

**FHWA PR Division  
Area Engineers Check List  
For the evaluation of Categorical Exclusions (CE) Environmental Documents**

**Project:** \_\_\_\_\_

	Description	Information Included (Yes/No)	Comments
1	<b>Project Number</b> ( <i>Federal Number &amp; State Number</i> )		
2	<b>Project Description</b> ( <i>Route number, Scope of work, Project limits, Logical Termini Limits, Length</i> )		
3	<b>An illustration or map identifying the project location</b>		
4	<b>A typical section (existing and proposed showing ROW limits)</b>		
5	<b>Applicable regulation for the proposed action, i.e. 23 CFR 771.117©(1)</b>		
6	<b>The document has a well-defined purpose and need?</b>		
7	<b>Planning consistency</b> ( <i>STIP information included?, Phases included in the STIP: PE, ROW, Construction, Project Estimate, Project Schedule</i> )		
8	<b>Commitments and Recommendations</b>		
9	<b>Document Consistency</b>		
10	<b>Is there a rational study area associated with the proposed project?</b>		
11	<b>Brief discussion of all the following items</b>		
a	<i>Wetlands</i>		
b	<i>Public involvement</i>		
c	<i>Section 404 of the Clean Water Act- 33 USC 1251-1376</i>		
d	<i>Section 7 of Endangered Species Act -16 USC 1531</i>		
e	<i>Compliance with Section 106-36 CFR 800 (SHPO) &amp; Historic Sites &amp; Archaeological Sites</i>		

f	<i>Compliance with Section 4(f) – 49 USC 303</i>		
g	<i>Compliance with Section 6(f) -36 CFR 59.1 (Land and Water Conservation Fund Act</i>		
h	<i>Airport Clearance</i>		
i	<i>Air Quality</i>		
j	<i>Coastal Barriers</i>		
k	<i>Construction: Discuss temporary impacts associated with construction.</i>		
L	<i>Economic: Describe existing condition.</i>		
m	<i>Environmental Justice</i>		
n	<i>Farmlands</i>		
o	<i>Floodplains</i>		
P	<i>Navigability Determination</i>		
q	<i>Contamination</i>		
r	<i>Land Use Changes</i>		
s	<i>Community Cohesion</i>		
t	<i>Relocation Potential</i>		
u	<i>Community Services</i>		
v	<i>Non-Discrimination Considerations</i>		
w	<i>Controversy Potential</i>		
x	<i>Recreation Areas</i>		
y	<i>Water Quality</i>		
z	<i>Wild and Scenic Rivers</i>		
aa	<i>Essential Fish Habitat</i>		
bb	<i>Noise</i>		
cc	<i>Aesthetic Effects</i>		
dd	<i>Bicycle and Pedestrian</i>		
ee	<i>Utilities and Railroads</i>		
12	<b>Permits required (DNRE, Discharge Elimination System (NPDES) Permit, USACE Section 404 Permit, USACE Nationwide Permit 14)</b>		

**Comments:**

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Area Engineer (Name and Signature): \_\_\_\_\_

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

**FHWA PR Division**

**Check List Instructions**

**Area Engineers Check List**

**For the Evaluation of Categorical Exclusions (CE) Environmental Documents**

<b><i>Instructions by Item to be evaluated in the CE</i></b>	
1	The CE Document shall include the project number, including the Federal Number and the State Number
2	The project description shall include the route number, scope of work, the project limits, logical termini limits and length. The logical termini limits should be consistent with STIP and LRTP, also the start and end points should be legitimate termini and segment of independent utility or traffic generators. The City lines and creeks are not acceptable logical termini. "Segmentation" of a project is not allowed. Construction limits can be different than logical termini.
3	A map, figure and illustration, identifying the project location shall be included.
4	The typical section should include, the ROW limits, how to accommodate all the features, including utilities, etc. A typical section would not be required for projects such as upgrade of exiting roadside barriers, traffic signal projects.
5	The document shall include the applicable regulation for the proposed action, i.e. 23 CFR 771.117©(1) .
6	The document shall include a well-defined purpose and need. The document must identify and describe the proposed action and the transportation problem(s) or other issues which it is intended to address. In the Need a description of what situation (issues/problems) exist to be corrected, but NOT how to correct it, shall be included. In the Purpose, is necessary to identify how the problem is suggested to be corrected. This is the proposed action under consideration.
7	In planning consistency is expected to have the STIP information included, such as Phases: PE, ROW, and Construction. What is the Projects Estimate and what is the Project Schedule.
8	The proposing agency needs to include/document all applicable NEPA document Commitments and Recommendations. Mitigation and the monitoring of these commitments are critical points that MUST be brought forward to the nest phases of the project and tracked accordingly for conformance and completion.
9	In checking consistency is necessary to read document from start to finish and look at the following: <ul style="list-style-type: none"> <li>• Document content should be clear and easily understandable to a person with reading comprehension level of 6-8th grade</li> <li>• The document should use "would" instead of "will" since no decision is made until FHWA concurs or gives final approval of the document.</li> <li>• PRHTA/USVIDPW/FHWA cannot predetermine the decision.</li> <li>• Do NOT use the word "significant" anywhere in the document except in the conclusion of a CE that requests concurrence.</li> <li>• Using "substantial" instead is recommended elsewhere in the document. Breakdown your comments into substantial (requiring revision for compliance with law and regulation), quality improvement and editorial. Comments that would correct typos and grammar aren't required, but appreciated.</li> <li>• It is permissible to use "significant" if the document is quoting the 4(f) requirement about significant historical sites.</li> </ul>

	<ul style="list-style-type: none"> <li>• Analysis must use “best available data” when the project is under development.</li> <li>• Check exhibits for clarification of what is being proposed. Make sure there are good labels and correct information.</li> </ul>
10	<p>Is there a rational study area associated with the proposed project?</p> <ul style="list-style-type: none"> <li>• The study area may be the proposed project limits, or a larger/smaller area</li> </ul>
11	<p>Brief discussion of all these items in the checklist :</p> <p><b>a. Wetlands:</b> is this action going to have an impact? If yes, explain what type of impact, type of permit, proposed mitigation, etc.</p> <p><b>b. Public involvement:</b> is it needed? Maybe it is not needed for environmental purposes because there is no effect but if there is going traffic disruptions or road closures to perform the work it would be good to include public involvement for the pre-construction/construction phase)</p> <p><b>c. Section 404 of the Clean Water Act- 33 USC 1251-1376</b></p> <p><b>d. Section 7 of Endangered Species Act -16 USC 1531</b></p> <p><b>e. Compliance with Section 106-36 CFR 800 (SHPO) &amp; Historic Sites &amp; Archaeological Sites:</b> There are various situations which can apply to your project:  A Cultural Resources Assessment Study must be prepared.</p> <p>1. No Resources are identified  After the CRAS is complete and no resources are identified, the Cultural Resource Impacts Section (CRIS) must include the following standard statement:  Discussion of the coordination efforts related to the assessment process should be included in the document.  Coordination letter approved by FHWA and concurred by SHPO must be included in the document.</p> <p>2. Resources not eligible for the National Register (NR)  If historical properties are identified, but, after consultation with the SHPO, are determined not to be eligible for the NR.  Discussion in chronological order the coordination efforts related to the assessment process and the application of the National Register Criteria of Significance.  Coordination letter approved by FHWA and concurred by SHPO must be included in the document.</p> <p>3. National Register Properties are involved (2 options)</p> <p>a) Finding of No Effect  A description of all National Register properties in the vicinity of the project should be included.  A discussion in chronological order of the coordination efforts related to the assessment process, the application of National Register Criteria of Significance, and the determination of effect and no adverse effect must be included. This should include the date of each meeting, involved parties, issues raised, treatment of those issues, and any follow-up documentation of letters. Reference should be made to all correspondence related to the Section 106 process.  Two letters must be found in the document: First one for resource eligibility and the second one for finding of effect. FHWA approve the letter and SHPO provides concurrence.</p> <p>b) Adverse Effect</p>

A discussion in chronological order of the coordination efforts related to the assessment process, the application of National Register Criteria of Significance, and the determination of effect and no adverse effect, the consultation process, and the development of the MOA must be included. This should include the date of each meeting, involved parties, issues raised, treatment of those issues, and any follow-up documentation or letters. Reference to all correspondence, including CRAS and MOA, related to the Section 106 process should be included as well.

- f. Compliance with Section 4(f) – 49 USC 303:** Per section 4(f) of the DOT Act of 1966, Title 49, USC Section 1653(f), has a FHWA Determination of Applicability (DOA) been completed (and determination made by FHWA) to see if Section 4(f) resource(s) in question are impacted or if section 4(f) even applies to the project? Will a section 4(f) Programmatic, De Minimis, Individual or temporary use evaluation be required? If so was this approved by FHWA?
- g. Compliance with Section 6(f) -36 CFR 59.1 (Land and Water Conservation Fund Act)**
- h. Airport Clearance:** Usually identified as a special condition within or adjacent to a project area. If one airport exists near the area, consideration must be given to accommodate requirements or airport clearances and such other requirements.
- i. Air Quality:** PR and USVI are currently attaining all air quality standards (NAAQS) for all pollutants. Is there a statement in the document that PRHTA/VIDPW is in attainment and therefore conformity analysis is not required. This does not necessarily exempt them from Hot Spot analysis. Does the document address these questions:
  - Does the document state the current air quality status is attainment and therefore a conformity analysis was not required?
  - Was a hot spot analysis required? If no, does the document state why it was not required?
- j. Coastal Barriers:** Affects the coastal municipalities. The Coastal Barrier Resources Act (CBRA) should be mentioned and adhered to.
- k. Construction:** Discuss temporary impacts associated with construction.
- l. Economic:** Describe existing condition. What temporary and/or permanent economic effects are attributable to the proposed project? Could the project affect economic development? How much does the project cost?
- m. Environmental Justice:** The document must demonstrate by use of Census information, the population by race and low income for the project area using the definitions provided by the CEQ or state no population exists within the project area. Low-Income is compared to the current threshold for low-income from the DHHS. The following questions will assist in analyzing the information to determine impacts:
  - a. Is there potentially an EJ population present in the project area?
  - b. Is and EJ population is present, what public involvement efforts were made to get input from that populations?
  - c. What input, if any, was received and what was the response to each of the issues raised?
  - d. If an EJ population is present, what impacts will the project have on the population and will any of the impacts be disproportionately high and adverse when compared to similar impacts in non-EJ communities.
  - e. After this determination, is there potential for any disparate impacts? Remembering, EJ communities are typically more vulnerable to disproportionate impacts due to lower base line conditions; specifically, there are usually fewer accessible

services/amenities, higher levels of pre-existing pollution, inadequate infrastructure, etc.)?

- f. If an EJ population is present and there are impacts, describe what, if any, avoidance, minimization, and mitigation was considered and adopted.
  - g. Was the EJ population intentionally denied benefits or going to experience unnecessary burdens?
  - h. For example, avoidance and/or mitigation was afforded non-EJ population, but was not provided to EJ populations.
- n. Farmlands:** Under Farmland Protection Policy Act (FPPA). Both rural and urbanized areas could have this section depending on recent development activity. FPPA does not apply if there is no new ROW or if it is located within city limits.
- o. Floodplains:** The municipalities in the project location are participants in National Flood Insurance Program (NFIP)? The proposed project would be raising the base flood elevation more than 1 foot? There are FEMA Floodplain Insurance Rate Maps (FIRM) that should be referenced in this section so the document discloses what zone the project is in.
- p. Navigability Determination:** Per 23 CFR 650.805, FHWA can determine that a project is exempt from a U.S. Coast Guard (USCG) permit whenever the proposed construction, reconstruction, rehabilitation, or replacement of the federally-aided or assisted project is over waters:
- 1. Which are not used or are not susceptible to use in their natural condition or by reasonable improvement as a means to transport interstate or foreign commerce; and
  - 2. Which are not tidal; or
  - 3. If tidal, are used only by recreational boating, fishing, and other small vessels less than 21 feet in length.
- The USCG must concur to FHWA's findings in the form of a letter. If FHWA cannot determine that the project is exempt from a USCG permit, early coordination with the USCG will be needed prior to approval of the CE.
- q. Contamination:** Are there any sites identified in the existing or proposed ROW that must be dealt with? Has an assessment or Contamination Screening Evaluation Report (CSER) been completed for the project?
- r. Land Use Changes:** Does the document discuss existing and proposed land use changes? Consistency with local planning efforts mentioned in this section. Impacts to Land Use, and growth rate include how to anticipate change either adversely or beneficially. If land is "undeveloped", then should mention if it is forested, cleared, open land, etc.
- s. Community Cohesion:** Many times the human environment is not as fully evaluated as the natural environment and it should be given fair/equitable consideration. Community cohesion is an important consideration.
- 1. Will the proposed action physically, aesthetically, emotionally isolate or divide the community in any way?
  - 2. A discussion of income and ethnicity breakdown can occur here or in the Environmental Justice section.
  - 3. Context Sensitive solutions can be discussed here or under Visual/aesthetics subheading.
  - 4. What is the existing and projected population of the study area? Use most current population data in document.
- t. Relocation Potential:** Statement of compliance with the Uniform Relocation Assistance and Real Property Acquisition Policy Act of 1970 as amended is required to be followed for all

relocations.

1. Are there any businesses, residences and/or institutions in the proposed right-of-way?
2. Number of Residences and types (single family, apartments and mobile homes) potentially affected and a statement as to the availability or lack of DS&S (Decent, Safe and Sanitary) housing in the area for each type of displaced residential unit.
3. Number and types of businesses, farms or institutions potentially affected and a statement of any potential effect on the community if a business cannot remain in operation.
4. If there are no displacements, a statement that the project will not cause the displacement of any residences, businesses or farms.

**u. Community Services:** This section should identify by name and location any schools, churches, and community services and facilities. Identify how the resource would be affected by the proposed action.

**v. Non-Discrimination Considerations:** Please coordinate this review effort with the FHWA Civil Rights coordinator. Does the CE answer the following questions:

1. Does the document contain a description of the demographics for the project area?
2. Does the document demonstrate robust public involvement - both access to and distribution of information?
3. Does the project area contain a significant minority or low income populations (see bullet point below)?

For a CE, the first two questions should be answered 'yes' and the third to be answered 'no'. If that is the case, then you don't need to proceed with any further discussion.

**w. Controversy Potential:** If there are any areas of controversy resulting directly or indirectly from the project, including likelihood of disproportionate impacts, the document should identify it. A copy of the public hearing transcript should be submitted with the CE and should be reviewed by the Engineer for controversy. Reference results of public hearings or any other public involvement.

**x. Recreation Areas**

Identify, by formal name, all recreation areas within the project study area. Document should include discussion of any project-related impacts to these properties and specifically identify any right-of-way or other acquisition from these resources which may be required to complete the project. (Refer to Section 4(f) if the recreation area is determined to be a 4(f) property).

**y. Water Quality**

Water quality, and other potential impacts, must be discussed in CEs. The PRHTA/VIDPW needs to coordinate with the entity which has storm water regulatory authority.

**z. Wild and Scenic Rivers**

Currently PR has 3 rivers under this Presidential Directive: Río Icacos, Río Mameyes and Río La Mina. These rivers are located in El Yunque. In case of any projects in the area of these rivers coordination with the agency with jurisdiction is required.

**aa. Essential Fish Habitat**

Federal agencies are required to consult with NMFS regarding projects that fund, permit or carry out activities that may adversely affect EFH. Essential Fish Habitat consultations are only required for Federal or federally-funded projects as well as projects requiring a Federal action such as needing a Federal permit. Actions Taken After Determination of Involvement: If the PRHTA/VIDPW determines that a project may adversely affect Essential Fish Habitat, then:

An Essential Fish Habitat Assessment must be prepared by the agency and submitted to NMFS. Discussion about the coordination with NMFS should be documented in the CE.

**bb. Noise**

The noise impact and abatement analysis policy and procedures provided in this chapter are based largely on the regulatory material that is found in 23 CFR 772 "Procedures for Abatement of Highway Traffic Noise and Construction Noise" dated July 13, 2010, and the FHWA guidance document "Highway Traffic Noise: Analysis and Abatement Guidance" dated June 2010 (revised December 2010). If no added capacity is proposed then a noise analysis section is not required.

Is the project adding capacity or changing the horizontal or vertical alignment?

If so, a noise analysis and model must be completed. Has a Noise Study Report (NSR) been prepared for the project? Noise analysis should use the newest FHWA noise model.

**cc. Aesthetic Effects**

Documentation of the AE evaluation must demonstrate the proposed project has no significant aesthetic effects. AE evaluation material should be briefly summarized and included in the CE documentation. This documentation should include a summary of pertinent AE information on the selected alternative.

The AE evaluation ensures that the community's values and concerns related to aesthetic issues are addressed during project development while producing an affordable, biddable, constructible, and maintainable design.

**dd. Bicycle and Pedestrian**

In areas where residential and commercial development are eminent or already in place, pedestrian and bicycle accommodations should be fully considered as other potential modes of transportation and planned for as appropriate.

- Could refer back to purpose & need for project as well as EJ issue.

**ee. Utilities and Railroads**

Any involvement with utilities and/or rail systems must be discussed in this section.

Information concerning the location, dimension, and characteristics of major utilities found within a proposed project corridor (all viable alternates under consideration) should be discussed. The PRHTA/USVIDPW is responsible for maintaining contact with local utility agencies and coordinating with those utility agencies during the PD&E phase. Potential utility conflicts must be evaluated and mitigations addressing roadway impacts to the utilities must be recommended.