

Class of Action Determination

- **Consult with FHWA if uncertain.**

Select a Categorical Exclusion from the drop-down menu below based upon the scope of the project:
(c)(28) Bridge rehabilitation, reconstruction, or replacement or grade separation of existing at-grade railroad crossings.

Select additional Categorical Exclusion, if needed from the drop-down menu below:

Choose an item.

If categorical exclusions (c)(26), (c)(27), or (c)(28) were selected above, do any of the following circumstances apply? If yes, the project must be completed as a d-listed CE, an Environmental Assessment or Environmental Impact Statement as appropriate. Consult with FHWA for a final determination.

1. An acquisition of more than a minor amount of right-of-way or that would result in any residential or non-residential displacements.
2. An action that needs a bridge permit from the U.S. Coast Guard, or an action that does not meet the terms and conditions of a U.S. Army Corps of Engineers nationwide or general permit under section 404 of the Clean Water Act and/or section 10 of the Rivers and Harbors Act of 1899.
3. A finding of "adverse effect" to historic properties under the National Historic Preservation Act, the use of a resource protected under 23 U.S.C. 138 or 49 U.S.C. 303 (section 4(f)) except for actions resulting in de minimis impacts, or a finding of "may affect, likely to adversely affect" threatened or endangered species or critical habitat under the Endangered Species Act.
4. Construction of temporary access, or the closure of existing road, bridge, or ramps, that would result in major traffic disruptions.
5. Changes in access control.
6. A floodplain encroachment other than functionally dependent uses (e.g., bridges, wetlands) or actions that facilitate open space use (e.g., recreational trails, bicycle and pedestrian paths); or construction activities in, across or adjacent to a river component designated or proposed for inclusion in the National System of Wild and Scenic Rivers.

Required Attachments*

- **These items MUST BE submitted by the times shown below**

By the time of federal NEPA approval for project:

- Project mapping
- Pre-coordination letters with permitting agencies (OEPA, Army Corps, Floodplain Coordinator, etc.)
- Documentation of Public Involvement
- External resource agency coordination letters showing final agency concurrence with project (USFWS, OHPO, ODNR, etc.), which includes completion and agency approval of all requested additional resource studies by any resource agency.

Prior to construction for all projects, please provide:

- Copies of all waterway permits
- Copies of all floodplain permits
- Evidence of all environmental commitments as shown in project plans and specifications.

Approval

This section must be signed by all parties and approved by FHWA prior to federal authorization of the next phase of the project.

After reviewing the status of this project, the Applicant considers that the NEPA process and documentation to be completed. The applicant confirms that there are not *unusual circumstances* associated with the project as defined by 23 CFR 771.117 (b) that would require completion of either an Environmental Assessment or Environmental Impact Statement.

Unusual circumstances include:

- Significant environmental impacts.
- Substantial controversy on environmental grounds.
- Significant impact on properties protected by section 4(f) of the DOT Act or section 106 of the National Historic Preservation Act; or inconsistencies with any Federal, State, or local law, requirement or administrative determination relating to the environmental aspects of the action.

The applicant acknowledges that a reevaluation of the approval will occur if there are any changes to the proposed action. Changes may include 1) changes in scope or location, 2) changes in ability of project to deliver environmental commitments as promised to agencies and/or parties, 3) identification of new environmental impacts not considered in the NEPA document, 4) new information or circumstances relevant to environmental concerns with bearing on the proposed action or its impacts, which would result in substantial environmental impact not considered in the NEPA document.

Prepared By:

Scott Middaugh

Digitally signed by Scott Middaugh
DN: cn=US, E=scott.middaugh@kljeng.com, o=KLJ
Engineering, cn=Scott Middaugh
Reason: I attest to the accuracy and integrity of this
document
Date: 2026.06.11 11:15:35-05'00'

6/11/26

Scott Middaugh – KLJ Engineering

Date

Applicant Acceptance of
Project:

Eric Hodgson

Digitally signed by Eric Hodgson
DN: cn=US, E=eric.hodgson@fargond.gov, ou=Engineering,
o=City of Fargo, cn=Eric Hodgson
Reason: I am approving this document
Date: 2026.06.11 12:37:55-05'00'

6/11/2026

Eric Hodgson – City of Fargo

Date

FHWA has reviewed the proposed action, and it is our assessment that implementation of the proposed action will not result in any significant impacts to the human and/or natural environment. If during further development of the project there is a substantial change in the impacts of or the scope of the proposed action, the environmental effects need to be reevaluated.

Approval of CE:

KRISTEN SUE SPERRY

Digitally signed by KRISTEN SUE
SPERRY
Date: 2026.06.16 07:49:43 -05'00'

For: Wendall Meyer
Acting Division Administrator

Date