



Categorical Exclusion Form
FHWA Categorical Exclusion under NEPA
Recreational Trails Program

Proposed Project Name:

Organization Applying for RTP Funding:

RTP Grant Year:

BACKGROUND

The Recreational Trails Program is funded through the Federal Highway Administration (FHWA). Recreational Trails Program projects are eligible to qualify for a Federal Highway Administration Categorical Exclusion under NEPA (23 CFR 771.117(c)(23)) and MEPA (ARM 18.2.261(2)(w)).

In accordance with 23 CFR 771.117(a), a project may be considered a Categorical Exclusion if it does not cause significant environmental impacts and does not involve unusual circumstances as described in 23 CFR 771.117(b) or ARM 18.2.261(5).

A project must therefore meet the conditions below to be approved for a FHWA Categorical Exclusion under NEPA (23 CFR 771.117(c)(23)) and MEPA (ARM 18.2.261(2)(w)). Specifically, it must be demonstrated that an individual project will not have impacts listed below.

CONDITIONS FOR A CATEGORICAL EXCLUSION

To be considered for a FHWA Categorical Exclusion, you must first understand and address the potential impact(s) your proposed project may have. Use the narrative boxes to answer and comment on each question below. Be sure to include a short discussion about sources you have consulted to reach each conclusion.

1. Does the project involve the acquisition of more than a minor amount of right-of-way? An acquisition is considered more than minor if it will involve more than a quarter of the parcel or substantially affect the functionality of the primary structure on the property.

Suggest sources: [Montana Cadastral](#)

Yes

No

2. Will the project result in a determination of adverse effect on historic properties pursuant to Section 106 of the National Historic Preservation Act?

Suggested sources: [The State Historic Preservation Office](#)

Yes

No

3. Will the project have a significant impact to planned growth or land use for the area?

Suggested sources: Local county or municipality planner/planning office

Yes

No

4. Is the project expected to induce controversy on environmental grounds?

Suggested sources: Adjacent and nearby landowners

Yes

No

5. Will the project require a US Army Corps of Engineers Clean Water Act Section 404 permit other than a Nationwide Permit or a General Permit?

Suggested sources: [DNRC Stream Permitting Guide](#), [Montana Natural Heritage Program](#)

Yes

No

6. Will the project require work encroaching on a regulatory floodway or work affecting the base flood elevation of a water course or lake, pursuant to Executive Order 11988 as amended and 23 CFR 650 subpart A?

Suggested sources: Local county or municipality [floodplain administrator](#)

Yes

No

7. Will the project require construction in, across, or adjacent to a river designated as a component of, or proposed for inclusion in, the National System of Wild and Scenic Rivers published by the US Department of Interior/US Department of Agriculture?

Suggested sources: [National Wild and Scenic Rivers System](#)

Yes

No

8. Will the project affect federally listed or candidate species, or proposed or designated critical habitat, or have impacts subject to the conditions of the Bald and Golden Eagle Protection Act?

Suggested sources: [Montana Natural Heritage Program](#), [Montana Sage Grouse Program](#)

Yes

No

9. Will the project have impacts on migratory birds subject to the conditions of the Migratory Bird Treaty Act?

Suggested sources: [Montana Natural Heritage Program](#)

Yes

No

The subrecipient is solely responsible for any environmental impacts incurred because of the project; obtaining any necessary environmental permits, notifications, and/or clearances; and ensuring compliance with environmental laws and regulations.

List permits, notifications, and/or clearances that have been or will be obtained as a result of this project:

By signing, I attest any work being completed with funding from the 2022 Recreational Trails Program will be carried out in accordance with the above conditions. Should a project fail to meet any condition, the project, or certain project components, may not be eligible for reimbursement.

Preparer Name: _____

Preparer Title: _____

Organization Name: _____

Preparer Signature: _____ Date: _____