



## CATEGORICAL EXCLUSION PROGRAMMATIC DETERMINATION CHECKLIST

**Action/Project Name:** Project Name  
**Federal Project Number:** Federal Project Number

**State Project Number:** #####  
**CE Action Number:** ##

**Description of Project:**  
Project description

### PROGRAMMATIC CATEGORICAL EXCLUSION (CE) CRITERIA

	NO	YES
1 <u>Right-of-Way</u> – Does the proposed action result in any residential or non-residential displacements, or acquisition of property rights to an extent that impairs the functions of the affected property? Does the proposed action include acquisition of land for hardship or protective purposes?	<input type="checkbox"/>	<input type="checkbox"/>
2 <u>Traffic</u> – Does the proposed action result in capacity expansion of a roadway by addition of through lanes?	<input type="checkbox"/>	<input type="checkbox"/>
3 <u>Roadway Access</u> – Does the proposed action involve the construction of temporary access, or the closure of existing road, bridge, or ramps that would result in major traffic disruptions? Does the proposed action involve changes in access that pertain to interstate highways, or that have wide-reaching ramifications?	<input type="checkbox"/>	<input type="checkbox"/>
4 <u>Cultural Resources</u> – Does the proposed action use CE Action Number 26, 27, or 28 <u>AND</u> have an Adverse Effect on historic properties pursuant to Section 106 of the National Historic Preservation Act?	<input type="checkbox"/>	<input type="checkbox"/>
5 <u>Section 4(f)</u> – Does the proposed action require the use of any property protected by Section 4(f) of the 1966 USDOT Act, that cannot be documented with a <i>de minimis</i> impact determination, or a programmatic Section 4(f) evaluation, other than the programmatic evaluation for the use of historic bridges?	<input type="checkbox"/>	<input type="checkbox"/>
6 <u>Section 6(f)</u> – Does the proposed action require the acquisition or conversion of any land under the protection of Section 6(f) of the Land and Water Conservation Act of 1965?	<input type="checkbox"/>	<input type="checkbox"/>
7 <u>Wetlands/Surface Waters</u> – Does the proposed action require an Army Corps of Engineers Individual Permit pursuant to the Clean Water Act, and/or a Section 10 permit pursuant to the Rivers and Harbors Act of 1899?	<input type="checkbox"/>	<input type="checkbox"/>
8 <u>US Coast Guard</u> – Does the proposed action require a US Coast Guard bridge permit?	<input type="checkbox"/>	<input type="checkbox"/>
9 <u>Floodways/Floodplains</u> – Does the proposed action encroach on the regulatory floodway of water courses or water bodies, resulting in more than a nominal increase in base flood elevation? Does the proposed action have a significant or adverse impact on floodplain values, or create a significant risk to human life or property?	<input type="checkbox"/>	<input type="checkbox"/>
10 <u>Water Quality</u> – Does the proposed action have more than a negligible impact on water quality?	<input type="checkbox"/>	<input type="checkbox"/>
11 <u>Wild and Scenic Rivers</u> – Does the proposed action use CE Action Number 26, 27, or 28 <u>AND</u> require any work below the ordinary high water mark of a river designated as a component of, or proposed for inclusion in, the National System of Wild and Scenic Rivers, or below the ordinary high water mark of a tributary to such river?	<input type="checkbox"/>	<input type="checkbox"/>
12 <u>Noise</u> – Is the proposed action a Type I highway project?	<input type="checkbox"/>	<input type="checkbox"/>
13 <u>Endangered Species</u> – Does the proposed action result in a finding of “ <i>may affect, likely to adversely affect</i> ” threatened or endangered species or critical habitat under the Endangered Species Act, and is not included in an approved Biological Opinion for a FHWA Programmatic Agreement, or result in impacts subject to the conditions of the Bald and Golden Eagle Protection Act?	<input type="checkbox"/>	<input type="checkbox"/>
14 <u>Air Quality</u> – Is the proposed action inconsistent with the State Implementation Plan in air quality non-attainment areas, or the Statewide Transportation Improvement Program, or in applicable urbanized areas the Transportation Improvement Program? Does the proposed action cause or contribute to violations of the National Ambient Air Quality Standards (NAAQS)?	<input type="checkbox"/>	<input type="checkbox"/>
15 <u>CZMA</u> – Is the proposed action inconsistent with the State’s Coastal Zone Management Plan?	<input type="checkbox"/>	<input type="checkbox"/>
16 <u>Other</u> – Are there any unusual circumstances that would require additional environmental studies to determine if the action would qualify for processing programmatically (e.g. substantial environmental controversy, inconsistency with other environmental requirements, or significant sources of contamination)?	<input type="checkbox"/>	<input type="checkbox"/>

❖ If the answer to all of these questions is **NO**, the proposed action **qualifies for classification as a Programmatic Categorical Exclusion**.

❖ If the answer to any of these questions is **YES**, the proposed action **does not qualify for classification as a Programmatic Categorical Exclusion**.

**DETAILED DISCUSSION OF PROGRAMMATIC CE CRITERIA**

Provide a brief narrative response as to how your project qualifies for a Programmatic Categorical Exclusion.

1. **Right-of-Way** – Does the proposed action result in any residential or non-residential displacements, or acquisition of property rights to an extent that impairs the functions of the affected property? Does the proposed action include acquisition of land for hardship or protective purposes?

Click or tap here to enter text.  
\_\_\_\_\_

2. **Traffic** – Does the proposed action result in capacity expansion of a roadway by addition of through lanes?

Click or tap here to enter text.  
\_\_\_\_\_

3. **Roadway Access** – Does the proposed action involve the construction of temporary access, or the closure of existing road, bridge, or ramps that would result in major traffic disruptions? Does the proposed action involve changes in access that pertain to interstate highways, or that have wide-reaching ramifications?

Click or tap here to enter text.  
\_\_\_\_\_

4. **Cultural Resources** – Does the proposed action use CE Action Number 26, 27, or 28 **AND** have an Adverse Effect on historic properties pursuant to Section 106 of the National Historic Preservation Act?

Click or tap here to enter text.  
\_\_\_\_\_

5. **Section 4(f)** – Does the proposed action require the use of any property protected by Section 4(f) of the 1966 USDOT Act, that cannot be documented with a *de minimis* impact determination, or a programmatic Section 4(f) evaluation, other than the programmatic evaluation for the use of historic bridges?

Click or tap here to enter text.  
\_\_\_\_\_

6. **Section 6(f)/Conservation Properties** – Does the proposed action require the acquisition or conversion of any land under the protection of Section 6(f) of the Land and Water Conservation Act of 1965?

Click or tap here to enter text.  
\_\_\_\_\_

7. **Wetlands/Surface Waters** – Does the proposed action require an Army Corps of Engineers Individual Permit pursuant to the Clean Water Act, and/or a Section 10 permit pursuant to the Rivers and Harbors Act of 1899?

*If the proposed action includes construction in wetlands, check this box:*

Click or tap here to enter text.  
\_\_\_\_\_

8. **US Coast Guard** – Does the proposed action require a US Coast Guard bridge permit?

Click or tap here to enter text.  
\_\_\_\_\_

9. **Floodways/Floodplains** – Does the proposed action encroach on the regulatory floodway of water courses or water bodies, resulting in more than a nominal increase in base flood elevation? Does the proposed action have a significant or adverse impact on floodplain values, or create a significant risk to human life or property?

If the proposed action includes construction in Floodplains, check this box:

[Click or tap here to enter text.](#)

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10. **Water Quality** – Does the proposed action have more than a negligible impact on water quality?

[Click or tap here to enter text.](#)

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11. **Wild and Scenic Rivers** – Does the proposed action use CE Action Number 26, 27, or 28 **AND** require any work below the ordinary high water mark of a river designated as a component of, or proposed for inclusion in, the National System of Wild and Scenic Rivers, or below the high water mark of a tributary to any such river?

[Click or tap here to enter text.](#)

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12. **Noise** – Is the proposed action a Type I highway project?

[Click or tap here to enter text.](#)

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13. **Endangered Species** – Does the proposed action result in a finding of “*may affect, likely to adversely affect*” threatened or endangered species or critical habitat under the Endangered Species Act, and is not in an approved Biological Opinion for a FHWA Programmatic Agreement, or result in impacts subject to the conditions of the Bald and Golden Eagle Protection Act?

[Click or tap here to enter text.](#)

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14. **Air Quality** – Is the proposed action inconsistent with the State Implementation Plan in air quality non-attainment areas, or the Statewide Transportation Improvement Program, or, in applicable urbanized areas the Transportation Improvement Program? Does the proposed action cause or contribute to violations of the National Ambient Air Quality Standards (NAAQS)?

[Click or tap here to enter text.](#)

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15. **CZMA** – Is the proposed action inconsistent with the State’s Coastal Zone Management Plan?

[Click or tap here to enter text.](#)

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16. **Other** - Are there any unusual circumstances that would require additional environmental studies to determine if the action would qualify for processing programmatically (e.g. substantial environmental controversy, inconsistency with other environmental requirements, or significant sources of contamination)?

[Click or tap here to enter text.](#)

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### **SUMMARY OF PUBLIC INVOLVEMENT**

Initial Contact Letters sent to local officials?    Yes     No     Date    Date  
Public Informational Meeting held?                Yes     No     Date    Date

Public Hearing Required? Yes  No  Date \_\_\_\_\_ Date \_\_\_\_\_  
Natural Resource Agency Meeting(s) held? Yes  No  Date(s) \_\_\_\_\_ Date \_\_\_\_\_  
Cultural Resource Agency Meeting(s) held? Yes  No  Date(s) \_\_\_\_\_ Date \_\_\_\_\_

Discuss below any other opportunities for public input, as well as any relevant changes that were made as a result of public input.

[Click or tap here to enter text.](#)

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### **LIST OF EXHIBITS**

Attach and list below, documentation/correspondence, as appropriate, that demonstrates how you were able to check each 'NO' box identified on Page 1, in accordance with Section IV(A)(1)(b) of the Programmatic Agreement. Attach such exhibits as maps, plans, letters, figures, tables and permits.

1. [Click or tap here to enter text.](#)

### **NEPA RE-EVALUATION**

If this Categorical Exclusion Programmatic Determination Checklist is a re-evaluation of an approved environmental document, check the box below and describe the changes, if any, in design and environmental impact. Ensure that any additional or revised environmental commitments that resulted from the changes are detailed in the **ENVIRONMENTAL COMMITMENTS** section below.

In accordance with 23 CFR 771.129, this Programmatic Determination Checklist is a re-evaluation of an approved environmental document, and the original approval remains valid.

[Click or tap here to enter text.](#)

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### **ENVIRONMENTAL COMMITMENTS**

List each environmental commitment made for the project, indicating the entity responsible for ensuring successful implementation.

1. [Click or tap here to enter environmental commitment. \(Entity responsible for implementation\).](#) \_\_\_\_\_

### **CLASSIFICATION DETERMINATION**

- The proposed action qualifies for a Programmatic Categorical Exclusion.
- The proposed action does not qualify for a Programmatic Categorical Exclusion.

Prepared by: \_\_\_\_\_

Name: [Click or tap here to enter text.](#)  
Title: [Click or tap here to enter text.](#)

\_\_\_\_\_  
Date

Approval  
Recommended  
By: \_\_\_\_\_

\_\_\_\_\_  
Section Chief

\_\_\_\_\_  
Date

NHDOT Bureau of Environment

Approved by:

\_\_\_\_\_  
Administrator  
NHDOT Bureau of Environment

\_\_\_\_\_  
Date

**For use by the Approver of this Programmatic Categorical Exclusion**

- The proposed action includes construction in floodplains. Pursuant to Executive Order 11988, this project includes use of the *Programmatic Flood Plains Finding for Categorical Exclusions dated April 21, 2003*.
- The proposed action includes construction in wetlands. Pursuant to Executive Order 11990, and US Department of Transportation Order 5660.1A, this project includes use of the *Programmatic Wetlands Finding for Categorical Exclusions dated September 13, 2001*.
- The proposed action includes a *de minimis* Section 4(f) finding.
- The proposed action includes a programmatic Section 4(f) evaluation.

**ACTIVITIES THAT QUALIFY FOR PROGRAMMATIC CATEGORICAL EXCLUSION**

<b>CE Action Number</b>	<b>Activity Description (See Appendix A of the Programmatic Agreement for more information)</b>
1	Activities which do not lead directly to construction.
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.
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	Emergency repairs under 23 U.S.C. 125.
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 located within the transit facility, with no significant impacts off 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.
22	Projects, as defined in 23 U.S.C. 101, that would take place entirely within the existing operational right-of-way.
23*	Projects of Limited Federal Assistance pursuant to 23 CFR 771.117(c)(23). Limited Federal Assistance is defined as any project that (A) receives less than \$6,742,380 in Federal funds or (B) has a total estimated cost of less than \$39,330,550, with Federal funds comprising less than 15 percent of the total estimated cost of the project.
24	Localized geotechnical and other investigation for preliminary design and for environmental analyses and permitting purposes.
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).
27	Highway safety or traffic operations improvement projects, including the installation of ramp metering control devices and lighting.
28	Bridge rehabilitation, reconstruction, or replacement or the construction of grade separation to replace existing at grade railroad crossings.
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.
31	Transportation corridor fringe parking facilities.
32	Construction of new truck weigh stations or rest areas.
33	Approvals for disposal of excess right-of-way or for joint or limited use of right-of-way, where the proposed use does not have significant adverse impacts
34	Approvals for changes in access control.
35	Construction of new bus storage and maintenance facilities in areas used predominantly for industrial or transportation purposes where such construction is not inconsistent with existing zoning and located on or near a street with adequate capacity to handle anticipated bus and support vehicle traffic.
36	Rehabilitation or reconstruction of existing rail and bus buildings and ancillary facilities where only minor amounts of additional land are required and there is not a substantial increase in the number of users.
37	Construction of bus transfer facilities when located in a commercial area or other high activity center in which there is adequate street capacity for projected bus traffic
38	Construction of rail storage and maintenance facilities in areas used predominantly for industrial or transportation purposes where such construction is not inconsistent with existing zoning and where there is no significant noise impact on the surrounding community.
EV1	Installation, modification, operation, and removal of electric vehicle charging stations, using commercially available technology, within a previously disturbed or developed area.

\* Monetary limits are effective October 1, 2023, and are adjusted annually. When CE Action Number 23 is selected, attach documentation indicating the annual figures used and total Federal funds, or the total project cost and Federal percentage, as appropriate. Updates are posted at: [https://www.environment.fhwa.dot.gov/legislation/authorizations/bil/bil\\_guidance.aspx](https://www.environment.fhwa.dot.gov/legislation/authorizations/bil/bil_guidance.aspx).



**STOP HERE IF YOUR PROJECT QUALIFIES FOR A PROGRAMMATIC CATEGORICAL EXCLUSION AND DOES NOT REQUIRE A PUBLIC HEARING.**

**FOLLOW-UP ACTION FOR PROGRAMMATIC CATEGORICAL EXCLUSIONS  
FOR PROJECTS REQUIRING A PUBLIC HEARING**

Action/Project Name: Project Name State Project Number: #####  
Federal Project Number: Federal Project Number

Was a Public Hearing held? Yes  No  (if no, you do not need to complete this page)

As a result of the Public Hearing, have changes to the proposed action, if any, resulted in impacts/effects that do not meet the Programmatic Categorical Exclusion criteria? Yes  No

If the answer to the above question is **YES**, the proposed action **no longer qualifies for classification as a Programmatic Categorical Exclusion**. In such cases, if the impact(s)/effect(s) leading to the disqualification are not significant, the proposed action may be reprocessed as an Individual CE, requiring FHWA's concurrence.

If the answer to the above question is **NO**, the proposed action continues to **qualify for classification as a Programmatic Categorical Exclusion**.

**POST - HEARING CLASSIFICATION DETERMINATION**

- The proposed action continues to qualify as a Programmatic Categorical Exclusion.
- The proposed action no longer qualifies as a Programmatic Categorical Exclusion.

If it no longer qualifies, list reasons: Click or tap here to enter text.

Prepared by: \_\_\_\_\_ Click or tap to enter a date.  
Name: Click or tap here to enter text. Date  
Title: Click or tap here to enter text.

Approval Recommended By: \_\_\_\_\_ Date  
Section Chief  
NHDOT Bureau of Environment

Approved by: \_\_\_\_\_ Date  
Administrator  
NHDOT Bureau of Environment