

NEBRASKA

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DEPARTMENT OF TRANSPORTATION

## Minor Categorical Exclusion for Activities that do not Involve or Lead Directly to Construction

Under the *Memorandum of Understanding Between Federal Highway Administration, Nebraska Division and the Nebraska Department of Transportation, State Assumption of Responsibility for Categorical Exclusions*, as authorized by 23 USC §326 (herein referred to as the CE MOU and CE Assignment), the Federal Highway Administration (FHWA) has delegated approval authority of certain Categorical Exclusion (CE) actions to the Nebraska Department of Transportation (NDOT).

NDOT has developed this programmatic Minor Categorical Exclusion (MCE) to document review and approval of certain activities listed under 23 CFR 771.117(c) that, based on past experiences with similar actions, do not involve significant environmental impacts to natural, social and economic resources. NDOT has determined that project-specific NEPA documents and technical resource reviews are not required for actions that comply with the terms and conditions of this MCE. Activities addressed by this MCE, which are not part of a larger undertaking, shall be administered in accordance with the following criteria to satisfy NDOT's CE assignment responsibilities.

Activities classified under 23 CFR 771.117(c)(1) include but are not limited to: planning and technical studies; grants/funding for training and research activities; funding for law enforcement and training (i.e., salaries, equipment purchase, and information materials); funding for the development of Information Technology support materials (i.e., programs, guidelines, software); funding for NDOT and Local Transportation Assistance Program training and equipment; funding for byways information and marketing material; Safe Routes to School education/outreach (non-infrastructure) projects.

### Scope of Work

Please indicate which of the following activity categories the proposed project best fits:

- Planning and technical studies
- Grants/funding for training and research activities
- Funding for law enforcement and training
- Funding for the development of Information Technology support materials
- Funding for NDOT and Local Transportation Assistance Program training and equipment
- Funding for byways information and marketing material
- Safe Routes to School education/outreach projects
- Other (please explain): \_\_\_\_\_

Based on the nature of *Activities that do not Involve or Lead Directly to Construction*, NDOT does not anticipate negative impacts to natural, cultural, historic or recreational resources; these activities do not negatively impact air, noise, water quality, hazardous materials, or travel patterns, and do not present any negative cumulative impacts. NDOT has determined that *Activities that do not Involve or Lead Directly to Construction* do not affect listed species, historic properties, wetlands or Waters of the

U.S., nor do they use Section 4(f) properties. NDOT experience has demonstrated that these types of activities do not generate controversy on environmental grounds.

Individual projects actions approved under this MCE shall be reviewed to ensure unusual circumstances as outlined by 23 CFR 771.117(b) do not exist. If an unusual circumstance is identified, a project-specific NEPA document, in compliance with in compliance with NDOT's Environmental Procedure Manual (EPM) and Nebraska Categorical Exclusion (NECE) guidelines shall be developed to approve the action.

This MCE is consistent with the Statewide Long Range Plan, the Statewide Transportation Improvement Program (STIP), and applicable Metropolitan or Rural Planning Organizations' Transportation Improvement Programs (TIPs) and Long Range Transportation Plans, and is exempt from regional air quality conformity determinations (40 CFR parts 51 and 93).

**Use of this MCE is only allowed if all criteria set forth herein are met.**

## NDOT Project Specific Verification

Date: \_\_\_\_\_

List of Attachments:

Project Name/Activity: \_\_\_\_\_

Site Map (if applicable)

Project Number: \_\_\_\_\_

Other (please describe): \_\_\_\_\_

Control Number: \_\_\_\_\_

The above listed project has been determined to comply with the terms and conditions of this MCE and NDOT has verified the following:

- The Project Sponsor has verified the project activities are not part of larger undertaking.
- The NDOT NEPA Specialist has verified that no unusual circumstances have been identified.
- The NDOT NEPA Specialist has verified these Activities are consistent with 23 CFR 771.117(c) (1).

**Project Sponsor:**

\_\_\_\_\_  
*PLEASE PRINT*

\_\_\_\_\_  
*Signature*

\_\_\_\_\_  
*Date*

This is a stand-alone NEPA determination for this project; no further environmental analysis is required. If there is a change in environmental conditions or scope of work, coordination with NDOT Environmental is required to determine if this determination remains valid.

The State has determined that this project has no significant impact(s) on the environment and that there are no unusual circumstances as described in 23 CFR 771.117(b). As such, the project is categorically excluded from the requirements to prepare an environmental assessment or environmental impact statement under the NEPA. The State has been assigned, and hereby certifies that it has carried out, the responsibility to make this determination pursuant to 23 U.S.C. §326 and a Memorandum of Understanding dated September 17, 2021, executed between FHWA and the State.

**NDOT NEPA Specialist:**

\_\_\_\_\_  
*PLEASE PRINT*

\_\_\_\_\_  
*Signature*

\_\_\_\_\_  
*Date*