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## Chapter 6

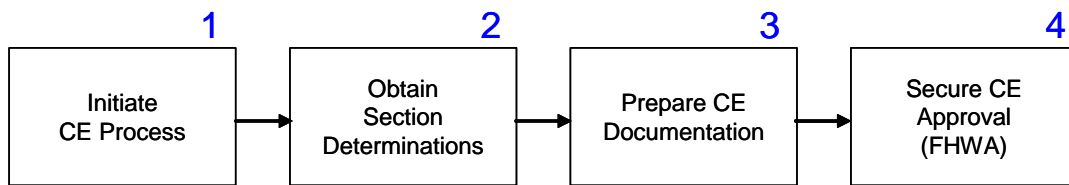
# CATEGORICAL EXCLUSIONS

### 6.1 CATEGORICAL EXCLUSION COMPLIANCE PROCEDURES

Categories of Federally funded, approved or permitted NDOT projects that do not individually or cumulatively have a significant environmental effect are excluded from the requirement to prepare an Environmental Assessment (EA) or Environmental Impact Statement (EIS). They are projects that do not:

- induce significant impacts to planned growth or land use for the area;
- require the relocation of significant numbers of people;
- have a significant impact on any natural, cultural, recreational, historic or other resource;
- involve significant air, noise or water quality impacts;
- have significant impacts on travel patterns; or
- individually or cumulatively, have any significant environmental impacts.

If the FHWA is not the lead Federal agency for the project, different procedures may apply, based on the *National Environmental Policy Act* (NEPA) requirements of that agency (e.g., Bureau of Land Management).



**Figure 6.1-A — CE COMPLIANCE PROCEDURES**

**PROJECT ACTIVITY**

Activity Title: Initiate CE Process

Activity No.: 1

Activity Description:

After determining that a proposed project will be processed as a Categorical Exclusion (CE), the Environmental Services Division will initiate the CE process by compiling the pertinent information from the data gathering and field review activities that provided the basis for the preliminary determination of impacts for the project (see [Activity 5](#) and [Activity 6](#) of [Section 5.1](#)). The information will be organized by environmental impact issue areas involved with the project and will be reviewed for completeness.

The information will address the following potential impact areas:

- socio-economic considerations,
- environmental justice,
- air quality,
- noise,
- hazardous materials/waste,
- floodplain and hydrologic assessment,
- water quality,
- biological resources,
- cultural resources,
- Section 4(f), and
- cumulative and secondary impacts.

**PROJECT ACTIVITY**

Activity Title: Obtain Section Determinations

Activity No.: 2

Activity Description:

The Environmental Services Division will coordinate the environmental information for the project with each of the Sections in the Division (i.e., Cultural Resources, Environmental Studies, Environmental Engineering). Each Section will review the pertinent information for its area of responsibility and will initiate appropriate action to prepare and process compliance documentation. The Sections will evaluate the project for unusual circumstances to ensure the CE classification is valid.

If the additional environmental studies raise questions as to whether or not the project may involve a significant impact, the Environmental Services Division will confer with the FHWA to determine if preparation of an EA is appropriate (see [Chapter 7](#)).

If environmental studies are conducted and lead to a determination that the project involves a significant impact, preparation of an EIS will be required (see [Chapter 8](#)).

For projects that meet the terms of a Programmatic CE with the FHWA, further documentation and processing will be in accordance with the terms of the Programmatic Agreement.

Regulations and Guidance

[23 CFR 771.117\(b\) "Categorical exclusions" \(Unusual circumstances\)](#)

**PROJECT ACTIVITY**

Activity Title: Prepare CE Documentation

Activity No.: 3

Activity Description:

The CE document is prepared for the project and signed by the Chief of the Environmental Services Division.

The CE document will include the following:

- project number,
- project ID,
- project termini,
- a project description,
- a checklist documenting that the project does not involve any significant environmental impacts,
- an attachment listing the applicable policies and procedures, and
- project documentation to support the CE determination.

[Figure 6.1-B](#) provides an example of an NDOT CE document.

If coordination with regulatory and resource agencies and/or public outreach has occurred for the project, the Environmental Services Division will include a summary of the results as an attachment to the CE document.

June 16, 2004

MS. SUSAN KLEKAR  
 DIVISION ADMINISTRATOR  
 FEDERAL HIGHWAY ADMINISTRATION  
 705 NORTH PLAZA STREET, SUITE 220  
 CARSON CITY, NV 89701

Project: NH-050-A(002)  
 Project ID 72789  
 US-50A from the LY/CH County Line  
 to 0.69 miles east (Phase 4) CH 0.00 to 0.69  
 US-50A from 0.04 miles east of SR-828  
 (Fernley Farm Road) to the LY/CH County Line  
 (Phase 4) LY 0.04 to 7.70  
 Widen from 2 to 4 Lanes with Center Turn Median  
 US-50A from 0.69 miles east of the LY/CH County  
 Line to 0.76 miles west of Leeteville Junction (Phase 5)  
 CH 0.69 to 8.53  
 Widen with a center two-way turn median, CH 0.69 to 2.97  
 Construct divided highway with new 36-ft roadbed on  
 South side of existing highway, CH 2.97 to 8.53  
 Construct Railroad Grade Separation

Dear Ms. Klekar:

The above project does not have any significant environmental impacts and does not involve any unusual circumstances as described in 23CFR771.117(a) and (b). Consequently, this action is considered a Categorical Exclusion under 23CFR771.117(d) because it does not:

- Induce significant impacts to planned growth or land use in the area;
- Require the relocation of significant numbers of people and/or businesses (How many? 0);
- Have a significant impact on any natural, cultural, recreational, historic or other resources;
- Involve significant air, noise or water quality impacts;
- Have significant impacts on travel patterns;
- Otherwise, either individually or cumulatively, have any significant environmental impacts;
- Have substantial controversy on environmental grounds;
- Have any inconsistency with Federal, State or local law, requirement or administrative determination relating to the environmental aspects of this action.

Sincerely,

Daryl N. James, P.E., Chief  
 Environmental Services Division

DNJ/slp  
 Attachments

COMMENTS:

Concur: \_\_\_\_\_ Date \_\_\_\_\_  
 FHWA, Environmental Program Manager

**Figure 6.1-B — SAMPLE CE DOCUMENT**

The Environmental Review concluded that the purchase of right-of-way for the proposed project has no significant impact on the environment.

1. Project activities are in conformance with the policies and procedures promulgated in the following:
  - A. 7 CFR 658 providing for the Farmland Protection Policy Act. There are no lands within the project area that qualify.
  - B. 16 USC 661-667(d) Fish and Wildlife Coordination Act. There are not Threatened or Endangered Species in the project area.
  - C. 23 CFR 650 providing for implementation of Part B of the National and State water quality standards. Will not be violated as a result of this project. Best Management Practices will be implemented during construction.
  - D. 40 CFR 93 providing for implementation of the Clean Air Act of 1970 and the Clean Air Act Amendment of 1990. National and State ambient air quality standards will not be violated as a result of this project.
  - E. 23 CFR 771 providing for implementation of Section 102(2)(c) of the National Environmental Policy Act of 1969.
  - F. 23 CFR 772 providing for compliance with the traffic noise standard. This project has been evaluated in accordance with established criteria and it has been determined that a detailed noise analysis will not be required.
  - G. 33 CFR requiring a permit under Section 404 of the Clean Water Act, 33 USC 1344. Pending
  - H. A cultural resource survey was conducted for this project and resulted in a *Finding of No Adverse Effect* and the Nevada State Historic Preservation Officer and/or other appropriate regulatory agencies have concurred with this determination (36 CFR 800.5(b)).
  - I. Alternate Procedures Policy providing for implementation of Section 128, 23 USC which establishes requirements for public hearings. The project is exempt from the public hearing requirements.
  - J. The Intergovernmental Cooperation Act of 1968 providing for implementation of State and metropolitan area clearinghouse notification, review and coordination procedures as issued in Circular No. A-95, "Evaluation, Review, and Coordination of Federal Assistance Programs and Projects."

**Figure 6.1-B — SAMPLE CE DOCUMENT**  
(Continued)

**PROJECT ACTIVITY**

Activity Title: Secure CE Approval (FHWA)

Activity No.: 4

Activity Description:

The signature of the FHWA Division Administrator on the NDOT's CE document will provide approval of the CE designation and will complete the NEPA process. Compliance with other environmental requirements applicable to the project (see [Part III "Environment Studies"](#) of this *Manual*), other than construction-stage permitting, will have been accomplished by the time of CE approval.

See [Section 2.3 "Preparing an Administrative Record"](#).

## 6.2 RE-EVALUATIONS

23 CFR 771.129 “Re-evaluations” describes the triggers (e.g., timeframes) for re-evaluating NEPA documents and approvals.

