

PART 1, CHAPTER 2

CLASS OF ACTION DETERMINATION FOR FEDERAL PROJECTS

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PART 1, CHAPTER 2

CLASS OF ACTION DETERMINATION FOR FEDERAL PROJECTS

2.1 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).

The Council on Environmental Quality (CEQ) promulgated regulations in **40 Code of Federal Regulations (CFR) parts 1500-1508** to implement **NEPA**. These regulations provide the measures necessary to achieve compliance with the policies and procedures of **NEPA** and other environmental statutes and executive orders. The necessary review and analysis are contained in the Environmental Document, i.e., Environmental Assessment (EA), Environmental Impact Statement (EIS), Finding of No Significant Impact (FONSI) or Notice of Intent (NOI). For the purposes of this manual the term Environmental Document also includes Categorical Exclusions (CEs), which actions CEQ recognizes as not having a significant effect on the human environment as determined by agency **NEPA** procedures. 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, 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 relies on 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 for 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. LAP projects and those maintaining federal funding eligibility must follow the federal process in this Manual for the preparation of environmental documentation. 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.

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)].

According to **40 CFR § 1501.3(a)**, in assessing the appropriate level of **NEPA** review (or COA) it should be determined whether the project 1) normally does not have significant effects (CE), 2) is not likely to have significant effects or the significance of the effects is unknown (EA), or 3) is likely to have significant effects (EIS).

These three levels of assessment translate into three classes of action, which are further described in **23 CFR § 771.115**.

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 a 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 resource;
 - 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 excluded 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.

In many cases, a project's level of significance will be discernable because of the absence of resources or observable impacts. In considering whether the effects are significant, FDOT should analyze the potentially affected environment and degree of the effects of the action. In considering the potentially affected environment, FDOT should consider, as appropriate to the specific action, the affected area (national, regional, or local) and its resources, such as listed species and designated critical habitat under the **Endangered Species Act (ESA)**. Significance varies with the setting of the proposed action. For instance, in the case of a specific action, significance would usually depend only upon the effects in the local area. In considering the degree of the effects, in accordance with **40 CFR 1501.3**, FDOT should consider the following, as appropriate to the specific action:

- 1. Both short and long-term effects
- 2. Both beneficial and adverse effects

3. Effects on public health and safety
4. Effects that would violate federal, state, tribal, or local law protecting the environment.

Consideration of these effects should be done in consultation with District environmental staff, specific resource agencies as appropriate, and OEM.

When assigning a COA, 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 described 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](#).

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](#).

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 or bridge replacements (i.e., non-Type 1 CE).

FDOT must complete the Programming Screen review in the EST for those transportation projects described above prior to 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 final COA determination for approval. Additional studies or coordination may be necessary prior to making the COA

determination. The ***Final Programming Screen Summary Report*** documents the COA determination and type of environmental analyses needed.

2.2 PROCEDURE

Early communication and collaboration within District offices is beneficial when projects are evaluated for inclusion in the Tentative Work Program, prior to development of the PD&E Scope of Services, to ensure that project decisions get broad input and early support. The COA considerations are facilitated through early internal coordination, review of ETDM Screening results and other information, as available. 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, an assumed COA is typically determined after the ETDM Programming Screen review ([Section 2.2.4](#)). The COA determination is typically finalized after alternative analysis is completed and prior to the public hearing.

2.2.1 Determination of Federal Action

Prior to initiating a PD&E Study, the District must determine whether a project is going to be processed as a federal or state project. See **Section 2.1** for when a project is considered a federal action, and therefore must comply with **NEPA**. Projects that must follow the federal process or must stay federalized are listed in [Work Program Instructions, Part III - Chapter 24, Project Development and Environment \(PD&E\)](#).

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. Planning consistency for Type 1 CEs is met when the project is in the STIP. The Current STIP page is included in the project file to document that the project has met planning requirements in **23 CFR Part 450**. For Type 2 CEs, EAs, and EISs planning consistency information is included in the Environmental Document. 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 2, Chapter 1, Project Description and Purpose and Need](#) and [FDOT/FHWA Consistency Guidance](#). Also see FDOT's [Planning Consistency for NEPA Practitioners](#) for additional guidance.

2.2.2 Categorical Exclusions

A CE is a project which, based upon FHWA's 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. Dependent on the scope of the CE action, the level of documentation will vary based on amount of coordination and information 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 § 1508.1** 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 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 specific action and the magnitude of environmental impacts. 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)** with documentation that demonstrates the specific conditions or criteria for these CEs are satisfied.
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 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 Area of Interest (AOI) tool may be used to look at the project location and 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 the screening results and 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.

A Type 1 CE determination is made using a **Type 1 Categorical Exclusion Checklist** in the StateWide Environmental Project Tracker (SWEPT) (see [Figure 2-3](#) and [Section 2.2.2.1.5](#)). 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 resource(s), 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.

Note, the procedure for documenting emergency relief efforts is outlined in [Part 1, Chapter 4, Project Development Process](#). Guidance on emergency relief projects can also be found in [FDOT Environmental Review Guidance for Emergency Relief Projects](#).

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 with documentation that demonstrates the specific conditions or criteria for these

CEs are satisfied, and that significant environmental effects will not result (by using the **Type 1 Categorical Exclusion Checklist**):

- 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. This CE requires FHWA approval.
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 **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 Categorical Exclusions Adopted from other Agencies

The Department of Energy's (DOE's) Electric Vehicle Charging Stations Categorical Exclusion (codified in DOE's **NEPA** procedures as CE B5.23 of **10 CFR § 1021(D), Appendix B**) was adopted by the USDOT to use in programs and funding opportunities administered by USDOT and its modal administrations (**88 FR 64972**).

FDOT may also utilize CEs identified in FTA's **NEPA** regulations (**23 CFR § 771.118**) or Federal Railroad Administration's (FRA's) **NEPA** regulations (**23 CFR § 771.116**). Coordination with OEM is needed before using another agency's CE.

2.2.2.1.5 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) to verify the finding that there is no potential to significantly impact 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. Planning consistency for Type 1 CEs is met when the project is in the STIP. See FDOT's [Planning Consistency for NEPA Practitioners](#) for additional guidance.

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 under **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 Plan (CAP)** 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](#)). There may be multiple Type 1 CEs prepared using the same Financial Management number such as emergency or push-button projects. The **Type 1 Categorical Exclusion Checklist** in SWEPT provides functionality to easily prepare these types of documents. This checklist is only prepared using SWEPT. This is typically completed at the end of the Plans, Specifications, and Estimates (PS&E) development or 100% plans.

The CE number/activity type from **23 CFR § 771.117(c)**, **23 CFR § 771.117(d)**, or Other (for other federal agency CE Number) 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 (see [Section 2.2.3](#)). 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** form, located in SWEPT. A visual of this form is 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** form 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** form to complete the **Federal-Aid Project Authorization/Agreement Form (PR-1240 Form)**.

2.2.2.2 Type 2 Categorical Exclusions

For 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 a permitting agency if a permit is required [e.g., USCG for a bridge permit or the USACE for a **Section 404** or **Section 408** permit]. The **Type 2 Categorical Exclusion Determination Form** must be approved by OEM. Approval of this determination grants LDCA, allowing the project to proceed to the Design phase.

2.2.3 Minor Categorical Exclusion Process

The purpose of the Minor Categorical Exclusion (MiCE) process is to assist Districts in supporting CE determinations by providing specific documentation to address potential impacts to relevant environmental issues/or resources without elevating the COA of the project [**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 to be addressed 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.

The following are considered during the MiCE process:

- Whether the impacts requiring OEM coordination affect other environmental issues/resources
- Whether the impacts requiring OEM coordination require changes to the design that would affect other issues/resources

- Whether 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:

- **Right of Way:**
 - Any acquisitions with relocations and/or displacements.
 - Projects on the (c) list should not have any residential or non-residential relocations. Instead, they should be processed as a (d) listed CE or Type 2 CE, in coordination with OEM. The appropriateness of proceeding as a CE, given the relocations, must be documented.
 - Consideration should be given to whether there is substantial controversy (do the people who would be relocated object), there is a history of controversial relocations in the area, and do the relocations involve environmental justice communities, among other considerations.
- **Wetland impacts that would require a permit under the Clean Water Act, Section 404, 33 U.S.C. § 1344 and/or Section 10 of the Rivers and Harbors Act:**
 - Standard Permit
- **Bridge permits required from the United States Coast Guard (USCG):**
 - USCG Bridge permit
- **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
- **Does the project involve a Wild and Scenic River or Study River?**
 - Yes, Northwest Fork of the Loxahatchee River in D4
 - Yes, Wekiva River in D5
 - Yes, St. Marys River in D2
 - Yes, Kissimmee River in D1 and D5
 - Yes, Little Manatee River in D7
 - 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.
- **Will the action involve a river on the Nationwide Rivers Inventory (NRI)?**
 - 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.
- **Section 7 of the Endangered Species Act (ESA) of 1973, as amended, and/or Magnuson-Stevens Fishery Conservation and Management Act (MSA):**
 - May Affect, Likely to Adversely Affect
- **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
- **Historic and/or Archaeological Resources protected under Section 106 of the National Historic Preservation Act:**
 - Finding 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 can now be completed as a Type 1 CE, a ***Type 1 Categorical Exclusion Checklist*** is prepared, coordination takes place with OEM, and the change is documented.

2.2.4 Efficient Transportation Decision Making Qualifying Projects

For projects qualifying for ETDM screening, an assumed COA is determined after the Programming Screen review and prior to publishing the final Programming Screen Summary Report (see FDOT's [ETDM Manual, Topic No.650-000-002](#)). The District performs analysis to assist in determining the appropriate assumed COA. The final COA is proposed by the District typically after the alternatives workshop and prior to the public hearing, and is approved by OEM.

The process for obtaining the COA requires that the District completes the **Environmental Class of Action Recommendation Form** (see [Figure 2-5](#)) in the EST. The form should be completed as follows:

1. The project's identifying information is automatically populated from information entered during preceding processes.
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

When all issue/resources are "NoSig", "NoInv", or "NoIm" the recommended COA is a CE unless preparation of an EA is required per coordination with a cooperating agency. Justification must be entered in the related comment box when "Sig" or "Sig?" is selected, and context should be provided for "NoSig" and "NoInv", and "NoIm".

3. Check the box for the recommended COA.
4. Identify any Other Actions.

5. The project's Lead Agency is automatically populated from information entered during preceding processes.
6. Participating/Cooperating Agencies are automatically populated from information entered during preceding processes.

After OEM and the District have agreed on the final COA, OEM accepts it in the EST. After the final COA determination is complete, the determination becomes part of the ***Final Programming Screen Summary Report***.

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

At any time in a PD&E's life cycle, 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. Regulations for Implementing the Procedural Provisions of the National Environmental Policy Act. 40 CFR Parts 1500-1508

FDOT, Efficient Transportation Decision Making Manual, Topic No. 650-000-002.
<https://www.fdot.gov/environment/pubs/etdm/etdmmanual.shtm>

FDOT, FDOT Environmental Review Guidance for Emergency Relief Projects.
https://fdotwww.blob.core.windows.net/sitefinity/docs/default-source/environment/pubs/2023-fdot-environmental-emergency-guidance.pdf?sfvrsn=b2f81969_2

FDOT, Planning Consistency for NEPA Practitioners.
https://fdotwww.blob.core.windows.net/sitefinity/docs/default-source/environment/pubs/pdeman/planning-consistency-for-nepa-practitioners.pdf?sfvrsn=895090ea_1

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

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

National Environmental Policy Act, Section 7

Title 10 CFR § 1021(D), Appendix B. <https://www.ecfr.gov/current/title-10/chapter-X/part-1021>

Title 23 CFR § 771, Environmental Impact and Related Procedures

USDOT, Notice of Adoption of Electric Vehicle Charging Stations Categorical Exclusion Under the National Environmental Policy Act. Federal Register, Volume 88, Number 181, Pages 64972-64973 (September 20, 2023).
<https://www.federalregister.gov/documents/2023/09/20/2023-20238/notice-of-adoption-of-electric-vehicle-charging-stations-categorical-exclusion-under-the-national>

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, 7/1/2020, 7/1/2023: 40 CFR §§ 1500-1508 changes

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

Figure 2-2 RESERVED

TYPE 1 CATEGORICAL EXCLUSION CHECKLIST

Financial Management No.: (Includes Related FM Numbers) _____

Additional Identifiers: _____

FAP No.: _____

CE Number: (Choose one option) (c) _____ (d) _____ (Will be required for d-list projects to provide supporting documentation for all areas) or Other _____ (Identify federal agency and CE Number) (Coordination is required with OEM)

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

Is an Interchange Access Request (IAR) required for this project?

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) 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, or c28 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):

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 coordination] **(This will only be an option if it is a (d) list project.)**

State-owned conservation lands being acquired in the project area subject to review and approval by the Acquisition and Restoration Council **(If 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. Are there Sociocultural Effects?

Yes No **(If yes is selected, the following will appear)**

2a. Does the project divide or substantially change the character of the community?

Comments:

2b. Does the project have the potential to affect transit dependent, elderly, disabled or other disadvantaged populations (including EJ populations) and/or their access to destinations?

[Examples may include schools, health care facilities, retirement communities, etc.]

Comments:

2c. Does the project have the potential to affect emergency services or access to major community features?

Comments:

2d. Does the project have the potential to affect mobility? [Examples may include pedestrian and bike facilities, intersection improvements, changes in median openings, etc.]

Comments:

3. Wetland impacts that would require a permit 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 coordination] **(If chosen, warning label will appear if it is c26, c27, or c28: This project has been identified as a c26, c27, or c28 project. By checking this box, the project does not meet the criteria of (e) and cannot proceed as a Type 1)**

Comments:

4. 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 coordination] **(If chosen warning label will appear if it is c26, c27, or c28: This project has been identified as a c26, c27, or c28 project. By checking this box, the project does not meet the criteria of (e) and cannot proceed as a Type 1)**

Comments:

5. 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 coordination] **(If chosen warning label will appear if it is c26, c27, or c28: This project has been identified as a c26, c27, or c28 project. 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 2 of 6)

6.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 Loahatchee River in D4 [Contact OEM and add the date of consultation] Yes, Wekiva River in D5 [Contact OEM and add the date of consultation] Yes, St. Marys River in D2 [Contact OEM and add the date of consultation] Yes, Kissimmee River in D1 and D5 [Contact OEM and add the date of consultation] Yes, Little Manatee River in D7 [Contact OEM and add the date of consultation] Yes, Myakka River in D1 [Contact OEM and add the date of consultation] **(If Yes is chosen (except for the Myakka River) a warning label will appear if it is c26, c27, c28: This project has been identified as a c26, c27, or c28 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 the Florida Department of Environmental Protection (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:

6b. 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:

Figure 2-3 Type 1 Categorical Exclusion Checklist (Page 3 of 6)

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

[If the Programmatic Approach for Minor Transportation Projects applies, a Programmatic Approach Form should be included]

- 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 (ESA/EFH), results in: **(If selected, the following will appear)**
 - May Affect, Not Likely to Adversely Affect (upload concurrence letter)
 - May Affect, Likely to Adversely Affect [Contact OEM and add the date of coordination] **(If chosen warning label will appear if it is c26, c27, or c28: This project has been identified as a c26, c27, or c28 project. By checking this box, the project does not meet the criteria of (e) and cannot proceed as a Type 1)**
 - Emergency Consultation On-going
- Comments:

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

[If Section 4(f) applies, the Section 4(f) Form should be included]

- No potential Section 4(f) properties present
 - Section 4(f) resources present or adjacent, but there is “no use” within the meaning of Section 4(f) **List resources 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 **(If selected a pop up will provide a box to record the date of OEM coordination. Fill date in order to proceed. Or, if it is c26, c27, or c28, a warning label will appear: This project has been identified as a c26, c27, or c28 project. 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 4 of 6)

9. Historic and/or Archaeological Resources protected under Section 106 of the National Historic Preservation Act (NHPA) and 36 Code of Federal Regulations Part 800:

Pursuant to the Section 106 Programmatic Agreement, include appropriate documentation. [If the Section 106 Programmatic Agreement applies, the Section 106 PA Form should be included]

Finding of 'No Potential to Cause Effect' **(If selected a pop up will state "If the undertaking is a type of activity that does not have the potential to cause effects on historic properties, assuming such historic properties were present, FDOT has no further obligations under Section 106 in accordance with 36 CFR § 800.3(a)(1). These actions are defined as non-construction related activities. For example, purchasing equipment, planning, and design all fall under this portion of the regulation and do not require any further obligations under Section 106. All construction-related actions with a federal nexus must comply with 36 CFR §§ 800.4 to 800.6 including any maintenance, new construction, and all construction related actions. Questions about applicability of 36 CFR § 800.3(a)(1) should be referred to OEM.")**

Finding of 'No Historic Properties Affected'

Finding of 'No Adverse Effect'

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

Emergency Consultation On-going

Comments:

10. 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:

11. Contamination considerations:

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

Comments:

12. 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]. **Documentation must be submitted. Documentation is either the appropriate STIP pages or a simple explanation of why the project is not in the STIP.**

13. Project Commitment Record

Does this project have commitments?

Yes **(If selected a pop up will state "If the PCR is available, use the Upload button below to attach it. After approval of the Type 1 CE, the PCR may be uploaded on the project page under the Commitments folder.")**

No

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

Figure 2-3 Type 1 Categorical Exclusion Checklist (Page 5 of 6)

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 May 26, 2022, and executed by the Federal Highway Administration 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

The following is a list of any supporting activities (e.g., field reviews, as appropriate, etc.), reports, or technical studies that were prepared and are included in the project file that were necessary to support the conclusions reached on the checklist): **This section auto-populates based on the studies and supporting documents attached in SWEPT.**

Figure 2-3 Type 1 Categorical Exclusion Checklist (Page 6 of 6)

**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 May 26, 2022, and executed by the Federal Highway Administration and FDOT.

Figure 2-4 Status of Environmental Certification for Federal Project

ENVIRONMENTAL CLASS OF ACTION RECOMMENDATION

ETDM # - Project Name and limits: _____
 Planning Organization: _____ Phase: _____
 District: _____ County: _____
 From: _____ To: _____
 Plan ID: _____ Financial Management No.: _____
 Federal Involvement: _____
 Contact Information: Name: _____ Phone: _____ E-mail: _____
 Snapshot Data From: _____

Potential for Significant Impacts?*

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

Issues/Resources	Sig	Sig?	NoSig	Nolnv	Nolm	Comments
A. SOCIAL & ECONOMIC						
1. Social	[]	[]	[]	[]	[]	_____
2. Economic	[]	[]	[]	[]	[]	_____
3. Land Use Changes	[]	[]	[]	[]	[]	_____
4. Mobility	[]	[]	[]	[]	[]	_____
5. Aesthetic Effects	[]	[]	[]	[]	[]	_____
6. Relocation Potential	[]	[]	[]	[]	[]	_____
7. Farmland Resources	[]	[]	[]	[]	[]	_____
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 and 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; Nolnv = No Involvement, Resource is absent; Nolm = 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 Act Consultation
- US Coast Guard Bridge Permit Anticipated
- US Army Corps of Engineers 404 Permit Anticipated *Consider recommending the USACE to serve as a cooperating agency if a Section 404 Individual or Standard Permit is anticipated.*

Lead Agency: _____

Cooperating Agencies: _____

Participating Agencies: _____

Class of Action Signatures:

Name: _____ **Agency:** _____ **Review Status:** _____
Date: _____ **ETDM Role:** _____ **Comments:** _____

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 May 26, 2022, and executed by the Federal Highway Administration and FDOT.

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