

Environmental Analysis

NEPA Documents – Categorical Exclusion

Applicability
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Development
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Review and Approval

APPLICABILITY

For GDOT projects involving federal actions, such as federal-aid projects and projects with interstate right-of-way (ROW) encroachments, the Federal Highway Administration (FHWA) ensures National Environmental Policy Act (NEPA) compliance through review and approval of NEPA documents, including Categorical Exclusions (CEs). The Environmental Analyst prepares CEs for those projects that do not individually or cumulatively have a significant environmental effect. At GDOT, CEs must be reviewed and approved by FHWA. GDOT also has Programmatic CEs (PCEs) that—by agreement with FHWA—are approved internally by GDOT’s Office of Environmental Services (OES). CEs typically include intersection improvements, pedestrian or enhancement projects, and bridge replacements.

REGULATIONS, GUIDANCE, AND POLICY

CE documentation is defined by federal laws and regulations and is developed by policies, guidance, and agreements between FHWA and GDOT.

National Environmental Policy Act

NEPA is an umbrella law that encompasses a wide range of environmental laws. It requires that federal agencies consider environmental consequences when developing their projects and programs. NEPA also requires that the agency taking the federal action issues a public environmental document to disclose the decision-making process and environmental impacts of the project.

A transportation project’s potential to impact the environment varies. US Department of Transportation regulations, 23 Code of Federal Regulations (CFR) 771.115, define projects and their documentation under three classes of action:

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- > Class I, Environmental Impact Statements (EIS) are prepared for projects whose action will have a significant effect on the environment.
- > Class II, CEs are prepared for projects that do not individually or cumulatively have a significant environmental effect.
- > Class III, Environmental Assessments (EA) are prepared for projects in which the significance of the environmental impact is not clearly defined. All actions that are not Class I or II are Class III. All actions in this class require the preparation of an EA to determine the appropriate environmental document required.

FHWA regulations further define CEs as “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 CFR 771.117(a).

A list of actions predetermined to qualify as CEs can be found in 23 CFR 771.117(c). Other projects, pursuant to 23 CFR 771.117(d), may qualify as CEs if appropriate. OES leadership has a good sense of what projects qualify as CEs, but, if there is doubt, the OES Environmental Analyst may coordinate with the FHWA Reviewer to determine the class of environmental documentation.

Categorical Exclusions 23 CFR 771.117(c) and (d),
Federal Highway Administration

Because major widening projects, new location roadways, and new location interchanges have a high potential for significant adverse effects they typically cannot advance as CEs. However, even minor projects cannot advance as CEs if they have the potential for significant environmental impacts. For example, a shoulder widening project is generally considered minor and could advance as a CE. But, if that project was on a causeway surrounded by high-quality marshlands, protected species, and a National Monument, it would likely require an EA to determine if significant impacts are present.

The project team may anticipate the required NEPA documentation, but the results of environmental technical studies and coordination may reveal the project’s potential for significant adverse effects. This may elevate a minor project from a CE to an EA. The Environmental Analyst should be alert to the following conditions:

- > An Individual Section 4(f) Evaluation;
- > Formal Section 7 Coordination (adverse effect(s) to protected species);
- > Adverse effect(s) to archaeological and/or historic resources;

- > Residential or commercial displacements;
- > Disproportionately adverse effects to environmental justice communities;
- > Changes to access (median placement, driveway removal, converting a roadway into a cul-de-sac, or intersection control);
- > Adverse noise impacts;
- > An Individual Section 404 Permit; and
- > Substantial public controversy.

These conditions may be addressed in CE documentation, but, if several are present, an EA may need to be considered. The OES Environmental Analyst should coordinate with the FHWA Reviewer to confirm.

DEVELOPMENT

CE projects require many of the same activities for their development as EA-level projects. However, a lower level of detail is typically required to document these activities. As with all projects, the Environmental Analyst must be particularly aware of the schedule during development.

Baseline Schedules

The Baseline Schedule for a CE to advance from the start of environmental studies (P6 activity 11412) to CE approval (P6 activity 14533) is typically 21 months. This schedule allows for only one survey season for threatened and endangered species. If more than one is required, document approval may be delayed.

Resource Identification and Technical Documentation

CEs are final environmental documents. The resource identification survey reports, Avoidance and Minimization Measures Meeting activities (which may be waived if no resources are present), technical studies, and agency concurrences must be completed before the Environmental Analyst submits the document for review and approval. CE preparation, however, should be underway during the project's development so it can quickly be submitted after the final agency concurrence.

In some cases, when it is necessary to recover a project schedule, the Environmental Analyst may submit the document for review concurrent with an AOE review or a resource agency review. Consultant Environmental Analysts must coordinate with OES in advance for concurrent reviews. For concurrent or expedited reviews with FHWA, OES must submit a formal request with the FHWA reviewer. A concurrent or expedited review with FHWA or other external agencies should only be requested as a last resort to recover a project schedule.

Additionally, as technical documents are completed, the Environmental Analyst must coordinate with the Environmental Subject Matter Experts (SMEs) to develop the Environmental Commitments Table (ECT, aka Green Sheet). Before CE submittal, the ECT must be approved by the OES Environmental SMEs, the Project Manager (PM), and the Engineer of Record. ECT approval emails must be attached to the ECT before the CE is submitted to FHWA.

Public Involvements

Projects qualifying as CEs may include public involvement. If the project involves one or more of the following conditions, public involvement is typically included in the project schedule:

- > Displacements, commercial or residential;
- > Changes to access, such as median placement, driveway removal, converting a roadway into a cul-de-sac, or intersection control;
- > The potential for public controversy, e.g., installation of a roundabout in an area unfamiliar with roundabouts; restriping to create a diverging diamond interchange; significant changes to land use – loss of front yards, major loss of parking;
- > Disruptive activities during construction, such as an off-site detour; and
- > Section 4(f) *de minimis* finding for public parks, recreation areas, wildlife and waterfowl refuges.

The above list is not exhaustive. The Environmental Analyst should always be alert to other circumstances where public involvement would advance the project. Public involvement of some form or another should be considered for every project, even when no formal activities are conducted. Depending on the project circumstances, the Environmental Analyst may employ public involvement strategies other than a typical Public Involvement Open House (PIOH). In some cases, flyers, signs, newspaper ads, a virtual PIOH, or some other effort may be more effective than the typical PIOH. If the project team decides to deviate from the typical PIOH, OES may need to coordinate a Public Involvement Plan with FHWA to employ these strategies.

If a public involvement activity—such as a PIOH—is conducted, the public comment period must be closed and a letter from GDOT responding to the public’s comments must be sent before submitting the CE to FHWA. On rare occasions, OES and FHWA may determine that the purpose of the PIOH is to notify the public of construction. The notification PIOH may be held closer to the project’s certification for letting and included in the project’s final Reevaluation. This type of public involvement activity is typically a commitment on the ECT.

DOCUMENT PREPARATION

For CE projects, the Environmental Analyst prepares CE documentation to demonstrate that the project provides an effects evaluation sufficient for the project’s approval as a CE. An ECT must also be included with the documentation. Templates for these documents may be updated at any time. The Environmental Analyst should always download the latest version of the template from the Environmental SharePoint Site.

Categorical Exclusion

The CE is composed of the following:

CE Form

This includes general project information followed by tables listing any required concurrences and summarizing the results of the effects evaluation. It also includes the signatures of the individuals responsible for document preparation, review, and approval.

For the effects evaluation tables, “None” means that the resource is not present. “No Involvement” means that the resource is present but not affected, and “Involvement” means that the resource may be affected by the project.

Attachment 1: Effects Evaluation

This attachment is the main part of the CE. It includes the project description, the project’s Need & Purpose, and a detailed discussion of the effects evaluation for all resources identified as “No Involvement” or “Involvement.” The survey reports and technical studies should be *summarized* in these discussions, not repeated verbatim.

Attachment 2: Correspondences

This attachment includes:

- > Early Coordination prepared by the Environmental Analyst and any response letters;
- > Letters and emails transmitting Environmental SME survey reports and technical studies to FHWA;
- > FHWA correspondence (letter or email) to federal agencies requesting consultation (e.g., US Fish and Wildlife Service [USFWS] or Advisory Council on Historic Preservation); and
- > Agency concurrences as required. Examples include State Historic Preservation Office concurrences to history survey, archaeology survey, and the cultural resources AOE (not including the Section 106 Notification); USFWS or National Marine Fisheries Service concurrences to Section 7 effects; and USFWS concurrences for Fish and Wildlife Coordination Act requirements.
- > Conceptual Stage Study (approval page only), if the project includes displacements;

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Other Attachments, as Needed

These may include:

- > Section 4(f) Evaluation, if required;
- > Screening Tool for Equity Analysis of Projects (STEAP) Project Buffer Analysis Profile Report, if prepared;
- > Public Involvement Materials: Handout, Summary of Comments, Comments, and Response Letters; and
- > Other material, if required.

Survey reports, technical studies, or other investigations should not be attached to the CE. If FHWA requests a copy of the Environmental Site Assessment for the hazardous materials investigation, for example, it should be submitted separately.

REVIEW AND APPROVAL

Table 1 illustrates the CE review timeline.

Table 1 – CE Review Timeline

Activity	Reviewer/Preparer	Duration
Review of First Submittal	OES Environmental Analyst/ Team Leader Reviewer	4 Weeks
Revisions and Resubmittal	Preparer (OES or Consultant Environmental Analyst)	1 Week
Review of Revised Submittal	OES Environmental Analyst/ Team Leader Reviewer	2 Weeks
Revisions and OES First Submittal to FHWA	Preparer (OES or Consultant Environmental Analyst)	1 Week
FHWA Review of First Submittal	FHWA Reviewer	3 Weeks
Revisions and OES Revised Submittal to FHWA	Preparer (OES or Consultant Environmental Analyst)	1 Week
FHWA Review of Revised Submittal and CE Approval	FHWA Reviewer	2 Weeks
<i>Total Time</i>		<i>14 Weeks</i>

Based on the *OES Document Review Policy* and the *GDOT-FHWA Stewardship Agreement*, adjusted to weeks.

CEs typically receive two rounds of OES comments and two rounds of FHWA comments. In rare cases, due to schedule delays, approval may be needed in fewer than 14 weeks. In these cases, the OES Environmental Analyst should request an expedited and/or concurrent review from the OES Reviewer. If the schedule requires an expedited review

from FHWA, an Assistant Office Head should ask FHWA for an expedited review. Responses to FHWA comments must include a disposition of comments letter that clearly states how the Environmental Analyst responded to each comment. Once approved, the Environmental Analyst should be aware that any design changes—particularly those identified as Hot Button issues—will require additional review by OES and possibly a Reevaluation.

Guidebook Revision History

Revision Description	Relevant Sections	Revision Date
Initial Publication	All	10/16/2020
Updated Hyperlink Button	Regulations, Guidance, and Policy	4/23/2021
Updated Hyperlink for PCE Agreement	Regulations, Guidance, and Policy	10/11/2023
Updated Guidebook to split off PCE section into its own	All	3/1/2024