



NEW MEXICO DEPARTMENT OF TRANSPORTATION CATEGORICAL EXCLUSION INSTRUCTIONS

Revision Date: December 2012

The format for the Categorical Exclusion (CE) checklist was developed by the Federal Highway Administration (FHWA) and the New Mexico Department of Transportation (NMDOT) to streamline the National Environmental Policy Act compliance process.

These instructions supplement the CE checklist to help preparers consider potential project impacts and complete the sections adequately. The instructions are organized to correspond with the sections in the CE checklist. Please note that some sections have special instructions for NMDOT internal projects, NMDOT permitted projects, and tribal/local government (T/LG) projects.

If any questions arise while completing the CE checklist that are not answered by the instructions contact the NMDOT Environmental Section for clarification. In addition to the CE checklist, all relevant supporting information (i.e., biological evaluation, agency correspondence, relevant permits, etc.) must be provided in the project file.

The "Project Number" and "Control Number" header on each page refers to project-specific numbers assigned by the NMDOT. If the proposed project does not have an assigned project or control number, leave the headers on each page blank or enter N/A.

Signature Page. FHWA signature is required for all federally funded projects. If FHWA signature is not required (e.g. a State-funded or NMDOT permitted project), enter N/A on the FHWA signature line.

Attachments. A project area map must be attached as the second page of the checklist. Maps from project resource reports are acceptable. Include land status information on the project area map, if the information is available. The Statewide Transportation Improvements Plan (STIP) page must be attached at the end of the checklist, if applicable. Project area photos are required attachments for T/LG projects. If environmental commitments are developed for the project, check the fourth box.

Project Purpose and Need. Describe the need for the project first. Include a succinct explanation of the problems the proposed project is addressing (congestion, collisions, surface deterioration, etc.)

If congestion is a problem, provide a description of current and projected traffic volumes. Summarize the purpose of the project (i.e., what NMDOT, T/LG, or the project proponent plans to accomplish). Explain how implementation of the project would address the project need.

Description of Proposed Project. Describe the major components proposed for construction (i.e., roadway/pavement rehabilitation or reconstruction, new travel lanes, new shoulders, bridge and/or drainage details, fencing, materials pit, etc). Also describe any temporary detours, lane closures, timeline for the project, etc.

Description of Existing Facility. For federally funded projects, include the Functional Classification of the roadway. For state and federal roadways, this information can be found on the NMDOT website under the Planning Division's "Federal Functional Classification Map." If this information is not available for internal projects, contact the NMDOT Environmental Section. If this information is not available for T/LG projects, contact the NMDOT Project Development Engineer assigned to the project. Also describe the current infrastructure conditions (i.e. the width of the bridge, number of travel lanes, shoulder widths, etc.) This section should relate to the project need described earlier.

Description of Current, Observed Right-of-Way and Environmental Surroundings. Describe the conditions observed during the site visit or field survey. Describe the on-the-ground conditions that exist within the project area. Avoid citing literature about the area and only briefly describe climatic conditions.

1. Other Land Jurisdiction(s): Identify land management agencies/entities (not including NMDOT) within the project area, including those with management responsibilities for new rights-of-way. The appropriate land management agency shall be contacted to address the potential impacts, alternatives and possible mitigating measures for the proposed action. For internal NMDOT projects, contact the Environmental Section prior to coordinating with land management agencies.

2. Cultural Resource Investigations: Contact the NMDOT Environmental Section to determine if a cultural resource survey/report is required. The



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Concurrence Date is the date the NMSHPO or applicable THPO concurs with the project or the date NMDOT processes the project under the Programmatic Agreement signed by FHWA, NMDOT, ACHP, and NMSHPO.

3. Traditional Cultural Properties: Per New Mexico Executive Order 2005-003, tribal consultation is required for NMDOT projects. For internal NMDOT projects and T/LG projects that are federally funded, contact the NMDOT Tribal Coordinator in the Environmental Section to determine if consultation has occurred for the project. For T/LG projects that are state-funded, it is the responsibility of the T/LG to complete tribal consultation. For NMDOT permitted projects, contact the NMDOT Environmental Section to determine if tribal consultation is needed.

4. Biological Community: This section should reflect information from the project's biological report, if applicable. Only identify wildlife issues that are documented and rise to the level of being addressed by the proposed project, such as wildlife crossings, fencing, signage, etc. Contact the NMDOT Landscape Architect to determine if a revegetation plan is required.

5. Water Resources: Identify any impacts to water resources, including wetlands, resulting from a proposed project and any related permit requirements. Consult FEMA's Flood Insurance Rate Map for the 100-year floodplain boundary. As of 2012, four river segments are designated as part of the National Wild and Scenic River (WSR) System in New Mexico: Rio Grande, Rio Chama, Pecos, and the east fork of the Jemez River. Consult the NMDOT Environmental Section if the proposed project traverses a WSR. Information about Outstanding National Resource Waters and Impaired Surface Waters is available through the NM Environment Department Surface Water Quality Bureau. Make note of any Clean Water Act (CWA) permits required/received for the project, including sections (§) 401, 404. Identify pertinent information relating to CWA §402. The action area map, map of identified federally-listed species and/or critical habitat, and Endangered Species Protection Criterion are required for section VIII of the NPDES Notice of Intent. Contact the NMDOT Drainage Section with

CWA §402 questions. Contact information can be found on the NMDOT website.

6. Right-of-Way Requirements: New NMDOT rights-of-way can include construction maintenance easements, temporary construction permits, work permits, easements, federal land transfers, or acquisitions of property. Provide the best estimate of new NMDOT right-of-way required that is available at the current project design phase. Pertinent property details could include land ownership, residential or commercial, business names, etc. A map of the required right-of-way must be attached to the checklist.

7. Air Quality Analysis: For all proposed projects, contact the local government(s) where the project is planned to determine if a dust control permit is required for project construction. If a proposed project is located within a "non-attainment" or "maintenance" area, air quality conformity must be demonstrated. Air quality conformity refers to the need for projects within non-attainment and maintenance areas to conform to the State Implementation Plan (SIP). Conformity to a SIP means that projects will not cause or contribute to new violations of the National Ambient Air Quality Standards (NAAQS). Locations of non-attainment and maintenance areas can be found on the NM Environment Department Air Quality Bureau's or the City of Albuquerque's Air Quality websites. Air quality hotspot analysis may be required depending on the scope and location of the project. Air quality analysis may be qualitative and/or quantitative. Consult with the NMDOT Environmental Section for guidance. For projects in Bernalillo County, review the requirements outlined in NMAC 20.11.3. Applicable FHWA regulations can be found in 23 CFR 450C.

8. Noise Analysis: Consult the most recent version of the NMDOT Design Directive for Abatement of Highway Traffic Noise for terms and definitions. The terms *Type I Project* and *Permitted* are defined in the Design Directive. A Type I project must undergo a noise analysis unless waived by the NMDOT. Consult with NMDOT prior to initiating a noise analysis.



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- 9. Section 4(f):** The term Section 4(f) refers to situations where transportation projects (funded through the U.S. DOT) may affect parks, recreation areas, wildlife and waterfowl refuges, or historic sites. If a project is anticipated to encounter 4(f) properties, contact the NMDOT Environmental Section.
- 10. Land Use:** Minor improvement projects, maintenance projects, and most NMDOT permitted projects can be considered consistent with local land use plans and zoning. Consult with the local government jurisdiction for large projects that have the potential to change land use patterns or create new growth. Note: If a federal agency is identified in Section 1, determine whether there is an applicable federal land use plan for the area. Changes in access to public lands should be identified in this section.
- 11. Hazardous Materials Analysis:** For internal NMDOT projects the NMDOT Environmental Geology Bureau should be contacted to determine the level of effort for hazardous materials analysis. For NMDOT permitted and T/LG projects, the EPA's *EnviroMapper for Envirofacts* should be consulted to identify known hazardous material sites in proximity to the project area prior to working with the NMDOT Environmental Geology Bureau.
- 12. Socioeconomics:** Based on the information presented in Section 6, identify any required relocations of residents or businesses that are expected to occur as a result of the project. Also identify if the project would permanently change access to a business, neighborhood, etc. This can include sidewalk closures, parking restrictions, or driveway closures. Change to neighborhood continuity or community cohesion could result if a project bisects neighborhoods, reduces pedestrian movements across an existing route, or restricts access to local community sites. Note: neighborhoods and communities are not limited to residential areas and can be commercial communities as well.
- 13. Environmental Justice:** Review the latest U.S. Census Bureau data, which is available online, to determine if the identified groups are located within or adjacent to the project area. Also refer to FHWA Order 6640.23A to help identify environmental justice impacts. Contact
- NMDOT Environmental Section if disproportionate impacts to low income or minority populations are identified.
- 14. Visual Resources:** Terms and definitions are available in FHWA's Visual Impact Assessment for Highway Projects guide (FHWA-HI-88-054). Similar to Section 10, this section is intended to identify potential conflicts between new or major modifications to transportation infrastructure and the surrounding viewshed. Identified Scenic Byways must be designated by either the State or a federal agency.
- 15. Multi-Modal Transportation:** Consult the NM Bike Route map available on the NMDOT website under the Bicycle, Pedestrian, and Equestrian Program as well as local government bicycle/pedestrian facilities maps to determine the status of the roadway where the proposed project is planned. Identify if there are existing multi-modal facilities within or near the project area. Public health concerns of the local community should be considered when developing multi-modal transportation components.
- 16. Other Information and Analysis:** Consult FHWA Technical Advisory T660.8a to determine if other resource issues occur within the project area that are not listed in the checklist.
- 17. Public Involvement:** Identify all public involvement/notification steps taken for the project. Note if scoping letters were mailed for the project. Attach copies of the meeting notice, meeting notes, summary of comments, and response letters. The public notice must be published two weeks prior to the scheduled public meeting or hearing date. An opportunity to receive public comments must be provided at any public meeting to satisfy NMDOT's public involvement process. For NMDOT permitted projects, contact the NMDOT Environmental Section to determine the level of public involvement needed.
- 18. Environmental Commitments:** This section should include resource mitigation measures identified in the individual sections of the CE checklist.