**Categorical Exclusion Determination Project Narrative and checklist**

PROJECT NAME

ROUTE OR ROUTE NAME

PROJECT LIMIT

CITY/TOWN

RI CONTRACT NUMBER

RIFAP NUMBER

PTSID

Prepared for: PROJECT MANAGER

Prepared by: Consultant

******



MM/DD/YYYY

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Enter Project Description here...

Enter Project Purpose and Need here…

* 1. Water Resources
     1. Wetland and Waterway Impact Summary

|  |  |  |
| --- | --- | --- |
|  | Yes | No |
| Project will impact federal/state jurisdictional freshwater/coastal wetlands and/or waterways: |  |  |

If No, briefly explain what methods were used to determine the presence/absence of wetlands and waterways and/or why no impact is anticipated:

Click or tap here to enter text.

Brief summary of how wetlands and/or waterways were mapped/delineated, locations and types.

Enter text here...

Direct Impact(s) Table

Estimated waterway and **federal (biological)** wetland temporary and/or permanent direct impacts:

|  |  |  |  |  |
| --- | --- | --- | --- | --- |
| **Type/Name** | **Temporary Impact**  (acres/square feet round up to nearest 100’) (below OHW/MHW) | **Impact Description** | **Permanent Impact**  (acres/square feet round up to nearest 100’) (below OHW/MHW) | **Impact Description** |
|  |  |  |  |  |
|  |  |  |  |  |

Discussion of any indirect impacts, including impacts to state jurisdictional wetland buffers, to waterways and **federal (biological)** wetlands, if applicable:

Enter text here...

  Avoidance, Minimization, and Mitigation Measures

Provide a brief summary of specific measures to avoid and minimize impact to wetlands and/or surface waters:

 Enter text here...

All impacts have been *avoided* to the maximum extent possible.

The project scale has been *minimized* to the maximum extent to achieve the project’s intent (Limit of Disturbance reduced).

No other location can support the proposed project.

No other feasible alternative designs exist that would result in less impact.    
 Other alternatives exist, but are not feasible because (please explain):

Enter text here...

Soil erosion and sediment controls are proposed.

Other:  Enter text here...

Compensatory *mitigation* decision and justification, if applicable. Include any commitments coordinated with Federal & State Agencies:

Enter text here...

Supporting Documentation (check all that apply and attach to the Appendices):

Location map

wetland delineations/report

agency coordination

Other: used wetland GIS coverage

* + 1. Executive Order 11990, Protection of Wetlands

|  |  |  |
| --- | --- | --- |
|  | Yes | No |
| Project potentially impacts federal jurisdictional (biological) wetlands and/or state jurisdictional wetland buffers: |  |  |

Executive Order 11990 requires that federal agencies avoid long‐ and short‐term impacts from destruction or modification of wetlands to the greatest extent possible.  Compliance with the Rhode Island Department of Environmental Management (RIDEM) Freshwater Wetlands Rules and Regulations, the RI Coastal Resources Management Council (CRMC) Rules and Regulations Governing the Protection and Management of Freshwater Wetlands in the Vicinity of the Coast, the Coastal Zone Management Program, and approval through U.S. Army Corps of Engineers (USACE) under Section 404 address the intent of EO 11990.

|  |  |  |
| --- | --- | --- |
|  | Yes | No |
| Based on the above considerations (*Section 1.A*), it is determined that there is no practicable alternative to the proposed construction in wetlands. The proposed action includes all the practicable measures to minimize harm to wetlands which may result from such use (per FHWA Technical Advisory T6640.8A and Executive Order 11990). |  |  |

*If No, the project cannot be approved as proposed*

State agency jurisdiction and permit type anticipated:

RIDEM Freshwater Wetlands

SW wetland review

Type:   Enter text here...

CRMC Freshwater Wetlands in the Vicinity of the Coast

Type:   Enter text here...

CRMC Assent (*see Section 1.F*)

Supporting Documentation (*check all that apply*):

☐ Section 1.A

☐ Other: Enter text here...

* + 1. Clean Water Act (CWA) Section 404/401

|  |  |  |
| --- | --- | --- |
|  | Yes | No |
| The project will temporarily or permanently fill/discharge or dredge into biological wetlands or navigable waterways (*see Section 1.A*) of the U.S and will require approval by the USACE: |  |  |

Type of permit [anticipated:](https://www.nae.usace.army.mil/Portals/74/docs/regulatory/StateGeneralPermits/RI/RIGP-w-erratasheet.pdf)

USACE non-reporting Self-Verification (SV)

    GP #:

USACE Self-Verification (SV)

    GP # :

USACE Pre-Construction Notification (PCN)

   GP #:

USACE Individual Permit (IP)

Water Quality Certification (WQC)

Fill in waters of the State (Coverage under the PGP and WQC 22-011)

USACE Fill in Coastal Waters (Coverage under the PGP and WQC 22-011)

USACE Individual Permit (RIDEM WQC Application Required)

Summarize any coordination, mitigation and/or commitment measures discussed, if applicable:

*See Section 1.A*

Other:   **Enter text here...**

Supporting Documentation (check all that apply):

agency coordination

Other:   **Enter text here...**

* + 1. Executive Order 11988, Flooding Encroachments

|  |  |  |
| --- | --- | --- |
|  | Yes | No |
| Project encroaches into the base (100 year) floodplain in fresh or marine waters: |  |  |

Identify floodplain map source and date: Enter text here...

|  |  |  |
| --- | --- | --- |
|  | Yes | No |
| The proposed action involves replacement of a stream crossing (culvert or bridge): |  |  |

If Yes, complete form A.1 and A.2 from the [Road Stream Crossing Design Manual](https://www.dot.ri.gov/business/documents/Road_Stream_Crossing_Design_Manual_8_2021.pdf).

|  |  |  |
| --- | --- | --- |
| The proposed action has the potential to change the base flood elevation (encroachment): | Yes | No |

If Yes, complete a hydraulic analysis.

|  |  |  |
| --- | --- | --- |
| There is a significant encroachment as defined by 23 CFR 650.105(q): | Yes | No |

If Yes, attach a copy of FHWA’s finding required by 23 CFR 650.115.

|  |  |  |
| --- | --- | --- |
| Project is consistent with E.O. 11988 (Floodplain Protection): | Yes | No |

Summarize floodplain impacts and avoidance, minimization, and/or mitigation measures if any. Include any coordination, commitments and/or mitigative measures:

Enter text here...

Supporting Documentation (check all that apply):

FEMA maps

hydraulic analysis

agency coordination

Road-stream crossing design manual Table A.1 & A.2

Other: Enter text here...

* + 1. Rivers and Harbors Act (RHA) Section 10 Permit

|  |  |  |
| --- | --- | --- |
|  | Yes | No |
| Project will involve excavation or fill within any navigable waters of the U.S. and will require approval by the USACE under Section 10: |  |  |

Summarize any coordination and/or commitments measures discussed, if applicable:

Enter text here...

Supporting Documentation (check all that apply):

agency coordination

Other: Enter text here...

* + 1. RHA Section 408 Permit:

|  |  |  |
| --- | --- | --- |
|  | Yes | No |
| Project involves the alteration, occupation, or use of a USACE civil works project: |  |  |

Summarize proposed impacts and any coordination, commitments and/or mitigative measures, if applicable:

Enter text here...

Supporting Documentation (check all that apply):

USACE 408 maps

agency coordination

Other: Enter text here...

* + 1. RHA Section 9 Bridges Coast Guard Coordination

|  |  |  |
| --- | --- | --- |
| Project will involve the construction or reconstruction or modification of a bridge or causeway in or over navigable waters of the US: | Yes | No |

Type of U.S. Coast Guard (USCG) permitting anticipated:

USCG Bridge Permit

USCG Bridge Permit Exception

USCG Navigational Lighting Authorization

Other coordination: Enter text here...

Summarize any coordination, commitments and/or mitigative measures, if applicable:

Enter text here...

Supporting Documentation (check all that apply):

agency coordination

Other: Enter text here...

* + 1. Coastal Zone Management Act (CZMA)

|  | Yes | No |
| --- | --- | --- |
| Project will be located within an area that is regulated under the RI Coastal Resources Management Program: |  |  |
| Project will be located within an area covered by a Special Area Management Plan (SAMP): |  |  |

SAMP type: Enter text here...

Type of assent anticipated:

Category A

Category B

Maintenance Application

|  |  |  |
| --- | --- | --- |
| The project is consistent to the maximum extent practicable with the enforceable policies of the state’s coastal zone management program: | Yes | No |

Summarize impacts to coastal zone (reference *Section 1.A* if applicable) and explain how the project will be consistent with the state’s coastal zone management program:

Enter text here...

Supporting Documentation (check all that apply):

agency coordination

Other: Enter text here...

* + 1. Coastal Barrier Resources Act (CBRA)

|  | Yes | No |
| --- | --- | --- |
| Part of the project/action is in the boundary of a coastal barrier resource system (CBRS) unit: |  |  |
| Project activities qualify for an exception listed in 16 USC 3505(a): |  |  |

USFWS Review Date: Click or tap to enter a date.

Supporting Documentation (check all that apply):

Interagency CRBA consultation documentation

Maps

agency coordination

Other: Enter text here...

* + 1. Clean Water Act Section 402

Type of permitting anticipated (check all that apply):

RIPDES Construction General Permit (CGP) (equal to or greater than one acre of disturbance down to the   erodible surface)

* Disturbed Area:                acres
* RIDOT Large-Site SWPPP required

RIDOT Small-Site SWPPP (less than 1 acre of disturbance down to the erodible surface)

* Disturbed Area:                acres
* RIDOT Small-Site SWPPP required

Describe best management practices to minimize discharge of pollutants (in addition to SWPPP) to waters of the State:

Enter text here...

RIPDES Remediation General Permit (RGP) (dewatering of contaminated material)

**RHODE ISLAND DEPARTMENT OF TRANSPORATION CONSENT DECREE**

|  | Yes | No | Exempt |
| --- | --- | --- | --- |
| Project complies with the RIDOT Consent Decree |  |  |  |
| The project will clean, flush, inspect, and repair drainage system, including all catch basins, drainage manholes, outfalls, conveyance, and STU’s in project area. |  |  |  |

**If Yes** or **Exempt:** Please explain why project is exempt or why treatment goal can’t be met.

Enter text here...

Summarize any coordination, commitments and/or mitigative measures for the above requirements, if applicable:

Enter text here...

Supporting Documentation (check all that apply):

Worksheets A and B1

approval from RIDOT Environmental Division

Other

* + 1. Safe Drinking Water Act

|  | Yes | No |
| --- | --- | --- |
| Project proposes Groundwater Discharge (GWD)/ Underground Injection Control (UIC): |  |  |
| Project is located within a sole source aquifer: |  |  |

If located in a Sole Source Aquifer, does the project need EPA approval?

If Yes, date of EPA approval: Click or tap to enter a date.

Supporting Documentation (check all that apply):

agency coordination

EPA approval

Other:

* 1. Threatened & Endangered Species
     1. U.S. Fish & Wildlife Service (USFWS) Section 7 Endangered Species Act (ESA)

|  |  |  |
| --- | --- | --- |
|  | Yes | No |
| Are there listed T&E species, Other than the Northern Long Eared Bat (NLEB), that potentially occur in the project’s action area and/or project has designated critical habitat present within the project’s action area: |  |  |

|  |  |  |  |  |
| --- | --- | --- | --- | --- |
| Species Name | Suitable Habitat  *Is suitable habitat for listed species present in your action area?*  (Choose from drop down below.) | Species Presence  *Does the species occur in your action area?*  **(Choose from drop down below.)** | Effect Determination  *Consider all potential effects from the action to threatened or endangered species.* **(Choose from drop down below.)** | Notes/Information  *Explain what info was used to determine presence of suitable habitat and/or species.* |
|  | Suitable Habitat Present | Species present | No Effect |  |
|  | Suitable Habitat Present | Species present | No Effect |  |
|  | Suitable Habitat Present | Species present | No Effect |  |

If NLAA, date of USFWS Concurrence: Click or tap to enter a date.

If LAA, date Biological Opinion (BO) Issued: Click or tap to enter a date.

If consultation was completed, summarize any coordination and conservation measures that will be applied to avoid or minimize effects to species, if applicable:

Enter text here...

Supporting Documentation (check all that apply):

USFWS species list

NLAA concurrence letter

biological opinion

agency coordination

Other: Enter text here...

1. USFWS Northern Long-Eared Bat (NLEB) Section 7 ESA

|  | Yes | No |
| --- | --- | --- |
| The proposed project will potentially impact the endangered NLEB: |  |  |
| An effect determination was made using the FHWA Programmatic BO: |  |  |
| Was a Presence/Absence Summer Survey Conducted?  Date of Survey: Click or tap to enter a date.  Present Absent |  |  |
| Was a visual emergence survey conducted?  Date of Survey: Click or tap to enter a date.  Present Absent |  |  |
| Was a bridge assessment conducted?  Date of Survey: Click or tap to enter a date.  Present Absent |  |  |

Effect Determination

No Effect  NLAA  LAA

If NLAA, Date of USFWS Concurrence/Verification Letter: Click or tap to enter a date.

If LAA, Date BO Issued: Click or tap to enter a date.

Summarize any coordination and avoidance, minimization, and mitigation measures that will be applied, if applicable: Enter text here...

 Supporting Documentation (check all that apply):

USFWS species list

USFWS concurrence/verification letter

biological opinion

agency coordination

Other: Enter text here...

1. National Marine Fisheries Service (NMFS) Greater Atlantic Regional Fisheries Office (GARFO)Section 7 Endangered Species Act (ESA)

|  |  |  |
| --- | --- | --- |
| Project will potentially impact NMFS ESA listed species: | Yes | No |

If **No**, but the Section 7 mapper results show resources are present based on project location, select why no potential impacts are anticipated:

No work anticipated below Mean High Water (MHW).

No use of vessels or barges anticipated.

Other:

An effect determination was made using the following:

FHWA NLAA Programmatic

Individual Consultation

Effect Determination

No Effect  NLAA  LAA

Date Consultation Initiated: Click or tap to enter a date.

Date of NMFS Concurrence:  Click or tap to enter a date.

If LAA, Date BO Issued:  Click or tap to enter a date.

Summarize any coordination, commitments and/or mitigative measures, if applicable:

Enter text here...

Supporting Documentation (check all that apply):

ESA Section 7 Mapper Species List

Verification Form

Agency coordination

Other: Enter text here...

1. RIDEM RI State-listed Species

|  |  |  |
| --- | --- | --- |
|  | Yes | No |
| There are state listed T&E species that potentially occur in the project’s action area: |  |  |

Natural Heritage Area (NHA) #: Enter text here...

|  |  |  |
| --- | --- | --- |
|  | Yes | No |
| Is there suitable habitat for the species within the project action area? |  |  |
| If Yes, were species found during a presence/absence survey? |  |  |
| Did coordination with RIDEM Fish & Wildlife occur to discuss potential Best Management  Practice’s (BMPs)? |  |  |

Supporting Documentation (check all that apply):

NHA species list

Agency coordination

Other:

* 1. Special Resources
     1. **NMFS GARFO Essential Fish Habitat (EFH**)

|  | Yes | No |
| --- | --- | --- |
| Project will potentially impact essential fish habitat: |  |  |

If **No**, but EFH mapper results show resources are present based on project

location, explain why no potential impacts are anticipated:

No work anticipated below Ordinary High Water (OHW) and/or MHW.

No use of vessels or barges anticipated.

Impassable downstream dam is present and impedes anadromous fish passage.

Other: Enter text here...

An effect determination was made using the following:

FHWA EFH Programmatic

Individual Consultation – Abbreviated

Individual Consultation - Expanded

Effect Determination:

No Adverse Effect (no consultation)

The adverse effect on EFH is not substantial (programmatic or individual-abbreviated)

The adverse effect on EFH is substantial (individual-expanded)

Date Consultation Initiated:  Click or tap to enter a date.

Date of NMFS Concurrence:  Click or tap to enter a date.

Summarize any coordination, commitments and/or mitigative measures, if applicable:

Enter text here...

Supporting Documentation (check all that apply):

EFH mapper species list

verification form

agency coordination

Other: Enter text here...

* + 1. Migratory Bird Treaty Act (MBTA) and Bald and Golden Eagle Protection Act

|  | Yes | No |
| --- | --- | --- |
| There is suitable habitat for migratory birds and/or migratory birds are known to likely to occur in the project area |  |  |
| The project is within suitable habitat for Bald or Golden Eagles and/or Bald or Golden Eagles are known to likely to occur in the project area: |  |  |
| If suitable habitat, were surveys conducted for evidence of migratory birds and/or Bald or Golden Eagles within the project area? |  |  |

If **Yes**, describe survey results and any coordination with the USFWS (if applicable):

Enter text here...

Describe avoidance and minimization measures, including timing windows, that will be followed to comply with the MBTA and the Bald and Golden Eagle Protection Act:

If clearing and grubbing, tree removal, staging areas or other land disturbing activities will occur during the migratory bird breeding season (March 1st- August 31st), the Contractor /Environmental Monitor will inspect the affected right-of-way for bird nests before commencing work. If any active nest is discovered, work will stop and the RIDOT Natural Resources Unit (NRU) shall be contacted.

Before commencing any bridge-related construction activities during the migratory bird breeding season (March 1st-August 31st), the Contractor/Environmental Monitor will inspect the bridge(s) for bird nests. If any active nest is discovered, work will stop and the RIDOT NRU shall be contacted.

The Contractor will not disturb any active nests (completed or partially completed nests that contain eggs or nestlings).  If any active nest is discovered and the nest cannot be avoided, work shall stop and the RIDOT NRU shall be contacted to evaluate the potential for disturbance of nests. The project will avoid the removal and destruction of active bird nests except through federal and state approved options.

At no time will large nests of ospreys, hawks, falcons or eagles be destroyed. If it is determined that raptor or eagle roosts may be present, the Contractor will coordinate with RIDOT NRU prior to construction.

Other:  Enter text here...

Supporting Documentation (check all that apply):

Survey documentation/reports

agency coordination

Other: Enter text here...

* + 1. Marine Mammal Protection Act (MMPA)

|  | Yes | No |
| --- | --- | --- |
| The project will potentially result in incidental harassment or take of marine  mammals in U.S. waters: |  |  |

If **Yes**, type of coordination

USFWS

NMFS

The project will require the following permits from the NMFS:

Incidental Harassment Authorization (IHA)

Letter of Authorization (LOA)

N/A

Summarize any coordination, commitments and/or mitigative measures, if applicable:

Enter text here...

Supporting Documentation (check all that apply):

agency coordinate

Other: Enter text here...

* + 1. Wild and Scenic Rivers Act

|  | Yes | No |
| --- | --- | --- |
| Proposed project occurs on or adjacent to a designated wild and scenic river, a congressionally authorized study river, or upstream, downstream or on a tributary of such river: |  |  |

Effect Determination:

No Adverse Effect  Adverse Effect.

Date of National Park Service (NPS) Approval:  Click or tap to enter a date.

Summarize any coordination, commitments and/or mitigative measures, if applicable:

Enter text here...

Supporting Documentation (check all that apply):

agency coordination

Other Enter text here...

* 1. Section 4(f) PROPERTIES

No Section 4(f)

De Minimis Evaluation

Exempt as an Improvement Project (23 CFR 774.13(g))

Programmatic Evaluation

Individual Evaluation

Supporting Documentation (check all that apply):

Section 4(f) Checklist

Documentation of De Minimis Evaluation or Exemption under Improvement Project (23 CFR 774.13(g))

Programmatic Section 4(f) Evaluation

Individual Section 4(f) Evaluation

Supporting Documentation:

Section 4(f) Checklist

Summary of Findings from the Cultural Resources Unit:

Enter text here...

* 1. Historical Properties

Effect Determination:

No Historic Properties Present – “No Effect” Determination

Historic Properties Present – No Adverse Effect Determination or PA Form

Historic Properties Present – Adverse Effect Determination

Supporting Documentation (check all that apply):

“No Effect” Determination Documentation

PA Form

Standard Section 106 Review Documentation

Summary of Findings from the Cultural Resources Unit:

Enter text here...

* 1. noise

Type I Project - i.e., highway on new location, substantial geometric alteration of an existing highway, addition or relocation of interchange lanes or ramps)

Type II Project - noise abatement program or project

Type III Project - project that does not meet the classification of Type I or Type II project. Type III projects do not require a noise analysis

Supporting Documentation:

Enter text here...

* 1. right-of-way requirements

|  | Yes | No |
| --- | --- | --- |
| Project will involve the permanent acquisition of more than minor amounts of right of way or involves non-residential or residential displacement: |  |  |

Parcel Summary

|  |  |
| --- | --- |
| Permanent Acquisition Type | Impact Description |
|  |  |
|  |  |
|  |  |
|  |  |

Discuss impacts to the activities or functions of the affected properties, if applicable:

Enter text here...

|  | Yes | No |
| --- | --- | --- |
| All acquisitions and relocations shall be conducted in accordance with the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970, as amended. |  |  |

Supporting Documentation:

Enter text here...

* 1. other environmental impacts
     1. Hazardous Waste and other Contaminated Materials

|  | Yes | No |
| --- | --- | --- |
| Does the project require excavation of known contaminated/regulated soil, regardless of depth? (e.g., work near railroad corridors or historic urban fill)? |  |  |

If Yes, summarize RIDEM coordination.

Enter text here...

|  | Yes | No |
| --- | --- | --- |
| Will properties that have the potential to or are known to be contaminated, be acquired as part of this project? |  |  |

If Yes, summarize RIDEM coordination.

Enter text here...

|  | Yes | No |
| --- | --- | --- |
| Does the project require excavation of 2’ or more below the existing ground surface? |  |  |

If **Yes**, will groundwater be encountered?   

Check the applicable assessments conducted to date:

Corridor Land Use Evaluation

Phase I Environmental Site Assessment

Phase II Environmental Site Assessment

Summarize (RECs) Recognized Environmental Concerns (Note any Superfund Sites within a one-mile radius, state listed sites within a ½ mile radius, and any Underground Storage Tanks)

Enter text here...

Summarize RIDEM coordination, conclusions and recommendations supported by the findings of the assessment.

Enter text here...

 Supporting Documentation (check all that apply):

site maps

Environmental Site Assessment(s)

agency coordination

Other: Enter text here...

* + 1. Farmland Protection Policy Act

|  | Yes | No |
| --- | --- | --- |
| Project will impact farmland listed as prime or of statewide importance: |  |  |
| Does the project convert prime or unique agricultural land to nonagricultural uses? |  |  |

If **Yes**, date of Natural Resource Conservation Service approval: Click or tap to enter a date.

Supporting Documentation (check all that apply):

agency coordination

Other: Enter text here...

* + 1. Invasive Species (Executive Order 13112 & 13751)

|  | Yes | No |
| --- | --- | --- |
| Project will involve ground disturbance: |  |  |
| If **Yes**, a survey for invasive species resulted in the presence of invasive species/ noxious weeds within the project area or adjacent to the project: |  |  |
| The project includes all practicable measures to minimize the introduction or spread invasive species (appropriate tools, techniques, management strategies, and risks for invasive species prevention, control, and management been considered in the planning process): |  |  |

 Summarize avoidance and minimization measures that will prevent the introduction, continued existence, or spread of noxious weeds or invasive species, if any. Include any commitments or mitigative measures:

Enter text here...

Supporting Documentation (check all that apply):

survey results

agency coordination

Other: Enter text here...

* + 1. Vegetation and Roadside Management

|  | Yes | No |
| --- | --- | --- |
| The project will result in impacts to natural/native plant communities, landscape and ornamental plantings, vegetation providing an engineering function, or vegetation of exceptional visual quality: |  |  |

If **Yes**, please describe the impacts and how impacts will be minimized or mitigated (BMPs, RIDOT Standard Specs, etc.)

Enter text here...

|  | Yes | No |
| --- | --- | --- |
| The proposed project will occur on a designated Rhode Island Scenic Roadway: |  |  |
| RI Scenic Roadways Board (SRB) Effect Determination anticipated:  No Adverse Effect  Adverse Effect |  |  |

Summarize any coordination, commitments and/or mitigative measures discussed with the SRB, if applicable:

Enter text here...

Supporting Documentation (check all that apply):

agency coordination

Other: Enter text here...

* + 1. **Community Impacts, Environmental Justice, and Title VI Compliance**

Consultation with RIDOT Title VI Coordinator/Office of Civil Rights – Title VI/Environmental Justice Analysis:

|  | Yes | No |
| --- | --- | --- |
| There are significant EJ populations (low-income, minorities, LEP, Age 64+, and individuals with disabilities) within the project area (0.5-mile radius): |  |  |
| There are disproportionately high and adverse social, economic, and environmental impacts to EJ populations expected from this project: |  |  |
| There are significant temporary EJ impacts expected during the construction of this project: |  |  |

If there is an affect to EJ populations, summarize the public outreach effort and mitigation to engage and protect these populations:

Enter text here...

Supporting Documentation:

Enter text here...

1. **Categorical Exclusion (CE) Determination Checklist**

Starting with Section 1, answer the questions by checking **Yes** or **No**.

After each of the following sections, there will be instructions that direct the preparer to continue to the next appropriate section of the checklist. The source(s) of the information used should be listed at the bottom of the response to each question and supporting documentation should be attached to the checklist. The preparer should refer to RIDOT’s *Categorical Exclusion Project Narrative and Checklist Detailed Instruction*s for further information and guidance on completing this checklist.

|  |  |  |
| --- | --- | --- |
| Section 1-Categorical Exclusions | **YES** | **NO** |
| 1. Is the project on the list of CEs? |  |  |

If “**Yes**,” the preparer should check the CE that is being considered and then complete Section 2 below.

If “**No**,” the preparer should complete Section 2 below.

List of Categorical Exclusions

**Categorical Exclusions in 23 CFR 771.117(c) (The “C” List)**

1. Activities that 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 that establish classes of highways on the Federal Aid highway system. A feasibility study would be an example of this CE.
2. Approval of utility installations along or across a transportation facility.
3. Construction of bicycle and pedestrian lanes, paths, and facilities. Examples include walkways, sidewalks, shared-use paths and facilities, and small passenger shelters provided no new disturbance will occur.
4. Activities included in RIDOT’s highway safety plan under 23 USC 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 review under NEPA.
6. Installation of noise barriers or alterations to existing publicly owned buildings to provide noise reduction. Examples include maintenance and/or replacement of existing noise wall panels and/or posts.
7. Landscaping. Examples include herbicidal spraying; mowing or brush removal/trimming projects; and beautification or facility improvement projects (*e.g.*, landscaping, curb and gutter replacement, installation of park benches, or decorative lighting).
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. Examples include the installation or maintenance of signs, pavement markings/raised pavement markers/sensors, traffic calming activities, new or replacement right-of-way fencing, and general pavement marking or "line painting" projects.
9. The following actions for transportation facilities damaged by an incident resulting in an emergency declared by the Governor of Rhode Island and concurred by the Secretary of the United States Department of Transportation (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 the FHWA Emergency Relief Program (23 U.S.C. 125); and

(b) The repair, reconstruction, restoration, retrofitting, or replacement of any road, highway, bridge, tunnel, or transit facility, 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 right-of-way 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 two-year period beginning on the date of the declaration.

1. Acquisition of scenic easements. Examples include conservation easements and mitigation easements.
2. Determination of payback under 23 USC 156 for property previously acquired with Federal Aid participation.
3. Improvements to existing rest areas and truck weigh stations. Examples include resurfacing of existing parking areas, truck stop electrification, and construction/installation of alternative energy facilities at existing facilities.
4. Ridesharing activities. Examples include transportation corridor fringe parking facilities and park and-ride lots.
5. Bus and rail car rehabilitation.
6. Alterations to facilities or vehicles in order to make them accessible for elderly and handicapped persons.
7. Program administration, technical assistance activities, and operating assistance to transit authorities to continue existing service or increase service to meet routine changes in demand.
8. The purchase of vehicles whose use can be accommodated by existing facilities or by new facilities which themselves are categorically excluded. An example would be the purchase or conversion of vehicles to alternative fuel uses.
9. Track and rail bed maintenance and improvements when carried out within the existing right-of-way.
10. Purchase and installation of operating or maintenance equipment to be located within the transit facility and with no significant impacts off the site.
11. [Not Applicable]
12. Deployment of intelligent transportation systems.
13. Projects, as defined in 23 U.S.C. 101, that would take place entirely within the existing operational right-of-way. Examples include:

Tower lighting.

Guardrail installation and replacement (including median cable barriers) where roadway ditches and backslopes will not be relocated.

Improvements to existing RIDOT maintenance facilities.

Construction of new RIDOT maintenance facilities within an existing operational right‑of‑way.

Work on pedestrian and vehicle transfer structures and associated utilities, buildings, and terminals.

1. Federally funded projects:

(a) That receive less than $5 million of Federal funds (as adjusted annually by the Secretary to reflect any increases in the Consumer Price Index prepared by the Department of Labor); or

(b) With a total estimated cost of not more than $30 million (as adjusted annually by the Secretary to reflect any increases in the Consumer Price Index prepared by the Department of Labor) and Federal funds comprising less than 15 percent of the total estimated project cost.

1. 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; archaeological investigations for archaeology resources assessment or similar survey; and wetland surveys. (This CE only applies to stand alone projects, not for environmental surveys being conducted as part of a project with an environmental document).
2. Environmental restoration and pollution abatement actions to minimize or mitigate the impacts of any existing transportation facility carried out to address water pollution or environmental degradation. These actions include 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 USC 1341; 1342).
3. Modernization of a highway by resurfacing, restoration, rehabilitation, reconstruction, adding shoulders, or adding auxiliary lanes or parking lanes. Examples include:

Construction of highway safety and truck escape ramps.

Construction of bicycle lanes and pedestrian walkways, sidewalks, shared-use paths, or facilities and trailhead parking that do not otherwise qualify for a CE C-1 designation.

Beautification or facility improvement projects (*e.g.*, landscaping, curb and gutter installation and replacement, ADA ramps/curb ramps, installation of park benches, or decorative lighting).

Implementation of Complete Street elements to improve safety and/or pedestrian, bicycle, transit, vehicular, or freight mobility.

1. Highway safety or traffic operations improvement projects, including the installation of ramp metering control devices and lighting. Examples include lane reduction changes, provided that traffic analyses are completed.
2. Bridge rehabilitation, reconstruction, or replacement or the construction of grade separation to replace existing at-grade railroad crossings.
3. 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.
4. 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.

**Categorical Exclusions in 23 CFR 771.117(d) (The “D” List)**

1. to 3. [Reserved]

1. Transportation corridor fringe parking facilities.
2. Construction of new truck weigh stations or rest areas.
3. Approvals for disposal of excess right-of-way or for joint or limited use of right-of-way, where the proposed use does not have significant adverse impacts.
4. Approvals for changes in access control.
5. 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 is located on or near a street with adequate capacity to handle anticipated and support vehicle traffic.
6. 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.
7. Construction of bus transfer facility when located in a commercial area or other high activity center in which there is adequate street capacity for projected bus traffic.
8. 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.
9. Acquisition of a particular parcel or a limited number of parcels for hardship or protective purposes 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. An example is right-of-way acquisition only for a bikeway/pedestrian facility (no construction).

| Section 2-CE and Unusual Circumstances Questions | **YES** | **NO** |
| --- | --- | --- |
| 1. Does the project induce significant impacts to planned growth or land use for the area? |  |  |
| 1. Does the project require the relocation of significant numbers of people? |  |  |
| 1. Does the project have a significant impact on any natural, cultural, recreational, historic, or other resource? |  |  |
| 1. Does the project involve significant air, noise, or water quality impacts? |  |  |
| 1. Does the project have a significant impact on travel patterns? |  |  |
| 1. Does the project involve substantial controversy on environmental grounds? |  |  |
| 1. Does the project have a significant impact on Section 4(f) properties or on historic properties? |  |  |
| 1. Is the project inconsistent with any Federal or state requirement or administrative determination relating to the environmental aspects of the action? |  |  |

If the answer for any of the questions within Section 2 is “Yes,” then the project does not qualify as a CE and an EA or EIS is required. If the answer for all the questions within Section 2 is “No,” complete Section 3 below.

| Section 3-segmentation questions | **YES** | **NO** |
| --- | --- | --- |
| 1. Is the action a linear project? |  |  |

If the answer is “**Yes**,” the preparer should complete Questions 11 through 13. If the answer is “**No**,” the preparer should not respond to Questions 11 through 13 and advance to Section 4 below.

|  |  |  |
| --- | --- | --- |
| 1. Does the project have independent utility? |  |  |
| 1. Does the project connect logical termini? |  |  |
| 1. Does the project allow further consideration of alternatives for other reasonably foreseeable transportation improvements? |  |  |

If any of the answers for Questions 11, 12, and 13 is “**No**,” then the project does not qualify as a CE and consultation between RIDOT and FHWA is required. If the answers for Questions 11, 12, and 13 are “**Yes**,” complete Section 4 below.

| Section 4-programmatic CE Condition Questions | **YES** | **NO** |
| --- | --- | --- |
| 1. Does the project involve the permanent acquisition of more than minor amounts of right-of-way or involve non-residential or residential displacements? |  |  |
| 1. Does the project have a substantial environmental impact from the intended future use of land involved in the sale, transfer, or lease of state‑owned property? |  |  |
| 1. Will the project have a finding of adverse effect on historic properties? |  |  |
| 1. Does the project have a disproportionately high and adverse impact on minority or low-income populations? |  |  |
| 1. Is the project a Type I project requiring a noise analysis? |  |  |
| 1. Does the project require the use of Section 4(f) properties necessitating the preparation of an Individual Section 4(f) Evaluation? |  |  |
| 1. Does the project require the use of Section 6(f) properties? |  |  |
| 1. Does the project require a U.S. Army Corps of Engineers Section 10 permit or Individual Section 404 permit? |  |  |
| 1. Does the project require a U.S. Coast Guard bridge permit? |  |  |
| 1. Does the project adversely affect Federally listed threatened or endangered species or critical habitat? |  |  |
| 1. Does the project involve afloodplain encroachment other than for functionally dependent uses or actions that facilitate open space use? |  |  |
| 1. Does the project involve construction in, across, or adjacent to a river component designated or proposed for inclusion in the National System of Wild and Scenic Rivers? |  |  |
| 1. Does the project convert prime or unique agricultural land to nonagricultural uses? |  |  |
| 1. Does the project affect a known Superfund site? |  |  |
| 1. Does the action involve any changes in access control? |  |  |
| 1. Does the project involve the construction of temporary access or closure of existing road, bridge, or ramps? |  |  |

If the answers to Questions 14 through 29 are “**No**” then the project qualifies as a Programmatic CE. If any of the answers to Questions 14 through 28 are “**Yes**” then the project cannot be classified as a Programmatic CE and an Individual CE approval from FHWA is required. If the answer to Question 29 is “**Yes**”, complete Question 30 below.

|  |  |  |
| --- | --- | --- |
|  | **YES** | **NO** |
| 1. Does the project meet the following conditions for construction of temporary access or closure of existing road, bridge, or ramps? |  |  |
| * Provisions will be made for access by local traffic and will be posted; |  |  |
| * There will be no substantial impacts on through-traffic dependent business; |  |  |
| * The temporary access or closure of existing road, bridge, or ramps will not interfere with a local special event or festival; |  |  |
| * The temporary access or closure of existing road, bridge, or ramps will not substantially change the environmental consequences of the project; or |  |  |
| * There is no substantial controversy associated with the temporary access or closure of existing road, bridge, or ramps. |  |  |

If the answer to Question 30 is “**Yes**”,” then the project qualifies as a Programmatic CE.

If the answer to Question 30 is” No”, then the project cannot be classified as a Programmatic CE and an Individual CE approval from FHWA is required. The preparer should attach to this checklist all supporting information to clearly establish that there is little or no potential for significant impact.

Submitted By:

\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

*{Insert Name Here}* Date

Project Manager

Approval:

*{Insert Name Here}* Date

Managing Engineer

Approval:

\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

*{Insert Name Here}* Date

Administrator, Division of Project Management

For Individual CEs, the FHWA Division Administrator’s signature is also required.

\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

Division Administrator (or designee) Date

FHWA Comments/Conditions:

Enter text here...

1. Rhode Island Department of Transportation Categorical Exclusion Reevaluation

RIDOT is conducting a reevaluation of this CE because one or more of the following circumstances has occurred:

There are substantial changes in the proposed action that are relevant to environmental concerns or;

There are significant new circumstances or information relevant to environmental concerns and that have a bearing on the proposed action or its impacts or;

The project has not commenced (*i.e.,* has not started construction) within three years from the project's CE determination and RIDOT has not re-examined the environmental studies during that time.

1. Date Categorical Exclusion Approved: Click here to enter text.
2. Are the proposed improvements substantially different than those approved for the Categorical Exclusion?

Yes  No Explanation: Click here to enter text.

1. Have there been changes in the project surroundings?

Yes  No Explanation: Click here to enter text.

1. Are the environmental impacts from the proposed improvements substantially different?

Yes  No Explanation: Click here to enter text.

The above information verifies that the current proposed action, when compared to that for which a CE was approved, will not result in substantially different environmental impacts. The CE classification for the proposed action is, therefore, still valid.

Submitted By:

\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

*{Insert Name Here}* Date

Project Manager

Approval:

*{Insert Name Here}* Date

Managing Engineer

Approval:

\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

*{Insert Name Here}* Date

Administrator, Division of Project Management

For Individual CEs, the FHWA Division Administrator’s signature is also required.

\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

Division Administrator (or designee) Date

FHWA Comments/Conditions:

Enter text here...