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DEPARTMENT OF HOMELAND SECURITY (DHS)

SYNOPSIS OF ADMINISTRATIVE RECORD TO SUPPORT
PROPOSED NEW CATEGORICAL EXCLUSIONS UNDER
THE NATIONAL ENVIRONMENTAL POLICY ACT

May 2014

1 **I. Overview**

2
3 The Department of Homeland Security (DHS or Department) has prepared a revision to
4 its procedures for implementing the National Environmental Policy Act (NEPA), which
5 are found in the draft revised DHS Directive and Instruction 023-01, Revision 01
6 (Directive and Instruction). The draft revised Directive and Instruction are being
7 circulated for public review and comment along with this document. Readers of this
8 document are encouraged to refer to the draft revised Directive and Instruction for
9 definitions of terms and information about the organization of the Department.

10
11 As part of the revision to its NEPA procedures, DHS intends to retain its existing list of
12 NEPA categorical exclusions (CATEXs). These existing CATEXs are as follows: the
13 list published with the Department’s original NEPA procedures (Fed. Reg., Vol. 71, No.
14 64, April 4, 2006); the list of CATEXs for the U.S. Coast Guard (USCG) (Commandant
15 Instruction M16475.1D, Nov. 29, 2000, and Fed. Reg., Vol. 67, No. 141, July 23, 2002),
16 which were appended to DHS Directive 023-01, Rev. 00 in October 2011; and the
17 recently published USCG CATEX for real property disposal (Fed. Reg., Vol. 78,
18 No.141, July 23, 2013).

19
20 In addition, and as will be described in detail in this document, DHS is proposing to add
21 the following new CATEXs to its NEPA procedures:

- 22 • One (1) new CATEX for an administrative activity;
23 • Five (5) new CATEXs for real estate/real property management activities;
24 • 19 new CATEXs for Federal assistance activities (e.g., grants); and
25 • 13 new CATEXs for non-grant activities unique to the mission and authorities of
26 the Federal Emergency Management Agency (FEMA).
27

28 The Department’s existing and proposed new CATEXs are found in Appendix A, Table
29 1 of the draft revised Instruction. In that table, CATEX A8, CATEXs C6 through C10,
30 and all of the CATEXs in Sections M and N are being proposed as new CATEXs and
31 are labeled as such. All other CATEXs in the table are existing CATEXs that DHS
32 intends to retain. The existing CATEXs in Sections A through G are available for use
33 across the entire Department. The proposed new CATEXs in Sections A, C, and N
34 would also be available for use across the entire Department. The CATEXs in Sections
35 H through L are for use by only the DHS Component specified in the section heading.
36 Similarly, the proposed new CATEXs in Section M would be for use only by FEMA.
37

38 In addition to proposing new CATEXs, DHS is proposing a minor administrative change
39 regarding the one existing unique CATEX for the United States Visitor and Immigrant
40 Status Indicator Technology (US-VISIT) Program published in 2006. The CATEX
41 covers the placement of a portable or re-locatable facility or structure used to collect
42 traveler data at or adjacent to an existing port of entry to the U.S. The 2013 DHS
43 Appropriations Act (P.L. 113-6) established the Office of Biometric Identity
44 Management (OBIM), which replaced US-VISIT. Elements of US-VISIT were
45 transitioned to the following three different DHS Components: the National Protection

1 and Programs Directorate (NPPD) where OBIM is organizationally located, the U.S.
2 Immigration and Customs Enforcement (ICE), and the U.S. Customs and Border
3 Protection (CBP). In particular, the activities covered by the CATEX have been
4 transferred to CBP, which is the DHS Component responsible for entry-exit policy and
5 operations. Therefore, DHS proposes to move the CATEX to the list of CBP-unique
6 CATEXs, which is included in Appendix A, Table 1, Section K of the draft revised
7 Instruction.

8
9 This document provides the rationale and supporting information for the proposed new
10 CATEXs. In a separate effort anticipated to begin in the latter part of Fiscal Year 2014,
11 DHS intends to perform a comprehensive evaluation of all of its CATEXs in accordance
12 with the periodic review of CATEXs recommended by the Council on Environmental
13 Quality (CEQ) in its Guidance Memorandum *Establishing, Applying and Revising*
14 *Categorical Exclusions under the National Environmental Policy Act* (November 23,
15 2010), and the regulatory review requirements in Executive Order 13563, *Improving*
16 *Regulation and Regulatory Review*. However, because of operational needs deriving
17 from the creation of DHS, which include incorporating FEMA and USCG into the
18 Department's NEPA procedures, DHS proposes at this time to retain its existing
19 CATEXs and to add new CATEXs that address Federal assistance and FEMA activities
20 that are not sufficiently covered by its existing CATEXs.

21 22 ***II. Methods Used to Substantiate Proposed New CATEXs***

23
24 The CEQ guidance states that when substantiating a new or revised CATEX, agencies
25 may draw on several sources of supporting information. These sources include the
26 experiences and opinions of professional staff; assessments of the environmental effects
27 of previously implemented agency actions; and benchmarking other agencies'
28 experiences. Information from a number of sources was gathered and evaluated to
29 substantiate each proposed new CATEX put forth in this document. These different
30 types of supporting information are described below.

31 32 **Existing Comparable CATEXs**

33
34 DHS is relying on existing comparable Department-wide and Component-specific
35 CATEXs to support several of the proposed new CATEXs. The existing CATEXs are
36 based on years of DHS experience conducting activities that do not result in significant
37 impacts on the quality of the human environment. Many of the existing DHS CATEXs
38 were developed with DHS owned or managed facilities in mind; however, they cover
39 activities that are similar in scope, nature, and intensity to activities that DHS regularly
40 funds under its numerous grant programs, particularly those currently administered by
41 FEMA. Therefore, several existing comparable DHS CATEXs were used to support
42 CATEXs for similar activities undertaken by non-DHS entities who are the recipients of
43 DHS grant funding or other assistance. Similarly, several existing USCG administrative
44 and real property CATEXs cover activities that are similar in scope, nature, and intensity
45 to activities undertaken by other DHS Components; therefore, DHS relied on existing
46 comparable USCG CATEXs to support the establishment of new CATEXs that can be

1 used Department-wide by any Component. In relying on existing comparable CATEXs,
2 DHS performed a careful evaluation to determine that the activities are indeed
3 appropriately excluded from the need to perform a higher level of NEPA evaluation
4 because they do not individually or cumulatively have the potential to result in
5 significant impacts on the quality of the human environment.
6

7 Supporting Environmental Assessments (EAs) and Findings of No 8 Significant Impact (FONSIs)

9
10 DHS, through FEMA, has extensive experience to justify that the establishment of new
11 CATEXs for a variety of Federal assistance and FEMA activities is appropriate. Over
12 600 NEPA environmental assessments (EAs) for FEMA actions have been prepared
13 since 1996. DHS evaluated the effects of implemented actions that were analyzed in
14 EAs that consistently supported Findings of No Significant Impact (FONSI) and did not
15 require preparation of environmental impact statements (EISs); based on this evaluation,
16 DHS determined that many grant-funded activities and FEMA disaster operations and
17 flood insurance activities do not individually or cumulatively result in significant
18 impacts on the quality of the human environment. Summaries of several EAs for these
19 activities to support the proposed new CATEXs are provided in this document, as well
20 as links to where the EAs are posted on the FEMA website. Please note that not all
21 FEMA NEPA documents may be available on-line; to request a copy of a particular
22 document referenced herein, please send an email to SEP-EPHP@hq.dhs.gov. In
23 compiling examples to include in this document, FEMA NEPA practitioners and
24 environmental protection specialists identified EAs that closely matched the activities
25 covered by the proposed CATEX and resulted in FONSIs, and reviewed mitigation
26 measures implemented for those activities to determine whether limiting factors (e.g.,
27 scale, proximity to environmentally sensitive areas) needed to be included in the
28 proposed CATEX.
29

30 Benchmarking Other Agency Experience

31
32 Other Federal agencies have CATEXs for actions similar to DHS actions. Other
33 agencies' CATEXs have been found to be sufficiently descriptive to determine that
34 those activities are similar in nature, scope, and impact on the human environment as
35 those performed by DHS. In particular, DHS relied on some General Services
36 Administration (GSA) CATEXs to help substantiate some of its proposed new CATEXs.
37

38 Professional Experience

39
40 DHS is also relying upon the experience and judgment of its NEPA practitioners,
41 environmental protection specialists, and legal professionals to substantiate some of the
42 proposed new CATEXs. These staff represent several DHS Components, primarily
43 DHS Headquarters, FEMA, USCG, and CBP.
44

45 All DHS staff that contributed to this analysis have the requisite experience and
46 technical expertise to assess the potential environmental effects of proposed DHS

1 actions. This includes numerous years of environmental planning and compliance
2 experience, including the performance of programmatic and site-specific environmental
3 impact analyses and preparation of environmental documentation such as EAs, FONSI's,
4 EISs, and Records of Decision. For example, the FEMA staff that contributed to
5 CATEX development have considerable experience in implementing FEMA's NEPA
6 and floodplain management regulations (44 CFR Parts 9 and 10) and evaluating the
7 potential environmental effects of proposed activities under a variety of disaster and
8 non-disaster grant programs. Several FEMA Regional Environmental Officers, Deputy
9 Environmental Officers, and environmental protection specialists were interviewed and
10 provided a consensus professional opinion to substantiate some of the proposed new
11 Federal assistance and FEMA CATEXs; summaries of their professional opinions and
12 credentials are included in this document. Also, USCG and CBP, respectively, manage
13 the largest and second largest real property portfolios in the Department. NEPA
14 practitioners and environmental protection specialists in these two Components have
15 extensive experience evaluating potential environmental impacts of proposed real
16 estate/real property management activities for facilities owned and/or managed by these
17 Components across the United States, including in geographic areas where a variety of
18 environmentally sensitive resources may be present.

19 20 ***III. The Need for New CATEXs for FEMA and Federal*** 21 ***Assistance Activities*** 22

23 **Note to readers:** Normally, the use of "DHS" or "Department" is inclusive of all of the
24 Components thereof (for the list of major Components making up the Department, see
25 the DHS website at <https://www.dhs.gov/department-components>). However, for
26 purposes of this document, a distinction is sometimes made between DHS and FEMA.
27 This is done in order to make it clear that several of the proposed new CATEXs rely
28 heavily on the experience and expertise of this one particular DHS component – FEMA
29 – and to make it clear which of the following two existing lists of CATEXs is being
30 referred to: 1) the existing DHS CATEXs (see Section I, 2nd paragraph above), which do
31 not apply to FEMA actions; or 2) the existing CATEXs in FEMA's regulations for
32 implementing NEPA at 44 CFR 10.8, which apply only to FEMA and not to any other
33 DHS Component.

34
35 FEMA's last major revision of its CATEXs was in 1996 when it modified the language
36 of CATEXs in the previous list and added new CATEXs (Fed. Reg., Vol. 61, No. 52,
37 March 15, 1996). Shortly after this change, FEMA's environmental planning and
38 historic preservation (EP&HP) program began documenting actions that could benefit
39 from new CATEXs or edits that could improve the clarity of the existing CATEXs. By
40 2000, FEMA's EP&HP program had developed a list of comprehensive changes to 44
41 CFR Part 10 that included revisions to the existing text of the CATEXs, consolidation,
42 and addition of new CATEXs. The list was vetted internally within FEMA in 2001.
43 The update to FEMA's NEPA regulations was put on hold when FEMA became part of
44 DHS in 2003.

45

1 DHS issued its NEPA procedures, including CATEXs, as a final directive and
2 instruction in 2006. However, since that time FEMA has continued to follow its
3 regulations at 44 CFR Part 10 and to use the CATEXs therein, and has been working
4 with DHS Headquarters – Sustainability and Environmental Programs to incorporate its
5 needs into the Department’s NEPA procedures. This effort has included identifying
6 FEMA mission-unique and Federal assistance activities that FEMA normally
7 categorically excludes from a higher level of NEPA analysis that are not adequately
8 covered by the existing DHS CATEXs. This gap analysis resulted in the development of
9 the numerous proposed new CATEXs that are described in this document and that are
10 proposed for inclusion in the update to the Department’s NEPA procedures. The
11 proposed new CATEXs are necessary in order for FEMA to be incorporated into the
12 Department’s NEPA procedures and for FEMA to efficiently carry out its mission while
13 being compliant with NEPA. Once the updates to DHS Directive and Instruction 023-
14 01, Rev. 01 are final and become effective across the Department, FEMA’s regulations
15 for implementing NEPA at 44 CFR Part 10 will be rescinded.

16
17 DHS currently administers approximately 80 Federal assistance programs (e.g., grant
18 programs). These programs provide assistance such as funding to non-DHS entities for
19 a wide range of emergency management (e.g., disaster preparedness, response, and
20 recovery, and hazard mitigation) and homeland security projects and activities.
21 Depending on the authorizing statute for a particular program, entities who may be
22 eligible to receive assistance from DHS include Tribal, state, and local governments;
23 public and private profit and nonprofit organizations and institutions; and individual
24 citizens. FEMA currently administers the majority of Federal assistance programs in
25 DHS. The Catalogue of Federal Domestic Assistance (see <https://www.cfda.gov>)
26 provides the list of programs available each year.

27
28 Because of FEMA’s expanding role in providing Federal assistance, several new
29 CATEXs are proposed for those activities for which DHS has determined there is no
30 potential for individually or cumulatively significant impacts on the quality of the
31 human environment. DHS relied heavily on years of FEMA experience in the
32 development of these CATEXs. However, rather than limiting the proposed CATEXs
33 for Federal assistance activities to use only by FEMA, DHS intends for these CATEXs
34 to be available across the Department because of the possibility that other DHS
35 Components besides FEMA administer Federal assistance programs or may administer
36 such programs in the future. Regardless of which DHS Component provides such
37 assistance to non-DHS entities, DHS has determined that the Federally-assisted activities
38 contemplated by the proposed new CATEXs would not normally have the potential for
39 individually or cumulatively significant impacts on the quality of the human
40 environment, and therefore would not normally require a greater level of NEPA
41 analysis. The proposed new CATEXs for Federal assistance activities are included in
42 Section N of Table 1 in Appendix A of the draft revised Instruction.

43
44 Several new CATEXs are also being proposed for activities unique to FEMA, such as
45 the administration of the National Flood Insurance Program (NFIP) and the Agency’s
46 various disaster and emergency preparedness, response, and recovery operations. The

1 proposed new FEMA-unique CATEXs are included in Section M of Table 1 in
2 Appendix A of the draft revised Instruction.
3 Many of the proposed CATEXs for FEMA and Federal assistance activities are the same
4 as or very similar to those found in FEMA’s existing list of CATEXs in its regulations
5 for implementing NEPA at 44 CFR 10.8. FEMA’s NEPA practitioners have determined
6 that the CATEXs remain valid and are necessary in order for the Agency to effectively
7 and efficiently comply with NEPA, and therefore should be retained and included in the
8 update to the Department’s NEPA procedures. Other proposed CATEXs for FEMA and
9 Federal assistance activities are similar to those found in the existing DHS NEPA
10 procedures, but are intended to apply to actions undertaken by non-DHS entities (e.g.,
11 Tribal, state, and local governments) using DHS grant funding or other assistance;
12 whereas many of the existing DHS CATEXs apply to activities undertaken directly by
13 DHS at Department-owned or managed property or facilities. DHS is also proposing
14 several new CATEXs for FEMA activities and Federal assistance activities that have
15 been developed as a result of FEMA’s expanding authorities and programs and
16 extensive experience in evaluating potential environmental impacts of Agency actions
17 (both grant and non-grant) over the past eighteen years since FEMA’s CATEXs were
18 last updated.

19

20 ***IV. Record of Environmental Consideration (REC)***

21

22 DHS has determined that documentation of site or project specific information for the
23 application of some of the proposed new CATEXs is necessary to support the finding
24 that the proposed action appropriately fits the category, that extraordinary circumstances
25 either do not exist or have been appropriately addressed, and to meet administrative
26 record requirements for EP&HP requirements other than NEPA, such as the National
27 Historic Preservation Act (NHPA), the Endangered Species Act (ESA), Executive Order
28 (EO) 11988 – Floodplain Management, Executive Order 11990 – Protection of
29 Wetlands, and many others. Those proposed new CATEXs that would require such
30 documentation are denoted with an asterisk (*). The documentation required would be a
31 record of environmental consideration (REC). A REC template is included as Appendix
32 C in the draft revised Instruction.

1 **PROPOSED NEW DHS-WIDE CATEXS**

2
3 The following CATEXS (A8, and C6 through C10) are proposed new CATEXS that
4 would be available to any DHS Component for application to the activities described
5 therein.

6
7 **ADMINISTRATIVE AND REGULATORY ACTIVITIES**

8
9 **Proposed text: A8** *Review of documents, at the request of other agencies or*
10 *entities, that did not originate in DHS.*

11
12 **Rationale and Support for CATEX**

13
14 This is a proposed new CATEX based on analysis from the USCG and the experience of
15 NEPA practitioners and environmental protection specialists in other DHS Components.
16 Because of subject matter expertise within DHS or DHS missions or activities that could
17 impact or be impacted by the missions or activities of other agencies or entities, DHS
18 may be asked to review and provide comments on proposals and analyses prepared by
19 those other agencies or entities. There is a need for this new CATEX because of the
20 increased frequency of which DHS is asked to review documents originating outside of
21 the Department; the mere review of documents would not have any impact on the human
22 environment and therefore should not trigger an extensive evaluation under NEPA.

23
24 **Comparable CATEXS**

25
26 **USCG CATEX**

27
28 *(L4) Review of documents, such as studies, reports, and analyses, prepared for*
29 *legislative proposals that did not originate in DHS and that relate to matters that are not*
30 *the primary responsibility of the USCG.*

31
32 **REAL ESTATE ACTIVITIES**

33
34 **Proposed text: *C6** *Congressionally-mandated conveyance of DHS controlled*
35 *real property to a non-Federal entity.*

36
37 **Rationale and Support for CATEX**

38
39 This is a proposed new CATEX based on analysis from the USCG (the Component that
40 manages the largest amount of real property in DHS) and the nature of real property
41 (i.e., kinds and uses) across the Department. DHS is not considered a land managing
42 agency; it is responsible for many small parcels of land, with most not exceeding 20
43 acres in size and the largest comprising 20,000 acres. Buildings and structures, not land,
44 make up the majority of the Department’s real property portfolio. DHS real property
45 serves a wide variety of uses, including but not limited to the following: office,
46 classroom, and other administrative space; waterfront and maritime facilities; airfields;

1 employee housing; research, development, testing and evaluation (RDT&E) activities;
2 communications infrastructure; industrial activities; and law enforcement and fire fighter
3 training and exercises.

4
5 In the Department’s experience, Congress has generally mandated conveyance of DHS
6 controlled real property for either of two purposes – one is for uses that are the same as
7 or similar to those of DHS, and the other is for an outright sale to an unknown buyer for
8 unknown purposes. When Congress mandates a transfer of real property, DHS has no
9 discretion whether or not to make the transfer; DHS at most may only have discretion on
10 some aspects of how the transfer is executed. Based on the experiences of NEPA
11 practitioners and environmental protection specialists in DHS Components that have real
12 property management responsibilities, Congressionally-mandated conveyances of any
13 DHS controlled real property is not likely to result, either individually or cumulatively,
14 in significant impacts on the human environment.

15
16 Application of this CATEX to a proposed action would require a REC to document
17 alignment with the scope of the CATEX, evaluation of extraordinary circumstances, and
18 compliance with other EP&HP requirements.

19 **Comparable CATEXs**

20 USCG CATEX

21
22
23
24 (*L18) Congressionally mandated conveyance of Coast Guard controlled real property
25 to another Federal agency or non-Federal entity.

26 **Benchmarking Other Agency Experience**

27
28
29 Other Federal agencies also have CATEXs for this type of action, which serve as
30 additional support for the proposed new DHS CATEX. For example, GSA has
31 considerable experience with a variety of real property management activities, such as
32 leasing, licensing, selling, and disposal. GSA has determined that many of these
33 activities do not have the potential to significantly impact the human environment.

34
35 DHS considered the following CATEXs from the GSA in its analysis:

36
37 *Disposal of real property required by public law wherein Congress has not specifically*
38 *exempted the action from the requirements of NEPA.* (References: GSA Order ADM
39 1095.1F – Environmental Considerations in Decisionmaking; GSA PBS NEPA Desk
40 Guide (October 1999); Fed. Reg., Vol. 63, No. 123, June 26, 1998)

41
42 **Proposed text: *C7** *The initial lease of, or grant of an easement interest in,*
43 *DHS-controlled real property to a non-Federal entity or the amendment,*
44 *renewal, or termination of such lease or easement interest where the proposed*
45 *real property use is similar to existing uses.*

1 **Rational and Support for CATEX**

2
3 This is a proposed new CATEX based on analysis from the USCG (the Component that
4 manages the largest amount of real property in DHS) and the nature of real property
5 (i.e., kinds and uses) across the Department. DHS is not considered a land managing
6 agency; it is responsible for many small parcels of land, with most not exceeding 20
7 acres in size and the largest comprising 20,000 acres. Buildings and structures – not
8 land – make up the majority of the Department’s real property portfolio. DHS real
9 property serves a wide variety of uses, including but not limited to the following: office,
10 classroom, and other administrative space; waterfront and maritime facilities; airfields;
11 employee housing; RDT&E activities; communications infrastructure; industrial
12 activities; and law enforcement and fire fighter training and exercises,
13

14 In the Department’s experience, leases of DHS controlled real property are normally
15 granted for uses that are the same as or compatible with DHS uses, and easements are
16 normally granted for utilities. DHS remains ultimately in control of the real property
17 under these activities, and therefore DHS’s NEPA compliance responsibilities still apply
18 and there would be no change in the level of protection afforded the real property or the
19 human environment. Based on the experiences of NEPA practitioners and
20 environmental protection specialists in DHS Components that have real property
21 management responsibilities, leases or easements of any DHS controlled real property
22 are not likely to result, either individually or cumulatively, in significant impacts on the
23 human environment.
24

25 Application of this CATEX to a proposed action would require a REC to document
26 alignment with the scope of the CATEX, evaluation of extraordinary circumstances, and
27 compliance with other EP&HP requirements.
28

29 **Comparable CATEXs**

30
31 USCG CATEX

32
33 (*L7) The initial lease of, or grant of, an easement interest in, Coast Guard-controlled
34 real property to a non-Federal party or the amendment, renewal, or termination of such
35 lease or easement interest where the reasonably foreseeable real property use will not
36 change significantly and is similar to existing uses.
37

38 **Benchmarking Other Agency Experience**

39
40 Other Federal agencies also have CATEXs for this type of action, which serve as
41 additional support for the proposed new DHS CATEX. For example, GSA has
42 considerable experience with a variety of real property management activities, such as
43 leasing, licensing, selling, and disposal. GSA has determined that many of these
44 activities do not have the potential to significantly impact the human environment. GSA
45 also determined that many of these activities qualify for an “automatic” CATEX, and do
46 not require additional documentation.

1 DHS considered the following CATEXs from the GSA in its analysis:

2
3 *Outlease or license of government-controlled space, or sublease of government-leased*
4 *space to a non-Federal tenant when the use will remain substantially the same.*
5 (References: GSA Order ADM 1095.1F – Environmental Considerations in
6 Decisionmaking; GSA PBS NEPA Desk Guide (October 1999); Fed. Reg., Vol. 63, No.
7 123, June 26, 1998)

8
9 *Outleases, licenses, and other arrangements for non-federal use of space in existing*
10 *Federal office buildings, where such use is consistent with local planning and zoning,*
11 *where Section 106 of the NHPA is complied with where applicable; and there is no*
12 *evidence of community controversy or unresolved environmental issues.* (References:
13 GSA Order ADM 1095.1F – Environmental Considerations in Decisionmaking; GSA
14 PBS NEPA Desk Guide (October 1999); Fed. Reg., Vol. 63, No. 123, June 26, 1998)

15
16 **Proposed text: *C8** *The grant of a license to a non-Federal entity to perform*
17 *specified acts upon DHS-controlled real property or the amendment, renewal, or*
18 *termination of such license where the proposed real property use is similar to*
19 *existing uses.*

20 21 **Rationale and Support for CATEX**

22
23 This is a proposed new CATEX based on analysis from the USCG (the Component that
24 manages the largest amount of real property in DHS) and the nature of real property
25 (i.e., kinds and uses) across the Department.

26
27 In the Department’s experience, licenses of DHS controlled real property are normally
28 granted for uses that are the same as or compatible with DHS uses. DHS remains
29 ultimately in control of the real property under these activities, and therefore DHS’s
30 NEPA compliance responsibilities still apply and there would be no change in the level
31 of protection afforded the real property or the human environment. Based on the
32 experiences of NEPA practitioners and environmental protection specialists in DHS
33 Components that have real property management responsibilities, licensing of any DHS
34 controlled real property is not likely to result, either individually or cumulatively, in
35 significant impacts on the human environment.

36
37 Application of this CATEX to a proposed action would require a REC to document
38 alignment with the scope of the CATEX, evaluation of extraordinary circumstances, and
39 compliance with other EP&HP requirements.

40 41 **Comparable CATEXs**

42 43 USCG CATEX

44

1 (**L8*) *The grant of a license to a non-Federal party to perform specified acts upon Coast*
2 *Guard-controlled real property or the amendment, renewal, or termination of such*
3 *license where the proposed real property use is similar to existing uses.*

4
5 **Proposed text: C9** *Allowing another Federal agency to use DHS-controlled real*
6 *property under a permit, use agreement, or similar arrangement or the*
7 *amendment, renewal, or termination of such permit or agreement where the real*
8 *property use is similar to existing uses.*

9
10 **Rationale and Support for CATEX**

11
12 This is a proposed new CATEX based on analysis from the USCG (the Component that
13 manages the largest amount of real property in DHS) and the nature of real property
14 (i.e., kinds and uses) across the Department.

15
16 In the Department’s experience, other Federal agencies are normally allowed to use
17 DHS controlled real property for uses that are the same as or compatible with DHS uses.
18 DHS remains ultimately in control of the real property under these activities, and
19 therefore DHS’s NEPA compliance responsibilities still apply and there would be no
20 change in the level of protection afforded the real property or the human environment.
21 Based on the experiences of NEPA practitioners and environmental protection
22 specialists in DHS Components that have real property management responsibilities,
23 allowing another Federal agency to use any DHS controlled real property is not likely to
24 result, either individually or cumulatively, in significant impacts on the human
25 environment.

26
27 **Comparable CATEXs**

28
29 USCG CATEX

30
31 (**L9*) *Allowing another Federal agency to use Coast Guard-controlled real property*
32 *under a permit, use agreement, or similar arrangement or the amendment, renewal, or*
33 *termination of such permit or agreement where the real property use is similar to*
34 *existing uses.*

35
36 **Proposed text: C10** *Real property inspections to ensure compliance with deed*
37 *or easement restrictions.*

38
39 **Rationale and Support for CATEX**

40
41 This is a proposed new CATEX based on analysis from the USCG (the Component that
42 manages the largest amount of real property in DHS) and the nature of real property
43 (i.e., kinds and uses) across the Department.

44
45 Real property inspections involve non-invasive activities such as visual observation and
46 pedestrian surveys. These activities by their nature do not have the potential to

1 significantly impact the human environment, and therefore should not trigger an
2 extensive evaluation under NEPA.

3 4 **Comparable CATEXs**

5 6 USCG CATEX

7
8 *(L15) Real property inspections for compliance with deed or easement restrictions.*
9

10 **Benchmarking Other Agency Experience**

11
12 Other Federal agencies also have CATEXs for this type of action, which serve as
13 additional support for the proposed new DHS CATEX. For example, GSA has
14 considerable experience with a variety of real property management activities, such as
15 property inspection, leasing, licensing, selling, and disposal. GSA has determined that
16 many activities related to real property management do not have the potential to
17 significantly impact the human environment. GSA also determined that many of these
18 activities qualify for an “automatic” CATEX, and do not require additional
19 documentation.

20
21 DHS considered the following CATEX from GSA in its analysis:

22
23 *Real property inspections for compliance with deed restrictions.* (References: GSA
24 Order ADM 1095.1F (Environmental Considerations in Decisionmaking); GSA PBS
25 NEPA Desk Guide (October 1999); Fed. Reg., Vol. 63, No. 123, June 26, 1998).
26

1 PROPOSED NEW CATEGORICAL EXCLUSIONS FOR 2 FEDERAL ASSISTANCE ACTIVITIES

3
4 The following CATEXs (N1 through N19) are proposed new CATEXs that would be
5 available for use by any DHS Component for application to a variety of activities
6 undertaken by non-DHS entities using Federal assistance.

7
8 **Proposed text: N1 Administrative Actions Associated with Grants**
9 **Management.** *Actions related to grant administration performed at any*
10 *stage during the grants lifecycle, such as the development and issuance*
11 *of grant guidance; announcements of availability of funds; project reviews*
12 *for program eligibility; provision of technical assistance; conducting*
13 *inspections, financial audits, and monitoring activities; development of*
14 *information technology systems for grants management; grant close-out*
15 *activities; and actions taken in situations where a grantee or subgrantee is*
16 *in non-conformance with grant program requirements, such as*
17 *disallowances, recoupment of funds, and debarment.*

18 19 **Rationale and Support for CATEX**

20
21 Historically, two existing FEMA CATEXs have been applied to FEMA grants
22 management activities. Existing FEMA CATEX (i) is for administrative activities, such
23 as travel, procurement, personnel actions, etc. Existing FEMA CATEX (ii) has been
24 used for many activities related to the preparation, revision, and adoption of grant
25 guidance documents and regulations. Existing DHS CATEXs are also applicable to
26 grants management activities. Existing DHS CATEXs (A1) and (A3) are very similar to
27 existing FEMA CATEXs (i) and (ii); they cover administrative activities and the
28 preparation of guidance documents respectively. In addition, existing DHS CATEX
29 (G2) covers grants for exercises to test the readiness of the nation to prevent or respond
30 to a terrorist attack or a natural or manmade disaster.

31
32 A variety of administrative and technical assistance activities are necessary in order for
33 Federal agencies to effectively and efficiently manage and implement their grant
34 programs. DHS has determined, particularly through the extensive experience of FEMA,
35 that these types of activities do not have the potential to significantly impact the quality
36 of the human environment. Through an evaluation of the existing FEMA and DHS
37 CATEXs regularly applied to grants management activities, DHS also determined that
38 the existing CATEXs do not cover the wide range and types of grants management
39 activities performed in the Department and do not take advantage of FEMA's extensive
40 experience in this area. Therefore, DHS is proposing this new CATEX that would
41 encompass the comprehensive suite of grants management activities throughout the full
42 grants lifecycle.

43 44 **Comparable CATEXs**

1 FEMA CATEXs

2
3 *(i) Administrative actions such as personnel actions, travel, procurement of supplies,*
4 *etc., in support of normal day-to-day activities and disaster related activities.*

5
6 *(ii) Preparation, revision, and adoption of regulations, directives, manuals, and other*
7 *guidance documents related to actions that qualify for categorical exclusions.*

8
9 DHS CATEXs

10
11 *(A1) Personnel, fiscal, management, and administrative activities, such as recruiting,*
12 *processing, paying, recordkeeping, resource management, budgeting, personnel actions,*
13 *and travel.*

14
15 *(A3) Promulgation of rules, issuance of rulings or interpretations, and the development*
16 *and publication of policies, orders, directives, notices, procedures, manuals, advisory*
17 *circulars, and other guidance documents of the following nature: (a) Those of a strictly*
18 *administrative or procedural nature; (b) Those that implement, without substantive*
19 *change, statutory or regulatory requirements; (c) Those that implement, without*
20 *substantive change, procedures, manuals, and other guidance documents; (d) Those that*
21 *interpret or amend an existing regulation without changing its environmental effect; (e)*
22 *Technical guidance on safety and security matters; or, (f) Guidance for the preparation*
23 *of security plans.*

24
25 *(G2) Projects, grants, cooperative agreements, contracts, or activities to design,*
26 *develop, and conduct national, state, local, or international exercises to test the*
27 *readiness of the nation to prevent or respond to a terrorist attack or a natural or*
28 *manmade disaster and where conducted in accordance with existing facility or land use*
29 *designations. This exclusion does not apply to exercises that involve the use of chemical,*
30 *biological, radiological, nuclear, or explosive agents/devices (other than small devices*
31 *such as practice grenades/flash bang devices used to simulate an attack during exercise*
32 *play).*

33
34 **Proposed text: *N2 Federal Assistance for Facility Repair.** *Federal*
35 *assistance for the repair of structures and facilities in a manner that conforms to*
36 *pre-existing design, function, location, and land use. This CATEX does not*
37 *apply to work within or affecting the following: streams; stream banks; seaward*
38 *of the limit of moderate wave action (LiMWA) (a line mapped to delineate the*
39 *inland extent of wave heights of 1.5 feet); or the V zone (areas expected to be*
40 *affected by wave impact of 3 feet or more in height, in a 100-year flood event) if*
41 *the LiMWA has not been identified. This CATEX covers the temporary staging*
42 *and use of equipment and vehicles to carry out the proposed repair actions as*
43 *long as best management practices are put in place to control noise, water, and*
44 *air pollution.*

45
46 **Rationale and Support for CATEX**

1 DHS, primarily through FEMA, routinely approves actions of a similar nature, scope,
2 and intensity to those proposed in this new CATEX. When funded under FEMA's
3 Public Assistance program, these actions are covered by a statutory exemption from
4 NEPA as an action returning a facility to its pre-disaster condition as long as it
5 substantially conforms to the pre-existing design, function, and location. When the
6 repair action is taken under a program other than Public Assistance, FEMA has applied
7 its existing CATEX (xv). The proposed CATEX is derived from existing FEMA
8 CATEX (xv), but covers repair activities only and does not apply to such activities when
9 they would be located in certain environmentally sensitive areas. Repair activities that
10 are connected or combined with other actions that go beyond the indicated parameters
11 (i.e. pre-existing design, function, and location) would not be covered under this
12 CATEX.

13
14 Most DHS assistance for repair and maintenance activities comes from FEMA's role in
15 disaster assistance providing grants to state and local governments and communities in
16 preparation for and response to disasters. FEMA's extensive experience has shown that
17 these actions do not normally have the potential for individually or cumulatively
18 significant environmental impacts.

19
20 For the purposes of this proposed CATEX, a facility is anything manmade that provides
21 a service, and a structure is a walled and roofed facility. "[I]n a manner that conforms to
22 pre-existing..." is intended to mean that the repair would return the facility or structure
23 to its form prior to DHS's involvement (i.e., prior to an incident that resulted in a
24 Federal disaster or emergency declaration and application for Federal assistance).
25 "Design, function, and location" are qualifiers for this CATEX intended to limit the
26 proposed repair activity to pre-existing land use(s). This CATEX would not cover
27 expansion of the footprint beyond the footprint of the original facility, activities that
28 would result in the removal of native vegetation, or substantial ground disturbance. The
29 CATEX would cover the temporary staging and use of equipment and vehicles to carry
30 out the proposed repair actions as long as extraordinary circumstances are evaluated, any
31 conditions that result from the environmental review are met, and best management
32 practices are put in place to control pollution (e.g. noise, stormwater runoff, air
33 pollution, dust, energy, and waste).

34
35 This proposed CATEX intentionally does not cover activities involving repair in stream
36 banks. FEMA NEPA practitioners have found over the years that the availability of a
37 statutory exemption from NEPA under Section 316 of the Stafford Act and the
38 availability of a repair CATEX may encourage stream bank hardening and stream
39 crossing repair practices that are detrimental to fish and species habitat or that may not
40 take full advantage of hazard mitigation measures that would reduce the potential for
41 future damage and the impacts on fish habitat. The availability of the repair CATEX
42 and statutory exemption may encourage applicants for FEMA assistance to pursue
43 stream bank repair practices that are harmful to these resources in order to restore their
44 communities quicker because engaging in more thoughtful stream bank repair projects
45 may trigger a higher level of NEPA analysis (e.g., EA). DHS is proposing a new

1 separate CATEX (N4*) that specifically addresses repairs in streams to eliminate this
2 disincentive.

3
4 Since 2008, FEMA has been mapping the landward limit of the area subject the
5 moderate wave action or LiMWA (i.e., the area that is potentially subject to action from
6 waves of 1.5 feet or more during the one-percent-annual-chance flood in any given
7 year). If a LiMWA has not been identified, then the DHS reviewer should use the V
8 zone in a FEMA FIRM. Repairs in these areas would not be covered by this CATEX;
9 rather, DHS is proposing a new separate CATEX (N5*) for actions in these coastal
10 areas.

11
12 It is important to note that for FEMA repair actions under Section 406 of the Stafford
13 Act (Public Assistance) in streams and areas subject to moderate wave action, the
14 statutory exemption is still applicable.

15
16 Application of this CATEX to a proposed action would require a REC to document
17 alignment with the scope of the CATEX, evaluation of extraordinary circumstances, and
18 compliance with other EP&HP requirements. Typically, the issues that DHS encounters
19 with repair actions are related to other EP&HP compliance requirements such as NHPA
20 Section 106, ESA Section 7, and EO 11988, among others.

21

22 **Comparable CATEXs**

23

24 FEMA CATEX

25

26 *(xv) Repair, reconstruction, restoration, elevation, retrofitting, upgrading to current*
27 *codes and standards, or replacement of any facility in a manner that substantially*
28 *conforms to the preexisting design, function, and location.*

29

30 DHS CATEX

31

32 *(D3) Repair and maintenance of Department-managed buildings, roads, airfields,*
33 *grounds, equipment, and other facilities which do not result in a change in functional*
34 *use or an impact on a historically significant element or setting (e.g. replacing a roof,*
35 *painting a building, resurfacing a road or runway, pest control activities, restoration of*
36 *trails and firebreaks, culvert maintenance, grounds maintenance, existing security*
37 *systems, and maintenance of waterfront facilities that does not require individual*
38 *regulatory permits).*

39

40 **Proposed text: *N3 Federal Assistance for Property Acquisition and**
41 **Demolition.** *Federal assistance for the acquisition of properties and the*
42 *associated demolition and removal when the acquisition is from a willing seller,*
43 *the assistance is solely for the purposes of financial compensation for the*
44 *acquisition, and the land is deed restricted to open space, recreational, wildlife*
45 *habitat, or wetland uses in perpetuity. This CATEX covers actions associated*
46 *with the determination of program eligibility. This CATEX does not cover*

1 *Federal assistance actions that involve acquisition for the purpose of*
2 *construction or development at a site in the acquired property. The use of*
3 *eminent domain is explicitly excluded from the CATEX.*
4

5 **Rationale and Support for CATEX**

6

7 DHS, through FEMA, routinely approves actions of a similar nature, scope, and
8 intensity as those in this proposed new CATEX, and has applied existing FEMA
9 CATEX (vii) to such actions. FEMA engages in the acquisition of structures and
10 facilities subject to hazards and the associated removal of those structures through
11 demolition where the intent of the project is to eliminate the hazard by removing
12 occupants and structures. In addition to the acquisition of property, this includes the
13 removal of structures (intact or demolished) from acquired property. Projects include
14 those funded under the Hazard Mitigation Assistance (HMA) programs (i.e. Hazard
15 Mitigation Grant Program [HMGP], Flood Mitigation Assistance [FMA], Pre-Disaster
16 Mitigation [PDM], Severe Repetitive Loss [SRL], and Repetitive Flood Claims [RFC]
17 grant programs). These programs fund the acquisition (or buy-out) of properties, their
18 removal, and actions to turn the property to open space in perpetuity in accordance with
19 requirements of Section 404 of the Stafford Act and FEMA regulations at 44 CFR Part
20 80 (Property Acquisition and Relocation for Open Space). The proposed CATEX would
21 also cover projects under other DHS grant programs as long as they meet the same
22 conditions applicable to the HMA programs (i.e., willing seller and open-space deed
23 restriction). The category does not include development of a site in the acquired
24 property. Actions that involve acquisition for the purpose of construction or
25 development of other projects would be evaluated under other CATEXs that cover the
26 subsequent actions or in more extensive NEPA analyses (i.e. EA, EIS) if there is no
27 applicable CATEX. The use of eminent domain is explicitly excluded from this
28 CATEX.

29
30 When DHS, through FEMA’s hazard mitigation grant programs, provides funds for the
31 property acquisitions contemplated under this proposed CATEX, the purpose of the
32 funding is solely to acquire the property and compensate the landowner for the buyout.
33 DHS does not have any discretion or ability to place conditions on the future use of the
34 funds once they have been transferred to the landowner and where demolition and deed
35 restriction of the eligible property will be accomplished.

36
37 The proposed CATEX would cover actions associated with the determination of
38 program eligibility such as performance of phase I environmental site assessments under
39 the U.S. Environmental Protection Agency’s “all appropriate inquiries” rule,
40 identification and evaluation efforts for historic properties, minor invasive survey and
41 field work, and inspection actions.

42
43 Application of this CATEX to a proposed action would require a REC to document
44 alignment with the scope of the CATEX, evaluation of extraordinary circumstances, and
45 compliance with other EP&HP requirements. Typically, the issues that DHS encounters

1 with acquisition/demolition actions are related to other EP&HP compliance
2 requirements such as NHPA Section 106, ESA Section 7, and EO 11988, among others.

3 4 **Comparable FEMA CATEX**

5
6 *(vii) The acquisition of properties and the associated demolition/ removal [see (xii)] or*
7 *relocation of structures [see (xiii)] under any applicable authority when acquisition is*
8 *from a willing seller, the buyer coordinated acquisition planning with affected*
9 *authorities, and the acquired property will be dedicated in perpetuity to uses that are*
10 *compatible with open space, recreational, or wetland practices.*

11
12 **Proposed text: *N4 Federal Assistance for Actions Involving Stream Work**
13 **and Modification and Floodways.** *Federal assistance for repair and*
14 *restoration actions, hazard mitigation actions other than flood control, or the new*
15 *construction of facilities that are functionally dependent or facilitate open space*
16 *use, when the actions are within or affect regulatory floodways, streams, and*
17 *stream banks and that*

- 18
19 *a. Involve ground disturbance of less than one-half acre,*
20 *b. Involve stream bank work or alteration of less than 300 linear feet,*
21 *c. Do not involve hardening or armoring of the stream banks unless*
22 *the project uses stream or stream bank bioengineering techniques,*
23 *d. Do not result in adverse flood risk effects to downstream*
24 *communities,*
25 *e. Do not result in any increase of flood levels within the community*
26 *during the occurrence of the base flood discharge if the action*
27 *takes place within the regulatory floodway, and*
28 *f. Where the effect of the proposed project when combined with*
29 *other existing or reasonably foreseeable development will not*
30 *increase water surface elevation of the base flood more than one*
31 *foot at any point within the community if it the action takes place in*
32 *a floodplain with no regulatory floodway.*

33 34 **Rationale and Support for CATEX**

35
36 This proposed new CATEX is derived from existing FEMA CATEXs (xv) and (xvi) and
37 existing DHS CATEXs (D5) and (D6). When conditions a-f listed in the CATEX are
38 met, DHS has determined through its experience that it is appropriate to categorically
39 exclude these activities from a higher level of NEPA analysis because they do not
40 normally have the potential to result in individually or cumulatively significant
41 environmental impacts.

42
43 This proposed CATEX covers actions affecting streams such as improvements within
44 stream banks, repair of stream crossings (bridges, culverts), and actions to protect banks
45 from scour and erosion. The limitations associated with ground disturbance of less than
46 one-half acre and stream bank work of less than 300 linear feet are intended to be similar
47 to thresholds established by the U.S. Army Corps of Engineers for the Nationwide

1 Permit Program under Section 404 of the Clean Water Act. The intent behind
2 limitations (d) through (f) is to incorporate Executive Order 11988 – Floodplain
3 Management considerations into the CATEX. These limitations ensure that DHS is not
4 encouraging practices that would be inconsistent with floodplain management
5 requirements of National Flood Insurance Program (NFIP) participating communities.
6 Under the NFIP, participating communities can allow development that does not meet
7 limitations (e) and (f) as long as a Conditional Letter of Map Revision (CLOMR) is
8 requested and approved by FEMA. An activity that does not meet limitations (e) and (f)
9 but for which a CLOMR is sought and obtained would require an EA prior to issuance
10 of the CLOMR.

11
12 FEMA NEPA practitioners have found over the years that the availability of a statutory
13 exemption from NEPA under Section 316 of the Stafford Act and the availability of a
14 repair CATEX may encourage stream bank hardening and stream crossing repair
15 practices that are detrimental to fish and species habitat or that may not take full
16 advantage of hazard mitigation measures that would reduce the potential for future
17 damage and the impacts on fish habitat. DHS is concerned about federal assistance
18 applicants pursuing stream bank repair practices that could be harmful to natural
19 resources in order to restore their communities more quickly rather than engaging in the
20 development of more thoughtful stream bank repair projects that could trigger a more
21 extensive NEPA analysis. This proposed CATEX addresses this concern by encouraging
22 practices that improve environmental quality and wildlife habitat, and mitigate the
23 impacts of future floods.

24
25 The term “bioengineering,” as used in this CATEX, means the use of a combination of
26 biological, mechanical, and ecological concepts to control erosion and stabilize soil
27 through the sole use of vegetation or a combination of vegetation and construction
28 materials. Another similar definition is the use of living and non-living plant materials
29 in combination with natural and synthetic support materials for slope stabilization,
30 erosion reduction, and vegetative establishment. The methods should emulate natural
31 conditions or processes. Non-bioengineering measures that involve hardening of banks,
32 such as the placement of rip-rap and steel sheet piles, are not covered by this proposed
33 CATEX and would require preparation of an EA or EIS.

34
35 DHS is aware that extraordinary circumstances in stream modification activities could
36 arise and necessitate a higher level of NEPA analysis. For this reason, the application of
37 this CATEX to any proposed stream modification activity or action within a stream
38 would require a REC to document alignment with the scope of the CATEX, evaluation
39 of extraordinary circumstances, and compliance with other EP&HP requirements.

40 41 **Comparable CATEXs**

42 43 FEMA CATEXs

44

1 (xv) *Repair, reconstruction, restoration, elevation, retrofitting, upgrading to current*
2 *codes and standards, or replacement of any facility in a manner that substantially*
3 *conforms to the preexisting design, function, and location.*

4
5 (xvi) *Improvements to existing facilities and the construction of small scale hazard*
6 *mitigation measures in existing developed areas with substantially completed*
7 *infrastructure, when the immediate project area has already been disturbed, and when*
8 *those actions do not alter basic functions, do not exceed capacity of other system*
9 *components, or modify intended land use; provided the operation of the completed*
10 *project will not, of itself, have an adverse effect on the quality of the human*
11 *environment.*

12 13 DHS CATEXs

14
15 (D5) *Maintenance dredging activities within waterways, floodplains, and wetlands*
16 *where no new depths are required, applicable permits are secured, and associated*
17 *debris disposal is done at an approved disposal site. This CATEX encompasses activities*
18 *required for the maintenance of waterfront facilities managed primarily within the U.S.*
19 *Coast Guard and Customs and Border Protection.*

20
21 (D6) *Maintenance of aquatic and riparian habitat in streams and ponds, using native*
22 *materials or best natural resource management practices. Examples include, but are not*
23 *limited to: (a) Installing or repairing gabions with stone from a nearby source, (b)*
24 *Adding brush for fish habitat, (c) Stabilizing stream banks through bioengineering*
25 *techniques, and (d) Removing and controlling exotic vegetation, not including the use of*
26 *herbicides or non-native biological controls.*

27 28 **Supporting EAs**

29
30 Lawton Interceptor Protection, City of Reno, Nevada, September 2010.
31 (<http://www.fema.gov/library/viewRecord.do?id=4344>)

32
33 As a result of flooding in 1997 and during the 2005–2006 wet season, the Truckee River
34 migrated as much as 80 feet north from its typical wetted channel location. The risk of
35 further migration of the river and bank erosion was high. The Lawton Interceptor, a
36 sanitary sewer line located approximately 200 feet from the edge of the current river
37 channel, could be compromised by further migration of the river and by bank erosion.
38 The proposed project would reduce the potential for sewer rupture. Approximately 150
39 feet of the northern bank of the river would be stabilized using current bioengineering
40 methods. The stabilization methods were selected by the City with input from both U.S.
41 Fish and Wildlife Service and the Nevada Department of Wildlife.

42
43 The stabilization would include installing root wads at an angle along the river bank to
44 deflect stream flows. Root wads are lengths of downed trees that include the root wad
45 and a portion of the trunk. The trunk portion of the root wad would be approximately 20
46 feet long and 2 feet in diameter, and the root mass would be approximately 6 feet in

1 diameter. Installation would include burying approximately forty 24- to 30-inch-
2 diameter ballast rocks to anchor the root wads, which would be anchored with a stainless
3 steel aircraft cable.

4
5 Trees for the root wads would be obtained locally. Willow plantings would also be
6 installed along the bank by excavating to a depth at which the roots would be sitting in
7 the water to ensure that the willow plantings would establish and provide bank
8 stabilization.

9
10 Findings: Based upon the results of the EA, it has been concluded that the proposed
11 project will not significantly affect the quality of the human environment, and no further
12 NEPA analysis (i.e. Environmental Impact Statement) is warranted.

13
14 Franklin Branch Stream Stabilization, Oakland County, Michigan, July 2003.
15 (<http://www.fema.gov/library/viewRecord.do?id=1978>)

16
17 Bloomfield Township, Michigan applied for HMGP funding to reduce or prevent
18 damages to residential structures located along the Franklin Branch of the Rouge River.
19 The need for the project was to address the potential for severe erosion and address
20 downstream sedimentation issues.

21
22 The proposed action for streambank stabilization included channel stabilization
23 techniques modeled after natural features found in streams such as placement of
24 artificial riffle consisting of fieldstone and smaller cobbles behind a 1-foot trench,
25 boulder cross vanes, and other boulders strategically placed within the stream. Bank
26 armoring included rootwad revetments, brush mattress (dogwood and willow), and
27 establishment of point bar vegetation using native species. The last component involved
28 floodplain terracing that was covered with a mixture native woody and herbaceous
29 species. This proposal contained portions where rip-rap and steel sheet and pilings were
30 used.

31
32 Findings: Based upon the results of the EA, it has been concluded that the proposed
33 project will not significantly affect the quality of the human environment, and no further
34 NEPA analysis (i.e. Environmental Impact Statement) is warranted.

35
36 Fleshman Creek Flood Mitigation Project, Livingston, Montana, April 2010.
37 (<http://www.fema.gov/media-library/assets/documents/91546>)

38
39 The proposed action would upgrade culverts at six street/road crossings; install
40 hydrodynamic separators at storm water outfalls to enhance gravity separation of
41 suspended storm water pollutants; enhance, create, or modify wetlands along the creek
42 channel; and increase the sinuosity of the creek. The project would also include channel
43 augmentations, bank stabilization and revegetation, and relocation of utilities. The
44 proposed action would incorporate the strategic use of coir (coconut) fabric to allow for
45 creation of steeper bank angles and critical cover features. After channel alterations are
46 complete, the project would also incorporate other bank stabilization/erosion prevention

1 methods, such as Best Management Practices (BMPs), and would revegetate disturbed
2 area with native plants to reduce sediment loads in the creek.

3
4 Findings: Based upon agency comments and the results of the EA, it has been
5 concluded that the proposed project will not significantly affect the quality of the human
6 environment, and no further NEPA analysis (i.e. Environmental Impact Statement) is
7 warranted.

8
9 Midway Creek Fish Culvert and Road Abandonment Project, Cowlitz County,
10 Washington, October 2011. (<http://www.fema.gov/library/viewRecord.do?id=4945>)

11
12 The Washington State Department of Natural Resources applied for Public Assistance
13 funding to install a fish-passable culvert in Midway Creek, remove existing culverts, and
14 abandon a small segment of road. The new culvert would be sized appropriately using
15 the Washington Department of Fish and Wildlife (WDFW) Fish Passage, Design
16 Guidance and Standards (WDFW 2011a). The project would also abandon 955 feet of
17 the E-4310 Road, removing two culverts that have been identified as barriers to fish
18 passage. The project would include: On E4310 Road - removal of three culverts, road
19 abandonment and revegetation with native ground cover; and on E4300 Road - road
20 improvement (new surfacing and addition of drainage structures), a temporary bypass to
21 divert flow around the work area, and installation of the culvert (12-foot diameter metal
22 culvert to ensure fish passage). Channel restoration would take place on both roads.

23
24 Findings: Based upon agency comments and the results of the EA, it has been
25 concluded that the proposed project will not significantly affect the quality of the human
26 environment, and no further NEPA analysis (i.e. Environmental Impact Statement) is
27 warranted.

28
29 **Proposed text: *N5 Federal Assistance for Actions in Coastal Areas**
30 **Subject to Moderate Wave Action or V Zones.** *Federal assistance for*
31 *repair, hazard mitigation, new construction, or restoration actions of less*
32 *than one-half acre within the following areas: areas seaward of the limit of*
33 *moderate wave action (LiMWA) (a line mapped to delineate the inland*
34 *extent of wave heights of 1.5 feet) during the base flood (an area that has*
35 *at least a one-percent chance of being flooded in any given year); or*
36 *areas within the V zone (a coastal area where there is a velocity hazard*
37 *due to wave action) if the LiMWA has not been established. The actions*
38 *must meet the following criteria:*

- 39
40 a. *They are consistent with the State or Tribe enforceable policies of*
41 *approved coastal management programs,*
42 b. *They are not within or affect a Coastal Barrier Resource System unit,*
43 c. *They do not result in man-made alterations of sand dunes,*
44 d. *They do not result in the permanent removal of vegetation (including*
45 *mangrove stands, wetlands, and dune vegetation),*

- 1 e. *Applicable Federal requirements and local codes and standards are*
2 *followed, and*
3 f. *If they involve substantial improvement or new construction of*
4 *structures, the structure is elevated in open works (e.g. piles and*
5 *columns) as opposed to fill in a manner that the bottom lowest*
6 *horizontal structural member is at or above the base flood level, the*
7 *foundation is anchored to resist flotation, collapse, and lateral*
8 *movement due to the effects of wind and water loads, and the siting of*
9 *the project conforms to applicable State, Tribe, or local setback*
10 *requirements.*

11
12 *Examples of activities covered by this CATEX include but are not limited to: the*
13 *repair and elevation of structures; repair and new construction of jetties and*
14 *groins; the repair, hazard mitigation, and new construction of functionally*
15 *dependent facilities such as piers, marinas, boat ramps, bathrooms, and port*
16 *facility structures; and beach restoration projects except projects that result in*
17 *the man-made alteration of dunes and wetlands such as beach nourishment*
18 *projects.*

19 **Rationale and Support for CATEX**

20
21
22 This is a new CATEX derived from FEMA’s existing CATEXs (xv) and (xvi), which
23 cover repair, restoration, and mitigation activities. Based on its evaluation of the
24 existing FEMA CATEXs and FEMA’s experience evaluating potential environmental
25 impacts of numerous proposed hazard mitigation and disaster recovery grant projects in
26 coastal areas, DHS identified the need to develop a CATEX specifically for actions
27 located in coastal areas because of the unique environmental values and flood risks that
28 are inherent in these areas.

29
30 FEMA policies and procedures for identifying and mapping flood hazards are based on
31 building science research that demonstrates that design and construction requirements
32 and performance of buildings in these areas are of significant concern. For example,
33 FEMA has been mapping the landward limit of the area subject to moderate wave action
34 or LiMWA (i.e., the area that is potentially subject to action from waves of 1.5 feet or
35 more during the one-percent-annual-chance flood in any given year) since 2008. In
36 addition, national and international construction consensus standards such as the
37 American Society of Civil Engineers (ASCE) and the International Building Codes
38 (IBC) (see <http://www.asce.org> and <http://www.iccsafe.org>) have recognized special
39 standards to address coastal construction practices in these areas.

40
41 This proposed CATEX covers actions that occur in those coastal areas subject to
42 moderate wave action. It applies to actions such as repair and elevation of structures;
43 repair and new construction of jetties and groins; the repair, hazard mitigation, and new
44 construction of functionally dependent facilities such as piers, marinas, boat ramps,
45 bathrooms, and port facility structures; and beach restoration projects except projects
46 that result in the man-made alteration of dunes and wetlands such as beach nourishment.

1 Activities that result in ground disturbance of more than ½ acre would require a higher
2 level of NEPA analysis (an EA at minimum) that would identify alternatives and
3 minimization measures, and provide for public involvement. The ½ acre was developed
4 as a threshold to limit the amount of disturbance that occurs in coastal areas. This
5 acreage limitation balances the goals to discourage development in floodplains (EO
6 11988), discourage activities that would affect the Nation’s coastal environment (EO
7 13547), and meet the DHS mission of assisting in the preparation, recovery, and
8 mitigation of communities to make them more resilient. The limitations are also
9 intended to incorporate considerations associated with the Coastal Zone Management
10 Act (CZMA) and the Coastal Barrier Resources Act (CBRA).

11
12 Application of this CATEX to a proposed action would require a REC to document
13 alignment with the scope of the CATEX, evaluation of extraordinary circumstances, and
14 compliance with other EP&HP requirements. Typically, the issues that DHS encounters
15 with actions in coastal areas are related to other EP&HP compliance requirements such
16 as NHPA Section 106, ESA Section 7, EO 11988, CZMA, and CBRA.

17 18 **Comparable FEMA CATEXs**

19
20 *(xv) Repair, reconstruction, restoration, elevation, retrofitting, upgrading to current*
21 *codes and standards, or replacement of any facility in a manner that substantially*
22 *conforms to the preexisting design, function, and location.*

23
24 *(xvi) Improvements to existing facilities and the construction of small scale hazard*
25 *mitigation measures in existing developed areas with substantially completed*
26 *infrastructure, when the immediate project area has already been disturbed, and when*
27 *those actions do not alter basic functions, do not exceed capacity of other system*
28 *components, or modify intended land use; provided the operation of the completed*
29 *project will not, of itself, have an adverse effect on the quality of the human*
30 *environment.*

31 32 **Supporting EAs**

33
34 Johnson Bayou Fire Station/ Waterworks District Building Relocation, Louisiana,
35 October 2011. (<http://www.fema.gov/library/viewRecord.do?id=4865>)

36
37 The proposed action by FEMA is to provide funding to assist with the relocation of a
38 fire station that was damaged by Hurricane Rita in 2005.

39 The proposed replacement action is for construction of a combined Fire Station and
40 Waterworks facility at a site approximately one mile southeast of the original location in
41 the unincorporated community of Johnson Bayou. The applicant designed the
42 replacement facility to incorporate the hurricane damaged facilities, the Fire Station and
43 the Waterworks. The facility would include 6,600 square feet, an increase in square
44 footage due to required and relevant codes and standards.

1 The proposed design consists of a 6,600 square foot facility that would be built to
2 current codes and standards for Coastal High Hazard A Zones including the
3 International Building Code of 2006 and its referenced American Society of Civil
4 Engineering 24-05 Standard, Flood Resistant Design and Construction. Additionally,
5 the building will be elevated as required to the established design flood elevation using
6 concrete columns including a concrete slab-on-grade with turned down perimeter beams
7 for scouring mitigation. Other structural components include an elevated first floor
8 consisting of a cast-in-place concrete floor slab and beams, a structural steel building
9 frame for supporting pre-engineered steel wall systems and roof trusses, diagonal
10 bracing, and an elevator with a concrete shaft. The proposed project requires site
11 grading including the addition of non-structural fill (1 foot or less over approximately ½
12 acre). There is existing access to the needed utilities.

13
14 Findings: Based upon the results of the EA, it has been concluded that the proposed
15 project will not significantly affect the quality of the human environment, and no further
16 NEPA analysis (i.e. Environmental Impact Statement) is warranted.

17
18 Regional Marine Security Center, Sabine Pass, Texas, April 2011.
19 (<http://www.fema.gov/library/viewRecord.do?id=4661>).

20
21 Jefferson County, Texas (Jefferson County) needs to improve security along the Sabine
22 Pass Waterway by enhancing the capabilities of the Sabine Pass Port Authority complex.
23 The ultimate goal is to be able to achieve the mission of providing 24-hour law
24 enforcement presence on area waterways.

25
26 The Proposed Action Alternative is the construction of a new Regional Marine Security
27 Center within the Sabine Pass Port Authority complex in Sabine Pass, Jefferson County
28 (Latitude: 29.73635, Longitude: -93.88345). The proposed project area is a vacant lot
29 within the Sabine Pass Port Authority complex and has been previously graded and
30 disturbed. A modern port building is located to the east of the proposed site. The
31 Proposed Action Alternative will include the construction of a 3,200 square foot marine
32 security building and an unpaved parking area on the site. An existing boat slip will be
33 improved by replacing the current wood bulkheads with steel. Additionally, a covered
34 dock with seven (7) in-water slips and finger piers will be constructed, complete with
35 lifts and shore power stations. The new facilities will be connected to existing sewer
36 and utility systems in the area, and this work will be conducted within the property
37 limits of the project site. With the construction of the facilities and parking area, the
38 total projected disturbance area will be less than 1.0 acre. Figure 1 maps the elements
39 of the Proposed Action Alternative.

40 Findings: Based upon the results of the EA, it has been concluded that the proposed
41 project will not significantly affect the quality of the human environment, and no further
42 NEPA analysis (i.e. Environmental Impact Statement) is warranted.

43
44 Security Operations Control Center Facility, Albany County, New York, November
45 2011. (<http://www.fema.gov/library/viewRecord.do?id=4904>)

46

1 New York State has recently increased its interest in revitalizing the Erie and Champlain
2 Canal Systems for moving commercial products via water. Recent improvements such
3 as replacing wharfs, extending rail lines and expanding heavy lift equipment has resulted
4 in an increased amount and variety of cargo arriving at and leaving the Port of Albany.
5 Increased cargo movement increases the potential of a security breach at the port as well
6 as surrounding geographical areas, thus it is critical to upgrade the existing security
7 operations to protect the port and surrounding communities.

8
9 The scope of work for the proposed project would include demolition of two pre-
10 fabricated metal buildings, and movement or demolition of two trailer/modular office
11 spaces to clear the site for construction of a new 40' x 100' building to house the
12 Security Operations Control Center. The building would be located at the main entrance
13 to the Port of Albany terminal and would replace the existing security trailer that is
14 currently there for this purpose. The new facility would connect to existing utility lines.
15 The proposed project would also include relocation of electronic security equipment to
16 the new facility including the command console, video wall comprising 6 flat panel
17 LCD monitors, Digital Video Surveillance recorders, and access control server used to
18 manage all access control to the restricted areas of the Port of Albany.

19
20 The two metal, pre-fabricated structures were historically used as U.S. Coastguard
21 stations. Presently, one is being utilized by the Seaman's Ministry, an international
22 organization that cares for the personal, professional, and spiritual needs of mariners.
23 The Seaman's Ministry operation would be relocated to another facility.

24
25 Findings: Based upon the results of the EA, it has been concluded that the proposed
26 project will not significantly affect the quality of the human environment, and no further
27 NEPA analysis (i.e. Environmental Impact Statement) is warranted.

28
29 **Proposed text: *N6 Federal Assistance for Relocation/Realignment of**
30 **Structures and Facilities.** *Federal assistance for relocation of structures and*
31 *facilities, including the realignment of linear facilities that are part of a bigger*
32 *system, when they do not involve ground disturbance of more than one acre.*
33 *This category does not apply to the following: actions that involve hardening or*
34 *armoring of stream banks, unless they use stream or stream bank*
35 *bioengineering techniques; realignment actions affecting a regulatory floodway if*
36 *they result in any increase in flood levels during the base flood discharge; or*
37 *actions occurring seaward of the limit of moderate wave action (or within V*
38 *zones when the limit of moderate wave action has not been identified).*

39 40 **Rational and Support for CATEX**

41
42 The relocation of structures and facilities from one site to another site, including the
43 realignment of roads and utilities, is an activity frequently funded by DHS through
44 FEMA's grant programs. This category of actions has been the source of an extensive
45 number of EAs within FEMA, where the relocation occurs in both previously disturbed
46 and previously undeveloped areas. This proposed CATEX addresses both scenarios.

1 This proposed CATEX covers relocation of structures and facilities under any DHS
2 Federal assistance authority, such as FEMA’s HMA grant programs and Public
3 Assistance. While this proposed CATEX could be used under any DHS Federal
4 assistance program, most of the projects anticipated to be covered under the proposed
5 CATEX are hazard mitigation projects. Relocation as used in this CATEX means both
6 the physical relocation of a facility as well as the demolition of a facility and
7 construction of the same function in a new area. It also covers the relocation and
8 realignment of linear features such as roads, trails, and utility lines. The action may
9 occur in undeveloped or undisturbed areas but ground disturbance and construction
10 activities must be limited to less than one acre. The one acre limitation is consistent
11 with the proposed CATEX (*N8) for new construction in previously undeveloped areas.
12 This limitation is based on the need for stormwater pollution prevention permits for
13 construction activities of more than one acre under the Clean Water Act. For
14 construction activities of more than one acre, preparation of an EA or EIS would be
15 required in order to give appropriate consideration to alternatives and public
16 involvement.

17
18 Relocation or realignment actions in areas subject to moderate wave action are not
19 meant to be covered by this CATEX. They may be covered by the separate CATEX
20 specifically applicable to those areas if the action meets the conditions established
21 therein.

22
23 Realignment of roads and linear features can sometimes affect streams and their banks.
24 This CATEX is not intended to cover such actions unless the applicant uses stream or
25 stream bank bioengineering techniques. This is intended to be consistent with the
26 proposed new CATEX (*N4) for actions affecting streams and stream banks. The
27 limitation of realignment actions in regulatory floodways, if they result in any increase
28 in flood levels during the base flood discharge, is meant to ensure that DHS is not
29 encouraging practices that would be inconsistent with floodplain management
30 requirements of NFIP participating communities. Under the NFIP, participating
31 communities can allow development that results in an increase in flood levels as long as
32 a CLOMR is requested and approved by FEMA. Realignment actions that do not meet
33 the restriction but for which a CLOMR is sought and obtained would require an EA.

34
35 Application of this CATEX to a proposed action would require a REC to document
36 alignment with the scope of the CATEX, evaluation of extraordinary circumstances, and
37 compliance with other EP&HP requirements. Typically, the issues that DHS encounters
38 with realignment/relocation actions are related to other EP&HP compliance
39 requirements such as NHPA Section 106, ESA Section 7, and EO 11988, among others.

40 41 **Comparable FEMA CATEXs**

42
43 *(xiii) Physical relocation of individual structures where FEMA has no involvement in*
44 *the relocation site selection or development.*

45

1 (ix) Acquisition, installation, or operation of utility and communication systems that use
2 existing distribution systems or facilities, or currently used infrastructure rights-of-way.

3
4 (xv) Repair, reconstruction, restoration, elevation, retrofitting, upgrading to current
5 codes and standards, or replacement of any facility in a manner that substantially
6 conforms to the preexisting design, function, and location.

7
8 (xvi) Improvements to existing facilities and the construction of small scale hazard
9 mitigation measures in existing developed areas with substantially completed
10 infrastructure, when the immediate project area has already been disturbed, and when
11 those actions do not alter basic functions, do not exceed capacity of other system
12 components, or modify intended land use; provided the operation of the completed
13 project will not, of itself, have an adverse effect on the quality of the human
14 environment.

15 16 **Supporting EAs**

17
18 Taputapu Elementary School Replacement, Fagali'i, American Samoa, June 2013.
19 (<http://www.fema.gov/media-library/assets/documents/32925?id=7623>)

20
21 The Taputapu Elementary School was destroyed by the September 2009 earthquake,
22 tsunami and flooding disaster at its original location in the village of Poloa. The
23 Proposed Action is to construct a replacement Taputapu Elementary School campus on a
24 site approximately 0.6 mile to the north of the pre-disaster campus, in the village of
25 Fagali'i. The proposed site is approximately 1.56 acres in area and is located at an
26 average elevation of approximately 285 feet above mean sea level (AMSL), outside the
27 500-year floodplain. Any replacement facilities will be protected from future flood
28 hazards as required by the regulations of both FEMA and the American Samoa
29 Government. The proposed site is adjacent to a paved road with conduit for utilities
30 running along the right-of-way. The Proposed Action includes the following on the 1.6-
31 acre site:

- 32 • a concrete playground (approximately 1,000 square feet);
- 33 • concrete walkways within the campus (approximately 2,028 square feet);
- 34 • a gravel driveway (approximately 1,480 square feet);
- 35 • a two-story classroom and administration building (approximately 6,272 square
36 feet);
- 37 • a two-story cafeteria and classroom building (approximately 1,960 square feet);
- 38 • a restroom building (approximately 450 square feet); and
- 39 • an unpaved parking lot (approximately 1,080 square feet).

40
41 The proposed site is sufficient in size to contain all elements of the replacement school
42 and provide flexibility for layout configurations of the elements within the campus.
43 Current plans are conceptual and the layout of the facilities within the project area may
44 vary as the construction documentation plans are developed.

45

1 Findings: Based upon the results of the EA, it has been concluded that the proposed
2 project will not significantly affect the quality of the human environment, and no further
3 NEPA analysis (i.e. Environmental Impact Statement) is warranted.

4
5 Satala Operations Building Replacement, Village of Satala, Island of Tutuila, American
6 Samoa, June 2013. ([http://www.fema.gov/medialibrary/assets/documents/](http://www.fema.gov/medialibrary/assets/documents/33001?id=7647)
7 [33001?id=7647](http://www.fema.gov/medialibrary/assets/documents/33001?id=7647))

8
9 The Proposed Action is the construction of a replacement operations building and
10 parking lot for the American Samoa Power Authority (ASPA) Satala at its power plant
11 complex in the village of Tafuna, Tualauta County. The Satala facility was destroyed as
12 a result of the earthquake, tsunami, and flooding that occurred in September 2009. The
13 Tafuna power plant complex is approximately 0.5 mile inland and approximately 40 feet
14 higher in elevation than the Satala operations building site. The project site of the
15 replacement operations building and parking lot is within an area of approximately
16 13,000 SF in the southeast corner of the ASPA Tafuna power plant complex. Currently,
17 this area is used for storage of used materials and equipment, supplies, containers, an
18 improvised office trailer, a two sheds used for assembling materials. The two sheds
19 would be demolished and reconstructed in the western portion of the complex.

20
21 The proposed replacement operations building is to be an approximately 13,000 SF one-
22 story building. Approximately 30 parking spaces would be constructed for staff and
23 customers. The building will house several ASPA departments and include restrooms,
24 storage spaces for mechanical and electrical equipment, and kitchens/break rooms.
25 Photovoltaic panels are being considered for the roof of the new building. A smaller,
26 second story is also under consideration.

27
28 Findings: Based upon the results of the EA, it has been concluded that the proposed
29 project will not significantly affect the quality of the human environment, and no further
30 NEPA analysis (i.e. Environmental Impact Statement) is warranted.

31
32 Le’ Atele Elementary School Buildings Replacement Fagasa, American Samoa, May
33 2013. (<http://www.fema.gov/media-library/assets/documents/32732?id=7560>)

34
35 The Proposed Action is to replace three buildings at the Le’ Atele Elementary School in
36 Fagasa Village that were severely damaged by the September 2009 tsunami. The
37 Le’ Atele Elementary School grounds comprise approximately 2.4 acres adjacent to
38 Fagasa Bay at the western end of the village of Fagasa. The Proposed Action is to
39 replace the administration building, early childhood education (ECE) building, and
40 kitchen/cafeteria building with a two-story multiuse building constructed to current
41 codes and standards. The new structure would be located on a portion of what is now an
42 informal play area, an approximately 7,000-square-foot level field of turf grass. The
43 proposed building location would be southwest of and immediately adjacent to the
44 school’s existing two-story classroom building.

1 The proposed location of the replacement building is within FEMA Flood Zone AE,
2 indicating high-risk areas with a 1 percent or greater chance of flooding, with a defined
3 base flood elevation (BFE). Because the structure is located in Zone AE, the finished
4 floor elevation (FFE) of the lowest floor must be elevated at or above the BFE per
5 federal and American Samoa floodplain management requirements. The finished bottom
6 of the lowest horizontal member supporting the lowest habitable floor of the building
7 would be at an elevation of 18.0 feet above median sea level (AMSL). Assuming a 1-
8 foot vertical dimension between the finished bottom of the horizontal member
9 supporting each floor and the finished floor above as well as a 10-foot ceiling height, the
10 finished floor elevation (FFE) for the first floor would be 19.0 feet AMSL and the
11 second floor FFE would be 30.0 feet AMSL.

12

13 Findings: Based upon the results of the EA, it has been concluded that the proposed
14 project will not significantly affect the quality of the human environment, and no further
15 NEPA analysis (i.e. Environmental Impact Statement) is warranted.

16

17 Rehabilitation and Relocation of Historic U.S. Customs House, City of Eagle, Alaska,
18 June 2010. (<http://www.fema.gov/library/viewRecord.do?id=4224>)

19

20 The purpose of this project was to provide funds to repair a Customs House that was
21 damaged and displaced from its foundation by flooding and ice jams, and to move it to a
22 site that offered better protection from future flood events. The structure is a
23 contributing building to the Eagle National Historic Landmark (NHL) District which
24 was established on June 2, 1978. It is the only remaining Klondike Gold Rush Era
25 building on Eagle's Historic Yukon River waterfront. The City has determined there is a
26 need to restore and preserve its historic significance and to make it reusable as a
27 museum for the community as soon as feasibly possible. Because the building
28 contributes to an NHL district, an EA was prepared to address the presence of this
29 extraordinary circumstance as required by FEMA's regulations at 44 CFR 10.8(d)(3).

30

31 The current site of the Customs House is located at the northern edge of the impacted
32 flood damage in Eagle. It is proposed to repair the Customs House to its original pre-
33 disaster condition and to relocate the site to higher ground along the riverfront. The new
34 site is located approximately 320 feet to the northwest of the current location at the
35 burned and destroyed historic Episcopal Manse location. The new site is owned by the
36 EHSM and is located immediately adjacent to the Episcopal Church, a log structure
37 which was also constructed in 1900, on the location of the former Rectory of that church
38 which was destroyed by fire. The proposed site location was not affected by the recent
39 disaster and is situated approximately 25 feet higher in elevation and set further back
40 from the river.

41 The house would be re-set on a reconstructed post and pad foundation. Site preparation
42 would be minimal, as the ground is mostly level and has been previously cleared of
43 vegetation. The building would be repaired to its pre-disaster condition in accordance
44 with the Secretary of Interior's standards for the rehabilitation of historic buildings. In
45 the Condition Assessment Report (CAR) prepared in 2009, it suggests that while the

1 building was heavily damaged it is repairable. The report also identified the desirability
2 of relocating the structure to a safer site.

3
4 In addition to the relocation and restoration of the Customs House itself, this project
5 envisions the reestablishment of other auxiliary features, including but not limited to
6 perimeter fencing (a white painted two-rail fence), exterior displays, and a flagpole.

7
8 Findings: Based upon the results of the EA, it has been concluded that the proposed
9 project will not significantly affect the quality of the human environment, and no further
10 NEPA analysis (i.e. Environmental Impact Statement) is warranted.

11
12 Troublesome Creek Trail Repair Project, Denali State Park, Alaska, June 2009.
13 (<http://www.fema.gov/library/viewRecord.do?id=3620>)

14
15 The proposed action by FEMA is to provide partial project funding to the Alaska
16 Department of Natural Resources (DNR) to repair damaged segments along the existing
17 Troublesome Creek Trail in Denali State Park.

18
19 The proposed project would repair portions of the 24-inch wide by 8.5 mile long trail or
20 realign/relocate about 3.5 miles of the trail. Repair activities would include: clearing
21 debris that blocks the trail (or infringes upon the right-of-way); clearing areas of
22 overgrown vegetation; and replacing seven (7) stream crossings. Realign/Relocate
23 activities will focus on moving portions of the trail outside of the active floodplain and
24 onto higher ground to avoid risk of exposure to future flood events. These activities
25 include: route selection; site specific design; clearing and grubbing vegetation; installing
26 switchbacks (in steeper segments of the trail); and implementing Best Management
27 Practices (BMPs) to preserve the water quality of local streams for a 24-inch wide trail.
28 Construction activities will involve the use of small-scale construction equipment and
29 hand tools.

30
31 Findings: Based upon the results of the EA, it has been concluded that the proposed
32 project will not significantly affect the quality of the human environment, and no further
33 NEPA analysis (i.e. Environmental Impact Statement) is warranted.

34
35 Repair Options for the Battery Park Trunk Sewer Line, Richmond, Virginia, March
36 2007. (<http://www.fema.gov/library/viewRecord.do?id=2492>)

37
38 The proposed action by FEMA is to provide funding to the City of Richmond to relocate
39 a portion of the Battery Park Trunk Sewer Line (BPTS) that was severely damaged in
40 2006 when a sinkhole, associated with Tropical Depression Ernesto, collapsed and
41 crushed the sewer line causing continued flooding and associated health hazards.
42 Alternatives 1 and 2 would relocate the damaged portion of the BPTS to avoid
43 encountering the municipal solid waste material that lies above the existing line to the
44 greatest extent possible. Alternative 1 would involve the construction of a new section of
45 sewer, approximately 1500-foot long, as well as 2 or 3 large work shafts. At least one of
46 the shafts would be excavated in an area known to contain municipal solid waste

1 material. Alternative 2, approximately 2800-feet long, is designed to avoid the potential
2 for contact with municipal solid waste material nearly entirely by extending the new
3 sewer alignment much further to the north and west.

4
5 Findings: Based upon the results of the EA, it has been determined that both of the
6 proposed alternatives will not significantly affect the quality of the human environment,
7 and no further NEPA analysis (i.e. Environmental Impact Statement) is warranted.

8 9 **Consensus Professional Opinion**

10
11 DHS has determined through the professional knowledge and experience of its staff
12 familiar with the types of activities contemplated by the proposed CATEX that these
13 activities do not typically result in a significant impact on the human environment.

14
15 DHS, through FEMA's disaster recovery programs, provides assistance for relocation
16 and realignment activities most frequently when a road is washed out due to flooding.
17 These activities can also occur in open spaces, such as trails (and rails-to-trails). When
18 channels change, FEMA and/or the affected community often determines it is not
19 feasible, realistic, or cost effective to put structures and facilities back in where they
20 were previously located. Other reasons to relocate facilities include mitigation of risk
21 from natural disaster such as hurricanes, tsunamis, coastal flooding, landslides, and
22 mudslides. Finally, communities frequently want to relocate facilities for reasons
23 unrelated to natural disasters.

24
25 For example, rural electric cooperatives as well as municipalities often desire to relocate
26 electrical systems to be adjacent to a road for service and maintenance points when
27 infrastructure is replaced. FEMA typically uses existing categorical exclusion (ix) for
28 such projects. Another instance when an activity could fall under this categorical
29 exclusion is when there is a water line underneath an existing road and communities
30 want to relocate other utility lines into the same easement or same location under the
31 road. Relocation of domestic water lines, sewer lines, and telephone lines in a similar
32 fashion are other examples of actions that meet this categorical exclusion. FEMA also
33 uses categorical exclusion (ix) to relocate siren poles for tornado or tsunami warning
34 sirens and other emergency warning devices.

35
36 The consensus professional opinion of the below-named individuals, based on their
37 experience with FEMA and other public organizations as part of managing the
38 environmental liabilities of the organization, is that the activities covered by the proposed
39 CATEX do not under normal circumstances result in significant environmental impacts.

40 41 **Professional Credentials**

42
43 Mr. Ken Sessa and Mr. Morgan Griffin provided this professional opinion. Their
44 credentials are provided below.

45
46 **Ken Sessa, FEMA Regional Environmental Officer, Region 7**

47

1 • **Education:** 1991 Bachelor of Science in Civil Engineering, Missouri
2 University of Science and Technology, Civil Engineering has been an ABET
3 Accredited engineering program continuously since 1936.
4 • **Training:** Previous course instructor for FEMA E253 Coordinating
5 Environmental and Historic Compliance and E265 Advanced Methods of
6 FEMA’S Historic Preservation Program trainings. Formal training and
7 development in multiple environmental laws and regulations, to include seminars
8 in: CERCLA/Superfund, NHPA, NEPA, RCRA, CWA, CAA, TSCA, and others.
9 Formal training in several environmental fields, to include seminars in:
10 alternative manufacturing to include process modification and solvent
11 substitutions, alternative environmental remediation techniques, ecosystem
12 restoration, industrial wastewater treatment, municipal wastewater treatment,
13 solid and hazardous waste management, and others.
14 • **Years of related experience:** Mr. Sessa has over 25 years in NEPA
15 compliance. Beginning his career with the Missouri Department of
16 Transportation, he prepared noise analysis environmental analysis to support
17 EISs for urban and suburban highways. Mr. Sessa spent the next seven years as
18 an Environmental Engineer for the U.S. Department of Energy in the nuclear
19 weapons design and manufacturing where he applied environmental engineering
20 principles to nuclear weapons production. This included NEPA compliance,
21 team participation on several programmatic EAs and EISs within DOE, air
22 quality permitting (including about 90% CFC solvent reduction at the Kansas
23 City Plant), industrial wastewater pretreatment, process modification to reduce
24 environmental impacts (air emissions, wastewater treatment, employee safety,
25 cost impacts). For the past 15 years, he worked at FEMA Region 7 as the
26 Regional Environmental Officer that has included deployments to over 50
27 presidentially declared disasters, including Hurricane Katrina, Superstorm
28 Sandy, and 2008 Midwest flooding.
29

30 **Morgan Griffin, FEMA Deputy Regional Environmental Officer, Region IX**

31
32 • **Education:** B.S. Mechanical Engineering, Lafayette College, 1991. M.S.
33 Engineering and Policy, Washington University, 1993.
34 • **Training:** Previous course instructor for FEMA E/L 253 training, Introduction
35 to EHP Compliance. Course author and four-time instructor for implementation
36 of U.S. Army Europe’s Regulation 200-1 (Environmental Quality Program).
37 • **Years of related experience:** Mr. Griffin has over 20 years of experience in
38 NEPA compliance. He has served as Deputy Regional Environmental Officer in
39 FEMA Region IX for the past four years. Prior to joining FEMA, Mr. Griffin
40 supported FEMA Region IX and FEMA Headquarters’ Office of Environmental
41 Planning and Historic Preservation as a consultant for 15 years. Mr. Griffin has
42 also provided environmental consulting support to U.S. Army Europe, U.S.
43 Army Reserve, Air National Guard, and Army National Guard. During his
44 career, Mr. Griffin prepared, managed, or approved thousands of CATEXs and at
45 least one hundred EAs resulting in FONSI. He also worked on or managed three
46 EISs.

1 **Proposed text: *N7 Federal Assistance for Structure and Facility Upgrades.**
2 *Federal assistance for the reconstruction, elevation, retrofitting, upgrading to*
3 *current codes and standards, and improvements of pre-existing facilities in*
4 *existing developed areas with substantially completed infrastructure, when the*
5 *immediate project area has already been disturbed, and when those actions do*
6 *not alter basic functions, do not exceed capacity of other system components, or*
7 *modify intended land use. This category does not include actions within or*
8 *affecting streams or stream banks, or actions seaward of the limit of moderate*
9 *wave action (or within V zones when the limit of moderate wave action has not*
10 *been identified).*

11 **Rationale and Support for CATEX**

12
13
14 DHS frequently provides funding for upgrades to existing structures and facilities under
15 a variety of grant programs, particularly those administered by FEMA. Two existing
16 FEMA CATEXs cover facility upgrades: CATEX (xv), the language of which is largely
17 adopted in the proposed new CATEX; and CATEX (xvi), which covers improvements to
18 existing facilities and small-scale construction for hazard mitigation measures. Similarly,
19 DHS CATEX (D1) covers renovations and additions to buildings, roads, airfields,
20 grounds, equipment, and other facilities. DHS has determined through years of
21 experience implementing these types of actions that they do not individually or
22 cumulatively have the potential to result in significant impacts on the quality of the
23 human environment, and that it therefore remains appropriate to categorically exclude
24 these actions from a higher level of NEPA analysis.

25
26 The actions covered by this CATEX would include a variety of preparedness and hazard
27 mitigation actions such as installation of cameras, CCTV, telecommunication
28 equipment, and security enhancements; seismic, wind, and flood-related retrofits; fire
29 protection measures; reconstruction; upgrade to codes and standards; and placement of
30 safe rooms (i.e., hardened structures specifically designed to meet FEMA criteria and
31 provide protection in extreme weather events, including tornadoes and hurricanes).

32
33 “Pre-existing” refers to structures and facilities that existed prior to an applicant seeking
34 DHS grant funding or other assistance. “Improvements” includes building something
35 new that is physically attached to and needed for the improved facility as long as it
36 meets the conditions of the CATEX (i.e. developed areas, disturbed areas, etc.). It does
37 not include building something new if it is physically unattached to the improved
38 facility.

39
40 This category is intended to cover activities with limited ground disturbance. Generally,
41 this category is not intended to cover improvements, upgrades, or construction where
42 there may be adverse effects on flood levels or local hydrology. An activity that alters
43 systems capacity means that a component cannot be installed in a system which would
44 allow the overall system capacity to be exceeded.

45
46 Application of this CATEX to a proposed action would require a REC to document
47 alignment with the scope of the CATEX, evaluation of extraordinary circumstances, and

1 compliance with other EP&HP requirements. Typically, the issues that DHS encounters
2 with structure and facility upgrades are related to other EP&HP compliance
3 requirements such as NHPA Section 106, ESA Section 7, and EO 11988, among others.

4 **Comparable CATEXs**

6 FEMA CATEXs

8
9 *(xv) Repair, reconstruction, restoration, elevation, retrofitting, upgrading to current*
10 *codes and standards, or replacement of any facility in a manner that substantially*
11 *conforms to the preexisting design, function, and location.*

12
13 *(xvi) Improvements to existing facilities and the construction of small scale hazard*
14 *mitigation measures in existing developed areas with substantially completed*
15 *infrastructure, when the immediate project area has already been disturbed, and when*
16 *those actions do not alter basic functions, do not exceed capacity of other system*
17 *components, or modify intended land use; provided the operation of the completed*
18 *project will not, of itself, have an adverse effect on the quality of the human*
19 *environment.*

20 DHS CATEX

21
22
23 *(D1) Minor renovations and additions to buildings, roads, airfields, grounds, equipment,*
24 *and other facilities that do not result in a change in the functional use of the real*
25 *property (e.g. realigning interior spaces of an existing building, adding a small storage*
26 *shed to an existing building, retrofitting for energy conservation, or installing a small*
27 *antenna on an already existing antenna tower that does not cause the total height to*
28 *exceed 200 feet and where the FCC would not require an environmental assessment or*
29 *environmental impact statement for the installation).*

30 **Consensus Professional Opinion**

31
32
33 Building codes are routinely updated and adopted by individual communities. What was
34 damaged during a disaster event can rarely be restored without consideration of current
35 building codes . Once local communities upgrade or adopt building codes, these codes
36 are applicable to FEMA grant-funded repairs. In addition, FEMA routinely updates
37 floodplain maps, and communities participating in the NFIP are required to adopt the
38 latest maps and enforce them as codes and standards to continue participation in the
39 program; these are codes and standards that could apply to FEMA-grant funded
40 structural repairs and rehabilitation. Also, activities to ensure compliance with the
41 Americans with Disabilities Act (ADA) could also apply to these types of FEMA-grant
42 funded projects.

43
44 FEMA has unique opportunities during disaster recovery to assist communities in
45 building back more resiliently and mitigating against future disaster damage. These
46 include seismic retrofits, structural retrofits that may include roof tie-downs and

1 continuous load path engineering, and applying modern construction materials and
2 techniques such as fire-resistant roof shingles.

3 In applying existing CATEX (xv), FEMA is restricted to pre-existing design, function,
4 and location. FEMA typically uses the building footprint as a parameter for simplicity
5 of application of this CATEX; however the construction/disturbed footprint is typically
6 much larger than the boundaries of the building itself and includes utility and
7 construction trenches, staging areas, access roads, etc. that are not easily defined. The
8 proposed CATEX allows for more flexibility in community recovery, without adversely
9 impacting the carrying capacity of the environment, and is consistent with lessons
10 learned from applying hazard mitigation measures and other small-scale improvements
11 during community recovery efforts.

12 When applying CATEX (xv), FEMA adheres to the conditions and limitations specified
13 in its 1996 NEPA Desk Reference ([http://www.fema.gov/media-library/assets/
14 documents/13165?id=3249](http://www.fema.gov/media-library/assets/documents/13165?id=3249)). These include ensuring there are no adverse effects to flood
15 levels, local hydrology, drainage patterns, erosion and sedimentation rates; no increases
16 in flooding elsewhere or changes in downstream flow patterns; and the activities do not
17 exceed system capacity or modify intended land use. These same conditions and
18 limitations would be applicable under the proposed CATEX.

19 FEMA Policy Memo 406, *Hazard Mitigation Funding Under Section 406 (Stafford Act)*
20 (March 30, 2010) (http://www.fema.gov/pdf/government/grant/pa/9526_1.pdf) includes
21 examples of cost effective upgrades. FEMA grant-funded upgrades include properly
22 sizing drainage structures, providing erosion protection at drainage structures, stabilizing
23 roadways with geotextile fabrics, elevating access covers from wastewater collection
24 systems to prevent infiltration, elevating electronic controls to pump stations, water
25 treatment, and wastewater treatment facilities, installation of redundant poles for pole
26 mounted electrical equipment (e.g., transformers), moving pole-mounted heavy
27 electrical equipment (e.g., transformers) to adjacent pad mounts, and utilizing stronger
28 building techniques and retrofits. The list of cost-effective upgrades is based on years of
29 FEMA experience funding hazard mitigation and recovery actions.

30
31 The consensus professional opinion of the below-named individuals, based on their
32 experience with FEMA and other public organizations as part of managing the
33 environmental liabilities of the organization, is that the activities covered by the proposed
34 CATEX do not normally result in significant environmental impacts.

35 36 **Professional Credentials**

37
38 Mr. Ken Sessa and Mr. Morgan Griffin provided this professional opinion. Their
39 credentials are provided under proposed CATEX *N6 above.

40
41 **Proposed text: *N8 Federal Assistance for New Construction Activities of**
42 **Less Than One Acre in Undisturbed or Undeveloped Areas. Federal**
43 **assistance for new construction and associated site preparation activities in**
44 **undisturbed or undeveloped areas when the activities comprise less than one**

1 *acre and follow best management practices to control noise, water, and air*
2 *pollution. This category does not apply to new construction in undisturbed or*
3 *undeveloped floodplains, wetlands, or seaward of the limit of moderate wave*
4 *action (or V zone when the limit of moderate wave action has not been*
5 *identified). This CATEX covers the range of activities typically necessary for new*
6 *construction, including field work (e.g. borings, site inspection) and temporary*
7 *staging and use of construction equipment and vehicles.*

9 **Rationale and Support for CATEX**

10
11 DHS, through FEMA, frequently provides funding to grantees for new construction
12 activities. This type of activity has resulted in an extensive number of site-specific EAs
13 as well as Programmatic EAs (PEA) within FEMA. This proposed CATEX covers the
14 construction of new facilities or structures in areas that have not been disturbed as long
15 as the activity does not result in construction disturbance of more than one acre. The
16 CATEX includes all activities typically necessary for new construction including land
17 acquisition, field work (e.g. borings, site inspection), staging of equipment and vehicles,
18 site preparation as long as it follows best management practices to control noise, water,
19 and air pollution (e.g. silt fences, stormwater best management practices, dust and
20 particulate matter control, oil spill prevention, etc.), placement of foundation, and
21 construction of structures and facilities. The one acre limitation is based on the need for
22 stormwater pollution prevention permits for construction activities of more than one acre
23 under the Clean Water Act.

24
25 For purposes of this CATEX “new construction” is defined as either building or placing
26 a structure or facility that did not exist before DHS’s involvement with the project.

27
28 Explicitly excluded from the CATEX are new construction actions in floodplains or
29 wetlands. Requiring EAs for new construction in undeveloped areas within the
30 floodplain would allow for adequate documentation of avoidance alternatives,
31 minimization actions, and public review and comment through the EA process. This
32 requirement of a hard look at new construction in the floodplain would be aligned with
33 DHS’s mission to ensure wise use of floodplains, the administration of the National
34 Flood Insurance Program, and EO 11988.

35
36 DHS considered whether the CATEX should cover new construction up to five acres.
37 This threshold was based on the distinction made by the EPA of large and small
38 construction activities in 40 CFR Part 122.26(b). However, EPA no longer uses this
39 threshold for determining the type of construction permit needed. EPA has created a
40 threshold of construction of more than 10 acres for triggering certain analyses and
41 monitoring requirements. DHS opted for not using 10 acres because the funding of
42 construction activities of more than five acres is rare. Furthermore, DHS feels that in
43 situations involving construction of more than one acre in undeveloped areas, the project
44 deserves a higher level of scrutiny, alternative evaluation, and public involvement.

1 Application of this CATEX to a proposed action would require a REC to document
2 alignment with the scope of the CATEX, evaluation of extraordinary circumstances, and
3 compliance with other EP&HP requirements. Typically, the issues that DHS encounters
4 with construction activities are related to other EP&HP compliance requirements such as
5 NHPA Section 106, ESA Section 7, and EO 11988, among others.

6 7 **Comparable DHS CATEXs**

8
9 *(E2) New construction upon or improvement of land where all of the following*
10 *conditions are met: (a) The structure and proposed use are compatible with applicable*
11 *Federal, tribal, state, and local planning and zoning standards and consistent with*
12 *federally-approved state coastal management programs, (b) The site is in a developed*
13 *area and/or a previously-disturbed site, (c) The proposed use will not substantially*
14 *increase the number of motor vehicles at the facility or in the area, (d) The site and*
15 *scale of construction or improvement are consistent with those of existing, adjacent, or*
16 *nearby buildings, and, (e) The construction or improvement will not result in uses that*
17 *exceed existing support infrastructure capacities (roads, sewer, water, parking, etc.).*

18 19 **Supporting EAs**

20
21 FEMA has developed PEAs that capture this activity type and has consistently found no
22 significant impacts. These PEAs include:

- 23
24 • Grant Programs Directorate projects
25 (<http://www.fema.gov/library/viewRecord.do?id=4143>)
- 26
27 • Integrated Public Alert and Warning Systems (IPAWS) construction projects
28 (<http://www.fema.gov/library/viewRecord.do?id=4174>)
- 29
30 • Hazard Mitigation Assistance Safe Room projects
31 (<http://www.fema.gov/library/viewRecord.do?id=4670>)

32
33 FEMA has evaluated these projects at a nationwide programmatic level and develops
34 RECs on a site-specific level to document whether the FONSI covers the action or
35 whether a Tiered Site-Specific EA has been needed. No projects at the site-specific
36 level have triggered the need for an EIS.

37
38 In addition to the PEAs listed above, the following examples of site-specific EAs that
39 resulted in FONSI support the proposed CATEX:

40
41 TLC Health Network Tri-County Family Medicine Clinic Facility Replacement Project,
42 Town of Hanover, Chautauqua County, New York, July 2011.
43 ([http://www.fema.gov/media-library-data/20130726-1851-25045-](http://www.fema.gov/media-library-data/20130726-1851-25045-6750/july_12_2011_draft_ea_tlc_family_medicine_clinic.pdf)
44 [6750/july_12_2011_draft_ea_tlc_family_medicine_clinic.pdf](http://www.fema.gov/media-library-data/20130726-1851-25045-6750/july_12_2011_draft_ea_tlc_family_medicine_clinic.pdf))

1 The proposed action is to construct a new 2,930 sq. ft. family medical facility to restore
2 critical medical services to the affected community.

3
4 The Applicant would purchase a 2-acre sub-divided lot of a 29-acre parcel with 200 feet
5 of frontage, a site that is located approximately one-mile from the original facility. The
6 building foundation would consist of a slab on- grade construction with footings to an
7 elevation below the frost line. Access to the facility would require construction of a new
8 road and parking area for approximately 12 - 15 vehicles. Sanitary waste would be
9 managed via an onsite wastewater treatment system with a septic tank and leach field.
10 Electric and gas service would come from existing lines. Water supply would be
11 provided by a well to be constructed. Stormwater runoff would be managed through
12 onsite management measures such as a stormwater detention pond. The proposed action
13 would involve demobilization of its interim facility at 4 Hanover Street in Forestville.
14 The modular trailer that currently exists at this site would be relocated or sold, and any
15 required site restoration would occur to end the lease of this property.

16
17 Findings: Based upon the results of the EA, it has been concluded that the proposed
18 project will not significantly affect the quality of the human environment, and no further
19 NEPA analysis (i.e. Environmental Impact Statement) is warranted.

20
21 Waterloo High School Seismic Upgrade Project, Monroe County, Illinois, April 2007.
22 (<http://www.fema.gov/library/viewRecord.do?id=2527>).

23
24 The proposed action is to incorporate seismic building standards into the construction of
25 the new Waterloo High School.

26
27 The proposed action will include upgrades to the planned Waterloo High School's
28 structural, architectural, mechanical, electrical, fire protection, hydronic, and plumbing
29 systems to FEMA 424 seismic standards. The planned high school was a new 220,000
30 square foot facility. Specific activities included in this alternative include structural
31 upgrades to increase steel weight, strengthening of framing connections, and
32 implementation of seismic isolation measures. Architectural upgrades include the
33 addition of galvanized steel support channels and hangers sized and suited for seismic
34 requirements. The mechanical upgrades include equipment curbs with seismic isolation
35 and hangers, and supports with vibration capacity and seismic sizing. The electrical
36 upgrades feature the addition of inertia bases, conduit transverse bracing, conduit
37 longitudinal bracing, and seismic fixture clips. The fire protection upgrades include the
38 addition of spring hangers, single pipe transverse bracing, and single pipe longitudinal
39 bracing. Hydronic system upgrades include the addition of inertia bases, spring hangers,
40 single pipe transverse and longitudinal bracing. The plumbing system upgrades are the
41 addition of inertia bases, seismic snubbers, spring hangers, single pipe transverse and
42 longitudinal bracing.

43
44 Findings: Based upon the results of the EA, it has been concluded that the proposed
45 project will not significantly affect the quality of the human environment, and no further
46 NEPA analysis (i.e. Environmental Impact Statement) is warranted.

1 Replacement of the Escambia County Mosquito Control Facility, Escambia County,
2 Florida, July 2006. (<http://www.fema.gov/library/viewRecord.do?id=2201>)
3

4 The proposed action is to reconstruct a Mosquito Control Facility, which is part of a
5 larger facility, in an undeveloped portion of the larger facility.
6

7 The proposed Mosquito Control Facility would consist of four structures and associated
8 parking, landscaping, and stormwater detention. Building A would be a 1,527-square
9 foot office building. Building B would be a second office building, consisting of 2,971-
10 square feet. Building C would be a 2,705-square foot storage structure. Building D
11 would be a 920-square foot chemical storage structure, with associated secondary
12 containment.
13

14 Findings: Based upon the results of the EA, it has been concluded that the proposed
15 project will not significantly affect the quality of the human environment, and no further
16 NEPA analysis (i.e. Environmental Impact Statement) is warranted.
17

18 Poynette-Dekorrra Fire Protection District EOC/Fire/EMS Facility, Village of Poynette,
19 Wisconsin, August 2009. (<http://www.fema.gov/library/viewRecord.do?id=3746>)
20

21 The proposed action is to construct a new fire station.
22

23 The new fire station will be a single-story structure approximately 22,000 SF in size. A
24 paved parking lot and sidewalks will be placed around the building. New curb and gutter
25 and storm sewer will be constructed to drain runoff from the parking lot. Stormwater
26 will be managed with 0.42 acre-feet of wet detention basin volume for storm events up
27 to and including the 100-year event. Infiltration basin volume will be 0.08 acre-feet for
28 storm events up to and including the 10-year event. The proposed site grading plan
29 divides the existing drainage basin into two on-site drainage basins to the north and
30 south, with a third smaller off-site drainage sub-basin to the east. The existing gravel
31 Water Tower Road will be replaced with a paved street with curb and gutter from North
32 Street to the existing access driveway to the Alliant Energy building to the west. Some
33 vegetation will be removed and some animals would be temporarily displaced. The
34 site's new landscaping will include trees and bushes and stormwater ponds that will
35 provide habitat for wildlife.
36

37 Findings: Based upon the results of the EA, it has been concluded that the proposed
38 project will not significantly affect the quality of the human environment, and no further
39 NEPA analysis (i.e. Environmental Impact Statement) is warranted.
40

41 **Proposed text: *N9 Federal Assistance for Flood Hazard Reduction**
42 **Actions.** *Federal assistance for drainage, berm, water crossing, and detention,*
43 *retention, or sediment pond projects which have the primary purpose of*
44 *addressing flood hazards and:*

- 45 a. *Do not affect more than 25 acres,*

- 1 b. *Do not result in adverse flood risk effects to downstream*
2 *communities,*
3 c. *Do not result in any increase of flood levels within the community*
4 *during the occurrence of the base flood discharge if the action*
5 *takes place within the regulatory floodway, and*
6 d. *Where the effect of the proposed project when combined with*
7 *other existing or reasonably foreseeable development will not*
8 *increase water surface elevation of the base flood more than one*
9 *foot at any point within the community if it the action takes place in*
10 *a floodplain with no regulatory floodway.*

11
12 *This CATEX covers minor flood control actions as identified in Sections 1366*
13 *and 1361 of the National Flood Insurance Act (NFIA). Actions that are not*
14 *covered in Sections 1366 and 1361 of the NFIA, such as dikes, levees,*
15 *seawalls, groins, and jetties, are excluded from this CATEX.*

16 17 **Rationale and Support for CATEX**

18
19 This is a proposed new CATEX. DHS, through FEMA, has provided funding for
20 numerous drainage improvement projects through its HMA grants. None of these
21 projects have triggered the need for EISs, and EAs prepared for these projects have
22 resulted in FONSI.

23
24 This CATEX that would cover actions such as drainage projects; berms; water crossings
25 (e.g. culverts and bridges); and detention, retention, and sediment ponds that have the
26 primary purpose of addressing flood hazards. As used in this CATEX, a “berm” is an
27 earthen feature that is placed along slopes to control erosion or improve slope stability.
28 Under this CATEX, a berm is not intended to mean a levee, which is a man-made
29 structure designed and constructed with sound engineering practices to contain, control
30 or divert the flow of water in order to provide protection from temporary flooding. The
31 CATEX is intended to cover minor flood control actions as identified in Section 1366
32 and 1361 of the National Flood Insurance Act (NFIA) which do not include dikes,
33 levees, seawalls, groins, and jetties. Therefore, dikes, levees, seawalls, groins, and
34 jetties are excluded from this CATEX.

35
36 “*Affect*” under limitation (a) is intended to capture the cumulative amount of ground
37 disturbance associated with the protective measures and the size of the area to be
38 protected. In order to apply the CATEX to a proposed action, the combination of the
39 area to be protected and ground disturbance must not exceed 25 acres.

40
41 This CATEX captures some standards for minimization of floodplain impacts such as
42 avoidance of flood risk effects (a), encroachment prohibitions (c) and (d), and
43 minimization of impacts to floodplain values (e).

44
45 With limitation (e), DHS intends to encourage practices that avoid, minimize, or
46 mitigate impacts to environmental and historic resources and wetlands or floodplain

1 functions such as their conveyance capacity, moderation of flow velocity, groundwater
2 recharge, improvement of water quality, habitat characteristics, and flood moderation.
3 Compensatory mitigation actions are acceptable mitigation measures if they are agreed
4 to by the applicable governmental entity that has regulatory oversight over the affected
5 resource.

6
7 Application of this CATEX to a proposed action would require a REC to document
8 alignment with the scope of the CATEX, evaluation of extraordinary circumstances, and
9 compliance with other EP&HP requirements. Typically, the issues that DHS encounters
10 with flood hazard reduction actions are related to other EP&HP compliance
11 requirements such as NHPA Section 106, ESA Section 7, EOs 11988 and 11990, among
12 others.

13 **Supporting EAs**

14
15
16 Wildwood Creek Detention Basins, City of Yucaipa, California, November 2007.
17 (<http://www.fema.gov/media-library/assets/documents/12505?id=3075>)

18
19 In the Proposed Action, the City of Yucaipa would construct one desilting basin, two
20 detention basins, and a natural bottom channel (bioretention swale) on approximately 20
21 to 25 acres in and adjacent to Wildwood Creek in the southeastern part of the City. The
22 total project area is 29.5 acres. The project area is bounded by Wildwood Canyon Road
23 to the north, Holmes Street to the west, and Serape Drive to the southeast. The desilting
24 basin would have approximately 4 acre-feet capacity. The detention basins would have
25 approximately 30 and 45 acre-feet capacities. The Proposed Action is needed to help
26 protect people and public and private property within the Wildwood Creek floodplain
27 from flooding hazards. During floods, rushing water and silt deposits disrupt the traffic
28 along the City's roadways. Wildwood Canyon Road and Avenue G, roads adjacent to
29 the creek, are often damaged as the creek embankments erode. Road closures are
30 sometimes required.

31
32 Findings: Based upon the results of the EA, it has been concluded that the proposed
33 project will not significantly affect the quality of the human environment, and no further
34 NEPA analysis (i.e. Environmental Impact Statement) is warranted.

35
36 Harris County Flood Control District Project, Harris County, Texas, May 2011.
37 (<http://www.fema.gov/library/viewRecord.do?id=4692>)

38
39 As a direct result of the flooding in White Oak Bayou, Jersey Village experienced
40 property damage to residential and commercial structures. Apart from flooding
41 associated with Hurricane Ike, homes and businesses in Jersey Village along White Oak
42 Bayou experience frequent and severe flooding during storm events. When severe
43 flooding occurs, residential structures are damaged, roads are made impassible, and
44 other critical infrastructure can be damaged and/or destroyed which adversely affects
45 public safety, health and welfare.

1 Studies conducted by the HCFCD indicate that the construction of a storm water
2 detention basin on an upstream tributary of White Oak Bayou would significantly reduce
3 the risk of flooding and would prevent future flood losses and damages to property in the
4 project area. Based on these studies and the overlying need when severe flooding occurs
5 in the project area, the HCFCD prepared and submitted an application for FEMA
6 funding under an HMGP grant to develop a storm water detention basin on an upstream
7 tributary of White Oak Bayou. The proposed project site would be entirely constructed
8 within an existing 41.93-acre tract of land. The proposed action would include
9 improving storm water detention along White Oak Bayou in Jersey Village by
10 construction of a 399 acre-foot storm water detention basin with an inlet channel/inlet
11 weir to divert flood flows from HCFCD Unit E135-00-00 into the basin. The proposed
12 action would also include a 48-inch reinforced concrete pipe (RCP) or corrugated metal
13 pipe (CMP) located in the southeast corner of the project area to provide discharge from
14 the proposed storm water detention basin to HCFCD Unit E135-00-00.

15
16 Findings: Based upon the results of the EA, it has been concluded that the proposed
17 project will not significantly affect the quality of the human environment, and no further
18 NEPA analysis (i.e. Environmental Impact Statement) is warranted.

19
20 Moore Drain Flood Mitigation Project, Tuscola County, Michigan, December 2003.
21 (<http://www.fema.gov/library/viewRecord.do?id=2003>)

22
23 The proposed action was developed to address flooding in the City of Vassar. The
24 project involved modification of an existing earthen berm, construction of a diversion
25 conduit, and improvements to Moore Drain. The berm modification would provide 85
26 percent reduction in the frequency of flooding against 10-year events. Work occurred
27 along approximately 3,700 feet of the Cass River. Alternatives for the project included
28 the construction of a berm and creation of detention ponds of 130 acres and 50 acres.

29
30 Findings: Based upon the results of the EA, it has been concluded that the proposed
31 project will not significantly affect the quality of the human environment, and no further
32 NEPA analysis (i.e. Environmental Impact Statement) is warranted.

33
34 Pigeon Creek Flood Mitigation Project, Ozaukee, Wisconsin, March 2006.
35 (<http://www.fema.gov/media-library/assets/documents/6678?id=2185>)

36
37 The primary source of flooding problems at the Village of Thiensville is bank overflows
38 from the 6,927-acre tributary watershed of Pigeon Creek, which is a sub-watershed of
39 the Milwaukee River Watershed. In addition, existing manmade structures such as
40 bridges and culverts were not constructed to handle the current flood water levels. The
41 purpose of the proposed project is to fulfill the need for more efficient (and cost-
42 effective) handling of water in flood events in order to protect human health, safety and
43 private property. This would protect surrounding homes and businesses from flooding,
44 restore roadway access, and relieve sanitary sewer backups.

45

1 One alternative involved conveyance improvements along Pigeon Creek in downtown
2 Thiensville, as well as upstream storage in the City of Mequon. The conveyance
3 improvements include widening three reaches of the channel, reconfiguring riprap
4 beneath the Main Street Bridge, removing existing car lot culverts and replacing them
5 with a 60-foot stream channel, removing and replacing two bridges, and installing a new
6 70-foot pedestrian/utility bridge. With the proposed conveyance improvements and
7 utilization of approximately 58 acre-feet of upstream storage, a target flood elevation of
8 659.5 feet would be reached in downtown Thiensville. The proposed storage component
9 of the project is located approximately 1.5 miles northwest of Thiensville, and includes
10 control of an existing road outlet structure to make maximum use of natural storage
11 capacity to achieve the necessary water storage. The target elevation of 659.5 feet is the
12 lowest possible flood stage that can be achieved in the downtown area because the
13 backwater effect of the Milwaukee River in a 100-year event is equal to an elevation of
14 659.5 feet.

15
16 Another alternative would involve conveyance improvements along Pigeon Creek in
17 downtown Thiensville, as well as upstream storage in the City of Mequon. The
18 conveyance improvements include widening of three reaches of the channel, removing
19 existing car lot culverts and replacing them with a 60-foot stream channel, removing and
20 replacing two bridges, and installing a new 70-foot pedestrian/utility bridge. The width
21 of the stream channel through the car lot would be the same as previous alternative;
22 however it would be constructed with more of a side slope and less surface area on the
23 bottom of the channel (trapezoidal shape vs. square), creating reduced capacity for
24 water. Because the volume of the proposed stream channel is reduced from that of
25 previous alternative, and no widening or reconfiguration of riprap beneath the Main
26 Street Bridge is proposed, approximately 300 acre-feet of storage would have been
27 needed to achieve the target flood elevation of 659.5 in downtown Thiensville. The
28 proposed storage component requires using four water storage areas in the City of
29 Mequon.

30
31 Findings: Based upon the results of the EA, it has been concluded that the proposed
32 project will not significantly affect the quality of the human environment, and no further
33 NEPA analysis (i.e. Environmental Impact Statement) is warranted.

34
35 Harris County Flood Control District Project, Harris County, Texas, May 2011.
36 (<http://www.fema.gov/media-library/assets/documents/21724?id=4692>)

37
38 As a direct result of the flooding in White Oak Bayou, Jersey Village experienced
39 property damage to residential and commercial structures. Apart from flooding
40 associated with Hurricane Ike, homes and businesses in Jersey Village along White Oak
41 Bayou experience frequent and severe flooding during storm events. When severe
42 flooding occurs, residential structures are damaged, roads are made impassible, and
43 other critical infrastructure can be damaged and/or destroyed which adversely affects
44 public safety, health and welfare.

45

1 Studies conducted by the HCFCD indicate that the construction of a stormwater
2 detention basin on an upstream tributary of White Oak Bayou would significantly reduce
3 the risk of flooding and would prevent future flood losses and damages to property in the
4 project area. Based on these studies and the overlying need when severe flooding occurs
5 in the project area, the HCFCD prepared and submitted an application for FEMA
6 funding under an HMGP grant to develop a stormwater detention basin on an upstream
7 tributary of White Oak Bayou. The proposed project would be constructed entirely with
8 an existing 41.93 acre tract of land. The proposed action would include improving
9 stormwater detention along White Oak Bayou in Jersey Village by construction of a 399
10 acre-foot stormwater detention basin with an inlet channel/inlet weir to divert flood
11 flows from HCFCD Unit E135-00-00 into the basin. The proposed action would also
12 include a 48-inch reinforced concrete pipe (RCP) or corrugated metal pipe (CMP)
13 located in the southeast corner of the project area to provide discharge from the
14 proposed stormwater detention basin to HCFCD Unit E135-00-00.

15
16 Findings: Based upon the results of the EA, it has been concluded that the proposed
17 project will not significantly affect the quality of the human environment, and no further
18 NEPA analysis (i.e. Environmental Impact Statement) is warranted.

19 **Proposed text: **N10 Federal Assistance for Communication Towers of***
20 ***Less Than 400 Feet. Federal assistance for the construction of***
21 ***communication towers when all of the following are met:***

- 22
- 23 a. *The total height is less than 400 feet above ground level,*
 - 24 b. *The tower construction project has been through the Federal*
25 *Communications Commission (FCC) Antenna Structure*
26 *Registration (ASR) process and has been documented as*
27 *meeting FCC environmental planning and historic preservation*
28 *procedures for the ASR,*
 - 29 c. *The project is located farther than 660 feet from a Bald Eagle's*
30 *nest or 0.6 mile from a Golden Eagle nest,*
 - 31 d. *The tower is not located on ridgelines or in coastal zones, bird*
32 *staging areas, colonial nesting sites, 100- or 500-year floodplains,*
33 *or wetlands, and*
 - 34 e. *The lighting scheme meets all applicable US Fish and Wildlife*
35 *Service guidelines for reducing potential impacts to night-*
36 *migrating birds.*
- 37

38 *This CATEX covers associated activities such as installation of fuel storage*
39 *tanks, equipment buildings, security fencing and lighting, and access roads, and*
40 *land disturbance activities typically associated with construction such as*
41 *clearing, fill, and grading.*

42 **Rationale and Support for CATEX**

43

44 This is a new CATEX intended to extend the height limitation in existing DHS CATEX
45 (E1), which is 200 feet. DHS, through FEMA, has reviewed several hundred tower

1 projects since 2007, the year when the Grant Programs Directorate (GPD) was
2 incorporated into the Agency. GPD administers numerous emergency preparedness
3 grant programs, including several under which tower construction and modification are
4 eligible project activities. Another DHS Component, the National Protection and
5 Programs Directorate, administers the Border Interoperability Demonstration Program, a
6 grant program that also provides funding for tower construction. These programs have
7 given DHS sufficient experience in assessing the potential environmental impacts of this
8 type of action.

9
10 The proposed CATEX is based on DHS's experience gained from the review of several
11 hundred grant-funded tower projects across the nation. In DHS's experience, the
12 impacts to migratory birds have not triggered significant cumulative impacts warranting
13 the preparation of an EIS. Even with towers taller than 450 feet, the impacts of DHS's
14 funding actions have not resulted in significant impacts.

15
16 This proposed CATEX includes the construction and operation of communications
17 towers, including associated equipment and activities (e.g., installation of fuel storage
18 tanks, security fencing and lighting, access roads, and land disturbance activities
19 typically associated with construction such as clearing, fill, and grading). Criteria (a)
20 through (e) must be met. Towers taller than 400 feet are explicitly excluded from this
21 CATEX.

22
23 The CATEX calls for the processing of proposed federally-assisted tower projects
24 through the FCC Antenna Structure Registration (ASR) process, which includes an
25 EP&HP review process, before they are reviewed by DHS. The FCC has developed a
26 comprehensive EP&HP review process that accounts for environmental impacts of
27 towers. The FCC's EP&HP review process includes a NEPA analysis, Section 106
28 review through Nationwide Programmatic Agreements, and Tribal coordination through
29 the Tower Construction Notification System (TCNS). The submittal and review of
30 documentation produced for the ASR process is useful in avoiding duplication of
31 reviews, time delays, and unnecessary costs. A tower project with no documentation
32 satisfying the FCC's ASR EP&HP process would not be included in this CATEX.

33
34 The additional limitations in the CATEX are intended to reduce the potential for
35 individual and cumulative impacts of DHS-funded towers on migratory birds. Presence
36 of these conditions would trigger further analysis through an EA or EIS process,
37 including the requirement for identification of reasonable alternatives and public review
38 and comment opportunities.

39
40 Application of this CATEX to a proposed action would require a REC to document
41 alignment with the scope of the CATEX, evaluation of extraordinary circumstances, and
42 compliance with other EP&HP requirements. Typically, the issues that DHS encounters
43 with communication tower projects are related to other EP&HP compliance
44 requirements such as NHPA Section 106, ESA Section 7, EO 11988, and the Migratory
45 Bird Treaty Act, among others.

46

1 **Comparable CATEXs**

2
3 FEMA CATEX

4
5 *(ix) Acquisition, installation, or operation of utility and communication systems that use*
6 *existing distribution systems or facilities, or currently used infrastructure rights-of-way.*

7
8 DHS CATEX

9
10 *(E1) Construction, installation, operation, maintenance, and removal of utility and*
11 *communication systems (such as mobile antennas, data processing cable, and similar*
12 *electronic equipment) that use existing rights-of-way, easements, utility distribution*
13 *systems, and/or facilities. This is limited to activities with towers where the resulting*
14 *total height does not exceed 200 feet and where the FCC would not require an*
15 *environmental assessment or environmental impact statement for the acquisition,*
16 *installation, operation or maintenance.*

17
18 **Supporting EAs**

19
20 450-foot Tower, Harrisonville, Cass County, Missouri, December 2009.
21 (<http://www.fema.gov/media-library/assets/documents/17398?id=3861>)

22
23 The Proposed Action is the construction of a 450-foot guyed lattice communications
24 tower. The Cass County site is rural and undeveloped. The site is located approximately
25 938 feet above mean sea level in an area of rolling hills. The proposed 2,500 square foot
26 compound will enclose the following: the 450-foot lattice guyed tower, a 11-foot by 16-
27 foot equipment shelter on a concrete pad, a 1,000-gallon propane aboveground storage
28 tank (AST) on a concrete pad, a H-frame with a single meter can, and a 50 kilowatt
29 (KW) generator on a 4-foot by 9-foot concrete pad. An 8-foot tall chain-link fence will
30 surround the perimeter of the proposed compound area. The power and
31 telecommunications lines will be connected to an existing transformer and
32 telecommunications line located southeast of the site.

33
34 Findings: Based upon the results of the EA, it has been concluded that the proposed
35 project will not significantly affect the quality of the human environment, and no further
36 NEPA analysis (i.e. Environmental Impact Statement) is warranted.

37
38 Communication Tower, Coryell County, Gatesville, Texas, April 2010.
39 (<https://www.fema.gov/media-library/assets/documents/26398>)

40
41 The Proposed Action is the construction of a 460-foot guyed wire telecommunications
42 tower that will be located approximately 600 feet south of Rocky Road in Gatesville,
43 Coryell County, Texas. The site is cleared grassland area surrounded by woodland
44 vegetation. The site is approximately 1,020 feet above mean sea level. As noted in the
45 reviewed databases and maps, there are no indications of wetlands, floodplains, coastal
46 management zones, and wild or scenic rivers. The tower site will be located on a

1 developed 0.61-acre parcel of land containing: a 280-foot guy-wire tower, two
2 equipment shelters, a propane tank, and a standalone emergency generator. The existing
3 280-foot telecommunications tower, one of the equipment shelters and the propane tank
4 will be removed, and the existing propane-powered generator will be replaced with a
5 new diesel-powered emergency generator. The proposed 460-foot tower will be
6 constructed on a 10-foot by 10-foot area adjacent to the remaining equipment shelter.
7 There will be three (3) sets of six (6) guy wires for a total of 18 wires. The tower's
8 surface impact area will be less than 0.10 acre.

9
10 Findings: Based upon the results of the EA, it has been concluded that the proposed
11 project will not significantly affect the quality of the human environment, and no further
12 NEPA analysis (i.e. Environmental Impact Statement) is warranted.

13
14 600-foot Communications Tower, Scott County, Mississippi, May 2010.
15 (<http://www.fema.gov/library/viewRecord.do?id=4202>).

16
17 The Proposed Action consists of construction of a 600-foot guyed communications
18 tower and associated equipment compound to facilitate installation and operation of
19 wireless communications antennae to provide integrated emergency communications
20 between federal, state, and local agencies. These antennae include microwave dishes
21 that are to be used to send and receive information over long distances without the
22 limitations associated with connection to land lines/cables (primarily interruptions in
23 service due to damage to land lines/cables during emergencies or natural disasters).

24
25 Findings: Based upon the results of the EA, it has been concluded that the proposed
26 project will not significantly affect the quality of the human environment, and no further
27 NEPA analysis (i.e. Environmental Impact Statement) is warranted.

28
29 Central Maintenance Facility 250 Communications Tower, Pierce County, Washington,
30 May 2010. (<http://www.fema.gov/library/viewRecord.do?id=4176>)

31
32 The Proposed Action would construct a lattice free-standing 250' emergency radio
33 communication tower and associated 360 square foot equipment building at the CMF in
34 two phases. Phase 1 would consist of the 50 foot by 90 foot (4500 square feet total) site
35 preparation, pouring of the cement foundation, installation of the first 160 feet of the
36 steel radio tower with 17 foot antennas at the top of the tower, bringing the total height
37 to 177 feet, installation of the equipment shelter, and a 6-foot chain link fence with
38 locked gate. A maximum of four (4) six-foot diameter high performance microwave
39 dishes will be installed during Phase 1 at the heights of 158 feet and 128 feet. Phase 2
40 would increase the height of the tower by adding another 73 feet, bringing it to 250 feet
41 in height and will have four (4) more six-foot microwave dishes; two at 248 feet and two
42 at 218 feet in height. Per the Determination of No Hazard to Air Navigation by the
43 Federal Aviation Administration (FAA) no air traffic safety requirements will be
44 required for Phase 1 based on the elevation, location, and description, which includes
45 specific coordinates, heights, frequency (ies), and power. Phase 2 will require future
46 evaluation by the FAA, and will require a Dual Lighting Red/Medium Intensity Flashing

1 White system due to increase in height. The FCC registration number is 1274006 and
2 FCC has no specific tower requirements. The tower will be designed to meet Pierce
3 County building codes for seismic area D-1 or D-2 and wind velocity exposure “C”.
4 Pierce County considers all of its towers are critical facilities and thus are built to a
5 higher standard because of first responder support.
6

7 Findings: Based upon the results of the EA, it has been concluded that the proposed
8 project will not significantly affect the quality of the human environment, and no further
9 NEPA analysis (i.e. Environmental Impact Statement) is warranted.
10

11 Communication Tower, Permian Basin Regional Planning Commission, Andrews,
12 Texas, November 2011. (<http://www.fema.gov/library/viewRecord.do?id=4918>)
13

14 The Proposed Action is the construction of a 480-foot guyed wire telecommunications
15 tower that will be located at 9435 East State Highway 115 approximately 20 miles
16 northeast of Andrews, Texas on Highway 115 in Andrews County, Texas. The Andrews
17 Tower site consists of a proposed 480-foot guyed telecommunication tower and
18 associated equipment to be located on 50-foot by 50-foot grassland covered parcel. The
19 proposed telecommunication compound will include: one 12-foot by 16-foot equipment
20 shelter, a standalone emergency backup generator on a 5-foot by 5-foot pad, and
21 associated 5-foot by 10-foot propane tank, and control utility board as shown in Figure
22 3. Anchors will be placed at four corners for the guyed wires. There will be four (4) sets
23 of nine (9) guy wires for a total of 36 wires. The tower's surface impact area will be less
24 than 0.25 acres.
25

26 Findings: Based upon the results of the EA, it has been concluded that the proposed
27 project will not significantly affect the quality of the human environment, and no further
28 NEPA analysis (i.e. Environmental Impact Statement) is warranted.
29

30 **Proposed text: *N11 Federal Assistance for Wildfire Hazard Mitigation**

- 31 **Actions.** *Federal assistance for the following wildfire hazard mitigation actions:*
32 a. *Actions involving the creation of defensible space by the removal*
33 *or reduction of flammable vegetation around existing structures for*
34 *up to 100 feet of the structure;*
35 b. *Actions involving hazardous fuel reduction proximate to at-risk*
36 *structures including the selective removal of undergrowth*
37 *vegetation that is less than 12 inches in diameter through thinning,*
38 *pruning, limbing, sawing, or brush cutting, or the removal of*
39 *downed, dead, or dry vegetation material as part of the overall*
40 *action.*

41 *The actions must be limited to less than 100 acres of vegetation removal either*
42 *individually or when combined with other reasonably foreseeable private or*
43 *public actions.*
44

45 **Rationale and Support for CATEX**
46

1 This is a proposed new CATEX that would leverage FEMA’s extensive experience in
2 the evaluation of wildfire mitigation actions. This CATEX is intended to cover certain
3 wildfire mitigation actions under FEMA’s HMA programs and any future DHS grant
4 authority under which such actions would be eligible. Wildfire mitigation actions have
5 been the subject of several EAs within EAs, which have consistently resulted in
6 FONSIIs.

7
8 The limitation of 100 acres must account for actions that are reasonably foreseeable to
9 occur that may be undertaken by private entities or local governments, State or Tribal
10 agencies, and Federal agencies. DHS’s experience, through FEMA, includes actions that
11 go beyond 100 acres. However, these have typically triggered considerations that are
12 more effectively addressed through the EA process, such as a more in depth cumulative
13 impacts analysis, consideration of resources that are not protected by existing federal
14 EP&HP requirements, and public involvement.

15
16 Applicable best management practices would depend on the location of the project but
17 may include measures to reduce soil erosion, sediment control measures, preservation of
18 an amount of canopy, and avoidance of rookeries, among other things.

19
20 DHS has a CATEX that allows for the removal of exotic vegetation but explicitly
21 excludes the application of herbicides. Under this proposed new CATEX, the
22 application of herbicides would be covered but the potential impacts on natural
23 resources must be addressed.

24
25 Application of this CATEX to a proposed action would require a REC to document
26 alignment with the scope of the CATEX, evaluation of extraordinary circumstances, and
27 compliance with other EP&HP requirements. Typically, the issues that DHS encounters
28 with wildfire hazard mitigations actions are related to other EP&HP compliance
29 requirements such as NHPA Section 106, ESA Section 7, and EO 11988, among others.

30 **Comparable DHS CATEX**

31
32 *(E8) Construction of aquatic and riparian habitat in streams and ponds on Department-*
33 *managed land, using native materials or best natural resource management practices.*
34 *Examples include, but are not limited to: (a) Installing or repairing gabions with stone*
35 *from a nearby source, (b) Adding brush for fish habitat, (c) Stabilizing stream banks*
36 *through bioengineering techniques, and (d) Removing and controlling exotic*
37 *vegetation, not including the use of herbicides or non-native biological controls.*

38 39 **Supporting EAs**

40
41 Mill Creek Defensible Space Project, Walla Walla County, Washington, May 2011.
42 (<http://www.fema.gov/media-library/assets/documents/21784>)

43
44 The Proposed Action would reduce fuels around residential structures in the Mill Creek
45 drainage area through vegetation removal. Areas targeted for vegetation removal include
46 a 30-foot radius around the main residential structure. The 30-foot radius around 217

1 targeted homes would collectively total 31 acres. Contractors would conduct vegetation
2 removal activities by hand.

3
4 The Firewise program is co-sponsored by the U.S. Forest Service, the U.S. Department
5 of the Interior, and the National Association of State Foresters. Firewise guidelines for
6 defensible space would be followed. These guidelines identify the defensible space zone
7 as a 30-foot radius around a structure's foundation. In some cases, this radius may be
8 expanded by 5 to 10 feet to provide additional defensible space around structures that
9 are located on steep slopes. Firewise guidelines for defensible space recommend
10 planting grass and small "islands" of fire-resistant plants within 30 feet of structures to
11 prevent the spread of wildfires and minimize the severity of damages. Other landscaping
12 recommendations include trimming trees so that the lowest branches are 6 to 10 feet
13 above the ground, spacing plants so that the plants or plant canopies do not touch (with
14 wider spacing along slopes), and planting fire- or drought-resistant plants. Removal of
15 all vegetation is not recommended because this could increase soil erosion, especially in
16 the kinds of sloped areas found in much of the project area. A properly maintained
17 defensible space zone protects the structure from surrounding wildfires and provides a
18 relatively safe area for firefighters to work (NFPA 2009).

19
20 Mechanical vegetation removal is not proposed because many locations have steep
21 slopes, and use of heavy equipment in sloped areas can increase erosion and
22 sedimentation. In most cases, tree and shrub stumps and roots would not be removed.
23 Site assessments and vegetation management activities would occur between May and
24 October. Participating residents would have the opportunity to provide input prior to
25 vegetation management activities.

26
27 Findings: Based upon the results of the EA, it has been concluded that the proposed
28 project will not significantly affect the quality of the human environment, and no further
29 NEPA analysis (i.e. Environmental Impact Statement) is warranted.

30 Deschutes and Crook Counties Wildfire Mitigation, Oregon, April 2009.

31 (<http://www.fema.gov/library/viewRecord.do?id=3573>)

32
33 The action would remove excessive vegetation through hand thinning, brush cutting,
34 mowing, and other low-impact measures by private contractors on approximately 1,000
35 acres of privately-owned lands. The geographic areas targeted for wildfire vegetation
36 management include the Ochoco Reservoir, Ochoco West and Powell Butte
37 communities in Crook County and the Awbrey Butte, Awbrey Glenn, Tetherow
38 Crossing and Woodside Ranch communities in Deschutes County. These properties
39 were identified as high-risk in the Deschutes and Crook County Natural Hazards
40 Mitigation Plans and individual Community Wildfire Protection Plans. Under the
41 Deschutes County Forester and Crook County Fire and Rescue staff direction, each
42 individual property would be assessed to determine the best method of vegetation
43 removal. FEMA funds would be used by the Counties and private contractors to treat
44 vegetation near roads and driveways, and to haul all debris to local co-generation plants.
45 Private property owners are responsible for vegetation removal on their properties,
46 including labor. However, there is a special needs component to the project for residents

1 who are physically or financially unable to perform the work themselves. In those cases,
2 the private contractors would provide the labor to remove vegetation within 100 feet of
3 structures to develop defensible space. The Counties anticipate that less than five
4 percent of property owners within the project areas would apply for this assistance.

5
6 Treatment areas would be accessed from existing roads and driveways, which are
7 typically gravel or dirt. No improvements to the access roads/driveways would occur.
8 Juniper and sagebrush would be removed from the project areas within Crook County,
9 and also from Tetherow Crossing in Deschutes County. Bitterbrush would be removed
10 from all project areas.

11
12 The Counties and contractors would remove all debris to local co-generation plants for
13 disposal, which produce two useful forms of energy, electricity and process steam, from
14 a single fuel source. Soil disturbance is not planned.

15
16 Findings: Based upon the results of the EA, it has been concluded that the proposed
17 project will not significantly affect the quality of the human environment, and no further
18 NEPA analysis (i.e. Environmental Impact Statement) is warranted.

19
20 Highlands Estates Wildfire Mitigation Project, Adams County, Idaho, June 2009.
21 (<http://www.fema.gov/library/viewRecord.do?id=3623>)

22
23 The Proposed Action would remove excessive vegetation through hand thinning,
24 pruning, limbing, sawing, or brush cutting by private contractors on approximately 200
25 acres of privately-owned lands. The vegetation to be removed would be mainly brush,
26 with limited amounts of small trees (red fir and bull pine) less than 12 inches in
27 diameter. Vegetation removal would occur around the perimeter of and within the
28 subdivision. The existing infrastructure would be used to remove any vegetative debris.
29 The debris from these activities would be chipped and mulched for homeowner use, or
30 otherwise disposed of in a permitted facility. Large debris may be used as firewood, and
31 chips would be used by homeowners as mulch. No burning would occur.

32
33 Implementation of the Proposed Action would take place using grant funds and Adams
34 County funds to accomplish the following activities over a 2-year period: 1) create
35 defensible structures and decrease the risk from wildfire to 16 residences through
36 vegetation management (hand cutting), and 2) increase the effectiveness of similar fuels
37 reduction projects that have occurred in the Meadow Creek development adjacent and
38 below Highlands Estates

39
40 Findings: Based upon the results of the EA, it has been concluded that the proposed
41 project will not significantly affect the quality of the human environment, and no further
42 NEPA analysis (i.e. Environmental Impact Statement) is warranted.

43
44 **Proposed text: N12 Federal Assistance for Planting of Indigenous**
45 **Vegetation**

46

1 **Rationale and Support for CATEX**

2
3 This proposed CATEX is the same as existing FEMA CATEX (xi). DHS, through
4 FEMA, has funded numerous projects involving the planting of indigenous vegetation,
5 such as planting of grasses for dune and bank stabilization, and planting of vegetative
6 buffers for fire hazard reduction purposes. DHS, through interviews with FEMA
7 Regional Environmental Officers who are very familiar with these types of activities and
8 potential environmental impacts, has determined that it remains appropriate to
9 categorically exclude this type of activity from a higher level of NEPA analysis because
10 these actions do not normally have the potential to result in significant environmental
11 impacts. FEMA Regional Environmental Officers indicated that the existing FEMA
12 CATEX is sufficient and that no changes are necessary.

13
14 **Proposed text: N13 Provision of the Following Forms of Federal**
15 **Assistance Under the Stafford Act:**

- 16 a. *Unemployment Assistance (§410);*
17 b. *Individuals and Households Programs (§408), except for grants that*
18 *will be used for restoring, repairing or building private bridges, or*
19 *purchasing mobile homes or other readily fabricated dwellings;*
20 c. *Food Coupons and Distribution (§412);*
21 d. *Food Commodities (§413);*
22 e. *Legal Services (§415);*
23 f. *Crisis Counseling Assistance and Training (§416);*
24 g. *Community Disaster Loans (§417);*
25 h. *Emergency Communications (§418);*
26 i. *Emergency Public Transportation (§419);*
27 j. *Fire Management Assistance (§420)*

28
29 **Rationale and Support for CATEX**

30
31 This proposed CATEX is the same as existing FEMA CATEX (xix)(E) through (N).
32 DHS has determined through its experience that it remains appropriate to categorically
33 exclude these activities from a higher level of NEPA analysis because they do not have
34 the potential to result in significant environmental impacts.

35
36 **Proposed text: N14 Federal Assistance for Urban Search and Rescue**
37 **(USR) Activities, Including Deployment of USR Teams**

38
39 **Rationale and Support for CATEX**

40
41 This proposed CATEX is essentially the same as existing FEMA CATEX (xviii)(C),
42 with a minor wording change to make it clear that deployment of USR teams is one
43 common type of USR activity. DHS has determined through its experience that it
44 remains appropriate to categorically exclude these activities from a higher level of

1 NEPA analysis because they do not normally have the potential to result in significant
2 environmental impacts.

3
4 **Comparable FEMA CATEX**

5
6 *(xviii)(C) Deployment of Urban Search and Rescue teams.*

7
8 **Proposed text: *N15 Federal Assistance for Disaster Temporary Individual**
9 **Housing in Private and Commercial Sites.** *Federal assistance for the*
10 *installation and/or removal of individual housing units in private or commercial*
11 *sites, or the development of pre-existing commercial sites or residential facilities*
12 *that are not located on contaminated sites for individual temporary housing*
13 *units.*

14
15 **Rationale and Support for CATEX**

16
17 This proposed CATEX is based on existing FEMA CATEX (xix)(D) and FEMA’s
18 extensive experience providing housing to disaster victims. Information on FEMA’s
19 authorities related to disaster housing can be found on-line at
20 <http://www.fema.gov/housing-resources>.

21
22 “Development of pre-existing commercial sites or residential facilities” includes, but is
23 not limited to, the placement of units in mobile home sites or recreational vehicle sites
24 that existed prior to a disaster event, refurbishing or rehabilitation of non-historic
25 residential or commercial units for habitation (e.g. apartment buildings), or placement of
26 individuals in cruise ships. The last two are examples of actions within enclosed
27 facilities where existing FEMA CATEX (xvii) has typically been applied.

28
29 For the purposes of this CATEX, “contaminated sites” are those that contain higher than
30 EPA established thresholds for contaminants (in parts per million) that either pre-date or
31 were a result of a release associated with the disaster event. Proposals to locate disaster
32 housing on contaminated sites are explicitly excluded from this CATEX and would
33 trigger the need for an EA.

34
35 Application of this CATEX to a proposed action would require a REC to document
36 alignment with the scope of the CATEX, evaluation of extraordinary circumstances, and
37 compliance with other EP&HP requirements such as NHPA Section 106, ESA Section
38 7, and EOs 11988 and 11990, among others.

39
40 **Comparable FEMA CATEX**

41
42 *(xix)(D) Temporary Housing [Stafford Act §408], except locating multiple mobile homes*
43 *or other readily fabricated dwellings on sites, other than private residences, not*
44 *previously used for such purposes.*

45
46 **Supporting EA**

1 Alternative Housing Pilot Program Permanent Housing, Orleans Parish, Louisiana,
2 August 2009. (<http://www.fema.gov/library/viewRecord.do?id=3586>)

3
4 The proposed action by FEMA is to provide permanent housing solutions for disaster
5 victims to address the housing shortages caused by the catastrophic effects of Hurricanes
6 Katrina and Rita.

7
8 The proposed action would include land acquisition and construction of approximately
9 160 permanent single-family units (cottages) throughout Orleans Parish. The cottages
10 would be scattered throughout the Parish and would “fill-in” throughout existing
11 neighborhoods. The proposed group site would consist of single-family cottages, with
12 living areas ranging from 874 square feet to 1,112 square feet. As necessary, the
13 cottages would be built on piers to raise them to the required base flood elevation. The
14 project site would be cleared of all vegetation and debris, and then the site would be
15 grubbed. Additional contouring and grading may be required. Driveways would be
16 constructed. A fence would partially enclose the project area. The houses would tie into
17 existing water, and sewer infrastructure currently located near each lot site. Utilities
18 would be installed to each individual cottage.

19
20 Findings: Based upon the information in the PEA, it has been concluded that the
21 proposed action will not significantly affect the quality of the human environment, and
22 no further NEPA analysis (i.e. Environmental Impact Statement) is warranted.

23
24 ***Proposed text: *N16 Federal Assistance for Disaster Temporary Group***
25 ***Housing of Less than Five (5) Acres. Federal assistance for the placement of***
26 ***disaster temporary group housing, including associated temporary facilities and***
27 ***the tie-in or installation of necessary utilities to service the housing units (such***
28 ***as electricity, potable water, and wastewater infrastructure), that involves less***
29 ***than five (5) acres of ground disturbance on sites that are zoned for housing and***
30 ***that follow best management practices for pollution control. This CATEX also***
31 ***covers the conversion of such temporary housing to permanent housing when***
32 ***these criteria are met.***

33 34 **Rationale and Support for CATEX**

35
36 DHS, through FEMA, has extensive experience providing housing to disaster victims.
37 Information on FEMA’s authorities related to disaster housing can be found on-line at
38 <http://www.fema.gov/housing-resources>. This proposed new CATEX is based on FEMA
39 experience and the results of numerous FEMA EAs. Installation of group housing can
40 include the tie-in or installation of necessary utilities to service the housing units, such as
41 electricity, potable water, and wastewater infrastructure. Temporary facilities associated
42 with temporary group housing include, but are not limited to, ancillary shelters,
43 generators and utilities, and storage units.

44
45 This CATEX would cover the installation of temporary group housing and temporary
46 facilities involving less than 5 acres of ground disturbance, as well as the conversion of

1 such temporary housing into permanent housing. FEMA received statutory authority to
2 provide permanent manufactured housing to disaster victims in 2007.

3
4 Application of this CATEX to a proposed action would require a REC to document
5 alignment with the scope of the CATEX, evaluation of extraordinary circumstances, and
6 compliance with other EP&HP requirements such as NHPA Section 106, ESA Section
7 7, and EO 11988 and 11990, among others. A REC will also be required prior to the
8 change in designation from temporary to permanent housing.

9 **Supporting EAs**

10 Temporary Housing Sites, Minot, Ward County, North Dakota, September 2011.
11 (<http://www.fema.gov/library/viewRecord.do?id=4776>)

12
13
14
15 The proposed action by FEMA is to build temporary, emergency disaster group housing
16 for residents in the vicinity of Minot and Burlington, Ward County, North Dakota, a
17 need that results from severe flooding.

18
19 The proposed project would develop at least one temporary site with a capacity of 150-
20 200 mobile homes, with site occupancy expected to not exceed 18 months. The
21 proposed group sites will include development of temporary gravel pads for housing
22 foundations, school bus shelters, mailbox units, gravel and asphalt roadways, and all
23 utilities related to the infrastructure of the community. Access to the sites from
24 surrounding roads will be designed in coordination with applicable city and county staff.
25 The mobile homes will be hauled from the site to suitable locations elsewhere (case-by-
26 case basis) when the temporary housing need ends. The site will then be seeded or used
27 by the property owner in a manner consistent with applicable land use approvals.

28
29 Findings: Based upon the results of the EA, it has been concluded that the proposed
30 action will not significantly affect the quality of the human environment, and no further
31 NEPA analysis (i.e. Environmental Impact Statement) is warranted.

32
33 54th and Winnie Temporary Community Housing Site, Galveston, Galveston County,
34 Texas, December 2008. (<http://www.fema.gov/library/viewRecord.do?id=3497>)

35
36 The proposed action by FEMA is to build emergency temporary housing for residents in
37 Galveston County as a result of damage from Hurricane Ike.

38
39 The proposed action is the construction of a temporary community-housing site of
40 approximately 14 mobile homes on previously developed land, which would be leased
41 by the General Service Administration. New utilities would be installed in the site,
42 including tie-in of wastewater, potable water, and electrical service to existing
43 infrastructure. When the temporary housing need has ended, which is not expected to
44 exceed 18 months, the units will be hauled from the site and returned to a FEMA storage
45 yard. The site would then be seeded and restored to previous conditions, to the extent

1 practicable, and/or used by the landowner in a manner consistent with county zoning
2 classification.

3

4 Findings: Based upon the results of the EA, it has been concluded that the proposed
5 action will not significantly affect the quality of the human environment, and no further
6 NEPA analysis (i.e. Environmental Impact Statement) is warranted.

7

8 Longhorn Motocross Temporary Community Housing Site, Orange, Orange County,
9 Texas, November 2008. (<http://www.fema.gov/library/viewRecord.do?id=3461>)

10

11 The proposed action by FEMA is to build emergency temporary housing for residents in
12 Orange County as a result of damage from Hurricane Ike.

13

14 The proposed action is the construction of a temporary community-housing site of
15 approximately 100 mobile homes on land, which would be leased by the General
16 Service Administration. New utilities would be installed in the site, including tie-in of
17 wastewater, potable water, and electrical service to existing infrastructure. When the
18 temporary housing need has ended, which is not expected to exceed 24 months, the units
19 will be hauled from the site. The site would then be seeded and restored to previous
20 conditions, to the extent practicable, and/or site improvements would remain per the
21 landowners' interests.

22

23 Findings: Based upon the results of the EA, it has been concluded that the proposed
24 project will not significantly affect the quality of the human environment, and no further
25 NEPA analysis (i.e. Environmental Impact Statement) is warranted.

26

27 Highlands Temporary Mobile Home Community Site, Tunkhannock Township,
28 Wyoming County, Pennsylvania, November 2011.
29 (<http://www.fema.gov/library/viewRecord.do?id=4911>)

30

31 The proposed action by FEMA is to build emergency temporary housing for residents in
32 Wyoming County as a result of damage from Tropical Storm Lee.

33

34 The proposed action is the construction of a temporary community-housing site of no
35 more than 48 mobile homes on approximately 8 acres. Site preparation would include
36 clearing vegetation, grading a portion of the site, developing interior gravel roads and
37 pads. New utilities would be installed in the site, including tie-in of wastewater and
38 potable water to existing infrastructure. Electrical lines would be installed and
39 underground electric is currently available to the southeast of the property. When the
40 temporary housing need has ended, which is not expected to exceed 18 months, the units
41 will be hauled from the site. The site would then be reasonably restored to its previous
42 condition in a manner consistent with local zoning and as agreed upon with the
43 landowner.

44

1 Findings: Based upon the results of the EA, it has been concluded that the proposed
2 action will not significantly affect the quality of the human environment, and no further
3 NEPA analysis (i.e. Environmental Impact Statement) is warranted.

4
5 Alternative Housing Pilot Program, Lake Charles Fields 6th Avenue Group Housing Site,
6 Calcasieu Parish, Louisiana, March 2009.
7 (<http://www.fema.gov/library/viewRecord.do?id=3535>)

8
9 The proposed action by FEMA is to provide permanent housing solutions for disaster
10 victims to address the housing shortages caused by the catastrophic effects of Hurricanes
11 Katrina and Rita.

12
13 The proposed action would include land acquisition and construction on approximately
14 5.0 acres of previously disturbed land located in the eastern portion of the City of Lake
15 Charles, Louisiana. The proposed group site would consist of approximately 34 single-
16 family dwellings (cottages) with living areas ranging from 874 square feet to 1,112
17 square feet. As necessary, the dwellings would be built on piers to raise them to the
18 required base flood elevation. The project site would be cleared of all vegetation and
19 debris, and then the site would be grubbed. Additional contouring and grading may be
20 required. Driveways would be constructed. A fence would partially enclose the project
21 area. The houses would tie into existing water, and sewer infrastructure currently located
22 near each lot site. Utilities would be installed to each individual cottage.

23
24 Findings: Based upon the results of the EA, it has been concluded that the proposed
25 action will not significantly affect the quality of the human environment, and no further
26 NEPA analysis (i.e. Environmental Impact Statement) is warranted.

27
28 **Proposed text: N17 Federal Assistance for Development of Plans in**
29 **Support of Response, Recovery, and Hazard Mitigation Activities.** *Federal*
30 *assistance for the development of plans for the purpose of preparing for*
31 *disasters, recovering from disasters, and identifying opportunities for mitigating*
32 *the effects of future disasters. This includes but is not limited to State, Tribal,*
33 *and local hazard mitigation plans, debris management plans, long-term recovery*
34 *plans, and disaster housing plans. This CATEX is not applicable to plans associated*
35 *with specific projects that are reasonably foreseeable to occur and that are not*
36 *otherwise covered by another CATEX.*

37 38 **Rationale and Support for CATEX**

39
40 This proposed CATEX is derived from existing FEMA CATEXs (ii) and (xviii)(E).
41 DHS has determined through its experience that it remains appropriate to categorically
42 exclude these activities from a higher level of NEPA analysis because they do not
43 normally have the potential to result in significant environmental impacts.

44
45 DHS funds planning initiatives to address disaster response and recovery, preparedness,
46 and hazard mitigation issues. Typically, these planning activities are strategic or
47 programmatic in nature that identify problems within a specified geographic area and

1 provide a menu of options on how to address these problems. The plans themselves do
2 not guarantee that a specific project will be implemented nor determine if federal
3 funding will be available to implement a particular project. However, the plans can be
4 useful in identifying or bounding the alternatives to resolve the issue.

5
6 This proposed CATEX would not be applicable to plans for specific projects that are
7 reasonably foreseeable to occur and that are not otherwise covered by another DHS
8 CATEX. For example, planning and designing for a flood protection system for
9 federally-assisted flood hazard reduction actions (such as a levee) would not be
10 categorically excluded from NEPA. In these situations, an EA or and EIS would be
11 prepared. “Reasonably foreseeable” refers to situations where funding is imminent from
12 either FEMA or any other source, including private, public, or Federal, or where the plan
13 is used to justify future funding decisions.

14 15 **Comparable FEMA CATEXs**

16
17 *(ii) Studies that involve no commitment of resources other than manpower and*
18 *associated funding;*

19
20 *(xviii)(E) Information and data gathering and reporting efforts in support of emergency*
21 *and disaster response and recovery and hazard mitigation.*

22
23 **Proposed text: *N18 Federal Assistance for Construction or Installation of**
24 **Structures, Facilities, or Equipment to Ensure Continuity of Operations.**
25 *Federal assistance for the construction or installation of measures for the*
26 *purpose of ensuring the continuity of operations during incidents such as*
27 *emergencies, disasters, flooding, and power outages involving less than one*
28 *acre of ground disturbance. Examples include the installation of generators,*
29 *installation of storage tanks of up to 10,000 gallons, installation of pumps,*
30 *construction of structures to house emergency equipment, and utility line*
31 *installation. This CATEX covers associated ground disturbing activities, such as*
32 *trenching, excavation, and vegetation removal of less than once acre, as well as*
33 *modification of existing structures.*

34 35 **Rationale and Support for CATEX**

36
37 This proposed CATEX would cover Federally-assisted activities associated with the
38 construction or installation of measures that ensure the continuity of operation of
39 facilities owned or managed by non-DHS entities. It is based on existing FEMA
40 CATEXs (ix), (xvi), and (xvii). It has been rewritten to capture recent FEMA
41 experience in the installation of measures to ensure continuity of operations of radio
42 transmitter stations across the country in the event of national emergencies.

43
44 The CATEX would cover ground disturbing activities, such as trenching, excavation,
45 and vegetation removal of less than once acre, as well as modification of existing
46 structures.

1 Application of this CATEX to a proposed action would require a REC to document
2 alignment with the scope of the CATEX, evaluation of extraordinary circumstances, and
3 compliance with other EP&HP requirements such as NHPA Section 106, ESA Section
4 7, and EOs 11988 and 11990, among others.

5
6 **Comparable FEMA CATEXS**

7
8 *(ix) Acquisition, installation, or operation of utility and communication systems that use*
9 *existing distribution systems or facilities, or currently used infrastructure rights-of-way;*

10
11 *(xvi) Improvements to existing facilities and the construction of small scale hazard*
12 *mitigation measures in existing developed areas with substantially completed*
13 *infrastructure, when the immediate project area has already been disturbed, and when*
14 *those actions do not alter basic functions, do not exceed capacity of other system*
15 *components, or modify intended land use; provided the operation of the completed*
16 *project will not, of itself, have an adverse effect on the quality of the human*
17 *environment;*

18
19 *(xvii) Actions conducted within enclosed facilities where all airborne emissions,*
20 *waterborne effluent, external radiation levels, outdoor noise, and solid and bulk waste*
21 *disposal practices comply with existing Federal, state, and local laws and regulations.*

22
23 **Supporting EAs**

24
25 Programmatic Environmental Assessment for Integrated Public Alert and Warning
26 System Construction Projects. (<http://www.fema.gov/library/viewRecord.do?id=4174>)

27
28 Under the proposed action, FEMA would upgrade selected radio stations to ensure that
29 their transmission capabilities are maintained for an extended period without the
30 availability of commercial power in an event of man-made or natural disaster. Work
31 involved the removal of underground fuel storage tanks (UST) and above ground fuel
32 storage tanks (AST) if the UST/AST was a government fuel tank installed during
33 previous programs and requires replacement. Removal and replacement of existing
34 backup generators on sites where the existing generator is not reliable was required.
35 Work also involved the establishment of modular systems and connection of the
36 modular systems with existing power panels in building for standby power.

37
38 Some of the actions involved providing a new low power, secondary transmitter system
39 with backup power and supporting fuel storage. The actions involved ground
40 disturbance and construction related work associated with the creating foundations and
41 the placement of a pre-cast concrete module with 35 KW generator system (approximate
42 size of 10 ft. x 14 ft.), creating foundations and the placement of another pre-cast
43 concrete shelter module with backup transmitter equipment, placement of a fully
44 compliant double walled above ground fuel storage tank and distribution (fuel storage
45 will range in size from 4,000 gal. to 10,000 gal.), trenching for underground utilities for
46 commercial power from existing building underground (24 in. deep trench).

1 The expected size of the total fenced compound with the new modules and fuel storage
2 was about 40 ft. x 50 ft. Foundation depths for the modules and fuel tank were between
3 12 in. – 24 in. depending on local frost lines and codes. Projects met applicable storm
4 water prevention requirements (SWPPP) and other environmental management
5 compliance requirements (e.g. SPCC plans, etc.).
6

7 An alternative was evaluated where construction, including ground disturbing work,
8 would occur in previously undisturbed portions of the lot where the transmitter facility is
9 located. Work in these areas would involve removal of vegetation including removal of
10 trees, trenching, excavation, placement of fences (including driving of fence poles in the
11 ground), and displacement of permeable surfaces by the pre-cast concrete modules.
12

13 Findings: Based upon the results of the EA, it has been concluded that the proposed
14 project will not significantly affect the quality of the human environment, and no further
15 NEPA analysis (i.e. Environmental Impact Statement) is warranted.

16 **Proposed text: *N19 Federal Assistance for Clean-up and Other Actions to**
17 **Restore Environmental Resources.** *Federal assistance for clean-up and other*
18 *actions to restore environmental resources. to pre-existing conditions when*
19 *resource contamination or damage results from a disaster event and when the*
20 *clean-up and associated actions are not exempt from NEPA. Examples include*
21 *the clean- up of underground storage tank releases and above ground releases*
22 *that affect nearby water bodies or wetlands.*
23

24 **Rationale and Support for CATEX**

25

26 DHS, through FEMA’s disaster response and recovery activities, routinely approves
27 actions of a similar nature, scope, and intensity to those being proposed in this CATEX,
28 and has applied its existing CATEX (xv) to such actions. Examples include the clean-up
29 of underground storage tank releases and above ground releases that affect nearby water
30 body and wetlands.
31

32 Application of this CATEX to a proposed action would require a REC to document
33 alignment with the scope of the CATEX, evaluation of extraordinary circumstances, and
34 compliance with other EP&HP requirements.
35

36 **Comparable FEMA CATEX**

37

38 *(xv) Repair, reconstruction, restoration, elevation, retrofitting, upgrading to current*
39 *codes and standards, or replacement of any facility in a manner that substantially*
40 *conforms to the preexisting design, function, and location.*
41

42 **Professional Opinion**

43

44 Ms. Rosemarie Bradley, Ph.D., an Environmental Specialist in the Office of
45 Environmental Planning & Historic Preservation at FEMA Headquarters, provided a

1 professional opinion to support this proposed CATEX and the determination that the
2 actions contemplated under this CATEX typically do not have a significant impact on
3 the human environment.

4
5 Ms. Bradley relied on her knowledge and experience of clean up and debris operations,
6 including ensuring there was no contamination from staging areas, following disaster
7 events. She served as member of the FEMA NY Debris Task Force and Debris Lead and
8 Debris Team Co-Lead for disaster events, such as the Alabama tornados. Clean up
9 activities are typically necessary when floodwaters inundate storage tanks, resulting in
10 discharges of oil or other materials and thus requiring clean up of the area during
11 disaster recovery. Communities may request FEMA assistance and reimbursement for
12 cleanup activities. Grantees hire licensed contractors, or FEMA mission assigns the
13 Army Corps of Engineers for removal of debris, some of which can be oil-contaminated.
14 FEMA requires use of approved contractors and disposal locations in compliance with
15 RCRA requirements. In Ms. Bradley's experience, clean up activities covered by the
16 proposed CATEX typically return the site to pre-disaster condition and do not generate
17 significant environmental impacts.

18
19 In Ms. Bradley's experience, FEMA CATEX (xv) is typically used for activities
20 contemplated by the proposed new CATEX and a REC is always completed for these
21 types of actions to document compliance with all appropriate laws during cleanup,
22 transport, and disposal of oil-contaminated materials.

23 **Professional Credentials**

24
25
26 The professional credentials of Ms. Bradley are provided below.

- 27
- 28 • **Education:** B.S. Biology. M.S. Environmental Science. PH.D. Environmental
29 Studies, with a concentration in environmental policy.
- 30 • **Training:** Ms. Bradley has had training in numerous haz-mat related courses and
31 hands-on training during course of study and also while employed as an
32 Environmental Analyst and member of the MA DEP Hazardous Materials
33 Emergency Response Team.
- 34 • **Certifications:** 40-hr OSHA HAZWoper (past). FEMA FQS certified
35 Environmental Manager
- 36 • **Years of related experience:** Ms. Bradley has 23 years of related experience.
- 37

1 **PROPOSED NEW UNIQUE CATEGORICAL**
2 **EXCLUSIONS FOR THE FEDERAL EMERGENCY**
3 **MANAGEMENT AGENCY (FEMA)**
4

5 The following CATEXs (M1 through M13) are proposed new CATEXs that would be
6 available for use only by FEMA and cover the Agency’s non-grant activities and
7 authorities, such as disaster operations and administering the NFIP. These CATEXs
8 would not be available for use by any other DHS Component.
9

10 **Proposed text: M1** *The following activities in support of FEMA’s administration*
11 *of the National Flood Insurance Program (NFIP):*
12

- 13 (a) *Review of information, provision of technical assistance, and*
14 *classification for individual communities under the Community*
15 *Rating System (CRS);*
- 16 (b) *Approvals and issuance of Letters of Map Change, including*
17 *Agency comments;*
- 18 (c) **Creation of new flood zones, except establishing new flood zones*
19 *for areas protected by structural flood control structures or systems*
20 *or dams;*
- 21 (d) *Revisions to Standard Flood Insurance Policy and Group Flood*
22 *Insurance Policy;*
- 23 (e) *Actions associated with inspections and monitoring, and*
24 *enforcement of Federal, State, Tribal, or local floodplain*
25 *management codes, standards, or regulations, except for the*
26 *suspension of communities from the NFIP;*
- 27 (f) **Development and adoption of CRS activities; and*
- 28 (g) *Revisions to flood insurance rates and premium schedules.*
29

30 **Rationale and Support for CATEX**
31

32 In 1968, Congress created the NFIP to help provide a means for property owners to
33 financially protect themselves. The NFIP is a voluntary program that offers flood
34 insurance to homeowners, renters, and business owners if their community chooses to
35 participate in the NFIP. Participating communities agree to adopt and enforce
36 ordinances that meet or exceed FEMA requirements to reduce the risk of flooding.
37 Flood insurance is one of three major components of the NFIP; the others are floodplain
38 management and flood hazard mapping. FEMA administers the NFIP and has years of
39 experience carrying out the program, but very few of its existing CATEXs are specific to
40 this program. Rather, FEMA has used the four general CATEXs listed below to cover
41 NFIP activities. During an evaluation of the existing FEMA CATEXs, FEMA NEPA
42 practitioners felt it would be useful to develop CATEXs specific to the NFIP because
43 this program is a distinctive part of FEMA’s mission, and one which is unique in the
44 degree to which Congress has eliminated discretion in FEMA’s administration of the

1 program. FEMA has determined that in significant aspects of the NFIP, NEPA does not
2 apply to some actions because there is no discretion on the part of the agency. For
3 example, the enrollment of communities in the NFIP is a non-discretionary response to
4 statutory requirements, regardless of potential environmental consequences. On the
5 other hand, FEMA has also determined through experience that the NFIP activities listed
6 in (a) through (g) above, which are actions in which the agency has some degree of
7 discretion, do not have the potential for significant impacts on the quality of the human
8 environment and are therefore appropriate to include as a proposed new CATEX.

9 10 **Comparable FEMA CATEXs**

11
12 *(i) Administrative actions such as personnel actions, travel, procurement of supplies,*
13 *etc., in support of normal day-to-day activities and disaster related activities.*

14
15 *(ii) Preparation, revision, and adoption of regulations, directives, manuals and other*
16 *guidance documents related to actions that qualify for categorical exclusions.*

17
18 *(iii) Studies that involve no commitment of resources other than manpower and*
19 *associated funding.*

20
21 *(iv) Inspection and monitoring activities, granting of variances, and actions to enforce*
22 *Federal, state, or local codes, standards or regulations.*

23
24 *Review of information, providing technical assistance, and classification for*
25 *individual communities under the Community Rating System (CRS)*

26
27 FEMA reviews requests for the application of criteria under the NFIP's Community
28 Rating System (CRS), which is a voluntary incentive program implemented in 1990 that
29 recognizes and encourages community floodplain management activities that exceed the
30 minimum NFIP requirements. Under the CRS, flood insurance premium rates are
31 discounted to reward community actions that meet the three goals of the CRS, which
32 are: (1) reduce flood damage to insurable property; (2) strengthen and support the
33 insurance aspects of the NFIP; and (3) encourage a comprehensive approach to
34 floodplain management. FEMA has determined through experience that the adoption of
35 these criteria do not have significant impacts on the human environment. FEMA has
36 relied on its existing CATEX (i) in reviewing actions associated with the CRS.

37
38 *Approvals and issuance of letters of map change, including Agency comments*

39
40 FEMA considers approvals and issuances of letters of map change to have no significant
41 impact to the human environment. As the agency in charge of the NFIP, FEMA has
42 extensive experience conducting studies of maps related to the NFIP. FEMA has
43 determined that approvals and issuances of letters of map changes, which are the results
44 of FEMA's studies, are similar in nature, scope, and intensity to other studies conducted
45 within FEMA that similarly do not involve a commitment of resources beyond funding
46 manpower. Therefore, FEMA has relied on its existing CATEX (iii) to exclude these

1 activities from further NEPA review. The proposed CATEX would formalize the
2 practice of categorically excluding these activities under FEMA’s existing regulations.

3
4 The CATEX would cover Agency comments to issuance of Conditional Letters of Map
5 Revision (CLOMR). These are comments the Agency provides to a proposed action on
6 whether the proposed action would work as intended. It is FEMA’s position that
7 issuance of comments do not Federalize the underlying action under NEPA. FEMA has
8 no discretionary authority over the proposed project and the proponent may choose to
9 ignore FEMA’s comment and proceed with the action. Although there are consequences
10 for the NFIP participating community for allowing activities that require CLOMRs to
11 proceed without them, FEMA does not have enforcement authority over those activities
12 themselves.

13
14 *Creation of new flood zones, except establishing new flood zones for areas*
15 *protected by flood control structures or systems or dams (*)*

16
17 Flood zones are geographic areas of the United States that FEMA has defined according
18 to varying levels of flood risk and type of flooding. These zones are depicted on a
19 published Flood Insurance Rate Map (FIRM) or Flood Hazard Boundary Map (FHBM)
20 (see <https://msc.fema.gov>). Through its years of experience establishing new flood
21 zones, FEMA has determined that this activity does not cause significant impacts on the
22 quality of the human environment. Economic impacts are the most frequent impacts
23 associated with the creation and application of new flood zones. However, as specified
24 in the CEQ regulations (40 CFR 1508.14), socioeconomic considerations in of
25 themselves do not trigger the need for a higher level of NEPA analysis.

26
27 This proposed CATEX does not cover the establishment of new flood zones for areas
28 protected by flood control systems or structures or areas behind dams. The proposed
29 development of a flood zone for these areas would trigger a higher level of NEPA
30 analysis in an EA or and EIS that takes into account public involvement, development of
31 alternatives, and an evaluation of potential environmental impacts.

32
33 FEMA is aware that extraordinary circumstances could arise during the creation of new
34 flood zones and require a higher level of environmental review. For this reason, FEMA
35 is requiring documentation in a REC whenever new flood zones are created to ensure
36 the action is appropriately categorically excluded.

37
38 **Supporting EA**

39
40 Regulations Implementing Section 928 of the Housing and Community Development
41 Act of 1992, Public Law 102-550, Washington D.C. May 1994.

42
43 The proposed rule will revise the NFIP regulations to establish a new flood insurance
44 rate zone for areas designated as flood control restoration zones on NFIP maps. It would
45 also establish a minimum of floodplain management requirements and would provide
46 regulatory guidance for implementing statutory requirements contained in P.L. 102-550,

1 including procedures to identify and map areas as flood control restoration zones. The
2 purpose of the amendment is to permit management requirements and to use flood
3 insurance rates appropriate to the temporary nature of flood hazards during the period
4 when a flood protection system no longer provides 100-year flood protection until it is
5 restored. The flood control restoration zone designation is a temporary designation and
6 is of limited duration.

7
8 The proposed action would revise existing floodplain management, mapping, and
9 insurance regulations of the NFIP to provide for a new flood insurance rate zone (known
10 as the flood control restoration zone, Zone AR). The revision is necessary to implement
11 the provisions of Section 928 of the Housing and Community Development Act of 1992,
12 Public Law 102-550, which amended Section 1307 on the National Flood Insurance Act
13 of 1968, by creating the flood control restoration zone. The proposed action will
14 provide amendments and will revise 44 CFR Parts 59, 60, 64, 65, 70 and 75.

15
16 Findings: Based upon the results of the EA, it has been concluded that the proposed
17 action will not significantly affect the quality of the human environment, and no further
18 NEPA analysis (i.e. Environmental Impact Statement) is warranted.

19
20 *Revisions to Standard Flood Insurance Policy and Group Flood Insurance Policy*

21
22 The Standard Flood Insurance Policy and Group Flood Insurance Policy are established
23 and revised through FEMA regulations. FEMA typically relies on its existing CATEX
24 (i) and (ii) for revisions to the Standard Flood Insurance Policy and Group Flood
25 Insurance Policy because these are administrative actions that do not have the potential
26 for significant impacts on the human environment.

27
28 *Actions associated with inspections and monitoring, and enforcement of*
29 *Federal, State, Tribal, or local floodplain management codes, standards, or*
30 *regulations, except for the suspension of communities from the NFIP*

31
32 This language is similar to FEMA's existing CATEX (iv). The proposed CATEX
33 covers FEMA's enforcement actions under the NFIP such as conducting community
34 assistance calls, community assistance visits, and placing communities in probation in
35 the NFIP.

36
37 The language was modified by broadening the focus to all actions associated with these
38 activities instead of on the activities themselves. FEMA enforces its floodplain
39 management standards at the community level, but does not issue local floodplain
40 development permits or carry out local floodplain management activities. NFIP
41 participating communities are expected to engage in these activities to meet the
42 program's minimum criteria. FEMA does not issue variances for floodplain
43 management requirements at the community level either. However, FEMA develops
44 guidance, policies, and regulations establishing the standards and criteria on these issues
45 for the participating communities; this CATEX covers these FEMA actions.

46

1 *Development and adoption of CRS activities (*)*

2

3 FEMA has treated the development and adoption of CRS activities as administrative
4 actions falling within the scope of existing FEMA CATEX (i), and FEMA maintains
5 that the action of establishing activities for credit in the CRS does not trigger
6 significance under NEPA. However, in recognition of the potential negative indirect
7 effects of some activities on the natural and beneficial functions of floodplains, FEMA is
8 separating this activity from other administrative actions and requiring the development
9 of a REC to determine whether there are particular activities within the CRS that would
10 trigger extraordinary circumstances and warrant a higher level of NEPA review.

11

12 *Revisions to flood insurance rates and premium schedules*

13

14 FEMA establishes flood insurance rates and premium schedules through its regulations.
15 FEMA has experience adjusting flood insurance rates and premium schedules without
16 creating significant impacts on the human environment. These activities are revenue
17 neutral and do not, in and of themselves, encourage development in floodplains. Given
18 FEMA's experience, FEMA is proposing to limit the proposed CATEX to these types of
19 rate adjustments.

20

21 Insurance rates and premium schedules are revised and adopted through regulations, and
22 are therefore similar in nature, scope, and intensity to other program requirements within
23 FEMA.

24

25 **Proposed text: M2** *Transportation and repositioning of assets in preparation*
26 *for national emergencies and disasters.*

27

28 **Rationale and Support for CATEX**

29

30 FEMA's experience has been that the transportation and repositioning of assets in
31 preparation for national emergencies and disasters do not individually or cumulatively
32 have the potential to result in significant impacts on the quality of the human
33 environment. These types of actions are similar in nature to actions undertaken under
34 Section 402 of the Stafford Act, which are statutorily excluded from NEPA. When not
35 statutorily excluded, FEMA has applied its existing CATEX (vi) to these activities.

36

37 **Comparable FEMA CATEX**

38

39 *(vi) Procurement of goods and services for support of day-to-day and emergency*
40 *operational activities, and the temporary storage of goods other than hazardous*
41 *materials, so long as the storage occurs on previously disturbed land or in existing*
42 *facilities.*

43

44 **Proposed text: M3** *Urban Search and Rescue activities, including deployment*
45 *of USR teams.*

46

1 **Rationale and Support for CATEX**

2

3 This CATEX is essentially the same as existing FEMA CATEX (xviii)(C), with a minor
4 wording change to make it clear that deployment of USR teams is one common type of
5 USR activity. These are activities taken in support of emergency and disaster response
6 and recovery operations that FEMA experience has shown do not do not individually or
7 cumulatively result in significant impacts on the quality of the human environment.
8 Therefore, FEMA has determined that it remains appropriate to categorically exclude
9 this type of activity from a higher level of NEPA analysis.

10

11 **Comparable FEMA CATEX**

12

13 *(xviii)(C) Deployment of Urban Search and Rescue Teams.*

14

15 **Proposed text: M4 Emergency Communications (Stafford Act §418).**

16

17 **Rationale and Support for CATEX**

18

19 This CATEX is the same as existing FEMA CATEX (xix)(L). These are activities taken
20 in support of emergency and disaster response and recovery operations that FEMA
21 experience has shown do not do not individually or cumulatively have the potential to
22 result in significant impacts on the quality of the human environment. Therefore, FEMA
23 has determined that it remains appropriate to categorically exclude this type of activity
24 from a higher level of NEPA analysis.

25

26 **Proposed text: M5 Emergency Public Transportation (Stafford Act §419).**

27

28 **Rationale and Support for CATEX**

29

30 This CATEX is the same as existing FEMA CATEX (xix)(M). These are activities
31 taken in support of emergency and disaster response and recovery operations that FEMA
32 experience has shown do not do not individually or cumulatively have the potential to
33 result in significant impacts on the quality of the human environment. Therefore, FEMA
34 has determined that it remains appropriate to categorically exclude this type of activity
35 from a higher level of NEPA analysis.

36

37 **Proposed text: M6 Lease of pre-existing structures and facilities for disaster**
38 **operations (e.g. Joint Field Offices, Area Field Offices, Disaster Recovery**
39 **Centers) located out of floodplains, historic properties, or contaminated sites.**

40

41 **Rationale and Support for CATEX**

42

43 FEMA has disaster lease authority, which it uses to lease facilities for disaster operations
44 such as joint field offices, area field offices, and disaster recovery centers. FEMA has
45 used its existing CATEX (xvii) for these types of activities. Existing DHS CATEXs
46 (B3), (C1) and (C2) also support this new CATEX. FEMA has determined through

1 experience that these lease activities do not individually or cumulatively have the
2 potential to result in significant impacts on the quality of the human environment.

3 4 **Comparable CATEXS**

5 6 DHS CATEXS

7
8 *(B3) Proposed activities and operations to be conducted in an existing structure that*
9 *would be compatible with and similar in scope to its ongoing functional uses and would*
10 *be consistent with previously established safety levels and in compliance with applicable*
11 *Federal, tribal, state, or local requirements to protect the environment.*

12
13 *(C1) Acquisition of an interest in real property that is not within or adjacent to*
14 *environmentally sensitive areas, including interests less than a fee simple, by purchase,*
15 *lease, assignment, easement, condemnation, or donation, which does not result in a*
16 *change in the functional use of the property.*

17
18 *(C2) Lease extensions, renewals, or succeeding leases where there is no change in the*
19 *facility's use and all environmental operating permits have been acquired and are*
20 *current.*

21 22 FEMA CATEX

23
24 *(xvii) Actions conducted within enclosed facilities where all airborne emissions,*
25 *waterborne effluent, external radiation levels, outdoor noise, and solid and bulk waste*
26 *disposal practices comply with existing Federal, state, and local laws and regulations.*

27
28 **Proposed text: *M7** *Lease of pre-existing structures and facilities for disaster*
29 *operations (e.g. Joint Field Offices, Area Field Offices, Disaster Recovery*
30 *Centers) located within floodplains, historic properties, or contaminated sites.*

31 32 **Rationale and Support for CATEX**

33
34 FEMA has disaster lease authority, which it uses to lease facilities for disaster operations
35 such as joint field offices, area field offices, and disaster recovery centers. FEMA has
36 used its existing CATEX (xvii) for these types of activities. Existing DHS CATEXS
37 (B3), (C1) and (C2) also support this new CATEX. FEMA has determined through
38 experience that these lease activities do not individually or cumulatively have the
39 potential to result in significant impacts on the quality of the human environment.

40
41 Application of this CATEX to a proposed action would require a REC to document
42 alignment with the scope of the CATEX, evaluation of extraordinary circumstances, and
43 compliance with other EP&HP requirements such as NHPA Section 106 and 44 CFR
44 Part 9, among others.

45 46 **Comparable CATEXS**

1 DHS CATEXs

2
3 *(B3) Proposed activities and operations to be conducted in an existing structure that*
4 *would be compatible with and similar in scope to its ongoing functional uses and would*
5 *be consistent with previously established safety levels and in compliance with applicable*
6 *Federal, tribal, state, or local requirements to protect the environment.*

7
8 *(C1) Acquisition of an interest in real property that is not within or adjacent to*
9 *environmentally sensitive areas, including interests less than a fee simple, by purchase,*
10 *lease, assignment, easement, condemnation, or donation, which does not result in a*
11 *change in the functional use of the property.*

12
13 *(C2) Lease extensions, renewals, or succeeding leases where there is no change in the*
14 *facility's use and all environmental operating permits have been acquired and are*
15 *current.*

16
17 FEMA CATEX

18
19 *(xvii) Actions conducted within enclosed facilities where all airborne emissions,*
20 *waterborne effluent, external radiation levels, outdoor noise, and solid and bulk waste*
21 *disposal practices comply with existing Federal, state, and local laws and regulations.*

22
23 **Proposed text: *M8** *Development of temporary shelter or housing for first*
24 *responders and Federal disaster personnel involving less than 10 acres of*
25 *ground disturbance in previously developed or disturbed areas and that follow*
26 *best management practices for pollution control.*

27
28 **Rationale and Support for CATEX**

29
30 FEMA has the authority to develop camps and temporary facilities to house first
31 responders and Federal disaster workers. These temporary facilities would be located in
32 previously developed or disturbed areas and may result in temporary impacts on the
33 environment, but would not have long-term or significant impacts.

34
35 Application of this CATEX to a proposed action would require a REC to document
36 alignment with the scope of the CATEX, evaluation of extraordinary circumstances, and
37 compliance with other EP&HP requirements such as NHPA Section 106, ESA Section
38 7, and 44 CFR Part 9, among others.

39
40 **Supporting EA**

41
42 Responder Support Camp, Minot, North Dakota, July 2011.
43 (<http://www.fema.gov/library/viewRecord.do?id=4769>)

1 The project purpose is to provide shelter for responders, accessible to the Minot, Ward
2 County area. The need is a direct result of no available shelter for responders within a
3 150 mile radius of the Minot, Ward County area.
4

5 In considering the "range of reasonable alternatives," efforts were made to utilize sites
6 identified by the USACE as potential locations for temporary housing. However, it was
7 determined that the number one priority is to meet the temporary housing need of the
8 disaster victims. Therefore, only the Minot site was available as a viable site for the
9 camp.
10

11 The site consisted of approximately 10 acres of land owned by the City of Minot. The
12 site is bordered on the east by 42nd Avenue, and by agricultural land on the other three
13 sides. The terrain is essentially flat with change in elevation from 1617' to 1620' WGS-
14 84. The site is disturbed ground with no cover and was previously used as a pipe staging
15 area for the City of Minot. The City of Minot provided FEMA with a Memorandum of
16 Understanding for the use of the land.
17

18 This project involved providing base camp support services inclusive of mobilization,
19 site preparation, installation, base camp management and operation, and demobilization
20 as set forth herein and in task orders. Contractor shall have the ability to provide two
21 concurrent base camps. Contractor services include:
22

- 23 • Base camp design;
- 24 • Site preparation;
- 25 • Installation and maintenance of all contractor provided equipment; and
- 26 • All services necessary to effectively and efficiently manage and operate the base
27 camp.
28

29 The contractor shall house all authorized camp occupants with tents or modular units,
30 equip tents and other facilities with air conditioning and heating (HVAC) and leveled
31 plywood floors (or equivalent) as well as provide bedding, meal services, kitchen,
32 dining hall, limited recreation facilities, operations center, medical unit, refrigerated
33 trucks, shower units, hand wash units, potable (drinking) water, water purification and
34 manifold distribution systems, toilets, on-site manifold distribution of black and grey
35 water and associated on-site sanitation systems, complete laundry service, industrial
36 generators, and light towers.
37

38 The site is currently hard-packed dirt that would require some re-surfacing to prevent
39 mud issues during rain/snow events. A safety fence will also be installed and
40 maintained around the camp perimeter.
41

42 Site Selection Process:
43

44 In order to expedite the site selection process, FEMA and USACE staff reviewed
45 available aerial photos and maps, conducted site reconnaissance field surveys, and
46 contacted state and local officials to identify potential sites. Factors considered in

1 choosing a site include: site topography, property owner willingness, past land use, if it
2 was already planned for development, access to existing utilities, and engineering
3 feasibility.

4
5 Findings: Based upon the results of the EA, it has been concluded that the proposed
6 project will not significantly affect the quality of the human environment, and no further
7 NEPA analysis (i.e. Environmental Impact Statement) is warranted.

8
9 **Proposed text: *M9 Storage of assets immediately after a disaster, including**
10 *development of temporary staging areas involving less than 10 acres of ground*
11 *disturbance in previously developed or disturbed areas and that follow best*
12 *management practices for pollution control.*

13 14 **Rationale and Support for CATEX**

15
16 This proposed CATEX is based on existing FEMA CATEX (vi). The wording has been
17 revised to clarify that ground disturbing activities associated with the storage of assets
18 are included in the CATEX. FEMA has determined through experience that it remains
19 appropriate to categorically exclude these activities from a higher level of NEPA
20 analysis because they do not individually or cumulatively have the potential to result in
21 significant impacts on the quality of the human environment.

22
23 Application of this CATEX to a proposed action would require a REC to document
24 alignment with the scope of the CATEX, evaluation of extraordinary circumstances, and
25 compliance with other EP&HP requirements such as NHPA Section 106, ESA Section
26 7, and 44 CFR Part 9, among others.

27 28 **Comparable FEMA CATEX**

29
30 *(vi) Procurement of goods and services for support of day-to-day and emergency*
31 *operational activities, and the temporary storage of goods other than hazardous*
32 *materials, so long as the storage occurs on previously disturbed land or in existing*
33 *facilities.*

34
35 **Proposed text: M10 Activation of response and recovery frameworks and**
36 *operations (e.g. National Response Framework, National Disaster Recovery*
37 *Framework, National Response Coordination Center, Regional Response*
38 *Coordination Center, Emergency Response Teams, Incident Management*
39 *Assistance Teams, Emergency Support Functions, Recovery Support*
40 *Functions).*

41 42 **Rationale and Support for CATEX**

43
44 FEMA engages in a variety of planning and administrative actions in support of
45 emergency and disaster preparedness, response and recovery, and hazard mitigation.
46 The Agency has had CATEXs covering these activities since its inception. After a

1 careful evaluation, FEMA has determined that these activities remain appropriately
2 categorically excluded from a higher level of NEPA review and that having CATEXs for
3 these activities is critical to carrying out the Agency mission.

4
5 This proposed CATEX is based on existing FEMA CATEXs (xviii)(A) and (B). It is
6 being expanded to cover additional statutory mandates and authorities and
7 administrative changes (e.g., organizational, name) since 1996. Information about these
8 various response and recovery frameworks and operations can be found on the FEMA
9 website (for example, see <http://www.fema.gov/national-disaster-recovery-framework>;
10 <http://www.fema.gov/national-response-framework>).

11 **Comparable FEMA CATEXs**

12
13
14 *(xviii)(A) Activation of the Emergency Support Team and convening of the Catastrophic
15 Disaster Response Group at FEMA headquarters.*

16
17 *(xviii)(B) Activation of the Regional Operations Center and deployment of the
18 Emergency Response Team, in whole or in part.*

19
20 **Proposed text: M11** *Information and data gathering and reporting in support of
21 emergency and disaster response and recovery activities, including ground and
22 aerial reconnaissance and structure inspection.*

23 **Rationale and Support for CATEX**

24
25
26 This proposed CATEX combines existing FEMA CATEXs (xviii)(D) and (E). FEMA
27 has determined through experience that it remains appropriate to categorically exclude
28 these activities from a higher level of NEPA analysis because they do not individually or
29 cumulatively have the potential to result in significant impacts on the quality of the
30 human environment.

31 **Comparable FEMA CATEXs**

32
33
34 *(xviii)(D) Situation assessment, including ground and aerial reconnaissance.*

35
36 *(xviii)(E) Information and data gathering and reporting efforts in support of emergency
37 and disaster response and recovery and hazard mitigation.*

38
39 **Proposed text: M12** *Development of plans by FEMA for the purpose of
40 preparing for disasters, recovering from disasters, and identifying opportunities
41 for mitigating the effects of future disasters; and the issuance of national
42 frameworks, doctrines, guidance, standard operating procedures, and
43 handbooks for the coordination of Federal, State, local, and private disaster
44 response, recovery, and hazard mitigation. This CATEX is not applicable to
45 plans associated with specific situations or projects that are reasonably
46 foreseeable to occur and that are not otherwise covered by another CATEX.*

47

1 **Rationale and Support for CATEX**

2
3 FEMA engages in a variety of planning and administrative actions in support of
4 emergency and disaster preparedness, response and recovery, and hazard mitigation.
5 The Agency has applied CATEXs to these activities since its inception. After a careful
6 evaluation, FEMA has determined that it remains appropriate to categorically exclude
7 these activities from a higher level of NEPA analysis and that having CATEXs for these
8 activities is critical to carrying out the Agency mission.

9
10 FEMA has relied on its existing CATEXs (i), (ii), and (iii) to develop documents for the
11 coordination of emergency preparedness, response, and disaster recovery activities
12 without further NEPA review because these actions are administrative in nature. These
13 are planning documents that do not result in a commitment of resources beyond staff
14 time.

15
16 FEMA requires Tribes, states, and local entities to engage in various forms of planning
17 as a condition of receiving FEMA assistance (e.g. hazard mitigation plans). FEMA also
18 funds these planning initiatives and sometimes engages in these activities as part of the
19 disaster recovery process. Typically, these planning activities are strategic or
20 programmatic in nature that identify problems within an area and provide a menu of
21 options on how to address these problems. The plans themselves do not guarantee that
22 funding for a particular project will be provided or that a project will be implemented,
23 but the plans can be useful in identifying or bounding the alternatives to resolve the
24 issue.

25
26 This CATEX would not be applicable to plans for specific situations or projects that are
27 reasonably foreseeable to occur and that are not otherwise covered by another CATEX.
28 For example, planning and designing for a flood protection system not covered by the
29 CATEX for flood hazard reduction actions (such as a levee) would not be categorically
30 excluded from NEPA. In these situations, an EA would be needed at a minimum.
31 “Reasonably foreseeable” refers to situations where funding is imminent from either
32 FEMA or any other source, including private, public, or Federal, or where the plan is
33 used to justify future funding decisions.

34
35 **Comparable CATEXs**

36
37 FEMA CATEXs

38
39 *(i) Administrative actions such as personnel actions, travel, procurement of supplies,*
40 *etc., in support of normal day-to-day activities and disaster related activities.*

41
42 *(ii) Preparation, revision, and adoption of regulations, directives, manuals, and other*
43 *guidance documents related to actions that qualify for categorical exclusions.*

44
45 *(iii) Studies that involve no commitment of resources other than manpower and*
46 *associated funding.*

47

1 DHS CATEXs

2
3 *(A3) Promulgation of rules, issuance of rulings or interpretations, and the development*
4 *and publication of policies, orders, directives, notices, procedures, manuals, advisory*
5 *circulars, and other guidance documents of the following nature: (a) Those of a strictly*
6 *administrative or procedural nature; (b) Those that implement, without substantive*
7 *change, statutory or regulatory requirements; (c) Those that implement, without*
8 *substantive change, procedures, manuals, and other guidance documents; (d) Those that*
9 *interpret or amend an existing regulation without changing its environmental effect; (e)*
10 *Technical guidance on safety and security matters; or, (f) Guidance for the preparation*
11 *of security plans.*

12 *(A4) Information gathering, data analysis and processing, information dissemination,*
13 *review, interpretation, and development of documents. If any of these activities result in*
14 *proposals for further action, those proposals must be covered by an appropriate*
15 *CATEX. Examples include but are not limited to: (a) Document mailings, publication*
16 *and distribution, training and information programs, historical and cultural*
17 *demonstrations, and public affairs actions. (b) Studies, reports, proposals, analyses,*
18 *literature reviews; computer modeling; and non-intrusive intelligence gathering*
19 *activities.*

20
21 **Proposed text: *M13** *Construction or installation of structures, facilities, or*
22 *equipment for the purpose of ensuring the continuity of operations during*
23 *incidents such as emergencies, disasters, flooding, and power outages involving*
24 *less than one acre of ground disturbance. Examples include the installation of*
25 *generators, installation of storage tanks of up to 10,000 gallons, installation of*
26 *pumps, construction of structures to house emergency equipment, and utility line*
27 *installation.*

28
29 **Rationale and Support for CATEX**

30
31 This proposed new CATEX is intended to cover activities associated with the
32 construction or installation of measures that ensure the continuity of operation of
33 facilities owned or managed by FEMA. For rationale and support for this proposed
34 CATEX, see the information provided for proposed CATEX N18 under the preceding
35 section on Federal assistance activities.