

# National Environmental Policy Act Categorical Exclusion Guidebook



2025 Edition



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# Introduction

The Delaware Department of Transportation (DelDOT) has developed this Guidebook to offer guidelines on the preparation of the National Environmental Policy Act (NEPA) Categorical Exclusion (CE) determinations. The laws, regulations, Executive Orders, and other related requirements DelDOT follows are continuously evolving, and reviewers are continually adapting and learning, so this Guidebook is not meant to be a one-size-fits-all instruction. DelDOT's design standards must be followed, but designs must also conserve and protect the aesthetic, historical, and cultural assets of forthcoming developments. The following Guidebook is meant to assist with filling out the "C-Level" CE and "D-Level" CE checklists and to help ensure compliance with, and thorough documentation of, the processing requirements stipulated in the 2023 Programmatic Agreement between the Federal Highway Administration, Delaware Division and the Delaware Department of Transportation Regarding the Processing of Actions Classified as Categorical Exclusion for Federal-Aid Highway Projects. This Programmatic Agreement is further referred to as the "PCE Agreement" throughout this Guidebook. The Guidebook will further assist the NEPA document preparer in how to meet the requirements of NEPA and document the social, cultural, and natural environmental resources involved in a project undertaking. There will be a separate guidance on the preparation of Environmental Assessment (EA)/Environmental Impact Statement (EIS) documents. Preparers of NEPA documentation must coordinate closely with their DelDOT Environmental Stewardship Office (ESO) NEPA point-of-contact (POC), see end of Guidebook for a list of current POCs. Additional information regarding the DelDOT ESO can be found at their website: [Environmental Stewardship - Delaware Department of Transportation \(deldot.gov\)](https://www.deldot.gov/environmental-stewardship). This Guidebook is not regulatory and is a dynamic document that will be revised as necessary. DelDOT ESO, in consultation with the Federal Highway Administration (FHWA) Delaware Division, will issue updates as appropriate.

## ***What Level of NEPA Evaluation Should Be Considered?***

CEs are actions which meet the definition contained in 40 CFR 1508.1. They are actions which typically: do not include significant impacts to planned growth or land use for the area; do not require the relocation of significant numbers of people; do not have a significant impact on any natural, cultural, recreational, historic or other resource; do not involve significant air, noise, or water quality impacts; do not have significant impacts on travel patterns; and do not otherwise, either individually or cumulatively, have any significant environmental impacts. Definitions of types of CEs can be found in 23 CFR 771.117 and the appendices of the PA. Familiarity with these definitions will provide information applicable to the level of NEPA documentation required for

a project. The level of NEPA documentation is determined by the DelDOT ESO POC and in consultation with FHWA as applicable.

Pursuant to 23 CFR 771.117(g), FHWA may enter into Programmatic Agreements (PA) with a State to allow a State DOT to make a NEPA CE certification or determination and approval on FHWA's behalf. The FHWA Delaware Division and DelDOT formally entered into a PA in 2018 and recently updated the PA on 10/12/2023 ([PA](#)). The PA establishes DelDOT's authority to determine whether a project qualifies for a CE action specifically listed in 23 CFR 771.117(c) and 23 CFR 771.117(d). These CEs must not exceed the thresholds identified in the PA under Stipulation IV.A.1.b. and approves these CEs on behalf of FHWA.

For "C-Level" NEPA documents, DelDOT is responsible for evaluating the project's potential effects and prepare and approve any necessary "C-Level" documentation and there is no separate review or approval by FHWA.

For "D-Level" NEPA documents, DelDOT is responsible for preparing and reviewing these documents and FHWA is responsible for approving these documents. DelDOT may not delegate responsibility for CE signatory approvals to third parties (i.e. consultants, local government staff, or other state agency staff). Throughout the entire NEPA process, FHWA retains general responsibilities for program oversight including specific responsibilities specified in the PCE Agreement.

### ***Categorical Exclusion Process***

When starting to prepare the CE, note that this checklist will be in a protected mode. This means the user will be able to click on and fill in the shaded boxes, however, no edits can be made to the fixed text or drop-down text. For text (greyed) boxes, click on the box and enter project-specific information. There is no limit to the amount of text that can be added in a text box area. Spell check is available in the text box area. No other formatting can occur within the text boxes.

This guidance document is set-up to first show a screenshot of the section. The document will then show directions on how to document the information for each section.

Respond to each question by checking "yes" or "no". Documentation (letters, memos, forms, etc.) as appropriate, should be referenced in the box below the questions. Documentation referenced in the checklist should be included, as applicable, in the Appendix to the checklist.

It is important to note that each project has specific information needs. A general rule of thumb is to attach anything that supports the impact findings of any "C-Level" or "D- Level" CE. As previously stated, always coordinate with the DelDOT ESO POC prior to starting work. The DelDOT ESO POC can answer any questions and may also be able to provide an example checklist that has been approved for a similar type of project.

# Cover Letter



Date

Ms. Charlanne Clymer  
Director of Finance  
Delaware Department of Transportation  
P.O. Box 778  
Dover, DE 19903

Dear Ms. Clymer:

The attached information supports the Department's environmental determination for the following project.

Project Title Project Title  
Contract No. State Project No. FAP No. Federal Project No.

This project will be administered under the FHWA Stewardship and Oversight Agreement. This project has been processed and approved in accordance with the DelDOT/FHWA Programmatic Agreement regarding the processing of certain Categorical Exclusion Actions. This project meets the criteria for a Categorical Exclusion pursuant to 23 CFR 771.117 and will not result in significant impacts to the human or natural environment.

Sincerely,

John Caruano, P.E.  
Chief of E&AS

#### Attachments

cc: Federal Highway Administration  
Maureen Kelley, Deputy Director Design, DOTS  
John Caruano, Chief of E&AS, DOTS  
Anna Smith, Environmental Manager, Environmental Stewardship, DOTS  
Wendy March, Environmental Specialist Supervisor, Environmental Stewardship, DOTS  
*Insert DelDOT Project Manager*  
*Insert DelDOT Project Engineer*  
Christine Levely, External Audit Supervisor, DOTS  
Helen Banks, Administrative Specialist III, Engineering Support, DOTS  
Finance Team  
ROW Team



**Project Title:** Enter the project title (e.g., Replacement of Bridge 1-021 on Blackbird Rd). Project title should be as it appears in DelDOT's State Transportation Plan (STIP)/Capital Transportation Program (CTP).

**Contract No.:** Enter the state project number (e.g., T202300505).

**FAP No.:** Enter the federal project number (e.g., ESTP-2023(25)).

**CC List:** Insert the DelDOT Project Manager.

**CC List:** Insert the DelDOT Project Group Engineer.

## Project Information

### *Project Information*

Project Information	
State Project No: State Project No.	Federal Project No: Federal Project No.
Project Title: Project Title	
County: <i>County</i>	Funding Code: <i>Funding</i>
District: <i>District</i>	Federal Participating Percentage: <i>Percent</i>
Project Phase: <i>Project phase</i>	Section Assigned to: <i>Section assigned to</i>
Does the project have logical termini and independent utility? Yes/No	

**State Project No.:** This should auto populate from the cover letter. If the information does not auto populate, then right click in the box, and select update.

**Federal Project No.:** This should auto populate from the cover letter. If the information does not auto populate, then right click in the box, and select update.

**Project Title:** This should auto populate from the cover letter. If the information does not auto populate, then right click in the box, and select update.

**Funding Code:** Enter the funding code (e.g., Z10E, RTP, SGPD). This may be found in (Funds Allocation for Capitol Transportation System (FACTS), Primavera Unifier (Unifier), DelDOT's CTP, or the finance memo. Contact the DelDOT Project Manager or the DelDOT ESO POC to obtain this information.

**County:** Pick the appropriate county or statewide from the drop-down list.

**Federal Participating Percentage:** Pick the appropriate percentage of federal to state funding (e.g., 80/20, 100). This information can be provided by the project manager.

**District:** Pick the appropriate maintenance district from the drop-down list.

**Section Assigned to:** Enter the section the project is assigned to (e.g., Bridge, North PD, Planning).

**Project Phase:** Enter either RW for Right-of-Way phase or CON for Construction phase.

**Does the project have logical termini and independent utility?:** Select the yes or no box. Logical termini are rational beginning and end points for a project. The project must also be able to provide a benefit by itself so that when the project has been constructed it cannot be dependent

on other projects in order to function. If the project does not have a logical termini or independent utility, contact the DelDOT ESO POC to determine a path forward.

### **Estimated Project Cost and Schedule**

<b>Estimated Project Cost and Schedule</b>	
Right-of-Way: \$ <i>Cost</i>	Construction: \$ <i>Cost</i>
Is the next phase of funding available on the STIP? <i>Yes/No</i>	
Anticipated Start Date of Construction <i>Anticipated start</i>	

**Right-of-Way / Construction Costs:** Enter the estimated cost information for the project for Right-of-Way and/or Construction. This information in FACTS, Unifier, the Finance Memo, or DelDOT's STIP/CTP. Contact the DelDOT Project Manager or the DelDOT ESO POC to obtain this information.

**Is the next phase of funding available on the STIP?** FHWA requires projects have reasonable assurance of project funding in place prior to approving an environmental document. This is demonstrated by showing fiscal constraint. To indicate fiscal constraint, review the most recent version of the STIP to see whether a subsequent phase following design (either RW or construction) for the project is included. Federal regulations require that a subsequent phase of the project be programmed into the STIP/CTP. The first four years of DelDOT's CTP constitutes the STIP/CTP. If the NEPA is being approved for Right-of-Way, verify that their funds available for Construction in the STIP/CTP in subsequent fiscal years. For Group projects, the Project Manger can provide an excel that shows a project has a subsequent phase following design.

**Anticipated Start Date of Construction:** Provide information, if applicable. Month and year are sufficient information.

### **Determination**

#### **"C-Level"**

<b>Determination</b>
Based on the evaluation of this project and the attached documentation, it is determined that the project meets the criteria of and is properly classified as Federal Categorical Exclusion (Class II Action Category 23 CFR 771.117) (Select C or D) (Type what category number). <a href="#">Link to PA</a>
This project has been reviewed and does not result in significant impacts nor does the project exceed any threshold in Stipulation IV.A.1.b. of the PCE Agreement between FHWA & DelDOT. (Only DelDOT Signature is required)

#### **"D-Level"**

Determination
Based on the evaluation of this project and the attached documentation, it is determined that the project meets the criteria of and is properly classified as Federal Categorical Exclusion (Class II Action Category 23 CFR 771.117) (Select C or D) (Type what category number). <a href="#">Link to PA</a>
The project has been reviewed and does not result in significant impacts; however, it exceeds one or more thresholds in Stipulation IV.A.1.b. of the PCE Agreement Between FHWA & DelDOT. (Requires DelDOT and FHWA Signatures).

The decision-making authority in the PCE Agreement is limited to the Categorical Exclusion actions specifically listed in 23 CFR 771.117(c) and (d). Therefore, each action must site a reference from either the C List (23 CFR 771.117(c)) or the D List (23 CFR 771.117(d)).

When analyzing a federal-aid project, two factors are critical in determining the appropriate CE classification: the scope of the project (scope) and the context and intensity of project impacts (effects).

DelDOT ESO will determine the level of NEPA required. As an exercise, compare the scope and effects of the project to the activities listed in 23 CFR 771.117(c) (Appendix A of the PA Agreement) and 23 CFR 771.117(d) (Appendix B of the PA Agreement) (See PA for guidance) and select the category number based on the scope of work and the resulting impact threshold analysis and type it into the box.

Review the thresholds listed in Stipulation IV.A.1.b. of the PCE Agreement to ensure the project is within the thresholds. If the project does not exceed the thresholds, it is considered a “C-Level”. If the project exceeds any threshold, it is considered a “D-Level”. This will determine the appropriate form that should be used. Coordinate with the DelDOT ESO POC to confirm the action and the level before completing the checklist.

### **General Conditions**

General Conditions (to be completed by DelDOT ESO)	
<input type="checkbox"/>	This project has no substantial public or agency controversy on environmental grounds.
<input type="checkbox"/>	This project conforms to current CTP, STIP, and TIP.
<input type="checkbox"/>	This project has a logical termini and independent utility.

This section will be completed by DelDOT’s ESO POC.

### **Concurrence**

**“C-Level” CE**

Concurrence		
Recommended by:		Date:
	NEPA Supervisor, DOTS	
Approved by:		Date:
	Environmental Stewardship Manager, DOTS	

The first signature block ("Recommended by") should be signed by the NEPA Supervisor or designee for the internal DelDOT ESO review and recommendation of the document for approval. The second signature block ("Approved by") should be signed by DelDOT's Environmental Stewardship Manager. These signatories are responsible for ensuring that the CE activity assigned to the project is appropriate and that the project has been reviewed and does not result in significant impacts. The "Approved by" date is the recorded NEPA approval date.

### ***"D-Level" CE***

Concurrence		
Recommended by:		Date:
	Environmental Stewardship Manager, DOTS	
Reviewed by:		Date:
	Chief of Environmental and Administrative Services, DOTS	
Approved by:		Date:
	Delaware Division Administrator (or designee), FHWA	

The first signature block ("Recommended by") should be signed by the Environmental Stewardship Manager or designee for the internal DelDOT ESO review and recommendation of the document for approval. The second signature block ("Reviewed by") should be signed by the Assistant Director of Engineering Support. The third signature block ("Approved by") should be signed by the FHWA Delaware Division Administrator or designee. The FHWA signature is the recorded NEPA approval date.

### ***Footnotes***

*Note 1: Per 23 CFR 771.129(c), a re-evaluation may be required if the project is moving into the next major Federal authorization for a project; there are changes in the proposed action that could potentially result in significant effects on the environment, unanticipated impacts have become known, or applicable regulations have changed; or there has been a lapse of time from the approval of the decision document.*

*Note 2: Open-end projects with multiple locations will need to have each location cleared.*

Review the footnotes on the bottom of the Form. These footnotes will give directions on specific dates or changes that will require a re-evaluation.

### **Purpose and Need**

Purpose:
Need:

As part of the NEPA process, there must be an established purpose and need for a proposed project. This statement should be data-driven and should clearly explain why the expenditure of public funds proposed is necessary. The most basic level statement describes why a transportation project is necessary despite its expense and potential impacts. The “purpose” is a broad statement of the primary intended transportation results and other related objectives to be achieved by a proposed transportation improvement. These are the goals or objectives that will address the transportation problems and should not be the solution. The “need” identifies the specific transportation problems or deficiencies which are to be addressed and the cause of those problems. The cause of the problems should be supported by facts. The statement should be comprehensive while remaining concise and easy to understand.

The purpose and need should be established early in the project development process, but it should also be revisited and updated over the course of the environmental process as more information about a project becomes available. The purpose and need should never be solution based and should not be the proposed action itself. For complex “D-Level” CE documents, the purpose and need can be sent to the DelDOT ESO POC for comment and to FHWA Delaware Division for review.

Further guidance can be found in the Purpose and Need Guidebook (Link Forthcoming).

### **Existing Conditions**

Existing Conditions
---------------------

Describe all existing conditions in the project area. This will include any existing measurements of shoulders, lanes, sidewalks, bridge length, etc.

### **Project Description/Proposed Conditions**

Project Description / Proposed Condition
--

Describe, in detail, the existing and proposed project components. The description should include road route number(s) or street name(s), the county or counties the project is in, the project termini and a description of the planned improvements.

The project description needs to be consistent in all project documents included the CE documentation, discipline reports, and permitting. The description should identify all project elements and activities and should be written in plain language that is understandable to the members of the general public.

The table below will provide detailed information on this information.

It is important to fully document the scope of the action to confirm that the proposed action meets the requirements of the NEPA action.

### ***Alternatives Considered (if applicable)***

Alternatives considered (if applicable):
--

<i>No build or any alternatives considered</i>
--

Project alternatives must connect logical termini, have independent utility, and not restrict the consideration of future transportation alternatives. Alternatives explain to the public the options that are available to the agency in addressing the problem identified in the purpose and need. If alternatives were considered for the proposed project, provide a brief description of each alternative in this section. A no-build alternative should be included as one of the alternatives.

### ***Details of Existing / Proposed Conditions***

Existing			Proposed		
Road Name/Bridge Name			Road Name/Bridge Name		
Number of Lanes	X		X		
Type of Lanes:	X		X		
Lane Width:	X		X		
Shoulder Width:	X	ft./inch	X	ft./inch	
Median Width:	X	ft./inch	X	ft./inch	
Sidewalk Width:	X	ft./inch	X	ft./inch	
Shared Use Path Width:	X	ft./inch	X	ft./inch	

Use this table to describe existing and proposed measurements of structures and lanes. If additional tables are needed for additional structures, roads, ramps, or lanes, use the Design Condition Table form, as necessary. This form can be found at the end of the Guidebook.

Additional required and/or pertinent information needed to further describe anything referenced above, including maps, photos, or diagrams, must be included in the Appendix.

# Human and Built Environment

## No.1 - Public Outreach

No.	Resource Area	Questions	Yes	No
1	Public Outreach	Has public outreach occurred?	<input type="checkbox"/>	<input type="checkbox"/>
		Is there any public controversy?	<input type="checkbox"/>	<input type="checkbox"/>
		Will public notification and MOT will follow the DE MUTCD?	<input type="checkbox"/>	<input type="checkbox"/>
		Does the project involve public property? If yes, complete section 9 below.	<input type="checkbox"/>	<input type="checkbox"/>
	Date: Click or tap to enter a date.			
	<input type="checkbox"/> Meeting with adjacent Property Owners <input type="checkbox"/> No Public Involvement (describe why) <input type="checkbox"/> Public Workshop <input type="checkbox"/> Virtual Workshop			
	<i>Describe public outreach activities including type of activity, dates, number of participants, and the type of responses from those who attended or commented, such as whether the public feedback was generally in favor of or opposed to the proposed improvements.</i>  <i>Include a statement noting traffic maintenance and public notification requirements will follow the Delaware Manual on Uniform Traffic Control Devices (DE MUTCD).</i>			

In this section of the checklist describe any public outreach activities that occurred. Include the type of activity, dates, number of participants, and discussion of responses from those who attended or commented. Include whether the public feedback was generally in favor of or opposed to the proposed improvements. The author can include the first date of public workshops and any additional workshops can be listed in the discussion section.

A sample written description of public outreach is provided below:

*“A virtual public workshop, attended by fifteen people, was held by DelDOT on October 19, 2021, with an online survey that remained open to the public for an additional six weeks. The workshop gave residents the opportunity to both familiarize themselves with the improvements that the project has to offer as well as provide feedback and express concerns. Questions were answered live during the workshop, with additional comments made through the online survey. The majority of the public feedback was positive with many in favor for the improvements to take place. An in-person meeting was held on November 2, 2022, to discuss the final engineering design and potential impacts during construction. The 24 attendees reviewed the information and asked questions and noted being in favor of the project.”*

If no public involvement was conducted, provide the justification.

Include the standard language below for all projects requiring maintenance of traffic:

*“The public will be notified in accordance with the public notification requirements outlined in the Delaware Manual on Uniform Traffic Control Devices (DE MUTCD).”*

## No. 2 - Right-Of-Way (RW) Requirements

2	Right-of-Way (RW) Requirements	Does the project require right-of-way acquisition or easements?			<input type="checkbox"/>	<input type="checkbox"/>
		Does the project involve relocations?			<input type="checkbox"/>	<input type="checkbox"/>
		Does the project involve utility relocations, if yes, describe below?			<input type="checkbox"/>	<input type="checkbox"/>
	Land Use Impacts	Relocations (#)	Acquisition (FEE) (# and Acres)	Permanent (PE) (# and Acres)	Temporary (TCE) (# and Acres)	
	Residential	X	X	X	X	
	Commercial	X	X	X	X	
	Agricultural	X	X	X	X	
	Public	X	X	X	X	
	Other: Explain	X	X	X	X	
	TOTAL		X	X	X	X
<i>Describe the number, land use, and acreage of parcels that require full acquisition, partial acquisition, permanent easement, and/or temporary construction easements, including relocations (summarize in tabular form). Land use may include residential, commercial, agricultural, public, or other (such as non-profit). Refer to the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970, as amended.</i>						

This section is necessary to ensure compliance with the thresholds identified in the PCE Agreement and compliance with the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970, as amended. Accurate right-of-way and relocation information is required to confirm if the project meets or exceeds the thresholds in Stipulation IV.A.1.b. of the PCE Agreement. If the RW needs exceed the thresholds in Stipulation IV.A.1.b of the PCE Agreement contact the DeIDOT ESO POC for further guidance.

If “no” is the selected option for all of the RW requirement questions (acquisitions, easements, or relocations), a description does not need to be provided.

If “yes” is the selected option for any RW requirement questions (acquisitions, easements, or relocations), in the Land Use Impacts section, quantify the number and acreage of parcels that require partial acquisition (FEE), permanent easement (PE), and/or temporary construction easements (TCE), and relocations. For the acreage, round to the nearest hundredth. In the text box, further describe the RW requirements and land use. Describe the property(ies) affected and general disposition (residential, business, rental property, occupied or vacant, functional or dilapidated, etc.) of the property. Include any potential changes in functional utility of the property due to access changes or restrictions, loss of parking, or land use changes that may occur as a result of the project. Land use may include residential, commercial, agricultural, public, or other (such as non-profit). Do not include sensitive information (i.e. parcel owner information). For any relocations, describe if the relocations are residential or non-residential. If the project involves a residential displacement, describe the adequacy of replacement housing in the area. If the project involves a non-residential displacement, describe the type of activity of the business and availability of replacement sites in the area.

A sample written description for the right-of-way is provided below:

*“The preferred alternative will require a total of 25.57 acres of right-of-way. Of this, approximately 14.81 acres of existing State-owned land will be converted to operational right-of-*

*way with an additional 10.76 acres required from seven (7) parcels. The project will also acquire 0.09 acres of permanent easements and 0.35 acres of temporary construction easements. The project will acquire 0.08 acres of FEE from the U.S. Cemeteries, Inc; this land is previously encumbered by existing easements and utilities and will have no impacts to existing facilities, structures, and/or residents. There are no acquisitions required from public lands (schools, parks, etc.) for this project. No properties will be relocated for this project.”*

If any RW is required, the following language should be included: All acquisitions and relocations will be conducted in accordance with the Federal Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970, as amended.

If “no” is the selected option for utility relocations, a description does not need to be provided.

If “yes” is the selected option for utility relocations, describe the proposed relocations.

Whether there will be RW impacts or utility relocations or not, the name/date of the plan set reviewed (e.g. the project’s Semi-final Construction Plans, May 2023) should be cited for reference as this information may change in later iterations of the design process.

### ***No. 3 - Social Impacts***

3	Social Impacts	Are any community facilities (i.e., schools, churches, recreation facilities) either directly or indirectly impacted?	<input type="checkbox"/>	<input type="checkbox"/>
		Will the project provide better connections to community facilities/neighborhoods?	<input type="checkbox"/>	<input type="checkbox"/>
	<i>Describe the character of the communities within the project area. Identify any changes that may affect connections or access to community facilities or neighborhoods, including other transportation modes (bicycle, pedestrian, bus stops).</i>			

This section addresses the effects of the proposed action on community values and quality of life factors.

If “no” is the selected option for all questions, a description does not need to be provided.

If “yes” is selected for either question, describe the character of the communities within the project area. Identify any changes that may affect connections or access to community facilities or neighborhoods, including other transportation modes (bicycle, pedestrian, and transit facilities).

No template exists for evaluating social and community impacts. Evaluations will differ based on the scope and type of project and on differing community values. Assess whether the project has the potential to impact these values or the cohesion of the community. Indicators of community cohesion may include observable interactions between individuals/groups or shared attitudes and beliefs.

A sample written description of social impacts is proved below:

*“The (TITLE) project will provide benefits to the surrounding community by constructing a less congested roadway network for all users. The project will add a network of shared use paths, providing safer pedestrian and bicycle movements within the project limits. The shared use paths will facilitate connections to the commercial establishments along US13, the high school along Old North Road, as well as tie into the recently constructed Capital City Trail which heads east along SR10 to the Dover Air Force Base. There is one existing DART bus stop along US13 within the project limits which serves bus routes 104 (Local-Camden Walmart) and 303 (Regional-Dover/Milford/Georgetown); to which access will be maintained during and after construction. This bus stop will be relocated and reconstructed. An additional bus stop will be constructed just to the north within the project limits and will serve the same routes.”*

#### **No. 4 - Land Use**

4	Land Use	Will the project result in a permanent change in local land use?	<input type="checkbox"/>	<input type="checkbox"/>
		Are secondary or indirect effects likely to result from the project (such as reasonably foreseeable increases in growth or population density)?	<input type="checkbox"/>	<input type="checkbox"/>
	Describe the land use, including planned developments, and setting within the project area and describe any permanent change in local or regional land use. Consider the master plan for the area and note whether the project is in a designated growth area. Describe potential secondary or indirect effects that may occur as a result of the project.			

This section addresses the effects of the proposed action on existing and future land use.

In the textbox, using the prompt, describe the existing land use for the area.

If “no” is the selected option for all questions, no further information needs to be provided.

If “yes” is selected for either option, describe the existing and proposed land use and setting of the project area. Based upon the scope of the project (right-of-way requirements, new alignment, new access, etc.), determine whether permanent change to the local land use can be anticipated. Review local and regional land use plans to ensure inclusion and consistency of the proposed project.

A sample written description of land use impact is shown below:

*“The project is surrounded by a river and marsh. The closest developed land use is Baylor’s women’s facility which is approximately 1,000 feet from the project. Due to the absence of local access, no change or effects on land use are anticipated.”*

### **No. 5 - Economic Impacts**

No.	Resource Area	Questions	Yes	No
5	Economic Impacts	Will the project temporarily change commercial property access during construction?	<input type="checkbox"/>	<input type="checkbox"/>
		Will the project permanently change commercial properties after construction?	<input type="checkbox"/>	<input type="checkbox"/>
		Will the project have any adverse effects on the local, regional, or statewide economy?	<input type="checkbox"/>	<input type="checkbox"/>
	<i>Describe any changes in commercial property access during and after construction. Explain the benefits and impacts of the project on business operations and describe any adverse effects on the local, regional, or statewide economy.</i>			

This section addresses the effects of the proposed action on the economy.

If “no” is the selected option for all questions, a description does not need to be provided.

If “yes” is selected for any question, describe any changes in commercial property access during and after construction. Examples may include driveway consolidation, point(s) of access or circulation of traffic within the property. These changes may be temporary or permanent in nature. Explain the potential benefits and impacts of the project on business operations and describe any adverse effects on the local, regional, or statewide economy.

This section should indicate what economic development or impact the project may have, including negative or positive effects.

### **No. 6 – Modal Impacts**

6	Modal Impacts	Can traffic be maintained on site during construction?	<input type="checkbox"/>	<input type="checkbox"/>
		Will temporary detours impact any of the modes below? (If yes, attach detour plans)	<input type="checkbox"/>	<input type="checkbox"/>
	<input type="checkbox"/> Pedestrian	<input type="checkbox"/> Bicycle	<input type="checkbox"/> Transit	
	<input type="checkbox"/> Bus Stop	<input type="checkbox"/> Vehicular		
<i>Include a statement noting traffic maintenance and public notification requirements will follow the Delaware Manual on Uniform Traffic Control Devices (DE MUTCD). Summarize maintenance of traffic and any requirements for temporary detours during construction. Describe pedestrian, bicycle, and transit or bus stop access changes and detours during construction. Attach detour plan(s).</i>				

This section addresses the effects of the proposed action on economy.

If “no” is selected for the first question, provide the appropriate level of detail for any detours including duration of time the detour will be in effect, the proposed detour route, and the length of proposed detour route.

If “yes” is selected for the second question, describe the impacts that would be associated with the project or construction of the project, including pedestrian, bicycle, and transit or bus stop access changes. Include plan sheets associated with maintenance of traffic in the attachments.

A sample written description of construction detours is shown below:

*“Proposed work will be accomplished under a full road closure, estimated to last one year. The public will be notified in accordance with the public notification requirements outlined in the Delaware Manual on Uniform Traffic Control Devices (DE MUTCD). The entire detour length will be approximately 15 miles and will route traffic from Coastal Highway (SR 1) to Slaughter Beach’s southern entrance via Road 224. Emergency services and bus routes will be affected from the west side of BR 3-164; however, the detour will allow them to access Slaughter Beach. The navigations channel will be closed intermittently for up to one week at a time.”*

For all projects requiring maintenance of traffic, include the following statement:

*“The public will be notified in accordance with the public notification requirements outlined in the Delaware Manual on Uniform Traffic Control Devices (DE MUTCD).”*

## No. 7 - Cultural Resources

7	Cultural Resources	Will any historic properties be affected?	<input type="checkbox"/>	<input type="checkbox"/>
		Does the project fall under the DelDOT Programmatic Agreement with DE SHPO, FHWA, and the ACHP for compliance with Section 106 of the National Historic Preservation Act (NHPA)?	<input type="checkbox"/>	<input type="checkbox"/>
		If yes to the PA, which stipulation does the project fall under? Select II or III		
		Is there potential for impact to archeological resources?	<input type="checkbox"/>	<input type="checkbox"/>
Describe all efforts to document cultural resources, including a summary of the Section 106 process. Information should include all applicable studies, correspondence with SHPO and Federal Tribes.				

This section is to ensure compliance with Section 106 of the National Historic Preservation Act of 1966 (NHPA) as amended and its implementing regulations in 36 CFR 800.

To determine if there are any cultural resources within the vicinity of the project area, contact the DelDOT ESO Cultural Resource Supervisor as they handle all cultural resources coordination efforts. They will be able to assist in providing the necessary language and attachments pertaining to this section. Further guidance can be found in the Section 106 Standard Operating Procedures (Link Forthcoming).

In the case of an adverse effect on a historic property, a Memorandum of Agreement (MOA) or Project-level Programmatic Agreement (PPA) between FHWA, DelDOT, and Delaware State Historic Preservation Office (DE SHPO) will be prepared for the project and signed by FHWA, DelDOT and the DE SHPO and other interested parties as appropriate. Those details, including dates of concurrence, must be provided in the description box.

Signed MOAs or PPAs should be included in the Appendix.

### **No. 8 – Section 4(f)/Section 6(f)**

8	Section 4(f)/Section 6(f)	Are there any: publicly owned parks, publicly owned recreational areas, or national wildlife refuge areas within the project APE? If yes, identify resources below.	<input type="checkbox"/>	<input type="checkbox"/>
		Will there be Section 4(f) use of the property?	<input type="checkbox"/>	<input type="checkbox"/>
		If yes, does the project include a <i>de minimis</i> or programmatic determination?	<input type="checkbox"/>	<input type="checkbox"/>
		If parks or recreational resources are within the potential project impact area, have funds provided through Section 6(f) of the Land and Water Conservation Fund Act been used to purchase, develop, or buy equipment for the property?	<input type="checkbox"/>	<input type="checkbox"/>
	<i>Describe all permanent, temporary impacts. Include any dates of concurrence from SHPO. If a resource is present but no use is anticipated, describe why there would be no use. If mitigation is incorporated include that information.</i>			

This section addresses the effects of the proposed action on Section 4(f) and Section 6(f) resources.

#### **Section 4(f)**

Section 4(f) of the USDOT Act of 1966, applies only to projects receiving funding from or requiring approval by an agency of the USDOT. DelDOT ESO is responsible for the Section 4(f) coordination and documentation.

If the project affects Section 4(f) resources that were not identified previously, contact the DelDOT ESO POC for further guidance.

If “no” is the selected option for all questions, a description does not need to be provided.

If “yes” is selected for the first question, identify the resource (i.e., the name of the resource, the type of Section 4(f) resource, and location in proximity to the project area.)

If “no” is selected for the second question, briefly discuss why there would be no use of the property and how the property will be avoided during construction (for example, marked as a sensitive area on the plan sheets or outside of the limit of work). The name/date of the plan set reviewed (e.g. the project’s Semi-final Construction Plans, May 2023) should be cited for reference as this information may change in later iterations of the design process.

If “yes” is selected for the third question and the project includes a *de minimis* determination, include the date of approval and any relevant information.

#### **Section 6(f)**

Section 6(f) of the Land and Water Conservation Fund (LWCF) Act protects certain recreational lands that received LWCF funding from being converted into a non-recreational use. properties. DelDOT ESO is responsible for the Section 6(f) coordination and documentation. If the project affects Section 6(f) resources that were not identified previously, contact the DelDOT ESO POC for further guidance.

If “yes” is selected for the fourth question, for the property(ies) identified, review the Section 6(f) documentation and in the text box note the nature of the impact and not whether the impact would be considered a conversion. Additionally, describe the coordination with the Agency(ies) with Jurisdiction (AWJ), and include coordination dates. Describe any mitigation measures. Such measures may include project design minimization efforts, resource modification, or relocation or replacement.

### No. 9 - Air Quality

9	Air Quality	Will the project result in meaningful changes in traffic volumes, vehicular mix, location of existing facilities, or factors that would cause an increase in emissions relative to a <u>no-build</u> alternative? (If no, this project will not generate air quality impacts for the Clean Air Act pollutants and is not linked with any special Mobile Source Air Toxics (MSAT) concerns. Consequently, this project is exempt from an analysis for MSATs.)	<input type="checkbox"/>	<input type="checkbox"/>
		Is the project in an Air Quality non-attainment or maintenance area for a National Ambient Air Quality Standard (NAAQS)?	<input type="checkbox"/>	<input type="checkbox"/>
		Is the project included in DelDOT's current Capital Transportation Program? (If yes, this project is exempt from the requirement that a conformity determination be made based upon USEPA Criteria and Procedures for Determining Conformity to State or Federal Implementation Plans of Transportation Plans, Programs and Projects - Final Rule).	<input type="checkbox"/>	<input type="checkbox"/>
	Program which includes the project (i.e., DelDOT's FY 2023-2028 CTP / WILMAPCO FY25-28 TIP) Click or tap here to enter text. <i>Refer to FHWA's Updated Interim Guidance on Mobile Source Air Toxic Analysis in NEPA Documents dated January 18, 2023 to determine if MSATs analysis is required. If the project is not in attainment, explain. If the project is not included in DelDOT's current Capital Transportation Program, is the project located within a plan that has met the U.S. Environmental Protection Agency Criteria and Procedures for Determining Conformity to State or Federal Implementation Plans of Transportation Plans, Programs and Projects – Final Rule?</i>			

This section addresses the air quality effects of the proposed action.

If the project is not located within a non-attainment area and no impact to air quality as a result of this project is anticipated, include the following standard language within the NEPA documentation:

*The project will not result in any meaningful changes in traffic volumes, vehicular mix, location of existing facilities, or any other factor that would cause an increase in emissions impacts.*

If the project is located within a non-attainment area for any listed criteria pollutants and listed within the relevant STIP and/or TIP, include the following standard language within the NEPA documentation:

*The project may cause temporary air quality impacts during construction but will not result in significant changes in traffic that would cause an increase in emissions impacts relative to a no-build alternative. As such, this project will generate no air quality impacts for the Clean Air Act criteria pollutants and has not been linked with any special Mobile Source Air Toxics (MSAT) concerns. Consequently, this project is exempt from an analysis for MSATs. The proposed project is located in [insert name of county] County, which is a listed non-attainment area for air quality. Although [insert name of county] County is a non-attainment area for air quality, this project is included in the STIP/TIP referenced above; therefore, the project will be exempt from the requirement that a conformity determination be made based upon U.S. Environmental Protection Agency Criteria and Procedures for Determining Conformity to State or Federal Implementation Plans of Transportation Plans, Programs and Projects – Final Rule.*

If the project is located within a non-attainment area for any listed criteria pollutants and **not** listed within the relevant STIP and/or TIP, contact the DeIDOT ESO POC to discuss next steps.

## No. 10 - Noise

	Noise	Which type of Noise project does the project qualify for? Noise project type	
		Effective policy date: Click or tap to enter a date.	
		If this is a Type I project, are there impacts to noise sensitive receptors?	<input type="checkbox"/> <input type="checkbox"/>
		If there are impacts to noise sensitive receptors, is mitigation feasible and reasonable?	<input type="checkbox"/> <input type="checkbox"/>
		Will there be potential for extended work hours during construction?	<input type="checkbox"/> <input type="checkbox"/>
11	Noise Report Date: Click or tap to enter a date.		
	For all projects, reference to FHWA Noise Regulation and DOT noise policy, identify project type. If a noise report was prepared, state that the noise study report is in the technical files; identify all impacts to noise-sensitive land uses, and whether they are due to Noise Abatement Criteria (NAC), substantial increase, or both; summarize conclusions of noise abatement evaluation (including feasibility and reasonable results, public involvement meetings that were held as part of the noise analysis process); identify impacts that will not be mitigated; include statement of likelihood and information for local officials.		

This section addresses the noise effects of the proposed action.

The document must identify whether the project is Type I, Type II, or Type III in accordance with 23 CFR 772: *Procedures for Abatement of Highway Traffic Noise and Construction Noise* and DeIDOT's Noise Policy (2021). Include the Effective policy date for reference.

If based upon evaluation it is determined that the project meets the definition of a Type III project, explain why it was considered Type III. For example, there will be no increase in capacity,

no significant changes to horizontal or vertical alignment, and the distance between the roadway and the nearest noise sensitive receptor will be reduced by less than half. Include the following conclusion as standard language within the NEPA documentation:

*“A noise analysis was not performed because the proposed project meets the Type III Project definition established in 23 CFR 772 and DelDOT’s Noise Policy, and therefore, does not require a noise analysis.”*

If it is determined that the project meets the definition of Type I, the results of the noise analysis should be documented. A sample written description is provided below:

*It has been determined that this is a Type I Federal-aid highway project for noise due to the [select from: new construction on new alignment; major reconstruction defined as substantial horizontal or vertical alteration; addition of auxiliary lanes; addition of lanes to complete an existing interchange; restriping to add traffic lanes; addition of weigh stations/rest stops/ride-shares/toll plazas]. The noise analysis and consideration of noise abatement measures was completed in accordance with 23 CFR 772 and DelDOT’s Noise Policy [include policy date].*

Summarize your findings and state that the report is in the project’s technical files. Summary should include:

- Date of final noise report
- Description of the number of sites evaluated for each land-use type in the project area
- Description of current and projected noise levels
- Description of any locations that will approach or exceed noise abatement criteria
- Description of any location where the projected noise levels will increase by 8dB(A) or more
- Either description of the noise abatement options considered and to be installed or a statement indicating that the project does not require noise abatement.

A sample written description for the noise analysis is provided below:

*“Per Federal regulations, this is a Type I project and is subject to DelDOT’s Transportation Noise Policy. In a noise report dated 9/6/22: 35 residences, a school, 2 daycare centers and a cemetery were included in the noise analysis. The changes in noise levels between the 2020 Ex. Traffic condition and the 2050 Build traffic condition for all land uses range from a decrease of 1 to an increase of 8 dB(A) due to the changes in traffic volumes with the new roadway. 1 residence is above the noise abatement criteria threshold of 66 dB(A) for noise abatement under the 2020 Baseline/Ex. Condition but will experience a decrease in noise levels under the 2050 Build condition and will not require noise abatement. All other residences with increased noise levels remain below the impact threshold and therefore the project does not require noise mitigation.”*

For all projects, describe potential construction noise activities, potential nighttime work, and compliance with applicable noise ordinances for local jurisdictions.

### No. 11 - Hazardous Materials

11	Hazardous Materials	Does the project involve hazardous materials sites of concern such as potentially contaminated sites or leaking underground storage tanks (LUSTs)?	<input type="checkbox"/>	<input type="checkbox"/>
		Is a waterway involved that would have any contaminants of concern?	<input type="checkbox"/>	<input type="checkbox"/>
		Does any material to be removed during construction need special handling?	<input type="checkbox"/>	<input type="checkbox"/>
	Date of hazardous materials review: Click or tap to enter a date. Plan set reviewed: Enter plan set reviewed. Describe the date and sources for investigating records of hazardous materials. Describe any potentially contaminated sites and their status, and results of any preliminary site investigations (attach correspondence). Include any recommendations for further investigations or special provisions.			

This section evaluates the effects of the proposed action on hazardous materials.

Hazardous materials are evaluated by DeIDOT's Hazmat Section. The date the project was reviewed for hazardous materials and the plan date/version utilized to conduct the review should always be included in the description. The Hazmat form should be attached at the end of the checklist.

### No. 12 – Other

12	Other		<input type="checkbox"/>	<input type="checkbox"/>
Add any other pertinent information.				

This section will be used for any additional Human and Built Environment impacts that need to be discussed. This section could be used for any new regulations that need to be addressed during the NEPA process. If “no” is the selected option, a description does not need to be provided.

## Natural Environment

### No. 13 – Water Quality

13	Water Quality	Does the project adversely affect water quality of lakes, streams, wetlands, etc.?	<input type="checkbox"/>	<input type="checkbox"/>
		Will there be “significant encroachment” as defined in 23 CFR 650.105 on a 100-year floodplain?	<input type="checkbox"/>	<input type="checkbox"/>
		Will the E&S control plan provide measures to minimize construction effects upon the watersheds?	<input type="checkbox"/>	<input type="checkbox"/>
		Is the project located within a Sole Source <u>Aquifer</u> of the type requiring review by the USEPA?	<input type="checkbox"/>	<input type="checkbox"/>
		If yes, has the project received a favorable response from USEPA's review?	<input type="checkbox"/>	<input type="checkbox"/>
		Will the project add or change resources (i.e. stormwater BMPs), if yes, describe below?	<input type="checkbox"/>	<input type="checkbox"/>
Describe any work that will occur in a floodplain. Include what type of floodplain that is identified on any floodplain mapping. Include a statement noting the project will follow all DNREC Stormwater and Sediment regulations.				

Due to variations in water quality and quantity; hydrology, and specifically water flow, can have an impact on the surrounding ecosystem. These alterations may be produced by human activity (such as the opening of a dam), the weather (such as flooding), or a combination of the two (rainfall runoff caused by poor agricultural practices). Water quality Associated with a land disturbing activity (transportation project) should be managed through Best Management Practices in accordance with the Delaware Sediment and Stormwater Regulations.

Use the Federal Emergency Management Agency (FEMA) floodplain maps ([FEMA Maps](#)) to determine if the project falls within a regulatory floodway. If the project falls within a regulatory floodway, action should be taken that correspondence will have to occur with the appropriate agencies.

Add language describing what measures will be used to minimize construction effects. Include the standard language below for all projects:

*“Erosion and sediment controls consistent with current Sediment and Stormwater regulations will be utilized where necessary during construction.”*

#### **No. 14 – Wetlands/Streams**

14	Wetlands / Streams	Are there streams or wetlands in the area?	<input type="checkbox"/>	<input type="checkbox"/>
		Was a wetland/stream delineation or desktop review performed?	<input type="checkbox"/>	<input type="checkbox"/>
		Does the project impact streams or wetlands?	<input type="checkbox"/>	<input type="checkbox"/>
		Is mitigation required?	<input type="checkbox"/>	<input type="checkbox"/>
		U.S. Army Corps of Engineers (USACE)?	<input type="checkbox"/>	<input type="checkbox"/>
		DNREC?	<input type="checkbox"/>	<input type="checkbox"/>
		Does the project affect a federal Wild and Scenic River?	<input type="checkbox"/>	<input type="checkbox"/>
	Date delineation or desktop review was performed: Click or tap to enter a date.			
Describe the amount of impacts and who the regulatory agency is for those impacts. Also include any open water impact descriptions. If mitigation is required, describe the anticipated mitigation totals and/or ratios. If offsite mitigation is being used, include a map showing the project site and mitigation location.				

#### **Wetlands and Streams**

All resources, including streams and wetlands, must be identified. Include the date that the delineation was performed. There may be streams or wetlands present, but the project may not impact those resources. If there are impacts to streams or wetlands, include both permanent and temporary acreage being impacted.

If “no” is the selected option for all questions, a description does not need to be provided, but the date the delineation was performed needs to be included.

If mitigation is required, determine if the regulatory agency requiring the mitigation is through the Army Corp and/or DNREC. Describe, if known, where the mitigation will be taking place. For example, on site, DNREC fee in lieu of mitigation, a specific mitigation bank, or through the purchase of private property. Include as much detail as available.

Sample write-up:

*A wetland delineation was performed on September 14, 2022. The project has minimal temporary wetland impacts of 0.0015 acres of USACE jurisdictional wetlands. The project also has minimal temporary open water impacts of 0.0182 acres and 0.0583 acres of permanent open water impacts of USACE jurisdictional waters. All of the impacts are also State regulated tidal wetlands under DNREC jurisdiction.*

### Wild and Scenic Rivers

The National Wild and Scenic Rivers System was established by the Wild and Scenic Rivers Act of 1968 and authorizes Congress to preserve certain rivers with outstanding natural, cultural, and recreational values in a free-flowing condition for the enjoyment of present and future generations. It safeguards the special character of these rivers, while also recognizing the potential for their appropriate use and development. It encourages river management that crosses political boundaries and promotes public participation in developing goals for river protection. In Delaware, there are 94.7 miles of Wild and Scenic Rivers (W&SR), which includes the White Clay Creek. Use the Rivers.gov website to determine if the project affects a W&SR: (<https://www.rivers.gov/river-app/index.html?river=163A,163B>).

If the project impacts a Wild and Scenic River, there are additional steps and coordination required. Contact the W&SR POC at the National Park Service and incorporate any best management practices they dictate.

### No. 15 – Farmland

15	Farmland	Are there prime or important farmland soils impacted by this project as defined by the Farmland Protection Policy Act (FPPA)?	<input type="checkbox"/>	<input type="checkbox"/>
		Will this project convert farmland to nonagricultural uses?	<input type="checkbox"/>	<input type="checkbox"/>
		If farmland is present, is the farmland protected under Ag Preservation?	<input type="checkbox"/>	<input type="checkbox"/>
	Describe any impacts to farmland and/or Wild and Scenic Rivers.			

Federal agencies are required under the Farmland Protection Policy Act of 1981 to evaluate the impacts of federally funded projects that may involve converting prime or unique farmlands to non-agricultural uses, and to consider alternative actions that would lessen the adverse effects of the land conversion.

If “yes” is the selected answer for the first question, DelDOT’s ESO POC must be contacted for further coordination.

If “yes” is the selected answer for the second and third question, describe any impacts that will occur.

### No. 16 - Other

16	Other		<input type="checkbox"/>	<input type="checkbox"/>
Any other pertinent information.				

This section will be used for any additional Natural Environment impacts that need to be discussed. For example, if a new regulation was enacted and there are specific requirements that need to be evaluated. If “no” is the selected option, a description does not need to be provided.

## Rare, Threatened, and Endangered Species Coordination

### No. 17 – Fish and Wildlife

17	U.S. Fish & Wildlife Endangered Species Act (ESA)	Have rare, threatened, or endangered species or habitat been identified in the project area (including migratory birds, fisheries etc.)?	<input type="checkbox"/>	<input type="checkbox"/>
		Have Bald or Golden Eagles been identified in the project area?	<input type="checkbox"/>	<input type="checkbox"/>
	AND	Is there potential for impact to any rare, threatened, or endangered species or habitat?	<input type="checkbox"/>	<input type="checkbox"/>
	DNREC Fish & Wildlife	Will time of year restrictions (TOYR) or mitigation measures be required? (If yes, add detail below)	<input type="checkbox"/>	<input type="checkbox"/>
	Date of U.S. Fish and Wildlife Service (USFWS) IPaC: Click or tap to enter a date. Date of USFWS No Effect Determination: Click or tap to enter a date. Date of Delaware Department of Natural Resources (DNREC) Determination: Click or tap to enter a date. <i>Describe what species were identified on the queries and what each time of year restriction is required. If there is additional information given for TOYR, include also.</i>			

If “no” is the selected option for all questions, a description does not need to be provided.

If not requested to perform the Rare, Threatened, and Endangered (RTE) species coordination, provide a map and project description to DelDOT’s ESO RTE representative and include all RTE correspondence in the appendix of the document.

If requested to perform the RTE species coordination, include the DelDOT ESO RTE POC.

While performing the USFWS query, if there is a hit for any species, please coordinate with the DelDOT ESO RTE POC. This employee is responsible for coordination with the USFWS. Include any correspondence in the appendix of the document.

In the description box, include what species were identified on the queries and each time of year restriction (TOYR) that is required. Also include additional information given for a TOYR if additional information was provided by an agency. If “no” is the selected option for all questions, a description does not need to be provided.

**No. 18 - National Marine Fisheries Service (NMFS) Essential Fish Habitat (EFH)**

18	NOAA’s National Marine Fisheries Services (NMFS) Essential Fish Habitat (EFH)	Was the project covered by a Programmatic Agreement?	<input type="checkbox"/>	<input type="checkbox"/>
		If no, did the project require formal consultation with NMFS?	<input type="checkbox"/>	<input type="checkbox"/>
	<i>Document the consultation efforts, including what species were identified, any conservation recommendations, time of year restrictions, etc.</i>			

If “no” is the selected option, a description does not need to be provided.

If “yes” is the selected option, describe the consultation efforts, including what species were identified, any conservation recommendations, and/or time of year restrictions.

**No. 19- National Oceanic and Atmospheric Administration (NOAA) Endangered Species Act (ESA)**

19	National Oceanic and Atmospheric Administration (NOAA) Endangered Species Act (ESA)	Was the project covered by a Programmatic Agreement?	<input type="checkbox"/>	<input type="checkbox"/>
		If no, did the project require formal consultation with NOAA?	<input type="checkbox"/>	<input type="checkbox"/>
	<i>Document the consultation efforts, including what species were identified, any conservation recommendations, time of year restrictions, etc.</i>			

If “no” is the selected option, a description does not need to be provided.

If “yes” is the selected option, describe the consultation efforts, including what species were identified, any conservation recommendations, and/or time of year restrictions.

**No. 20 - Other**

20	Other	<input type="checkbox"/>	<input type="checkbox"/>
	<i>Any other pertinent information.</i>		

This section will be used for any additional Rare, Threatened, or Endangered Species impacts that need to be discussed. For example, if DNREC recommends time-of-year restrictions for species that are not RTE species and there are specific requirements that need to be included. For example, DNREC recommends a time-of-year restriction for Northern Copperhead snakes. If “no” is the selected option, a description does not need to be provided.

# Permit/Regulatory Agency Coordination

This section of the checklist should consist of the project permits that will be granted as far as constructions, general permitting and all other associated permitting requirements per each individual project. Final permit approval is not required during the NEPA process.

## No. 21 - U.S. Army Corps of Engineers (USACE)

21	U.S. Army Corps of Engineers (USACE)	Does the project require a USACE Individual Section 404 Permit?	<input type="checkbox"/>	<input type="checkbox"/>
		Does the project require a USACE Section 10 Permit?	<input type="checkbox"/>	<input type="checkbox"/>
		Is a Nationwide Permit required? Type in the Nationwide	<input type="checkbox"/>	<input type="checkbox"/>
<i>Include any comments if a project requires a Preconstruction notification.</i>				

Coordination with the USACE will occur early on in a project to determine what level of permitting will be required.

If “no” is the selected option for all questions, a description does not need to be provided.

If “yes” for the first question or if mitigation is required, please coordinate with the DeIDOT ESO POC to confirm use of the correct checklist.

If “yes” for the second question, explain why the USACE Section 10 Permit is required.

If “yes” for the third questions, include what Nationwide Permit (NWP) number(s) will be used. Include any comments, for example if the NWP requires a Preconstruction Notification (PCN).

## No. 22 – DNREC Coastal Zone Management Act (CZMA)

22	DNREC Coastal Zone Management Act (CZMA)	Does the project require Coastal Zone Management Act concurrence?	<input type="checkbox"/>	<input type="checkbox"/>
<i>Include information detailing why concurrence will be required.</i>				

Delaware Coastal Programs manages the Delaware’s Coastal Zone Management Federal Consistency reviews to ensure that state and Federal actions in the Coastal Zone are consistent and coordinated. Delaware’s federal coastal zone encompasses the entire state. Federal Consistency requires that projects conducted directly by a Federal agency, projects authorized by a Federal permit and some projects implemented with Federal funds be consistent with Delaware’s Coastal Zone Management policies.

Projects are reviewed by Coastal Program staff in close coordination with other agencies. If projects are consistent with state coastal policies, a Federal Consistency concurrence is issued.

Coastal Zone Management Act concurrence is only required if the project has a USCG Bridge Permit or a USACE Individual Permit or if the DE CZM has been denied for the USACE NWP. Use the most recent NWPs CZM and WQC Status Table to confirm CZM permit status.

If “no” is the selected option, a description does not need to be provided.

If “yes” is the selected option, briefly describe the need for Coastal Zone Management Act concurrence.

### **No. 23 – DNREC Water Quality Certification (WQC)**

23	DNREC Water Quality Certification (WQC)	Does the project require Water Quality Certification?	<input type="checkbox"/>	<input type="checkbox"/>
	<i>Include a statement that details the issuance of WQC when using certain Nationwide Permits.</i>			

Water quality consistency (WQC) may be issued with the USACE NWP. Use the most recent NWPs WQC Status Table to confirm WQC permit status in the Federal Register ([Index of 2021 Nationwide Permits \(oclc.org\)](#)) to determine if any additional correspondence is needed. WQC will need to be obtained if the project requires a USACE Individual Permit

If “no” is the selected option for the question, a description does not need to be provided.

If “yes” is the selected option, briefly describe the need for Water Quality Consistency concurrence.

### **No. 24 – Delaware Department of Natural Resources (DNREC) WWS**

24	DNREC Wetlands and Waterways Section (WWS)	Does the project require a Wetlands and Subaqueous Lands Section (WLSL) permit?	<input type="checkbox"/>	<input type="checkbox"/>
		Does the project fall into a special exemption? Select one		
	<i>Include any additional information that will be relevant to the permit, for example watershed acreage. This information will validate which special exemption is being used.</i>			

If “no” is the selected option for either question, a description does not need to be provided.

If “yes” is the selected option for the first questions, include any information that will be relevant to the permit, including but not limited to, the acreage of the watershed.

### **No. 25 - U.S. Coast Guard (USCG)**

25	U.S. Coast Guard (USCG)	Was a bridge questionnaire completed?	<input type="checkbox"/>	<input type="checkbox"/>
		Does the project require a USCG permit?	<input type="checkbox"/>	<input type="checkbox"/>
	<i>Reference coordination level, i.e. advanced approval, permit, etc.</i>			

If the project limits of construction include the construction of a new bridge or causeway or the reconstruction or modification of an existing bridge or causeway across a navigable water of the United States, a Bridge Questionnaire should be completed and submitted to the USCG POC. This determination will be attached in the appendix. If the USCG POC determines that the project will impact navigable waters, then a USCG permit application will need to be filled out and submitted to the USCG.

If a USCG permit application is deemed necessary, then also apply for Federal Consistency Concurrence through the DNREC Coastal Zone program. Further instructions are included in the DNREC CZMA section.

If “no” is the selected option for all questions, a description does not need to be provided.

If “yes” is the selected option for the second questions, include a description on why a USCG is required.

#### **No. 26 – New Castle County**

26	New Castle County	Does the project require a floodplain permit?	<input type="checkbox"/>	<input type="checkbox"/>
	<i>Include information detailing why a New Castle County floodplain permit is required.</i>			

If “no” is the selected option, a description does not need to be provided.

If “yes” is the selected option, briefly discuss the need for the New Castle County floodplain permit.

#### **No. 27 – City of Wilmington**

27	City of Wilmington	Does the project require a City of Wilmington floodplain permit?	<input type="checkbox"/>	<input type="checkbox"/>
	<i>Include information detailing why a City of Wilmington floodplain permit is required.</i>			

If “no” is the selected option, a description does not need to be provided.

If “yes” is the selected option, briefly discuss the need for the City of Wilmington floodplain permit.

#### **No. 28 – Other**

28	Other		<input type="checkbox"/>	<input type="checkbox"/>
	<i>Any other pertinent information.</i>			

This section will be used for any additional permits that need to be discussed. This section could be used for any new regulations that need to be addressed during the NEPA process. If “no” is the selected option, a description does not need to be provided.

## Appendices

Include as applicable all relevant correspondence in one appendix and submit to DeIDOT ESO POC. They will combine all files into one document.

1. Plan Cover Sheet and/or Location map(s) showing project limits
2. Regulatory/resource agency coordination– IPaC, USFWS, DNREC SCRP, NOAA EFH and ESA, W&SR, etc.
3. Correspondence/coordination efforts with DE SHPO (including initiation) and any Federal Tribal correspondence, and, signed agreements.
4. Hazardous Materials documentation
5. Detour Plan
6. Other

Note: Do not include noise report as Appendix but can reference the “Noise Technical Report”.

# List of Acronyms

ACHP	Advisory Council on Historic Preservation
ADA	Americans Disabilities Act
APE	Area of Potential Effects
CE	Categorical Exclusion
CFR	Code of Federal Regulations
CMAQ	Congestion Mitigation and Air Quality Improvement [Program]
CTP	Capital Transportation Program
CZMA	Coastal Zone Management Act
DE MUTCD	Delaware Manual on Uniform Traffic Control Devices
DE SHPO	Delaware State Historic Preservation Office
DeIDOT	Delaware Department of Transportation
DNREC	Delaware Department of Natural Resources and Environmental Control
EA	Environmental Assessment
EFH	Essential Fish Habitat
EIS	Environmental Impact Statement
EPA	Environmental Protection Agency
ESA	Endangered Species Act
ESO	Environmental Stewardship Office
FACTS	Funds Allocation for Capitol Transportation System
FAP	Federal-aid Project Number
FEMA	Federal Emergency Management Agency
FHWA	Federal Highway Administration
FONSI	Finding of No Significant Impact
FPPA	Farmland Protection Policy Act
GARFO PRD	Greater Atlantic Regional Fisheries Office Protected Resources Division
IPaC	Information for Planning and Consultation
LEP	Limited English Proficiency
MOA	Memorandum of Agreement
MOU	Memorandum of Understanding
MPO	Metropolitan Planning Organization
MSAT	Mobile Source Air Toxics
NCCo	New Castle County
NEPA	National Environmental Policy Act
NHPA	National Historic Preservation Act
NLAA	Not Likely to Adversely Affect
NMFS	National Marine Fisheries Service
NOAA	National Oceanic and Atmospheric Administration

NRCS	Natural Resource Conservation Service
NRHP	National Register of Historic Places
NWP	Nationwide Permit
PA	Programmatic Agreement
PCE	Programmatic Categorical Exclusion
PCN	Preconstruction Notification
POC	Point-of-Contact
PPA	Project-level Programmatic Agreement
ROD	Record of Decision
RTE	Rare, Threatened, and Endangered Species
SCRIP	Species Conservation and Research Program
SHPO	State Historic Preservation Officer
STIP	State Transportation Improvement Program
TAP	Transportation Alternatives Program
THPO	Tribal Historic Preservation Officer
TIP	Transportation Improvement Program
TOYR	Time of Year Restriction
USACE	US Army Corps of Engineers
USCG	US Coast Guard
USDOT	US Department of Transportation
USFWS	US Fish and Wildlife Service
W&SR	Wild and Scenic River
WWS	Wetlands and Waterways Section

# Design Condition Tables

Existing			Proposed	
Road Name/Bridge Name <i>Road Name/Bridge Name</i>				
Number of Lanes	X		X	
Type of Lanes:	X		X	
Lane Width:	X		X	
Shoulder Width:	X	ft./inch	X	ft./inch
Median Width:	X		X	ft./inch
Sidewalk Width:	X		X	ft./inch
Shared Use Path Width:	X		X	ft./inch

Existing			Proposed	
Road Name/Bridge Name <i>Road Name/Bridge Name</i>				
Number of Lanes	X		X	
Type of Lanes:	X		X	
Lane Width:	X		X	
Shoulder Width:	X	ft./inch	X	ft./inch
Median Width:	X		X	ft./inch
Sidewalk Width:	X		X	ft./inch
Shared Use Path Width:	X		X	ft./inch

Existing			Proposed	
Road Name/Bridge Name <i>Road Name/Bridge Name</i>				
Number of Lanes	X		X	
Type of Lanes:	X		X	
Lane Width:	X		X	
Shoulder Width:	X	ft./inch	X	ft./inch
Median Width:	X		X	ft./inch
Sidewalk Width:	X		X	ft./inch
Shared Use Path Width:	X		X	ft./inch

# DelDOT Environmental Stewardship Office

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