**CATEGORICAL EXCLUSION CHECK LIST**

**FOR 23 CFR 771.117(c) ACTIONS**

Wisconsin Department of Transportation

Revised July 2015

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| WisDOT Design and Construction IDs | | | Federal Project IDs (if available) | | | | Legal Description (Township, Range, Section) | | | County | |
| Project Name | | | | | | | Project Termini/ Location | | | | |
| Name of Route or Facility to be Improved | | | | Facility Classification | | | | | Improvement Type | | |
| Estimated Project Cost in Year of Expenditure $ (include R/W Cost) | | | | | | | Funding Source(s) (check all that apply) | | | | |
|  | | | | | | | State | | Federal | Local | |
| 23 CFR 771.117(c) Project Type Number and Text | | | | | | | | | | | |
| Section 4(f)  None | *De Minimis* | | Bikeway/ Walkway | | Minor Park/ Rec | | | Minor Historic | Historic Bridge | Net Benefit | Exception |
| Right of Way Acquisition | | | | | | | | | | | |
| Total Acres | | Fee Simple Acres | | | Permanent Easement Acres | | | | Temporary Easement Acres | | |
| Number of Buildings Acquired | | | | | | | | | | | |
| None | | Vacant Buildings | | | Occupied Buildings | | | |  | | |
| Name of Individual/ Firm Preparing this Form | | | | | | CE Preparation Date | | | Environmental Process Start Date | | |

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| **WisDOT Region Environmental Coordinator or**  **Local Program Management Consultant** |  | **WisDOT Region, Central Office, or Local Program**  **Project Manager** |
| I certify that I meet the requirements for staff who review and recommend approval of Categorical Exclusion (CE) actions, specified in the FHWA – WisDOT CE Agreement. I further certify that I have reviewed this document, and agree with the determination that the proposed project and resultant impacts meet the definition of a CE as described in 23 CFR 771.117(a) & (b), and will not result in significant environmental impacts. I recommend this CE for approval. |  | I certify that I am familiar with this proposed project and its impacts and that the information contained in this document is accurate and can be relied upon for documentation decisions. I further certify that the mitigation measures and commitments proposed herein will be incorporated into the project plans and contract documents. I approve this CE. |
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|  |  |  |
| (Signature) |  | (Signature) |
|  |  |  |
| (Print Name) |  | (Print Name) |
|  |  |  |
| (Date) |  | (Date) |

A determination that this project satisfies the criteria for an FHWA (c)-listed Categorical Exclusion (CE) does not relieve the applicant of the requirement to comply with other laws and regulations including, but not limited to, Section 404 of the Clean Water Act, Section 7 of the Endangered Species Act, Section 106 of the National Historic Preservation Act, and Section 4(f) of the US Department of Transportation Act. Coordination to comply with these other laws may require FHWA involvement. Furthermore, designation of this project as a (c)-listed CE does not relieve the requirement for WisDOT to coordinate with WDNR under the Cooperative Agreement. Any correspondence or documentation used to comply with Federal, State, or Local laws or regulations should be maintained in the project file and provided with this checklist upon request.

**I. Proposed (c)-list Categorical Exclusion** – Insert the number and text of the applicable FHWA (c)-list CE from 23 CFR 771.117(c). Updated copies of the FHWA CE regulations are available on the [US Government Printing Office Website](http://www.ecfr.gov/cgi-bin/text-idx?SID=0b8de682e0881acbcfe0ae328b0245eb&node=pt23.1.771&rgn=div5#se23.1.771_1117).

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|  |  | Project is not being processed as a (c)(26), (c)(27), or (c)(28) project |

***Projects proposed for approval as (c)(26), (c)(27), or (c)(28) actions must not include any of the conditions specified in 23 CFR 771.117(e). Check all boxes that apply to the proposed project. If any boxes are checked, the project cannot be documented with this checklist. Instead, process it with a PCE if it meets the criteria in Section VII of the FHWA – WisDOT CE Agreement. If the action is disqualified by the Section VII criteria, prepare an ER, EA, or EIS, as applicable.***

23 CFR 771.117(e) Actions described in (c)(26), (c)(27), and (c)(28) of this section may not be processed as CEs under paragraph (c) if they involve:

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|  |  | (1) An acquisition of more than a minor amount of right-of-way or that would result in any residential or non-residential displacements  \**In Wisconsin, a minor amount of right-of-way is defined as fee or PLE acquisition ≤ 1 acre/ mile on average for (c)(26) actions and ≤ 0.5 acre total for (c)(27)&(28) actions*. |
|  |  | (2) An action that needs a bridge permit from the US Coast Guard |
|  |  | (2) An action that does not meet the terms and conditions of a US Army Corps of Engineers nationwide or general permit under Section 404 of the Clean Water Act and/or section 10 of the Rivers and Harbors Act of 1899 |
|  |  | (3) A finding of “adverse effect” to historic properties under the National Historic Preservation Act |
|  |  | (3) The use of a resource protected under 23 USC 138 or 49 USC 303 (Section 4(f)) except for actions resulting in *de minimis* impacts  *\*If a project includes a 4(f) de minimis determination or programmatic evaluation, the 4(f) documentation must be submitted to FHWA for review and approval before final approval of this CE.* |
|  |  | (3) A finding of “may affect, likely to adversely affect” threatened or endangered species or critical habitat under the Endangered Species Act |
|  |  | (4) Construction of temporary access, or the closure of existing road, bridge, or ramps, that would result in major traffic disruptions  \**In Wisconsin, projects resulting in major traffic disruptions are those that require a Transportation Management Plan Type 3 or Type 4, as defined in FDM 11-50-5.* |
|  |  | (5) Changes in access control  \**In Wisconsin, changes in access control are any changes beyond minor longitudinal shifts in existing access. Creation of new access, removal of existing access, or substantial shifts in existing access disqualifies a project from using this checklist.* |
|  |  | (6) A floodplain encroachment other than functionally dependent uses (e.g., bridges, wetlands) or actions that facilitate open space use (e.g., recreation trails, bicycle and pedestrian paths); construction activities in, across or adjacent to a river component designated or proposed for inclusion in the National System of Wild and Scenic Rivers |

**II. Description of Proposed Action** – Provide a concise project description below, including the project purpose and need and scope of work. Attach a project location map and other appropriate exhibits (existing and proposed typical sections, etc.). The description must be consistent with the specific CE listed in Section I, above.

**III. Project is a Complete FHWA Action** – Check all boxes that apply to the proposed project. To process your project with this checklist, you must be able to check either boxes (1-3) or the last box. If this is not possible, adjust the scope of the project to meet the criteria.

23 CFR 771.111(f) In order to ensure meaningful evaluation of alternatives and to avoid commitments to transportation improvements before they are fully evaluated, the action evaluated shall:

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|  |  | (1) Connect logical termini and be of sufficient length to address environmental matters on a broad scope |
|  |  | (2) Have independent utility or independent significance, i.e., be usable and be a reasonable expenditure even if no additional transportation improvements in the area are made |
|  |  | (3) Not restrict consideration of alternatives for other reasonably foreseeable transportation improvements |
|  |  | Project is not an action resulting in construction and does not require compliance with (1-3) above |

**IV. Categorical Exclusion Definition** - Check all boxes that apply to the proposed project. If you are unable to check a box in this section, evaluate the scope of the project and prepare more detailed environmental documentation.

23 CFR 771.117(a) Categorical exclusions (CEs) are actions which, based on past experience with similar actions, do not involve significant environmental impacts. They are actions which:

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|  |  | 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 |
|  |  | Do not otherwise, either individually or cumulatively, have any significant environmental impacts |

**V. Unusual Circumstances** - Check all boxes that apply to the proposed project. If any boxes in this section are checked, evaluate the scope of the project and coordinate with FHWA regarding the completion of more detailed environmental documentation.

23 CFR 771.117(b) Any action which normally would be classified as a CE but could involve unusual circumstances will require the FHWA, in cooperation with the applicant, to conduct appropriate environmental studies to determine if the CE classification is proper. Such unusual circumstances include:

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|  |  | (1) Significant environmental impacts |
|  |  | (2) Substantial controversy on environmental grounds |
|  |  | (3) Significant impact on properties protected by Section 4(f) of the DOT Act or Section 106 of the National Historic Preservation Act |
|  |  | (4) Inconsistencies with any Federal, State, or local law, requirement or administrative determination relating to the environmental aspects of the action |
|  |  | Other unusual circumstances not listed in FHWA regulations (describe below)  (*In Wisconsin, auxiliary lane and capacity expansion projects that are proposed for processing with this checklist are examples of unique or unusual circumstances and will require consultation with FHWA before proceeding with the project*.) |

Describe any unique or unusual circumstances and subsequent coordination with FHWA:

**VI. Supporting Documentation** – List any additional discussion, agency correspondence, or supporting documentation used in this CE determination. Attach this documentation to the checklist and maintain a copy in the project file. Projects with 4(f) *de minimis* determinations or programmatic evaluations will require review by WisDOT Central Office and review and approval by FHWA prior to the approval of this CE.

**VII. Mitigation & Commitments** – List any environmental mitigation measures or commitments that will be incorporated into the project. Any items listed below must be incorporated into the project plans and contract documents. *Attach a copy of this page to the design study report (DSR) and the plans, specifications, and estimate (PS&E) submittal package.*

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| --- | --- |
| **Environmental Factor** | Commitment (If none, include ‘No special or supplemental commitments required.’) |
| General Economics |  |
| Business |  |
| Agriculture |  |
| Community or Residential |  |
| Indirect Effects |  |
| Cumulative Effects |  |
| Environmental Justice |  |
| Historic Resources |  |
| Archaeological/Burial Sites |  |
| Tribal Coordination/Consultation |  |
| Section 4(f) and 6(f) or Other Unique Areas |  |
| Aesthetics |  |
| Wetlands |  |
| Rivers, Streams and Floodplains |  |
| Lakes or other Open Water |  |
| Groundwater, Wells and Springs |  |
| Upland Wildlife and Habitat |  |
| Coastal Zones |  |
| Threatened and Endangered Species |  |
| Air Quality |  |
| Construction Stage Sound Quality |  |
| Traffic Noise |  |
| Hazardous Substances or Contamination |  |
| Storm Water |  |
| Erosion Control |  |
| Other |  |