

***These Categorical Exclusions (CEs) are excerpted from the National Park Service handbook relating to the National Environmental Policy Act (NEPA).***

***If a CE might best fit your proposed Land & Water Conservation Fund project, indicate the letter and number on your A&R Form in the appropriate area. For example: "C.18. Construction of minor structures, including small improved parking lots, in previously disturbed or developed areas."***

### **3.3 CATEGORICAL EXCLUSIONS FOR WHICH DOCUMENTATION IS REQUIRED**

A variety of CEs exist for actions that generally result in some level of environmental impact but that do not have the potential to cause significant adverse impacts under normal circumstances. For such actions, documentation is required indicating that the action fits within a CE and that no extraordinary circumstances exist.

Documenting the use of a CE provides the NPS an opportunity to demonstrate why a decision to use a CE is appropriate.

#### **Available CEs:**

##### **A. Actions Related to General Administration.**

1. Changes or amendments to an approved action when such changes would cause no or only minimal environmental impact.
2. Minor boundary changes.

*Guidance: This CE applies to boundary changes that are accomplished through existing statutory authorities, such as including an area within a park boundary and maintaining the area as open space, or including a historic structure within the boundaries of a park unit and retaining that structure.*

3. Reissuance/renewal of permits, rights-of-way, or easements not involving new environmental impacts.
4. Conversion of existing permits to rights-of-way when such conversions do not continue or initiate unsatisfactory environmental conditions.
5. Issuances, extensions, renewals, reissuances, or minor modifications of concession contracts or permits not entailing new construction.
6. Commercial use licenses involving no construction.

*Guidance: Commercial use licenses are now known as commercial use authorizations.*

7. Leasing of historic properties in accordance with 36 CFR Part 18 and NPS-38.

*Guidance: NPS-38 is now Director's Order 38: Real Property Leasing.*

8. Modifications or revisions to existing regulations or the promulgation of new regulations for NPS-administered areas, provided the modifications, revisions, or new regulations do not:
  9. increase public use to the extent of compromising the nature and character of the area or causing physical damage to it,
  10. introduce incompatible uses that might compromise the nature and characteristics of the area or cause physical damage to it,
  11. conflict with adjacent ownerships or land uses, or
  12. cause a nuisance to adjacent owners or occupants.

*Guidance: "Area" should be interpreted to mean NPS unit.*

13. At the direction of the NPS Responsible Official, actions where NPS has concurrence or co-approval with another bureau and the action is a CE for that bureau.

**B. Plans, Studies, and Reports.**

1. Changes or amendments to an approved plan, when such changes would cause no or only minimal environmental impact.
2. Cultural resources maintenance guides, collection management plans, and historic furnishings reports.

*Guidance: This CE also applies to equivalent documents related to cultural resources.*

3. Interpretive plans (interpretive prospectuses, audio-visual plans, museum exhibit plans, wayside exhibit plans).

*Guidance: This CE also applies to equivalent documents related to interpretation.*

4. Land protection plans that propose no significant change to existing land or visitor use.

**C. Actions Related to Development.**

1. Land acquisition within established park boundaries.
2. Land exchanges that will not lead to significant changes in the use of land.

*Guidance: Land exchanges under this CE include transfers of jurisdiction in the District of Columbia.*

3. Routine maintenance and repairs to non-historic structures, facilities, utilities, grounds, and trails.
4. Routine maintenance and repairs to cultural resource sites, structures, utilities, and grounds under an approved Historic Structures Preservation

Guide or Cyclic Maintenance Guide; or if the action would not adversely affect the cultural resource.

5. Installation of signs, displays, kiosks, etc.

*Guidance: Other examples include wayside exhibits, small solar collectors on poles, boundary marking signs, and small solar or wind generator system installations on a building.*

6. Installation of navigation aids.

7. Establishment of mass transit systems not involving construction, experimental testing of mass transit systems, and changes in operation of existing systems (e.g., routes and schedule changes).

8. Replacement in kind of minor structures and facilities with little or no change in location, capacity, or appearance.

*Guidance: Examples of minor structures and facilities include comfort stations, pit toilets, fences, kiosks, signs, sheds, foot logs, small trail bridges, and campfire circles.*

9. Repairing, resurfacing, striping, installing traffic control devices, repairing/replacing guardrails, etc., on existing roads.

*Guidance: This CE also applies to road maintenance, rehabilitation, repaving, and reconstruction on existing roads within the existing road prism. Actions taken under this CE may also include repair or replacement of culverts, signs, surfacing of right-turn lanes at intersections in previously disturbed areas, seal coating a parking lot, maintenance of an existing gravel road in the same footprint, routine roadside brushing, routine ditching, adding gravel, grading, and other modifications.*

10. Installation of wells, comfort stations, and pit toilets in areas of existing use and in developed areas.

*Guidance: Other examples include pump houses and vault toilets.*

11. Minor trail relocation, development of compatible trail networks on logging roads or other established routes, and trail maintenance and repair.

12. Upgrading or adding new overhead utility facilities to existing poles or replacement poles that do not change existing pole line configurations.

13. Issuance of rights-of-way for overhead utility lines to an individual building or well from an existing line where installation will not result in significant visual intrusion and will involve no clearance of vegetation other than for placement of poles.

*Guidance: This CE also applies to the installation of overhead poles and utility lines that meet the other requirements of the CE (not just the issuance of a right-of-way permit for another entity).*

14. Issuance of rights-of-way for minor overhead utility lines not involving placement of poles or towers and not involving vegetation management or significant visual intrusion in an NPS-administered area.

15. Installation of underground utilities in previously disturbed areas having stable soils or in an existing utility right-of-way.
16. Landscaping and landscape maintenance in previously disturbed or developed areas.
17. Construction of fencing enclosures or boundary fencing posing no effect on wildlife migrations.

*Guidance: Other examples include installation or construction of exclosures or other internal fencing that may be used to control adverse effects of wildlife. This CE may also be used for security fencing around park buildings or facilities.*

18. Construction of minor structures, including small improved parking lots, in previously disturbed or developed areas.

*Guidance: Some examples of minor structures include adding a small support building such as a pump house or small equipment cache in an existing maintenance yard, bus stop (transportation) or picnic shelters, comfort stations, or similar small-scale structures; walkways, ramps, signs, or other small features incidental to the use of a developed area or to improve accessibility; small-scale development of new parking spaces adjacent to existing parking areas; addition or relocation of a small number of camping spaces in an existing campground or picnic sites in an existing picnic area and small, compatible additions to existing buildings (such as making an "L" into a "T").*

19. Construction or rehabilitation in previously disturbed or developed areas, required to meet health or safety regulations, or to meet requirements for making facilities accessible for the disabled.

**D. Actions Related to Visitor Use.**

1. Carrying capacity analysis.
2. Minor changes in amounts or types of visitor use for the purpose of ensuring visitor safety or resource protection in accordance with existing regulations.
3. Minor changes in programs and regulations pertaining to visitor activities.
4. Issuance of permits for demonstrations, gatherings, ceremonies, concerts, arts and crafts shows, etc., entailing only short-term or readily mitigable environmental disturbance.
5. Designation of trailside camping zones with no or minimal improvements.

**E. Actions Related to Resource Management and Protection.**

1. Archeological surveys and permits involving only surface collection or small-scale test excavations.
2. Restoration of noncontroversial native species into suitable habitats within their historic range and elimination of nonnative species.
3. Removal of park resident individuals of non-threatened/endangered species that pose a danger to visitors, threaten park resources, or become a nuisance

in areas surrounding a park when such removal is included in an approved resource management plan.

*Guidance: Resource management plan should be interpreted broadly.*

4. Removal of non-historic materials and structures to restore natural conditions.
5. Nondestructive data collection, inventory (including field, aerial, and satellite surveying and mapping), study, research, and monitoring activities.

*Guidance: Some examples include vegetation plots and monitoring, soil surveys, species monitoring, and other nondestructive research activities that require a research permit. This CE should be used for activities that are not covered under the CE for day-to-day resource management. [See CE 3.2 Y.]*

6. Designation of environmental study areas and research natural areas.

**F. Actions Related to Grant Programs.**

1. Proposed actions essentially the same as those listed in paragraphs A–E above.

*Guidance: This CE applies to approval of a grant by the NPS that would result in actions taken by others that are the same or similar to those listed in paragraphs A–E above.*

2. Grants for acquisition of areas that will continue in the same or lower density use with no additional disturbance to the natural setting.
3. Grants for replacement or renovation of facilities at their same location without altering the kind and amount of recreational, historical, or cultural resources of the area, or the integrity of the existing setting.
4. Grants for construction of facilities on lands acquired under a previous NPS or other federal grant provided that the development is in accord with plans submitted with the acquisition grant.
5. Grants for the construction of new facilities within an existing park or recreation area, provided that the facilities will not:

- a ~~6.~~ conflict with adjacent ownerships or land use, or cause a nuisance to adjacent owners or occupants, e.g., extend use beyond daylight hours;
- b ~~7.~~ introduce motorized recreation vehicles;
- c ~~8.~~ introduce active recreation pursuits into a passive recreation area;
- d ~~9.~~ increase public use or introduce incompatible uses to the extent of compromising the nature and character of the property or causing physical damage to it; or
- e ~~10.~~ add or alter access to the park from the surrounding area.
- b ~~11.~~ Grants for the restoration, rehabilitation, stabilization, preservation, and reconstruction (or the authorization thereof) of properties listed in or eligible

for listing in the National Register of Historic Places at their same location and provided that such actions:

- ~~12.~~ will not alter the integrity of the property or its setting;
- ~~13.~~ will not increase public use of the area to the extent of compromising the nature and character of the property; and
- ~~14.~~ will not cause a nuisance to adjacent property owners or occupants.

**G. Actions Related to Hazardous Fuels Reduction and Post-fire Rehabilitation.**<sup>3</sup>

1. Post-fire rehabilitation activities not to exceed 4,200 acres (such as tree planting, fence replacement, habitat restoration, heritage site restoration, road and trail repairs, and repair of damage to minor facilities such as campgrounds) to repair or improve lands unlikely to recover to a management-approved condition from wildland fire damage, or to repair or replace minor facilities damaged by fire. Such activities must comply with the following (refer to the ESM Series for additional required guidance):
  - a. shall be conducted consistent with bureau and departmental procedures and applicable land and resource management plans;
  - b. shall not include the use of herbicides or pesticides or the construction of new permanent roads or other new permanent infrastructure; and
  - c. shall be completed within three years following a wildland fire.

### **3.4 PROCESS FOR CATEGORICAL EXCLUSIONS REQUIRING DOCUMENTATION**

*The steps described below should be accomplished through an internal scoping process that uses an interdisciplinary approach.*

This section details the process for applying and documenting CEs described in Section 3.3. The steps described below should be accomplished through an internal scoping process that uses an interdisciplinary approach.

#### ***1. Define the Proposed Action, Identify Issues, and Evaluate Associated Impacts***

The first steps in the process should be to define the proposed action, identify potential issues, and evaluate associated impacts. Be certain to consider whether there are any connected or similar actions that should be considered as part of the proposal. [See Section 4.2 D: *Identifying Environmental Issues and Impact*, and Section 4.2 C: *Identifying Connected and Similar Actions*.]

You should complete this step with input from subject matter experts. You may wish to use an environmental screening form (ESF), which can be generated in PEPC, to assist with identifying issues and impacts, although you are not required to do so.

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<sup>3</sup> The DOI NEPA regulations include an additional CE for hazardous fuels reduction activities (43 CFR 46.210 (k)) that is not listed here. That hazardous fuels reduction CE is not available for use in areas within the jurisdiction of the U.S. Court of Appeals for the 9th Circuit Court at this time, as discussed in the preamble to the final rule (73 FR 61305 October 15, 2008). As a matter of policy, NPS does not currently use this CE.