

Minor Categorical Exclusion for Excess Land Sale

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) for document review and approval of certain activities listed under 23 CFR 771.117(d)(6) that, based on past experiences with similar actions, do not involve significant environmental impacts to natural, social, and economic resources. 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(d)(6) are 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.

Scope of Work

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

- Disposal of excess right-of-way
- Other (please explain):

Based on the nature of *Excess Land Sale* activities, 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 reasonably foreseeable impacts. NDOT has determined that *Excess Land Sale* activities 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 project 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 NDOT's Environmental Procedure Manual (EPM) and Nebraska Categorical Exclusion (NECE) guidelines shall be developed to approve the action.

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

NDOT Project Specific Verification

Date:

Project Name/Activity:

Project Number:

Control Number:

List of Required Attachments:

- Site Map
- Hazmat email
- Wetlands email
- T&E PQS memo or email
- Section 106 PQS memo or email
- Other (optional; please describe):

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

- The NDOT NEPA Specialist has verified that the project activities are not part of a 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(d)(6).

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 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 executed between FHWA and the State.

NDOT ES Manager/EDU Supervisor/NEPA Team Lead:

PLEASE PRINT

Signature

Date