

TTP Environmental Checklist/Categorical Exclusion

Tribe Name:		Is Project on an approved TTIP?
Project Name/Number:	NTTFI Route No. and Section:	
SECTION 1: PROJECT DETAILS		
A. Purpose and Need: Briefly describe what the transportation problems are that need to be addressed and why. Do not provide solutions to the problems in this section.		
B. Project Description: Briefly describe project including location, limits, design elements, and construction activities. Describe how the proposed project will address the needs described above. Use Continuation Sheet, if necessary. Attach maps, aeriels, photos, etc. to help visualize the project.		
C. Independent Utility and Logical Termini ☐ The project complies with NEPA requirements related to connected actions and segmentation (i.e. the project must have independent utility, connect logical termini when applicable, be usable and be a reasonable expenditure even if no additional transportation improvements in the area are made and not restrict further consideration of alternatives for other reasonably foreseeable transportation improvements). [23 CFR 771.111(f)]		

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SECTION 2: ENVIRONMENTAL RESOURCE EVALUATIONS

All applicable environmental requirements were evaluated for this Environmental Checklist and are identified below.

A. Right of Way

Will the project involve right of way acquisitions or easements? ☐ Yes ☐ No

If yes, will a right of way action by the BIA be required? ☐ Yes ☐ No

If yes, the BIA may have additional environmental requirements. Please contact the FHWA Environmental Specialist for further guidance.

B. Cultural Resources

☐ Section 106 compliance is complete - select appropriate finding:

☐ No Potential to Affect Historic Properties ☐ No Historic Properties Affected

☐ No Historic Properties Adversely Affected ☐ Adverse Effect

Has consultation with SHPO and/or THPO been completed? ☐ Yes ☐ No

If yes, date(s) of concurrence _____, and attach the letter(s) to this document.

Provide further discussion as needed.

Are there other Tribes with ancestral ties to lands in or near the project area? ☐ Yes ☐ No

If yes, list the Tribes and describe results of consultation efforts.

C. Wetlands

• Wetlands (Executive Order #11990)

Will construction activities take place in wetlands? ☐ Yes ☐ No

If yes:

○ What is the estimated permanent loss of wetlands, if any? _____ acres

○ Are there any practical alternatives to the proposed construction in wetlands (i.e. can the wetlands be avoided while still meeting the purpose and need of the project)? ☐ Yes ☐ No

○ Does the project include all practicable measures to minimize harm to the wetlands? ☐ Yes ☐ No

Provide further discussion as needed.

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D. Floodplains

- Floodplains (Executive Order #11988)
 - ☐ No Floodplain Encroachment ☐ No Significant Encroachment ☐ Significant Encroachment
 - If in floodplain, are there practicable alternatives avoiding the floodplain? ☐ Yes ☐ No
 - Provide further discussion as needed.

E. Biology

- Section 7 (Federal Endangered Species Act) Consultation Findings (Effect determination). Note: these webpages are helpful in identifying federally-listed species [IPAC](#) and [NOAA Section 7 Mapper](#).
 - ☐ No Effect
 - ☐ May Affect, Not Likely to Adversely Affect. If applicable, FWS Concurrence Date: _____
If applicable, NMFS Concurrence Date: _____
 - ☐ May Affect, Likely to Adversely Affect. If so, FWS Biological Opinion Date: _____
NMFS Biological Opinion Date: _____
 - ☐ Programmatic Biological Opinion held by Partner Agency; File Number _____ Date _____
 - Provide further discussion as needed.

- Essential Fish Habitat (Magnuson-Stevens Act) Findings (Effect determination):
 - ☐ No Effect ☐ No Adverse Effect ☐ Adverse Effect and consultation with NMFS
 - Provide further discussion as needed.

- Migratory Bird Treaty Act
 - Will the project potentially impact migratory birds? ☐ Yes ☐ No
 - What actions will be taken to avoid migratory bird impacts, if any (e.g. vegetation clearing restricted to outside of migratory bird nesting periods, surveying for migratory bird nests prior to construction, etc. Additional help may be accessed here [Avoiding and Minimizing Incidental Take of Migratory Birds](#))?

- Bald and Golden Eagle Protection Act
 - Will the project potentially impact eagles? ☐ Yes ☐ No
 - What actions will be taken to avoid eagle impacts, if any (Following the USFWS' [National Bald Eagle Management Guidelines](#) is recommended)?

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F. Section 4(f) Transportation Act (23 CFR 774) and Section 6(f) Land and Water Conservation Act (36 CFR 59)

- Section 4(f) regulation was considered as a part of the review for this project and a determination was made:

☐ Section 4(f) does not apply (*Project does not use a Section 4(f) property, or it meets one or more of the exceptions listed in [23 CFR 774.13](#).*)

☐ Section 4(f) applies, select level of evaluation from below:

☐ De Minimis

☐ Programmatic Evaluation (types of [Programmatic Evaluations](#)):

Select one if applicable _____

☐ Individual: ☐ Legal Sufficiency Review complete ☐ HQ Coordinator Review Complete

- Section 6(f)—Does the project involve property purchased with Land and Water Conservation Funds?

☐ No, Section 6(f) does not apply. No additional documentation required.

☐ Yes ☐ Documentation of approval from National Park Service Director has been received for the conversion/and replacement of 6(f) property.

G. Farmland Protection Policy Act of 1981

Does prime or unique farmland, or land of statewide or local importance exist within the project area (check the Natural Resources Conservation Service (NRCS) [link](#) to search for prime or unique farmland in the project area; you also may need to contact the appropriate state/local soils agency to make this determination)?

☐ Yes ☐ No

If the project has the potential to convert important farmland to non-farm use, coordinate with your local NRCS office (a land evaluation and site assessment may be required). Attach relevant coordination documentation to this form.

H. Coastal Zone

Coastal Zone Management Act of 1972

☐ Not in Coastal Zone ☐ Coastal Permit Required

☐ Consistent with Federal, State, and Local Coastal Plans ☐ Federal Consistency Determination

Provide further discussion as needed.

I. Hazardous Waste and Materials

- Are hazardous materials or contamination exceeding regulatory thresholds (as set by U.S. EPA, Tribe, State County, etc.) present in the project area? ☐ Yes ☐ No

- If yes, is the nature and extent of the hazardous materials or contamination fully known? ☐ Yes ☐ No

If no, briefly discuss the plan for securing information:

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J. Wild & Scenic Rivers

- Are there Wild & Scenic River designations in the project area? Check the [National Wild and Scenic Rivers System](#).
☐ Yes ☐ No
- Describe any impacts. (Attach the full evaluation if applicable).

K. Ancillary Sites (Materials, Disposal, Staging, Etc.)

- Will the project plans require the use of specific ancillary sites (e.g. materials sources, disposal sites, staging areas, etc.), or will these sites be left to the contractor to select?
☐ Required by Plans ☐ Selected by Contractor
- If required by project plans, have the ancillary sites been included in all assessments of environmental impacts and consultations with appropriate agencies? ☐ Yes ☐ No
 If needed, discuss further below.

L. Air Quality

- Is the project in a “nonattainment” or “maintenance” area designated under the Clean Air Act ([EPA Green Book](#))?
☐ Yes ☐ No
 If yes, is the project consistent with air quality goals for the area? ☐ Yes ☐ No
- Even if the project is not in a “nonattainment” or “maintenance” area, how will general air quality concerns such as construction-related airborne dust be eliminated or reduced?

M. Socioeconomics and Environmental Justice

- Will the project result in disproportionately high and adverse human health or environmental effects on minority populations and/or low-income populations (FHWA [Environmental Justice](#) page)? ☐ Yes ☐ No
 - Will construction activities substantially disrupt normal traffic patterns (including access to businesses, community facilities, and accessibility of emergency vehicles)? ☐ Yes ☐ No
- If yes to either, please explain how these impacts will be mitigated.

N. Noise

- Will the project significantly change the horizontal or vertical alignment of a road? ☐ Yes ☐ No
- Will the project increase the number of through-traffic lanes on a road? ☐ Yes ☐ No

If yes to either of the above questions, are there sensitive noise receptors (see [FHWA guidance](#)) located near the project? ☐ Yes ☐ No If yes, please explain how increased noise, if any, will be abated:

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O. Other Relevant Environmental Considerations/Approvals

- Are there other relevant environmental considerations or approvals needed for this project? ☐ Yes ☐ No
If yes, please describe.

P. Permits

- Section 404 of the Clean Water Act
Will there be impacts to Waters of the US: ☐ Yes ☐ No
If yes, approval anticipated:
☐ Nationwide Permit ☐ Individual Permit
- Section 401 of the Clean Water Act approval anticipated:
☐ Certification ☐ Waiver ☐ N/A
- Section 402 of the Clean Water Act
Will the project involve 1 acre of ground disturbance or more? ☐ Yes ☐ No
If yes, a National Pollutant Elimination System (NPDES) permit is required as well as the development of a Storm Water Pollution Prevention Plan (SWPPP) to be included in the final design.
- Sections 9 and 10 of the Rivers and Harbors Improvement Act
Will the project involve construction of a structure over a navigable waterway? ☐ Yes ☐ No
If yes, a Bridge Permit from the U.S. Coast Guard will be required.
- List below other permits required for the project.

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SECTION 3: Environmental Commitments

List all environmental commitments for the project in this section, or attach additional documentation as necessary. The list should include any mitigations, permit conditions, or other commitments that were required or agreed to during environmental analyses, coordination, and consultation with relevant agencies.

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SECTION 4: TYPE OF DOCUMENTATION: Use the information in this section to help determine the applicable documentation and clearance type for the project (CE, EA or EIS). Please note that this is used for planning purposes only. The final decision for level of documentation is made by FHWA after consultation and coordination.

A. Categorical Exclusions Defined (23 CFR 771.117[a]).

FHWA regulation 23 CFR 771.117(a) defines categorical exclusions as actions which:

- do not induced significant impacts to planned growth or land use for the area;
- do not require the relocation of significant numbers of people;
- do not have a significant impact on any natural, cultural, recreational, historic or other resources;
- do not involve significant air, noise, or water quality impacts;
- do not have significant impacts on travel patterns; or
- do not otherwise, either individually or cumulatively, have any significant environmental impacts.

☐ Checking this box certifies that project meets the above definition for a Categorical Exclusion (if not, an EA or EIS will be required).

B. Unusual Circumstances (23 CFR 771.117[b]).

FHWA regulation 23 CFR 771.117(b) provides that any action which normally would be classified as a CE but could involve *unusual circumstances* requires the Department to conduct appropriate environmental studies to determine if the CE classification is proper. Unusual circumstances include actions that involve:

- Significant environmental impacts;
- Substantial controversy on environmental grounds;
- Significant impact on properties protected by section 4(f) of the DOT Act or section 106 of the National Historic Preservation Act; or
- Inconsistencies with any Federal, State, or local law, requirement or administrative determination relating to the environmental aspects of the action.

All of the above unusual circumstances have been considered in conjunction with this project. (Please select one.)

☐ Checking this box certifies that **none of the above conditions apply** and that the project qualifies for a Categorical Exclusion.

☐ Checking this box certifies that unusual circumstances **are involved**. However, the appropriate studies/analysis have been completed, and it has been determined that the CE classification is still appropriate.

C. Check applicable categorical exclusions from the drop-down menu(s) below. For full text of CEs, click [here](#).

Select a Categorical Exclusion:

Write in additional Categorical Exclusion(s), if needed:

D. If categorical exclusions (c)(26), (c)(27), or (c)(28) were selected above, do any of the following circumstances apply?

☐ Yes ☐ No ☐ N/A

- (1) An acquisition of more than a minor amount of right-of-way or that would result in any residential or non-residential displacements;
- (2) An action that needs a bridge permit from the U.S. Coast Guard, or an action that does not meet the terms and conditions of a U.S. Army Corps of Engineers nationwide or general permit under section 404 of the Clean Water Act and/or section 10 of the Rivers and Harbors Act of 1899;
- (3) A finding of "adverse effect" to historic properties under the National Historic Preservation Act, the use of a resource protected under 23 U.S.C. 138 or 49 U.S.C. 303 (section 4(f)) except for actions resulting in *de minimis* impacts, or a finding of "may affect, likely to adversely affect" threatened or endangered species or critical habitat under the Endangered Species Act;
- (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;
- (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.

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SECTION 5: Certification

This approval pertains only to the scope of work and project described above. Any changes to the scope of work should be evaluated for additional environmental impacts and reviewed by FHWA. The environmental commitments listed in the document are not subject to change without approval from FHWA.

Based on the information obtained during the environmental review process and included in this checklist, the project is determined to be a Categorical Exclusion pursuant to the National Environmental Policy Act and is in compliance with all other identified environmental laws, regulations, and Executive Orders.

Concurrence: By signing, you acknowledge you have authority to sign this document on behalf of the Tribe/Consortium, agree with the descriptions and assessments described within, and will insure the identified environmental commitments will be fulfilled and appropriate permits obtained.

Tribe/Consortium
representative

Name: _____

Title: _____

Signature: _____ Date: _____

Approval:

FHWA
representative
Name: _____

Title: TTP Environmental Protection Specialist

Signature: _____ Date: _____

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