

**National Environmental Policy Act (NEPA) Categorical Exclusion (CE) Assignment  
Pre-Assignment Readiness Assessment Checklist  
(rev. January 22, 2026)**

### **Background and Purpose**

The purpose of this checklist is to serve as a tool for States to assess their readiness to assume NEPA responsibilities under 23 U.S.C. 326. This may help inform actions to take before pursuing NEPA CE Assignment or assuming NEPA CE responsibilities. This checklist is only applicable to Categorical Exclusion (CE) Assignment; there is a separate checklist for Program Assignment (23 U.S.C. 327).

FHWA can help State DOTs with conducting a readiness assessment of their environmental review program, including environmental review resources, processes, and procedures.

This document is intended to be used before a readiness assessment occurs.

Not every question on this checklist needs to be addressed. Rather, this document can be used as a tool to understand broad steps and considerations the State may need to take to prepare to assume NEPA CE responsibilities. Completion of this checklist does not guarantee FHWA approval to implement a NEPA CE assignment program.

### **Checklist**

ID	(i) Manuals And Procedures	
1	Does the State have environmental manual(s) or a central repository of procedures that explain to State staff and others how the requirements for consultation, compliance, or decision-making would take place related to the NEPA process for CEs?	<input type="checkbox"/>
2	Does the State have policies and procedures documenting public involvement and how public and agencies input is addressed in the NEPA process for CEs?	<input type="checkbox"/>
3	Do the manuals cover projects managed by both the State and Local Public Agencies (LPAs), where applicable?	<input type="checkbox"/>
4	Are the manuals up to date and reflect recent statutes, regulatory revisions, or changes in policy or guidance?	<input type="checkbox"/>
5	Has the State developed procedures on decision-making during NEPA? Do the procedures cover: (1) Who would have the authority to make and defend decisions. (2) How such decisions are made. (3) The timing of decisions. (4) How records of decision-making process would be kept.	<input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/>
6	Does the State have a plan to ensure manuals stay up to date?	<input type="checkbox"/>

ID	(ii) Documented Compliance with NEPA (23 U.S.C. 326 and 23 CFR 771)	
7	Does the State have templates and/or procedures in place for documenting compliance with NEPA?	<input type="checkbox"/>
8	Do the procedures/templates demonstrate that the environmental review process and associated decision-making comply with Federal statutes, regulations, Executive Orders, policy, and guidance, and the projected terms of an Assignment Memorandum of Understanding (MOU)?	<input type="checkbox"/>
9	Does the State have a CE checklist or other document that ensures that: <ul style="list-style-type: none"> <li>• The CE determination is appropriately applied to the proposed project.</li> <li>• Whether the category of action is from those listed in FHWA regulation (23 CFR 771.117(c) or (d)).</li> <li>• There are no unusual circumstances that would trigger additional review.</li> <li>• The project demonstrates compliance with any other applicable environmental review requirements for consultation or compliance.</li> </ul>	<input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/>
10	Does the State have procedures/templates for noise, wildlife, historic and cultural resources, social and economic impacts, water resources and wetlands, parklands, hazardous materials, and other executive orders relating to eligible projects? <sup>1</sup>	<input type="checkbox"/>

ID	(iii) Making NEPA Decisions	
11	Does the State have documentation of considerations in the NEPA process that ensure project decisions balance engineering and transportation needs with social, economic, and natural environment factors?	<input type="checkbox"/>
12	Does the State have a policy in place that states that decisions made by the environmental review office staff are unbiased, based on the requirements of the NEPA review process?	<input type="checkbox"/>
13	Do the State's NEPA decision-making policies meet the requirements specified in 23 CFR 771.113 and 23 CFR 636.302?	<input type="checkbox"/>
14	Does the State have a policy in place that ensures a CE project's design does not advance into final design if a NEPA decision has not yet been made?	<input type="checkbox"/>
15	Does the State have policies in place that address alternative project delivery methods, such as Design-Build, to ensure that the State and any contractors comply with all NEPA requirements for CEs?	<input type="checkbox"/>
16	Does the State have a policy on the decision-making delegation for NEPA decision signatories?	<input type="checkbox"/>
17	Does the State have a plan to ensure existing agreements (programmatic agreements, MOUs, etc.) that streamline the environmental review process will be updated?	<input type="checkbox"/>

ID	(iv) Public Involvement	
18	Does the State have a public involvement plan that documents public involvement requirements for all CE actions (where applicable)?	<input type="checkbox"/>
19	Do the State's public involvement procedures comply with FHWA policies?	<input type="checkbox"/>

<sup>1</sup> See appendix A to 23 CFR part 773 for a full list of responsibilities that may be delegated to the State.

20	Does the State have dispute and conflict resolution procedures in place?	<input type="checkbox"/>
21	Has the State identified a process for the public to disclose concerns?	<input type="checkbox"/>
22	Do the State's public involvement procedures state that it will involve partners and all affected parties beginning at the earliest planning stages and continuing through project development, construction, and operations for CE projects?	<input type="checkbox"/>
23	Do the State's public involvement procedures for CEs address the Statewide and metropolitan planning and project development activities?	<input type="checkbox"/>

ID	<b>(v) Agency and Tribal Consultation</b>	
24	Does the State have recurrent meeting(s) established with resources agencies and Tribes?	<input type="checkbox"/>
25	Do the State agency coordination and Tribal consultation procedures comply with FHWA policies? <sup>2</sup>	<input type="checkbox"/>
26	Does the State have dispute and conflict resolution procedures in place?	<input type="checkbox"/>
27	Has the State identified a process for the Tribes and agencies to disclose concerns?	<input type="checkbox"/>
28	Has the State developed or considered how to establish working relationships with resource and regulatory agencies to ensure project development can occur in a timely and predictable manner without FHWA's involvement?	<input type="checkbox"/>

ID	<b>(vi) Project File Structure and Access</b>	
29	Does the State have a plan to ensure that the contents of a project file demonstrate compliance with the applicable responsibilities assumed by the State?	<input type="checkbox"/>
30	Does the State have a system and corresponding procedures in place to ensure that a project file is complete, including but not limited to, information about project initiation, environmental studies and analyses, records of coordination and decision-making, consultation, public involvement, information on project changes, and re-evaluations (where applicable)?	<input type="checkbox"/>
31	Does the State have a procedure or a system to assess if all materials are included (i.e. an electronic database or a checklist)?	<input type="checkbox"/>
32	Is the State's project database or system accessible to both State staff and FHWA staff?	<input type="checkbox"/>
33	Does the State's project database or system allow for responding to records requests within a short time frame? (5 days is stipulated in most MOUs)	<input type="checkbox"/>
34	Does the State's project database or system allow for regular reporting to FHWA?	<input type="checkbox"/>
35	Does the State's project database or system allow for updates and have the capability to conduct system updates in short notice?	<input type="checkbox"/>

<sup>2</sup> Note that Tribal Government to Government consultation is a FHWA responsibility, regardless of NEPA Assignment status.

ID	(vii) Quality Control and Quality Assurance (QA/QC)	
36	Does the State have procedures and staff for conducting QA/QC when it is making a CE determination?	<input type="checkbox"/>
37	Does the State have a procedure for tracking the mitigation commitments made during NEPA, through design/construction and completion of each commitment prior to project close out?	<input type="checkbox"/>

ID	(viii) Training	
38	Does the State have a training program?	<input type="checkbox"/>
39	Does the State conduct training when the State's manual or relevant Federal policies change?	<input type="checkbox"/>
40	Does the training plan include the following components: <ol style="list-style-type: none"> <li>1. An approach to identify the minimum competencies (education, training, experience) for technical or subject matter experts with NEPA review and decision-making responsibilities.</li> <li>2. An approach to assess any individual training needs and track the competency status for individuals who are subject matter experts or NEPA decision-makers (e.g. Secretary of Interior qualifications under the National Historic Preservation Act (NHPA) Section 112 and Section 106 regulations at 36 CFR 800.2(a)(1)).</li> <li>3. An approach to identify general training needs that may be based on the need for refresher training, or training on newly developed guidance, policy, or requirements (in statute, regulation, or Executive Order).</li> <li>4. An approach to ensure that consultants providing professional services are appropriately qualified and experienced and have access to training on State manuals and procedures.</li> <li>5. A strategy for informal training through periodic meetings, webinars, teleconferences, memorandums, or newsletters.</li> </ol>	<input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/>

ID	(ix) Financial And Legal Resources	
41	Does the State have a certification by the State's Attorney General that the State has legal authority to assume CE responsibilities and consents to the exclusive Federal court jurisdiction with respect to responsibilities the State has assumed?	<input type="checkbox"/>
42	Does the State have a certification by the State's Attorney General that the State has laws that are comparable to the Freedom of Information Act (FOIA), including laws that allow for any decision regarding the ability of a document under those laws to be reviewed by a court of competent jurisdiction?	<input type="checkbox"/>
43	Does the State have documented processes and procedures for how the State will conduct legal reviews for CEs it produces, including legal sufficiency review?	<input type="checkbox"/>
44	Has the State developed a summary of the anticipated financial resources available to meet the activities and staffing needed with respect to the responsibilities the State will assume and a commitment to make adequate financial resources available to meet those needs?	<input type="checkbox"/>

45	Does the State have a protocol and manual for conducting legal sufficiency on individual Section 4(f) Evaluations? 23 CFR 773.109(a)(3)(iii)	<input type="checkbox"/>
46	Does the State have a protocol for coordinating with their legal counsel to prepare administrative records and address legal challenges?	<input type="checkbox"/>

ID	(x) Staffing	
47	Does the State have the staff available or a plan to ensure adequate staffing to fulfill all NEPA CE responsibilities that are assumed by the State?	<input type="checkbox"/>
48	Does the State have environmental staff and/or environmental document signatories that are SOI-qualified? (Secretary of the Interior's (SOI) Professional Qualification Standards for historic preservation)	<input type="checkbox"/>
49	Does the State employ environmental staff and/or environmental document signatories that are adequately qualified in other relevant resource areas?	<input type="checkbox"/>
50	Does the State have a plan to review qualifications of consultants completing environmental work (for both prime and sub consultants)?	<input type="checkbox"/>