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| **Project Number(s):** |  | | | | | | |
| **Project Name:** | | | | | | | |
| **County(ies):** | | | | **City(ies):** | | | |
| **Property Owner**  Name:  Title:  Address:  City, State, Zip:  Phone:  Email:  **Project Preparer**  Name:  Title:  Address:  City, State, Zip:  Phone:  Email: |  | **Project Manager**  Name:  Title:  Address:  City, State, Zip:  Phone:  Email: | | |  |  |  |
| **Existing Condition**: *Briefly describe the general setting. Identify any bridges by number and location. Include any unique location considerations.*    **Project Need:** *Identify the deficiencies or problems that need to be addressed (see* [*TPDP*](http://www.dot.state.mn.us/project-development/subject-guidance/purpose-need-statement/index.html)*)*    **Project Purpose**: *Briefly state the desired outcome of the project.*    **Project Description**: *Briefly describe work types, and anticipated major design features, to the extent known.*    - Work on MnDOT right of way?  Yes  No. If yes, was [Attachment 1](https://www.dot.state.mn.us/environment/contaminatedmaterials/docs/guidance-attachment-only.docx) (Contaminated/Regulated Material Checklist) submitted to the Environmental Investigations Unit (EIU)? Cooperative construction guidance document located [here](https://www.dot.state.mn.us/environment/contaminatedmaterials/projects.html).  - Railroad crossings either crossing or parallel to and within 600 feet of project?  Yes  No. If yes, contact MnDOT Rail Safety Engineer (Julie Whitcher, 651-366-3688). Add attachment which shows correspondence and include any commitments in Section 2.  - Project within [“area of influence”](http://www.dot.state.mn.us/aero/airportinfluencemaps.html) of an airport?  Yes  No. If yes, contact MnDOT Office of Aeronautics ([aviationplanning.dot@state.mn.us](mailto:aviationplanning.dot@state.mn.us)). Add attachment which shows correspondence and include any commitments in Section 2.  - Project located [within the boundaries](https://hepgis.fhwa.dot.gov/fhwagis/) of a Metropolitan Planning Organization (MPO)?  Yes  No  - Are any materials being provided to the contractor to be used in this project?  Yes  No. If yes, an approved Public Interest Finding (PIF) will be needed for federal authorization. Contact MN FRTP Grant Coordinator for additional PIF guidance.  - Is any federally reimbursed work being completed by local, utility, or railroad forces  Yes  No. If yes, a PIF may be required, and a Federal Force Account Agreement will be needed. Contact MN FRTP Grant Coordinator for additional agreement guidance. | | | | | | | |
| **1) Permits**. The marked permits below are required. *Add attachments (if available) to the environmental document, and any commitments or restrictions to the commitments table in Section* | | | | | | | |
| NPDES Permit  Section 401 Permit | | | | | | | |
| Watershed District Permit | | | City Construction Permit | | | | |
| USACE Section 404 General Permit | | | County Limited Use Permit | | | | |
| DNR Public Waters Permit | | | Railroad Temporary Occupancy Permit | | | | |
| WCA/BWSR Permit | | | Other: | | | | |
| MnDOT Limited Use Permit | | | No permits needed on the project | | | | |
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| |  | | --- | | **2) List of Local Authority** [**Environmental Commitments**](http://www.dot.state.mn.us/project-development/environmental-commitments.html)(Write NA if there are no environmental commitments OR  read through environmental review/concurrence letters and list commitments and analyses) | | **1.**  **2.**  **3.**  **4.**  **5.** | | **3) Concurrence by public administrators whose property is utilized for this project**  There are not any publicly owned or managed lands used for this project beyond those owned and/or managed by the Applicant.  There are publicly owned or managed lands used for this project other than lands owned and/or managed by the Applicant. The public administrators of those lands not owned and/or managed by the Applicant have provided their written concurrence that it is permissible to use their lands. *Attach written concurrence by all relevant public administrators.* | | | | | | | | |
| |  | | --- | | **4) Applicable Design Standard(s):       https://www.fhwa.dot.gov/environment/recreational\_trails/guidance/**  List of Design Exceptions: (Provide additional information in Section 15) | | **1.**  **2.**  **3.** | | | | | | | | |
| |  |  |  |  |  | | --- | --- | --- | --- | --- | | **Tribal** |  |  | The project’s anticipated construction limits will be entirely outside the [federally-recognized reservation boundaries and any exterior trust lands](https://www.arcgis.com/apps/webappviewer/index.html?id=8693c578875d434e9575864f5b916688&extent=-11563799.1289%2C5288454.4626%2C-9215653.62%2C6424614.451%2C102100) of a Federally-recognized tribe. | | |  | Or | The project is located, in part or as a whole, within federally-recognized reservation boundaries or exterior trust lands, but consultation with the tribe has not identified any tribal interests, as defined by the [PCE Guidance Document.](http://www.dot.state.mn.us/planning/hpdp/) | | | **Environmental Quality Board (EQB) Environmental Review Rules** |  | Evidence if compliance with Minnesota Environmental Review Rules. Projects need to be evaluated for applicability of environmental review under 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/).  This project is below the [Minnesota Environmental Policy Act (MEPA) mandatory EAW thresholds](https://www.revisor.mn.gov/rules/4410.4300/); exempt from MEPA EAW.  Exemptions from environmental review are described at Minnesota Rules, [4410.4600](https://www.revisor.mn.gov/rules/4410.4600/). Letter making determination and identifying which exemption(s), how determination was made, and how your project qualifies for exemption must be attached to this document.  This project exceeds one or more thresholds for a mandatory MEPA EAW.  ***If the project exceeds any of the applicable EAW thresholds, the EAW must be an attachment to this document.***  The project is below the MEPA mandatory EAW thresholds, but the Applicant has elected to execute a voluntary MEPA EAW.  ***If the Applicants elects to execute a voluntary EAW, the EAW must be an attachment to this document.*** | | | | **Federal Citation** | **C-List Citation** |  | Based on the evaluation of this project and the attached documentation, it is determined that the project meets the criteria of and is properly classified as a Federal Categorical Exclusion.  The project is classified as a Class II Action Category [23 CFR 771.117](https://www.govinfo.gov/content/pkg/CFR-2022-title23-vol1/pdf/CFR-2022-title23-vol1-sec771-117.pdf). Check the  one citation SEE ATTACHMENT 1 below that has the best description of the project.   | **(c)(1)** | **(c)(7)** | **(c)(12)** | **(c)(17)** | **(c)(22)** | **(c)(30)** | | --- | --- | --- | --- | --- | --- | | **(c)(2)** | **(c)(8)** | **(c)(13)** | **(c)(18)** | **(c)(23)** |  | | **(c)(3)** | **(c)(9)** | **(c)(14)** | **(c)(19)** | **(c)(24)** |  | | **(c)(5)** | **(c)(10)** | **(c)(15)** | **(c)(20)** | **(c)(25)** |  | | **(c)(6)** | **(c)(11)** | **(c)(16)** | **(c)(21)** | **(c)(29)** |  | | | | or |  | The project is classified as Class II Action Category [23 CFR 771.117](https://www.govinfo.gov/content/pkg/CFR-2022-title23-vol1/pdf/CFR-2022-title23-vol1-sec771-117.pdf)   | (**c)(26)** | (**c)(27)** | **(c)(28)** | **and does not exceed any of the constraints listed in 771.117(e).** | | --- | --- | --- | --- |   ***If the project violates any of the e-constraints listed, the appropriate citation is d(13) and the Short Form for 23 CFR 771.117(d) must be used. See Section 9 of this document.*** | | 5) Independent Utility and Logical Termini  The project complies with NEPA requirements related to connected actions and segmentation (i.e., the project must have independent utility, connect logical termini when applicable, be usable and be a reasonable expenditure even if no additional transportation improvements in the area are made and not restrict further consideration of alternatives for other reasonably foreseeable transportation improvements). (FHWA Final Rule, “Background,” *Federal Register* Vol. 79, No. 8, January 13, 2014.) | | | | | | 6) Categorical Exclusions Defined (23 CFR 771.117[a]).  FHWA regulation 23 CFR 771.117(a) defines categorical exclusions as actions which:   * do not induce significant impacts to planned growth or land use for the area; * do not require the relocation of significant numbers of people; * do not have a significant impact on any natural, cultural, recreational, historic or other resources; * do not involve significant air, noise, or water quality impacts; * do not have significant impacts on travel patterns; or * do not otherwise, either individually or cumulatively, have any significant environmental impacts.   Checking this box certifies that project meets the above definition for a Categorical Exclusion. | | | | | | 7) Exceptions to Categorical Exclusions/Unusual Circumstances (23 CFR 771.117[b]).  FHWA regulation 23 CFR 771.117(b) provides that any action which normally would be classified as a CE but could involve *unusual circumstances* requires the Department to conduct appropriate environmental studies to determine if the CE classification is proper. Unusual circumstances include actions that involve:   * 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; or * Inconsistencies with any Federal, State, or local law, requirement or administrative determination relating to the environmental aspects of the action.   **All of the above unusual circumstances have been considered in conjunction with this project**. (Please select one.)  Checking this box certifies that **none of the above conditions apply** and that the project qualifies for a Categorical Exclusion.  Checking this box certifies that unusual circumstances are involved. However, the appropriate studies/analysis have been completed, and it has been determined that the CE classification is still appropriate. | | | | | | | | | | | | |
| It has been determined to be a PROGRAMMATIC CATEGORICAL EXCLUSION.  **Recommended by Applicant** | | | | | | | |
| Signature: Date: | | | | | | | |
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| **APPROVAL** by the MnDNR Parks and Trails Division  This project ***does not exceed*** the Attachment B thresholds outlined in the current MNDNR-FHWA PCE Agreement; no FHWA signature necessary.  This project ***exceeds*** the Attachment B thresholds outlined in the current MNDNR-FHWA PCE Agreement; FHWA signature necessary. | | | | | | | |
| |  |  |  |  |  | | --- | --- | --- | --- | --- | |  |  |  |  |  | | MNDNR Grant Specialist Coordinator |  |  |  | DATE | | | | | | | | |
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| **8) APPROVAL by the Federal Highway Administration (if required)**  \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_  FHWA Program Manager Date | | | | | | | |

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| 9)  This section must be completed in order to use a CE under 23 CFR 771.117(c)(26), (c)(27), or (c)(28).  ONLY FILL OUT THIS SECTION IF YOU ARE USING A CE UNDER 23 CFR 771.117(c)(26), (c)(27), or (c)(28). If any of the answers are “Yes” the action MAY NOT be processed under 23 CFR 771.117(c)(26), (c)(27), or (c)(28), however, the project may qualify for a CE under 23 CFR 771.117(d)(13) using the Short Form D-List Catex template. The following constraints are found in 23 CFR 771.117(e). | |
| Does the action include any of the following? | |
| A.  Yes  No: | * An acquisition of more than a minor amount of right-of-way or that would result in any residential or nonresidential displacements |
| B.  Yes  No: | * A bridge permit from the U.S. Coast Guard; ***or*** * An action that does not meet the terms and conditions of a U.S. Army Corps of Engineers nationwide or general permit under section 404 of the Clean Water Act (i.e., does the project require a Standard 404 permit [Individual Permit or Letter of Permission]?) ***and/or*** * A permit required under Section 10 of the Rivers and Harbors Act of 1899 |
| C.  Yes  No: | * A finding of ‘‘adverse effect’’ to historic properties under the National Historic Preservation Act; ***or*** * The use of a resource protected under 23 U.S.C. 138 or 49 U.S.C. 303 (section 4(f)) except for actions resulting in *de minimis* impacts; ***or*** * A finding of ‘‘may affect, likely to adversely affect’’ threatened or endangered species or critical habitat under the Endangered Species Act |
| D.  Yes  No: | * Construction of temporary access, or the closure of existing road, bridge, or ramps, that would result in major traffic disruptions |
| E.  Yes  No: | * Changes in access control |
| F.  Yes  No: | * A floodplain encroachment other than functionally dependent uses (e.g.,bridges, wetlands) or actions that facilitate open space use (e.g.,recreational trails, bicycle and pedestrian paths); ***or*** * Construction activities in, across, or adjacent to a river component designated or proposed for inclusion in the National System of Wild and Scenic Rivers |

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| **10) Social, Economic, and Environmental Impacts** | | | |
| **Section 4(f)** |  |  | **The project does not use** [**Section 4(f)**](https://www.environment.fhwa.dot.gov/env_topics/4f_tutorial/overview.aspx?h=e) **lands or properties.** |
| **or** |  | The project is an independent bikeway/walkway covered by the FHWA Section 4(f) Statement and Determination for Independent Bikeways or Walkways (Negative Declaration statement) dated May 23, 1977.  *Attach the OWJ Concurrence Letter. Contact MNDNR for letter template.* |
| **or** |  | The project meets temporary occupancy conditions that do not constitute a Section 4(f) use per 23 CFR 774.13(d). Temporary occupancies of land that are so minimal as to not constitute a use within the meaning of Section 4(f). The following conditions must be satisfied: NOT APPLICABLE  *Attach the OWJ Concurrence Letter. Contact MNDNR for letter template.* |
| **or** |  | The project meets the conditions of a De Minimis impact finding.  Additional documentation and coordination with MNDNR, FHWA, and the Official with Jurisdiction is complete.  Add ‘*and De Minimis Finding’* to title of this document when 4(f) De Minimis applies.  *Required attachments: 1.) De Minimis Determination Notice of Intent Request Form 2.) Request for Concurrence on Effects to Section 4(f) Resource letter* |
| **or** |  | The project meets the conditions of a Programmatic Section 4(f) Evaluation  List one of the five appropriate categories listed in [23 CFR 774.3](https://www.environment.fhwa.dot.gov/legislation/section4f.aspx):  Additional documentation and coordination with MNDNR, FHWA, and the Official with Jurisdiction is complete.  *Attach the Programmatic Section 4(f) Evaluation and FHWA Section 4(f) Determination.* |
| **or** |  | The project meets the conditions of an Individual Section 4(f) Evaluation.  Additional documentation and coordination with MNDNR, FHWA, and the Official with Jurisdiction is complete.  *Draft individual evaluation, Final individual evaluation, FHWA legal sufficiency determination and FHWA Section 4(f) Determination****.*** |
| **Section 6(f)** |  |  | **The project requires no acquisition of real property interest subject to Section 6(f) or encumbered by similar public-use funding that restricts conversion to other uses** |
| **or** |  | The project requires the acquisition of real property interest subject to Section 6(f) or encumbered by similar public-use funding that restricts conversion to other uses.  *Additional documentation and coordination with FHWA, and MNDNR is required. Attach the Section 6(f) Standard Attachment.* [*See Section 6(f) TPDP chapter*](http://www.dot.state.mn.us/project-development/subject-guidance/section-6f/process.html)*.* |
| **Historic/**  **Archeological**  *Attach CRU determination letter and concurrence letter(s) from THPO/SHPOs* |  |  | **The provisions of the National Historic Preservation Act have been satisfied by a Section 106 finding of *no historic properties affected*.** |
| **or** |  | For NRHP-listed or eligible properties, the provisions of the National Historic Preservation Act have been satisfied by a Section 106 finding of *no adverse effect* per the current Programmatic Agreement (PA) among FHWA, the Minnesota State Historic Preservation Office (MnSHPO), the Advisory Council on Historic Preservation (ACHP), the United States Army Corps of Engineers (USACE) and MnDOT. |
| **or** |  | The project may have an adverse effect on NRHP-listed or eligible property.  *Additional documentation and coordination with MNDNR, FHWA, CRU, and the MnSHPO or a Tribal Historic Preservation Office (THPO) is required.* |
| **and** | | A Section 106 Agreement or known post-NEPA plan review by CRU and the MnSHPO or a Tribal Historic Preservation Office (THPO) is deemed appropriate by MnDOT and FHWA.  No  Yes  *Attach the signed Section 106 agreement*. |
| **Threatened and Endangered Species – Federal**  *Attach determination letter*  *Add any mitigation commitments to Section 2* |  |  | **The provisions of the Endangered Species Act (ESA) have been satisfied by a Section 7 determination of *no effect* to threatened or endangered species or critical habitat.**  *MnDOT OES Wildlife Ecologist determination of* no effect *must be attached to the PCE as supporting documentation \*OR\* attach the completed MN FRTP Cultural, Noise, and Threatened & Endangered Review Request form indicating this is an equipment purchase only project that does not require individual review by the MnDOT OES Wildlife Ecologist.* |
| **or** |  | The scope of work and impacts fall within the applicability criteria of a USFWS-issued species-specific range wide programmatic agreement (PA) that outlines mitigation (e.g. avoidance and minimization measures - AMM). All terms and mitigation required by the USFWS-issued PA plus any measures deemed prudent by the MnDOT Wildlife Ecologist shall be incorporated into the scope of work as environmental commitments.  *Required Documentation:*   * *MnDOT OES Wildlife Ecologist determination* * *Written concurrence from the U.S. Fish and Wildlife Service that the project may rely on the Programmatic Biological Opinion (BO) for federally funded or approved transportation projects that may affect the federally listed threatened northern long-eared bat (NLEB) (Myotis septentrionalis)*   + *Note, in some cases the written concurrence is automatically generated and attached with the MnDOT Wildlife Ecologist determination letter. If included, USFWS has a 14-day comment period to notify MnDOT of any concerns. Silence is acceptance after 14 days.*   *Include any mitigation commitments (Avoidance and Minimization Measures or AMMs) in the commitments table in Section 2****.*** |
| **or** |  | The provisions of the ESA have been satisfied by a Section 7 determination, per written correspondence with the USFWS, of *may affect, not likely to adversely affect* threatened or endangered species or critical habitat, or *may affect but will not cause prohibited take* of the Northern Long-eared Bat (NLEB).  *Required Documentation:*  *• MnDOT OES Wildlife Ecologist determination of may affect, not likely to adversely affect or, for the NLEB, may affect but will not cause prohibited take*  *• Written concurrence from the U.S. Fish and Wildlife Service.*  *• Include any mitigation commitments (Avoidance and Minimization Measures or AMMs) in Section 2 in the commitments table.* |
| **or** |  | The provisions of the ESA have been satisfied by a Section 7 determination of *no jeopardy* for any species proposed for listing under the ESA.  *The MnDOT OES Wildlife Ecologist determination of no jeopardy must be attached to the PCE as supporting documentation.* |
| **or** |  | The project requires formal consultation (and qualifies as a PCE as determined by MnDOT Wildlife Ecologist/OES).  *Attach additional documentation and coordination with MNDNR, FHWA, and USFWS is required.* |
| **and** | | Tree clearing is required and will occur during the winter months (November 1 to March 31, inclusive), unless the MnDOT Wildlife Ecologist determines the area is unsuitable habitat.  Yes  No  *Required Documentation:*  *•Winter tree clearing, if tree clearing is required, must be included within the project scope, special provisions, and in the environmental commitments table (Section 2).*  *•If tree clearing is unsuitable bat habitat, correspondence from the MnDOT OES Wildlife Ecologist confirming that determination must be included in the PCE.* |
| **Migratory Birds** |  |  | **It has been determined that the project is not anticipated to affect birds protected under the Federal Migratory Bird Treaty Act and state regulations.** *MnDOT OES Wildlife Ecologist determination must be attached to the PCE as supporting documentation \*OR\* attach the completed MN FRTP Cultural, Noise, and Threatened & Endangered Review Request form indicating this is an equipment purchase only project that does not require individual review by the MnDOT OES Wildlife Ecologist...* |
| **or** |  | It has been determined that the project will affect birds protected under the Federal Migratory Bird Treaty Act (e.g., swallows on bridges). *Attach correspondence from the MnDOT OES Wildlife Ecologist and/or Bridge Inspection Report. Add any mitigation commitments to Section 2.* |
| **Bald and Golden Eagles** |  |  | **It has been determined that the project will not affect eagles protected under the Federal Bald and Golden Eagle Protection Act.** *MnDOT OES Wildlife Ecologist determination must be attached to the PCE as supporting documentation \*OR\* attach the completed MN FRTP Cultural, Noise, and Threatened & Endangered Review Request form indicating this is an equipment purchase only project that does not require individual review by the MnDOT OES Wildlife Ecologist.* |
| **or** |  | The MnDOT Eagle Survey was required by the MnDOT OES Wildlife Ecologist, and it has been determined that the project will not affect eagles protected under the Federal Bald and Golden Eagle Protection Act.  *Attach correspondence from the MnDOT OES Wildlife Ecologist. Add any mitigation commitments to Section 2.* |
| **or** |  | The MnDOT OES Wildlife Ecologist has determined that the project could potentially affect eagles protected under the Federal Bald and Golden Eagle Protection Act.  A USFWS permit is not required  A USFWS permit is required  *A USFWS permit may be required. Consult with the OES Wildlife Ecologist. Add any mitigation commitments to Section 2.* |
| **Threatened and Endangered Species, Species Of Special Concern – State** |  |  | **The nature and design of the project is such that state listed species will not be affected.** |
| **or** |  | The DNR has identified state listed species that may be impacted by the project. Project owner must coordinate with the DNR to identify avoidance measures, minimize impacts, and/or mitigate. Project owner will identify any necessary permits.  *Attach correspondence from the DNR. Add any mitigation commitments to Section 2.* |
| **Right of Way** |  |  | **The project does not require any new right of way, permanent easement, or temporary easement.** |
| **or** |  | The project requires new right of way, permanent easement, or temporary easement.  The project will require approximately *XX.X* acres of permanent right of way acquisition from X parcel(s) and *XX.X* acres of temporary easements from *X* parcel(s).  *Attach a map or table showing location and extent of ROW impacts.* |
| **and** |  | The project will require *X* residential relocation(s) and/or *X* business relocation(s).  An environmental justice analysis must be completed when there are relocations of any residence or  business.  *Attach an Environmental Justice Analysis. See the Standard Attachment for Environmental Justice Analysis, Environmental Justice Tool Guide, and the Environmental Justice Chapter on* [*TPDP*](http://www.dot.state.mn.us/planning/hpdp/)*.* |
| **Contamination**  **Hazards** |  |  | The project does not have a high risk of causing direct or indirect impacts to human health or sensitive environmental resources due to encountering contamination or hazardous materials.  *Attach applicable results from MPCA database search. Include any mitigation commitments in Section 2. https://www.pca.state.mn.us/about-mpca/whats-in-my-neighborhood*  *https://www.mda.state.mn.us/chemicals/spills/incidentresponse/neighborhood* |
| **Farmland**  *(*[*USDA, NRCS, Websoil Survey*](https://websoilsurvey.sc.egov.usda.gov/App/HomePage.htm)*)* |  |  | **The Farmland Protection Policy Act (FPPA) does not apply.** |
| **or** |  | The project impacts Farmland protected by the Farmland Protection Policy Act (FPPA).  *Attach the completed* [*AD-1006*](https://www.nrcs.usda.gov/Internet/FSE_DOCUMENTS/stelprdb1045394.pdf) *or* [*NRCS- CPA-106*](https://www.nrcs.usda.gov/Internet/FSE_DOCUMENTS/stelprdb1045395.pdf) *form and transmittal email to the NRCS.* |
| **Floodplains** |  |  | **The project does not encroach into a floodplain based upon review of the following resources.** [**https://www.dnr.state.mn.us/waters/watermgmt\_section/floodplain/fema\_firms.html**](https://www.dnr.state.mn.us/waters/watermgmt_section/floodplain/fema_firms.html)  **https://msc.fema.gov/portal/home** |
| **or** |  | The project encroaches into a floodplain. Floodplain encroachment will not have a significant impact, as defined in 23 CFR 650.105 and E.O. 11988 and documented by a Floodplain Assessment including Hydraulic Analysis and Risk Assessment.  *Attach the Floodplain Assessment. Include any mitigation commitments in Section 2.* |
| **Wetlands** |  |  | **The project does not impact or encroach into wetlands.** |
| **or** |  | The project impacts or encroaches into wetlands, however the wetland encroachments are not significant, as documented by a Two -Part Wetland Finding, demonstrating (1) no practical avoidance and (2) all measures to minimize harm are incorporated when avoidance is not practical.  *Attach the* [*Wetland Two Part Finding Form*](http://www.dot.state.mn.us/project-development/subject-guidance/wetlands/index.html)*. Include any mitigation commitments in Section 2.* |
| **Sole Source Aquifer** |  |  | **No portion of the project is located within Crow Wing, Aitkin, Mille Lacs, or Morrison Counties** |
| **or** |  | Portions of the project are within Crow Wing, Aitkin, Mille Lacs, or Morrison Counties but the entire project is located outside of the [Sole Source Aquifer (SSA) project review area](https://epa.maps.arcgis.com/apps/webappviewer/index.html?id=9ebb047ba3ec41ada1877155fe31356b) designated by the US Environmental Protection Agency (USEPA) for any Minnesota SSA. |
| **or** |  | Portions of the project are within Crow Wing, Aitkin, Mille Lacs, or Morrison Counties **–AND–** The project in part or in whole, is within the project review area designated by the USEPA for a Minnesota SSA.  The project does require a detailed groundwater impact assessment to be submitted to USEPA for review.  The project does not require a detailed groundwater impact assessment to be submitted to USEPA for review.  *Attach summary of coordination, and the rationale that led to this conclusion.**Add any mitigation commitments to Section 2.* |
| **Wild and Scenic Rivers** |  |  | **The project does not require 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** |
| **or** |  | The project requires construction 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. The St. Croix River is the only river in Minnesota within this definition.  No permits necessary.  All necessary permits and approvals have been obtained by the National Park Service.  *Additional coordination with OES, FHWA, and the National Park Service may be required. A permit from the National Park Service may be required. Include any mitigation commitments in Section 2.* |
| **Noise** |  |  | **The project is a Type III project as defined by** [**23 CFR 772**](https://www.law.cornell.edu/cfr/text/23/772.5). |
| **or** |  | The project is a Type I project as defined by 23 CFR 772.  MnDOT Noise Specialists have reviewed/accepted the following:  Agree with noise determination type.  Agree with receptor type and locations.  Agree with noise study.  *Attach the Traffic Noise Study.* |
| **Air** |  |  |  |
|  |  | The project conforms to the state implementation plan. This project does not require an air quality analysis and is exempt from Environmental Protection Agency (EPA) transportation conformity requirements in 40 CFR 93. Therefore, no air quality analysis related to the NAAQS has been performed. |
| **or** |  | The project does not add significant capacity to urban highways with design year average daily traffic of 140,000 or more (i.e., does not need a quantitative mobile source air toxics [MSAT] analysis).  The purpose of this project is provided in the project purpose section of this document. This project has been determined to generate minimal air quality impacts for Clean Air Act criteria pollutants and has not been linked with any special mobile source air toxic (MSAT) concerns. As such, this project will not result in changes in traffic volumes, vehicle mix, basic project location, or any other factor that would cause a meaningful increase in MSAT impacts of the project from that of the no-build alternative.  Moreover, EPA regulations for vehicle engines and fuels will cause overall MSAT emissions to decline significantly over the next several decades. Based on regulations now in effect, an analysis of national trends with EPA’s MOVES2014 model forecasts a combined reduction of over 90 percent in the total annual emissions rate for the priority MSAT from 2010 to 2050 while vehicle-miles of travel are projected to increase by over 45 percent (Updated Interim Guidance on Mobile Source Air Toxic Analysis in NEPA Documents, Federal Highway Administration, October 12, 2016). This will both reduce the background level of MSAT as well as the possibility of even minor MSAT emissions from this project. |
| **or** |  | The project has been determined to have higher potential MSAT effects and requires a quantitative MSAT Analysis.  *Additional coordination with MNDNR is required.* |
| **Greenhouse**  **Gas Analysis** |  |  | **No portion of this project is on the MnDOT owned system, therefore is not subject to Greenhouse Gas Analysis.** |
| **or** |  | **Portions of the project are on the MnDOT owned system, but the project is exempt from a Greenhouse Gas Analysis.**  *Projects are exempt if the total construction cost of less than $1,000,000 \*OR\* the trail (in a trail-only project) is not paved, \*OR\* the changes to the MNDOT ROW are modifications below established declared thresholds in guidance document, \*OR\* the scope of work is not covered by the Minnesota Infrastructure Carbon Estimator (MICE) tool* ([See GHG TPDP Chapter](http://www.dot.state.mn.us/planning/hpdp/)). |
| **or** |  | The project requires a Green House Gas Analysis.  *Attach the Greenhouse Gas Analysis Standard Attachment.* |
| **International** |  |  | **The project is not an international project.** |
| **or** |  | The project is an international project.  *Additional coordination with MNDNR and FHWA is required.* |
| **Controversy** |  |  | **The project is not anticipated to be controversial.** |
| **or** |  | The project is anticipated to be controversial. |
| [**Coastal Zone Management Act**](https://www.dnr.state.mn.us/waters/lakesuperior/federal.html) |  |  | The entire project area is outside of the [MN Lake Superior Coastal Zone boundary](https://www.dnr.state.mn.us/waters/lakesuperior/maps.html) because no portion of the project limits or Area of Potential Effect (APE) is within Carlton, Cook, Lake or St. Louis County; Coastal Zone Act (CZA) does not apply. |
| **or** |  | Part or all of the project area is within the [MN Lake Superior Coastal Zone boundary](https://www.dnr.state.mn.us/waters/lakesuperior/maps.html); CZA applies. The project has been determined to not negatively affect land or water uses within the boundary and it meets federal consistency without requiring mitigation.  *Contact the* [*MN Lake Superior Coastal Zone Program*](https://www.dnr.state.mn.us/waters/lakesuperior/personnel.html) *and attach the consistency determination letter to this environmental document.* |
|  | **or** | Part or all of the project area is within the [MN Lake Superior Coastal Zone boundary](https://www.dnr.state.mn.us/waters/lakesuperior/maps.html); CZA applies. The project has been determined to meet federal consistency provided mitigation measures(s) are incorporated into the project.  *Contact the* [*MN Lake Superior Coastal Zone Program*](https://www.dnr.state.mn.us/waters/lakesuperior/personnel.html) *and attach the consistency determination letter to this environmental document and add the mitigation measures to the list of environmental commitments.* |
|  | **or** | Part or all of the project area is within the [MN Lake Superior Coastal Zone boundary](https://www.dnr.state.mn.us/waters/lakesuperior/maps.html); CZA applies. The project has been determined to be inconsistent with CZA.  *Contact the* [*MN Lake Superior Coastal Zone Program*](https://www.dnr.state.mn.us/waters/lakesuperior/personnel.html) *and attach the consistency determination letter. Contact the MNDNR FRTP Grants Specialist Coordinator to discuss the situation. The Grants Specialist Coordinator will coordinate with FHWA as appropriate.* |

### Additional Information about SEE Impacts and Alternatives Evaluation

*Incorporate by reference and attach any supporting documentation to the PCE (Alternatives Analysis, Environmental Justice Analysis, etc.). Maintain an administrative record of meeting dates, attendees, meeting agenda and minutes of any necessary stakeholder coordination. See PCE Guidance Document and the PCE Off-Ramps Document on TPDP for additional guidance.*

**11) Estimated Project Costs (FILL IN FROM FRTP APPLICATION)**

|  |  |
| --- | --- |
| Roadway Costs: | $ |
| Bridge / Culvert Bridge Costs: | $ |
| \*\*Force Account Costs for (*describe work)*: | $ |
| \*\*Right of Way Costs: | $ |
| \*\*Design Engineering Costs: | $ |
| \*\*Construction Administrations Costs: | $ |
| Total Estimated Costs: | $ |

\*\*Please only list these costs if federal funds are being used to fund these phases

**Funding**

|  |  |
| --- | --- |
| Federal STP Funds: | $ |
| Federal TA Funds: | $ |
| Federal other Funds: | $ |
| State Funds: | $ |
| CSAH Funds: | $ |
| MSAS Funds: | $ |
| Other Funds (Name): | $ |
| Local Funds: | $ |

**12) PROJECT SCHEDULE** Month-Year

|  |  |
| --- | --- |
| Right of Way Acquisition: |  |
| Plans, Specs and Estimate: |  |
| Bid Opening: |  |
| Desired Construction Start: |  |

**13) PUBLIC INVOLVEMENT**

Provide a brief summary of any public information meetings or public hearings held. For each meeting please mention who was invited and how, concerns raised, and how were or how will the concerns be addressed.

**14) Other Work Tied to This Contract or Additional Phases**

Provide information on any project(s) that will be added to be bid with the federal aid contract. Include SAP number if there is one, route, termini, length, type of work, and attach a map showing location of the independent project.

It has been determined that the added project has independent utility; it is not within the project limits, and is not necessary for the completion or operation of the federal aid project.

**15) Design Exceptions (if applicable)**

The proposed project does/does not meet the applicable design standard(s), there are no/there are design exceptions required for this project.  
  
Describe what feature or features of the proposed project do not meet any applicable design standard(s). Discuss why the standard(s) cannot be met, including cost to meet standard, additional environmental impacts, etc. Discuss any proposed mitigation to compensate for the reduction in standards.

|  |  |
| --- | --- |
| **Attachment 1 Activity Listed in 23 CFR 771.117(c).** Check appropriate C-list categorical exclusion citation below. | |
| 1 | Activities which do not involve or lead directly to construction such as planning and research activities; grants for training; engineering to define the elements of a proposed action or alternatives so that social, economic, and environmental effects can be assessed; and Federal-aid system revisions which establish classes of highways on the Federal-aid highway system. |
| 2 | Approval of utility installations along or across a transportation facility. |
| 3 | Construction of bicycle and pedestrian lanes, paths, and facilities. |
| 4 | Activities included in the State's *highway safety plan* under [23 U.S.C 402](http://www.gpo.gov/fdsys/granule/USCODE-2011-title23/USCODE-2011-title23-chap4-sec402/content-detail.html). |
| 5 | Transfer of Federal lands pursuant to 23 U.S.C 107(d) and/or 23 U.S.C 317 when the land transfer is in support of an action that is not otherwise subject to FHWA review under NEPA. |
| 6 | The installation of noise barriers or alterations to existing publicly owned buildings to provide for noise reduction. |
| 7 | Landscaping. |
| 8 | Installation of fencing, signs, pavement markings, small passenger shelters, traffic signals, and railroad warning devices where no substantial land acquisition or traffic disruption will occur. |
| 9 | The following actions for transportation facilities damaged by an incident resulting in an emergency declared by the Governor of the State and concurred in by the Secretary, or a disaster or emergency declared by the President pursuant to the Robert T. Stafford Act (42 U.S.C 5121):[[1]](#footnote-2) |
|  | (i) Emergency repairs under 23 U.S.C 125; |
|  | (ii) The repair, reconstruction, restoration, retrofitting, or replacement of any road, highway, bridge, tunnel, or transit facility (such as a ferry dock or bus transfer station), including ancillary transportation facilities (such as pedestrian/bicycle paths and bike lanes), that is in operation or under construction when damaged and the action:  (A) Occurs within the existing right-of-way and in a manner that substantially conforms to the preexisting design, function, and location as the original (which may include upgrades to meet existing codes and standards as well as upgrades warranted to address conditions that have changed since the original construction); and  (B) Is commenced within a 2-year period beginning on the date of the declaration. |
| 10 | Acquisition of scenic easements. |
| 11 | Determination of payback under 23 U.S.C 156 for property previously acquired with Federal-aid participation. |
| 12 | Improvements to existing rest areas and truck weigh stations. |
| 13 | Ridesharing activities. |
| 14 | Bus and rail car rehabilitation. |
| 15 | Alterations to facilities or vehicles in order to make them accessible for elderly and handicapped persons. |
| 16 | Program administration, technical assistance activities, and operating assistance to transit authorities to continue existing service or increase service to meet routine changes in demand. |
| 17 | The purchase of vehicles by the applicant where the use of these vehicles can be accommodated by existing facilities or by new facilities which themselves are within a CE. |
| 18 | Track and railbed maintenance and improvements when carried out within the existing right-of-way. |
| 19 | Purchase and installation of operating or maintenance equipment to be located within the transit facility and with no significant impacts off the site. |
| 20 | Promulgation of rules, regulations, and directives. |
| 21 | Deployment of electronics, photonics, communications, or information processing used singly or in combination, or as components of a fully integrated system, to improve the efficiency or safety of a surface transportation system or to enhance security or passenger convenience. Examples include, but are not limited to, traffic control and detector devices, lane management systems, electronic payment equipment, automatic vehicle locaters, automated passenger counters, computer-aided dispatching systems, radio communications systems, dynamic message signs, and security equipment including surveillance and detection cameras on roadways and in transit facilities and on buses. |
| 22 | “Projects, as defined in 23 U.S.C. 101, that would take place entirely within the existing operational right-of-way. Existing operational right-of-way refers to right-of-way that has been disturbed for an existing transportation facility or is maintained for a transportation purpose. This area includes the features associated with the physical footprint of the transportation facility (including the roadway, bridges, interchanges, culverts, drainage, fixed guideways,[[2]](#footnote-3) mitigation areas, etc.) and other areas maintained for transportation purposes such as clear zone, traffic control signage, landscaping, any rest areas with direct access to a controlled access highway, areas maintained for safety and security of a transportation facility, parking facilities with direct access to an existing transportation facility, transit power substations, transit venting structures, and transit maintenance facilities. Portions of the right-of-way that have not been disturbed or that are not maintained for transportation purposes are not in the existing operational right-of-way.” Existing operational right-of-way also does not include areas outside those areas necessary for existing transportation facilities such as uneconomic remnants, excess right-of-way that is secured by a fence to prevent trespassing, *or that are acquired and held for a future transportation project*. A transportation facility must already exist at the time of the review of the proposed project being considered for the CE. This precludes the acquisition of right-of-way and the subsequent use of this CE to build within that right-of-way. |
| 23 | Federally-funded projects: UPDATED IN OCTOBER EVERY YEAR   1. That receive less than $6,742,380 of Federal funds; or 2. With a total estimated cost of not more than $39,330,550 and Federal funds comprising less than 15 percent of the total estimated project cost. |
| 24 | Localized geotechnical and other investigation to provide information for preliminary design and for environmental analysis and permitting purposes, such as drilling test bores for soil sampling; archeological investigations for archeology resources assessment or similar survey; and wetland surveys. |
| 25 | Environmental restoration and pollution abatement actions to minimize or mitigate the impacts of any existing transportation facility (including retrofitting and construction of stormwater treatment systems to meet Federal and State requirements under sections 401 and 402 of the Federal Water Pollution Control Act (33 U.S.C. 1341; 1342) carried out to address water pollution or environmental degradation. |
| 26 | Modernization of a highway by resurfacing, restoration, rehabilitation, reconstruction, adding shoulders, or adding auxiliary lanes (including parking, weaving, turning, and climbing lanes), if the action meets the constraints in paragraph (e) of this section [771.117(e)]. **Note: In order to use this CE, certain constraints must be met.** [**Complete Section 8 below**](#Section_6)**.** |
| 27 | Highway safety or traffic operations improvement projects, including the installation of ramp metering control devices and lighting, if the project meets the constraints in paragraph (e) of this section [771.117(e)]. **Note: In order to use this CE, certain constraints must be met.** [**Complete Section 8 below**](#Section_6)**.** |
| 28 | Bridge rehabilitation, reconstruction, or replacement or the construction of grade separation to replace existing at-grade railroad crossings, if the actions meet the constraints in paragraph (e) of this section [771.117(e)]. **Note: In order to use this CE, certain constraints must be met.** [**Complete Section 8 below**](#Section_6)**.** |
| 29 | Purchase, construction, replacement, or rehabilitation of ferry vessels (including improvements to ferry vessel safety, navigation, and security systems) that would not require a change in the function of the ferry terminals and can be accommodated by existing facilities or by new facilities which themselves are within a CE. |
| 30 | Rehabilitation or reconstruction of existing ferry facilities that occupy substantially the same geographic footprint, do not result in a change in their functional use, and do not result in a substantial increase in the existing facility’s capacity. Example actions include work on pedestrian and vehicle transfer structures and associated utilities, buildings, and terminals. |

**16) Attachments**

**[Not all inclusive, add or subtract as applicable]**

* Project Location Map
* Existing Typical Section(s)
* Proposed Typical Section(s)
* Section 4(f)
  + Section 4(f) Independent Bikeway/Walkway Negative Declaration OWJ Concurrence Letter
  + Temporary Occupancy OWJ Concurrence Letter
  + Section 4(f) De Minimis Determination
  + Individual Section 4(f) Evaluations
    - Draft Section 4(f) Evaluation
    - Final Section 4(f) Evaluation
    - FHWA legal sufficiency determination (individual only)
  + Programmatic Section 4(f) Evaluation
  + Standalone FHWA Section 4(f) determination (programmatic & individual evaluations)
* Section 6(f) Standard Attachment
* Letter Regarding MEPA Mandatory EAW Thresholds
* MnDOT Cultural Resources Determination Letter
* SHPO/THPO response Letter (response to request for consultation)
* MN FRTP Cultural, Noise, and Threatened & Endangered Review request form
* MnDOT Office of Environmental Stewardship Contaminated Properties Letter
* MnDOT Office of Environmental Stewardship Section 7 Determination Letter
* US Fish and Wildlife Determination Letter
* Migratory Birds Determination and Documentation
* Bald and Golden Eagle Act Determination and Documentation
* MnDNR Natural Heritage Information System Letter & attachments for State listed species (if available)
* Map Showing Right of Way Acquisitions
* Map Showing Hazardous Materials Locations
* Farmland AD-1006 or CPA-106 Form and Transmittal email to NRCS
* Floodplain Map
* Floodplain Assessment
* Wetland Map
* Wetland Two-Part Finding
* MnDOT Office of Environmental Stewardship Noise Analysis Specialist Correspondence
* Bridge information
  + Structure Inventory
  + Bridge Cross-section
  + Stream Profile
  + Bridge Survey Cross-section
  + Hydraulic Analysis
  + Risk Assessment
* MPCA Construction Stormwater E-Map
* Flood Insurance Rate Map
* Greenhouse Gas Analysis (applies only to projects on the MnDOT TH system)
* Environmental Justice Analysis
* Sole Source Aquifer analysis plus (if required) detailed ground water assessment report
* Noise Study Report + Companion Document
* Minnesota Environmental Policy Act (MEPA) Environmental Assessment Worksheet (EAW)
* Coastal Zone Management Act letter (aka ‘consistency determination’)
* Concurrence by public administrators whose property is utilized for this project
* Standard Attachment for PRCER projects
* MnDOT Contaminated/Regulated Material Checklist and any CMMT communications
* Other applicable documents for this project

1. Include copy of the emergency declaration in the file [↑](#footnote-ref-2)
2. “Fixed Guideway” means a public transportation facility using and occupying a separate right-of-way for the exclusive use of public transportation such as rail, a fixed catenary system (light rail, trolley, etc.) passenger ferry system, or for a bus rapid transit system. [↑](#footnote-ref-3)