

The following administrative revisions are reflected in Instruction 023-01-001 Rev 01, Appendix A, Table 1 as of October 13, 2017:

Revised Text	Description of Change
HAZARDOUS/RADIOACTIVE MATERIALS MANAGEMENT AND OPERATIONS	
<p>F2 Reuse, recycling, and disposal of solid, medical, radiological, and hazardous waste generated incidental to Department activities that comply with applicable requirements such as Resource Conservation and Recovery Act (RCRA), Occupational Safety and Health Act (OSHA), and State hazardous waste management practices. Examples include but are not limited to:</p> <ul style="list-style-type: none"> (a) Appropriate treatment and disposal of medical waste conducted in accordance with all Federal, Tribal, State, and local laws and regulations, (b) Temporary storage and disposal of solid waste, conducted in accordance with all Federal, Tribal, State, and local laws and regulations, (c) Disposal of radiological waste through manufacturer return and recycling programs, and (d) Hazardous waste minimization activities. 	<p>Typographical Error: Insertion of the word “of” preceding “solid waste” in F2(b).</p>
UNIQUE CATEGORICAL EXCLUSIONS FOR THE COAST GUARD	
<p>L23 Decisions to decommission or temporarily discontinue use of equipment ;</p> <p style="padding-left: 20px;">*L23(a) Decisions to decommission or temporarily discontinue use of vessels and aircraft. This does not preclude the need to review decommissioning under section 106 of the National Historic Preservation Act.</p> <p style="padding-left: 20px;">L23(b) Decisions to decommission or temporarily discontinue use of equipment, not including vessels or aircraft. This does not preclude the need to review decommissioning under section 106 of the National Historic Preservation Act.</p>	<p>Administrative Revision: To clearly delineate when a REC is required this CATEX has been divided into a part a and part b. Currently direction appears in parentheses designating when a REC should be prepared.</p> <p>Reference to “facilities” deleted as it conflicts with CATEX L20 which requires a REC for all facility decommissioning. Use of “vessels and aircraft” used to clarify what was intended by “equipment”.</p>
<p>L45 Modification or replacement of an existing bridge on essentially the same alignment or location. Excluded are bridges providing access to undeveloped barrier islands and beaches.</p>	<p>Typographical Error: “proving” revised to “providing”.</p>

<p>*L54 Regulations which are editorial or procedural, such as those updating addresses or establishing application procedures.</p>	<p>Administrative Revision: Insertion of an asterisk to indicate that a Record of Environmental Consideration (REC) is required. The Administrative Record and USCG policy requires documentation to support the utilization of this CATEX.</p>
<p>*L55 Regulations concerning internal agency functions or organization or personnel administration, such as funding, establishing Captain of the Port boundaries, or delegating authority.</p>	<p>Administrative Revision: Insertion of an asterisk to indicate that a Record of Environmental Consideration (REC) is required. The Administrative Record and USCG policy requires documentation to support the utilization of this CATEX.</p>
<p>*L56 Regulations concerning the training, qualifying, licensing, and disciplining of maritime personnel.</p>	<p>Administrative Revision: Insertion of an asterisk to indicate that a Record of Environmental Consideration (REC) is required. The Administrative Record and USCG policy requires documentation to support the utilization of this CATEX.</p>
<p>*L57 Regulations concerning manning, documentation, admeasurement, inspection, and equipping of vessels.</p>	<p>Administrative Revision: Insertion of an asterisk to indicate that a Record of Environmental Consideration (REC) is required. The Administrative Record and USCG policy requires documentation to support the utilization of this CATEX.</p>
<p>*L58 Regulations concerning equipment approval and carriage requirements.</p>	<p>Administrative Revision: Insertion of an asterisk to indicate that a Record of Environmental Consideration (REC) is required. The Administrative Record and USCG policy requires documentation to support the utilization of this CATEX.</p>
<p>L59 Regulations for Special Anchorage Areas or anchorage grounds: *L59(a) Regulations establishing or increasing the size of Special Anchorage Areas or anchorage grounds. L59(b) Regulations disestablishing or reducing the size of Special Anchorage Areas or anchorage grounds.</p>	<p>Administrative Revision: To clearly delineate when a REC is required this CATEX has been divided into a part a and part b. Currently direction appears in parenthesis designating when a REC should be prepared.</p>

<p>L60 Regulations for Regulated Navigation Areas and security or safety zones:</p> <ul style="list-style-type: none"> *L60(a) Regulations establishing or increasing the size of Regulated Navigation Areas and security or safety zones. L60(b) Regulations for actions that disestablish or reduce the size of the area or zone. L60(c) Regulations for temporary areas and zones that are established to deal with emergency situations and that are less than one week in duration. *L60(d) Regulations for temporary areas and zones that are established to deal with emergency situations and that are one week or longer in duration REC will be prepared and submitted after issuance or publication. 	<p>Administrative Revision: To clearly delineate when a REC is required this CATEX has been divided into a parts a, b, c, and d. Currently direction appears in parentheses designating when a REC should be prepared.</p>
<p>*L62 Regulations in aid of navigation, such as those concerning rules of the road, International Regulations for the Prevention of Collisions at Sea (COLREGS), bridge-to-bridge communications, vessel traffic services, and marking of navigation systems.</p>	<p>Administrative Revision: Insertion of an asterisk to indicate that a Record of Environmental Consideration (REC) is required. The Administrative Record and USCG policy requires documentation to support the utilization of this CATEX.</p>
<p>L63 Approvals of regatta and marine parade event permits for the following events:</p> <ul style="list-style-type: none"> L63(a) Events that are not located in, proximate to, or above an area designated environmentally sensitive by an environmental agency of the Federal, state, or local government. For example, environmentally sensitive areas may include such areas as critical habitats or migration routes for endangered or threatened species or important fish or shellfish nursery areas. *L63(b) Events that are located in, proximate to, or above an area designated as environmentally sensitive by an environmental agency of the Federal, state, or local government and for which the USCG determines, based on consultation with the Governmental agency, that the event will not significantly affect the environmentally sensitive area. 	<p>Transcription Error-misplaced asterisk: Administrative Record and USCG policy requires the preparation of a REC for L63 (b). There was no intent to require the preparation of a REC for activities under L63(a).</p>
<p>UNIQUE CATEGORICAL EXCLUSIONS FOR THE FEDERAL EMERGENCY MANAGEMENT AGENCY (FEMA)</p> <p><i>Note: All categories of actions in Section M below are new CATEXs. These CATEXs will be available for use only by FEMA.</i></p>	

<p>M1 The following activities in support of FEMA’s administration of the National Flood Insurance Program (NFIP):</p> <ul style="list-style-type: none"> M1(a) Review of information, provision of technical assistance, and classification for individual communities under the Community Rating System (CRS); M1(b) Approvals and issuance of Letters of Map Change, including Agency comments; *M1(c) Creation of new flood zones, except establishing new flood zones for areas protected by structural flood control structures or systems or dams; M1(d) Revisions to Standard Flood Insurance Policy and Group Flood Insurance Policy; M1(e) Actions associated with inspections and monitoring, and enforcement of Federal, State, Tribal, or local floodplain management codes, standards, or regulations; *M1(f) Development and adoption of CRS activities; and M1(g) Revisions to flood insurance rates and premium schedules. 	<p>Administrative Revision: Deletion of clause, “except for the suspension of communities from the NFIP” in M1(e). Clause was intended to be deleted as corresponding clause was previously deleted during the merger of Categorical Exclusions.</p>
<p>*M13 Construction or installation of structures, facilities, or equipment for the purpose of ensuring the continuity of operations during incidents such as emergencies, disasters, flooding, and power outages involving less than one acre of ground disturbance. Examples include the installation of generators, installation of storage tanks of up to 10,000 gallons, installation of pumps, construction of structures to house emergency equipment, and utility line installation. This CATEX covers associated ground disturbing activities, such as trenching, excavation, and vegetation removal of less than one acre, as well as modification of existing structures.</p>	<p>Typographical Error: Replace “once” with “one” to state “vegetation removal of less than one acre” in the closing sentence.</p>
<p>FEDERAL ASSISTANCE ACTIVITIES</p> <p><i>Note: All categories of actions in Section N below are new CATEXs. These CATEXs will be available for use by any DHS Component providing Federal assistance, e.g., grants.</i></p>	

<p>*N3 Federal Assistance for Property Acquisition and Demolition. Federal assistance for the acquisition of properties and the associated demolition and removal when the acquisition is from a willing seller, the assistance is solely for the purposes of financial compensation for the acquisition, and the land is deed restricted to open space, recreational, wildlife habitat, or wetland uses in perpetuity. The CATEX does not apply to subsurface uses of acquired properties, or acquired properties with encumbrances or easements authorizing current or future subsurface uses that are not allowable and compatible with open space. This CATEX covers actions associated with the determination of program eligibility. This CATEX does not cover Federal assistance actions that involve acquisition for the purpose of construction or development at a site in the acquired property. The use of eminent domain is explicitly excluded from the CATEX.</p>	<p>Administrative Revision: Insertion of the sentence, “The CATEX does not apply to subsurface uses of acquired properties, or acquired properties with encumbrances or easements authorizing current or future subsurface uses that are not allowable and compatible with open space.” Revision required to ensure interpretation and application consistent with the Administrative Record which requires further environmental review for subsurface activities such as mining and drilling. For those actions a Categorical Exclusion does not apply.</p>
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***N4 Federal Assistance for Actions Involving Stream Work and Modification and Floodways.**

Federal assistance for repair and restoration actions, hazard mitigation actions other than flood control, or the new construction of facilities that are functionally dependent or facilitate open space use, when the actions are within or affect regulatory floodways, streams, and stream banks and that

- (a) Involve ground disturbance of less than ½ acre,
- (b) Involve stream bank work or alteration of less than 300 linear feet,
- (c) Do not involve hardening or armoring of the stream banks unless the project uses stream or stream bank bioengineering techniques and improve fish passage or habitat,
- (d) Do not result in adverse flood risk effects to downstream communities,
- (e) Do not result in any increase of flood levels within the community during the occurrence of the base flood discharge if the action takes place within the regulatory floodway, and
- (f) Where the effect of the proposed project when combined with other existing or reasonably foreseeable development will not increase water surface elevation of the base flood more than one foot at any point within the community if the action takes place in a floodplain with no regulatory floodway.

Typographical Error: Deletion of the extraneous word “it” in N4(f).

***N5 Federal Assistance for Actions in Coastal Areas Subject to Moderate Wave Action or V Zones.** Federal assistance for repair, hazard mitigation, new construction, or restoration actions of less than one-half acre within the following areas: areas seaward of the limit of moderate wave action (LiMWA) (a line mapped to delineate the inland extent of wave heights of 1.5 feet) during the base flood (an area that has at least a one-percent chance of being flooded in any given year); or areas within the V zone (a coastal area where there is a velocity hazard due to wave action) if the LiMWA has not been established. The actions must meet the following criteria:

- (a) They are consistent with the State or Tribe enforceable policies of approved coastal management programs,
- (b) They are not within or affect a Coastal Barrier Resource System unit,
- (c) They do not result in man-made alterations of sand dunes,
- (d) They do not result in the permanent removal of vegetation (including mangrove stands, wetlands, and dune vegetation), and
- (e) Applicable Federal requirements and local codes and standards are followed.
- (f) If the actions involve substantial improvement or new construction of structures, the following criteria also apply:
 - 1. the structure must be elevated upon open works (e.g. piles and columns), as opposed to fill, in a manner that the bottom lowest horizontal structural member is at or above the base flood level,
 - 2. the foundation must be anchored to resist flotation, collapse, and lateral movement due to the effects of wind and water loads, and
 - 3. the siting of the project must conform to applicable State, Tribe, or local setback requirements.

Examples of activities covered by this CATEX include but are not limited to: the repair and elevation of structures; repair and new construction of jetties and groins; the repair, hazard mitigation, and new construction of functionally dependent facilities such as piers, marinas, boat ramps, bathrooms, and port facility structures; and beach restoration projects except projects that result in the man-made alteration of dunes and wetlands such as beach nourishment projects.

Administrative Revision. To clearly delineate that N5(f) includes three conditions for utilization of the Categorical Exclusion, revised to insert the word “if” and numerically identify the three sub-elements.

<p>*N9 Federal Assistance for Flood Hazard Reduction Actions. Federal assistance for drainage, berm, water crossing, and detention, retention, or sediment pond projects which have the primary purpose of addressing flood hazards and:</p> <ul style="list-style-type: none"> (a) Do not affect more than 25 acres, (b) Do not result in adverse flood risk effects to downstream communities, (c) Do not result in any increase of flood levels within the community during the occurrence of the base flood discharge if the action takes place within the regulatory floodway, and (d) Where the effect of the proposed project when combined with other existing or reasonably foreseeable development will not increase water surface elevation of the base flood more than one foot at any point within the community if the action takes place in a floodplain with no regulatory floodway. <p>This CATEX covers minor flood control actions as identified in Sections 1366 and 1361 of the National Flood Insurance Act (NFIA). Actions that are not covered in Sections 1366 and 1361 of the NFIA, such as dikes, levees, seawalls, groins, and jetties, are excluded from this CATEX.</p>	<p>Typographical Error: Deletion of the extraneous word “it” in N9(d).</p>
<p>*N11 Federal Assistance for Wildfire Hazard Mitigation Actions. Federal assistance for wildfire hazard mitigation actions involving the creation of defensible space or hazardous fuel reduction for up to 100 feet from at-risk structures including selective removal of vegetation less than 12 inches in diameter at breast height through thinning, pruning, limbing, sawing, or brush cutting and removal of downed, dead, or dry vegetation material as part of the overall action.</p> <p>Vegetation removal is limited to 100 acres inclusive of vegetation removal due to other reasonably foreseeable private and public connected actions. Actions must follow appropriate best management practices.</p>	<p>Typographical Errors: Revised to address grammatical errors and provide clarification to ensure appropriate application consistent with the Administrative Record</p>

***N18 Federal Assistance for Construction or Installation of Structures, Facilities, or Equipment to Ensure Continuity of Operations.** Federal assistance for the construction or installation of measures for the purpose of ensuring the continuity of operations during incidents such as emergencies, disasters, flooding, and power outages involving less than one acre of ground disturbance. Examples include the installation of generators, installation of storage tanks of up to 10,000 gallons, installation of pumps, construction of structures to house emergency equipment, and utility line installation. This CATEX covers associated ground disturbing activities, such as trenching, excavation, and vegetation removal of less than one acre, as well as modification of existing structures.

Typographical Error: Replace “once” with “one” to state “vegetation removal of less than one acre” in the closing sentence.