**Instructions for the WYDOT Categorical Exclusion (CE) form**

**General Information**

* This CE form is for use on federal-aid projects that pass through WYDOT for local governments.
* This local government form is in compliance with the Memorandum of Agreement (MOA) for Approval of Categorical Exclusions (CE) between the Federal Highway Administration and the Wyoming Department of Transportation on outlining the procedures for the processing of CEs with Federal-aid funds within Wyoming under the National Environmental Policy Act.
* In accordance with the MOA for Approval of CEs, WYDOT will determine whether the document requires FHWA signature.
* Determinations of the Area of Potential Effect (APE), level of cultural investigation and determinations of eligibility are all made by the lead federal agency per 36 CFR 800. FHWA is the lead federal agency for WYDOT projects, including those with pass through funding. FHWA has designated WYDOT to make these determinations on their behalf.

**Categorical Exclusion Steps**

* Prepare scoping letters with details on the proposed scope of work, location of the project including the Public Land Survey System description (PLSS).
* Send the scoping letters to the Wyoming Game and Fish Department, U.S. Army Corps of Engineers, U.S. Fish and Wildlife Service and any other applicable agencies depending project specifics.
* **Do Not** scope the State Historic Preservation Office. Their role is to concur on determinations made by the lead federal agency or their designee (WYDOT).
* Send a letter to WYDOT Environmental Services (Nick.Hines@wyo.gov and Stephanie.Lowe1@wyo.gov) seeking cultural comments. Including the following information
	1. Project Description, emphasizing ground disturbances
	2. Project location and boundaries, using the PLSS down to quarter-quarter.
	3. Map showing location and boundaries of project.
	4. Identify any federal land managing agencies within the project area (e.g. BLM, US Forest Service, etc)
* Follow subsequent guidance provided by WYDOT Environmental Services.
* Complete design plans to 35% (ex. grading plans) to determine the projects proposed impacts.
* Complete the attached CE form.
* Once completed **SEND THE FOLLOWING TO WYDOT's LOCAL GOVERNMENT OFFICE**
	+ Completed CE form
	+ Figures
	+ Agency letters and their responses
	+ At least 35% design plans
* **Wait** for a response from WYDOT before proceeding to the next step.

DATE

Mr. Bryan Cawley, P.E. Project No.: Insert Project Number

Wyoming Division Administrator Insert Project Name

Federal Highway Administration Insert Project Location or Road Name

2617 E. Lincolnway, Suite D Insert County

Cheyenne, WY 82001-5662 Insert Type of Work

Dear Mr. Cawley:

Pursuant to the requirements of the National Environmental Policy Act, the Wyoming Department of Transportation (WYDOT) submits this Categorical Exclusion (CE) on behalf of INSERT PROJECT SPONSOR for the above referenced project. Justification for the determination of minimal and temporary impacts is presented in the following sections.

**PROJECT LOCATION**

|  |
| --- |
| Describe the location of the project including roads, town/city, county and Section, Township and Range. Include as Figure 1 the project locations.  |

**PURPOSE AND NEED**

|  |
| --- |
| Describe what issue or problem you are intending to resolve with this project and why does the issue/problem need to be resolved. Do not state the solution or the scope of work.  |

**PROPOSED IMPROVEMENTS**

|  |
| --- |
| Describe all proposed improvements, including their locations. If applicable include width and surfacing material for any pathways or sidewalks. Include as Figure 2. |

**AFFECTED ENVIRONMENT / IMPACTS**

The attached modified Wyoming Department of Transportation Form 100 summarizes potential environmental impacts associated with this project.

| ***\*\* If answered Yes to any of the questions below further details are required.***  | **Yes** | **No** |
| --- | --- | --- |
| **Social Impacts** |
| **Land Use** *(New land development, redistribution of developments or changes in zoning)** Will the proposed project lead to land development or redistribution of existing land development not already in a planning document?

If Yes, describe impacts here | **[ ]**  | [ ]  |
| **Community Cohesion** *(The ability of people to communicate and interact with each other in ways that lead to a sense of community. Cohesion is reflected in the neighborhoods ability to function and be recognized as a singular unit.)** Does the project have residential impacts and/or create a barrier between a residential community and social or commercial resources?

If Yes, describe impacts here | [ ]  | [ ]  |
| **Relocation Potential** *(Relocation of private or commercial businesses, buildings or property)** Are any residential or commercial properties going to be relocated?

If Yes, describe impacts here | [ ]  | [ ]  |
| **Churches and Schools** *(Potential impacts to physical property of a church or school or changes to how they are accessed.)** Will there be any impacts to church or school property including how they are accessed?

If Yes, describe impacts here | [ ]  | [ ]  |
| **Controversy Potential** *(If individuals, groups or organizations are against the project.)** Is there any controversy with the project in the community or adjacent landowners?

If Yes, describe impacts here | [ ]  | [ ]  |
| **Energy Production** *(Potential impacts to oil, gas, coal, uranium extraction and production.)** Will the project impact energy production or the recovery of materials in or adjacent to the project area?

If Yes, describe impacts here | [ ]  | [ ]  |
| **Utility Lines** *(Potential impacts to telephone lines, fiber optic, electrical, water and sewer)** Will any utility lines be moved or impacted due to the project?

If Yes, describe impacts here | [ ]  | [ ]  |
| **Emergency Services** *(Potential impacts to designated emergency routes or impacts that may delay emergency services)** Will the project impede emergency service access through the project or surrounding areas?

If Yes, describe impacts here | [ ]  | [ ]  |
| **Environmental Justice** *(Compare the impacts on the minority and/or low-income populations with respect to the impacts on the overall population within the project area. Fair distribution of the beneficial and adverse effects of the proposed action is the desired outcome.)** Is there fair distribution of the beneficial and adverse effects of the proposed action to all populations within the project area?

*\*No additional information needed if checked “Yes”.*If No, provide justification here | [ ]  | [ ]  |
| **Public Transportation** *(Potential impacts to public transit operations, existing transit routes, transit facilities, etc.)** Will the project impact public transportation operations or alter public transportation routes?

If Yes, describe impacts here | [ ]  | [ ]  |
| **Right-of-Way** *(Public rights of way used for transportation.)** Will the project require land that is currently not existing city, county or state transportation right-of-way?

*\*All property acquisitions used in this project must comply fully with the Uniform Relocation Assistance and Real Property Acquisition Polices Act of 1970, as amended.* If Yes, describe impacts here | [ ]  | [ ]  |
| **Construction Permits** *(Temporary construction easements or property used only during construction to allow equipment access or additional room to construct the project.)* * Will there be temporary access on private, state, or federal land outside of the existing right-of-way for temporary use during construction?

If Yes, describe impacts here | [ ]  | [ ]  |
| **Pedestrian and Bicycle** *(Potential impacts to existing pathways, sidewalks or other features used by pedestrians or bicyclists.)** Will there be any impacts to existing pedestrian or bicycle routes or pathways?

If Yes, describe impacts here | [ ]  | [ ]  |
| **Archaeological and Historical Impacts** |
| **Cultural/Archaeological/Historic Impacts** *(Contact WYDOT for a determination of effect or if additional cultural or Historical Studies need to be completed.**\*Insert WYDOT's response below and the SHPO concurrence letter in the appendix.*Insert WYDOT response here |
| **Section 4(f)** *(Section 4(f) of the DOT Act establishes the requirement for consideration of park and recreational lands, wildlife and waterfowl refuges and historic sites in transportation project development.)** Will your project involve work on any of the following types of properties: fairgrounds, public open spaces, public parks, state game lands, or other recreation facilities fully open to the public?

*\* If Yes, Contact WYDOT Environmental Services before submitting the final CE*If Yes, describe impacts here | [ ]  | [ ]  |
| **Natural Resources** |
| **Wetlands and other Waters of the U.S**. *(Potential impacts to open water, wetlands, creeks, dry channels, irrigation canals, etc.)** Are there any impacts to Waters of the U.S. including wetlands, creeks, streams or rivers?
* Did the U.S. Army Corps of Engineers (USACE) indicate the project would impact Waters of the U.S.

*\*Send scoping letter to the U.S. Army Corps of Engineers (USACE), attach scoping letter and USACE response in appendix.)*If Yes, describe impacts here | [ ]  | [ ]  |
| **Water Quality** *(Potential impacts to existing impaired waters or sediment run off from the project.)** Are there any Wyoming Department of Environmental Quality (WYDEQ) Class I, Class II or impaired waters in the project limits?
* Does the project require compliance or a permit with the Wyoming Pollutant Discharge Elimination System (WPDES)?

If Yes, describe impacts here | [ ]  | [ ]  |
| **Wild and Scenic Rivers** *(Wild and Scenic Rivers Act was created to preserve certain rivers with outstanding natural, cultural and recreational values in a free-flowing condition for the enjoyment of present and future generations.)** Are there any designated or proposed Wild and Scenic Rivers in or adjacent to the project area?

*\*If Yes, contact WYDOT Environmental Services.* If Yes, describe impacts here | [ ]  | [ ]  |
| **Floodplains** *(Floodplains are identified by the National Flood Insurance Program (NFIP) and the Federal Emergency Management Agency (FEMA.)** Is the project within an identified floodplain or will it encroach on a regulatory floodplain?

*\*If Yes, contact the local Floodplain coordinator and include their response in the appendix.*If Yes, describe impacts here | [ ]  | [ ]  |
| **Farmlands** *(The Farmland Protection Policy Act is intended to minimize the impact on the conversion of farmland to nonagricultural uses.)* * Are you impacting any prime or unique farmland as defined by the Natural Resource Conservation Service?

If Yes, describe impacts here | [ ]  | [ ]  |
| **Wildlife and Habitat** *(Potential impacts to state managed wildlife or wildlife habitat, Migratory Bird Treaty Act and the Bald and Golden Eagle Protection Act.)** Are there any raptor nests within one mile of the project area?
 | [ ]  | [ ]  |
| * Is the project located in Sage-Grouse Core Management Areas?
 | [ ]  | [ ]  |
| * Did the Wyoming Game and Fish Department have any recommendations or concerns with the project?

\**If Yes, identify which recommendations you will be implementing.**\*Include scoping letter to the Wyoming Game and Fish and their response in the appendix.* If Yes, describe impacts here | [ ]  | [ ]  |
| **Threatened and Endangered Species** *(Potential impacts to federal Species Of Concern or Threatened and Endangered species.)** Did the U.S. Fish and Wildlife Service scoping letter indicate any concerns?

\**Include scoping letter to the USFWS and their response in the appendix.* If Yes, describe impacts here | [ ]  | [ ]  |
| **Vegetation** *(Potential impacts to special status plant species and preventing the spread of noxious and invasive species.)** Will the project impact any special status plant species?

*\*Projects must have all disturbed (bare ground) areas seeded with commercially available native species at the end of construction to help control the spread of noxious and invasive species. Explain below if this will not happen.* If Yes, describe impacts here | [ ]  | [ ]  |
| **Ecosystem** *(Potential impacts when considering all the various natural resource impacts to determine if combined they cause impacts to the regional ecosystem.)** Is the project expected to cause permanent regional ecosystem impacts?

If Yes, describe impacts here | [ ]  | [ ]  |
| **Physical Impacts** |
| **Noise *(Potential impacts caused by traffic noise increase to noise sensitive areas, including parks, amphitheaters, churches, schools, residential, businesses, etc.)*** * After construction will the project increase noise at any noise sensitive areas within or adjacent to the project area?

If Yes, describe impacts here | [ ]  | [ ]  |
| **Air Quality** *(Potential impacts to air quality from particulate matter and gas emissions)** Is the project in a WYDEQ non-attainment area?
* Will there be any adverse long-term impacts to air quality from the project?

If Yes, describe impacts here | [ ]  | [ ]  |
| **Hazardous Waste Sites & Contamination** *(Potential for the project to release or expose contamination from previous fueling stations, lube shops, dry cleaners, mechanic shops, industrial operations, refineries, etc.)** Will the project impact any locations that could contain hazardous waste or is adjacent to facilities that may have been previously contaminated?

If Yes, describe impacts here | [ ]  | [ ]  |
| **Visual** *(Potential impacts to areas that are known for their scenic views including National Scenic Byway, National Scenic Area, Wild and Scenic River, National Trails System, National Monument, cultural resources, etc)?** Will the project be seen by any areas known for their scenic views or will it block any areas known for scenic views?

If Yes, describe impacts here | [ ]  | [ ]  |
| **Plant Sites, Material Sources, Haul Roads *(All disturbances related to the project including batch plants, hot plants, material sources, borrow sites and haul roads accessing these places need to be covered by this document.)*** * Will the project use borrow sources, waste areas and plant sites other than contractor furnished or commercially available sources?
* Are there any other areas outside the project limits that will have work combined with this project that have not been discussed above?

If Yes, describe impacts here | [ ]  | [ ]  |
| **Temporary Impacts *(Describe any other temporary impacts that have not been covered.)***Will the project have any other additional temporary impacts that have not been addressed above?If Yes, describe impacts here | **[ ]**  | **[ ]**  |

**PUBLIC PARTICIPATION**

|  |
| --- |
| Describe any opportunities that the public has had to provide comments on the project, including dates and a generalized public response. Can include council meetings and direct landowner contact. |

**ENVIRONMENTAL COMMITMENTS**

The contractor will become familiar with and adhere to all laws relevant to avoiding and/or minimizing damaging impacts to the environment.

All property acquisitions used in this project are in full compliance with the Uniform Relocation Assistance and Real Property Acquisition Polices Act of 1970, as amended.

All disturbed areas (even if previously bare ground) will be seeded with commercially available native species at the end of construction to help control the spread of noxious and invasive species.

If any impacts, not discussed in this document, are discovered during construction, work should immediately stop until WYDOT Environmental Services has been notified and has evaluated the impact(s) to determine the proper measures to be taken to prevent further impact and provide guidance on how to mitigate any impacts that require mitigation.

|  |
| --- |
|       |

**PREPARER**

Name, Title, Organization of Preparer

I agree to comply with all commitments and conditions listed above. The information provided above is accurate to the best of my knowledge.

\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ DATE

Name of Individual with Signatory Authority

Title of Signatory

**DETERMINATION**

|  |
| --- |
| *WYDOT Environmental Service use only.**Per the 2018 FHWA/WYDOT Programmatic Agreement for the processing of actions classified as categorical exclusions for federal-aid highway projects,**[ ]  This CE meets the requirements of a WYDOT CE2.* *[ ]  This CE meets the requirements of a WYDOT CE3.*  |

Wyoming Department of Transportation

\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ \_\_\_\_\_\_\_\_\_\_

Scott Gamo, Ph.D. Date

This project is a Categorical Exclusion per FHWA approval

\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

Bryan Cawley, P.E. Date

Federal Highway Administration

Attachments: Site Location Map

Proposed Improvements Map

Design Plans

Agency Letters

* Letter to WYDOT Environmental Services requesting a Cultural Determination
* WYDOT Cultural Response Letter
* Letter to the USACE
* USACE Response Letter
* Letter to the Wyoming Game and Fish
* Wyoming Game and Fish Response Letter
* Letter to the U.S. Fish and Wildlife
* U.S. Fish and Wildlife Response Letter
* If applicable, enter additional attachments here