

Non-Programmatic Categorical Exclusion Environmental Review Summary

Project Description:

Project No.:

Project Code/Subaccount No.:

Prepared By:

Date:

FEDERAL AID PROJECTS

As a result of this Environmental Study, FHWA Colorado Division finds that this project will NOT cause significant environmental impacts and qualifies as a Categorical Exclusion _____, under paragraph _____, 23 CFR 771.117

Approved by: _____ Date: _____
FHWA Colorado Division, Operations Engineer

If the answer to any of the following questions is YES, further investigation will be required in order to determine if a CE is appropriate for this project.

- | | | |
|-----|----|--|
| YES | NO | If an individual 404 permit required, does the US Corps of Engineers object to a Categorical Exclusion class of environmental document? |
| YES | NO | If the project adversely affects endangered or threatened species and/or their critical habitat, does the USFWS object to the categorical exclusion class of environmental document? |
| YES | NO | If a DOT letter of consent is required for easement, does the federal land management agency have unresolved issues with the environmental analysis? |
| YES | NO | Is there any substantial controversy on environmental grounds? |

If the answer to any of the following questions is YES, then the project should not be approved as a Categorical Exclusion.

- | | | |
|-----|----|--|
| YES | NO | Are significant environmental impacts expected? |
| YES | NO | Are there any inconsistencies with the Federal, State, or local law, requirement or administration determination relating to the environment aspects of the action expected? |
| YES | NO | Does this project add additional capacity? |
| YES | NO | Is there substantial construction on a new alignment? |
| YES | NO | Will the project significantly change traffic patterns? |
| YES | NO | Are there significant impacts expected to properties protected by Section 4(f) of the DOT Act or Section 106 of the National Preservation Act? |
| YES | NO | Is the right-of-way required significant because of its: size, location, use, or relationship to remaining property and abutting properties. |
| YES | NO | Is there a substantial noise increase (greater than 10 dba) or noise levels great than allowable CDOT guidelines and mitigation is not reasonable and feasible? |

1. Purpose and Need for Action

2. Description (Attach appropriate map(s) and location of proposed design)

3. Project Planning and Programming

A) Yes No Is the project in the STIP? IF NO, the project cannot be approved.

B) Yes No If the project is located in an urban area, is it in the Plan and TIP?
IF NO, the project cannot be approved. (If the project is located in one of the following urban nonattainment or maintenance areas DRCOG, PPACG, NFRT&AQPC, it must be in a conforming Plan and TIP. If the project is located in one of the following rural nonattainment or maintenance areas Steamboat Springs, Aspen, Telluride, Pagosa Springs, Canon City and Lamar, it must be included in a Plan and STIP.)

4. Public Involvement

- A) YES NO Will this project add additional through traffic lanes, substantially change the layout or the function of the roadway or connection roadways, including access limitations?
- B) YES NO Does this project have an adverse impact on abutting property?
- C) YES NO Are there social, economic, environmental or other effects?
- D) YES NO Has FHWA or the CDOT determined that a public meeting is in the public interest?

If the answer to ANY of the above questions is YES, a public meeting or the opportunity for a public meeting is required (attach documentation identifying date and location of the meeting, summary of comments, and responses to substantial comments or include certification of opportunity for a public meeting.)

What types of public involvement have been provided? Check the appropriate line(s) below:
Attach a brief description of the event held, comments and responses to those comments.

Formal Public Meeting
Open House
Neighborhood Meeting
Agency Coordination/Meeting
Other:

Brief description:

5. Right-of-Way

- A) YES NO Is the acquisition of right-of-way or easements required?

For projects that require right-of-way:

Number of Parcels Affected
Number of Acres Required
Number of Residential Relocations
Number of Business Relocations

B) FOR LAND ACQUISITION/EASEMENT FROM TRIBES:

YES NO Has government to government coordination been conducted with the tribe?

YES NO Is a letter of consent required from a tribal government or a government agency for acquiring right-of-way? **IF YES**, state which ones:

C) FOR LAND ACQUISITION/EASEMENT FROM USFS OR BLM

YES NO Has coordination been undertaken in accordance with the Memorandum of Understanding between the U.S. Forest Service, Bureau of Land Management, CDOT, and FHWA for projects that affect the State transportation system and public lands?

6. Threatened or Endangered Species/Migratory Birds/Wildlife

- A) YES NO Has consultation with the USFWS under section 7 of the Endangered Species Act been concluded and is evidence in the file? (Note: Letter from USFWS should be less than 1 year old from the date of issue or they need to be updated by issuing agency.)
- B) YES NO Are T & E species present?

IF YES then check the applicable outcome from the following:

Informal consultation. Written concurrence from USFWS that project will not adversely impact listed species or its critical habitat in file. Concurrence letter from USFWS in file.

Formal Consultation. No Jeopardy Opinion. Biological Opinion stating that the proposed project is not likely to jeopardize the continued existence of a listed species or result in the destruction or adverse modification of its critical habitat. Biological Opinion is in file. Conservation measures listed in item #21.

Formal Consultation. Jeopardy Opinion. Project is likely to jeopardize the continued existence of a listed species or result in the destruction or adverse modification of its critical habitat.

IF USFWS ISSUES A JEOPARDY OPINION, THE PROJECT CANNOT PROCEED.

- C) YES NO Are there impacts to migratory birds?

IF YES:

Documentation of habitat modification and/or fragmentation mitigation measures are listed in Section 21. (Note: Guidance on compliance with the Migratory Bird Treaty Act of 1918 is being developed by FHWA Headquarters).

- D) YES NO Will the project adversely impact wildlife movement corridors?

7. Water Quality, Wetlands, Floodplains, Stream Encroachments

- A) YES NO Does this project impact wetlands? **IF YES:** Mitigation is listed in Section 21.
- B) YES NO Does this project have minor impacts on wetlands or other aquatic areas but qualifies for a USACE Nationwide Permit or General Permit?
- C) YES NO Does the project comply with the FHWA/CDOT programmatic agreement on Wetland Findings dated December 2, 1991? A wetland finding is signed and in the FHWA file.
- D) YES NO Does this project impact floodplains? **IF YES:** Coordination with FEMA is complete and mitigation is listed in Section 21 or explain.
- E) YES NO Are impacted waters listed on the 303(d) list of state impaired waters.
- The Clean Water Act calls on each state to list its polluted water bodies and to set priorities for their clean up. Water bodies qualify for these "impaired waters lists" when they are too polluted or otherwise degraded to support their designated and existing uses. The impaired waters list is also called the 303(d) list, named after the section in the Act that requires it. The states submit their lists to Congress every two years.
- F) YES NO Does this project comply with CDOT's MS4 permit?
IF YES: Specific BMPs have been designed as part of the project in accordance with the MS4 permit and listed in Section 21 and the project specifications.
- OR**
No BMPs are required for this project.

8. Air Quality – check applicable line below

A) Regional Conformity Requirements

- 1) Yes No Is this project in a non-attainment or maintenance area for carbon monoxide (CO), ozone (O₃) or particulate matter (PM₁₀)? If No, air quality conformity requirements are met.

IF YES:

YES No For projects within the boundaries of DRCOG, PPACG or NFRT&AQPC has the project's design and scope changed significantly since the last regional emissions analysis was done for the conforming Plan and TIP?

IF YES: A new Plan and TIP conformity determination must be performed before project can be approved.

IF NO: Proceed to the Project Level Conformity section.

- 2) Yes No Is this project covered by one of the exempt project categories in 40 CFR 93.126, 127 or 128? (Exempt projects are listed under H:\Shared\CatEx Checklist\Exempt Projects 40 CFR 93.126)

IF YES: No further air quality analysis is necessary, except for projects listed in table 3 of 40 CFR 93.127, a determination must be made whether a hot-spot analysis is required for CO or PM₁₀.

IF NO: Proceed to the Project Level Conformity section.

B) Project Level Conformity Requirements

- 1) YES NO Is the project in a nonattainment or maintenance area Carbon Monoxide (CO), ie. DRCOG, PPACG, and NFRT&AQPC:

IF YES: Continue CO section below
IF NO: CO air quality conformity requirements are met.
- 2) YES NO Is the project covered by one of the exempt project categories in 40 CFR 93.126 or 128? (Exempt projects are listed under H:\Shared\CatEx Checklist\Exempt Projects 40 CFR 93.126)

IF YES: CO air quality conformity requirements are met.
IF NO: Continue CO section below.
- 3) YES NO Is the project covered by one of the project categories in 40 CFR 93.127?

IF YES: Interagency consultation with FHWA, CDOT Environmental Program and the APCD (Air Pollution Control Division) is required to determine if a CO Hot Spot analysis is necessary.
IF NO: Continue CO section below.
- 4) Roadway widening projects –if not applicable, continue to next item.

YES No Does this project involve the addition of through traffic lanes?

IF YES: A CO Hot Spot analysis of the worst location(s) is required – go to item 8 (Quantitative CO Hot Spot Analysis)
- 5) For Intersection/Signalization Projects:
YES NO Is the project located in an urbanized area?

IF YES: Go to item 6 (Projects in an urbanized area)
IF NO: Go to item 7 (Projects outside an urbanized area)
- 6) For projects in an urbanized area:
YES NO Will the existing LOS of the intersection be “C” or better, and the projected LOS of the intersection be “C” or better in the design year?

IF YES: A quantitative CO Hot Spot analysis is not required. However, a qualitative analysis is still required. The “build” LOS in the design year is expected to be higher than the “no build” LOS. (This qualitative analysis indicates that the project should not cause or contribute to any new localized CO violation or increase the frequency or severity of any existing CO violations.)

IF NO: A quantitative CO Hot Spot analysis is required, go to item 8
(Quantitative CO Hot Spot Analysis)

- 7) For projects outside an urbanized area:
YES NO Is the “build” LOS in the design year expected to be better than the “no build” LOS? (This qualitative analysis indicates that the project should not cause or contribute to any new localized CO violation or increase the frequency or severity of any existing CO violations.)

IF NO: The project should be modified accordingly.

- 8) Quantitative CO Hot Spot Analysis using CAL3QHC:
YES NO Does a CO Hot Spot analysis show violations of the NAAQS?

YES NO Will the project cause or contribute to any localized CO violations or increase the frequency or severity of any existing violations?

Results of the CO Hot Spot analysis in file.

IF YES to either question in item (8): Consider modifying the signal timing and re-running the analysis or use CAL3QHCR version if any air quality monitoring data is available. If the NAAQS are still exceeded, compare projected “no-build” CO levels with the “build” CO level for the design year. CO levels for the “build” alternative must be less than the “no-build” CO levels for the design year; otherwise the project must be modified accordingly.

- 9) Particulate Matter (PM10) for DRCOG, Steamboat Springs, Aspen, Telluride, Pagosa Springs, Canon City and Lamar:

YES NO Is the project in a nonattainment or maintenance area for PM10?

IF YES: Continue PM10 section below.

IF NO: PM10 air quality conformity requirements are met.

YES NO Is the project covered by one of the exempt project categories in 40 CFR 93.126 or 128? (Exempt projects are listed under H:\Shared\CatEx Checklist\Exempt Projects 40 CFR 93.126)

IF YES: PM10 Air quality conformity requirements are met.

IF NO: Continue PM10 section below.

YES NO Is the project covered by one of the project categories in 40 CFR 93.127?

IF YES: Interagency consultation with FHWA, CDOT Environmental Program and the APCD (Air Pollution Control Division) is required to determine if a PM10 Hot Spot analysis is necessary.

IF NO: Continue PM10 section below.

YES NO Does the project add or alter roadway capacity?

IF YES: A *quantitative* Hot Spot analysis for PM10 is not required until EPA announces the availability of this guidance in the federal Register. However, a *qualitative* PM10 Hot Spot analysis is required. Continue below, at least one item must be checked "Yes" to satisfy the requirements for a qualitative analysis.

IF NO: PM10 Air quality conformity requirements are met.

YES NO Has interagency consultation with FHWA, CDOT Environmental Program and the APCD (Air Pollution Control Division) concluded that this project is unlikely to cause additional PM10 violations or increase the severity of existing violations?

YES NO Does the existing air quality, meteorological factors and climate in the project area suggest that this project is unlikely to cause additional PM10 violations or increase the severity of existing violations?

YES NO Has this project been compared to another similar location that is known not to violate PM10 standards?

10) PM10 Construction Impacts

YES NO Does this project have the potential to increase particulate matter due to construction activities?

IF YES:

Best Management Practices to minimize fugitive dust will be incorporated during project construction, in accordance with APCD procedures. Mitigation is located in project specifications and file.

9. Invasive Species

A) YES NO Has a weed inventory been done at the project site?

B) YES NO Is the project likely to introduce or spread invasive species included on the noxious weed list of the State of Colorado and the county noxious weed list?

IF YES: YES NO Mitigation measures are required to minimize the spread of the invasive species. **IF YES:** The mitigation measures are listed in Section 21.

10. Hazardous Materials

- A) YES NO Does the on site inspection, research and/or due diligence of the project area give an indication of the presence of hazardous materials?

IF YES: Appropriate evaluation and mitigation requirements are listed in Section 21 and documentation is in the file.

11. Land Use / Urban Policy

- A) YES NO Is this project consistent with local land use plans or zoning?

IF NO:

Explanatory material has been reviewed and is in the file.

12. Prime, Unique, Statewide, or Local Important Farmland

- A) YES NO Will this project require right-of-way or land where there is currently or land use maps indicate there is and will likely be future farming activities on the land to be acquired?

- B) YES NO Will this project affect prime, unique, statewide or locally important farmland?

13. Recreation

- A) YES NO Is there Section 6(f) involvement?

IF YES:

Section 6(f) consultation has been concluded and correspondence is in the file. Mitigation measures are listed in Section 21.

14. Noise

- A) YES NO Is this project a Type I project as defined by 23 CFR 772, and are noise sensitive receivers in categories A, B, C, or E present? **IF YES:** A noise study is in the file.

- B) YES NO Have noise abatement criteria as defined in the CDOT guidelines been approached or exceeded?

- C) YES NO Is noise abatement is reasonable and feasible as defined by the CDOT?

IF YES: Noise abatement mitigation will be included in the project specifications and listed in Section 21. **IF NO:** Need explanation of why not reasonable and feasible.

15. Historic Preservation

- A) YES NO Does this project have an effect on eligible or potentially eligible historic properties?

IF YES:

SHPO concurrence with the Determination of Eligibility and Finding of Effect is in the file. Where mitigation is required there is a Memorandum of Agreement.

Mitigation measures are listed in Section 21.

For projects that have an adverse effect on historic properties:

B) YES NO Has the public been involved and has any interested party been given an opportunity to participate in the resolution of adverse effect?

16. Native American Consultation (required for every construction project):

A) YES NO Have letters for Native American consultation have been sent and follow-up calls have been made? Attached letters and responses from tribes have been reviewed.
IF NO: provide an explanation.

B) YES NO Are there impacts to historic properties of concern to Native American Tribes? **IF YES:** Impacts require mitigation or avoidance and mitigation commitments are listed in Section 21.

For Projects That Have an Adverse Effect on Historic Properties:

C) YES NO Has a Memorandum of Agreement has been developed in consultation with the Tribal Governments and in the file?

17. Paleontological

A) YES NO Has there been a field review or determination that a paleontological field review is necessary? **IF YES:** A memo from the CDOT Paleontologist is in the file stating that the paleontological coordination has been completed.

B) YES NO Are mitigation measures required? **IF YES:** The mitigation measures are listed in Section 21.

18. Section 4(f) Properties (4(f) evaluation must be attached)

A) YES NO Is there a Section 4(f) use?

IF YES:

A Programmatic Section 4(f) Evaluation has been signed and is in FHWA file.

A final Section 4(f) Evaluation has been signed and is in FHWA file.

19. Socio/Economic Factors

A) YES NO Will the project have substantial socio/economic impacts?

B) YES NO Will the project disproportionately impact minority or low-income populations? **IF YES:** The mitigation measures are included in Section 21.

17. Other Environmental Factors

For the following environmental factors, is there a potential substantial impact? If yes to any of the following items, please provide additional documentation describing impacts and mitigation measures.

A) YES NO Visual

B) YES NO Natural Resources

C) YES NO Geology/Soils

D) YES NO Wild/Scenic Rivers

E) YES NO Ecology

F) YES NO Indirect and Cumulative Impacts

21. Mitigation

A) YES NO Is mitigation required in contractor Plans and Specifications? List Mitigation:

B) YES NO Is Project specific mitigation required by agreement with environmental resource and regulatory agencies (ie. CWA 404, Section 106, 4(f), noise, Section 7, HazMat, Migratory Bird Treaty Act)? List Mitigation:

22. List Attached Documents