

Proposed NEPA Categorical Exclusions

- Environmental Justice. For potential projects present and/or near to minority and/ low income areas but does not potential have a disproportionately high and adverse impacts on such populations are CE. U.S Census data must be used to determine if EJ populations are present in the project area. Note: EJ considerations are required for all proposed projects and activities not CE.
- Land Use Impacts: Right of Way Acquisition & Relocation Impact. To qualify for a CE, the permit must not require the acquisition of more than five acres of less of right of way and must not result in the displacement of any commercial or residential occupants.
- Acquisition of land or interest in land. Examples include but are not limited to: (i) accepting the donation of lands or interest inland to the Service, and (ii) purchasing fee, conservation easement, reserved interest deed, or other interests in lands.
- Floodplain Management. If this project does not involve construction of any structures that would significantly impede the flow or displace water in the event of a flood.
- Activities related to trade representation and market development activities abroad.

Proposed NEPA Categories Exclusion Requiring Documentation

A supporting record should be required to proceed. As a minimum, the proposed project should include any records prepared, such as; the names of interested and affected people, groups, and agencies contacted; the determination that no extraordinary circumstances exist; and a list of the people notified of the decision. Examples:

- Construction and reconstruction of trails.
- Approval of special uses of FWS lands that require less than five acres of land.
- Maintenance or modification of stream or lake aquatic habitat improvement structures.
- Post-hurricane and natural disasters rehabilitation activities. Removing and/or relocating debris and sediment following disturbance events.
- Commercial and non-commercial harvest of wildlife and vegetation to control diseases of fish and wildlife as determined necessary.
- Land management plans, plan amendments, and plan revisions developed in accordance with FWS regulations that provide board guidance and information for project and activity decision-making in a FWS unit.
- Restoring wetlands, streams, riparian areas or other water bodies by removing, replacing structures such as, dams, levees, dikes, ditches, pipes, gates and fencing, etc., to allow waters to flow into natural channels and floodplains extended practical.

Recommendation

Develop a streamline environmental screening form or spreadsheet to include:

Environmental Resources; Mandatory Criteria; Environmental Reviewers w/Environmental Clearance Form showing clearance or compliance with federal environmental laws from applicable agencies.

Example of Usual Complex EISs

Cases and/or potential projects under the jurisdiction of 36 CFR Part 800 (Protections of Historic Properties) early coordination, consultation with applicable parties, inclusion of historic preservation issues, and other processes including the Secretary's approval will delay execution of SO 3355. With the intent to implement SO 3355, NEPA and NHPA creates additional steps by law but there are ways to expedite and/or offset delays. Recommendations:

- NEPA practitioners, applicants and project sponsors should become familiar with the compliance procedures.
- Provide the Service with opportunities' to save time and expense by gathering information that meet the statutory requirements of NEPA and HHPA with less duplication effort.
- Help ease potential duplication and time consuming processes for potential applicants. Work with CEQ to streamline this process.