form 650-050-56** should be added as attachments, when applicable. The draft Type 2 CE displayed for the public hearing should be saved as Technical Material. For more information on public involvement activities, see [Part 1, Chapter 11, Public Involvement](#).

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

## Section 10: Commitments Summary

In the Commitments Summary section of the form, add commitments not already included when preparing previous sections of the form. Refer to [Part 2, Chapter 22, Commitments](#) for guidance on commitments. The Type 2 CE document displays a list of commitments that were entered into the form in SWEPT. Commitments should be transmitted to the next phase of project development in accordance with [Procedure No. 650-000-003, Project Commitment Tracking](#).

## Section 11 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.

## Attachments:

This section contains a list of documents that are incorporated into the Type 2 CE. They are included as attachments, and are added when preparing each section of the form. These documents are included in the Appendix which is generated upon completion and opening of the Type 2 CE document.

Once completed, the Type 2 CE form is approved and electronically signed by the Director of OEM or designee. This signature appears on the Cover Page of the Type 2 CE document. Signing the Type 2 CE constitutes Location and Design Concept Acceptance (LDCA).

## 5.2.2 FDOT Document Review Process

Type 2 CEs are required to go through a Quality Assurance (QA)/Quality Control (QC) check at the District level before submittal for OEM Initial review (see [OEM's QC Plan for PD&E Studies Website](#)). During this process the [Type 2 Categorical Exclusion QA/QC Checklist](#) is completed and then submitted to OEM with the Type 2 CE for Initial review.

The District is not required to send the **Type 2 Categorical Exclusion Determination Form** to OEM prior to the public hearing, if held. Typically, OEM recommends courtesy reviews prior to public hearings with the official Initial and Final reviews completed after the public hearing. As a second option, Districts are encouraged to get Type 2 CEs prepared to the point that the Initial review can take place prior to the public hearing. This would include having species and **Section 106** consultation completed and **Section 4(f)** documentation ready for sign off. The District should confirm with the Project Delivery Coordinator (PDC) if their project(s) are ready for OEM review.

## Scenario 1

In this first scenario of the courtesy review, when the draft Type 2 CE is submitted to OEM prior to the public hearing, an ***Environmental Document Submittal Form*** is not required and documents are reviewed via email or 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 updating 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***, [Type 2 Categorical Exclusion QA/QC Checklist](#), and supporting information into the ERC application.

The 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 Final review and 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.

## Scenario 2

In the second scenario, where Initial review takes place prior to the public hearing, the District fills out the ***Environmental Document Submittal Form*** for Initial review and uploads the document(s) to ERC as would normally occur for an Initial review including

the [Type 2 Categorical Exclusion QA/QC Checklist](#). The PDC and Lead Engineer (and other OEM reviewers as applicable) will review the document and provide comments that can be addressed prior to public hearing. Comment resolution should be completed prior to public display of the Type 2 CE.

After the public hearing, the District then submits the updated Type 2 CE for Final review in SWEPT using the **Environmental Document Submittal Form**. The Type 2 CE should only reflect changes from the public hearing; any other changes should be coordinated with the PDC prior to submission for Final review. The PDC and Lead Engineer will review and request any minor edits they may have during their 14-day confirmation period. Once those minor edits are resolved, the PDC will approve the **Environmental Document Submittal Form** for review with the OEM Environmental Process Administrators and final approval by the Director of OEM following standard Final review procedures.

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 to Cooperating Agencies and Participating Agencies through the EST, or by other electronic means. The District should also send the announcement to other interested state and federal agencies and other stakeholders. The announcement should be sent to Federally Recognized Native American Tribes according to their requested method as reflected on FDOT's [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). If a **Limitations on Claims Notice** is anticipated see [Part 1, Chapter 7, Finding of No Significant Impact](#) for more information on this process.

## 5.3 REFERENCES

Council on Environmental Quality. Regulation for Implementing the Procedural Provisions of the National Environmental Policy Act. 40 CFR 1500-1508

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

[https://www.environment.fhwa.dot.gov/legislation/nepa/guidance\\_preparing\\_env\\_documents.aspx](https://www.environment.fhwa.dot.gov/legislation/nepa/guidance_preparing_env_documents.aspx)

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

First Renewal of the 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, May 26, 2022.

[https://fdotwww.blob.core.windows.net/sitefinity/docs/default-source/environment/pubs/nepa\\_assign/fdot-327-first-renewal-mou-for-comment.pdf?sfvrsn=202c70b4\\_2](https://fdotwww.blob.core.windows.net/sitefinity/docs/default-source/environment/pubs/nepa_assign/fdot-327-first-renewal-mou-for-comment.pdf?sfvrsn=202c70b4_2)

FDOT, Project Commitment Tracking, Procedure No. 650-000-003. <https://pdl.fdot.gov/>

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>

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](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 23 United States Code § 139(l), Efficient Environmental Reviews for Project Decision making

## 5.4 FORMS

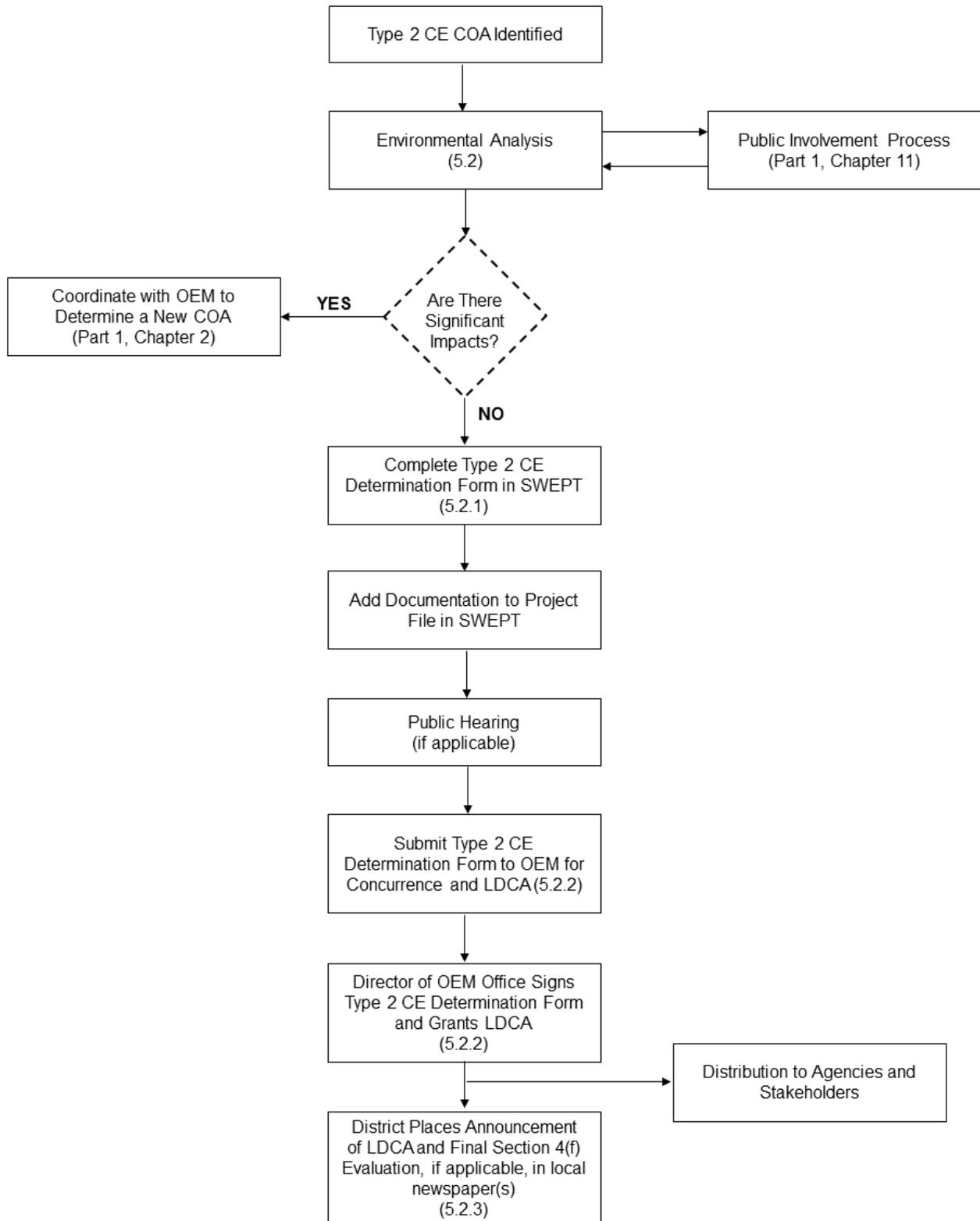
Public Hearing Certification, Form No. 650-050-56

Water Quality Impact Evaluation Checklist, Form No. 650-050-37

FDOT forms are found in the [FDOT Procedural Document Library](#)

## **5.5 HISTORY**

1/31/2007, 10/3/2012, 7/15/2016, 6/14/2017: NEPA Assignment, 1/14/2019, 7/01/2020



**Figure 5-1 Type 2 Categorical Exclusion Process**