

Guidance for Completing the National Environmental Policy Act (NEPA) Categorical Exclusion (CE) for Projects under the Recreational Trails Program (RTP)

1. Project Sponsor: Name of political subdivision in grant application.

2. Project Contact: Name, address and phone number of project contact listed in grant application (must be employed by the political subdivision, the Responsible Charge).

3. Project Number: Federal-aid project number assigned to project.

4. Project Name and Location: Name of project in grant application, also include location map that was provided in grant application. Make sure there is a legend, north arrow, trail clearly marked on the map (showing the beginning and ending points) and include the county name the project is in as well as the municipality if applicable. Also, either include a separate state map showing where in Nebraska the project is located, or include a “bump-out” of the state on your location map showing the area of Nebraska the project occurs in.

Be sure the project has a logical starting and ending point to serve the recreational or transportation need. In other words, the project cannot start or stop where the funding runs out, but at a logical point to serve the recreational or transportation need. It is acceptable for the start/stop point of the project to connect to another trail project to continue the progression of a larger trail, so long as either the start/stop point for the interim project correlates to a logical origin/destination point OR there is funding allocated and a plan to continue the construction of the trail within 2 years of the completion of this segment. Unless there is an obvious origin/destination point correlating to the limits of this project, please explain why the termini of this project are logical here.

5. Section: Part of the legal description for the project-refer to your grant application for this information.

Township: Part of the legal description for the project-refer to your grant application for this information.

Range: Part of the legal description for the project-refer to your grant application for this information.

Limits of Work: description of where the trail begins to where it ends (point A to point B). The location map should clearly show the starting and ending points of the project. Example: the trail will begin at the ball field and go through the park until it reaches the swimming pool

Total Length: total length of project in linear feet or miles.

6. Land Ownership: Identify the land ownership/management, and land-use within the existing right-of-way and/or easement, if the project occurs on federal, state or tribal lands.

7. Project Description: include a description of the project components, including trail width, shoulder width, surfacing of trail; other work items, including signage, grading, and/or drainage/culvert/bridge work; general description of area, topography, what a person will see along trail. Also disclose if clearing/grubbing will occur and if the trail will follow a new alignment (i.e., through a natural,

undisturbed area) or will follow an existing alignment (old rail bed, established dirt pathway, etc). Additionally, if there will be any work associated with utilities, disclose it in this section.

8. Environmental Study Area: This is the buffer established around your project footprint within which any impacts to the environment is expected to occur from indirect impacts of the facility and the construction of the facility. This is important to identify in the document because very minor design tweaks which occur within your environmental study area are very easy to review and “environmentally clear” versus design modifications that extend beyond your identified environmental study area. Any resources identified within the environmental study area that will be avoided by construction should be noted through an avoidance mitigation of that resource in the environmental document and construction contract.

Identify the physical limits of the environmental study area in this section of the document. An example of identifying the environmental study area boundary could include: “The environmental study area for this project extends 20 feet in all directions from the centerline of the pathway.”

9. Project Purpose and Need: Include a brief description summarizing the project’s purpose and need. This will be a statement describing what the proponent hopes to accomplish with the completion of the project. For example, a purpose and need statement for a recreational trail could look like: “Currently, there are no recreational facilities in the area. This project would promote public recreational use in the area and/or provide connectivity to existing trails/pathways within the vicinity. “ The purpose and need should include a statement of the problem trying to be solved, along with some proof that this is something that is needed. The purpose and need statement should not include a solution to the problem (example, “the purpose of the project is to construct a trail”).

10. Cost Estimate:

Engineering: Show costs for both design and construction engineering. This should also include the environmental costs that may be incurred (for the preparation of items such as wetland delineations, noise studies, bird surveys, cultural surveys, appraisals, permitting, bid process...etc).

Construction: Include all construction labor and material costs to build the trail.

ROW: Includes all acquisition of property/right-of-way for the trail that is needed. This can include easements if sponsor wants reimbursement for that.

Utilities: Includes costs associated with relocating utilities if necessary.

11. Temporary construction impacts: Determine if the project, during construction, will cause any restrictions of access to the existing trail system or area (parks, private properties, roadways, parking lots, playgrounds, pathways or sidewalks) where the project is being constructed. If it is a new trail and there are no significant impacts to the use of the surrounding area, then check no. If it is a new trail where there is a significant impact to the use of the area, check yes and describe the impacts and what measures will be/have been taken to minimize those impacts.

If it is a renovation project, an alternative route should be signed and created (if needed) so users can continue to use the surrounding area. In this instance, check the yes box and describe the impacts (duration of access restriction) and what measures will be taken to minimize those impacts (detours,

signage, etc.). Additionally, describe how the public will be informed of the project construction. (I.e. public hearing or meeting-provide proof of this, mailings-provide example of mailing, signage...etc.).

Commitments: Discuss what actions will be taken if there are temporary construction impacts. For example, state that fliers will be mailed to adjacent property owners prior to construction, or that a public hearing on the project will be held, or that temporary signage will be placed at each end of the project directing users around construction, etc. If it was determined that there will be no temporary construction impacts, then leave the commitments section blank.

12. Travel Patterns: Determine if the project will permanently negatively change access to existing recreational facilities, private properties, parking facilities, roadways, pathways or sidewalks. If there will be permanent negative access changes as a result of the project, please describe those changes, what measures will be done to minimize impacts, and what public involvement regarding the project has/will be done for the project.

Commitments: If needed, describe what actions will be taken to minimize the impacts resulting from the change of access and what public outreach will be done to inform the affected community.

13. Easements: Determine whether or not any new right-of-way acquisition and/or easement is required for the construction of the project. If there is no right-of-way acquisition and/or easement needed, then check no. If there is right-of-way acquisition and/or easement needed, then check yes and describe the location and size of the acquisition/easement and from whom the acquisition/easement will be needed.

Commitments: If right-of-way/easements are required for the project, state that coordination with NE Game and Parks Commission (NGPC) will take place to ensure the land acquisition process follows federal guidelines. If no acquisition/easements are required, leave the commitments section blank.

14. Relocations: Determine whether or not the trail will displace people, businesses or farms. In the case of acquisition of farmland, the sponsor will need to check yes. If the yes box is checked, describe the impact and number of relocations.

Commitments: If there are relocations, state in the commitments that the sponsor is responsible in involving NGPC and NE Dept. of Roads (NDOR) and follow the LPA Manual from NDOR regarding any relocation. If there are no relocations, leave the commitments section blank.

15. Air Quality: The state of Nebraska is currently in an attainment status so the project sponsor would check no. However, there is the possibility in the future that the City of Omaha and the area of Weeping Water will be classified as being in non-attainment status. When/if this change occurs, additional information will be needed in this category.

Commitments: At this time, there are no commitments required.

16. Noise: Determine if construction of the trail will introduce a permanent motorized noise source to an area. If this is a non-motorized trail project, check no. If this is a motorized trail project, check yes. If checked yes, coordinate with NGPC to complete the noise study (***this environmental cost can be used for match if written into cost estimate***) for the project. The noise study must be completed prior to

receiving environmental clearance for the project. Once the noise study is completed, provide the impacts and efforts to minimize the harm within the box.

Commitments: If no permanent motorized noise source will be introduced to the area, leave the commitments section blank. If there will be a permanent motorized noise source introduced to the area, then list the efforts that will be taken in order to minimize the impact on the area. This could include noise barriers, design changes to lessen the impact to the surrounding areas, requiring specific requirements on the equipment that is allowed to use the trail...etc.

17. Section 6(f): Determine if the trail will go through an area that is protected by the Land and Water Conservation Fund-LWCF (this is for a park trail). For assistance in determining this, contact NGPC. If the trail will not go through a LWCF park or the trail is not in a park, check no. If it does run through a LWCF park, check yes. If yes, send a letter to the Federal Aid Administrator for LWCF at NGPC for a review of whether or not the project will cause a negative impact to the park. Attach the letter received from NGPC and describe what is found in the letter in this box.

Commitments: If there is no impact to a LWCF property, leave this section blank. If there is an impact to a LWCF property, repeat what is described in the letter regarding NGPC requirements for the project.

18. Section 4(f): In accordance with 23 CFR 774.13(f)(1), Section 4(f) does not apply to the Recreational Trails Program.

19. Cultural Resources: Indicate whether or not the project requires the excavation of undisturbed or minimally disturbed areas that have not been surveyed for historical/archaeological/paleontological resources, and check yes or no accordingly. NGPC will, on the project sponsor's behalf, request a review from the State Historic Preservation Office of the project. Once a response from SHPO is received by NGPC, it will be forwarded to the sponsor so answers to the remaining three items within this box are provided. If there are no Register-eligible properties within the project area and therefore no impact to any known historic/archaeological/paleontological resources, then check no for the remaining three questions and attach the SHPO concurrence letter. If SHPO states a cultural survey is needed, it will be up to the sponsor to hire a qualified person to do the survey and submit it to NGPC and FHWA for consultation with SHPO. Once SHPO concurs with the survey, describe the findings of the survey, check yes or no based on what the survey found, and attach the SHPO concurrence letter. If there is potential to impact Register-eligible standing structures, historic, prehistoric or paleontological resources, check the appropriate yes boxes and discuss in the box what the resource is, the impact and the efforts to avoid and minimize impacts, as described in the SHPO consultation letter/s.

Commitments: If a Register-eligible property is found within the project area and all necessary surveys have been completed for SHPO (***this environmental cost can be used for match if written into cost estimate***), list what items are going to be done to minimize impacts on these resources. WITH ALL PROJECTS, under the commitment section, there should be the disclaimer that "If potential historic, archaeological or paleontological resources are encountered during construction, work shall cease at that location until a cultural resource expert has reviewed the location, completed any necessary recordation, and coordination with the SHPO and FHWA.

Date of concurrence from the State Historic Preservation Office: This is the date that is on the letter that NGPC receives from SHPO on your behalf that will be attached to this document.

Determination of effect due to the project: State what the determination of effect for this project, as described in the attached letter from SHPO. There are three possible determinations: no potential to affect historic properties, no adverse effect, or adverse effect.

20. Farmlands: Determine if the trail converts prime or unique agricultural land to a trail and check the yes or no box accordingly. To determine if farmland is prime and/or unique, go to the Natural Resources Conservation Service's (NRCS) web soil survey located at <http://websoilsurvey.nrcs.usda.gov/app/>. If the project impacts prime and unique farmland, the Farmland Conversion Impact Rating form (AD-1006, also located on the NRCS website) will need to be completed and processed according to its corresponding instructions. Coordinate this with NGPC and NRCS to determine if the impacts to the farmland generate a score greater than 160 on the Farmland Conversion Impact Rating form. Attach the completed form to this document. For additional assistance, contact USDA-NRCS: Assistant State Soil Scientist at (402) 437-4117; Federal Building Room 152, 100 Centennial Mall North, Lincoln, NE 68508-3866 <http://www.ne.nrcs.usda.gov/>.

Commitments: If the project will impact prime and unique farmland and the score from the Farmland Conversion Impact Rating form is more than 160, coordinate with NGPC, FHWA, and NRCS regarding what measures should be taken to minimize those impacts. Once determined, describe those commitments here. If there are no impacts to prime and unique farmland or the score on the Farmland Impact Rating form is less than 160, leave this section blank.

21. Environmental Justice: If the project will have any direct or indirect impacts that are temporary, adverse, or permanent in nature on any businesses, residents, or landowners (i.e. ROW acquisition, relocations, noise impacts, etc.), determine if the project could result in any potential impacts to protected populations within your environmental study area. Protected populations include:

- Minorities – refer to Census table for correct categories
- Low-income – population whose median household income is at or below the US Department of Health and Human Services poverty guidelines
- Age, gender, and disability – refer to Census table for correct categories

If it is unclear whether or not the project will result in potential environmental justice impacts, contact NGPC for assistance.

To determine if any of the above populations are present within your environmental study area, determine the census tract and block groups for the project area, which can be found on the US Census Bureau website (http://factfinder.census.gov/servlet/DatasetMainPageServlet?_program=DEC&_). Once census tracts and block groups have been determined, data for the geographic areas will need to be obtained. Summary Tape File 3 data is preferred for the analysis of the project area, and is also located on the US Census Bureau website. Once on the website, obtain detailed tables for the P1, P6, P7, P8, P10, P42, and P87 datasets.

Determine if the environmental study area contains higher than average concentrations of low-income or minority populations when compared to the area surrounding the study area or the city or county as a whole, and check the appropriate yes or no box. If no is checked for the second question, then check no for the third question. If the second question is checked yes, determine if the project will disproportionately impact those populations and check yes or no.

An example of a disproportionate effect would be if a low income residential neighborhood flanks one side of the park and an affluent residential neighborhood flanks the other side and the design of the project places the trail closer to the low income neighborhood in order to not affect the properties of the affluent neighborhood. If there will be disproportionate impacts, then check yes, and describe those impacts and what efforts will be done to minimize those impacts. Also, describe the public outreach involving the affected community.

Commitments: If there are no disproportionate impacts to low-income or minority populations, leave this section blank. If there are disproportionate impacts to low-income or minority populations, describe what commitments will be made to mitigate any harm done to the area and what efforts will be made for public outreach with the affected community.

22./23. Threatened and Endangered Species / Migratory Bird Treaty Act: NGPC will, on the project sponsor's behalf, request a review for threatened and endangered species by the U.S. Fish and Wildlife Service (USFWS as well as NGPC environmental division). This review will cover the Endangered Species Act of 1973, the Fish and Wildlife Coordination Act, Bald and Golden Eagle Protection Act. The USFWS will list specific items that the project sponsor must commit to for certain construction activities. List those commitments in the commitment section (borrow sites, culverts, tree OR vegetation removal...etc.) of this category. Once NGPC receives the USFWS and NGPC responses, they will be forwarded to the project sponsor to be attached to this document. Based on the USFWS and NGPC correspondence, answer the yes or no questions accordingly. When discussing vegetation removal, it refers to any vegetation removal. For any questions regarding vegetation removal, coordinate with NGPC.

Commitments: If a yes was checked on any of the above questions, provide the commitments that you that will be made to mitigate or minimize any harm to the environment, such as, there will be no removal of vegetation or trees between February 1 and July 15, to minimize the chance to harm any migratory bird nesting. This could also be in the form of a required birding survey if you do choose to remove vegetation or trees between February 1 and July 15 (***this environmental cost can be used for match if written into cost estimate***). Describe the commitments listed in the USFWS and NGPC correspondence here.

24. Invasive Species- Commitment: For projects improving or creating boat docks, coordinate with NGPC regarding invasive species educational enhancements for the project and include that coordination and any commitments here. For all projects, the project sponsor must comply with Executive Order 11312 regarding Invasive Species. Project sponsors must landscape with native species for seeding and make sure all equipment brought on site is cleaned and inspected prior to use to ensure there is no plant debris or seeds being spread by the equipment.

25. Erosion Control: Determine whether or not the project will disturb more than one acre of soil when constructing the trail and check the appropriate yes or no box.

Commitments: If the trail will disturb more than one acre of soil, a storm water pollution prevention plan (SWPPP) must be created prior to construction. Once approved by the Nebraska Department of Environmental Quality (***this environmental cost can be used for match if written into cost estimate***) it must be implemented during construction. Provide a copy of the SWPPP to NGPC and FHWA for their files on the project. If the yes box is checked, state that the project sponsor will complete and

implement the SWPPP. If less than an acre of soil disturbance will occur as a result of this project, leave the commitments section blank.

26. Wild and Scenic or National Recreational Rivers: Determine if this project is within a ½ mile of a Wild and Scenic (Missouri and Niobrara Rivers-portion) and National Recreational Rivers (Missouri National Recreational River-portion along NE/SD border) or a river listed on the National Rivers Inventory (<http://www.nps.gov/ncrc/programs/rtca/nri/states/ne.html>). If the project is not ½ mile of any of the above listed rivers, check no. If the trail is within ½ mile of any of the above rivers, check yes and contact The National Park Service(NPS), Hector Santiago at (402) 661-1848; Midwest Regional Office 601 Riverside Drive, Omaha, NE 68102. Review the information on website prior to contacting. Attach any correspondence to this document and discuss any impacts and efforts to minimize the harm in the box.

Commitments: If the project is not located within ½ mile of a Wild and Scenic or National Recreational River, or a river listed on the National Rivers Inventory, leave this section blank. Otherwise, if the project is within ½ mile, and there will be impacts, list the commitments that National Park Service describes in their correspondence.

27. Wetlands: Determine if any of the following wetland indicators exist within the environmental study area:

- Areas with standing water
- Areas that hold water longer after it rains / does not drain well
- Areas that appear to be soggy or swampy
- Areas that are known wetlands
- Areas with wetland plants (e.g. cattails, reed-canary grass)

If any of these wetland indicators exist within the environmental study area, check yes and then indicate if the project will have any potential to impact those areas, then check the applicable box. If the project does not have any potential to impact those areas, then check no and include any necessary avoidance commitments. If the project does have potential to impact these areas, then a professional who is qualified to identify wetlands must review the project area to determine if jurisdictional or isolated wetlands will be impacted by the project. Upon their review (**this environmental cost can be used for match if written into cost estimate**) check the applicable box. If there will be impacts to jurisdictional or isolated wetlands, then indicate whether or not the US Army Corps of Engineers or Nebraska Department of Environmental Quality concurred with the delineation (attach the US Army Corps of Engineers and/or Nebraska Department of Environmental Quality coordination letters) and state the total acreage of wetland impacts.

If there are wetland impacts, project sponsors are required to look at alternatives to minimize impacts to those wetlands. If alternatives were considered, check yes and list them below. If alternatives were not considered, check no. Wetland impacts need to be permitted. If the project does not affect wetlands, you will check not applicable.

Commitments: Based on correspondence with the US Army Corps of Engineers and/or Nebraska Department of Environmental Quality, if it was determined that there will be impacts to jurisdictional waters and/or wetlands, then list the 404/401 permit type to be acquired and any conditions of the 404/401 permit. If the permit is not yet in-hand, include a commitment to follow the conditions of the permit, once obtained.

28. Section 401/404 permitting: Determine if the following are present within the environmental study area:

- Creek or stream channel
- Lake
- River
- Drainage ditch

If none of these are present within the environmental study area, then check no and continue to section 29 of this form. If any of these are present, but the project will not have potential to impact these areas, then check no and include any necessary avoidance comments. If any of these items are present, and they may be impacted by the project, then a qualified professional must review the project area and identify whether or not there are any jurisdictional channels within the project footprint (***this environmental cost can be used for match if written into cost estimate***). If there are potential jurisdictional channels within the project footprint that may be impacted, then a jurisdictional delineation/determination must be completed and approved by the Corps. On the form, indicate if the US Army Corps of Engineers has concurred with the jurisdictional delineation/determination (attach US Army Corps of Engineers correspondence if applicable). If there are impacts to jurisdictional waters, state the total acreage of non-wetland jurisdictional impacts and list (and attach) the permit type to be acquired. If you are submitting your jurisdictional delineation/determination with your 404 application then indicate this on the form.

Commitments: Based on correspondence with the US Army Corps of Engineers, if it was determined that there will be impacts to jurisdictional waters, then list the 404/401 permit type to be acquired and any conditions of the 404/401 permit. If the permit is not yet in-hand, include a commitment to follow the conditions of the permit, once obtained.

29. Hazardous Materials: A qualified person (***this environmental cost can be used for match if written into cost estimate***) must go out and review the site for potential hazardous material contamination within the project footprint. This includes stained soils, distressed vegetation, drums and containers of unknown substances, etc. Based on the results from the qualified person's field visit, check yes or no accordingly.

The professional hired must also do a records check to determine if there are known hazardous materials on site or adjacent to the project limits. Based on the records review, check yes or no accordingly and attach the findings of the records review to this document.

Based on the field visit and records review, the qualified person must make a determination whether or not there is a potential to encounter hazardous materials during project construction. Check yes or no accordingly.

Date project footprint was visually inspected for signs of hazardous materials: fill in the date the qualified person performed the field visit.

Date of records check for known hazardous materials: fill in the date the qualified person performed the records check (which should be attached to this document).

If there are hazardous material concerns, discuss them below and coordinate with NGPC to determine the appropriate course of action.

Commitments: List any commitments that may be needed if there are known hazardous materials on site. ALL SPONSORS must include the following statement under the commitments section for hazardous materials: "If potential hazardous materials are encountered during construction, work shall cease at that location until a hazardous materials expert has reviewed the location and completed any necessary remediation. In the event hazardous materials are encountered, NGPC shall be contacted."

30. Public Interest: If the project will introduce a new pathway or recreational facility adjacent to private property, then the project sponsor must provide public outreach prior to receiving environmental clearance. If there was any public outreach for the project, check yes or no accordingly.

In good faith, determine if there is known public controversy or opposition to the project. Typically, opposition to a project does not occur until the construction begins, in which case having well-documented public involvement shows that the public was given an opportunity to comment. If there is no known opposition or controversy, check no.

Describe any public outreach completed and/or planned for the project. This includes the public meeting for the grant application (include date of meeting and any comments received and the project sponsor's response to those comments), other public meetings, newspaper notices, public scoping letters, or fliers, etc. Describe any controversy that has come up in this section also. Provide proof of the outreach as an attachment to this document.

Commitments: In this section describe any items that are still planned for public outreach during the construction phase of the project.

31. Environmental Commitments:

If any commitments are listed within any of the previous sections, summarize them collectively in this section.

32. Approvals Page

Project Name: list the name of the trail project.

Project Number: list the RTP number assigned to the trail project.

Project Proponent

Prepared by: list the person who filled out this documentation (printed name then signed name).

Date: fill in the date that the documentation was filled out.

Organization & Title: fill in the organization and title of the person who filled this out (this can be done by an engineer who you have procured for design services).

Phone: fill in the phone number of the person who filled out the form.

Email: fill in the email address of the person who filled out the form.

Project Sponsor Approval: Have the Village Chair, Mayor, General Manager, Board of Directors President sign this (printed name then signed name).

Organization & Title: fill in the name of the project sponsor and the title of the person approving the environmental document.

Date: fill in the date that the document was signed by project sponsor.

Phone: fill in the phone number of the person signing the document on behalf of the project sponsor.

Email: fill in the email address of the person signing the document on behalf of the project sponsor.

Nebraska Game and Parks Commission

LEAVE THIS INFORMATION BLANK, NGPC WILL FILL OUT

FHWA

LEAVE THIS INFORMATION BLANK, FHWA WILL FILL OUT