# Categorical Exclusion (CE) for 23 CFR 771.117c Instructions for LGU’s

Note there are links within the Short form and this document that will take you to additional information if necessary

Final signature on NEPA documents typically require at least 30% design.

* Project # is FRTP project #
* Enter appropriate Project name, County, etc. and contact information The person responsible to carry out the RTP project. Property Owner/ Project Manager is Local Government Unit (grant sponsor).
* Enter project information as requested.

Existing Condition: Note the general setting (urban, suburban, rural or a combination), and trail type or equipment. Trail projects identify any bridges by number and location. Include any unique location considerations.

Project Need: Describe problem(s) with the existing condition. The level of detail of this section should align with the magnitude of scope of work of the project. More complex projects should be supported by a more detailed purpose and need statement.

Project Purpose: Briefly describe purpose of the project. This section should reflect what is stated in the need statement.

Proposed Project Description: Describe project limits (including length and the extent to which the project is expanding the existing ground disturbance footprint), and type of improvements (e.g. horizontal or vertical alignment/realignment, pavement resurfacing/rehabilitation, bridge

replacement/rehab/construction, ditch grading, culvert work, etc. Include anticipated major design features.) Describe right of way impacts.

* Section1: Permits: Check mark which permits will be required for projects. Copies of permits will need to be attached to completed form.
* Section 2: Environmental Commitments: Include all commitments from environmental review letters, mitigation requirements, COE etc. or Write NA if there are no environmental commitments
* Section 3. Concurrence by public administrators: Submit a Certification Form signed by the land manager responsible for the area where the project will be located.
* Section 4: Design standards: Design standards for most projects conform to the agency specifications for the specific type of trail development or maintenance project being undertaken. Agencies with design standards include the U.S. Forest Service, National Park Service, and the Minnesota Department of Natural Resources “Trail Planning, Design, and Development Guidelines”. MNDOT bicycle and pedestrian trail standards are used for hard-surfaced greenway trails. FHWA refers to several manuals and guides at www.fhwa.dot.gov/environmcnt/rectrai1s/manuals.btm. <https://www.fhwa.dot.gov/environment/recreational_trails/guidance/>

Tribal: Determine if project is inside or outside federally-recognized reservation boundaries and any exterior trust lands. Link in form tales you to the MnDOT Tribal Map

Environmental Quality Board review (EQB): Determine if your project requires or is exempt from a mandatory EAW based on the environmental rules: Minnesota Rules, [Chapter 4410](https://www.revisor.mn.gov/rules/?id=4410). Mandatory EAW categories are described at Minnesota Rules, [4410.4300](https://www.revisor.mn.gov/rules/4410.4300/). Exemptions from environmental review are described at Minnesota Rules, [4410.4600](https://www.revisor.mn.gov/rules/4410.4600/). In addition, environmental review is warranted when a project is not exempt under part [4410.4600](http://www.revisor.leg.state.mn.us/arule/4410/4600.html), and when a governmental unit with approval authority over the proposed project determines that, because of the nature or location of a proposed project, the project may have the potential for significant environmental effects, either in response to a petition or otherwise (MN Rules [4410.1000](https://www.revisor.mn.gov/rules/4410.1000/), Subp. 3A). **Provide a letter** from the local RGU (which is the local unit of government) officially making the determination that your project can proceed and is in compliance with all EQB rules.

Federal Citation: 23 CFR 771.117c Category. C list Citation. Based on evaluation of project described in Attachment 1, select the appropriate C-List citation. Most project will be either C3 or C23, see Attachment 1 and descriptions at end of document.

* Section 5: Independent Utility and Logical Termini, Most projects will comply
* Section 6: Categorical Exclusions Defined (23 CFR 771.117[a]). Confirm by check marking box that project complies with CE definition
* Section 7: Exceptions to Categorical Exclusions/Unusual Circumstances (23 CFR 771.117[b]). Confirm by check marking first box, unless there are unusual circumstances with project.

**When all required permit review has been completed**, sign and date. **Applicant (LGU) signs** 1st signature block (Recommended by Applicant).

* Section 8: For FHWA approval only
* Section 9: Only necessary to complete if 23 CFR 771.117(c)(26), (c)(27), or (c)(28) has been checked (above)
* Section 10: Social, Economic, and Environmental (SEE) impacts

This section presents the relevant criteria and guidance on how to determine/document whether the criteria are met. Most of these thresholds are quantifiable. For those that are qualitative, the document preparer needs to decide based on the best available information and include an explanation for that determination in cases where the project description may not make the explanation plainly evident to a reviewer not familiar with the project. There are several references in these tables advising where specific correspondence, assessments, standard attachments, or other information **must be attached to the PCE** or included in the project file as documentation that the relevant PCE criterion and all applicable laws and policies have been met. These items would need to be attached to the final submittal to the DNR Trail Grant Coordinator. It is also important to maintain a record of meeting dates, attendees, meeting agenda and minutes of any necessary stakeholder coordination.

* + - Section 4 (f): Determine if project does/does not use Section 4 (f) lands or properties: Most projects would check top box; provide proper documentation if applicable.
* Section 6(f): Determine if 6(f) applies to project: Most projects would check top box; provide applicable documentation if applicable.
* Historical/Archeological review: Complete the Cultural, Noise, and Threatened & Endangered Review Request. Completed form to be submitted to DNR Trail Grant Coordinator for review. **To aid in efficiency of review, please ensure you have included a map showing the project limits, including all areas of acquisition, easement (permanent and temporary), and potential work outside of existing right of way.**

**REQUIRED WITH THIS FORM:**

For EQUIMENT PROJECTS please provide a map of the trail the equipment will be used on and describe the equipment to be purchased.

For TRAIL PROJECTS, provide detail about the trail construction: details about amount and depth of ground disturbance, level of clearing (approx. quantities of trees), timing of project, etc. Also provide a KMZ (GIS/Google map coverage) of the construction limits for the trail.

* + Once letters are received from MnDOT CR and Environmental Assessment Unit, check the appropriate box and attach to completed CE form before submittal to DNR Trail Grant Coordinator. A fee may be charged for this review.
	+ Threatened and Endangered Species-**Federal**: Complete the Cultural, Noise, and Threatened & Endangered Review Request. Once letters are received from MnDOT CR and Environmental Assessment Unit, check the appropriate box and attached to completed CE form. For equipment grants: check Equipment Purchase and submit; there will not be an MnDOT OES wildlife review.
	+ Migratory Birds: Complete the Cultural, Noise, and Threatened & Endangered Review Request. Once letters are received from MnDOT CR and Environmental Assessment Unit, check the appropriate box and attached to completed CE form. For equipment grants: check Equipment Purchase and submit; there will not be an MnDOT OES wildlife review.
	+ Bald and Golden Eagles: Complete the Cultural, Noise, and Threatened & Endangered Review Request. Once letters are received from MnDOT CR and Environmental Assessment Unit, check the appropriate box and attached to completed CE form. For equipment grants: check Equipment Purchase and submit; there will not be an MnDOT OES wildlife review.
* Threatened and Endangered Species-**State**: ([mce.dnr.state.mn.us](https://mce.dnr.state.mn.us)) Complete the MCE process. Once letters are received from NHIS, check the appropriate box and attach to completed CE form.
	+ For DNR Projects -PAT ADMINSTERED LAND: A review DNR screening results and directions for avoiding, minimizing, mitigating impacts completed as part of DNR”S Resources Assessment process. The NHIS screen should be done including a 1 mile radius from the project area. The Pike River example (in file) is a good template (map of project area and species/feature table). Include directions provided for staff to avoid, minimize or mitigate impacts.
* Right of Way: Determine if project requires any type of acquisition or easement; check appropriate box
* Contamination Hazard: Check websites: <https://www.pca.state.mn.us/about-mpca/whats-in-my-neighborhood>; <https://www.mda.state.mn.us/chemicals/spills/incidentresponse/neighborhood> and check box if appropriate or attach results.
* Farmland: Determine if Farmland Protection Policy Act (FPPA) applies to project. Projects are subject to FPPA requirements if they may irreversibly convert farmland (directly or indirectly) to nonagricultural use and are completed by a Federal agency or with assistance from a Federal agency. (https://www.nrcs.usda.gov/wps/portal/nrcs/main/national/landuse/fppa/ )
* Floodplains: Determine if project encroaches floodplain. See guidance, and a template, for how to conduct a floodplain assessment on the TPDP site: [Floodplains - Guidance - Project Development - MnDOT (state.mn.us)](https://www.dot.state.mn.us/project-development/subject-guidance/floodplains/index.html) and check appropriate box; MnDOT primarily relies on FEMA maps and studies: [FEMA Flood Map Service Center | Welcome!](https://gcc02.safelinks.protection.outlook.com/?url=https%3A%2F%2Fmsc.fema.gov%2Fportal%2Fhome&data=05%7C01%7Cdaniel.golner%40state.mn.us%7Cf69bbea3dfd7473829b708da876b101b%7Ceb14b04624c445198f26b89c2159828c%7C0%7C0%7C637971191271519349%7CUnknown%7CTWFpbGZsb3d8eyJWIjoiMC4wLjAwMDAiLCJQIjoiV2luMzIiLCJBTiI6Ik1haWwiLCJXVCI6Mn0%3D%7C3000%7C%7C%7C&sdata=fhRFXsEQDScAZKM%2Bj8Dgf9ju6hkklEby3srbGkRHIvo%3D&reserved=0); Can also use other sources if available (e.g. watershed district).
* Wetlands: Determine impacts on wetlands
	+ Water Need to complete two tier evaluation. <https://edocs-public.dot.state.mn.us/edocs_public/DMResultSet/download?docId=12276204> Letter received from agencies needs to be included in CE form
	+ DNR water permits: Provide evidence of compliance with water and wetland regulations from one of the following: The Department of Natural Resources for protected waters ([link](http://www.dnr.state.mn.us/permits/water/index.html)); The county Soil and Water Conservation District (SWCD) or local unit of government for Wetland Conservation Law; The U.S. Corps of Engineers. Letter received from agencies needs to be included in CE form.
* Sole Source Aquifer: Determine if a portion of the project is located within Crow Wing, Aitkin, Mille Lacs, or Morrison Counties: <https://epa.maps.arcgis.com/apps/webappviewer/index.html?id=9ebb047ba3ec41ada1877155fe31356b>
* Wild and Scenic Rivers: Determine if project requires construction in, across, or adjacent to the boundaries of a river designated as a component of, or proposed for inclusion in, the National System of Wild and Scenic Rivers.
* Noise: Complete the Cultural, Noise, and Threatened & Endangered Review Request. Once letters are received from MnDOT CR and Environmental Assessment Unit, check the appropriate box and attached to completed CE form. Most projects are Type III
* Air: Determine which is most applicable for project
* Greenhouse Gas Analysis: Determine if project is on MnDOT owned system; if so Greenhouse Gas Analysis may apply. Check appropriate box.
* International: Check appropriate box. By scope of funding project is not international.
* Controversy: Check appropriate box
* Coastal Zone Management Act: Confirm with [*MN Lake Superior Coastal Zone Program*](https://www.dnr.state.mn.us/waters/lakesuperior/personnel.html) and check the appropriate box

Estimated project cost: Complete with grant information on application

Funding: Complete with grant information on application

Project Schedule: Provide timeline for project

Complete the additional information as requested.

**When all required permit review/assessment has been completed**, sign and date at: Recommended by Applicant, attach all forms and submit to DNR Trail Grant Coordinator. Procedurally, the CatEX (CE) form is only signed and completed **AFTER** the cultural resource review **and** all other required environmental assessment/reviews have been completed and they have issued a concurrence letter. The concurrence letter is attached to the CE form and then submitted to DNR Grant Coordinator.

Final signature on NEPA documents typically require at least 30% design. More than 30% design may be required on some or all of a given project to adequately assess Social, Economic, and Environmental (SEE) impacts as well as adequately define and vet avoid/minimize/mitigate measures.

See MnDOT environmental Review [link](http://www.dot.state.mn.us/project-development/environmental-review.html) for additional assistance/information

And

See [PCE Guidance Document with Appendices at website](http://www.dot.state.mn.us/project-development/subject-guidance/class-2-actions/programmatic.html) for additional guidance