**Categorical Exclusion Checklist (CEC)**

04-05-2023 Wisconsin Department of Transportation

**Project Summary**

|  |  |  |  |  |
| --- | --- | --- | --- | --- |
| Project Design ID | | Project Route or Facility | | Funding Sources *(check all that apply)*  Federal  State  Local |
| Construction ID | | Project Termini | | Estimated Total Project Cost (design, construction, real estate, etc). Include delivery cost in Year of Expenditure (YOE).  indollars |
| County | | Township and/or Nearest Municipality | |
| Real Estate Acquisition Portion of Estimated Cost (YOE)        in       dollars |
| National Highway System (NHS) Route  Yes  No | | Section / Township / Range | | Utility Relocation Portion of Estimated Cost (YOE)        in       dollars |
| Project Title | | | | |  |  | | --- | --- | | Right of Way Acquisition | Acres | | Fee |  | | Permanent Limited Easement (PLE) |  | | Temporary Limited Easement (TLE) |  | | Highway Easement (HE) |  |   Number of Relocations:  Residential       Business       Other |
| Section 4(f):  No Section 4(f)  Exception to Section 4(f)  De Minimis Section 4(f)  Programmatic Section 4(f)  Individual Section 4(f) Evaluation | Bridge Number(s) *(if applicable)* | | |
| |  |  |  | | --- | --- | --- | | **Functional Classification of Existing Route**  **(FDM 4-1-10 & 4-1-15)** | **Urban** | **Rural** | | Freeway/Expressway |  |  | | Principal Arterial |  |  | | Minor Arterial |  |  | | Major Collector |  |  | | Minor Collector |  |  | | Local |  |  | | No Functional Class |  |  | | Other |  |  |  |  | | --- | | Is any part of a 23 CFR 667, Facilities Repeatedly Requiring Repair and Reconstruction (F4R) site within the Project Termini:  Yes  No (reference information link is below)  ([https://wisconsindot.gov/Pages/doing-bus/local-gov/astnce-pgms/highway/f4r.aspx](http://apwmad0p4145:37108/Pages/doing-bus/local-gov/astnce-pgms/highway/f4r.aspx))  If “Yes” is checked, the project’s alternative analysis must comply with FDM 3-22 | | Environmental Process Start Date: | | Name of Individual/ Firm Preparing this Form: | | | | |  |  | | --- | --- | | **WisDOT Project Improvement Strategy and Type (FDM 3-5 & FDM 11-1 attachment 10.1)** |  | | **Improvement Strategy – Improvement Type** |  | | Perpetuation – Preservation/Restoration |  | | Perpetuation – Resurfacing |  | | Perpetuation – Pavement Replacement |  | | Perpetuation – Bridge Rehabilitation |  | | Perpetuation – Bridge Preventative |  | | Rehabilitation – Preservation/Restoration |  | | Rehabilitation – Resurfacing |  | | Rehabilitation – Pavement Replacement |  | | Rehabilitation – Reconstruction |  | | Rehabilitation – Bridge Rehabilitation |  | | Rehabilitation - Bridge Replacement |  | | Modernization - Expansion |  | | Preventative Maintenance |  | | State Majors |  | | Other – Describe: |  | | |
| 23 CFR 771.117(c) or (d) or Trans 400 WI Admin Code Project Type Number and Text: | | | | |
| **WisDOT Region Environmental Coordinator (REC) or Central Office BTS-EPDS Staff:**  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 Programmatic Agreement (CE-PA). 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.   |  | | --- | |  | | Print – Name and Affiliation Signature (Date – m/d/yy)  **WisDOT Region or Central Office Project Manager or BTS-EPDS Staff Member**:  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. If this CE is a type delegated to WisDOT for approval under the CE-PA, I approve this CE. If this CE is a type retained for approval by FHWA, I recommend this CE for approval. | | | | | |

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| Print – Name and Affiliation Signature (Date – m/d/yy)  **FHWA Approval** | | |
|  | This CEC has been prepared for a CE listed in 23 CFR 771.117(d) that has not been delegated to WisDOT for approval by FHWA through the CE-PA, Section VI. B. 1. WisDOT has consulted with FHWA per CE-PA Section VII. A. 3 and determined a CEC is acceptable documentation for the proposed action. FHWA must review and approve this CEC prior to WisDOT proceeding with final design, acquisition of right of way or construction. FHWA approves this CE. | |
|  | |  |
| (Signature) | | (Date) |

This template may be used for National Environmental Policy Act (NEPA) documentation and/or Wisconsin Environmental Policy Act (WEPA) CE documentation.

A determination that this project satisfies the criteria for an FHWA 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. Fiscal Constraint**

Projects identified in the WisDOT Statewide Transportation Improvement Program (STIP) per 23 CFR 450.218(g), which are typically FHWA or Federal Transit Administration (FTA) funded projects, must demonstrate fiscal constraint. In addition, and regardless of funding source, projects defined as regionally significant per 23 CFR 450.104 and 23 CFR 450.218(h), must also demonstrate fiscal constraint.

Indicate whether a project ID for a subsequent phase following design (either a project ID for meaningful right-of-way acquisition or a project ID for construction) is included in the most recent version, or a previous version of the STIP, included in a STIP amendment, or listed in the STIP with a Backlog Advanceable Pilot Program (BAPP) STIP label. One of the boxes must be checked to demonstrate fiscal constraint.

If the proposed project is within a metropolitan planning area, it also must be in the metropolitan planning organization (MPO) Transportation Improvement Program (TIP).

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|  | The proposed action is not federally funded with FHWA or FTA funds per 23 CFR 450.218(g), does not require federal approval, and is not considered a regionally significant project. Federal fiscal constraint requirements do not apply. |
|  | The proposed action is federally funded with FHWA or FTA funds per 23 CFR 450.218(g), requires federal approval, or is considered a regionally significant project. The proposed action is approved in the most recent version of the STIP label or included in a STIP amendment label. Indicate the name of the STIP or STIP amendment, the portion of the proposed project funded and the page number on which the project can be found. If the proposed project is within a metropolitan planning area, it also must be in the metropolitan planning organization (MPO) Transportation Improvement Program (TIP).  For projects in metropolitan planning areas, indicate the name of the TIP or TIP amendment, the portion of the proposed project funded and the page number on which the project can be found. |
|  | The proposed action is federally funded with FHWA or FTA funds per 23 CFR 450.218(g), requires federal approval, or is considered a regionally significant project. The proposed action was approved in a previous STIP but is no longer included in the most recent STIP because initial project funding authorization has occurred. Indicate the STIP label or STIP amendment label, the portion of the project funded and the page number on which the project can be found.  For projects in metropolitan planning areas, indicate the name of the TIP or TIP amendment, the portion of the proposed project funded and the page number on which the project can be found. |

**II. Proposed (c)-list Categorical Exclusion** **26, 27 or 28**

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 (c)(26), (c)(27), or (c)(28) and FHWA approval is required.** Consult REC and/or BTS-EPDS to determine appropriate environmental document type. If project is being processed as any other CE category skip to question III.

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

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|  | 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. |
|  | An action that needs a bridge permit from the US Coast Guard |
|  | 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 |
|  | A finding of “adverse effect” to historic properties under the National Historic Preservation Act |
|  | 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 Section 4(f) de minimis determination or programmatic evaluation, the Section 4(f) documentation must be submitted to FHWA for review and approval before final approval of this CE |
|  | A finding of “may affect, likely to adversely affect” a threatened or endangered species or critical habitat protected by the Endangered Species Act |
|  | 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, as defined in FDM 11-50-5 |
|  | Changes in access control  \*Existing access may be modified as long as access is maintained in a similar fashion as it existed prior the project being implemented. Creation of new access for the purposes of new development, removal of existing access without replacement or existing appropriate alternate access being available, or substantial changes that would modify existing circulation patterns on the parcel would disqualify the project. |
|  | 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 |

**III. Description of Purpose and Need, Alternatives Considered and Preferred Alternative**

Provide the project purpose and need, alternatives considered (as needed) and a concise project description below, including the scope of work. Attach a project location map and other appropriate exhibits that are referred to in this document. The description must be consistent with the CE listed on the cover page. The project purpose and need or project description should include a brief explanation of the project’s NEPA/WEPA logical termini in relation to the project scope, and purpose and need:

**Purpose:**

**Need:**

**Alternatives:**

**IV. 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 you are unable to check either boxes 1-3 or the last box in this section, you cannot complete this document and must reassess the project scope to meet the criteria. Proposed projects being developed under WEPA must also meet these criteria.

23 CFR 771.111(f) 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 |

**V. Categorical Exclusion Definition**

Check all boxes that apply to the proposed project. If you are unable to check a box in this section, you cannot use any CE documentation, prepare an EA or EIS. Proposed projects being developed under WEPA must also meet these criteria. 23 CFR 771.117(a) Categorical exclusions (CEs) are actions which, based on 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 |

**VI. Unusual Circumstances**

Check all boxes that apply to the proposed project. If any boxes in this section are checked, consultation with the REC, BTS-EPDS and FHWA is required prior to making a final CE determination.

23 CFR 771.117(b) Any action which normally would be classified as a CE but could involve unusual circumstances may require the FHWA, in cooperation with the applicant, to conduct additional environmental studies to determine if the CE classification is proper. In addition; if the project includes auxiliary lanes and/or capacity expansion WisDOT must consult with FHWA to determine whether a CEC is appropriate. Proposed projects being developed under WEPA must also meet these criteria.

Such unusual circumstances include:

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| --- | --- | --- |
|  |  | Significant environmental impacts |
|  |  | Substantial controversy on environmental grounds |
|  |  | Significant impact on properties protected by Section 4(f) of the DOT Act or Section 106 of the National Historic Preservation Act (not required for WEPA document, consult with REC or EPDS for requirements) |
|  |  | Inconsistencies with any Federal, State, or local law, requirement or administrative determination relating to the environmental aspects of the action |
|  |  | Project includes auxiliary lanes or capacity expansion |

Describe any coordination with the REC, BTS-EPDS and FHWA related to any unusual circumstances, including auxiliary lanes or capacity expansion:

**VII. Tribal Lands**

For projects, regardless of project type, located partially or entirely on Tribal lands in trust, allotted, or reservation status, WisDOT Region staff shall consult with WisDOT EPDS staff prior to preparing CEC documentation. In certain cases, the involvement of Tribal land may warrant preparing higher level environmental documentation (e.g. ER instead of CEC). Prior to approval, the document preparer will send the CEC to the WisDOT BTS-EPDS liaison for review so BTS-EPDS can ensure adequate Tribal consultation by WisDOT and engage FHWA in consultation when necessary.

Describe any Tribal coordination (enter “N/A” if project is not on tribal lands):

**VIII. Agency/Local Unit of Government Coordination and Public Involvement**

Provide a brief description of coordination conducted with agencies and local unit(s) of government. Describe any unresolved issues and how they will be resolved. Attach evidence of agency and local unit of government coordination as applicable:

Provide a brief discussion of public involvement efforts. Describe any concerns expressed, how those concerns were resolved and how any unresolved concerns will be resolved:

**IX. Air Quality**

Projects must be consistent with the State Implementation Plan (SIP) for air quality. Projects in air quality nonattainment and maintenance areas must be demonstrated to conform to the SIP. Check the appropriate box and proceed accordingly.

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|  | The project is in an area designated as attainment for all transportation-related criteria air pollutants. The project is not subject to transportation conformity requirements. No further analysis is required. Proceed to section X, Environmental Factors Matrix. |
|  | The project is in an area designated as nonattainment or maintenance for one or more transportation-related criteria air pollutants. Continue to the following questions pertaining to regional conformity and project level conformity. |

**Regional Conformity**

Regional conformity is required for projects in counties designated as nonattainment or maintenance for ozone or PM2.5. If the project occurs in a nonattainment/maintenance county or area, check the appropriate box and include appropriate documentation in the appendix (if needed).

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|  | The project is exempt from conformity per 40 CFR 93.126 or is a traffic signal synchronization project under 40 CFR 93.128. No further analysis is needed. |
|  | The project is exempt from regional emissions analysis requirements per 40 CFR 93.127. |
|  | The project is located within a Metropolitan Planning Area and included in the current approved Metropolitan Planning Organization (MPO) Regional Transportation Plan (RTP) and Transportation Improvement Program (TIP). The RTP and TIP were determined to conform by FHWA and FTA. Provide the MPO name, RTP name, TIP name and TIP number. The MPO name, RTP name, TIP name and TIP number should be provided in the box below and must be included if this box is checked: |
|  | The project is located outside of a Metropolitan Planning Organization’s Metropolitan Planning Area and has received a conformity determination by FHWA per the rural conformity section of the WisDOT/WDNR Memorandum of Agreement. Provide conformity finding dates: |
|  | The project is non-conforming – project is ineligible for CEC. |

**Project Level Conformity**

Projects in fine particulate matter (PM2.5) nonattainment and maintenance areas are also subject to PM2.5 project hot spot conformity requirements. A PM2.5 hot spot analysis is required to support a project level conformity determination for projects of local air quality concern. A determination of local air quality concern is made by the Wisconsin Transportation Conformity Working Group (WTCWG).

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| --- | --- | --- | --- |
|  | The project is not located in a PM2.5 nonattainment or maintenance area. No further analysis is required. | | |
|  | The project is exempt from conformity per 40 CFR 93.126 or is a traffic signal synchronization project under 40 CFR 93.128. No further analysis is needed. | | |
|  | The project has been screened in accordance with the WisDOT Project Level Conformity PM2.5 Screening Checklist and (check one of the following as applicable): | | |
|  |  | Determined not to be a project of local air quality concern. Include the screening checklist in the appendix. |
|  |  | Referred to interagency consultation with the WTCWG resulting in a determination that the action **is not** a project of local air quality concern. Include the project analysis and WTCWG determination in the appendix. |
|  |  | Referred to interagency consultation with the WTCWG resulting in a determination that the action **is** a project of local air quality concern – project is ineligible for CEC. |

**X. Environmental Factors Matrix** (check all that apply)

If the effects on the environmental factor can’t be adequately summarized in several sentences, the Factor Sheet for the environmental factor must be included. If the Factor Sheet is completed also include a brief summary here in the effects box. Factor sheets should be attached in the order the shown below.

|  |  |  |  |  |  |
| --- | --- | --- | --- | --- | --- |
| **Factors** | **Adverse Impact** | **Beneficial Impact** | **No Impacts Identified** | **Factor Sheet   Attached** | For those Factors not present in the project area indicate not present.  **Effects** |
| Business and Economic |  |  |  |  |  |
| Community |  |  |  |  |  |
| Aesthetics |  |  |  |  |  |
| Agriculture |  |  |  |  |  |
| Relocations |  |  |  |  |  |
| Indirect Impacts |  |  |  |  |  |
| Cumulative Impacts |  |  |  |  |  |
| Environmental Justice |  |  |  |  |  |
| Historic Properties |  |  |  |  |  |
| Burial Sites |  |  |  |  |  |
| Tribal |  |  |  |  |  |
| Section 4(f) |  |  |  |  |  |
| Section 6(f) and other Unique Properties |  |  |  |  |  |
| Wetlands |  |  |  |  |  |
| Surface Water Resources |  |  |  |  |  |
| Groundwater, Wells, and Springs |  |  |  |  |  |
| Coastal Zones |  |  |  |  |  |
| Floodplains |  |  |  |  |  |
| Unique Wildlife and Habitat |  |  |  |  |  |
| Threatened, Endangered and Protected Resources |  |  |  |  |  |
| Air Quality |  |  |  |  |  |
| Construction Sound |  |  |  |  |  |
| Traffic Noise |  |  |  |  |  |
| Hazardous Substances, Contamination and Asbestos |  |  |  |  |  |
| Stormwater |  |  |  |  |  |
| Erosion and Sediment Control |  |  |  |  |  |
| **OTHER FACTORS** | | | | | |
|  |  |  |  |  |  |
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**XI. Supporting Documentation**

List additional discussion, agency correspondence, or supporting documentation used in this CE determination that was not covered in the previous questions or in an attached Factor Sheet. Projects with Section 4(f) *de minimis* determinations or programmatic evaluations will require review by BTS-EPDS and review and approval by FHWA prior to the approval of this CE. Attach necessary documentation to this checklist and maintain a copy in the project file:

**XII. Environmental Commitments**

Identify and describe any avoidance, minimization or compensation measures (commitments) in detail. Be specific on what needs to happen and specifically where on the project. Indicate when the commitment should be implemented and who in WisDOT is responsible for fulfilling each commitment (Project Manager, Environmental Coordinator, etc.). Please note if the commitment will be indicated on the final plan, recorded in the Plans, Specifications and Estimates (PS&E), under special provisions in the final plan set, in construction notes, or some other written format. Attach a copy of this completed matrix to the design study report and the PS&E submittal package. Be sure to update it if further commitments are made after the Environmental Document is signed.

|  |  |
| --- | --- |
| **Factor** | Commitment (If none, indicate N/A) |
| Business and Economics |  |
| Community |  |
| Aesthetics |  |
| Agriculture |  |
| Relocations |  |
| Indirect Impacts |  |
| Cumulative Impacts |  |
| Environmental Justice |  |
| Historic Properties |  |
| Burial Sites |  |
| Tribal Lands |  |
| Section 4(f) |  |
| Section 6(f) or Other Specially Funded Lands |  |
| Wetlands |  |
| Surface Water Resources |  |
| Floodplains |  |
| Groundwater, Wells and Springs |  |
| Coastal Zones |  |
| Unique Wildlife and Habitat Concerns |  |
| Threatened, Endangered and Protected Resources |  |
| Air Quality |  |
| Construction Sound |  |
| Traffic Noise |  |
| Hazardous Substances, Contamination and Asbestos |  |
| Stormwater |  |
| Erosion Control |  |
| Other: |  |
| Other: |  |