

## Categorical Exclusions

### (Class II Projects)

#### Contacts

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#### Forms

- o [Categorical Exclusion Determination - Short Form for 23 CFR 771.117\(c\) \(CATEX – c-list Short\)](#)
- o [Categorical Exclusion Determination – Short Form for 23 CFR 771.117\(d\) \(CATEX – d-list Short\)](#)
- o [Categorical Exclusion Determination – Long Form \(CATEX – Long\)](#)
- o [Attachment “B” Checklist](#)
- o [Addendum to CATEX](#)
- o [Re-evaluation of CATEX](#)

#### Helpful Links

- o [23 CFR 771.117 \(Categorical Exclusions\)](#)
- o [2020 Programmatic CATEX Agreement Between FHWA and MnDOT \(Effective May 1, 2020\)](#)
- o [PCE Guidance Document](#) (external users can access these links on the [main page](#) under Project Reports)

#### Process Overview

First, see HPDP *Environmental Document Decision Tree* to determine:

- If the project is a categorical exclusion (CATEX)
- If it is a CATEX – is it a programmatic or non-programmatic CATEX? (Programmatic CATEXs are covered by the 2020 Programmatic CATEX Agreement Between FHWA and MnDOT.

**Note:** If the project is a locally-administered federal aid project on local roads, MnDOT’s State Aid Division is HPDP / Scoping / Project Reports

MnDOT

responsible for environmental review and uses different forms and process than the HPDP. State Aid for Local Transportation, [Environmental Forms and Information](#) webpage provides additional information.

| <b><u>Programmatic Categorical Exclusions</u></b>   | <b><u>Non-Programmatic Categorical Exclusions</u></b>  |
|---|--|
| District determines appropriate format for CATEX (Short Form or Long Form)  | District notifies MnDOT OES and FHWA of intent to prepare a CATEX (Long Form)                          |
| <b>EARLY COORDINATION</b>   |  |
| District uses the Social, Economic, and Environmental Impacts or “SEE” list in the CATEX Form along with thresholds in HPDP subject guidance to determine the functional groups and other agencies that should be notified. |  |
| District solicits early coordination from MnDOT Cultural Resources Unit (CRU), other MnDOT functional groups, and other agencies. (District typically uses Early Notification Memo (ENM).)                                  |  |
| <b>PREPARE CATEGORICAL EXCLUSION DETERMINATION (CATEX)</b>  |  |
| District prepares draft CATEX using information from functional groups and other sources.   |  |
| Review of draft CATEX District personnel, including environmental coordinator, project manager, wetlands specialist, and others as appropriate.   |  |
| Optional OES review at the request of District.   | Review of draft CATEX by MnDOT OES.  |
| District prepares final CATEX.  |  |
| <b>APPROVALS</b>  |  |
| District Engineer approves CATEX.   | District Engineer signs CATEX recommending OES approval.   |
|   | MnDOT OES (Chief Environmental Officer) approves CATEX and requires FHWA approval.                     |
|   | FHWA Area Engineer concurs that project meets criteria for a categorical exclusion and approves CATEX. |

| <u>Programmatic Categorical Exclusions</u>                  | <u>Non-Programmatic Categorical Exclusions</u>   |
|---|--|
| <b>DISTRIBUTION</b>   |  |
|   | OES provides approved CATEX to District and retains copy for MnDOT Central Office files. |
| District files copy in eDOCs and distributes CATEX to FHWA. |  |

## Document Content / Guidance

### Short Form Categorical Exclusion Determination (CATEX)

The Short Form CATEX is used for non-complex projects. The Short Form primarily uses “check-boxes” with little or no writing involved unless certain thresholds are reached requiring additional process and/or documentation in order for the project to be processed as a CATEX. Any additional information or discussion is attached in the appendix. Projects with citation under 23 CFR 771.117(c) use the [c-list Short Form](#). Projects with citation under 23 CFR 771.117(d) use the [d-list Short Form](#). The forms themselves provide process guidance along with the [PCE Decision Making Guide](#).

### Long Form Categorical Exclusion Determination (CATEX)

Bigger or more complicated projects may need the [Long Form CATEX](#), especially if the document (or draft) will be used with the public or if agencies have need or more detailed information or discussion. All Non-Programmatic Categorical Exclusions require use of the Long Form.

### Long Form Content / Guidance

- Area Map

This map locates the project within the state or district. Often, a small area map is included on the Project Map.

- Project Map

Identifies project limits and major project features (e.g., bridges, culverts, added turn lanes, etc.). Also includes the surrounding highway and local street system, important physical features (lakes, wetlands, rivers, etc.), and boundaries (state, county, city). Map may be annotated to show locations of schools, hospitals, major shopping areas, parks and other places that may be affected by the project. MnDOT's County and City Street series or USGS topographic maps are good map

sources.

- Report Purpose

Use or modify the following standard statement as needed:

“This report for this Class II (Categorical Exclusion) action documents the project's need and description, as well as social, economic and environmental impacts.”

- Project Description

Describe both the **Existing Condition** and **Preferred Alternative**. Note the general setting (urban, suburban, rural or a combination), and highway type (e.g., two lane highway with curb and gutter). Identify any bridges by number and location. Include any unique location considerations. The system relationship of this project element to the overall transportation system can be established in this section or in the need section.

- Proposed Project

Project limits (including length), and PPMS Work Types. Explain Work Types as needed. Work Types can alert reviewers to impacts and possible concerns. Include anticipated major design features, to the extent known.

- Cost and Funding Source

State Project Cost and Funding Source(s). Identify if federal and/or state funds. If local funding or special funding is to be used, provide information.

- Schedule and Project Manager

Include anticipated schedule of major activities (e.g., required reports, public meetings/hearings, letting date, expected construction start and completion). Also include significant past activities and their dates. Identify the Project Manager by name, address, and telephone number.

- Need for Project

For the public and other agencies, this is probably the most important section of the report. Clearly describe the problems the proposed project is to correct. Explain why the project is needed and why the project termini were selected (e.g., to improve safety, capacity, structure, ride qualities, etc.).

The Needs section should also establish why the project has been programmed (i.e., what criteria it met). It is normally not sufficient simply to mention "safety" for example. Rather, data should concisely present that there is an existing safety problem and how the proposed action will better the condition. If congestion or low travel speed is a problem, data should be presented to

document the existing situation in terms of travel speeds, travel times or level of service. Comparing the existing condition relative to similar highways also helps size-up the problem.

The length of the "Need Section" can vary from very short for simple maintenance overlays, to quite long for larger projects or projects with Section 106, Section 4(f) and/or wetlands impacts. Refer to the [Purpose and Need](#) guidance and consult with OES.

- Alternatives

Covers the following:

- "No Build" Alternative
- Other alternatives considered
- Preferred Alternative

Present reasonable alternatives to meet the needs described above. Include alternatives discussed during scoping, and explain why alternatives were eliminated.

The "No-Build" Alternative must be included. It provides a base for comparison. The No-Build alternative normally includes short term, minor restoration type activities that maintain operation of the existing roadway.

Major design alternatives should also be discussed when appropriate, with enough description to establish their differences. Include applicable information gathered both within MnDOT and externally. A preferred or selected alternative is routinely designated.

Certain impacts require analysis of alternatives to avoid or minimize impacts, according to laws, executive orders, and regulations (e.g., impacts to Section 4(f), wetlands, and floodplains). These avoidance/minimization alternatives are usually discussed in the Social, Economic and Environmental Impacts section, but include here either discussion of them or reference to them as appropriate.

- Social, Economic, and Environmental (SEE) Impacts

Normally, the Purpose and Need section establishes the positive impacts from the proposed project and this section describes the negative impacts. Include enough information to establish why the effects are not significant.

To describe the degree of impact, either the check-sheet table format provided or a written format is acceptable. Provide references to issues described elsewhere in the document.

In a draft report, when the degree of impact is uncertain a "?" maybe used. This alerts reviewers that the issue is unresolved and/or may require special attention, but do not use a "?" in final reports. For

guidance on specific issues, see the HPDP Subject Guidance section.

For some projects it may be necessary to add a row called “Special project issue.”

For any SEE concern needing clarification, add a note immediately after the table. For any SEE concern requiring mitigation, refer to section the section regarding Mitigation and Commitments.

- Mitigation and Commitments

This section is important as guidance for detail design and construction. For any SEE impacts, describe the planned mitigation. Indicate if mitigation measures have agreement from regulatory agencies, and include copies of correspondence (in the appendix) documenting agreements. Provide a list of mitigation commitments in the Appendix or at the end of the document.

Discuss any measures considered but rejected. Mitigation should be reasonable and cost effective. Any unusual mitigation commitments should also have FHWA agreement.

- Public and Agency Involvement (Permits/Approvals)

Discuss coordination/involvement – that which has already occurred and that which is planned. A Draft Categorical Exclusion Determination may be used for coordination by sending it to various MnDOT and outside agencies, and may also be used for stimulating public reaction or informing the public. (See Public Involvement and Agency Involvement).

Early consultation is important – with agencies, local governments and the public that may have an interest or permit authority on the project – because there is more flexibility in early stages. This section documents which agencies, etc. were consulted (including how and when), and summarizes their concerns or comments. Letters from agencies and local governments should be provided in the CATEX appendix.

Coordination with the Department of Natural Resources (DNR) should occur before completion of the draft CATEX. If the DNR provided a response to the Early Notification Memo (ENM), attach a copy to the draft CATEX.

All projects must be reviewed by MnDOT Cultural Resources Unit (CRU) for historical, archeological and cultural impacts. Provide project information to CRU using the Early Notification Memo. Include the CRU review results in the appendix (usually a letter from CRU). In some cases a determination from the State Historical Preservation Officer and/or a Tribal Historical Preservation Officer is required.

All projects with federal funds must be reviewed for potential impacts to threatened and endangered species (Section 7) by MnDOT OES. (Attach the letter documenting review).

List each agency permit or approval that is likely to be required for the project. In the paragraphs describing SEE list issues, provide an explanation as to why the permit is needed.

- Appendix

[Not all of the following Appendices are needed on every project]

Existing Typical Section(s)

Proposed Typical Section(s)

DNR Response Letter

Cultural Resources Findings Letter

SHPO response Letter (response to request for consultation)

Section 7 Determination Letter

Contaminated Materials Response Letter

Bridge information

Bridge Inspection Report

Bridge Study Report Justification Memo

Hydraulic Recommendation

Floodplain Assessment

Wetland Two-Part Finding

Noise Study Report

Environmental Justice Analysis

Farmland Impact Forms AD-1006 or CP-106

Other