



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.

Form No. A-1291
New 01/13



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Project Number:	Control Number:	NMDOT District:
Title of Proposed Project:		
Location (Route and Milepost):		County:
Land Ownership:		
Engineer or Project Proponent:	Environmental Section Staff or T/LG Project Manager:	
Engineer Contact and Company:		
Environmental Consultant:		
Federal Funding for Project: <input type="checkbox"/> No <input type="checkbox"/> Yes		

This document has been prepared pursuant to 23 CFR 771.117, FHWA Technical Advisory T6640.8, and the latest Programmatic Categorical Exclusion agreement between FHWA and NMDOT. The proposed project will have no significant impact on the quality of the human or natural environment, either singularly or cumulatively, provided stipulations identified during this analysis are met. Supporting documentation is available at the NMDOT Environmental Section.

Environmental Specialist	Date	NMDOT Project Engineer	Date
		Project Proponent	
		Tribal/Local Government Authority	
Environmental Section Manager	Date	FHWA NM Division Administrator	Date

- Project location map with aerial photography as background layer attached as following page.
- STIP page attached.
- Project area photos attached.
- Environmental Commitments included in this project.



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Project Number:	Control Number:	NMDOT District:
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PROJECT PURPOSE & NEED:

DESCRIPTION OF PROPOSED PROJECT:

DESCRIPTION OF EXISTING FACILITY: Include the Functional Classification of the roadway and the current infrastructure conditions.

DESCRIPTION OF CURRENT, OBSERVED RIGHT-OF-WAY AND ENVIRONMENTAL SURROUNDINGS:



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1. OTHER LAND JURISDICTION(S): Select the appropriate land management entity from the list below. The appropriate land management agency shall be contacted to address the potential impacts, alternatives and possible mitigating measures for the proposed action. The Environmental Commitments section should reflect any mutually agreed upon stipulations or mitigation measures determined through coordination with the land management entity.

- Bureau of Land Management, BLM Field Office:
- U.S. Forest Service, USFS Forest and Ranger District:
- Bureau of Indian Affairs
- Tribal Entity:
- U.S. Fish and Wildlife Service
- National Park Service
- Bureau of Reclamation
- Department of Defense
- New Mexico State Land Office
- New Mexico Department of Game and Fish
- New Mexico State Parks
- Federal Aviation Administration
- Private
- Other:

Provide additional information regarding communication with land management entities below.

2. CULTURAL RESOURCE INVESTIGATIONS: Conduct cultural resource investigations as directed by the NMDOT Environmental Section.

NMCRIS records check date:

Cultural resource inventory conducted? No Yes Concurrence date:

- The proposed project would have no potential to affect cultural resources. (See attached letter or email from NMDOT Environmental Section.)
- The proposed project would have no effect to cultural resources. (See attached letter or email from NMDOT Environmental Section.)
- The proposed project would have no adverse effect to cultural resources. (See attached concurrence letter.)
- The proposed project would have an adverse effect to cultural resources. (See attached concurrence letter.)
 - MOA for mitigation has been developed under Section 106 of NHPA.
 - A project-specific Programmatic Agreement has been developed under Section 106 of NHPA.
- Special properties of concern (listed SRCP or NRHP properties, historic districts, historic bridges, etc) are present. Specify:
- Refer to the Environmental Commitments section for cultural resource treatment measures.



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3. TRADITIONAL CULTURAL PROPERTIES: Contact the NMDOT Native American/Tribal Coordinator in the Environmental Section.

- Checkboxes for traditional cultural properties: no potential impact, identified and managed, see documentation, or refer to commitments section.

4. BIOLOGICAL COMMUNITY: Conduct biological investigations as directed by the NMDOT Environmental Section.

Biological report prepared? No Yes Date:
If no, explain:

Federally listed threatened, endangered, or proposed species and/or critical habitat or proposed critical habitat present within or adjacent to the project area? No Yes

- Checkboxes for biological community: would have no effect, may affect but not likely to adversely affect, may affect and likely to adversely affect, or consultation completed.

Is the proposed project expected to impact state-listed species, tribal-listed species, or other agency species? No Yes If yes, explain:

Are there migratory bird concerns associated with the proposed project? No Yes
If yes, explain:

Are there wildlife issues associated with the proposed project? No Yes
If yes, explain:

Are noxious weeds, as recognized by the NM Dept. of Agriculture, present? No Yes
If yes, identify noxious weed species, classification (A, B, C), and explain mitigation measures:

Are New Mexico Rare Plants present within the project area? No Yes

Is revegetation of the project area needed after construction is completed? No Yes
If no, explain:

Revegetation plan developed. Date:

Additional information regarding the biological community:

- Refer to the Environmental Commitments section for biological community mitigation measures.



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5. WATER RESOURCES: Evaluate impacts to water resources within and adjacent to the project area.

Are floodplains present within the project area? [] No [] Yes
If yes, explain:

Is a designated Wild and Scenic River present within the project area? [] No [] Yes
If yes, explain:

Is an acequia or irrigation ditch present within the project area? [] No [] Yes
If yes, explain:

Are Outstanding National Resource Waters or Impaired Surface Waters present within the project area?
[] No [] Yes
If yes, explain:

Clean Water Act (CWA) Permitting: Determine if Waters of the United States, subject to jurisdictional
authority under the CWA, would be impacted by the proposed project.

Are wetlands present within the proposed project area? [] No [] Yes
Are the wetlands expected to be impacted? [] No [] Yes

If yes to either question above, explain:

- [] Wetland determination and delineation report prepared. Date of report:
[] U.S. Army Corps of Engineers CWA §404 Maintenance Exemption applies to the proposed project.
[] CWA §404 Nationwide Permit applies: Pre-construction Notification required? [] No [] Yes
[] CWA §404 Individual Permit required (If selected, verify NEPA level of effort with NMDOT.)
[] CWA §401 certification required from: [] NMED [] EPA [] Tribal Entity:

Additional CWA permitting information:

Are there any impacts to non-jurisdictional waterway within the project area? [] No [] Yes
If yes, explain:

Erosion and Sediment Control: Determine if the provisions of the NPDES Construction General Permit
(CGP) issued by the EPA applies to the proposed project. Contact the NMDOT Drainage Section with
questions regarding CWA §402.

- [] The proposed project would disturb less than 1 acre of land, CGP does not apply.
[] The proposed project would disturb less than 1 acre of land, but the project area is located near a
perennial stream, therefore, a Temporary Erosion and Sediment Control Plan is being developed.
[] The proposed project would disturb more than 1 acre of land, therefore a Stormwater Pollution
Prevention Plan will be prepared in accordance with the CGP.
[] Action area map is attached.
[] Map of identified federally-listed species and/or critical habitat is attached.

Applicable Endangered Species Protection Criterion (for the 402 permit application):
Are there portions of the project area that should be avoided for BMP implementation? [] No [] Yes
If yes, explain:

[] Refer to the Environmental Commitments section for water resources mitigation measures.



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6. RIGHT-OF-WAY REQUIREMENTS: Determine if new NMDOT rights-of-way, construction maintenance easements (CME), temporary construction permits (TCP), work permits, federal land transfers, or acquisitions are necessary.

Are any of the above types of right-of-way required for the proposed project? No Yes
If yes, complete the table below.

Estimated number of -	Quantity	Property Details
Parcels affected		
Acres required for CME(s)		
Acres required for TCP(s)		
Acres required for work permit(s)		
Acres required for acquisition		
Acres required for federal land transfer		
Relocations (residential or business) If selected, verify level of effort with NMDOT.		

Proposed right-of-way map attached (required).
Additional right-of-way information:

7. AIR QUALITY ANALYSIS: Determine if the proposed project would impact air quality.

Is a Fugitive Dust Control Permit required for the proposed project? No Yes

Is the proposed project area within any of the following areas?

- Bernalillo County
- Sunland Park
- Anthony

A non-attainment or maintenance area not listed above. If checked, explain:

If none of the four boxes above are checked, air quality conformity requirements are met.

If one of the geographic areas above is checked, complete the section below.

Is hotspot analysis required for the proposed project? No Yes

Describe the extent of project level air quality analysis that has been conducted for the proposed project and attach pertinent correspondence.

Refer to the Environmental Commitments section for air quality mitigation measures.



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8. NOISE ANALYSIS: Determine if noise levels associated with the proposed project would impact receptors on nearby properties and determine if local noise abatement ordinances apply.

Is the proposed project considered Type 1 as defined by NMDOT's current Design Directive for Abatement of Highway Traffic Noise? No Yes

Are receptors (existing or permitted) present in the project area? No Yes

Based on consultation with NMDOT a traffic noise analysis is required. No Yes

If no, explain:

If no, noise analysis is complete.

If yes, traffic noise analysis has been completed. Date of report:

Does the noise analysis identify noise impacts from the proposed project? No Yes

If yes, include applicable information in Section 17 Public Involvement.

If yes, have noise abatement measures been determined to be reasonable and feasible? No Yes

If no, explain:

Refer to Environmental Commitments section for noise mitigation measures.

9. SECTION 4(f): Section 4(f) refers to situations where transportation projects use parks, recreation areas, wildlife and waterfowl refuges, and historic sites.

Will the proposed project use a Section 4(f) property? No Yes (If yes, verify the level of 4(f) documentation with the NMDOT Environmental Section.)

Programmatic Section 4(f) evaluation has been signed and is in the project record.

Additional Section 4(f) information:

10. LAND USE: For proposed projects that add new, or substantially modify existing, transportation infrastructure, verify whether the proposed project is compatible with urban policy and/or land use plans. For proposed projects that cross federal lands, check with the land management agency for applicable land use plan(s).

Is the proposed project consistent with land use plans or zoning? No Yes

If no, explain:

11. HAZARDOUS MATERIALS ANALYSIS: Determine if hazardous materials are located within or adjacent to the proposed project area.

The EPA EnviroMapper database has been consulted and no additional investigations are required.

The EPA EnviroMapper database has been consulted and additional investigations are required.

The EGB has determined no additional investigations are required.

The EGB has determined additional investigations are required. The EGB will coordinate the effort.



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Table with 3 columns: Project Number, Control Number, NMDOT District

12. SOCIOECONOMICS: Determine potential impacts to social and economic resources resulting from the proposed project.

Would the proposed project result in an adverse impact to social or economic resources? [] No [] Yes (If yes, verify NEPA level of effort with NMDOT Environmental Section.)

Are relocations or displacements necessary to build the proposed project? [] No [] Yes
Would the proposed project result in a permanent change in access or access control? [] No [] Yes
Is the project expected to impact neighborhood continuity and/or community cohesion? [] No [] Yes
If yes to any of the questions above, explain:

13. ENVIRONMENTAL JUSTICE: Refer to FHWA Order 6640.23A to review key Environmental Justice definitions and policies. U.S. Census data may be a source to determine population characteristics.

Based on the definitions provided in FHWA Order 6640.23A, are the following populations located in or adjacent to the project area?

- [] Low income
[] African American
[] Hispanic or Latino
[] Asian American
[] American Indian or Alaskan Native
[] Native Hawaiian and Other Pacific Islander

Would the proposed project cause disproportionately high and adverse effects on minority and/or low income populations? [] No [] Yes (If yes, verify NEPA level of effort with NMDOT Environmental Section.)
If yes, explain:

14. VISUAL RESOURCES: Determine whether the project would result in adverse impacts to visual resources, such as the landscape's foreground and background.

Would the proposed project require major cut/fills, bridges, or large retaining walls? [] No [] Yes
Would the proposed project change the vertical profile of an existing road or bridge? [] No [] Yes
Is the proposed project located along a designated Scenic Byway? [] No [] Yes
Would the proposed project result in an adverse impact to visual resources? [] No [] Yes

Additional visual resource information:

- [] Refer to the Environmental Commitments section for visual resource mitigation measures.

15. MULTI-MODAL TRANSPORTATION: Determine whether the project would impact pedestrians, bicyclists, or transit facilities.

Is the proposed project located along a proposed or designated bicycle route? [] No [] Yes
Would the proposed project impact pedestrian and/or bicycle access? [] No [] Yes
Would the proposed project impact transit facilities? [] No [] Yes
If yes to any question above, explain:

Is there an opportunity to improve multi-modal access with the proposed project? [] No [] Yes
If yes, explain:

- [] Refer to the Environmental Commitments section for pedestrian/bicyclist mitigation measures.



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16. OTHER INFORMATION AND ANALYSIS: Determine if any other resource issues apply to the proposed project that are not addressed in the previous sections.

- No other resource issues are identified and no additional coordination required.
- Paleontological resources (for projects on federal land only)
- Prime and Unique Farmland
- Properties protected by Section 6(f) of the Land and Water Conservation Act
- Other resource issues:

Additional resource analysis:

17. PUBLIC INVOLVEMENT: Determine the level of public involvement necessary for the proposed project. The determination should be based on the resource issues identified in the previous sections and the answers to the questions listed below.

Would the project add through traffic lanes, substantially change the layout or the function of the transportation facility or connected transportation facilities, including access limitations? No Yes

Would the project have an adverse impact on abutting property? No Yes

Would the project result in noise impacts? No Yes

Would the project result in socioeconomic, visual, environmental, or other impacts? No Yes

If the answer to any of the questions above is yes, a public meeting or an opportunity for a public meeting should be considered in consultation with NMDOT.

Were scoping letters mailed for this project? No Yes

If no, explain:

What type of public involvement has been provided? Select the appropriate item(s) below. Attach documentation identifying the notice of opportunity for a public meeting, date and location of the meeting, a summary of comments, and responses to substantive comments.

- Public notice attached. Date published:
- Formal public meeting. Date:
- Open house. Date:
- Neighborhood meeting. Date:
- Agency coordination and/or meeting. Date:
- City Council Meeting. Date:
- Other:
- Public meeting notes attached.
- Summary of public and/or agency comments attached.

Additional public involvement information:



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18. ENVIRONMENTAL COMMITMENTS

The following environmental commitments shall be included in the final construction plans for the project:

END OF CHECKLIST