

**INSTRUCTIONS for preparation of the
Categorical Exclusion (CE) Form
For Recreational Trails Program (RTP)
Applicants in Georgia**

The pages that follow are intended to assist the preparer in properly completing a CE for the RTP in Georgia. The following instructional pages ARE NOT TO BE SUBMITTED as part of a completed CE.

It should be noted that where reference is made to a Georgia Department of Transportation (GDOT) link, that these links are provided as reference only. The GA Department of Natural Resources (GA DNR) and GDOT have separate processes, and the GDOT materials are included to explain a specific environmental topic without GA DNR having to recreate similar information on their website.

RTP funds are Federal Highway Administration (FHWA) funds and as such are subject to the National Environmental Policy Act (NEPA) of 1969 and are subject to the provisions contained in 23 CFR 771. Most RTP projects will be classified as a CE under 23 CFR 771.117. FHWA requires that each project be reviewed to assure that it does not have a significant impact on the environment.

23 U.S.C. 206 Section (h)(2) exempts the RTP from the requirements of Section 4(f) of the Department of Transportation Act of 1966.

For the RTP, GA DNR acts on behalf of the FHWA to ensure that all applicants meet the requirements discussed herein. These reviews may be completed by an official with appropriate knowledge, however, depending on the nature of the project, site conditions, and in-house staff experience, project sponsors may want to consider employing the services of an environmental professional when preparing this document. In certain situations, additional field studies may be required to complete the NEPA process. The typical studies required may include:

- Section 106 Archaeological Survey as requested by the Georgia Historic Preservation Division (HPD) or Tribal Historic Preservation Officer (THPO)
- Wetland delineations
- Waterway permit applications for U.S. Army Corps of Engineers (USACE) Section 404 or GA Environmental Protection Division (EPD) Section 401 Water Quality Certification

When hiring a consultant, it is recommended that the applicant select a GDOT prequalified environmental consultant. The following instructions can be used to identify GDOT prequalified environmental consultants:

1. Click on the following link: [Engineering Consultant Prequalification](#)
2. Scroll down to the “Consultant Info” section and expand the “Resources” tab
3. From this screen prequalified firms can be viewed by area class (see screenshot below)

Section I – Project Information

Project Description - Write a brief 1-5 sentence description of the project that adequately discusses all the major elements and any elements that may affect an environmental resource. Please remember to only describe the elements associated with the RTP funded project. For example, the project sponsor may have a Trail Master Plan or other planning document that includes improvements outside the scope of the RTP funded project. The RTP CE Form should focus on the project for which RTP funds are being requested.

Project Purpose - Complete writing a 1 sentence purpose statement. This sentence concisely states why the project is being proposed and articulates positive outcomes that are intended.

Project Need - Provide a bulleted list of needs elements. The needs element identifies key transportation problem(s) to be addressed by the proposed project.

For more information on Purpose and Need, please see GDOT’s Office of Environmental Services Website at: [GDOT Need and Purpose Guidance](#)

Section II – Does the project include any of the following activities?

Answer which, if any, of the following activities apply to your project. This will determine the level of effort needed for the remainder of the document. Under the Comments section list project elements that meet eligibility under each numbered item.

Section III – Involvement with Resources

This section is intended to document the potential environmental resources that may be present or impacted by the proposed action. The individually numbered resource elements are to be checked appropriately. The term “Possible” means that the resource is present and has a potential to be impacted in some way by the project.

If any resource agency indicates that a resource is present in the project area and must be avoided, or places limits as to the extent of allowable impacts, then that constitutes an environmental commitment and must be carried forward to Section IV and ultimately to construction. If any resource agency indicates that additional studies are required, then coordination with that agency is considered open until the study is complete, and the resource agency provides the appropriate documentation. Please attach copies of all agency correspondence to the CE.

If the answer is “Possible” under any of the numbered items, include the following type of discussion in the CE in the “Comments” field:

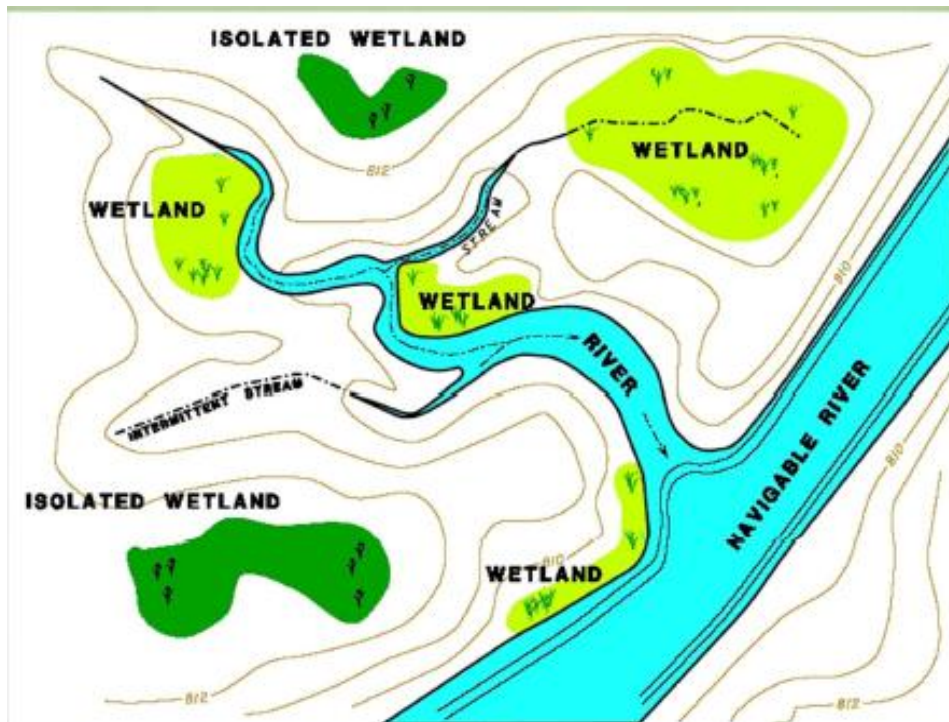
“Based on a field review on {*date*} by {*person/title*}, {*environmental resource name & extent of impact*} will be impacted by the proposed project. Coordination was conducted with {*responsible agency*} on {*date*}. A copy of the letter is attached. [If applicable] On {*date*} the {*responsible agency*} provided comments and/or environmental commitments related to the project. Environmental commitments include {*explain, list, etc.*}”

1) Water Resources

Water resources include Waters of the US (WOTUS) as defined in 40 CFR 230.3 and State Waters as defined by the Official Code of Georgia (OCGA) 12-7-1. A WOTUS includes all interstate waters, rivers and streams and wetlands adjacent to these waters. These resources are protected by Federal and State law, regulation, and/or code. The agencies that have jurisdiction over them are the United States Army Corps of Engineers (USACE), GA EPD, and if a navigable waterway, the United States Coast Guard. Impacts to these resources may require a permit. GDOT has good resources for water resource delineation and impact assessment that may be found at: [GDOT Environmental Procedures Guidebooks – Ecology](#).

The following resource will assist with determining if your project will require a 404 Permit from the USACE. It is the responsibility of the applicant to obtain relevant permits and keep their project in compliance.

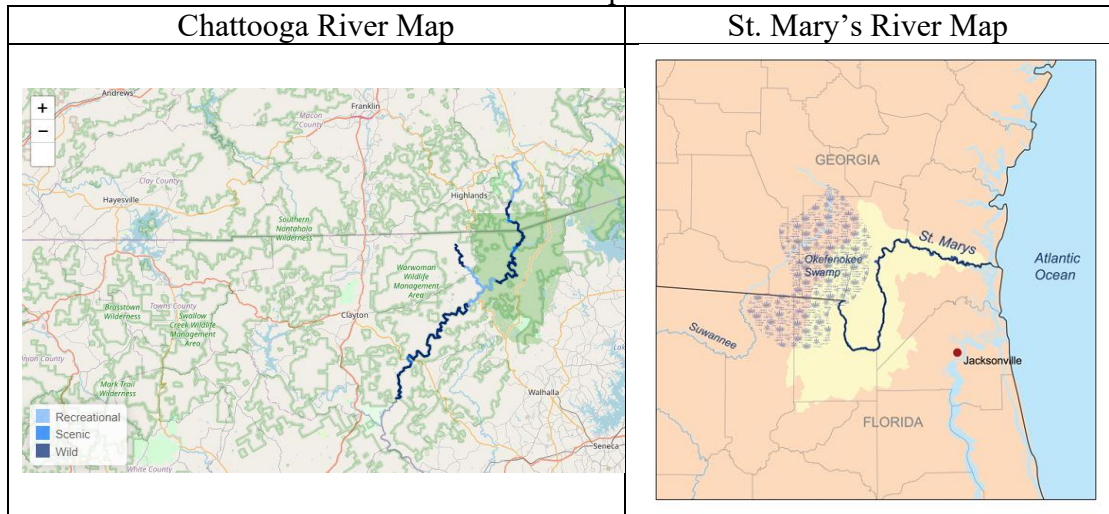
[Permit Program under CWA Section 404](#)



2) Wild and Scenic Rivers

In accordance with the Wild and Scenic Rivers Act (16 USC 1278), if the proposed action could have foreseeable adverse effects on a river on the National Wild and Scenic River System or a river under study for designation to the National Wild and Scenic River System, the NEPA document should identify early coordination undertaken with the agency responsible for managing the listed or study river (i.e., National Park Service [NPS], Fish and Wildlife Service [USFWS], or Forest Service [USFS]). If it is determined that any of the alternatives could foreclose options to designate a study river under the Act, or adversely affect those qualities of a listed river for which it was designated, to the fullest extent possible, the draft document will reflect consultation with the managing agency on avoiding or mitigating the impacts.

There is only one “Wild and Scenic River” in Georgia, the Chattooga River in Rabun County. The St. Mary’s River in South Georgia is a Wild and Scenic study river. A study river has the same protections as a Congressionally declared Wild and Scenic River. The table below includes maps of the Chattooga and St. Mary’s Rivers. If the proposed project would not impact either of these two rivers, mark “No” on the RTP CE Form. If the project has the potential to impact either of these rivers, contact GA DNR for additional information on the next steps associated with this coordination.



3) Threatened and Endangered Species

The occurrence of a federally or state protected species could be an important issue to consider during the development of an RTP project. Trail location and construction impacts should be coordinated with the USFWS and informal or formal consultation pursued if the presence of protected species warrants further study. If formal consultation is required, FHWA will initiate that consultation with the USFWS. The applicant shall send a letter/email to GA DNR including:

- Project description
- Project mapping
- Project photographs, including aerial photos
- Information for Planning and Consultation (IPaC) species list

The GA DNR will conduct informal consultation with the USFWS Georgia Field Office on behalf of FHWA.

On the RTP CE Form, describe the coordination that was conducted with USFWS and whether the project is anticipated to impact any protected species. Attach coordination documentation. Discuss any avoidance or minimization options that were considered. If commitments were made during the consultation process, be sure to include those commitments in Section IV of the CE form. A typical environmental commitment through USFWS coordination involves tree clearing restrictions associated with federally protected bat species.

“Cutting of trees with suitable roosting and brood-rearing habitat for Federally protected bats (living or standing dead trees or snags with exfoliating, peeling or loose bark, split trunks and/or branches, or cavities) shall not occur between December 1 and February 28 or May 1 and July 31”

Additionally, coordination with the GA DNR Wildlife Resources Division (WRD) will be required for potential impacts to state protected species along with a variety of other natural resources. GA DNR will make an Environmental Review (ER) request to GA WRD. The applicant will need to provide DNR with a project location map and brief project narrative to initiate this coordination.

Please note that the WRD will provide a database report of element occurrences (EOs) from the Georgia Natural Heritage Database along with WRD comments and recommendations related to threatened/endangered species as well as other natural resources that WRD has regulatory oversight for. If comments or recommendations are received, please ensure that there is clear supporting documentation showing how this information was acted upon. If commitments were made during the consultation process, be sure to include those commitments in Section IV of the CE form.

4) Cultural Resources

Section 106 of the National Historic Preservation Act of 1966, requires that all federally funded, permitted, or licensed projects be reviewed before work commences to determine whether they will affect historic properties. Therefore, the Georgia Historic Preservation Division (HPD) must be contacted for all grant awarded projects involving site work or property acquisition. If your project is selected for funding, it must be reviewed by the HPD prior to entering into grant agreement.

To initiate Section 106 coordination with HPD and federally recognized Native American Tribes the applicant must do the following.

- Complete the HPD Environmental Review Form. This form can be found [here](#).
- Complete the FHWA GA Division Tribal Coordination Form. This form will be provided by GA DNR.
- Copies of previous cultural resource surveys that have been conducted in the project area (if applicable).

GA DNR will submit Section 106 documentation to HPD for review and FHWA will conduct coordination with Native American Tribes.

A concurrence letter from HPD will be required prior to the execution of any contract agreement with an awarded project sponsor. The Section 106 review process can vary in length depending on project specific factors. Occasionally, additional cultural resource site investigations may be required. These investigations must be done by an approved archaeology or history/architecture consultant.

If additional studies are required, then the applicant will complete these studies and coordination prior to receiving federal approval of the CE document. Under NO circumstances shall the sponsor enter into a construction contract without completing these studies, or the project will be deemed ineligible for federal participation.

5) Air Quality Impacts

Air quality conformity is a way to ensure that federal funding and approval are given to those transportation activities that are consistent with air quality goals. It ensures that these transportation activities do not worsen air quality or interfere with the “purpose” of the SIP, which is to meet the NAAQS (National Ambient Air Quality Standards).

Air quality conformity falls upon the non-attainment area metropolitan planning organization (MPO) and the U.S. DOT – FHWA/FTA. These agencies must ensure that the transportation plan and program within the metropolitan planning boundaries conform to the state implementation plan (SIP). In non-attainment metropolitan areas, the policy board of each MPO must formally make a conformity determination on its transportation plan and transportation improvement plan (TIP) prior to submitting them to the FHWA/FTA for review and issuance of a conformity determination.

Air quality conformity for projects outside of these boundaries are the responsibility of the State DOT and FHWA/FTA. FHWA/FTA’s conformity determination for the approved S/TIP for both MPO and non-MPO projects is published on the responsible MPO’s website while statewide/non-MPO conformity determinations are located within the State DOT website. In non-attainment areas, project status is addressed in the MPO’s approved TIP as "exempt" or "non-exempt,” meaning that the project was

included in the conformity analysis for the current year. A project that does not meet the conformity requirements cannot be funded by FHWA.

Most RTP projects and project-related activities are exempt from air quality conformity requirements of the Clean Air Act Amendments of 1990. The MPOs and GDOT have included appropriate documentation in their respective TIPs and STIP to accommodate the applicant's projects. For the purposes of the CE, the applicant need only to leave block 5 as is, unless directed to do otherwise by FHWA.

6) Public Involvement

The project sponsor must ensure that the public has an opportunity for early review of the development plans or proposals for any project that has involvement with resources. At a minimum, a press notice will be published in the local media briefly describing the proposed action and urging members of the public to provide their views to the sponsor. It shall expressly state what environmental resources the project may impact, and the public shall have no less than 14 days for a public comment period with the sponsor. All public comments received shall be responded to and public comments and responses shall be provided as supporting documentation with the CE. Other means of suitable public involvement can include posting fliers at facilities and or other nearby public venues and/or the use of postings to governmental websites associated with the facility. The 14-day public comment period applies to any form of public involvement.

7) Floodplains

In 1968, Congress established the National Flood Insurance Program (NFIP) as part of the National Flood Insurance Act. This program is administered by the Federal Emergency Management Agency (FEMA). The purpose of the NFIP was to enable property owners in participating communities to purchase flood insurance. It was designed to provide relief to flood victims and lower the cost of federal disaster relief. The NFIP was broadened in 1973 by the Flood Disaster Protection Act and further modified in 1994 by the National Flood Insurance Reform Act. Out of these laws evolved floodplain management.

FEMA has supported the program with a large-scale hazard identification and mapping effort that is responsible for identifying regulated floodplains. The boundary maps, insurance rate maps, and floodway maps that have resulted identify areas that are susceptible to flooding, known as the FEMA regulatory floodplain. The FEMA mapped 100-year flood has become the accepted national standard for regulatory purposes in establishing the regulatory floodplain (known as the mapped 100-year regulatory floodplain or sometimes referred to as designated/regulatory floodway). The 100-year flood is defined as the flood event that has a 1% chance of occurring in any given year or, on average, occurs once in a 100-year period. The term floodplain is defined as any land area susceptible to being inundated by floodwaters from any source.

In Georgia, the GA EPD oversees floodplain management and regulations. However according to FEMA, local communities are ultimately responsible for prohibiting encroachments in the regulated floodplain. GA EPD provides guidance in regulating activities in the FEMA mapped regulatory floodplains to local communities. Each local community has a Local Floodplain Administrator (LFA), who has been charged with overseeing their respective community's program.

As a general rule, the following two guidelines apply:

1. Encroachment is not allowed on a designated floodway, unless it is demonstrated that the proposed encroachment would not result in an increase in flood levels during the occurrence of the 100-year base flood discharge.
2. An encroachment, on any area mapped on a flood insurance study as an area of special flood hazard (Zones A, A1-A30 and/or AE), will cause no more than a one-foot rise in the natural 100-year base water surface elevation. Note: The LFA may have more stringent criteria than the general rule for their specific purposes.

A Floodplain Encroachment Review will be completed by DNR on behalf of the applicant. To initiate this review, the applicant will need to provide DNR with a project location map and brief project narrative. Based on the Floodplain Encroachment Review, if it is determined that the project occurs within a Special Flood Hazard Area (SFHA) then the following questions should be answered:

1. Does the LFA see any fundamental problems with the project?
2. Does the LFA, and the local community, have a floodplain permit which will need to be obtained? If the local community requires a floodplain permit, then the applicant will be responsible for obtaining that permit during the more detailed design stages. (Some communities do not have an actual permit and will clear the project with a formal letter.)

If coordination with the LFA is required, the applicant shall include evidence of this coordination as part of the CE. Any required floodplain permit can be deferred until construction but shall be obtained prior to commencement of construction activities.

Section IV – Environmental Commitments Made and Resources to be Avoided

Environmental commitments are assurances that are made to an agency in return for the agency's approval of the project. Mitigation measures are design commitments made during the environmental review process that serve to lessen impacts associated with the proposed action. Prior to committing to any mitigation efforts, the applicant should coordinate with GA DNR personnel to ensure feasibility. Failure to follow through with these commitments could result in the revocation of the NEPA document approval by FHWA, federal funding, and/or revocation of a permit by the USACE. The environmental commitments section of the CE form must include

any commitments to avoid, minimize, or mitigate impacts. The commitments table in the CE form should describes the following.

1. When will the commitment be completed?
2. Summary of the commitment
3. Responsible Party

The applicant is responsible for ensuring that these commitments are followed through, and reporting progress or any deviations to GA DNR for coordination with FHWA.

Section V – Required Attachments

The applicant should include any pertinent agency coordination or other documentation described in these instructions. Anything that would be of environmental importance to the decision-making process should be included or referenced.

Section VI – Approvals

The applicant shall sign the completed form and submit to GA DNR as acknowledgment of their completion of the environmental process. GA DNR will verify that the application meets federal and/or state requirements and will sign the form. Lastly, the CE will be reviewed by FHWA and comments will be provided if necessary. FHWA approval of the CE will enable the project to proceed to the next phase of project development.