**Instructions for SDDOT Categorical Exclusion Checklist**

**and**

**Environmental Commitments Checklist**

1. Utilize this checklist for all federally funded projects coordinated as a Categorical Exclusion (CE) class of action.
2. Reference the [*Programmatic Agreement Between the FHWA & the SDDOT Regarding the Processing of Determining Categorical Exclusions on DOT Projects*](http://www.sddot.com/transportation/highways/environmental/docs/PAgreement_CategoricalExclusions.pdf) to determine whether project qualifies as a **Certified CE (CE 1)**, **Certified CE (CE 2)**, or an **Approved CE (CE 3)**.
3. FHWA signature is required for projects utilizing the information beneath the double line border on ANY of the NEPA Clearance Actions. More specifically, for projects that qualify as an **Approved CE (CE 3)**.
4. FHWA Approval may be requested for Certified CE projects when a Section 404 Nationwide permit is required. The purpose for the request will be stated in Section C, Comments.
5. If FHWA signature is not required, then “N/A” will be entered on the FHWA Approval line in Section D.
6. The assigned ‘Project Design Manager’ to include in the Environmental Commitments Checklist can be located in the Approved Scope’s Executive Summary tab.
7. Upon certification/approval of the *SDDOT CE Checklist & Environmental Commitments Checklist*, distribute document to the Project Design Manager indicated on Environmental Commitments Checklist and any other necessary designees. [Provide copy to the 404 Coordinator when there is a 404 permit needed]
	1. Environmental Project Coordinator (EPC) will include a project specific [Section A – Estimate of Quantities and Environmental Commitments](http://sddot.com/business/design/docs/downloads/notes/Section_A-EstimateofQuantitiesandEnvironmentalCommitments.docx) with this notification for incorporation into final plan set.
8. Delete this entire guidance page with certification/approval of document.
9. Significant changes to the project scope, work limits, or plans after a Categorical Exclusion has been certified or approved will require re-determination of CE validity.

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| **South Dakota Department of Transportation Categorical Exclusion Checklist** |
| **Project:**       | **County:**        | **PCN:**       |
| **Location Description:** Enter C2C 'Location Desc' here |
| **Improvement Description (Purpose & Need):** Enter C2C 'Improvement Description' here |
| **Environmental Initiation Date:**       MM/DD/YYYY) This is the date you started coordination on project. | **CE Action:**  | **EPC:**  |
| **771.117(c) cat.** Only choose 1 from the (c) list OR (d) list, not bothChoose an item. |
| **771.117(d) cat.**Choose an item. |

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| **Logical termini and segmentation review** |
| **Y** | **N** |  |
|  |  | Does the project have independent utility? |
|  |  | Does the project connect logical termini? |
|  |  | Does the project allow further consideration of alternatives for other reasonably foreseeable transportation improvements? |
| *If ‘N’ (no) is checked for any of the above questions, the project does not qualify as a CE under the PCE.**Consultation between SDDOT and FHWA is required.* |

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| Attach maps to identify project location and resources of concern *[select all that apply and that have been attached]* |
|  | General project location map. |
|  | State option site locations (borrow, stockpile, waste, etc). |
|  | General location of wetlands, jurisdictional streams, channels, rivers. |
|  | All Section 4(f) resources located in and near the study area. |
|  | The location of historic structures or historic districts directly adjacent to the project or farther if impacted. |
|  | Impacted noise receptor locations and any proposed noise abatement feature locations. |
|  | The location of any known Hazardous Materials sites within the environmental study area. |
|  | Proposed detour map, when applicable. |

1. **NEPA Clearance Actions**

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| **Federally Threatened and Endangered Species** **(Section 7)** [select all that apply] ***FWS Response*** |
|  | SDDOT review resulted in a "No Effect" determination to listed species. |
|  | USFWS concurred with a "Not Likely to Adversely Affect" determination for listed species. |
|  | USFWS concurred with the biological assessment through individual informal consultation.  |
|  | Complies with the national USFWS / FHWA programmatic ESA consultation. |
|  | Project has been appended to the USFWS / FHWA / SDDOT Programmatic Biological Opinion. |
| MM/DD/YYYY Concurrence Date:       |
|  | USFWS Concurred with “May Affect, Is Likely to Adversely Affect” determination for Federally listed species not discussed in the Biological Opinion. |
| MM/DD/YYYY Concurrence Date:       |
| New Listed Species: |
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| Species: | Effect Determination: |
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| Describe below, habitat (if any), avoidance, minimization, mitigation if not included in commitments section |
|   |
| **Parks, Recreation Areas, Wildlife & Waterfowl Refuges, & Historic Sites (Section 4(f))****Land and Water Conservation Act Properties (Section 6(f) - 36 CFR 59) *FHWA/SHPO & GFP Response*** |
|  | No Section property will be affected. |
|  | Section 4(f) exception applies. 23 CFR 774.13 . FHWA concurrence:       MM/DD/YYYY |
|  | Section 6(f) nonconforming use determination. GF&P concurrence:       FHWA concurrence:       |
| Discussion:  |
|  | Requires use of these Section 4(f) or 6(f) properties:  |
|  23 CFR 774.5 agency coordination with:  |
|  23 CFR 774.7 documentation completed for:  |
| Public Coord: NPS Concur Date (6(f)):       OWJ Concur Date:       FHWA Approval Date:       MM/DD/YYYY |
| Identify below resources being impacted. For conversion of 6(f) properties, attach agreement with GF&P. |
| Discussion:  |
|   |  |  |
| **Historic and Archaeological Preservation** **Act (Section 106)** ***SHPO/THPO Response*** |
|  | Project activities exempt in accordance with Section 106 Programmatic Agreement between FHWA-SHPO-SDDOT-ACHP. [Section 106 PA\_Appendix A\_13AUG20.pdf](file:///%5C%5CState.sd.local%5Cwork%5CTRPR1%5Cpd%5CEnvironmental%5CSection%20106_SHPO_ARC%5C1_Section%20106%20PA%20%20DOT-SHPO-FHWA%5C1a.%20Section%20106%20PA%20Approved%5CSection%20106%20PA_Appendix%20A_13AUG20.pdf) |
|  | SHPO concurred with finding of: Concurrence Date:       MM/DD/YYYY |
|  | THPO concurred with finding of: For projects on Tribal Lands Concurrence Date:       MM/DD/YYYY |
|  | Cultural Survey Report sent to BIA on      . For projects on Tribal Lands |
|  | Conditions are included with the finding. SDDOT will provide documentation to FHWA when satisfied. |
| Discussion:  |
|  | Cultural resources will be affected by the project. The NHPA Section 106 process concluded with a signed Memorandum of Agreement. FHWA Approval Date:       MM/DD/YYYY |
| Discussion:  |
|   |  |  |
| **Aquatic Resources (E.O. 11990 and Section 404 - Clean Water Act)** |
| Identification method: . |
| Delineation by: / Calculations by: (include consultant name if applicable):  |
|  | No wetlands were identified. |
|  | All wetlands are preamble. |
|  | Project construction will avoid all wetlands identified. |
|  | All wetland impacts will be temporary. |
|  | Stream bed impacts |
|  | Statewide Wetland Finding (SWF) applies.  |
|  -Impacts will be mitigated with:  |
|  -AND when applicable the SDDOT reasonably anticipates a Nation-Wide Permit will be issued by the USACE  for jurisdictional impacts based on informal consultation or experience with similar projects. |
| Discussion:  |
|  | Project area includes one or more acres of wetland impacts:  |
| -Impacts will be mitigated with:  |
| Estimated acres of permanent wetland impacts: FHWA Wetland Finding Approval Date:      . MM/DD/YYYY |
| Identification method: . |
| Discussion:  |

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| **USACE Coordination on Dredge and Fill** ***United States Army Corps of Engineers*** |
|  | A Section 404 Permit or Section 10 permit is not required from the USACE. |
|  | SDDOT reasonably anticipates a Nationwide Permit will be received. |
|  | SDDOT reasonably anticipates a Nationwide Permit will be received and a 401 Water Quality Certification is required. (on Tribal Land)  |
|  | An Individual Permit will be applied for and imposed conditions will be complied with.  |
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| **FEMA Floodplain/Floodway** |
|  | No designated floodplains exist within the project limits. (EPC may make this review) |
|  | Project will not cause any rise in a floodplain that potentially impacts an adjacent structure, any rise in a floodway, or greater than 1-foot rise in the Base Flood Elevation. (Qualified hydraulic staff required to make this determination) |
|  Reviewed by (full name): Date:       MM/DD/YYYY |
|  | Project will cause greater than 1-foot rise in Base Flood Elevation, a rise in a floodplain that potentially impactsan adjacent structure, or a rise in a floodway. A CLOMAR will be provided to FHWA prior to advertising theproject. (Note: If the improvement results in a longitudinal encroachment on the floodplain, it must be discussed in detail.) |

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| **Right-of-Way (temporary or permanent) *Verify through Scope and/or Project Design Manager*** |
|  | No right-of-way is required. |
|  | Minor amounts of right-of-way are required. |
| Type: Low Cost ; Strip Acquisition(s) ; Corner Acquisition(s) ; Other-see discussion below  |
| Discussion:  |
|  | Right-of-way acquisition requires: Estimated acres Permanent:  Estimated acres Temporary:  |
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|  | Disposal of excess Right-of-Way resulting in change in property use. |
|  | Acquisition of land for hardship. |
|  | Substantial affects to how a property functions. |
|  | Removal of major property improvements (e.g., buildings and structures). |
|  | Any residential or non-residential displacement(s). |
|  | More than minor amounts of right-of-way. |

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| Discussion:  |

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| **DANR Coordination** (Note: EPA Permits required if on Tribal Lands) |
|  Coordination Completion Date:       (Commitments included in the Enviro. Commitments Checklist) |
| Project requires a NPDES storm water permit. (ground disturbance is greater than 1 acre or work activities are in a waterway-with SWPPP commitment) |
| **GFP Coordination Completion Date:**       (Commitments included in the Enviro. Commitments Checklist) |

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| **Tribal Consultation *(additional tribes to what is checked may be needed)*** |
| Tribal consultation was initiated on       with the Tribes listed below: |
|  | Lower Brule Sioux Tribe\* |  | Oglala Sioux Tribe\* |  | Three Affiliated Tribes of ND |
|  | Sisseton – Wahpeton Oyate\* |  | Crow Creek Sioux Tribe\* |  | Northern Arapaho Tribe |
|  | Standing Rock Sioux Tribe\* |  | Flandreau Santee Sioux Tribe\* |  | Ponca Tribe of Nebraska |
|  | Yankton Sioux Tribe\* |  | Rosebud Sioux Tribe\* |  | Iowa Tribe of Oklahoma |
|  | Cheyenne River Sioux Tribe\* |  | Chippewa Cree Tribe | \* Indicates South Dakota Tribes |
|  Tribal comments were received, and letter(s) is attached. |
|  | Received Tribe request(s) for FHWA consultation - request(s) attached. |
| **Public Coordination** |
|  List Public Involvement, date, and meeting purpose(s), e.x. STIP, scoping, design, environment, 4(f) |
|  Annual STIP Meeting  |
|  |
| 1. **Additional Considerations**
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| **N** | **Y** | *Include FHWA on project correspondence and meeting invites when any of the following are known.* |
|  |  | **Federal Actions** - Project will require Federal Action or use/ lease of land from a Federal land management agency. |
|  |  | **Utilities** - Federal funds will be used for or the project contractor will be responsible for utility relocations. |
|  |  | **Farmland** - Prime or unique farmland will be affected (60+ points in Part VI of NRCS-CPA-106 Form. |
|  |  | **Trails, bike paths** - Construction of new facilities will be on ROW not previously designated for transportation use. |
|  |  | **Wild and Scenic/National Recreational Rivers** - Project will cross or be adjacent to the Wild and Scenic portion of |
|   |  |  the Missouri River. Agency with Jurisdiction considers action an impact. |
|  |  | **Navigable Waters** - Project will require work in waters identified by the USCG for interstate commerce |
|   |  |  (Section 9 of the Rivers & Harbors Act). |
|  |  | **Migratory Bird Treaty Act** - Project will not comply with the MBTA. |
|  |  | **Hazardous Materials** - The action will result in disturbance of hazardous material site such as a Superfund site,  |
|   |  |  Lead Based Paint, and Asbestos. |
|  |  | **Traffic Noise** - The project is a “Type I project” per 23 CFR 772.5. |
|  |  | **Increased Capacity** - The action will result in addition of through-lane capacity. |
|  |  | **Environmental Justice** - There is potential for disproportionately high & adverse impacts to minority or low |
|   |  |  income populations exist. Attach screening |
|  |  | **Air Quality** - The action will increase capacity in exceedance of 100,000 vehicles per day in the 20th year |
|  |  |  following construction; will result in a high potential for Mobile Source Air Toxics (MSAT Level III) effects or; |
|  |  |  is considered Regionally Significant within a designated non-attainment area. |
|  |  | **Traffic:** The action will result in permanent traffic pattern changes or disruptions. |
|  |  |  The action will result in closure of business access during operational hours. |
|  |  |  The action will result in temporary or permanent interference with local special events or festivals. |
|  |  |  The action will result in access restrictions to emergency service facilities or providers. |
|  |  | **Detours:** Temporary roads, detours, or ramp closures will substantially change the environmental consequences |
|  |  |  identified for project construction activities. |
|  |  |  Results in adverse travel (out of direction). 5+ miles in urban / 25+ miles in rural. |
|  |  |  Results in temporary or permanent adverse effects to through-traffic dependent businesses. |
|  |  | **Access:** The action will result in permanent or temporary control of access breaks on Interstate |
|  |  | Access modifications will result in changes to the functionality of adjacent properties. |
|  |  |  Access modifications will result in closures to businesses or residences. |
|  |  | **Unresolved controversy:** There is unresolved controversy (environment, design, ROW, access, etc.). |
|  |  | **Cumulative Impacts:** Cumulative impacts are anticipated. |
| Discuss each of the items noted above, impacts & coordination conducted with officials/agencies including FHWA. Include resulting mitigation for each of the items identified above. Attach map of traffic detour if one is required for the project. |
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| 1. **Comments** (This area is to supplement information provided above when needed)
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| Identify the specific resource being comment on along with each comment: |
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| 1. **STIP Verification** (Project must be in the approved 4-year STIP prior to approval of the CE)
 |
| STIP or Revision Number: 20##-20## STIP |

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| 1. **Environmental Project Certification and Approval**
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| Project record includes all support documents which substantiate each of the statements identified above. |
| This project meets the definition for a Categorical Exclusion under 23 CFR 771.117(a), does not involve unusual circumstances as defined under 23 CFR 771.117 (b), does not require preparation of an Environmental Impact Statement or Environmental Assessment, qualifies for a Categorical Exclusion under 23 CFR 771.117(c) or 23 CFR 771.117(d) and does not exceed the threshold criteria listed in the Programmatic Agreement between FHWA and SDDOT Regarding the Processing of Actions Classified as Categorical Exclusions for Federal-Aid Highway Projects. |
| Indirect effects from this project are not anticipated. This project will not induce growth, change land uses, substantially change travel patterns within a community, or substantially impact water quality, drainage patterns or other resources of concern. Since no substantial human, environmental or economic impacts have been identified for this project; no cumulative impacts are expected.The SDDOT has determined the information in this form is accurate and the project is in compliance with the Programmatic Agreement between FHWA and SDDOT Regarding the Processing of Actions Classified as Categorical Exclusions for Federal-Aid Highway Projects dated February 5, 2021, and satisfies the criteria of 23 CFR 771.117(a) no significant impact and (b) no unusual circumstances. The mitigation in the Environmental Commitments checklist attached to this CE will be implemented for the project.If the scope of work changes, existing conditions change, or applicable regulations change, SDDOT shall reevaluate this determination in accordance with the SDDOT reevaluation procedures. |

 **Certification:**

       MM/DD/YYYY

 - SDDOT Environmental Office Date

 **Approval:**

       MM/DD/YYYY

 - FHWA Environmental Engineer Date

PROJECT #  COUNTY  PCN

ENVIRONMENTAL CLASS CODE PROJECT DESIGN MANAGER

**The following conditions, concerns, and issues described in this Environmental Commitment Checklist are based on the knowledge provided to secure the approved environmental classification date as exhibited on the Categorical Exclusion Checklist. If there are changes to the project scope, work limits, or plans after approval of the Environmental Class Code, the Environmental Office must be contacted to evaluate potential for impacts. The following Commitments are to be included with the project action:**

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| **Commitment A – Aquatic Resources** |
|  **Commitment A1: Wetlands** | **Yes** |  | **No** |  | **n/a** |  |  |
| Total Impacted Wetland Acreage: |       | Permanent | Total Needed: |       |
|       | Temporary |
|  **Commitment A2: Streams** | **Yes** |  | **No** |  | **n/a** |  |  |
| Total Impacted Stream Acreage: |       | Permanent | Total Needed: |       |
|       | Temporary |
| Comments: {include summation to how mitigation will be accomplished or Permanent wetland impacts are less than 0.10 acre. Wetland mitigation is not required in accordance with Section 404 of the Clean Water Act; the State Wetland Finding applies. Temporary impacts will not be mitigated as original contours and elevations will be re-established.} |
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| **Commitment B – Federally Threatened, Endangered, & Protected Species**  |
|  **Commitment B1: Topeka Shiner** | **Yes** |  | **No** |  | **n/a** |  |  |
|  **Commitment B2: Whooping Crane** | **Yes** |  | **No** |  | **n/a** |  |  |
|  **Commitment B3: American Burying Beetle** | **Yes** |  | **No** |  | **n/a** |  |  |
|  **Commitment B4: Bald Eagle** | **Yes** |  | **No** |  | **n/a** |  |  |
| **Commitment B5: NLEB** | **Yes** |  | **No** |  | **n/a** |  |  |
| **Commitment B6: Migratory Bird Work Restriction** | **Yes** |  | **No** |  | **n/a** |  |  |
| Comments:       |
|  |
| **Commitment C – Water Source**  | **Yes** |  | **No** |  | **n/a** |  | (always include in notes) |
| Comments: {identify which watershed project occurs within} |
|  |
| **Commitment D – Water Quality Standards**  |
|  **Commitment D1: Surface Water Quality** | **Yes** |  | **No** |  | **n/a** |  |  |
|  **Commitment D2: Surface Water Discharge** | **Yes** |  | **No** |  | **n/a** |  |  |
| Comments: {list each water body & its associated WQ Standard} |
|  |
| **Commitment E – Storm Water** | **Yes** |  | **No** |  | **n/a** |  | (always include in notes) |
| Comments: {identify any Major receiving body of water(s)} The Contractor must adhere to the “Special Provision Regarding Storm Water Discharges to Waters of the State.” and/ or The Contractor must adhere to the “Special Provision Regarding Storm Water Discharge to Waters of the United States within Indian Reservations”. |
|  |
| **Commitment F – Seasonal Work Restriction** | **Yes** |  | **No** |  | **n/a** |  |  |
| Comments: {identify stream name, classification, & seasonal work restriction that applies} |
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| **Commitment G – Dewatering & Sediment Collection** | **Yes** |  | **No** |  | **n/a** |  | (include on urban grading & storm sewer projects) |
| Comments: {The Contractor will meet the terms of the Temporary Discharge Permit and the Storm Water Permit for Construction Activities.} |
|  |
| **Commitment H – Waste Disposal Site** | **Yes** |  | **No** |  | **n/a** |  | (always include in notes) |
| Comments: Construction and/or demolition debris may not be disposed of within the Public ROW. |
|  |
| **Commitment I – Historic Preservation Office Clearances** | **Yes** |  | **No** |  | **n/a** |  | (always include in notes) |
| Comments: The Contractor shall arrange and pay for a cultural resource survey and/or records search for all earth disturbing activities not designated within the plans. |
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| **Commitment J – Construction Practices for Temporary** **Works in Waterways of the U.S.** | **Yes** |  | **No** |  | **n/a** |  |  |
| Comments: {identify the Water(s) of the U.S. and associated OHWE} |
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| **Commitment K –**[**Rapid City Area Air Quality Control Zone**](http://www.rcgov.org/index.php?option=com_docman&view=download&alias=436-air-quality-control-zone-map&category_slug=air-quality-divison&Itemid=149)  | **Yes** |  | **No** |  | **n/a** |  |  |
| Comments:       |

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| **Commitment L – Contaminated Material** | **Yes** |  | **No** |  | **n/a** |  |  |
| Comments: {list name & location of known and/or suspected gas stations, underground storage tanks, etc.} |
|  |
| **Commitment M – Section 4(f)/6(f) Resources** | **Yes** |  | **No** |  | **n/a** |  |  |
| **If yes (check appropriate): [ ]  Section 4(f) public park [ ]  Section 4(f) wildlife refuge [ ]  Section 4(f) historic site** **[ ]  Section 4(f) recreational lands[ ]  Section 4(f) waterfowl refuge** **[ ]  Section 6(f) property** |
| **4(f) Type of Use:** | **[ ]  Permanent Incorporation/Permanent Easement [ ]  Temporary Occupancy** **[ ]  Constructive [ ]  *De Minimis* Impact [ ]  Other Consideration**  |
| **6(f) Type of Use:** | **[ ]  Temporary Non-Conforming Use [ ]  6(f) Use – Conversion approval**  |
| Comments: {Include: property name, location, etc.} {Discuss if 4(f) finding requires 1 of the 5 Programmatic evaluations, a De Minimis, or an Individual determination} {Discuss if property was acquired or developed w/ LWCF & no conversion/conversion of 6(f)}  |
|  |
| **Commitment N – Section 404 Permit**  | **Yes** |  | **No** |  | **n/a** |  |  |
| Comments: {The Contractor shall comply with all requirements contained in the Section 404 permit.} |
|  |
| **Commitment O – Section 401 Water Quality Certification** | **Yes** |  | **No** |  | **n/a** |  |  |
| Comments: {The Contractor shall comply with all requirements contained in the Section 401 certification.} |
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| **Commitment P – Traditional Cultural Property Monitoring** | **Yes** |  | **No** |  | **n/a** |  |  |
| Comments: {coordinate site avoidance with the designer} |
|  |
| **Commitment Q – Archaeological Coordination** | **Yes** |  | **No** |  | **n/a** |  |  |
| Comments: {coordinate site avoidance with the designer} |
|  |
| **Commitment R – Tree Replacement** | **Yes** |  | **No** |  | **n/a** |  |  |
| Comments:       |
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| **Commitment S –** [**Fire Protection in the Black Hills Area**](https://wildlandfire.sd.gov/burnpermits/burnpermits.aspx) | **Yes** |  | **No** |  | **n/a** |  |  |
| Comments:       |
|  |
| **Commitment T –** N/A | **Yes** |  | **No** |  | **n/a** |  |  |
| Comments:       |