

## **GUIDANCE ON CATEGORICAL EXCLUSIONS FEDERAL TRANSIT ADMINISTRATION, REGION VII**

### **Purpose of the Guidance**

The purpose of this guidance is to present standard procedures for a screening-level analysis of the full range of environmental resource topics likely to be considered in preparation for Categorical Exclusions (CE) [23 C.F.R. 771.118] for projects in the FTA Region VII states of Missouri, Iowa, Nebraska, Kansas, and parts of Illinois.

### **Categorical Exclusion Applicability and Scope**

According to the Council on Environmental Quality's regulations for implementing the National Environmental Policy Act (NEPA), "[c]ategorical exclusion means a category of actions which do not individually or cumulatively have a significant effect on the human environment ... and ... for which, therefore, neither an environmental assessment nor an environmental impact statement is required" (40 C.F.R. §1508.4).

Federal Transit Administration Implementing Procedures, located at 23 C.F.R. Part 771 cites CEs as

*...actions which meet the definition contained in 40 CFR 1508.4, and, based on past experience with similar actions, do not involve significant environmental impacts. They are actions which: do not induce 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 resource; 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 (23 C.F.R. §771.118(a)).*

Based upon the above definitions, CEs apply only to projects that clearly would have little or no effect on the environment; **a CE excludes the project from EA or EIS review.**

The CE format should be as follows: a project description; the categorical exclusion determination; an environmental evaluation including identification of the study area and a summary of the potential environmental impacts due to the project's implementation (preferably no more than two (2) paragraphs, but additional space may be used if there are numerous resources to summarize); project commitments (e.g., mitigation measures); and, identification of attachments to the CE. It is recommended that a study area map, including the proposed action and environmental resources, and any documentation required under other environmental laws (e.g., Section 106 of the National Historic Preservation Act) be attached. If technical memos or technical reports are completed for the project, please provide electronic copies to Region VII, but do not include the report(s) as appendices to the CE.

C-list CEs should include sufficient project information to support that the project meets CE conditions. Documentation demonstrating compliance with other environmental laws may also be required for C-list CEs. D-list CEs *must* include documentation demonstrating significant environmental effects would not result due to the proposed project.

## ENVIRONMENTAL EVALUATION

The list of environmental considerations in this guidance is extensive. However, the environmental issues encountered for a CE project should be minimal; there is no need to include discussion on topics that do not apply to the project under consideration. The preparer should screen the topics and identify potential effects on environmental quality that warrant discussion due to their sensitive nature, complexity, or local importance. The CE narrative should state: “Environmental resource topics were screened using FTA Region VII’s *Guidance on Categorical Exclusions*. The following discussion focuses on potential impacts that pertain to the project.”

- A. CONSISTENCY WITH LOCAL AND STATE PLANS: State if the project is included in the State Transportation Improvement Program (STIP) or Transportation Improvement Program (TIP). FTA will not approve the CE until the STIP or TIP is approved by ONE DOT.
- B. LAND OWNERSHIP AND LAND USE: Identify ownership of the project site (e.g. public, privately owned). Briefly describe existing land uses within the project site and existing adjacent land uses.
- C. LAND ACQUISITIONS & RELOCATIONS: If there is any need for land acquisition, or relocations, briefly identify those needs. Provide the amount of land acquisition in terms of acreage or square footage. Provide relocations in terms of residential or business and number of units.

<https://transit.dot.gov/funding/grant-programs/capital-investments/real-estate-information>

*Note: All land acquisition and/or relocation must comply with the Uniform Act.*

- D. ENVIRONMENTAL JUSTICE (EJ): As applicable, determine the presence of minority and low-income (a.k.a. EJ) populations (business owners, landowners, and residents) within ¼ mile of the project area. Describe the effects, both positive and negative, on any businesses, residents, and landowners of the protected populations. Identify any disproportionate effects on the protected populations as a result of the project. Describe any public outreach to the protected populations. Contact the FTA Region VII office for guidance if you are uncertain when an EJ analysis is required.

<https://www.epa.gov/nepa/nepassist>

<https://transit.dot.gov/regulations-and-guidance/fta-circulars/environmental-justice-policy-guidance-federal-transit>

<http://www.census.gov/>

<http://aspe.hhs.gov/poverty/03poverty.htm>

- E. NOISE AND VIBRATION: Depending on the proposed project site and the surrounding land use, a noise and vibration assessment may be needed. Please refer to Chapters 4 (see Table 4-1 on pg. 4-3, specifically) and 9 (see Table 9-2 on pg. 9-4, specifically) of FTA’s *Transit Noise and Vibration Impact Assessment* manual (link below) to identify potential noise and vibration impacts.

<https://transit.dot.gov/regulations-and-guidance/environmental-programs/fta-noise-and-vibration-impact-assessment>

- F. HAZARDOUS MATERIALS: Determine if there are hazardous materials in the project area (e.g., lead/asbestos in current facilities/building materials; aboveground or underground storage tanks) by conducting a desktop survey, and/or reviewing public (local, state, and federal) records and environmental databases. If hazardous materials are present, state how those materials would be treated and/or disposed in the Project Commitments section of CE. If the project involves land acquisition, conduct a Phase I Environmental Site Assessment (ESA) for the land to be acquired prior to the completion of the CE, and follow proper due diligence procedures.

<http://www.epa.gov/brownfields/>  
<http://www.epa.gov/emefdata/em4ef.home>

*Note: State regulatory/resource agencies may also maintain hazardous waste/material databases.*

- G. WETLANDS/WATERS OF THE U.S., SECTION 404 OF CLEAN WATER ACT (CWA): If the project may impact any wetlands or Waters of the U.S. (including discharge of dredged or fill material into the resources) based upon review of the USFWS National Wetlands Inventory (NWI), NRCS soil map (for hydric soil), and/or by conducting a site visit, contact Region VII for further guidance.

<http://www.fws.gov/wetlands/>  
[http://www.usace.army.mil/CECW/Pages/reg\\_permit.aspx](http://www.usace.army.mil/CECW/Pages/reg_permit.aspx)  
<http://websoilsurvey.sc.egov.usda.gov/App/HomePage.htm>

- H. STORM WATER PERMIT, SECTION 402 OF CWA: Determine if the project involves more than one (1) acre of ground disturbance that may require a storm water permit. If a storm water permit is needed, then state “the National Pollutant Discharge Elimination System (NPDES) permit would be obtained prior to construction” in the Project Commitments section of the CE.

<http://cfpub.epa.gov/npdes/>  
<http://www.deq.state.ne.us/>  
<http://www.iowadnr.gov>  
<http://dnr.mo.gov/env/wpp/stormwater/index.html>  
<http://www.kdheks.gov/environment/index.html>

*Note: State regulatory/resource agency websites may also contain information about storm water permit/program.*

- I. FLOODPLAINS: If the project is located within the 100-year floodplain, provide the Federal Emergency Management Agency (FEMA) Flood Insurance Rate Map (FIRM) number and effective date to support the determination. If FEMA FIRM is not available, contact the county flood control district or the local floodplain manager to determine if the project is located in a flood hazard area. If the proposed project is located within a 100-year floodplain, briefly describe how the proposed project would not impact the base flood elevation. Provide the local floodplain agency (with jurisdiction over the project area) an opportunity to review the project scope or design plans, and include their concurrence/support letter to the CE.

<https://transit.dot.gov/regulations-and-guidance/environmental-programs/water-resources-including-wetlands-stormwater>  
<http://www.msc.fema.gov/>

- J. NAVIGABLE WATERWAY: If the project involves construction of any structure in or over any navigable water of the US, describe the impacts and permitting requirements (Section 10 of the Rivers and Harbors Act, and Section 404 of the Clean Water Act).

<http://www.mvs.usace.army.mil/Missions/Regulatory/Information.aspx>

- K. WILD AND SCENIC RIVERS: If the project affects any designated wild and scenic rivers and the resource cannot be avoided, contact Region VII office for further guidance.

<http://www.rivers.gov/rivers/>

- L. BIOLOGICAL RESOURCES/THREATENED AND ENDANGERED SPECIES: Determine if there are any federal-listed species or critical habitat in the project area by reviewing the US Fish and Wildlife Service (FWS) website (<http://ecos.fws.gov/ipac/>). Review the state resource database and/or coordinate with the state natural resource agencies to identify any ecologically-sensitive areas (e.g., woodlands, prairies, scenic areas), state-listed species (i.e., species of concern), or protected native plants in the project area. If there are any listed species, critical, or suitable habitat in the project area, determine if the project would impact either resource. Contact Region VII for further guidance if the project may affect federal-listed species or if the project may require Section 7 consultation.

<http://ecos.fws.gov/ipac/>

[http://www.fws.gov/midwest/endangered/lists/cty\\_indx.html](http://www.fws.gov/midwest/endangered/lists/cty_indx.html) (IA, IL, MO)

<http://www.fws.gov/mountain-prairie/endspp/> (KS, NE)

<http://offices.fws.gov/directory/>

<http://www.iowadnr.gov/>

<http://mdc.mo.gov/>

<http://newmdcgis.mdc.mo.gov/EnvReview/>

<http://www.dnr.state.ne.us/>

<http://www.kdwpt.state.ks.us/>

<http://www.dnr.illinois.gov/NaturalResources/Pages/default.aspx>

- M. TRAFFIC AND PARKING: If the project would result in increased traffic volumes, determine if existing/planned roadways and parking facilities have adequate capacity to handle the increased bus and other traffic. Also, identify if travel patterns or access would be affected and if additional capacity or significant changes to travel patterns are required.

If parking is being reduced or eliminated, determine the number of parking spaces that would be affected and whether parking needs to be restored at an alternate location (onsite or offsite). Please state if additional parking would be constructed to replace the loss of parking spaces as a result of the project.

- N. ENERGY (Optional): If the project includes the construction or reconstruction of a building, evaluate the project's impacts to energy consumption and the possible opportunities to conserve energy. Include the standard commitment for design: During design, the grantee agrees to perform an energy assessment for any building constructed, reconstructed, or modified with FTA assistance, as provided in FTA regulations, "Requirements for Energy Assessments," 49 CFR Part 622, Subpart C, and incorporate all feasible recommendations from the energy assessment. FTA encourages grantees to consider LEEDS Certification for buildings.

<http://www.usgbc.org/>

- O. CULTURAL RESOURCES: If the project involves ground disturbance, construction of a new facility/structure, or modification of an existing facility /structure, then conduct database search and/or contact the local city's cultural resources staff to identify if any archeological and/or historic resources may be present within the project area. Contact Region VII early in the project to determine the level of Section 106 review (36 CFR Part 800) required.

***Note: No coordination with SHPO can occur without FTA Region VII approval. FTA will determine, based on the nature of the project, whether to authorize the grantee to work directly with the SHPO.***

<http://www.nps.gov/nr/shpoinventories.htm>

<http://www.achp.gov/regs-rev04.pdf>

<http://www.achp.gov/apptoolkit.html#authorization>

<http://www.dnr.mo.gov/shpo/index.html>

<http://www.iowahistory.org/historic-preservation/>

<http://www.nebraskahistory.org/histpres/>

<http://www.kshs.org/p/historic-preservation-laws/14658>

<http://www.illinois.gov/iHPA/Preserve/Pages/Resource-Protection.aspx>

- P. SECTION 4(f) RESOURCES –Parklands and Historic Properties (23 CFR Part 774): Section 4(f) protects publicly owned park and recreation areas that are open to the general public, publicly owned wildlife and waterfowl refuges, and public or privately owned historic sites. If Section 4(f) resources are present in the project area and/or the project involves a potential "use" of any Section 4(f) resources, contact Region VII for additional guidance.

<http://environment.fhwa.dot.gov/4f/index.asp>

- Q. SECTION 6(f) RESOURCES: Section 6(f) applies to outdoor recreational properties funded by the Land and Water Conservation Fund (LWCF). If the project impacts Section 6(f) resources (including playground equipment purchased with Section 6(f) funds, for example) or requires conversion of Section 6(f) resources, coordination and written concurrence/approval from the land management agency and National Park Service would be required and stringent mitigation requirements met. Contact Region VII for further guidance if you have Section 6(f) impacts.

<http://www.nps.gov/lwcf/>

- R. CONSTRUCTION IMPACTS: Describe any temporary impacts such as noise, air quality, sidewalk and road closures, traffic detour/access change, construction schedules (e.g., local ordinance may restrict late night work activity in residential neighborhoods), safety and security, may occur during construction of the project in residential or commercial areas. Describe mitigation measures to address the impacts, if applicable, in the Project Commitments section of the CE. If access to residential and commercial properties cannot be maintained, contact the Region VII office for additional guidance.
- S. PRIME OR UNIQUE FARMLANDS: If any portion of the proposed project occurs on farmland, contact the Natural Resources Conservation Service (NRCS) to determine if the farmland is prime or unique. If the project results in an impact to prime or unique farmland, avoid the resource. If avoidance is not possible, contact the Region VII office for additional guidance.
- <http://www.nrcs.usda.gov/programs/fppa/>
- T. UTILITIES: If utility impacts would occur (i.e., utility relocation, service disruption) due to construction of the proposed project, then describe the impacts and mitigation measures, as applicable.

### **PROJECT COMMITMENTS**

List mitigation measures, commitments, and permit requirements associated with impacts discussed in the evaluation summary section applicable to the project. Contact Region VII office for guidance, as needed.

### **ATTACHMENTS**

Include a project location map and/or a study area map depicting environmental resources noted in the CE. Agency correspondence (e.g., SHPO concurrence letters, federal, state, or local agency responses/letters, etc.), as applicable, should also be attached to the CE.