

Guidelines for Completing the CE Documentation Form

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Consistent with Federal Highway Administration (FHWA) and Nebraska Department of Roads (NDOR) procedures, this document provides guidance in completing the CE Documentation Form to ensure that all potential environmental impacts are being considered, and compliance with all applicable laws, regulations and executive orders is being properly documented.

Please refer to the attached Appendices for additional information and guidance links. The appendices are as follows:

- Appendix A: Agency Contact Information
- Appendix B: Categorical Exclusion (CE) Lists and Criteria
- Appendix C: Acronyms and Abbreviations
- Appendix D: Key Terms / Glossary
- Appendix E: On-line Reference Links
- Appendix F: CEQ and FHWA Regulations for Categorical Exclusions

NEPA Determination Form

The NEPA Determination Form was developed by the Nebraska Department of Roads (NDOR) and the Federal Highway Administration (FHWA) to assist project sponsors in gathering and organizing materials for environmental analysis required under the National Environmental Policy Act (NEPA). All federal-aid projects developed or reviewed by the Nebraska Department of Roads (NDOR) must have a NEPA Determination Form completed.

Completion of the NEPA Determination Form will establish the type of NEPA documentation required to complete the project. The types of NEPA documentation identified in Title 23, Code of Federal Regulations, Section 771 are: Categorical Exclusion (CE), an Environmental Assessment (EA) or Environmental Impact Statement (EIS).

NDOR and FHWA have developed a Categorical Exclusion (CE) classification system for projects where there is sufficient evidence that no significant impacts are associated with the proposed action. Project that meet the criteria for a Categorical Exclusion (CE) as identified in Title 23, Code of Federal Regulations, Section 771.117 (23 CFR 771.117) and the applicability criteria or threshold values set forth in the NEPA Determination Form are classified as a Programmatic CE. If the responses provided in the NEPA Determination Form yields the need for additional research and documentation, NDOR and FHWA will jointly decide the appropriate NEPA document needed for the action. The procedures apply to projects that involve FHWA funding or approvals and do not apply to state or locally funded actions.

NEPA Documentation Process

The NEPA documentation process is a stepped process with incremental reviews and approvals as the project moves forward. To classify the type of NEPA documentation for a proposed action will require the project sponsor complete the NEPA Determination Form. The project sponsor will be required to coordinate with the appropriate resource and regulatory agencies to insure all potential issues and impacts are clearly identified. The project sponsor will certify the information in the NEPA Determination Form to initiate NDOR's review to classify the type of NEPA documentation required. The initial review may result in a determination that additional documentation is needed for compliance with federal or state regulations and a CE, EA, or EIS may be required. NDOR will coordinate with FHWA and obtain concurrence in the classification.

Construction activities, right-of-way acquisition, and final design may not begin until the CE approval process is complete. However, appropriate environmental studies (e.g., scoping field reviews, technical studies) and developing preliminary engineering details to gain adequate information to determine the CE classification can be performed. Throughout project development, changes in the project scope or the project limits require the project sponsor to contact the NDOR Environmental Section to evaluate potential impacts.

CE Documentation Form

Block 1. Project Description and Design Criteria

Describe the following components:

Project Sponsor: Identify the organization (e.g., county, local agency) that formally proposes the project and is responsible for project funding, project implementation, project evaluation, or a combination thereof.

Project Contact: Provide the name of the contact person for the proposed project, including street address, telephone number(s), and email address.

NDOR District: Provide the NDOR district where the proposed action will be located.

Project Name and Location: Give a brief description of location, including city, county, highway/roadway name, highway number, beginning and ending mileposts, and if necessary, give the distance to nearest landmark (e.g., 15 miles north of local airport). Attach maps identifying the vicinity, project's location, and surrounding land uses. The vicinity map can be created using a county map as the base, highlighting the study area, and showing a north arrow, scale, project name, and county. A project location map uses a USGS map or other mapping in an urban area and shows the proposed logical termini, the existing facility, north arrow, and scale.

Latitude / Longitude: Provide the latitude and longitude of the proposed project site, and/or provide the Section, Township, and Range the project is located in.

Limits of Work: Provide the locations of the beginning and ending points of work. Start and End locations can be Mileposts, Stations, or brief description. This will be used when reviewing the logical termini description.

Project Description: Give a brief description of the project setting (e.g., urban, rural) and existing conditions. Describe project activities and include such information as locations, length, logical termini, type of improvement/construction, distinct project features, etc... Note any critical resource areas (historic, cultural or environmental) or sensitive noise receptors (schools, hospitals, churches, residences, etc).

Purpose and Need for Project: Clearly identify and describe the underlying problem or deficiency (e.g., congestion, safety, system linkage). In addition, explain why the project is necessary (e.g., provide system continuity, capacity improvement, correct safety or roadway deficiencies). A clear, well-justified purpose and need statement/section explains why the expenditure of funds is necessary and worthwhile. The statement length and complexity will vary with the scope of the proposed project.

Design Criteria for Roadway: List all of the relevant design criteria for the project, to the extent that they are known. Although detail design is usually not available at this stage of the project development, estimations on a project's design criteria must be made as a basis to weigh the project's potential impacts to the environment. In the "proposed" column, list what criteria are expected to be implemented if the design is still uncertain. If more than one roadway is impacted, attach additional

sheets as necessary. In the Remarks section, discuss how traffic projections were made and what assumptions were made. If Directional Distribution is unknown, then use the default of 55%.

Roadway Character: For ROW widths use the average width or list all known widths on an attached sheet if necessary.

Design Exception: If a design exception is anticipated for either roadway or bridges, it is critical that it be discussed with all parties early in the process in order to conduct a field review or additional analysis as needed to ensure approval.

Design Criteria for Bridges: Structure data should be entered using information available in the National Bridge Inventory System. List all of the relevant design criteria for the structure, to the extent that they are known. Although detail design is usually not available at this stage of the project development, estimations on a structure's design criteria must be made as a basis to weigh the project's potential impacts to the environment. In the "proposed" column, list what criteria are expected to be implemented if the design is still uncertain. If more than one structure is impacted, attach additional sheets as necessary. Structure length is defined as the centerline length between undercopings of abutments or spring lines of arches, or extreme ends of the openings for multiple boxes.

1a) *STIP / TIP*: Identify if the project is listed within the Statewide Transportation Improvement Program (STIP) or Metropolitan Planning Organization Transportation Improvement Program (TIP).

If a project is not the STIP/TIP, contact NDOR Planning and Location Studies Manager and the MPO.

Block 2. Alternatives Considered

Many projects will have only two alternatives, the "no-build" and the "build" alternatives. The "no-build" alternative normally includes short-term minor restoration types of activities (safety and maintenance improvements, etc.) that maintain continuing operation of the existing roadway. Project types such as intersection improvements and bridge replacements are typically designed to utilize the existing roadway alignment if the horizontal and vertical curvatures are within current design standards. Projects with replacement on existing alignment would rarely need to introduce alternative alignments.

The no-build alternative must always be considered for every CE level project and discussed in the alternatives section of the form.

In a few paragraphs briefly describe for each reasonable alternative:

- Evaluate all reasonable alternatives so reviewer may evaluate their comparative merits. Discussion should include the use of what criteria and what parties were involved in establishing the criteria for assessing alternatives and measures of effectiveness (consider such factors as meeting purpose and need, inconsistency with local land use plans, economic feasibility, and general acceptance by stakeholders).
- The reasons some alternatives were eliminated from the study. Being as specific as possible is also essential - if an alternative is eliminated from further consideration because it "does not meet the purpose and need," there should be adequate explanation of how or why it doesn't meet the purpose and need.
- Identify preferred alternative.

Alternatives Evaluation

If a project has the potential to impact certain resources, such as wetlands, floodplains, Section 4(f) properties, or threatened and endangered species, then avoidance, minimization and mitigation alternatives may be required by regulations applicable to these resources. In addition, if the preferred alternative will affect such resources, adequate justification must be provided to explain why avoidance alternatives were not selected, in accordance with the regulations applicable to the resource(s) involved. For the alternatives not selected, an explanation must be provided as to why they are not "feasible and prudent".

In a few paragraphs briefly describe for each resource involved:

- Any alignment shifts or design features, such as retaining walls or steeper side slopes, which would completely avoid the use of the Section 4(f) property, wetland or other resource having potential impact.

NOTE: If Section 4(f) resources are present on the project, refer to Block 6, Section 4(f)/Section 6(f) to see if a Section 4(f) alternatives analysis is needed for the project.

Block 3. Right-of-Way / Relocation Impacts / Utilities

Accurate right-of-way information is critical to producing a satisfactory CE, since this information is needed to identify the area in which environmental impacts will be evaluated. Changes to right of way should be monitored at the various review steps to identify changes quickly and resolve any additional investigation or documentation that may be needed.

3a) Right-of-Way (ROW): Right of way amounts, both permanent and temporary should be described in terms of acres/parcel and land use (e.g., new ROW to accommodate additional roadway, drainage easement to extend culvert). Indicate current land use (residential, business, etc...), and if ROW donations or public park ROW is anticipated. Indicate if construction will require borrow, or staging area for construction equipment or batch plant. Include the location area or if contractor provided.

3b) Relocations: Where a proposed project will result in the relocation of residences, businesses, farms, or institutions, the following information should be discussed:

- An estimate of the number of properties that will be relocated (include unoccupied buildings, including garages, barns, storage facilities, vacant commercial establishments, etc). If available, provide the appropriate plan sheets from the preliminary design plans that show where the properties are located.
- The family characteristics (e.g., minority, elderly, income level, owner/tenant status), and/or description and size of businesses (number of employees) to be displaced.
- Availability of replacement business or housing locations.
- Why this would not be a significant impact.

- If not displaced, potential impacts on residences and/or businesses within the proximity of the proposed project.
- Impacts to economic activity are described as potential impacts resulting from relocation where mitigation can be accomplished under NEPA that are generally non compensable under state eminent domain. Possible example may include a project that eliminates a business's on-street parking availability.

The acquisition and relocation program is conducted in accordance with the Uniform Act and with the NDOR Relocation Assistance Program.

NOTE: FHWA regulations regarding CEs state in 23 CFR Section 771.117(a) that **CEs “do not require the relocation of significant numbers of people”**. If the proposed project will generate the need for eight (8) residential or commercial relocations or more than 25 acres of permanent right of way, contact your NDOR representative. The context and intensity of the impact may require the CE to be elevated to the next level.

3c) Utility Coordination: NDOR has the authority and responsibility to regulate utility occupancy on all state highways. All work in the highway right-of-way will need a permit.

All other public roads and streets not designated as state highways are under the jurisdiction of the political subdivisions (e.g., counties). The project sponsor will coordinate with the affected utility company(s) and submit a Utility Agreement to NDOR for review.

Identify any utilities within the project area and whether they will require relocation. If utility work or impacts will occur, discuss the type of utility (electric, telephone, etc.) and the type of work involved (i.e., relocation, temporary disconnection of service, etc.). Indicate whether utility coordination has been conducted. Note who will do the work (local government, contractor, utility company, etc...).

3d) Railroad Coordination: Where a proposed project will cross or potentially impact railroad crossings, lines, or signals, additional coordination is required with the Railroad companies.

Block 4. Socio-Economic

Socio-economic impacts include, but are not limited to, population, employment, housing, services and utilities, and local tax revenue. In addition, the project sponsor should address whether any minority, low-income, or other special needs (e.g., disabled, elderly) populations are present in the proposed project area that may incur disproportionately high and adverse effects.

4a) Environmental Justice (Executive Order 12989): If effects will occur, determine if there are any protected populations. These populations include: (1) minorities, (2) low-income, (3) age, gender, and disability, and (4) Limited English Proficiency (LEP). The first step is to identify which group or groups may be impacted and potential solutions to adverse impacts. The second step in the analysis is to address the context and intensity of the impacts. The "context" is the setting . . . neighborhood characteristics, features, demographics, issues of importance, cohesion, degree of interrelatedness and co-dependence, social networks/capital, etc. and how these things are effected or will change compared to the effects/changes in non-EJ populations. You will need to describe how big/small the effects are, given a particular context (e.g. acquiring one auto parts store out of 70 in the city of

Omaha vs. acquiring the only panaderia serving the latino population the neighborhood). "Intensity" is the severity/greater magnitude portion of the question. The documentation will need to answer whether the adverse effects suffered by the EJ populations are more severe than the adverse effects suffered by the non-EJ populations.

Document the findings, including impacts, solutions, and commitments. Low income and minority communities must not bear a disproportionate amount of impacts from a project nor have benefits, reduced or delayed. Relocation of residents is not always considered adequate mitigation or compensation. Avoiding and minimizing impacts is essential for project development.

If there would be no impacts to the human population, including socioeconomics and environmental justice, or if the proposed project would not occur in an area that has a high proportion of minority, low-income, or special need residents, no further documentation is necessary.

4b) Temporary and Permanent Access: Discuss temporary and permanent impacts of access change, business disruption, parking restrictions, etc. (e.g., driveway relocated or closure, trail, sidewalks, ADA access to business district, ADA access to 1st floor elevation within business district. Address temporary and permanent impacts to residential neighborhoods or individual residents, and/or permanent changes in traffic service that may occur as a result of the project. The impacts could include non-vehicular access, such as pedestrians, and impacts to special events, such as fairs and parades.

4c) Travel Patterns: If the proposed project will not result in any permanent traffic diversions, then no additional documentation is needed.

If permanent traffic diversions will occur then describe why it will not result in a "significant impact on travel patterns". Include whether the existing roadways have adequate capacity to handle increased bus or other vehicular traffic, potential traffic and parking impacts, and connectivity to other transportation facilities and modes. Include a map or diagram if the project will modify existing roadway configurations.

4d) Land Use Plans: The land use discussion should assess the consistency of the proposed project with the comprehensive development plans adopted for the area and (if applicable) other plans used in the development of the transportation plan.

If the proposed project is not consistent with local or regional land use plans, provide documentation of any collaborative efforts with local or regional government that summarizes how the proposed project would be implemented in order to achieve land use compatibility.

4e) Economic Impacts: If the proposed project will have an impact on employment, local tax base and/or property values, discuss the following:

- Effects of the proposed project on employment and tax base (retail sales, opportunity for development, tax revenues, etc.)
- Changes in property values. (A transportation project, such as an elevated highway or viaduct, could also have negative localized effects on noise levels and views along its route. These effects could then reduce the attractiveness of locations along that route as a place

to live and work. Although the effect is manifested directly through reduced property values, it might also be a factor affecting businesses' decisions about remaining and expanding.)

- Impacts on the economic vitality of existing highway-related businesses (e.g., gasoline stations, motels, etc.) and impacts, if any, on the local economy.
- Opportunities to minimize or reduce such impacts by the public and/or private sectors.

4f) Public Services and Facilities: Discuss any temporary or permanent impacts on school districts, recreation areas, churches, businesses, police and fire protection, etc. This should include both the direct impacts to these entities and the indirect impacts resulting from the displacement of households and businesses.

If the proposed project will not result in any impact to public services/facilities, then no additional documentation is needed.

4g) Community Cohesion: Where there are foreseeable changes in community cohesiveness, discuss any changes in the neighborhoods or community cohesion for the various social groups as a result of the proposed action. These changes may be beneficial or adverse, and may include splitting neighborhoods, isolating a portion of a neighborhood or an ethnic group, generating new development, changing property values, or separating residents from community facilities, etc.

If the proposed project will not result in any community disruption or separation of neighborhoods or social groups, then no additional documentation is needed.

4h) Secondary Growth: Where there are foreseeable opportunities for growth as a result of the proposed action, discuss any changes that may occur in the neighborhood or community. These may be beneficial or adverse changes and may include large box retail stores entering the area or new schools required.

4i) Pedestrian and Bicycle Facilities: Discuss temporary and permanent impacts to pedestrian and bicycle uses. State whether improvement to existing or new pedestrian or bicycle facilities are included in the proposed action.

Block 5. Historic and Cultural Resources (Section 106) / Historic Bridges & Roads

Discuss whether there is a use (through fee simple acquisition, permanent easement, temporary easement, work agreement, or constructive use) of land of a historic site of national, state or local significance as determined by the federal, state, or local officials having jurisdiction. Discuss if there is no prudent or feasible alternative to using that land and if the project includes all possible planning to minimize harm to the historic site resulting from the use. Check the appropriate Presence and Level of Effect box for each resource identified.

The Local Agency should provide the Nebraska State Historic Preservation Office (SHPO) with the project description, information regarding the resources present and how they would be impacted, proposed mitigation measures (if any), and the agency's determination of adverse effect. The signed coordination letter(s) with the SHPO and/or ACHP and/or FHWA will indicate the level of effects.

The SHPO is then asked for their comments on the agency's determination of adverse effect. Caution: this should not be the first time the SHPO hears about the project!

If the project would affect a resource *on* or *eligible* for the NRHP, a Memorandum of Agreement (MOA) may need to be developed between FHWA, SHPO, and the project sponsor. The MOA will identify required mitigation for impacting the historic resource.

Historic Bridges

For bridges listed on or eligible for the National Register of Historic Places (NRHP), coordinate with Nebraska Department of Roads in addition to SHPO.

Block 6. Section 4(f) and Section 6(f)

6a) Land from a Section 4(f) resource may be used indirectly through constructive use or directly, by permanent or temporary occupancy. Direct use converts the land to a transportation facility through permanent easement or purchase. Constructive use occurs if the proximity of the project to the Section 4(f) resource substantially impairs the activities, features, and attributes of the land that make it eligible for protection. Proximity impacts may include:

- Resources affected by noise levels.
- Aesthetic features of the resource compromised by the transportation facility.
- Access restricted, substantially diminishing the utility of the resource.
- Vibrations impair use of the resource and diminish the value of wildlife habitat.

If the proposed project has a direct or constructive use of a Section 4(f) resource, contact NDOR /FHWA to determine the appropriate type of 4(f) evaluation.

6b) Section 6(f) Land and Water Conservation Fund Act:

When it has been determined that a project will require the use of 6(f) property, the project sponsor must coordinate with the recreational site owner, whether it is state or local government. This coordination is intended to make them aware of the potential project impacts, to get their input on the project and its impacts, to determine the significance of the resource, and to determine if there are any restrictions or covenants attached to the park land. For example, "Was L&WCF grant money used to develop the facility?"

Once the project sponsor receives the comments from the site owner, the project sponsor should draft and send a letter to NGPC stating that the project may take land from an L&WCF recreational site. The letter should summarize the coordination that has occurred with the entity that has jurisdiction over the park. The project location, in relation to the park and its boundaries must be depicted on a map that accompanies this letter.

In its comments, NGPC will inform the project sponsor or confirm whether the park has been wholly or partially developed with L&WCF grant monies and if a Section 6(f) involvement will result. The involvement could range from planning activities, to the installation of playground equipment, to the

development of a new park. If NGPC is willing to consider approval of the conversion, then it is mandatory to acquire replacement land. Only land will satisfy the provisions of Section 6(f).

For Federally funded projects, Section 6(f) involvement automatically means a Section 4(f) document is also required. Preliminary approval of the 6(f) project NGPC is required for the 4(f) document. Section 6(f)(3) of the LWCF Act requires that property acquired or developed with LWCF assistance shall be converted to no other than public outdoor recreation uses without the approval of the NPS.

Block 7. Threatened and Endangered Species / Migratory Bird Treaty Act

7a) *T&E Species:* The project sponsor must consult with the U.S. Fish and Wildlife Service (USFWS) and the Nebraska Game and Parks Commission (NGPC) to determine if federally and/or state listed threatened and endangered (T&E) species and/or critical habitat are present within the project area.

If the USFWS and NGPC opinion is one of the following, then no further documentation is necessary (attach USFWS and NGPC concurrence letters):

- Protected species are not known to occur in the project area.
- Proposed project “will not adversely affect” any federal or state listed threatened or endangered species or critical habitat.

USFWS must also concur that proposed project “is unlikely to affect either the bald or golden eagle.

If the USFWS or NGPC has determined that T&E species/habitat, or bald/golden eagles are present and could potentially be affected, the project sponsor will follow up with the appropriate agency(s) to determine the effect of the action. This may involve field investigations by qualified personnel and identification of special precautions, seasonal restrictions on work activities and/or mitigative measures. Potential T&E habitat should be avoided to eliminate the need for time sensitive surveys and project delays. Threatened and Endangered Candidate species are also afforded special consideration because they can become listed as T or E and stop a project at any point during design or construction.

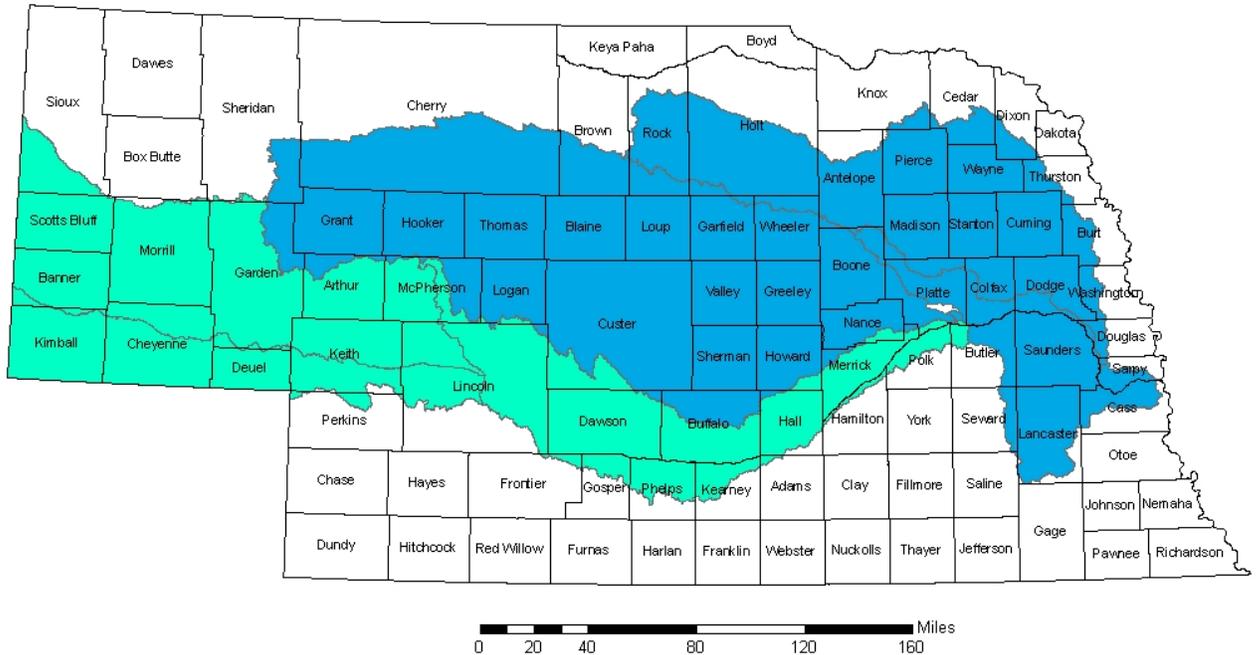
Describe or attach:

- A summary of the informal consultation that has been done to date with the USFWS and the NGPC, including their “effect” opinion.
- A brief discussion of the habitat needs of each species present and a description of the habitat within the project area.
- If a Biological Assessment was required, submit report to NDOR.
- If Formal Consultation was initiated, a summary of the results.

7b) *Platte River Depletion:* Coordination must be initiated with the appropriate Natural Resource District (NRD) and USFWS if a depletion to flow of the Platte River system is anticipated.

NOTE: The Platte River system considered for depletion that ends at the Loup River & Platte River confluence near Columbus, Nebraska.

Basins that have potential to impact Platte River Flows (depletion concerns).



Legend

- Basins Associated with the Lower Platte
- Platte River Implementation Recovery Area

Note: The Lower Platte Basin has been identified to be in a state of jeopardy. Individual consultation with the U.S. Fish and Wildlife Service would apply for Platte River depletions.

7c) Migratory Bird Treaty Act: The Migratory Bird Treaty Act (MBTA) protects all migratory birds, nests and eggs except English Sparrows, Starlings and Rock Doves (pigeons). The MBTA prohibits killing, taking, harassing, or harming birds in any manner. For example, removing inactive Swallow nests from under bridges prior to construction must be completed prior to April 1st or after August 15th. During the nesting season of raptors there will be a no work buffer area surrounding the nest of up to ½ mile. The buffer zone and nesting season varies with each species and must be determined on a case-by-case basis.

Block 8. Farmlands

If the proposed project has the potential to convert farmland to non-farm use, contact your local office of the Natural Resources Conservation Service (NRCS) or USDA Service Center. The impact assessment is completed on Form AD-1006, Farmland Conversion Impact Rating. The project sponsor completes the site assessment portion of the AD-1006 (fill in Parts I and III). This form and the instructions for completing it can be found at NRCS’s website:

<http://www.nrcs.usda.gov/programs/fppa/>

A copy of the completed AD-1006, if one is required for the project, should be attached. Any steps taken to reduce the amount of farmland impacts should also be discussed.

Block 9. Wetlands and Waters of the U.S. / Waters of the State (Title 117)

9a) If no wetlands, waters of the U.S. **or** waters of the State are located within the project area, mark Not Applicable (N/A). A determination of jurisdiction is required from USACE. No further documentation is needed.

If wetlands, waters of the U.S **or** waters of the State are present **but will be avoided**, reference and attach maps to show any wetlands, waters of the US or waters of the State and their relationship to the project. Discuss any sites that are in close proximity to the project, and how they will be avoided. If no wetlands are present, state how that determination was made (e.g., mapping, field review, etc.), and state who (i.e., NDOR personnel, consultant or other agency personnel) conducted the field review and when.

9b) Indicate whether wetlands are present in the project area and whether impacts are expected. Note the wetland category if available. Indicate the total wetland area impacted and the categories and size of each impact. If wetlands are present on federally funded transportation projects impacts greater than 500 square feet requires a Wetland Finding with the approval statement.

In the *Discussion* section, discuss the functions and values (Nebraska wetland subclass i.e. riverine, floodplain, depression, etc...) of any wetland impacted and measures investigated or proposed to avoid, minimize and mitigate the impact. If wetlands are present, indicate in the *Discussion* section how the information was ascertained and by whom. Also discuss impacts to any remaining wetlands from drainage or other highway related features.

If wetlands will be impacted but an Individual wetland finding will not be prepared, the following must be discussed:

- 1) The do nothing alternative is not practicable because: (a) it would not correct existing or projected capacity deficiencies; (b) it would not correct existing safety hazards; (c) it would not correct existing deteriorated conditions and maintenance problems; or (d) it would result in serious impacts to the motoring public and the general welfare of the economy in the area.
- 2) Improvements that will not result in any wetland impacts are not practicable because such avoidance would result in (a) substantial adverse community impacts to adjacent homes, businesses or other improved properties; (b) substantially increased project cost; (c) unique engineering, traffic, maintenance or safety problems; (d) substantial adverse social, economic or environmental impacts; or (e) the project not meeting identified needs. Within this discussion, alternatives that would result in minor alignment shifts, use of minimum design requirements, use of retaining walls and/or other structures or alternative designs shall be assessed.
- 3) It must be documented that all practicable measures to minimize the wetland impact(s), both within and outside of the highway right of way, have been fully considered and incorporated into the project's design. Minimization measures that are incorporated into the design shall be listed as environmental commitments in Block 17b of this document. The use of appropriate erosion and sedimentation control and other measures required by the current NDOR standard specifications and special provisions shall be a standing commitment.

Wetland Delineation: If the proposed action involves impacts greater than 1/10 acre to wetland areas, wetland delineation is required to determine the exact location and boundaries of each wetland.

Impacts Greater than ½ Acre: For severe impacts typically one-half acre or more, an USACE Individual permit will be required. Documentation included in the environmental document is similar to the discussion above. The discussion should include sufficient information concerning the nature of the activity to generate meaningful comments. This would include reasonably addressing the activities that will potentially be needed on the project (activities: structures, work platforms, coffer dams, borrow and disposal sites, access roads, equipment ramps, dredging, etc.). Although detail design is usually not available at this stage of the project development, estimations on project activities must be made as a basis to weigh the project's potential impacts to the environment.

Mitigation Plan: Depending on the projects impacts to wetlands and or streams (jurisdictional "waters of the U.S."), mitigation plans may be required. To the extent possible and based on agency correspondence, mitigation plans should be developed to offset the loss of stream and/or wetland habitats. Appropriate mitigation may include; wetland restoration, wetland creation, the purchase of mitigation credits at an approved wetland bank, restoration of degraded stream channels, riparian plantings and stream conservation easements.

9c) Indicate if any streams are present and whether they will be impacted (i.e., work will occur below ordinary high water level). Also indicate whether the stream is a national scenic river or a state wild, scenic or recreational river, and if so, whether it will be impacted (i.e. work will occur within 1,000 feet of the stream). Indicate the presence of and whether there will be impacts on any navigable waterways (note whether commercial or noncommercial). Indicate if the stream is designated as coldwater Class A stream (streams capable of supporting a self-sustaining trout population). Finally, state the type and nature of impact and give the name of the impacted stream.

In Discussion, if a stream is present but no impacts are expected, state why there will be no impacts. Consideration should include temporary modifications below the Ordinary High Water Mark. If stream impacts will occur, discuss what type of structure(s) is (are) proposed versus what is currently in place and quantify the impacts, if applicable. If stream work will be extensive, reference and attach additional sheets and include mapping and/or site plans to aid in impact interpretation.

If other surface waters are present, indicate the type of water body and whether impacts will occur. In the Discussion section, name the water body if it has a name and indicate the type and area of impact. Discuss the nature of the project's impact to these waters and any issues relevant. If a water body is present in the project area but no impacts are expected, state why there will be no impacts.

9d) Indicate if the project action will require a USACE Section 404 permit or a Section 401 Water Quality Certification from NDEQ, and attach the permit(s) or resource agency coordination letters showing compliance with Section 404 to the CE Documentation Form. If the proposed project involves activities that would require a Section 404 permit, it may also require a Section 10 permit if located in navigable waters of the U.S.

Block 10. Floodplains

10a) Location of Floodplain: Review the National Flood Insurance Program (NFIP) Flood Insurance Rate Maps (FIRM) to determine if the proposed project is located in a regulatory floodway. If maps are not available for the subject community, contact the floodplain administrator of the local government that has land use jurisdiction to determine if the proposed project is located within the floodplain. If the proposed project is *not* located in the floodplain, no further documentation is needed.

10b) Floodplain Encroachment: If a longitudinal encroachment is involved, it is mandatory that a discussion of the encroachment justifying the need for the encroachment and discussing impacts to the beneficial and natural values of the flood plain be attached. It is not expected that projects involving new, substantial longitudinal encroachments on FEMA designated flood plains would normally qualify as a CE.

Transverse encroachments are expected for bridge projects over streams. If a transverse encroachment is located in a FEMA designated flood plain (see flood insurance maps), coordination with the Local Flood Plain Administrator will be required during design phase to insure consistency with local flood plain planning. Substantial impacts meaning projects that could alter FEMA mapping or have unresolved coordination with agencies having jurisdiction cannot be processed as a CE.

Block 11. Regulated Materials

11a) A Site Reconnaissance is necessary to field verify the locations of sites identified through GIS mapping systems and regulatory record databases research. Every federal project requires a Phase I Environmental Site Assessment (ESA) when known or potential contamination sources are affected by an alternative under consideration. The Phase I ESA, generally following ASTM Guidance 1527, will identify potential “red flags” which may require a Phase II Site Investigation to further ascertain the extent of soil and groundwater contamination and its influence on design and construction. The known or potential waste site locations should be clearly marked on a map showing their relationship to the proposed project or alternatives under consideration.

Provide the following in the *Discussion* section:

- Identify environmental databases and sources researched.
- Information about the site
- Potential involvement
- Impacts and public health concerns of the affected area(s)
- Proposed mitigation measures to eliminate or minimize impacts or public health concerns should be documented

11b) Identify any groundwater monitoring wells in the right of way, in the adjacent right of way, and owner of said wells. Consult with the NRD and NDEQ for locations of monitoring wells.

Block 12. Air / Noise Quality

12a) NAAQS Attainment Status: Currently Nebraska remains in attainment with all Federal air quality standards (i.e., NAAQS).

12b) Procedures for a noise analysis should follow the FHWA guidance issued June 1995 and NDOR Noise Analysis and Abatement Policy guidelines issued May 1998. Alternative abatement measures as listed in 23 CFR 772 should be addressed in every analysis that discusses noise abatement. The terms reasonable and feasible (with respect to noise abatement) are discussed in the FHWA guidance, pages 50-55.

12c) Sensitive noise receptors are identified as residences, hospitals, libraries, schools, places of worship, and parks. Provide a description and map of the sensitive noise receptors.

12d) Discuss the mitigation measures for the noise impacts. Discussion should include:

- Noise abatement measures which have been considered for each impacted area and those measures that are reasonable and feasible and that would likely be incorporated into the proposed project.
- Noise impacts for which no prudent solution is reasonably available and the reasons why.

Block 13. Water Quality (Clean Water Act Section 401)

13a) Mark those groundwater or drinking/non-drinking water resources present in the project area. Consider both temporary (construction phase) and/or permanent impacts. If a water body or groundwater resource is present in the project area but no impacts are expected, state why there will be no impacts. If an impact to water quality will occur, indicate which water resource will be impacted and list any mitigation measures proposed to minimize impacts.

Attach correspondence with NDEQ documenting compliance with water quality standards for any project impacts to water resources.

Wellhead Protection Areas

When a proposed project encroaches on a Wellhead Protection Area (as identified on NDEQ's website <http://www.deq.state.ne.us/>), provide documentation that identifies the area. Documentation detail of the Wellhead Protection Areas along a project can be obtained by contracting NDEQ's Water Quality Section (402-471-2186).

13b) All persons discharging or proposing to discharge pollutants from a point source into any waters of the State are required to apply for and have a permit under the National Pollutant Discharge Elimination System (NPDES) to discharge. In addition to NDEQ, coordination with the appropriate Natural Resource Districts (NRDs) should be initiated.

Construction activity includes a disturbance to the land that results in a change in the topography, existing soil cover (both vegetative and non-vegetative), or the existing soil topography that may result in accelerated stormwater runoff, leading to soil erosion and movement of sediment into Waters of the State or urban drainage systems.

13c) Indicate if the proposed action will require connection to an existing stormwater system, sewer system, or require a new stormwater outfall into an existing channel.

Block 14. Wild and Scenic Rivers / Nationwide Rivers Inventory (NRI)

14a) Identify whether the project is within one mile of a protected river area. Nebraska has two designations of Wild and Scenic Rivers:

Missouri River - Designated Reach: This designation consists of two separate segments:

- from the Fort Randall Dam downstream to the backwaters of Lewis and Clark Lake and
- from Gavins Point Dam downstream to Ponca State Park.

Niobrara River - Designated Reach: This designation consists of the following segments:

- Verdigre Creek from its confluence with the Niobrara to the north boundary of the town of Verdigre.
- From Borman Bridge to its confluence with Chimney Creek.
- From the confluence with Rock Creek to State Highway 137.
- From the western boundary of Knox County to its confluence with the Missouri River.

If there is a potential impact to a protected river area, the project sponsor is required to initiate consultation with the NPS. Coordination with the Niobrara Council also needs to be initiated for work occurring within the designated reach of the Niobrara River. Attach record of consultation with the agency. The NPS and Niobrara Council contact information can be found in Appendix A / Agency Contact Information.

14b) Nationwide Rivers Inventory (NRI) Listing: The following is a list of the rivers and river segments in Nebraska currently listed on the NRI:

River	County	Reach	Length (miles)
Calamus River	Garfield, Loup, Brown, Rock	North Loup River to Source	80
Calamus River, excluding reservoir	Garfield, Loup, Brown, Rock	North Loup River to Source, excluding Virginia Smith Reservoir	71
Dismal River	Blaine, Thomas	Middle Loup River to Source (confluence of North and South Forks)	68
Long Pine Creek	Rock, Brown	Niobrara River to Source	38
Middle Loup River	Blaine, Thomas, Hooker, Cherry	Milburn Diversion Dam to Source (confluence of North and South Branches)	89
Niobrara River		The 40-mile segment from Borman Bridge southeast of Valentine,	0

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		downstream to its confluence with Chimney Creek and the 30-mile segment from the river's confluence with Rock Creek downstream to the State Highway 37 bridge.	
Niobrara River	Sioux	Entire segment within Agate Fossil Beds National Monument	10
Niobrara River	Boyd, Holt, Keya Paha, Rock, Brown, Cherry	Keya Paha River to Antelope Creek (omit Cornell Dam and Reservoir)	194
Niobrara River	Knox, Holt, Boyd	Missouri River to Keya Paha River (omit Spencer Dam & Reservoir)	59
Snake River	Cherry, Sheridan	Niobrara River to Source (omit Merrit Reservoir)	96

A more detailed description of each river or river segment in Nebraska can be found at the following link: <http://www.nps.gov/ncrc/programs/rtca/nri/states/ne.html>

If the proposed action may affect a NRI, coordination with the NPS must be initiated.

Section 4(f) and Wild and Scenic Rivers

Publicly owned waters of designated wild and scenic rivers are protected by Section 4(f). Additionally, public lands adjacent to a Wild and Scenic River may be subject to Section 4(f) protection. An examination of any adopted or proposed management plan for a listed river should be helpful in making the determination on applicability of Section 4(f).

Block 15. Construction Impacts

15a) Construction-related impacts are short-term impacts that would occur only during the construction of the proposed project and would not occur once construction is complete. Temporary impacts from construction activities typically include air pollution from dust and construction equipment, increased run-off and soil erosion, and construction noise. Other related impacts may include disruption or detours to traffic, construction of a temporary shoofly, causeway or crossing, or temporary loss of access to property.

In few paragraphs, describe the construction-related commitments that will be taken to minimize air, noise, and water quality impacts, and disruptions to traffic and access to property. Make note of any projects along the corridor or nearby that might cause conflicts or issues with detour routes, regardless of who the project proponent is.

15b) Discuss temporary structure alternatives and justify selection of alternatives. Provide details of type of structure, temporary impacts involved, how long needed, etc.

Identify potential impacts if construction activities require work in a stream channel.

In the *Discussion* Section, describe how impacts will be avoided or minimized (e.g., outside of migration season) for stream(s) provides passage for aquatic movement. Also describe measures for avoidance or minimization for changes in flow characteristics of the stream and activities that will occur below the high water mark. Include photos identifying the limits of the ordinary high water mark and floodway limits. Indicate if fringe wetlands or adjacent wetland are present in the channel area.

15c) Discuss whether the project will utilize a temporary road, detour or closure during the construction. If so, discuss what impacts are associated with the temporary road, detour or closure and assure that provision have been made to address any local concerns. When a project requires a detour, include a description and mapping of the detour route. Briefly describe the steps that will be taken to make the public aware of the closing and detour. Examples might be radio and or newspaper announcements or public meetings.

Block 16. Public Involvement

The public involvement process is applicable for CEs, and does not preclude a project from being processed as a categorical exclusion. Citizen information workshops and/or contact with local civic groups and citizens may be appropriate for a project classified as a CE.

16a) FHWA regulations regarding CEs (23 CFR 771.117) state in Section 117(b)(2) that CEs will not have “substantial opposition on environmental grounds”. Substantial opposition may be evident from correspondence on the project, from oral or written comments resulting from the public notices or meetings, or from public officials.

If substantial public controversy occurs, in the Discussion Section explain why it is not based on environmental grounds.

16b) Briefly describe any public outreach efforts undertaken on behalf of the project. Summarize the public involvement process to date, including:

- When public notices, public meetings, and/or meetings with public officials have been held.
- Approximate number from public that attended any public meetings.
- Summary of any substantive comments, questions, and concerns made by the public at any public meetings or written comments received.
- Describe outreach efforts that are targeted specifically at minority or low-income populations (e.g., bilingual flyers or newspaper ads, interpreters, radio stations, handicap accessible etc.).

NOTE: Project public meetings are independent of a project sponsor’s regular business meetings and held at convenient times and location(s) for the public affected by the project.

Block 17. Aesthetics and Other Values

17a) Identify whether the project alternative(s) has a potential for visual quality impacts to the view shed (visibility between locations’ or as ‘the entire area an individual can see from a given point).

If the potential exists, in the Discussion section identify the impacts to the existing visual resource, the relationship of the impacts to potential viewers of and from the project, as well as measures to avoid, minimize, or reduce the adverse impacts. When there is potential for visual quality impacts, explain the consideration given to design quality, art, and architecture in the project planning. These values

may be particularly important for facilities located in visually sensitive urban or rural settings. Identify any proposed mitigation for the preferred alternative.

Examples of an obstructed view shed include: Businesses at ground level along Dodge Street, from 102nd to 104th Streets in Omaha, are no longer visible from the upper level travel lanes and the view from the businesses now look out at lower level traffic and possibly MSE walls or piers. Other examples of viaducts or bridges that raise the traffic from ground level above existing businesses or residences are found throughout the state (most recently in North Platte and a Columbus viaduct study).

17b) Provide discussion of any multiple use opportunities within the proposed action. Examples of multiple use may include historic monuments, parking areas, bikeways, pedestrian paths, and other shared use facilities on highway ROW.

Block 18. Permitting and Environmental Commitments

The proposed action may still trigger the requirements of other laws, regulations, and polices requiring their own analysis requirements. Consult with appropriate agencies, as necessary, to identify other issues and the magnitude of concern. Supporting documentation should be attached to the checklist, as appropriate.

18a) Permitting: List the permits that must be acquired during final design for the proposed project and explain the current coordination status with the appropriate resource agency, and other Federal, State and Local regulations as applicable. Include any agency correspondence requesting special consideration of impacts or protection of sensitive areas during construction.

Other: List any additional consultation with state or local agencies for permitting or compliance issues. Other permits that are sometimes required are the USACE Section 10 Navigable Water Permit, or the Coast Guard Section 9 Permit.

18b) Environmental Commitments: Resource agencies and the public may identify or propose mitigation measures as part of the project. Environmental commitments are elements of the project that the project sponsor agrees to implement to avoid, minimize, or mitigate impacts to resources, or measures that will be implemented to enhance resources, including resources that will be avoided by the project. Environmental commitments may be firm (e.g., avoiding a historic property, mitigating for the loss of wetlands) or items for further consideration (e.g., planting of trees in excess right-of-way).

Restate all mitigation commitments made in the previous sections of this document, including resources to be avoided. The commitment summary will follow the project through design and construction and must be updated as appropriate through the development process.

NOTE: Federal determination on project classification is dependent upon successful implementation of environmental commitments. Environmental commitments must be followed through.

Block 19. Approval

Upon completion of the CE Documentation Form, the form and all supporting information should be forwarded to NDOR for review. If, after review, it is determined the project does not qualify as a CE, the project sponsor will be notified and the project will then need to be addressed on another appropriate level of environmental documentation. If it is agreed the project qualifies as a CE, the

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project sponsor will be notified of any comments that need to be addressed prior to approval by NDOR and FHWA. The approved document with all signatures will be recorded and placed in the NDOR and Project Sponsor project file.

It is encourage that during the process Project Sponsor are in coordination with NDOR environmental staff. If it appears that any resource area may have significant impacts, impacts cannot be mitigated, or consensus with resource agencies cannot be reached, the Project Sponsor should alert NDOR and FHWA immediately.

Attachments

This section will hold all documents needed in support of a signed CE.