

Categorical Exclusion Instructions and Checklist

Categorical exclusions (CATEXs) are categories of actions that do not individually or cumulatively have a significant effect on the quality of the human environment. CATEXs applicable to EPA actions are listed at 40 C.F.R. § 6.204(a).

Determining a project's eligibility for a CATEX is the first step in the environmental review process. As part of the CATEX determination, EPA determines whether there are any extraordinary circumstances that would prevent the project from being eligible for a CATEX. If the proposed project is eligible for a CATEX and no extraordinary circumstances are involved, no further NEPA review is required.

Recipients who believe their project may qualify for a CATEX, should work with EPA—preferably early in the project design stage—to provide sufficient information for EPA to make that determination early in the NEPA environmental review process. EPA has developed a checklist to determine if a project qualifies for a CATEX. You may use this checklist as a tool to assess your project's potential eligibility for a CATEX and to understand what types of information are needed by EPA to support the CATEX determination.

The types of information that recipients should gather and submit to support the CATEX determination include, but may not be limited to, the following:

- 1) Detailed description of the project and/or preliminary engineering report along with any site plan showing the project location and its construction footprint (area of disturbance in acreage or square footage, etc.). Documents should clearly describe the project, including pipe sizes and lengths, pump specifications, etc.
- 2) City or regional maps that show the project in relation to the local area and help demonstrate the physical extent of the project.
- 3) Documentation of coordination or concurrence from the applicable federal cross-cutter environmental agencies. The grant applicant should coordinate with EPA to determine the applicability of federal cross-cutters since EPA may need to participate or take the lead in compliance with these cross-cutters as the federal action agency. For CATEXs, this potentially includes, but is not limited to, those listed below:
 - a. State's Historical Preservation Office (obtained through National Historic Preservation Act Section 106 consultation),
 - b. U.S. Fish and Wildlife Service or National Marine Fisheries Service (obtained through Endangered Species Act informal consultation),
 - c. U.S. Army Corps of Engineers (obtained through coordination with the appropriate District Office and through permit reviews),
 - d. other cross-cutter federal agencies as appropriate.
- 4) A description of the project need (including: the need the project will address; whether the project will address a local problem or emergency; whether the project is being pursued in response to a compliance order).
- 5) A description of the environmental impact(s) (both construction and operational impacts). Impacts may be both beneficial and adverse.
- 6) A description of associated measures to avoid, minimize or compensate for impacts including any Best Management Practices (BMPs) and/or Standard Operating Procedures (SOPs), etc. Provide adequate supporting references and citations.
- 7) Explain whether the project will be funded by other state or federal agencies. If environmental reviews are required by other state or federal agencies, explain whether they have been started or not. Briefly describe additional funding and applicable environmental reviews.
- 8) Explain whether project construction has begun. If yes, describe activities and percent of project completed.

EPA will independently review the information provided, including that within the following checklist, and will determine whether a project is eligible for a CATEX. If EPA finds that a project meets the qualifications for a CATEX, EPA will prepare a CATEX determination.

Categorical Exclusion and Extraordinary Circumstances Review Form
 United States Environmental Protection Agency
 Region 10

I. General Information

Project Name	Program / Funding Authority	Grant ID Number (if known)

Grant Applicant Organization

Project Location Description (*street address/city/state/ZIP code; site characteristics*)

Project Description (*summary of project scope and project components*)

II. EPA Contact for Environmental Review on this Project (If different from Responsible Official, EPA Use Only)

Name/Title	Email	Phone Number

Complete Section III on Categorical Exclusion Eligibility.

III.A. Categorical Exclusion Eligibility (Check YES or NO) Complete the following questions in their entirety to determine if the project is eligible for a Categorical Exclusion (CATEX) pursuant to 40 CFR § 6.204(a)(1)(ii). Additionally, supporting statements and documentation must be included in Attachment 1.

40 CFR § 6.204(a)(1)(ii)

Question 1a: If yes to any, proceed to Question 1b.	Does the project involve actions relating to existing infrastructure systems (e.g., sewer systems; drinking water supply systems; and stormwater systems, including combined sewer overflow systems) and involve:		
	YES	NO	
	<input type="checkbox"/>	<input type="checkbox"/>	Minor upgrading
	<input type="checkbox"/>	<input type="checkbox"/>	Minor expansion of system capacity or rehabilitation (including functional replacement) of the existing system and its components (such as the sewer collection network and treatment system; the system to collect, treat, store and distribute drinking water; and stormwater systems, including combined sewer overflow systems)
	<input type="checkbox"/>	<input type="checkbox"/>	Construction of new minor ancillary facilities next to or on the same property as existing facilities
Question 1b: If yes to any, STOP . CATEX does not apply.	Will the project include actions that:		
	YES	NO	
	<input type="checkbox"/>	<input type="checkbox"/>	Involve new or relocated discharges to surface or ground water
	<input type="checkbox"/>	<input type="checkbox"/>	Will likely result in the substantial increase in the volume or the loading of pollutant to the receiving water
	<input type="checkbox"/>	<input type="checkbox"/>	Will provide capacity to serve a population 30% greater than the existing population
	<input type="checkbox"/>	<input type="checkbox"/>	Are not supported by the state, or other regional growth plan or strategy
	<input type="checkbox"/>	<input type="checkbox"/>	Directly or indirectly involve or relate to upgrading or extending infrastructure systems primarily for the purpose of future development

III.B. Categorical Exclusion Eligibility (Check YES or NO) Complete the following questions in their entirety to determine if the project is eligible for a Categorical Exclusion (CATEX) pursuant to 40 CFR § 6.204(a)(1)(iii). Additionally, supporting statements and documentation must be included in Attachment 1.

40 CFR § 6.204(a)(1)(iii)

Question 2a: If yes, proceed to Question 2b.	Does the project involve actions in unsewered communities involving:		
	YES	NO	
	<input type="checkbox"/>	<input type="checkbox"/>	Replacement of existing onsite systems
Question 2b: If yes to any, STOP . CATEX does not apply.	Will the project include actions that:		
	YES	NO	
	<input type="checkbox"/>	<input type="checkbox"/>	Involve relocated discharges
	<input type="checkbox"/>	<input type="checkbox"/>	Will likely result in the substantial increase in the volume or the loading of pollutants from existing sources

Complete Sections IV.A. and IV.B. on Extraordinary Circumstances. Attach Supporting Statements and Documentation.

IV.A. Extraordinary Circumstances (*Check YES or NO*) Complete the following questions in their entirety to determine if the project involves any of the following extraordinary circumstances which would make it ineligible for a CATEX pursuant to 40 CFR § 6.204(b)(1) through (b)(10). Additionally, supporting statements and documentation must be included in Attachment 1.

YES	NO	
<input type="checkbox"/>	<input type="checkbox"/>	1) Is the action known or expected to have potentially significant environmental impacts on the quality of the human environment either individually or cumulatively over time?
<input type="checkbox"/>	<input type="checkbox"/>	2) Is the action known or expected to have disproportionately high and adverse human health or environmental effects on any community, including minority communities, low-income communities, or federally-recognized Indian tribal communities? Communities Present: <input type="checkbox"/> Yes <input type="checkbox"/> No [If yes, describe in Attachment 1]
<input type="checkbox"/>	<input type="checkbox"/>	3) Is the action known or expected to significantly affect federally listed threatened or endangered species or their critical habitat? Resources Present: <input type="checkbox"/> Yes <input type="checkbox"/> No [If yes, describe in Attachment 1]
<input type="checkbox"/>	<input type="checkbox"/>	4) Is the action known or expected to significantly affect national natural landmarks or any property with naturally significant historic, architectural, prehistoric, archaeological, or cultural value, including but not limited to, property listed on or eligible for the National Register of Historic Places? Resources Present: <input type="checkbox"/> Yes <input type="checkbox"/> No [If yes, describe in Attachment 1]
<input type="checkbox"/>	<input type="checkbox"/>	5) Is the action known or expected to significantly affect environmentally important natural resource areas such as wetlands, floodplains, significant agricultural lands, aquifer recharge zones, coastal zones, barrier islands, wild and scenic rivers, and significant fish or wildlife habitat? Resources Present: <input type="checkbox"/> Yes <input type="checkbox"/> No [If yes, describe in Attachment 1]
<input type="checkbox"/>	<input type="checkbox"/>	6) Is the action known or expected to cause significant adverse air quality effects? Describe Air Quality and Resources in Attachment 1
<input type="checkbox"/>	<input type="checkbox"/>	7) Is the action known or expected to have a significant effect on the pattern and type of land use (industrial, commercial, agricultural, recreational, residential) or growth and distribution of population, including altering the character of existing residential areas or may not be consistent with state or local government, or federally-recognized Indian tribe approved land use plans or federal land management plans? Describe Land Use in Attachment 1
<input type="checkbox"/>	<input type="checkbox"/>	8) Is the action known or expected to cause significant public controversy about potential environmental impacts of the proposed action?
<input type="checkbox"/>	<input type="checkbox"/>	9) Is the action known or expected to be associated with providing financial assistance to a federal agency through an interagency agreement for a project that is known or expected to have potentially significant environmental impacts?

<input type="checkbox"/>	<input type="checkbox"/>	10) Is the action known or expected to conflict with federal, state, local government, or federally-recognized Indian tribe environmental resource-protection, or land-use laws or regulations?
IV.B. Extraordinary Circumstances Statement (<i>Check ONLY ONE box</i>) If the responses to Section III.A. or III.B. indicate the project is CATEX eligible, and if a NO response was recorded for each of the questions in Section IV.A, then no Extraordinary Circumstances are present pursuant to 40 CFR § 6.204(b) and one of the following statements should be selected.		
<input type="checkbox"/>	1) No extraordinary circumstances apply to the proposed action pursuant to 40 CFR §§ 6.204(a)(1) and 6.204(b). This statement is based on either (1) past experience with similar actions at the proposed action site resulting in a CATEX and/or (2) information gathered as part of a previous NEPA review or environmental due diligence review conducted at the proposed action site . A statement and supporting documentation is attached (e.g., SERP, prior CATEX determination, or other NEPA review and environmental documentation).	
<input type="checkbox"/>	2) No extraordinary circumstances apply to the proposed action pursuant to 40 CFR §§ 6.204(a)(1) and 6.204(b). This statement is based on information gathered as part of this NEPA evaluation. A statement and supporting documentation is attached explaining why no extraordinary circumstances exist or apply to the proposed action pursuant to 40 CFR §§ 6.204(a)(1) and 6.204(b).	

EPA Use Only:

V. NEPA Review Determination and Responsible Official Signature (EPA Use Only)		
Sections I through IV must be completed to satisfy EPA’s documentation requirements for CATEX eligibility. If completion of this form indicates that a CATEX <i>does apply</i> , the Responsible Official must sign below.		
<p>Categorical Exclusion Determination. EPA finds that the proposed action is eligible for exclusion from detailed environmental review under 40 CFR § 6.204(a)(1), and will not involve any of the extraordinary circumstances delineated under 40 CFR § 6.204(b)(1) through (b)(10). Consequently, EPA will not prepare an environmental impact statement or an environmental assessment for the proposed project. EPA may revoke this categorical exclusion if changes in the proposed action render it ineligible for exclusion or if new evidence emerges which indicates that serious local or environmental issues exist or federal, state, or local laws would be violated.</p> <p>As the Responsible Official, I have determined that this action is eligible for a Categorical Exclusion per the substantive environmental review requirements under EPA regulations at 40 CFR § 6.204. Section III.C of this form has been completed providing the required Extraordinary Circumstances Statement.</p>		
Signature of Responsible Official	Title	Date

NOTE: Signed Categorical Exclusion Determinations should be uploaded to the EPA NEPA Compliance Database (through Central Data Exchange (CDX)).

Use Attachment 1 to provide Statements and Supporting Documentation.

Project Name	Grant ID Number

Attachment 1. CATEX Eligibility and/or Extraordinary Circumstances Statement(s)

The space below may be used for a statement and supporting documentation explaining CATEX eligibility and why no extraordinary circumstances exist or apply to the proposed action pursuant to 40 CFR §§ 6.204(a)(1) and 6.204(b). Attach additional pages as needed. Material incorporated by reference should briefly describe its content. Provide hyperlinks to the incorporated material, or attached incorporated material to this CATEX, or otherwise indicate how the public can access the material for inspection.

Attachment 1. CATEX Eligibility and/or Extraordinary Circumstances Statement(s)

Municipality of Anchorage Ruane Road Culvert Replacement

I. Project Description.

In October 2021, a large rainfall event washed out a section of Ruane Road where California Creek crosses. The Municipality of Anchorage (MOA) received emergency approval to install temporary culverts to provide access to the Wastewater Treatment Facility. This project will replace the temporary corrugated metal pipe culverts with a permanent new engineered box culvert at the existing location. The stream will be diverted to a temporarily constructed channel around the project to manage the flow of California Creek during the construction. All stream diversions will be removed, and the site restored at the end of construction. The new culvert will provide a fish passage structure with capacity to carry California Creek hydraulic loads, allow structurally secure vehicle access to the WWTF, and ensure the integrity of the sewer line that crosses California Creek within the access road right-of-way.

Project Location and Area of Potential Effect:

The project is located on Ruane Road near the Girdwood Wastewater Treatment Facility (60.949721, -149.162778). The Area of Potential Effect (APE) includes the roadway and area immediately surrounding the existing culvert where California Creeks crosses Ruane Road. The temporary culvert will be removed, and the new culvert will be embedded in the streambank at the same location.



III A. and III. B. Categorical Exclusion Eligibility

As described above, the project will involve minor rehabilitation and replacement of an existing culvert. No new or relocated discharges to surface or ground water will occur.

IV. A. 5. Natural Resource Areas:

Fish and Wildlife Coordination Act (16 U.S.C. § 661 et seq.)

Construction will consist of removing the temporary culverts which were installed following a storm washout and do not currently allow fish passage with a new engineered box culvert that will reestablish a natural stream bed for fish passage requirements. Installation of the new culvert will require a temporary diversion of the creek to a constructed channel around the project to manage the flow of California Creek during the construction. All stream diversions will be removed, and the site restored at the end of construction. EPA will include a binding grant condition requiring the Municipality of Anchorage to acquire all necessary state and federal permits prior to construction and to comply with the permit requirements.

Clean Water Act, Wetlands (EO 11990), & Floodplains (EO 11988, as amended by 12148):

Installation of the new culvert will require a temporary diversion of the creek to a constructed channel around the project to manage the flow of California Creek during the construction. All stream diversions will be removed, and the site restored at the end of construction. EPA will include a binding grant condition requiring the Municipality of Anchorage to acquire all necessary permits prior to construction, which may include a Clean Water Act Section 404 permit and an Army Corps of Engineers Nationwide permit, and Anchorage will be required to comply with all permit conditions.

Flood Plain Management (Executive Order No. 11988 (1977), as amended by Executive Order No. 12148

(1979): The project is located within a 100-year floodplain since it involves work within a stream. The project is in a developed area within a roadway and does not add any new or additional structures to the floodplain. The area will be returned to pre-construction conditions and is not anticipated to result in a negative impact to the natural and beneficial floodplain values.

No other environmentally significant natural resource areas are present in the project area. Therefore, the project would not affect environmentally significant natural resource areas.

IV. A. 6. Air Quality: The project is not located in a nonattainment or maintenance area for any Clean Air Act pollutants. The Project will result in a temporary, minor increase in construction-related emissions. Because the Project will not install any new emissions units, no long-term changes in air pollution will occur as a result of this project.

IV. A. 7. Land Use: The Project will not result in any changes to facility footprints, land use, or population.