

ADMINISTRATIVE RECORD FOR CATEGORICAL EXCLUSIONS (CATEX)

The development of the U.S. Department of Homeland Security (DHS or Department) categorical exclusions was a concerted effort on the part of many DHS legal and environmental professionals. Together, they represented twenty-four DHS components and two independent contractors procured to provide administrative support and expert recommendations to inform the government's efforts. The professionals on the panel (Panel) were environmental practitioners with numerous years of planning and compliance experience including the preparation of environmental documentation such as assessments, impact statements, findings of no significant impact, and records of decision. The Panel also included several legal practitioners with advanced education and experience advising Federal agency managers on environmental planning and compliance responsibilities. All of these professionals had significant experience in other DHS legacy and non-legacy agencies, thereby bringing a breadth and wealth of environmental experience and history about the Department as well as other agencies with whom we share similar environmental practices and interests. The agencies and contractors that were represented on the Panel include:

- Department of Homeland Security, Office of the Secretary
- Customs and Border Protection Agricultural Inspectors (formerly part of Animal & Plant Health Inspection Service) (USDA, MD)
- Coast Guard (DOT, DC)
- Chemical Biological Radiological & Nuclear Response and Civilian Bio-defense Research Programs (CDC, GA)
- Chemical Biological Radiological & Nuclear Countermeasures Programs (Energy, DC)
- National BW Defense Analysis Center (DOD, MD)
- Critical Infrastructure Assurance Office (Commerce, DC)
- Customs Service (Treasury, DC)
- Environmental Measurements Laboratory (DOE, NY)
- Federal Computer Incident Response Center (GSA, DC)
- Federal Emergency Management Agency (FEMA, DC)
- Federal Law Enforcement Training Center (FLETC) (Treasury, GA)
- Federal Protective Service (GSA, DC)
- Lawrence Livermore National Laboratory (DOE/UnivCA, CA)
- Immigration & Naturalization Service (DOJ, DC)
- National Communications System (DC)
- National Domestic Preparedness Office (DOJ, DC)
- National Infrastructure Simulation & Analysis Center (LLNL/UnivCA, CA)
- National Infrastructure Protection Center (FBI, DC)
- Nuclear Incident Response Team (DOE, DC)
- Domestic Emergency Support Team (DC)
- Plum Island Animal Disease Center (USDA, NY)
- Secret Service (Treasury, DC)
- Transportation Security Administration (DOT, DC)

- Representatives from independent contractors, including: the Shipley Group (SLC, UT) and the Clark Group (DC)

Each proposed categorical exclusion was reviewed and deliberated in concept, coverage, applicability, and wording by the Panel. The Panel cautiously crafted each exclusion with the goal of balancing increased administrative efficiency in National Environmental Policy Act (NEPA) compliance with avoidance of misinterpretations and misapplications of exclusionary language that could lead to non-compliance with NEPA requirements. The Panel concurred that the attached categorical exclusions meet both objectives.

The Department spent extraordinary amounts of time and effort deliberating over and drafting these categorical exclusions. Between April 9, 2003 and April 13, 2004, the Panel was involved in extensive debate on the categorical exclusions initially presented to the public. During that process, numerous environmental professionals, representing the many component agencies within Department, participated in group meetings and conference calls approximately twice per week. Members of that group concurred with the proposed form of each categorical exclusion by active participation in meetings and teleconferences, as well as by reviewing the numerous drafts of categorical exclusions developed from those calls and meetings, and by soliciting or providing their own suggested changes or corrections. Following that process, the draft of the Department's environmental planning directive containing the categorical exclusions was published in the Federal Register on June 14, 2004 for public comment. The comment period closed on July 14, 2004, but the Department reopened the comment period on July 16, 2004 for an additional 30 days. The interested public provided more than 7,500 letters and e-mails during those two comment periods. Detailed and thorough review of those comments yielded approximately seventy unique comments for consideration in the final draft of the directive and the final versions of the categorical exclusions.

The Department then worked in close cooperation with the President's Council on Environmental Quality to ensure that the directive and all categorical exclusions conformed to the requirements of NEPA. The Department took great care to ensure that the categorical exclusions were supported by the administrative record.

All of the agencies that transitioned into the Department were previously performing various aspects of what is now the Nation's homeland security mission. The Panel noted that many of them had performed, and now as DHS components, still perform similar types of administrative and operational activities. For that reason, many of the Department's components will share in the application of the categorical exclusions that reflect similar functions and activities. The operational activities that were unique to one or more DHS component are specifically limited to the pertinent component(s).

A summary of information collected and relied upon by the Panel and Department personnel in formulating and deciding the extent and limitations of the categorical exclusions is provided below. The Department envisions

that this information will help interested parties to understand the basis and rationale behind each categorical exclusion that is presented. This information is not meant to provide an exhaustive list of factors relied upon during the two years of deliberation, but rather, to detail the bases upon which each categorical exclusion was established.

This summary reflects changes in the organization of DHS as directed by the Congress in the FY 2006 appropriations.

CATEGORICAL EXCLUSIONS for ADMINISTRATIVE AND REGULATORY ACTIVITIES. These CATEX must also be conducted in conformance with the Executive Orders on Greening the Government, e.g., EO 13101, 13123, 13148, 13149, and 13150.

A1 Personnel, fiscal, management, and administrative activities, such as recruiting, processing, paying, recordkeeping, resource management, budgeting, personnel actions, and travel.

The actions contemplated by this categorical exclusion are a variety of internal administrative activities that inherently have no potential for significant environmental impacts. This categorical exclusion is supported by long standing categorical exclusions brought to the Department by its legacy components. Further, the Panel, in their extensive deliberations and discussions found that actions of a similar nature, scope, and intensity were performed throughout the Department without significant environmental impacts.

The Panel determined that this categorical exclusion would benefit from a detailed description of the characteristics of activities envisioned. The descriptive items, "...recruiting, processing, paying, recordkeeping, resource management, budgeting, personnel actions, and travel..." are intended to define the nature of activities encompassed by this categorical exclusion. They are neither presented to limit the categorical exclusion to those activities nor to extend the categorical exclusion to actions involving extraordinary circumstances that could result in the activity having significant environmental effects.

The Panel also noted that numerous other agencies have categorical exclusions for similar activities that are sufficiently descriptive of the activity as to establish for the Panel that those activities were similar in nature, scope, and impact on the human environment as those performed by Department. In addition, the Panel recognized that all agencies, with very few limitations, must meet the same requirements to protect the environment. The Panel determined from their experience in or on behalf of other agencies that the characteristics of the activities in the Department were no different than those performed by other agencies. The Panel also determined that those activities have negligible impacts on the human environment.

Accordingly, through a deliberative process, the Panel determined that the proposed categorical exclusion encompassed programmatic activities that inherently did not have individual or cumulative significant impact on the human environment.

LEGACY CATEGORICAL EXCLUSIONS AND COMPARABLE AGENCY CATEGORICAL EXCLUSIONS

APHIS

Reference: 7CFR372.5 (c)

(1) Policy development, planning and implementation which relate to routine activities, such as personnel, organizational changes, or similar administrative functions

(2) Activities which deal solely with the funding of programs, such as program budget proposals, disbursements, and transfer or reprogramming of funds;

FEMA

Reference: 44CFR10.8 (d) (2)

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

USCG

Reference: Figure 2-1 Coast Guard Categorical Exclusions

1. Administrative Actions: c. Routine personnel, fiscal, and administrative activities, actions, procedures, and policies which clearly do not have any environmental impacts, such as military and civilian personnel recruiting, processing, paying, and record keeping.

AIR FORCE

Reference: Air Force Instruction, January 24, 1995

A2.3.4. Normal personnel, fiscal or budgeting, and administrative activities and decisions including those involving military and civilian personnel (for example, recruiting, processing, paying, and records keeping).

ARMY

Reference: Department of the Army Categorical Exclusions, 32CFR651 Appendix B

(b) Administration/operation activities:

(5) Normal personnel, fiscal, and administrative activities involving military and civilian personnel (recruiting, processing, paying, and records keeping).

INTERIOR

Reference: Departmental Manual 516, Part 2, Appendix 1.

1.1 Personnel actions and investigations and personnel services contracts.

1.3 Routine financial transactions including such things as salaries and expenses, procurement contracts (in accordance with applicable procedures and Executive Orders for sustainable or green

procurement), guarantees, financial assistance, income transfers, audits, fees, bonds, and royalties.

1.7 Routine and continuing government business, including such things as supervision, administration, operations, maintenance, renovations, and replacement activities having limited context and intensity (e.g., limited size and magnitude or short-term effects).

1.8 Management, formulation, allocation, transfer, and reprogramming of the Department's budget at all levels. (This does not exclude the preparation of environmental documents for proposals included in the budget when otherwise required.)

A2 Reductions, realignments, or relocation of personnel that do not result in exceeding the infrastructure capacity or changing the use of space. An example of a substantial change in use of the supporting infrastructure would be an increase in vehicular traffic beyond the capacity of the supporting road network to accommodate such an increase.

The Panel found that actions of a similar nature, scope, and intensity were performed throughout the Department. Such actions include a variety of internal administrative activities, as well as activities that may involve the physical relocation of personnel and equipment. The Panel determined that the administrative activities would inherently have no potential for significant environmental impacts. However, the Panel was concerned that the physical relocations of personnel and equipment could involve a variety of associated activities, some of which could hold potential for impact to the human environment. In order to clearly demonstrate that those types of activities were beyond the scope of this categorical exclusion, the Panel decided to include phrasing that limited its scope to actions that would not result in exceeding the infrastructure capacity or changing the use of space involved in that activity. The Panel also recognized that physical relocations of personnel and equipment could result in indirect impacts to the human environment.

The Panel included the example of an increase in vehicular traffic beyond the capacity of the supporting road network to accommodate that increase. This example was intended to exemplify a reduction, realignment or relocation that would not be encompassed by this categorical exclusion due to extraordinary circumstances that may result in the activity having significant environmental effects. The Panel provided this example to ensure that future users of this categorical exclusion would be alerted to potential for such indirect impacts when contemplating the use of this categorical exclusion.

The Panel also noted that numerous other Federal agencies have categorical exclusions for similar activities that are sufficiently descriptive of the activity as to establish for the Panel that those activities were similar in nature, scope, and impact on the human environment as those performed by Department. In addition, the Panel recognized that all Federal agencies, with very few limitations, must meet the same requirements to protect the environment. The Panel determined from their experience in or on behalf of other Federal agencies that the characteristics of the activities in the

Department were no different than those performed by other Federal agencies. The Panel also determined that those activities have negligible impacts on the human environment.

Accordingly, through a deliberative process, the Panel determined that the proposed categorical exclusion encompassed activities that inherently did not have individual or cumulative significant impact on the human environment.

LEGACY CATEGORICAL EXCLUSIONS AND COMPARABLE AGENCY CATEGORICAL EXCLUSIONS

USCG

Reference: COMDTINST M16475.1D Figure 2-1 Coast Guard Categorical Exclusions

1. *Administrative Actions: a. Personnel and other administrative action associated with consolidations, reorganizations, or reductions in force resulting from identified inefficiencies, reduced personnel or funding levels, skill imbalances, or other similar causes. (Checklist and CED required.)*
2. *Real and Personal Property Related Actions m. Relocation of Coast Guard personnel into existing federally owned or leased space where use does not change substantially and any attendant modifications to the facility would be minor.*
4. *Operational Actions d. Routine movement of personnel and equipment....*

USBP

Reference: Environmental Assessment for the Proposed Construction of the U.S. Border Patrol Station in Laredo, Webb County, Texas, May 1998, resulting in a FONSI signed in May of 1998

This Environmental Assessment was prepared for the Immigration and Naturalization Service (INS) proposed land purchase, construction of a U.S. Border Patrol (USBP) station, and relocation of agents to the new facility on an approximately 10-acre tract at the southeast corner of Grand Central Boulevard and the McPherson Road extension in Laredo, Webb County, Texas. Analysis: The proposed action was not anticipated to have any significant adverse impacts to soils, water, biological, or cultural resources. No significant adverse impacts are anticipated to land use, socioeconomics, hazardous materials and waste, air quality, or noise. In addition, the proposed action was not anticipated to have any long-term adverse impacts to the environment. The facility has been in operation and no such impacts have occurred.

Reference: Final Environmental Assessment U.S. Border Patrol Station Wilcox, Arizona, September 2002, resulting in a FONSI signed in September 2002

The Immigration and Naturalization Service (INS) proposed to relocate the operation of a United States Border Patrol Station (USBPS) to a new facility. The existing and proposed facilities were located in Wilcox, Cochise County.

Analysis: Based on the analysis of the resource studies, no significant adverse impacts were expected to result from the proposed alternative. The facility has been in operation and no such impacts have occurred.

Reference: Environmental Assessment Proposed Construction of the U.S. Border Patrol Station in Sanderson, Terrell County, Texas, February 12, 2001, resulting in a FONSI signed in February 2001.

This EA assessed the potential impacts of the Immigration and Naturalization Service (INS) proposed property purchase, construction of a U.S. Border Patrol (USBP) station, and relocation of agents from an existing facility to the new facility. A new facility was needed to accommodate an increased number of agents assigned to the Marfa Sector, Sanderson Station. The existing Sanderson Station could not adequately accommodate the additional staff.

Analysis: Based upon the results of the EA, it was concluded that the proposed action would not have a significant adverse impact on the environment. The facility has been in operation and no such impacts have occurred.

ARMY

Reference: 32CFR651 Appendix B. Section II

(b)(14) Relocation of personnel into existing federally-owned (or state-owned in the case of ARNG) or commercially-leased space, which does not involve a substantial change in the supporting infrastructure (for example, an increase in vehicular traffic beyond the capacity of the supporting road network to accommodate such an increase is an example of substantial change) (REC required).

NAVY

Reference: Environmental Assessment for the Addition of Two P-3 Aircraft To The U.S. Customs Service's Air And Marine Interdiction Division At Naval Air Station Corpus Christi, Texas, resulting in a FONSI

The proposed action is to add two P-3 Orion aircraft to the USCS Air and Marine Interdiction Division at NAS Corpus Christi, Texas. The additional two aircraft will increase to ten the number of aircraft used by USCS at NAS Corpus Christi to accomplish their mission of drug interdiction and homeland defense. Additional parking apron will be constructed for the aircraft. Twenty-two new support personnel will join the USCS staff. The existing on-base and off-base utility systems (water, sanitary sewer, telephone, and electric) have adequate capacity to accommodate the proposed activities and personnel.

Analysis: Based on the information gathered during preparation of the EA, the Navy and the U.S. Customs Service finds that adding two P-3 aircraft to the USCS Air and Marine Interdiction Division at Naval Air Station Corpus Christi, Texas, will not significantly impact the environment.

A3 Promulgation of rules, issuance of rulings or interpretations, and the development and publication of policies, orders, directives, notices, procedures, manuals, advisory circulars, and other guidance documents of the following nature:

- (a) Those of a strictly administrative or procedural nature,**
- (b) Those that implement, without substantive change, statutory or regulatory requirements,**
- (c) Those that implement, without substantive change, procedures, manuals, and other guidance documents'**
- (d) Those that interpret or amend an existing regulation without changing its environmental effect,**
- (e) Technical guidance on safety and security matters; or,**
- (f) Guidance for the preparation of security plans.**

The Panel found that the activities contemplated by this categorical exclusion are a variety of administrative activities performed throughout the Department with impacts that are identical in nature, scope, and intensity, none of which have the inherent potential for significant environmental impacts. In addition, this categorical exclusion is supported by long standing categorical exclusions brought to the Department by its legacy components which would have been developed through a process consistent with NEPA regulatory requirements.

The Panel determined that this categorical exclusion would benefit from a detailed description of the characteristics of the activities envisioned. Descriptive items (a) through (f) are intended to define the nature of activities encompassed by this categorical exclusion in a manner that does not extend the categorical exclusion to actions including extraordinary circumstances that may result in the activity having significant environmental effects.

The Panel also noted that numerous other Federal agencies have categorical exclusions for similar activities that are sufficiently descriptive of the activity as to establish for the Panel that those activities were similar in nature, scope, and impact on the human environment as those performed by Department. In addition, the Panel recognized that all Federal agencies, with very few limitations, must meet the same requirements to protect the environment. The Panel determined from their experience in or on behalf of other Federal agencies that the characteristics of the activities in the Department were no different than those performed by other Federal agencies. They Panel also determined that those activities have negligible impacts on the human environment.

Accordingly, through a deliberative process, the Panel determined that the proposed categorical exclusion encompassed activities that inherently did not have individual or cumulative significant impact on the human environment.

LEGACY CATEGORICAL EXCLUSIONS AND COMPARABLE AGENCY CATEGORICAL EXCLUSIONS

APHIS

Reference: 7CFR372.5 (c)

(a) (1) Policy development, planning and implementation which relate to routine activities, such as personnel, organizational changes, or similar administrative functions;

(6) Activities which are advisory and consultative to other agencies and public and private entities, such as legal counseling and representation

FEMA

Reference: 44CFR10.8 (d) (2)

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

FAA

Reference: FAA Order 1050.1d Chapter 31 (a)

(5) Policy and planning documents not intended for or which do not cause direct implementation of project or system actions

Reference: FAA Order 5050.4A Chapter 3, Section 23.

(b) (6) Issuance of airport policy and planning documents including the National Plan of Integrated Airport Systems (NPIAS), Airport Improvement Program (AIP) priority system, advisory circulars on planning, design, and development programs which are not intended for direct implementation or which are issued by FAA as administrative and technical guidance to the public.

USCG

Reference: Figure 2-1 Coast Guard Categorical Exclusions

1. Administrative Actions: e. Preparation of guidance documents that implement, without substantive change, the applicable Commandant Instruction or other Federal agency regulations, procedures, manuals, and other guidance documents.

6. Bridge Administration Actions e. Promulgation of operating regulations or procedures for drawbridges. f. Identification of advance approval waterways under 33 CFR 115.70.

7. Regulatory Actions a. Regulations concerning vessel operation safety standards (e.g., regulations requiring: certain boaters to use approved equipment which is required to be installed such as an ignition cut-off switch, or carried on board, such as personal flotation devices (PFDS), and/or stricter blood alcohol concentration (BAC) standards for recreational boaters, etc.), equipment approval, and/or equipment carriage requirements (e.g. personal flotation devices (PFDS) and visual distress signals (VDS's)). b. Congressionally mandated regulations designed to improve or protect the environment (e.g., regulations implementing the requirements of the Oil Pollution Act of 1990, such as those requiring vessels to have the capability to transmit and receive on radio channels that would allow them to receive critical safety and navigation warnings in U.S. waters, regulations to

increase civil penalties against persons responsible for the discharge of oil or hazardous substances into U.S. waters, etc.). (Checklist and CED required.) c. Regulations which are editorial or procedural, such as those updating addresses or establishing application procedures. d. Regulations concerning internal agency functions or organization or personnel administration, such as funding, establishing Captain of the Port boundaries, or delegating authority. e. Regulations concerning the training, qualifying, licensing, and disciplining of maritime personnel. f. Regulations concerning manning, documentation, admeasurement, inspection, and equipping of vessels. g. Regulations concerning equipment approval and carriage requirements. h. Regulations establishing, disestablishing, or changing the size of Special Anchorage Areas or anchorage grounds. (Checklist and CED not required for actions that disestablish or reduce the size of the Area or grounds). i. Regulations establishing, disestablishing, or changing Regulated Navigation Areas and security or safety zones. (Checklist and CED not required for actions that disestablish or reduce the size of the area or zone. For temporary areas and zones that are established to deal with emergency situations and that are less than one week in duration, the checklist and CED are not required. For temporary areas and zones that are established to deal with emergency situations and that are one week or longer in duration, the checklist and CED will be prepared and submitted after issuance or publication.) j. Special local regulations issued in conjunction with a regatta or marine parade; provided that, if a permit is required, the environmental analysis conducted for the permit included an analysis of the impact of the regulations. (Checklist and CED not required) k. Regulations in aid of navigation, such as those concerning rules of the road, International Regulations for the Prevention of Collisions at Sea (COLREGS), bridge-to-bridge communications, vessel traffic services, and marking of navigation systems.

AIR FORCE

Reference: Air Force Instruction 32-7061, January 24, 1995.

A2.3. Categorical Exclusion List.

A2.3.5. Preparing, revising, or adopting regulations, instructions, directives, or guidance documents that do not, themselves, result in an action being taken.

A2.3.6. Preparing, revising, or adopting regulations, instructions, directives, or guidance documents that implement (without substantial change) the regulations, instructions, directives, or guidance documents from higher headquarters or other Federal agencies with superior subject matter jurisdiction.

ENERGY

Reference: 10CFR1021

Subpart D. Typical Classes of Actions

Appendix A to Subpart D of Part 1021--Categorical exclusions Applicable to General Agency Actions

A4 Interpretations and rulings with respect to existing regulations, or modifications or rescissions of such interpretations and rulings.

A5 Rulemaking interpreting or amending an existing rule or regulation that does not change the environmental effect of the rule or regulation being amended.

A6 Rulemakings that are strictly procedural, such as rulemaking (under 48 CFR Part 9) establishing procedures for technical and pricing proposals and establishing contract clauses and contracting practices for the purchase of goods and services, and rulemaking (under 10 CFR Part 600) establishing application and review procedures for, and administration, audit, and closeout of, grants and cooperative agreements.

A10 Reports or recommendations on legislation or rulemaking that is not proposed by DOE.

A13 Administrative, organizational, or procedural Orders, Notices, and guidelines.

A4 Information gathering, data analysis and processing, information dissemination, review, interpretation, and development of documents. If any of these activities result in proposals for further action, those proposals must be covered by an appropriate CATEX. Examples include but are not limited to:

- (a) Document mailings, publication and distribution, training and information programs, historical and cultural demonstrations, and public affairs actions**
- (b) Studies, reports, proposals, analyses, literature reviews; computer modeling; and non-intrusive intelligence gathering activities**

The actions contemplated by this categorical exclusion are a variety of administrative activities that have no inherent potential for significant environmental impacts. This categorical exclusion is supported by long standing categorical exclusions that were brought to the Department by its components which would have only been developed through a process consistent with NEPA regulatory requirements. Further, the Panel found that actions of a similar nature, scope, and intensity were performed throughout the Department without significant environmental impacts.

The Panel also determined that the use of examples in this particular categorical exclusion would be helpful to future users in clarifying the types of activities envisioned by the categorical exclusion. In providing examples, the Panel did not intend to limit the categorical exclusion to those activities or to extend the categorical exclusion to actions including extraordinary circumstances that may result in the activity having significant environmental effects.

The Panel recognized that some of the activities contemplated by this categorical exclusion could result in proposals for further action. To ensure that these proposals would not promote activities with potential to significantly impact the quality of the human environment, the categorical exclusion is specifically limited so that if an activity results in a

proposal, this categorical exclusion would only apply if the proposal is for an action contemplated within another DHS categorical exclusion. This limitation is in place to ensure that there will be no potential for significant environmental impacts contemplated by the application of this categorical exclusion.

The Panel also noted that numerous other Federal agencies have categorical exclusions for similar activities that are sufficiently descriptive of the activity as to establish for the Panel that those activities were similar in nature, scope, and impact on the human environment as those performed by Department. In addition, the Panel recognized that all Federal agencies, with very few limitations, must meet the same requirements to protect the environment. The Panel determined from their experience in or on behalf of other Federal agencies that the characteristics of the activities in the Department were no different than those performed by other Federal agencies. They Panel also determined that those activities have negligible impacts on the human environment.

Accordingly, through a deliberative process, the Panel determined that the proposed categorical exclusion encompassed activities that inherently did not have individual or cumulative significant impact on the human environment.

LEGACY CATEGORICAL EXCLUSIONS AND COMPARABLE AGENCY CATEGORICAL EXCLUSIONS

FEMA

Reference: 44CFR10.8 (d) (2)

(iii) Studies that involve no commitment of resources other than manpower and associated funding;

USDA-ARS- APHIS

Reference: 7CFR1b.3 (a)

(3) Inventories, research activities, and studies, such as resource inventories and routine data collection when such actions are clearly limited in context and intensity;

(6) Activities which are advisory and consultative to other agencies and public and private entities, such as legal counseling and representation

USCG

Reference: Figure 2-1 Coast Guard Categorical Exclusions

2. Real and Personal Property Related Actions i. Real property inspections for compliance with deed or easement restrictions.

5. Special Studies

a. Environmental site characterization studies and environmental monitoring including: siting, constructing, operating, and dismantling or closing of characterization and monitoring devices. Such activities include but are not limited to the following:

- Conducting geological, geophysical, geochemical, and engineering surveys and mapping, including the establishment of survey marks.*

- *Installing and operating field instruments, such as stream-gauging stations or flow-measuring devices, telemetry systems, geochemical monitoring tools, and geophysical exploration tools.*
- *Drilling wells for sampling or monitoring of groundwater, well logging, and installation of water-level recording devices in wells.*
- *Conducting aquifer response testing.*
- *Installing and operating ambient air monitoring equipment.*
- *Sampling and characterizing water, soil, rock, or contaminants.*
- *Sampling and characterizing water effluents, air emissions, or solid waste streams.*
- *Sampling flora or fauna.*
- *Conducting archeological, historic, and cultural resource identification and evaluation studies in compliance with 36 CFR Part 800 and 43 CFR Part 7.*
- *Gathering data and information and conducting studies that involve no physical change to the environment. Examples include topographic surveys, bird counts, wetland mapping, and other inventories.*

ENERGY

Reference: 10CFR1021

Subpart D_Typical Classes of Actions

Appendix A to Subpart D of Part 1021--Categorical Exclusions Applicable to General Agency Actions

A9 Information gathering (including, but not limited to, literature surveys, inventories, audits), data analysis (including computer modeling), document preparation (such as conceptual design or feasibility studies, analytical energy supply and demand studies), and dissemination (including, but not limited to, document mailings, publication, and distribution; and classroom training and informational programs), but not including site characterization or environmental monitoring. (Also see B3.1.)

INTERIOR

Reference: Departmental Manual 516, Part 2, Appendix 1.

1.6 Nondestructive data collection, inventory (including field, aerial, and satellite surveying and mapping), study, research, and monitoring activities.

1.11 Activities which are educational, informational, advisory, or consultative to other agencies, public and private entities, visitors, individuals, or the general public.

A5 Awarding of contracts for technical support services, ongoing management and operation of government facilities, and professional services that do not involve unresolved conflicts concerning alternative uses of available resources.

This categorical exclusion was originally published for notice and comment as categorical exclusion A6. It has been renumbered categorical exclusion A5 because the categorical exclusion that was published for notice and comment as categorical exclusion A5 has been deleted.

Awarding of contracts for technical support services and other services included in this categorical exclusion involve administrative activities. The Panel found that the activities as contemplated by this categorical exclusion are a variety of administrative activities performed throughout the Department with impacts that are identical in nature, scope, and intensity, none of which have the inherent potential for significant environmental impacts. In addition, this categorical exclusion is supported by long standing categorical exclusions brought to the Department by its components, and which would have been developed through a process consistent with NEPA regulatory requirements.

The Panel specifically limited this categorical exclusion to actions that do not involve unresolved conflicts concerning alternative uses of available resources to ensure that there would be no potential for significant environmental impacts contemplated by the application of this categorical exclusion.

The Panel also noted that numerous other Federal agencies have categorical exclusions for similar activities that are sufficiently descriptive such that they demonstrated to the Panel that those activities were similar in nature, scope, and impact on the human environment to those performed by Department. In addition, the Panel recognized that all Federal agencies, with very few limitations, must meet the same requirements to protect the environment. The Panel determined from their experience in or on behalf of other Federal agencies, that the characteristics of the activities in Department were no different than those performed by other Federal agencies in general, as well as specifically related to the environment.

Accordingly, through a deliberative process, the panel determined that the proposed categorical exclusion encompassed programmatic activities that inherently did not have individual or cumulative significant impact on the human environment.

LEGACY CATEGORICAL EXCLUSIONS AND COMPARABLE AGENCY CATEGORICAL EXCLUSIONS

FEMA

Reference: 44CFR10.8 (d) (2)

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

USCG

Reference: Figure 2-1 Coast Guard Categorical exclusions

1. Administrative Actions: c. Routine personnel, fiscal, and administrative activities, actions, procedures, and policies which

clearly do not have any environmental impacts, such as military and civilian personnel recruiting, processing, paying, and record keeping.

AIR FORCE

Reference: Air Force Instruction 32-7061, January 24, 1995.

A2.3. categorical exclusion List:

A2.3.1. Routine procurement of goods and services.

ARMY

Reference: 32CFR651

Appendix B--Categorical Exclusions

Section II--List of CXs

(e) Procurement and contract activities:

(1) Routine procurement of goods and services (complying with applicable procedures for sustainable or ``green'' procurement) to support operations and infrastructure, including routine utility **services** and contracts.

GENERAL SERVICES ADMINISTRATION

Reference: PBS NEPA Deskguide, October 1999.

5.3 AUTOMATIC categorical exclusions

(i) Administrative actions such as procurement of consultant services for appraisal or environmental analysis.

(n) Facility maintenance, custodial, and grounds keeping activities not involving environmentally sensitive areas (such as eroded areas, wetlands, cultural sites, etc.), including window washing, lawn mowing, trash collecting, and snow removal.

(o) Procurement contracts for professional services and supplies not addressed elsewhere here.

A6 Procurement of non-hazardous goods and services, and storage, recycling, and disposal of non-hazardous materials and wastes, that complies with applicable requirements and is in support of routine administrative, operational, or maintenance activities. Storage activities must occur on previously disturbed land or in existing facilities. Examples include but are not limited to:

- (a) Office supplies,**
- (b) Equipment,**
- (c) Mobile assets,**
- (d) Utility services,**
- (e) Chemicals and low level radio nuclides for laboratory use,**
- (f) Deployable emergency response supplies and equipment, and,**
- (g) Waste disposal and contracts for waste disposal in established permitted landfills and facilities.**

This categorical exclusion was originally published for notice and comment as categorical exclusion A7. It has been renumbered categorical exclusion A6 because the categorical exclusion that was published for notice and comment

as categorical exclusion A5 was deleted and the categorical exclusion numbered A6 was renumbered categorical exclusions A5. Similarly, the administrative record comments regarding the categorical exclusion formerly published for notice and comment as categorical exclusion A6 are included as categorical exclusion A5.

The Panel examined the various activities undertaken by both the new entities created and the existing entities merged into the Department to determine the extent to which these various components procured goods and services and whether they stored, recycled, and disposed of procured goods during the normal course of their activities. It was found that actions of a similar nature, scope, and intensity were quite common throughout Department in both administrative and operational activities. The vast majority of these procurements consisted of commercially available goods and services (in conformance with federal procurement priorities). A more limited number of these procurements were for goods that were provided by commercial sources specifically for military or law enforcement purposes. Homeland security unique procurements were found to be extremely infrequent, and most of these were adaptations of commercially available goods and services (in conformance with federal procurement priorities).

The Panel examined the existing categorical exclusions brought into Department by legacy agencies and numerous categorical exclusions of other Federal agencies. A FEMA exclusion encompassed the procurement of supplies, goods, and services and the temporary storage of goods, and a Coast Guard exclusion encompassed the procurements of goods and services including office supplies, equipment, and mobile assets. These long standing categorical exclusions brought to Department by its legacy agencies would have only been developed through a process consistent with NEPA requirements.

The Panel specifically limited the categorical exclusion to non-hazardous goods and services, materials, and wastes; limited the categorical exclusion by stating that actions contemplated by this categorical exclusion comply with all applicable requirements; limited the categorical exclusion to actions in support of routine activities; and finally, further limited the storage activities contemplated by this categorical exclusion to actions on previously disturbed land or in existing facilities. These limitations were applied to ensure that there would be no potential for significant environmental impacts contemplated by the application of this categorical exclusion.

The Panel also noted that numerous other Federal agencies have categorical exclusion for similar activities that are sufficiently descriptive such that it could be determined that they included a much broader range of activities and encompassed activities of generally greater scope and intensity than any in Department. In addition, the Panel recognized that all Federal agencies, with very few limitations, must meet the same requirements to protect the environment. For example, the volume of goods and services procured and wastes disposed by other agencies dwarf those of Department and are done under the same governing environmental regulatory policies with no significant impacts to the quality of the human environment. The Panel

determined from their experience in or on behalf of other agencies, that the characteristics of the activities in Department were no different than those performed by other Federal agencies in general, as well as specifically related to the environment.

The Panel determined that the use of examples in this particular categorical exclusion would be helpful to future users in clarifying the types of activities envisioned. In providing examples, the Panel did not intend to extend the categorical exclusion to actions including extraordinary circumstances that may result in the activity having significant environmental effects.

When categorical exclusion A6 was previously published as categorical exclusion A7, it was the subject of comments concerning: (1) the references to waste disposal, and (2) public information regarding the use of chemicals and low-level radionuclide for analytical testing and research.

The Department considered the comments regarding waste disposal. Essentially, comments that expressed concerns about the reference to waste disposal were that the analysis of impacts from waste disposal for permitted landfills may have been done in the past, but that may not account for new waste. To address this concern, the Panel ensured that example "(g)" limited this categorical exclusion to only apply to established permitted landfills and authorized facilities for the wastes generated pursuant to activities governed by this categorical exclusion; emphasizing that the department is held to all of the same requirements that are applicable to commercial generators of non-hazardous waste.

Other comments regarding waste disposal expressed concern that, while there were categorical exclusions similar to this for FEMA and USCG, they were limited to procurement and storage of such materials and not to disposal. As stated previously, the Panel examined the various activities undertaken by both the new entities created and the existing entities merged into the Department to determine the extent to which these various components procured goods and services and whether they stored, recycled, and disposed of procured goods during the normal course of their activities. It was found that actions of a similar nature, scope, and intensity were quite common throughout Department in both administrative and operational activities. The vast majority of these procurements consisted of commercially available goods and services (in conformance with federal procurement priorities). A more limited number of these procurements were for goods that were provided by commercial sources specifically for military or law enforcement purposes. Homeland security unique procurements were found to be extremely infrequent and most of these were adaptations of commercially available goods and services (in conformance with federal procurement priorities).

Also, as stated previously, the Panel noted that numerous other agencies have categorical exclusions for similar activities that are sufficiently descriptive such that it could be determined that they included a much broader range of activities and encompassed activities of generally greater scope and intensity than any in Department. In addition, the Panel

recognized that all Federal agencies, with very few limitations, must meet the same requirements to protect the environment.

The Department also considered the comments regarding public information on the use of chemicals. These comments expressed concern that, while a categorical exclusion for such activities is likely warranted, it should not limit the ability of the public to information on these activities. One comment expressed the interest, for example, in the Department demonstrating or documenting how "Chemicals and low level radio nuclides for analytical testing and research" are being used safely. To address this comment, example "(e)" within this categorical exclusion was modified to further define "analytical testing and research" by clarifying the intent for including examples of those types of non-hazardous materials would be "for laboratory use" and would thus be subject to the detailed requirements for the handling of such materials in established laboratories and similar appropriate facilities. Concerns with the public availability of information on the potential for environmental impacts of DHS activities are addressed in the Department's response to comments on Section 6 of the directive.

Accordingly, through a deliberative process, the Panel determined that the proposed categorical exclusion encompassed programmatic activities that inherently did not have individual or cumulative significant impact on the human environment.

LEGACY CATEGORICAL EXCLUSIONS AND COMPARABLE AGENCY CATEGORICAL EXCLUSIONS

FEMA

Reference: 44CFR10.8 (d) (2)

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

USCG

Reference: Figure 2-1 Coast Guard Categorical exclusions

1. Administrative Actions: b. Routine procurement activities and actions for goods and services, including office supplies, equipment, mobile assets, and utility services for routine administration, operation, and maintenance.

(24) Routine movement of personnel and equipment, and the routine movement, handling, and distribution of non-hazardous and hazardous materials and wastes in accordance with applicable regulations.

AIR FORCE

Reference: Air Force Instruction 32-7061, January 24, 1995

A2.3. Categorical Exclusion List. Actions that are categorically excluded in the absence of unique circumstances are:

A2.3.1. Routine procurement of goods and services.

A2.3.28. Routine transporting of hazardous materials and wastes in accordance with applicable Federal, state, interstate, and local laws.

A2.3.29. Emergency handling and transporting of small quantities of chemical surety material or suspected chemical surety material, whether or not classified as hazardous or toxic waste, from a discovery site to a permitted storage, treatment, or disposal facility.

ARMY

Reference: 32CFR651

Appendix B to Part 651--Categorical exclusions

Section II--List of CXs

(b) Administration/operation activities:

(4) Proposed activities and operations to be conducted in an existing non-historic structure which are within the scope and compatibility of the present functional use of the building, will not result in a substantial increase in waste discharged to the environment, will not result in substantially different waste discharges from current or previous activities, and emissions will remain within established permit limits, if any (REC required).

(e) Procurement and contract activities:

(1) Routine procurement of goods and **services** (complying with applicable procedures for sustainable or ``green'' procurement) to support operations and infrastructure, including routine utility **services** and contracts.

(5) Procurement, testing, use, and/or conversion of a commercially available product (for example, forklift, generator, chain saw, etc.) which does not meet the definition of a weapon system (Title 10, U.S.C., Section 2403. ``Major weapon systems: Contractor guarantees''), and does not result in any unusual disposal requirements.

(6) Acquisition or contracting for spares and spare parts, consistent with the approved Technical Data Package (TDP).

(g) Repair and maintenance activities:

(1) Routine repair and maintenance of buildings, airfields, grounds, equipment, and other facilities. Examples include, but are not limited to: Removal and disposal of asbestos-containing material (for example, roof material and floor tile) or lead-based paint in accordance with applicable regulations; removal of dead, diseased, or damaged trees; and repair of roofs, doors, windows, or fixtures (REC required for removal work on historic structures).

(h) Hazardous materials/hazardous waste management and operations:

(4) Routine management, to include transportation, distribution, use, storage, treatment, and disposal of solid waste, medical waste, radiological and special hazards (for example, asbestos, PCBs, lead-based paint, or unexploded ordnance), and/or hazardous waste that complies with EPA, Army, or other regulatory agency requirements. This CX is not applicable to new construction of facilities for such management purposes.

(6) Reutilization, marketing, distribution, donation, and resale of items, equipment, or materiel; normal transfer of items to the Defense Logistics Agency. Items, equipment, or materiel that have been contaminated with hazardous materials or wastes will be adequately

cleaned and will conform to the applicable regulatory agency's requirements.

NAVY

Reference: 32 CFR Part 775 , Chapter VI.

Sec. 775.6 Planning considerations.

(f) Categorical exclusions.

(7) Routine procurement of goods and services conducted in accordance with applicable procurement regulations, executive orders, and policies;

(12) Routine procurement, management, storage, handling, installation, and disposal of commercial items, where the items are used and handled in accordance with applicable regulations (e.g., consumables, electronic components, computer equipment, pumps);

(16) Routine movement, handling and distribution of materials, including hazardous materials/wastes that are moved, handled, or distributed in accordance with applicable regulations;

GSA

Reference: PBS NEPA Deskguide, October 1999.

CHAPTER 5 categorical exclusions

5.3 AUTOMATIC categorical exclusions

(d) Reductions in force or other personnel, administrative, or ministerial actions, including bargaining with employee unions and managing routine activities normally conducted to protect or maintain GSA-controlled properties (e.g., security and custodial services).

(i) Administrative actions such as procurement of consultant services for appraisal or environmental analysis.

(n) Facility maintenance, custodial, and grounds keeping activities not involving environmentally sensitive areas (such as eroded areas, wetlands, cultural sites, etc.), including window washing, lawn mowing, trash collecting, and snow removal.

(o) Procurement contracts for professional services and supplies not addressed elsewhere here.

ENERGY

Reference: 10CFR1021

B1.2 Training exercises and simulations (including, but not limited to, firing-range training, emergency response training, fire fighter and rescue training, and spill cleanup training).

B1.3 Routine maintenance activities and custodial services for buildings, structures, rights-of-way, infrastructures (e.g., pathways, roads, and railroads), vehicles and equipment, and localized vegetation and pest control, during which operations may be suspended and resumed. Custodial services are activities to preserve facility appearance, working conditions, and sanitation, such as cleaning, window washing, lawn mowing, trash collection, painting, and snow removal. Routine maintenance activities, corrective (that is, repair), preventive, and predictive, are required to maintain and preserve buildings, structures, infrastructures, and equipment in a condition suitable for a facility to be used for its designated purpose. Routine maintenance

may result in replacement to the extent that replacement is in kind and is not a substantial upgrade or improvement. In kind replacement includes installation of new components to replace outmoded components if the replacement does not result in a significant change in the expected useful life, design capacity, or function of the facility. Routine maintenance does not include replacement of a major component that significantly extends the originally intended useful life of a facility (for example, it does not include the replacement of a reactor vessel near the end of its useful life). Routine maintenance activities include, but are not limited to:

- (a) Repair of facility equipment, such as lathes, mills, pumps, and presses;
- (b) Door and window repair or replacement;
- (c) Wall, ceiling, or floor repair;
- (d) Reroofing;
- (e) Plumbing, electrical utility, and telephone service repair;
- (f) Routine replacement of high-efficiency particulate air filters;
- (g) Inspection and/or treatment of currently installed utility poles;
- (h) Repair of road embankments;
- (i) Repair or replacement of fire protection sprinkler systems;
- (j) Road and parking area resurfacing, including construction of temporary access to facilitate resurfacing;
- (k) Erosion control and soil stabilization measures (such as reseeding and revegetation);
- (l) Surveillance and maintenance of surplus facilities in accordance with DOE Order 5820.2, ``Radioactive Waste Management'';
- (m) Repair and maintenance of transmission facilities, including replacement of conductors of the same nominal voltage, poles, circuit breakers, transformers, capacitors, crossarms, insulators, and downed transmission lines, in accordance, where appropriate, with 40 CFR part 761 (Polychlorinated Biphenyls Manufacturing, Processing, Distribution in Commerce, and Use Prohibitions);
- (n) Routine testing and calibration of facility components, subsystems, or portable equipment (including but not limited to, control valves, in-core monitoring devices, transformers, capacitors, monitoring wells, lysimeters, weather stations, and flumes); and
- (o) Routine decontamination of the surfaces of equipment, rooms, hot cells, or other interior surfaces of buildings (by such activities as wiping with rags, using strippable latex, and minor vacuuming), including removal of contaminated intact equipment and other materials (other than spent nuclear fuel or special nuclear material in nuclear reactors).

A7 The commitment of resources, personnel, and funding to conduct audits, surveys, and data collection of a minimally intrusive nature. If any of these commitments result in proposals for further action, those proposals must be covered by an appropriate CATEX. Examples include, but are not limited to:

- (a) Activities designed to support the improvement or upgrade management of natural resources, such as surveys for threatened and endangered species, wildlife and wildlife habitat, historic properties, and archeological sites; wetland delineations; timber stand examination; minimal water, air, waste, material and soil sampling; audits, photography, and interpretation;**
- (b) Minimally-intrusive geological, geophysical, and geo-technical activities, including mapping and engineering surveys.**
- (c) Conducting Facility Audits, Environmental Site Assessments and Environmental Baseline Surveys, and,**
- (d) Vulnerability, risk, and structural integrity assessments of infrastructure.**

This categorical exclusion was originally published for notice and comment as categorical exclusion A8. It has been renumbered categorical exclusion A7 because the categorical exclusion that was published for notice and comment as categorical exclusion A5 was deleted and the categorical exclusions numbered A6 and A7 were renumbered categorical exclusions A5 and A6, respectively. Similarly, the administrative record comments regarding the categorical exclusions formerly published for notice and comment as categorical exclusions A6 and A7 are included within the administrative record as categorical exclusions A5 and A6 respectively.

The Panel determined that the activities contemplated by this categorical exclusion would inherently have no potential for significant environmental impacts. This categorical exclusion is supported by long-standing categorical exclusions brought to the Department by its legacy components. Further, the Panel found that actions of a similar nature, scope, and intensity were performed throughout the Department without significant environmental impacts.

The Panel determined that the use of examples would help clarify the types of activities envisioned by this categorical exclusion. In providing examples, the Panel did not intend to extend the categorical exclusion to actions including extraordinary circumstances that may result in the activity having significant environmental effects.

The Panel recognized that some of the activities contemplated by this categorical exclusion could result in proposals for further action. To ensure that these proposals would not promote activities with potential to significantly impact the quality of the human environment, the categorical exclusion is specifically limited so that if an activity results in a proposal, this categorical exclusion would only apply if the proposal is for an action contemplated within another DHS categorical exclusion. This limitation is in place to ensure that there will be no potential for significant environmental impacts contemplated by the application of this categorical exclusion.

The Panel also noted that numerous other agencies have categorical exclusions for activities that are sufficiently descriptive to convince the Panel that those activities are similar in nature, scope, and impact on the human

environment to those performed by Department. Numerous agencies with responsibilities to manage similar activities to those managed by DHS at a larger scale and in a greater variety of natural environments, including environments at least as sensitive as those that DHS may normally work in, have categorical exclusions that encompass the types of activities contemplated for this DHS categorical exclusion. In addition, the Panel recognized that all Federal agencies, with very few limitations, must meet the same requirements to protect the environment. The Panel determined from their experience in or on behalf of other agencies, that the characteristics of the activities in Department were no different than those performed by other agencies in general, as well as specifically related to the environment.

Through its deliberations, the Panel determined that the proposed categorical exclusion encompassed programmatic activities that inherently do not have an individual or cumulative significant impact on the environment.

LEGACY CATEGORICAL EXCLUSIONS AND COMPARABLE AGENCY CATEGORICAL EXCLUSIONS

APHIS

Reference: 7CFR372.5 (c) and 7CFR1b.3 (a)

(3) Inventories, research activities, and studies, such as resource inventories and routine data collection when such actions are clearly limited in context and intensity;

(6) Activities which are advisory and consultative to other agencies and public and private entities, such as legal counseling and representation;

FEDERAL EMERGENCY MANAGEMENT AGENCY

Reference: Title 44 CFR Part 10 ENVIRONMENTAL CONSIDERATIONS

Subpart B Agency Implementing Procedures

Sec. 10.8 Determination of requirement for environmental review.

(d) Categorical exclusions (categorical exclusions). CEQ regulations at 40 CFR

(iii) Studies that involve no commitment of resources other than manpower and associated funding;

(xviii) The following planning and administrative activities in support of emergency and disaster response and recovery:

(D) Situation Assessment including ground and aerial reconnaissance;

USCG

Reference: Figure 2-1 Coast Guard Categorical Exclusions

2. Real and Personal Property Related Actions i. Real property inspections for compliance with deed or easement restrictions.

5. Special Studies a. Environmental site characterization studies and environmental monitoring including: Siting, constructing, operating, and dismantling or closing of characterization and monitoring devices. Such activities include but are not limited to the following: Conducting geological, geophysical, geochemical, and engineering

surveys and mapping, including the establishment of survey marks. Installing and operating field instruments, such as stream-gauging stations or flow-measuring devices, telemetry systems, geochemical monitoring tools, and geophysical exploration tools. Drilling wells for sampling or monitoring of groundwater, well logging, and installation of water-level recording devices in wells. Conducting aquifer response testing. Installing and operating ambient air monitoring equipment. Sampling and characterizing water, soil, rock, or contaminants. Sampling and characterizing water effluents, air emissions, or solid waste streams. Sampling flora or fauna. Conducting archeological, historic, and cultural resource identification and evaluation studies in compliance with 36 CFR part 800 and 43 CFR part 7. Gathering data and information and conducting studies that involve no physical change to the environment. Examples include topographic surveys, bird counts, wetland mapping, and other inventories. b. Natural and cultural resource management and research activities that are in accordance with inter-agency agreements and which are designed to improve or upgrade the USCG's ability to manage those resources. c. Planning and technical studies which do not contain recommendations for authorization or funding for future construction, but may recommend further study. This includes engineering efforts or environmental studies undertaken to define the elements of a proposal or alternatives sufficiently so that the environmental effects may be assessed and does not exclude consideration of environmental matters in the studies.

AIR FORCE

Reference: Air Force Instruction, January 24, 1995.

A2.3. categorical exclusion List.

A2.3.24. Study efforts that involve no commitment of resources other than personnel and funding allocations.

A2.3.25. The analysis and assessment of the natural environment without altering it (inspections, audits, surveys, investigations). This categorical exclusion includes the granting of any permits necessary for such surveys, provided that the technology or procedure involved is well understood and there are no adverse environmental impacts anticipated from it. The EPF must document application of this categorical exclusion on AF Form 813.

A2.3.26. Undertaking specific investigatory activities to support remedial action activities for purposes of cleanup of hazardous spillage or waste sites or contaminated groundwater or soil. These activities include soil borings and sampling, installation, and operation of test or monitoring wells. This categorical exclusion applies to studies that assist in determining final cleanup actions when they are conducted in accordance with interagency agreements, administrative orders, or work plans previously agreed to by EPA or state regulators. NOTE: This categorical exclusion does not apply to the selection of the remedial action.

DEPARTMENT OF THE ARMY

Reference: 32CFR651

Appendix B to Part 651--Categorical Exclusions

Section II--List of CXs

(d) Cultural and natural resource management activities:

(4) Studies, data collection, monitoring and information gathering that do not involve major surface disturbance. Examples include topographic surveys, bird counts, wetland mapping, and other resources inventories (REC required).

(h) Hazardous materials/hazardous waste management and operations:

(1) Use of gauging devices, analytical instruments, and other devices containing sealed radiological sources; use of industrial radiography; use of radioactive material in medical and veterinary practices; possession of radioactive material incident to performing **services** such as installation, maintenance, leak tests, and calibration; use of uranium as shielding material in containers or devices; and radioactive tracers (REC required).

(3) Sampling, surveying, well drilling and installation, analytical testing, site preparation, and intrusive testing to determine if hazardous wastes, contaminants, pollutants, or special hazards (for example, asbestos, PCBs, lead-based paint, or unexploded ordnance) are present (REC required).

DEPARTMENT OF ENERGY

Reference: 10CFR1021

Subpart D. Typical Classes of Actions

Sec. 1021.410 Application of categorical exclusions (classes of actions that normally do not require EAs or EISs).

Appendix A to Subpart D of Part 1021--Categorical exclusions Applicable to General Agency Actions

A9 Information gathering (including, but not limited to, literature surveys, inventories, audits), data analysis (including computer modeling), document preparation (such as conceptual design or feasibility studies, analytical energy supply and demand studies), and dissemination (including, but not limited to, document mailings, publication, and distribution; and classroom training and informational programs), but not including site characterization or environmental monitoring. (Also see B3.1.)

B3. Categorical exclusions Applicable to Site Characterization, Monitoring, and General Research

B3.1 Onsite and offsite site characterization and environmental monitoring, including siting, construction (or modification), operation, and dismantlement or closing (abandonment) of characterization and monitoring devices and siting, construction, and associated operation of a small-scale laboratory building or renovation of a room in an existing building for sample analysis. Activities covered include, but are not limited to, site characterization and environmental monitoring under CERCLA and RCRA. Specific activities include, but are not limited to:

(a) Geological, geophysical (such as gravity, magnetic, electrical, seismic, and radar), geochemical, and engineering surveys and mapping, including the establishment of survey marks;

(b) Installation and operation of field instruments, such as stream-gauging stations or flow-measuring devices, telemetry systems, geochemical monitoring tools, and geophysical exploration tools;

(c) Drilling of wells for sampling or monitoring of groundwater or the vadose (unsaturated) zone, well logging, and installation of water-level recording devices in wells;

(d) Aquifer response testing;

(e) Installation and operation of ambient air monitoring equipment;

(f) Sampling and characterization of water, soil, rock, or contaminants;

(g) Sampling and characterization of water effluents, air emissions, or solid waste streams;

(h) Installation and operation of meteorological towers and associated activities, including assessment of potential wind energy resources;

(i) Sampling of flora or fauna; and

(j) Archeological, historic, and cultural resource identification in compliance with 36 CFR part 800 and 43 CFR part 7.

B3.3 Field and laboratory research, inventory, and information collection activities that are directly related to the conservation of fish or wildlife resources and that involve only negligible habitat destruction or population reduction.

B3.8 Outdoor ecological and other environmental research (including siting, construction, and operation of a small-scale laboratory building or renovation of a room in an existing building for sample analysis) in a small area (generally less than five acres) that would not result in any permanent change to the ecosystem.

DEPARTMENT OF THE INTERIOR

Reference: Departmental Manual 516, Part 2, Appendix 1

Departmental Categorical exclusions

1.6 Nondestructive data collection, inventory (including field, aerial, and satellite surveying and mapping), study, research, and monitoring activities.

DEPARTMENT OF THE INTERIOR, Fish and Wildlife Service

Reference: Departmental Manual 516, Part 8

8.5 Categorical exclusions.

B. Resource Management. Prior to carrying out these actions, the Service should coordinate with affected Federal agencies and State, tribal, and local governments.

(1) Research, inventory, and information collection activities directly related to the conservation of fish and wildlife resources which involve negligible animal mortality or habitat destruction, no introduction of contaminants, or no introduction of organisms not indigenous to the affected ecosystem.

DEPARTMENT OF THE INTERIOR, U.S. Geological Survey

Reference: Departmental Manual 516, Part 9

9.5 Categorical exclusions.

A. Topographic, land use and land cover, geological, mineralogic, resources evaluation, and hydrologic mapping activities, including aerial topographic surveying, photography, and geophysical surveying.

D. Well logging, aquifer response testing, digital modeling, inventory of existing wells and water supplies, water-sample collection.

E. Operation, construction and installation of: (a) Water-level or water quality recording devices in wells; (b) pumps in wells; (c) surface-water flow measuring equipment such as weirs and stream-gaging stations, and (d) telemetry systems, including contracts therefor.

F. Routine exploratory or observation groundwater well drilling operations which do not require a special access road, and which use portable tanks to recycle and remove drilling mud, and create no significant surface disturbance.

G. Test or exploration drilling and downhole testing, including contracts therefor.

H. Establishment of survey marks, placement and operation of field instruments, and installation of any research/monitoring devices.

I. Digging of exploratory trenches requiring less than 20 cubic yards of excavation.

DEPARTMENT OF THE INTERIOR, Bureau of Indian Affairs

Reference: Departmental Manual 516, Part 10
10.5 Categorical exclusions.

G. Minerals.
(1) Approval of permits for geologic mapping, inventory, reconnaissance and surface sample collecting.

K. Waste Management.
(2) Activities involving remediation of hazardous waste sites if done in compliance with applicable federal laws such as the Resource Conservation and Recovery Act (P.L. 94-580), Comprehensive Environmental Response, Compensation, and Liability Act (P.L. 96-516) or Toxic Substances Control Act (P.L. 94-469).

M. Other.
(1) Data gathering activities such as inventories, soil and range surveys, timber cruising, geological, geophysical, archeological, paleontological and cadastral surveys.

(2) Establishment of non-disturbance environmental quality monitoring programs and field monitoring stations including testing services.

DEPARTMENT OF THE INTERIOR, Bureau of Land Management

Reference: Departmental Manual 516, Part 11.
11.5 Categorical exclusions.

F. Solid Minerals.
(9) Digging of exploratory trenches for mineral materials, except in riparian areas.

H. Other.
(3) Conducting preliminary hazardous materials assessments and site investigations, site characterization studies and environmental monitoring. Included are siting, construction, installation and/or operation of small monitoring devices such as wells, particulate dust counters and automatic air or water samples.

(6) A single trip in a one month period to data collection or observation sites.

DEPARTMENT OF THE INTERIOR, National Park Service

Reference: Departmental Manual 516, Part 12.

12.5 Categorical exclusions.

A. Actions Related to General Administration.
(2) Land and boundary surveys,

B. Plans, Studies and Reports.
(9) Adoption or approval of surveys, studies, reports, plans and similar documents which will result in recommendations or proposed actions which would cause no or only minimal environmental impact.

E. Actions Related to Resource Management and Protection.
(1) Archeological surveys and permits involving only surface collection or small-scale test excavations.

(2) Day-to-day resource management and research activities.

(3) Designation of environmental study areas and research natural areas.

DEPARTMENT OF THE INTERIOR, Office of Surface Mining

Reference: Departmental Manual 516, Part 13.

13.5 Categorical exclusions.

(14) Routine inspection and enforcement activities (517).

DEPARTMENT OF THE INTERIOR, Bureau of Reclamation

Reference: Departmental Manual 516, Part 14.

14.5 Categorical exclusions.

A. General Activities.
(3) Research activities, such as nondestructive data collection and analysis, monitoring, modeling, laboratory testing, calibration, and testing of instruments or procedures and non-manipulative field studies.

B. Planning Activities.

(1) Routine planning investigation activities where the impacts are expected to be localized, such as land classification surveys, topographic surveys, archeological surveys, wildlife studies, economic studies, social studies, and other study activity during any planning, preconstruction, construction, or operation and maintenance phases.

(3) Data collection studies that involve test excavations for cultural resources investigations or test pitting, drilling, or seismic investigations for geologic exploration purposes where the impacts will be localized.

DEPARTMENT OF THE INTERIOR, Minerals Management Service

Reference: Departmental Manual 516, Part 15

15.4 Categorical exclusions.

A. General.

(1) Inventory, data, and information collection, including the conduct of environmental monitoring and nondestructive research programs.

B. Internal Program Initiatives.

(1) All resource evaluation activities including surveying, mapping, and geophysical surveying which do not use solid or liquid explosives.

(2) Collection of geologic data and samples including geologic, paleontologic, mineralogic, geochemical, and geophysical investigations which does not involve drilling beyond 50 feet of consolidated rock or beyond 300 feet of unconsolidated rock, including contracts therefor.

(3) Acquisition of existing geological or geophysical data from otherwise private exploration ventures.

(4) Well logging, digital modeling, inventory of existing wells, and installation of recording devices in wells.

(5) Establishment and installation of any research/monitoring devices.

C. Permit and Regulatory Functions.

(9) Approval of offshore geological and geophysical mineral exploration activities, except when the proposed activity includes the drilling of deep stratigraphic test holes or uses solid or liquid explosives.

OPERATIONAL ACTIVITIES

B1 Research, development, testing, and evaluation activities, or laboratory operations conducted within existing enclosed facilities consistent with previously established safety

levels and in compliance with applicable Federal, tribal, state, and local requirements to protect the environment when it will result in no, or de minimus change in the use of the facility. If the operation will substantially increase the extent of potential environmental impacts or is controversial, an EA (and possibly an EIS) is required.

Research, development, testing, and evaluation activities or laboratory operations contemplated by this categorical exclusion are those that would be undertaken within facilities that are operated under stringent requirements designed to protect the quality of the human environment. As exemplified by documents in the administrative record, these requirements include strict operating procedures governing laboratory operations and personnel responsibilities. Because of these controls, these types of laboratory activities have no potential for significant environmental impacts. Further, the Panel found that actions of a similar nature, scope, and intensity were performed in laboratories throughout Department.

In addition, this categorical exclusion is supported by long-standing categorical exclusions and administrative records brought to Department by its components. Those components brought into Department from the Department of Agriculture (elements of the Agricultural Research Service and the Animal and Plant Health Inspection Service), and the U.S. Coast Guard had existing categorical exclusions for actions similar in nature, scope, and intensity to those contemplated by this categorical exclusion.

The Panel specifically limited this categorical exclusion to actions conducted within existing enclosed facilities, actions consistent with previously established safety levels and in compliance with Federal, State, tribal, and local requirements to protect the environment, and actions conducted in a manner that will result in no, or *de minimus* change in the use of the facility. This was done to ensure that there would be no potential for significant environmental impacts contemplated by the application of this categorical exclusion. Further, this categorical exclusion expressly does not include actions that would substantially increase the extent of potential environmental impacts or is controversial.

The Panel also noted that numerous other agencies have categorical exclusions for similar activities that are sufficiently descriptive such that they demonstrated to the Panel that those activities were similar in nature, scope, and impact on the human environment to those performed by Department. In addition, the Panel recognized that all Federal agencies, with very few limitations, must meet the same requirements to protect the environment. The Panel determined from their experience in or on behalf of other agencies, that the characteristics of the activities in Department were no different than those performed by other agencies in general, as well as specifically related to the environment.

This categorical exclusion was slightly changed from the text published for public comment in that the phrase, "...federal, tribal, state, and local.." was modified to state, "...Federal, State, tribal, and local..." with no material changes and no other grammatical changes.

Through a deliberative process, the Panel determined that the proposed categorical exclusion encompassed programmatic activities that inherently do not have an individual or cumulative significant impact on the environment.

LEGACY CATEGORICAL EXCLUSIONS AND COMPARABLE AGENCY CATEGORICAL EXCLUSIONS

APHIS

Reference: 7 CFR 372.5 (c)

7CFR372.5 (c) (2) Research and development activities. (i) Activities that are carried out in laboratories, facilities or other areas designed to eliminate the potential for harmful environmental effects-- internal or external--and to provide for lawful waste disposal (ii) Examples of this category of actions include: (A) The development and/or production (including formulation, repackaging, movement, and distribution) of previously approved and/or licensed program materials, devices, reagents, and biologics; (B) Research, testing, and development of animal repellents; and (C) Development and production of sterile insects.

USDA-ARS

Reference: 7 CFR 520.5 (b)

(2) Research programs or projects of limited size and magnitude or with only short-term effects on the environment. Examples are:

(i) Research operations conducted within any laboratory, greenhouse or other contained facility where research practices and safeguards prevent environment impacts such as the release of hazardous materials into the environment;

(ii) Inventories, studies or other such activities that have limited context and minimal intensity in terms of changes in the environment;

(iii) Testing outside of the laboratory, such as in small isolated field plots, which does not involve the use of control agents requiring containment or a special license or a permit from a regulatory agency.

USCG

Reference: Figure 2-1 Coast Guard Categorical Exclusions

4. Operational Actions e. Contracts for activities conducted at established laboratories and facilities, to include contractor-operated laboratories and facilities, on USCG-owned property where all airborne emissions, waterborne effluents, external radiation levels, outdoor noise, and solid and bulk waste disposal practices are in compliance with existing applicable Federal, state, and local laws and regulations. (Checklist required.)

ARMY

Reference: 32 CF R651 Appendix B. Section II

(h)(5) Research, testing, and operations conducted at existing enclosed facilities consistent with previously established safety levels and in compliance with applicable federal, state, and local standards. For facilities without existing NEPA analysis, including contractor-

operated facilities, if the operation will substantially increase the extent of potential environmental impacts or is controversial, an EA (and possibly an EIS) is required.

AIR FORCE

Reference: Air Force Instruction 32-7061, January 1995.

A2.3. categorical exclusion list.

A2.3.27. Normal or routine basic and applied scientific research confined to the laboratory and in compliance with all applicable safety, environmental, and natural resource conservation laws.

ENVIRONMENTAL PROTECTION AGENCY

Reference: 40 CFR 6 Subpart G

Sec. 6.704 Categorical exclusions.

(b) The following specialized categories of ORD actions are eligible for categorical exclusion from a detailed NEPA review:

(4) Projects conducted completely within a contained facility, such as a laboratory or other enclosed building, where methods are employed for appropriate disposal of laboratory wastes and safeguards exist against hazardous, toxic, and radioactive materials entering the environment. Laboratory directors or other appropriate officials must certify and provide documentation that the laboratory follows good laboratory practices and adheres to applicable Federal statutes, regulations and guidelines.

B2 Transportation of personnel, detainees, equipment, and evidentiary materials in wheeled vehicles over existing roads or jeep trails established by federal, tribal, state, or local governments, including access to permanent and temporary observation posts.

The use of wheeled vehicles on formally established roads and trails is necessary for the interdiction and removal of suspects who might otherwise use sensitive environments to evade capture, thereby causing damage to the human environment. The Panel did not contemplate that this categorical exclusion would encompass new construction or the expansion of transportation activities beyond the previously established network of motorized vehicle roads and trails. The Panel further considered that some activities similar to these, particularly along our borders, are civil and criminal law enforcement actions excluded from NEPA. The Panel recognized various components within Department, such as U.S. Coast Guard, U.S. Secret Service, Immigration and Customs Enforcement, and Customs and Border Protection, perform functions other than civil or criminal law enforcement of a similar nature, scope, and intensity that would fall within this categorical exclusion. In addition, activities defined by this categorical exclusion are supported by long-standing categorical exclusions and administrative records brought to Department by its components.

The Panel also noted that numerous other Federal agencies have categorical exclusion for similar activities. In addition, the Panel recognized that all Federal agencies, with very few limitations, must meet the same requirements

to protect the environment. The Panel determined from their experience in or on behalf of other agencies, that the characteristics of the activities in Department were no different than those performed by other agencies in general, as well as specifically related to the environment.

Categorical exclusion B2 was the subject of comments concerning the danger to the environment raised by access to observation posts, particularly about the risk that establishment of and access to observation posts might pose to the Sonoran Pronghorn. For example, one representative comment stated that, "*...a well-established record overwhelmingly demonstrates that construction, use of, and access to such observation posts is clearly not appropriate for the [categorical exclusion]...*" The Department considered these comment and notes that this categorical exclusion does not encompass the development of new access roads. To emphasize the Department's concern in this area, the Panel specifically limited the categorical exclusion to, "*...existing roads or established jeep trails...*" In order to further stress the intent of the Department that this categorical exclusion not be extended to areas where there is potentially significant impacts on the quality of the human environment, the language of this categorical exclusion was modified to state, "*...existing roads or jeep trails established by Federal, State, tribal, or local governments,*" to expressly limit the use of jeep trails to those established by a governmental authority, i.e., ostensibly an authority with a duty to protect and enforce protection of the quality of the human environment on behalf of those with standing to seek redress against any such authority.

In addition, Appendix A, Section 3.2 of the directive contains a list of conditions and extraordinary circumstances that must be satisfied in the application of this categorical exclusion to a specific program or activity within DHS. These conditions and extraordinary circumstances were developed in recognition that, while the vast majority of DHS activities in this category do not have potential for significant impacts to the environment, activity proponents within DHS need to be alert for rare and unique conditions that may require more extensive evaluation of the potential for environmental impacts under NEPA. This evaluation would include not only the immediate effect of the DHS decision, but also the potential environmental effects that may indirectly result from implementing the decision and the cumulative effects of the decision on the quality of the human environment. The Departmental Directive contains language that clearly prevents the use of the exclusion where there is "*A potentially significant effect on species or habitats protected by the Endangered Species Act, the Marine Mammal Protection Act, or the Magnuson-Stevens Fishery Conservation and Management Act.*"

Through a deliberative process, the Panel determined that the proposed categorical exclusion encompassed programmatic activities that inherently have no individual or cumulative, significant impact on the environment.

LEGACY CATEGORICAL EXCLUSIONS AND COMPARABLE AGENCY CATEGORICAL EXCLUSIONS

U.S. Coast Guard

Reference: COMDTINST M16475.1D, Figure 2-1

(24) Routine movement of personnel and equipment, and the routine movement, handling, and distribution of non-hazardous and hazardous materials and wastes in accordance with applicable regulations.

FEMA

Reference: 44 CFR PART 10 ENVIRONMENTAL CONSIDERATIONS--
Subpart B Agency Implementing Procedures

Sec. 10.8 Determination of requirement for environmental review.

(d) Categorical exclusions (categorical exclusions).

(xviii) The following planning and administrative activities in support of emergency and disaster response and recovery:

(C) Deployment of Urban Search and Rescue teams;

USBP

Reference: Final Environmental Assessment for Various Road Improvements from Canyon City, California to The Imperial County Line San Diego County, California U.S. Border Patrol, March 2003, resulting in a FONSI signed in March 2003

The proposed actions consists of: 1) the placement of up to 50 portable lights, as needed, within 60 feet of the border from the Pacific Crest Trail to the Imperial County line; 2) night vision scope pad and access road construction; 3) installation/repair of four drainage structures; 4) the installation of a 300-foot bollard fence section near Jacumba; 5) blasting activities; and 6) the installation of two water wells and holding tanks by the U.S. Border Patrol (USBP). All activities would take place between Canyon City, California and the Imperial County line in San Diego County, California.

Analysis: Based upon the findings of this analysis and assuming that all mitigation measures recommended herein are implemented, no significant adverse impacts would occur from the proposed action alternative.

AIR FORCE

Reference: 32CFR989 Appendix B

A2.3.22. Routine, temporary movement of personnel, including deployments of personnel on a TDY basis where existing facilities are used.

DEPARTMENT OF THE ARMY

Reference: 32CFR651

Appendix B to Part 651--Categorical exclusions

Section II--List of CXs

(i) Training and testing:

(3) Intermittent on-post training activities (or off-post training covered by an ARNG land use agreement) that involve no live fire or vehicles off established roads or trails. Uses include, but are not limited to, land navigation, physical training; Federal Aviation Administration (FAA) approved aerial over flights, and small unit level training.

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

Activities contemplated by this categorical exclusion are those that would be undertaken within structures in a manner that would be compliant with established public policy requirements to protect public safety and the quality of the human environment. This categorical exclusion is not intended to include laboratory operations covered by categorical exclusion B1. Examples of structures contemplated include towers, buildings, warehouses, hangars, etc. The Panel found that such actions are performed in structures throughout Department without any harm to the quality of the human environment.

In addition, this categorical exclusion is supported by long-standing categorical exclusions and administrative records brought to Department by its components. Those components brought into Department from the Federal Emergency Management Agency and the U.S. Coast Guard had existing categorical exclusions similar to this one.

The Panel specifically limited this categorical exclusion to actions conducted in an existing structure that would be compatible with and similar in scope to the ongoing functional uses of those structures and that would be consistent with previously established safety levels and in compliance with Federal, State, tribal, and local requirements to protect the environment. This was done to ensure that there would be no potential for significant environmental impacts contemplated by the application of this categorical exclusion.

The Panel also noted that numerous other Federal agencies have categorical exclusions for similar activities that are sufficiently descriptive such that they demonstrated to the Panel that those activities were similar in nature, scope, and impact on the human environment to those performed by Department. In addition, the Panel recognized that all Federal agencies, with very few limitations, must meet the same requirements to protect the environment. The Panel determined from their experience in or on behalf of other Federal agencies, that the characteristics of the activities in Department were no different than those performed by other Federal agencies in general, as well as specifically related to the environment.

This categorical exclusion was slightly changed from the text published for public comment in that the phrase, "...federal, tribal, state, and local..." was modified to state, "...Federal, State, tribal, or local..." with no material changes and no other grammatical changes.

Through its deliberations, the Panel determined that the proposed categorical exclusion encompassed programmatic activities that inherently do not have an individual or cumulative, significant impact on the environment.

LEGACY CATEGORICAL EXCLUSIONS AND COMPARABLE AGENCY CATEGORICAL EXCLUSIONS

FEMA

Reference: 44 CFR 10.8 (d) (2)

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

US Coast Guard

Reference: Federal Register, Vol. 67, No. 141, Tuesday July 23, 2002, page 48243

g. Coast Guard use of real property under the administrative control of another DOT component or another Federal agency through a permit, use agreement, or similar arrangement where the proposed real property use is similar to existing uses. (Checklist and CED required.)

m. Relocation of Coast Guard personnel into existing Federally owned or leased space where use does not change substantially and any attendant modifications to the facility would be minor.

US-VISIT

Reference: Nationwide Environmental Assessment for the Implementation at Passenger Cruise Ships at Ports of Entry, November 2003, resulting in a FONSI signed in December 2003.

The U.S. Department of Homeland Security (Department) and the United States Visitor and Immigrant Status Indicator Technology (US-VISIT) Program Office sought to analyze both entry and exit processing of Non-Immigrant Visa holders (NIV) at fifteen (15) passenger cruise ship terminals. The proposed action will include a new arrival and departure process for twelve (12) of the fifteen (15) passenger cruise ship terminals and a new pre-inspection arrival process for three (3) terminals. The information to be captured at the self-service workstations for NIVs will include biographical data and fingerprints. For arrival, the Preferred Alternative will include the collection of fingerprint scans and a photograph for all NIVs by CBP staff at the existing arrival inspection checkpoint. This additional process will require the installation of nominal infrastructure (a small box measuring approximately 6x6x2-inches and a digital camera) at each existing CBP inspection booth.

Analysis: It was determined that the deployment, installation, and maintenance requirements necessary to implement the Preferred Alternative will have no permanent impact on: land use patterns; local or regional plans; zoning; residential, commercial, or community services; children, low-income, or minority populations; socioeconomics; air, noise, cultural resources; vegetation or wildlife;

U.S. waters(including wetlands); threatened or endangered species; floodways or floodplains; hazardous waste sites; or utilities. Department has also concluded that the Preferred Alternative will not result in incremental impacts such that there would be a condition whereby individually minor but collectively significant impacts would result in a measurable impact nationwide. In accordance with the National Environmental Policy Act (NEPA, 1969), this EA evaluated the impact on the natural, physical, and social environs as a result of implementing the proposed interim business process and associated technology. Results of this analysis demonstrate that there will be no significant impacts to the aforementioned resources. In summary, Department has determined that the proposed action will not result in significant direct, indirect, temporary, or cumulative impacts to the environment.

Reference: Nationwide Environmental Assessment US-Visit Implementation at Air Ports of Entry, October 2003, resulting in a FONSI signed in November 2003

This Environmental Assessment (EA) evaluated the impact of implementing a proposed interim business process at 115 arrival and eighty departure airports nationwide. To this end, Department, through its US-VISIT Program, is proposing (Proposed Action) to modify both entry and exit processing of Non-Immigrant Visa holders (NIV) at airports nationwide. The US-VISIT program is proposing to collect biometric information for NIVs entering and exiting the U.S. through airports beginning in early January 2004.

Analysis: It was determined that the deployment, installation, and maintenance requirements necessary to implement the Preferred Alternative will have no permanent impact on: land use patterns; local or regional plans; zoning; residential, commercial, or community services; children, low-income, or minority populations; socioeconomic; air, noise, cultural resources; vegetation and wildlife; waters of the U.S. including wetlands; threatened and endangered species; floodways and floodplains; hazardous waste sites; or utilities. Department has also concluded that the Preferred Alternative will not result in incremental impacts such that there would be a condition whereby individually minor but collectively significant impacts would result in a measurable impact nationwide. In accordance with the National Environmental Policy Act (1969), this EA evaluated the impact on the social, natural, and physical environs as a result of implementing the proposed interim business process and associated technology. Results of this analysis demonstrate that there will be no significant impacts to the aforementioned resources. In summary, Department has determined that the Proposed Action will not result in significant direct, indirect, temporary, or cumulative impacts to the environment.

GENERAL SERVICES ADMINISTRATION

Reference: PBS NEPA Deskguide, October 1999.

5.3 AUTOMATIC categorical exclusions

The following are automatic categorical exclusions and require no checklist:

(a) Outleases, licenses, and other arrangements for non-federal use of space in existing Federal office buildings, where such use is consistent with local planning and zoning, where Section 106 of the NHPA is complied with where applicable; and there is no evidence of community controversy or unresolved environmental issues.

(b) Acquisition of space within an existing structure, either by purchase or lease, where no change in the general type of use and only minimal change from previous occupancy level is proposed (previous occupant need not have been a Federal tenant).

(c) Relocation of employees into existing Federally controlled space, that does not involve a substantial change in the number of employees or motor vehicles.

(f) Outlease or license of government controlled space, or sublease of government- leased space to a non-Federal tenant when the use will remain substantially the same.

DEPARTMENT OF ENERGY

Reference: 10CFR1021

Subpart D. Typical Classes of Actions

Sec. 1021.410 Application of categorical exclusions (classes of actions that normally do not require EAs or EISs).

Appendix A to Subpart D of Part 1021--Categorical exclusions Applicable to General Agency Actions

B1.31 Relocation of machinery and equipment, such as analytical laboratory apparatus, electronic hardware, maintenance equipment, and health and safety equipment, including minor construction necessary for removal and installation, where uses of the relocated items will be similar to their former uses and consistent with the general missions of the receiving structure.

B4 Provision of on-site technical assistance to non-DHS organizations to prepare plans, studies, or evaluations. Examples include, but are not limited to:

(a) General technical assistance to assist with development and enhancement of Weapons of Mass Destruction (WMD) response plans, exercise scenario development and evaluation, facilitation of working groups, etc.

(b) State strategy technical assistance to assist states in completing needs and threat assessments and in developing their domestic preparedness strategy.

This categorical exclusion contemplates actions of an administrative nature that inherently have no potential for significant environmental impacts. The Office of Domestic Preparedness is the Departmental proponent for the distribution and management of the Homeland Security Grant Program and the Urban Area Security Initiative Grant Program. As stated in the awards from these programs, grantees are prohibited from conducting any of the following activities: new construction, renovation or remodeling of property listed on

the National Registry of Historic Places or located within a 100-year flood plain, renovations that change the basic prior use of a facility or significantly change its size, research and technology whose application could have adverse environmental effects, and any implementation of a program involving the use of chemicals. Furthermore, equipment purchases under these grants are restricted to a published authorized equipment list, and direct DHS participation is typically limited to sending DHS personnel to the State or local site.

The Panel found that actions of a similar nature, scope, and intensity were performed primarily by components of the Transportation Security Administration, Federal Emergency Management Administration, and Preparedness Directorate.

The Panel also noted that numerous other Federal agencies have categorical exclusions for similar activities that are sufficiently descriptive such that they demonstrated to the Panel that those activities were similar in nature, scope, and impact on the human environment to those performed by Department. In addition, the Panel recognized that all Federal agencies, with very few limitations, must meet the same requirements to protect the environment. The Panel determined from their experience in or on behalf of other Federal agencies, that the characteristics of the activities in Department were no different than those performed by other Federal agencies in general, as well as specifically related to the environment.

The Panel determined that the use of examples in this particular categorical exclusion would be helpful to future users in clarifying the types of activities envisioned by the categorical exclusion. In providing examples, the Panel did not intend to extend the categorical exclusion to actions including extraordinary circumstances that may result in the activity having significant environmental effects.

Categorical exclusion B4 was the subject of comments regarding the reference to training on specialized equipment. Specifically, the comment stated that the categorical exclusion should be limited to those activities that do not disturb the surface in any way and have no potential to disturb the environment. The Department considered the comments regarding the reference to training, noting that there existed redundant coverage of training with categorical exclusion G1. The references to training activities within the body and examples for this categorical exclusion have been deleted (specifically, the phrases, "*...or to conduct training at sites currently used for such activities...*" and "*...(c) Training on use, maintenance, calibration, and/or refurbishing of specialized equipment...*"). The response to comments on categorical exclusion G1 further addresses the concern regarding the reference to training on specialized equipment.

Through its deliberations, the Panel determined that the proposed categorical exclusion encompassed programmatic activities that inherently do not have an individual or cumulative significant impact on the environment.

LEGACY CATEGORICAL EXCLUSIONS AND COMPARABLE AGENCY CATEGORICAL EXCLUSIONS

USDA - ARS

Reference: 7CFR1b.3 (a) 6.

Activities which are advisory and consultative to other agencies and public and private entities, such as legal counseling and representation; and

FAA

Reference: FAA Order 1050.1E

Administrative/General Actions

307k. Agreements with foreign governments, foreign civil aviation authorities, international organizations, or U.S. Government departments calling for cooperative activities or the provision of technical assistance, advice, equipment, or services to those parties, and the implementation of such agreements; negotiations and agreements to establish and define bilateral aviation safety relationships with foreign governments, and the implementation of such agreements; attendance at international conferences and the meetings of international organizations, including participation in votes and other similar actions.

FHWA

Reference: 23 CFR 771.117 (c) (16)

Program administration, technical assistance activities, and operating assistance to transit authorities to continue existing service or increase service to meet routine changes in demand.

USAID

Reference: 22 CFR 216.2 (c)(2)(i)

Education, technical assistance or training programs except to the extent such programs include activities directly affecting the environment (such as construction of facilities, etc.)

DOL

Reference: 29 CFR 11.10 (c)(2)

Apprenticeship activities and related certification and technical assistance actions

DEPARTMENT OF THE INTERIOR, National Park Service

Reference: : Departmental Manual 516, Part 12.

12.5 Categorical exclusions.

K. Technical assistance to other federal, state, and local agencies or the general public.

B5 Support for or participation in community projects that do not involve construction, significant physical alteration of the environment. Examples include, but are not limited to:

(a) Earth Day activities,

- (b) Adopting schools.**
- (c) Cleanup of rivers and parkways, and,**
- (d) Repair and alteration of housing.**

The types of support for projects involving community participation contemplated by this categorical exclusion are those that would be undertaken to benefit the communities in which the components of the Department operate. Participation in these projects would normally be under the governance of a charitable organization, a governmental program, such as Adopt-a-School, or associated with a celebration, e.g., Earth Day. These activities are generally performed to provide a benefit to both the environment and to the communities that the Department serves.

The Panel found that such actions are performed throughout the Department without any harm to the quality of the human environment. For example, the Panel noted that the U.S. Coast Guard has been participating in Earth Day and river cleanup events for several years with no harm to the quality of the human environment.

The Panel determined that the use of examples in this particular categorical exclusion would be helpful to future users in clarifying the types of activities envisioned by the categorical exclusion. In providing examples, the Panel did not intend to extend the categorical exclusion to actions including extraordinary circumstances that may result in the activity having significant environmental effects.

The Panel also noted that other Federal agencies have categorical exclusions for similar activities that are sufficiently descriptive such that they demonstrated to the Panel that those activities were similar in nature, scope, and impact on the human environment to those performed by the Department. In addition, the Panel recognized that all Federal agencies, with very few limitations, must meet the same requirements to protect the environment. The Panel determined from their experience in or on behalf of other Federal agencies, that the characteristics of the activities in Department were no different than those performed by other Federal agencies in general, as well as specifically related to the environment.

This categorical exclusion was changed from the text published for public comment in that the phrase, "*...Support for community participation projects...*," was modified to state, "*...Support for or participation in community projects...*." The Department is inherently dependent upon community involvement in providing the homeland security services required of it, and the public community is a key customer, beneficiary, and stakeholder for the products and services that the Department provides. It is essential that the Department engage in civic and community events that both serve the public and common-good as well as provide a degree of access to and credibility with its private sector customers. This change clarifies the nature of events and actions contemplated by this categorical exclusion that may be undertaken for such purposes.

This categorical exclusion was also changed from the text published for public comment in that the phrase, "...that do not involve construction, significant physical alteration of the environment...", was added as a limit on the nature of activities contemplated by this categorical exclusion. Although this categorical exclusion was not the subject of any public comments, it was determined that this limitation would serve to focus the activities undertaken by the Department to ensure that there would be no potential for significant environmental impacts from actions contemplated by the application of this categorical exclusion.

Through its deliberations, the Panel determined that the proposed categorical exclusion encompassed programmatic activities that inherently do not have an individual or cumulative significant impact on the environment.

LEGACY CATEGORICAL EXCLUSIONS AND COMPARABLE AGENCY CATEGORICAL EXCLUSIONS

ARMY

Reference: 32CFR651 Appendix B. Section II (b)(10). Non-construction activities in support of other agencies/organizations involving community participation projects and law enforcement activities

NAVY

Reference: 32CFR775 Chapter VI Sec. 775.6 Planning considerations. (f) Categorical exclusions. (24) Hosting or participating in public events (e.g., air shows, open houses, Earth Day events, and athletic events) where no permanent changes to existing infrastructure (e.g., road systems, parking and sanitation systems) are required to accommodate all aspects of the event;

AIR FORCE

Reference: 32CFR989 Appendix B A2.3.37. Participating in "air shows" and fly-overs by Air Force aircraft at non-Air Force public events after obtaining FAA coordination and approval.

B6 Approval of recreational or public activities or events at a location typically used for that type and scope (size and intensity) of activity that would not involve significant physical alteration of the environment or increased human disturbance in sensitive natural habitats. Examples include, but are not limited to:

- (a) Picnics,**
- (b) Encampments, and,**
- (c) Interpretive programs for historic and cultural resources, such as programs in conjunction with state and tribal Historic Preservation Officers, or with local historic preservation or re-enactment groups.**

The activities contemplated by this categorical exclusion are limited to recreational or public events at locations typically used for such activities. The Panel found that actions of a similar nature, scope, and intensity have been performed by various Department components without significant environmental impact. For example, the Panel noted that picnics and other office functions most frequently occur within elements of the Customs and Border Protection and U.S. Coast Guard, while other components of the Department also engage in these activities, possibly with less frequency. In addition, interpretive programs are among the activities required by Presidential policy designed to preserve our Nation's heritage by actively advancing the protection, enhancement, and contemporary use of historic properties.

The Panel noted that at least two other Federal agencies have a categorical exclusion for activities similar to those contemplated by this categorical exclusion. In addition, the Panel recognized that all Federal agencies, with very few limitations, must meet the same requirements to protect the environment. The Panel determined from their experience in or on behalf of other Federal agencies, that the characteristics of the activities in Department were no different than those performed by other Federal agencies in general, as well as specifically related to the environment.

The Panel specifically limited the categorical exclusion to locations typically used for the type and scope (size and intensity) of the activity to ensure that there would be no potential for significant environmental impacts. This categorical exclusion was also specifically limited beyond what was published for public comment with the replacement of the phrase, "...of that activity," with the phrase, "...of activity that would not involve significant physical alteration of the environment." This was done to ensure that there would be no potential for significant environmental impacts contemplated by the application of this categorical exclusion.

The Panel determined that the use of examples in this particular categorical exclusion would be helpful to future users in clarifying the types of activities envisioned by the categorical exclusion. In providing examples, the Panel did not intend to extend the categorical exclusion to actions including extraordinary circumstances that may result in the activity having significant environmental effects.

Through its deliberations, the Panel determined that the proposed categorical exclusion encompassed programmatic activities that inherently do not have an individual or cumulative significant impact on the environment.

LEGACY CATEGORICAL EXCLUSIONS AND COMPARABLE AGENCY CATEGORICAL EXCLUSIONS

USCG

Reference: COMDTINST M16475.1D Figure 2-1 Coast Guard Categorical Exclusions

1. *Administrative Actions: f. Approval of recreational activities or events (such as a Coast Guard unit picnic) at a location developed or created for that type of activity.*

Reference: 2.B.2.b (35)

Approvals of regatta and marine parade event permits for the following events: (1) Events that are not located in, proximate to, or above an area designated environmentally sensitive by an environmental agency of the Federal, state, or local government. For example, environmentally sensitive areas may include such areas as critical habitats or migration routes for endangered or threatened species or important fish or shellfish nursery areas. (2) Events that are located in, proximate to, or above an area designated as environmentally sensitive by an environmental agency of the Federal, state, or local government and for which the USCG determines, based on consultation with the Governmental agency, that the event will not significantly affect the environmentally sensitive area. (Checklist and CED required)

Executive Order 13287, Preserve America

Section 4, Improving Federal Stewardship of Historic Properties

Section 5, Promoting Preservation through Heritage Tourism

NAVY

Reference: 32 CFR 775.6

(31) Approval of recreational activities which do not involve significant physical alteration of the environment or increase human disturbance in sensitive natural habitats and which do not occur in or adjacent to areas inhabited by endangered or threatened species.

ARMY

Reference: 32 CFR 651 Appendix B. Section II

(b)(6) Routinely conducted recreation and welfare activities not involving off-road recreational vehicles.

B7 Initial assignment or realignment of mobile assets, including vehicles, vessels and aircraft, to existing operational facilities that have the capacity to accommodate such assets or where supporting infrastructure changes will be minor in nature to perform as new homeports or for repair and overhaul.

This categorical exemption was proposed and adopted from a pre-existing one brought to the Department by the United States Coast Guard (USCG). Review of the Customs and Border Protection mission and operations found that this component also engaged in the realignment and home porting of small boats and aircraft in a similar manner, albeit in a much smaller scale, and environment than that of the USCG. Further, a review of the mission and operational activities of all other Department components likewise indicated that nearly all Department components operate mobile assets and realign those assets in a similar manner and environment as the USCG. For example, the Customs and Border Protection maintains aircraft and may realign those aircraft to existing facilities as required for repair or to accommodate the requirements

of the mission. In like manner, Department components with commercial vehicles and other rolling stock may relocate vehicles for repair or to accommodate changing mission requirements. Most non-law enforcement vehicles in the Department are leased from GSA and are managed according to GSA requirements. Based on this analysis, the Panel determined that the activities contained in categorical exclusion B7 should be, absent extraordinary circumstances, excluded from further analysis and documentation in an environmental assessment (EA) or an environmental impact statement (EIS) for Department and all of its components.

The Panel specifically limited this categorical exclusion to realignment or initial home porting at existing operational facilities that have the capacity to accommodate such assets or where supporting infrastructure changes will be minor. These limitations were applied to ensure that there would be no potential for significant environmental impacts contemplated by the application of this categorical exclusion.

The Panel also noted that numerous other Federal agencies have categorical exclusions for similar activities that are sufficiently descriptive such that they demonstrated to the Panel that those activities were similar in nature, scope, and impact on the human environment to those performed by Department. In addition, the Panel recognized that all Federal agencies, with very few limitations, must meet the same requirements to protect the environment. The Panel determined from their experience in or on behalf of other Federal agencies, that the characteristics of the activities in Department were no different than those performed by other Federal agencies in general, and similarly had negligible impacts on the human environment.

The text of this categorical exclusion was modified from that published for public comment in that the phrase, "...*Realignment or initial home porting of...*" was replaced with the clarification, "...*Initial assignment or realignment of...*" in order to more clearly and correctly define the activities associated with this categorical exclusion.

LEGACY CATEGORICAL EXCLUSIONS AND COMPARABLE AGENCY CATEGORICAL EXCLUSIONS

USCG

Reference: COMSTINST M16475.1D Figure 2-1 Coast Guard Categorical exclusions

4. Operational Actions a. Realignment or initial home porting of mobile assets, including vessels and aircraft, to existing operational facilities that have the capacity to accommodate such assets or where supporting infrastructure changes will be minor in nature to perform as new homeports or for repair and overhaul. Note. If the realignment or home porting would result in more than a one for one replacement of assets at an existing facility, then the checklist required for this CE must specifically address whether such an increase in assets could trigger the potential for significant impacts to protected species or habitats before use of the CE can be approved. (Checklist and CED required.)

NAVY

Reference: 32 CFR 775--POLICIES AND RESPONSIBILITIES FOR IMPLEMENTATION OF THE NATIONAL ENVIRONMENTAL POLICY ACT WITHIN THE DEPARTMENT OF THE NAVY

Sec. 775.6 Planning considerations.

(f) Categorical exclusions.

(11) Routine movement of mobile assets (such as ships and aircraft) for homeport for repair/overhaul, or to train/perform as operational groups where no new support facilities are required;

Reference: Environmental Assessment for the Addition of Two P-3 Aircraft to the U.S. Customs Service's Air And Marine Interdiction Division at Naval Air Station Corpus Christi, Texas, resulting in a FONSI

The proposed action is to add two P-3 Orion aircraft to the USCS Air and Marine Interdiction Division at NAS Corpus Christi, Texas. The additional two aircraft will increase to ten the number of aircraft used by USCS at NAS Corpus Christi to accomplish their mission of drug interdiction and homeland defense. Additional parking apron will be constructed for the aircraft. Twenty-two new support personnel will join the USCS staff. The existing on-base and off-base utility systems (water, sanitary sewer, telephone, and electric) have adequate capacity to accommodate the proposed activities and personnel.

Analysis: Based on the information gathered during preparation of the EA, the Navy and the U.S. Customs Service finds that adding two P-3 aircraft to the USCS Air and Marine Interdiction Division at Naval Air Station Corpus Christi, Texas, will not significantly impact the environment.

AIR FORCE

Reference: 32 CFR 989 Appendix B

A2.3.31. Relocating a small number of aircraft to an installation with similar aircraft that does not result in a significant increase of total flying hours or the total number of aircraft operations, a change in flight tracks, or an increase in permanent personnel or logistics support requirements at the receiving installation. Repetitive use of this categorical exclusion at an installation requires further analysis to determine there are no cumulative impacts. The EPF must document application of this categorical exclusion on AF Form 813.

USBP

Reference: Environmental Assessment Expansion of U.S. Border Patrol Air Operations and Facilities, U.S. Border Patrol Tucson Sector, Arizona, April 2003, resulting in a FONSI signed in April 2003

This Environmental Assessment (EA) was prepared to analyze the potential for significant environmental impacts associated with the proposed expansion of United States Border Patrol (USBP) air operations and facilities in Southeastern Arizona.

The USBP proposes to expand air operation origination out of Sierra Vista, Arizona. The only airport capable of supporting increased USBP

air operations in the area is the Joint Use Libby Army Airfield/Sierra Vista Municipal Airport (LAAF/SVMA) The USBP could lease or build new facilities at LAAF or SVMA. These additional facilities would include an aircraft hangar, office space, and enough parking for 20 vehicles.

As many as 15 full-time USBP personnel could be assigned to the expanded facility. Of these 15 positions, 7 are already stationed at LAAF. As many as 16 aircraft could be stationed at the new facility. Of these 16 aircraft (15 rotary-wing and 1 fixed-wing) 6 aircraft (4 rotary-wing and 2 fixed wing) are already based at LAAF. As a result there could be an estimated 150% increase in USBP air operations at LAAF/SVMA. Additional maintenance activities in the new hangar would be required to support the new aircraft.

Analysis: Based upon the results of the EA, it has been concluded that the proposed action would not have a significant adverse impact on the natural or human environment, and no further NEPA analysis (i.e., Environmental Impact Statement) is warranted.

B8* Acquisition, installation, maintenance, operation, or evaluation of security equipment to screen for or detect dangerous or illegal individuals or materials at existing facilities and the eventual removal and disposal of that equipment in compliance with Applicable Federal, tribal, state, and local requirements to protect the environment.

Examples of the equipment include, but are not limited to:

- (a) Low-level x-ray devices,**
- (b) Cameras and biometric devices,**
- (c) Passive inspection devices,**
- (d) Detection or security systems for explosive, biological, or chemical substances, and,**
- (e) Access controls, screening devices, and traffic management systems.**

The uses of security equipment contemplated by this categorical exclusion are those that would be undertaken at facilities that are operated under stringent requirements designed to protect the quality of the human environment. The security equipment may be stationary, mobile, or hand held. The Panel found that actions of a similar nature, scope, and intensity were performed throughout Department in compliance with federal, tribal, state, or local law and/or regulatory policy by DHS component entities with a history that pre-dates the Department. The Panel further noted that these actions resulted in no harm to the environment.

All security equipment used within the Department must meet the requirements of either the Nuclear Regulatory Commission (NRC) or the Food and Drug Administration (FDA). In addition, most of the security equipment consists of commercially available products that are also in use by private industry and other government agencies.

Some of the security equipment contains trace amounts of chemical or radiological substances or produce X-rays as part of the screening process. These chemical and radiological substances and X-rays are encapsulated, shielded, and secured within the interior of the equipment. All Department security systems must meet requirements for allowable levels of radiation

emissions. There are no biological substances in the security equipment. In addition, the Department agencies perform periodic radiation surveys or tests of equipment that contains a small radioactive source to ensure compliance with NRC licensing requirements and appropriate regulations. The systems are also surveyed and inspected whenever they are relocated or maintenance is performed on the X-ray components and shielding.

The Environmental Measurements Laboratory (EML) performs observations and training of police officers at the Bridges and tunnels, and port venues of the Pennsylvania, New York, and New Jersey (PANYNJ) Counter Measures Test Bed who are using radioisotope identifiers. The test bed employs portal monitors that contain sealed radiological sources to detect radioactive substances in cars, trucks, etc. One brand of handheld isotope identifier does have a source in it, specifically, 0.15 micro Curies of Cs137, an exempt source way below NRC regulatory limit of 10 micro Curies for Cs.

Disposal of security equipment is consistent with the Federal regulations (41 CFR 102). Furthermore, the Department complies with requirements to minimize disposal through maximum reutilization and specialized sales. The Department also ensures that maximum attainable recycling and recovery are achieved in accordance with the Resource Conservation and Recovery Act (RCRA), and it participates in the Department of Energy Homeland Defense Equipment Reutilization (HDER) Program.

The Department has an agreement with DOE to refurbish, calibrate, and issue radiological detection equipment to local jurisdictions that request to participate in the HDER Program. No radioactive test sources are issued with this equipment, thereby limiting the potential for any radiological contamination. If DOE determines that equipment is not fit to refurbish, DOE is responsible for the disposition.

The Panel determined that the use of examples in this particular categorical exclusion would be helpful to future users in clarifying the types of activities envisioned by the categorical exclusion. In providing examples, the Panel did not intend to extend the categorical exclusion to actions including extraordinary circumstances that may result in the activity having significant environmental effects.

The Panel defined this categorical exclusion to be sufficiently related to actions that may involve one or more extraordinary circumstances. To ensure that only those actions having negligible impacts on the human environment are contemplated by this categorical exclusion, the Panel proposed that a Record of Environmental Consideration (REC) be prepared to document the determination whether the action is either appropriately categorically excluded or whether it requires further analysis through an EA or EIS process.

In addition, this categorical exclusion is supported by long-standing categorical exclusions and administrative records brought to Department by its components. Those components brought into Department from the Department of Agriculture (elements of the Agricultural Research Service and the Animal

and Plant Health Inspection Service), and the U.S. Coast Guard had existing categorical exclusions similar to this one.

The Panel also noted that numerous other Federal agencies have categorical exclusions for similar activities that are sufficiently descriptive such that they demonstrated to the Panel that those activities were similar in nature, scope, and impact on the human environment to those performed by Department. In addition, the Panel recognized that all Federal agencies, with very few limitations, must meet the same requirements to protect the environment. The Panel determined from their experience in or on behalf of other Federal agencies, that the characteristics of the activities in Department were no different than those performed by other Federal agencies in general, as well as specifically related to the environment.

Categorical exclusion B8 was the subject of comments regarding the NEPA review of security equipment. Specifically, the comments generally stated that there are many security devices, including x-rays and detection devices, that include the use of dangerous chemical, biological and radiological substances. These comments expressed the concern that the evaluation and disposal of these devices could pose an environmental risk.

The Department considered the comments regarding the security equipment. All security equipment used within the department must meet the requirements of either the Nuclear Regulatory Commission (NRC) or the Food and Drug Administration (FDA). In addition, most of the security equipment consists of commercially available products that are also in use by private industry and other government agencies.

Some of the security equipment contains trace amounts of chemical or radiological substances or produce X-rays as part of the screening process. These chemical and radiological substances and X-rays are encapsulated, shielded, and secured within the interior of the equipment. All of the Department's security systems must meet requirements for allowable levels of radiation emissions. There are no biological substances in the security equipment. In addition, all Department agencies perform periodic radiation surveys or wipe tests of all X-ray producing equipment or equipment that contains a small radioactive source to ensure compliance with 21 CFR 1020.40, Cabinet X-ray Systems and NRC licensing requirements. The systems are also surveyed and inspected whenever they are relocated or maintenance is performed on the X-ray components and shielding.

This categorical exclusion was changed from the text published for public comment in that the phrase, "*...removal or disposal,*" was removed and replaced with the phrase, "*...and the eventual removal and disposal of that equipment in compliance with applicable Federal, State, tribal, and local requirements to protect the environment...*" to further demonstrate the extent to which the Department must contemplate regulatory requirements when determining whether the removal or disposal of equipment has the potential to significantly impact the quality of the human environment.

Through its deliberations, the Panel determined that the proposed categorical exclusion encompassed programmatic activities that inherently do not have an individual or cumulative significant impact on the environment.

LEGACY CATEGORICAL EXCLUSIONS AND COMPARABLE AGENCY CATEGORICAL EXCLUSIONS

FAA

Reference: *FAA Order 5050.4A Chapter 3, Section 23.*

(b) (2) Acquisition of: security equipment required by rule or regulation for the safety or security of personnel and property on the airport (14 CFR Part 107), safety equipment required by rule or regulation for certification of an airport (14 CFR Part 139) or snow removal equipment.

Reference: *FAA Order 1050.1E*

Equipment and Instrumentation Actions

9. Acquisition of security equipment required by rule or regulation for the safety or security of personnel and property on the airport or launch facility (14 CFR part 107, Airport Security), safety equipment required by rule or regulation for certification of an airport (14 CFR part 139, Certification and Operation: Land Airports Serving Certain Air Carriers) or licensing of a launch facility, or snow removal equipment. (APP, AST)

Equipment and Instrumentation Actions (end) Note: Categorically excluded actions proposed under this notice and public procedure are depicted in italics.

U.S. COAST GUARD

Reference: *Federal Register, Vol. 67, No. 141, Tuesday July 23, 2002, page 48243*

(p) Determination by the Coast Guard that Coast Guard controlled personal property, including vessels and aircraft, is "excess property," as that term is defined in the Federal Property and Administrative Services Act of 1949 (40 U.S.C. 472(e)), and any subsequent transfer of such property to another Federal agency's administrative control or conveyance of the United States' title in such property to a non-Federal entity. (Checklist and CED required.)

AIR FORCE

Reference: *32CFR989 Appendix B*

A2.3.14. Installing on previously developed land, equipment that does not substantially alter land use (i.e., land use of more than one acre). This includes outgrants to private lessees for similar construction. The EPF must document application of this categorical exclusion on AF Form 813.

NAVY

Reference: *32CFR775.6*

(7) Alteration of and additions to existing structures to conform or provide conforming use specifically required by new or existing

applicable legislation or regulations, e.g., hush houses for aircraft engines and scrubbers for air emissions.

CBP

Reference: Programmatic Environmental Assessment for GAMMA Imaging Inspection Systems, resulting in a FONSI.

In March 2004, the U.S. Customs and Border Protection (CBP), analyzed A new method of conducting inspections involves the use of Non-Intrusive Inspection (NII) equipment based on technologies such as low-energy X-ray or low-energy gamma radiation sources to "see" into cargo containers and identify potential contraband. The Applied Technology Division (ATD) of CBP has examined gamma-imaging technologies for their suitability as parts of CBP's inspection program.

The Programmatic Environmental Assessment (PEA) documents a top-level evaluation of the potential environmental consequences resulting from deploying, installing, and operating of gamma imaging systems to inspect cargoes at air, sea and land ports of entry (POEs) throughout the U.S. and Puerto Rico.

Analysis: After considering all relevant factors and issues, the PEA concluded that Non-Intrusive Inspection (NII) equipment would not significantly affect the physical, cultural, and socioeconomic environments. However, this PEA mentioned that site-specific analyses will be performed for each location in the U.S. or Puerto Rico, where CBP installs VACIS II, Mobile VACIS, Pallet VACIS and/or Rail VACIS. Each site-specific analysis will be reported in a Supplemental Environmental Document, which will tier off of this PEA in accordance with 40 CFR Part 1508.28.

Reference: Environmental Assessment for Pulsed Fast Neutron Analysis Cargo Inspection System Test Facility at Ysleta Port of Entry Commercial Cargo Facility, El Paso, Texas, 2003, resulting in a FONSI. This EA analyzed an extended real-life trial of Pulsed Fast Neutron Analysis (PFNA) system, a radiation-based method of Non-Intrusive Inspection Technology that allows CBP to examine cargoes without having to physically unload the cargo containers. Based on a review of candidate locations having a high volume of incoming commercial traffic, the Ysleta Commercial Cargo Facility in El Paso, Texas was identified as the best test site. Under the proposed action, the government will construct a test facility (approximately nine months) and operate it with the commercial stream-of-commerce (for a maximum period of 6 months).

Analysis: The EA analyzed the many potential environmental consequences and determined that all impacts would be negligible or minor. With the exception of radiation, the effects and consequences of the proposed action are not unlike constructing and operating a drive-through tollbooth plaza. With regard to radiation and air quality, a very small amount (a fraction of 1 percent of EPA's allowable threshold) is released to the atmosphere. A small amount of solid radioactive waste will be disposed of using licensed contractors who typically handle hospital waste. Analyses have shown that the system is safe to operators, cargo and the general public. A stowaway in the cargo

vehicle would be subjected to a maximum radiation dose, the same as OSHA allows for general public over the course of a year. Analysis of possible accidents shows that worst-case radiation doses are below acceptable standards. The EA concluded that this trial would not significantly affect the physical, cultural, and socioeconomic environments.

Reference: Programmatic Environmental Assessment for Gamma Imaging Inspection Systems, Department of Homeland Security, Bureau of Customs and Border Protection, Applied Technology Division, March 12, 2004, resulting in a FONSI

Customs and Border Protection conducted this PEA to analyze the use of Non-Intrusive Inspection (NII) equipment based on technologies such as low-energy X-ray or low-energy gamma radiation sources to "see" into cargo containers and identify potential contraband. The PEA evaluated potential environmental consequences resulting from deploying, installing, and operating the four different configurations of gamma imaging systems [known as the Vehicle and Cargo Inspection System (VACIS)] to inspect cargoes at air, sea and land ports of entry (POEs) throughout the U.S. and Puerto Rico.

Analysis: The PEA analyzed the likely environmental consequences, including the radiological consequences, and concluded that VACIS is not expected to significantly affect the physical, cultural, and socioeconomic environments.

US-VISIT

Reference: Nationwide Environmental Assessment for the Implementation at Passenger Cruise Ships at Ports Of Entry, November 2003. resulting in a FONSI signed in December 2003.

The U.S. Department of Homeland Security (DHS) and the United States Visitor and Immigrant Status Indicator Technology (US-VISIT) Program Office sought to analyze both entry and exit processing of Non-Immigrant Visa holders (NIV) at fifteen passenger cruise ship terminals. The Proposed Action will include a new arrival and departure process for twelve of the fifteen passenger cruise ship terminals and a new pre-inspection arrival process for three terminals.

The information to be captured at the self-service workstations for NIVs will include biographical data and fingerprints. For arrival, the Preferred Alternative will include the collection of fingerprint scans and a photograph for all NIVs by CBP staff at the existing arrival inspection checkpoint. This additional process will require the installation of nominal infrastructure (a small box measuring approximately 6x6x2-inches and a digital camera) at each existing CBP inspection booth.

Analysis: It was determined that the deployment, installation, and maintenance requirements necessary to implement the Preferred Alternative will have no permanent impact on: land use patterns, local or regional plans, zoning, residential, commercial or community services, children, low-income or minority populations, socioeconomics, air, noise, cultural resources, vegetation or wildlife, waters of the

U.S.(including wetlands), threatened or endangered species, floodways or floodplains, hazardous waste sites, or utilities.

DHS has also concluded that the Preferred Alternative will not result in incremental impacts such that there would be a condition whereby individually minor but collectively significant impacts would result in a measurable impact nationwide. In accordance with the National Environmental Policy Act, this EA evaluated the impact on the natural, physical, and social environs as a result of implementing the proposed interim business process and associated technology. Results of this analysis demonstrate that there will be no significant impacts to the aforementioned resources. In summary, DHS has determined that the proposed action will not result in significant direct, indirect, temporary, or cumulative impacts to the environment.

Reference: Nationwide Environmental Assessment US-Visit Implementation at Air Ports of Entry, October 2003, resulting in a FONSI signed in November 2003

This Environmental Assessment (EA) evaluated the impact of implementing a proposed interim business process at 115 arrival and 80 departure airports nationwide. To this end, DHS, through its US-VISIT Program, is proposing (Proposed Action) to modify both entry and exit processing of Non-Immigrant Visa holders (NIV) at airports nationwide. The US-VISIT program is proposing to collect biometric information for NIVs entering and exiting the U.S. through airports beginning in early January 2004.

Analysis: It was determined that the deployment, installation, and maintenance requirements necessary to implement the Preferred Alternative will have no permanent impact on: land use patterns; local or regional plans; zoning; residential, commercial, or community services; children, low-income, or minority populations; socioeconomic; air, noise, cultural resources; vegetation and wildlife; waters of the U.S. including wetlands; threatened and endangered species; floodways and floodplains; hazardous waste sites; or utilities. DHS has also concluded that the Preferred Alternative will not result in incremental impacts such that there would be a condition whereby individually minor but collectively significant impacts would result in a measurable impact nationwide. In accordance with the National Environmental Policy Act (1969), this EA evaluated the impact on the social, natural, and physical environs as a result of implementing the proposed interim business process and associated technology. Results of this analysis demonstrate that there will be no significant impacts to the aforementioned resources. In summary, DHS has determined that the Proposed Action will not result in significant direct, indirect, temporary, or cumulative impacts to the environment.

AIR FORCE

Reference: 32CFR989 Appendix B

A2.3.27. Normal or routine basic and applied scientific research confined to the laboratory and in compliance with all applicable safety, environmental, and natural resource conservation laws.

ARMY

Reference: 32CFR651 Appendix B. Section II

(h)(1) Use of gauging devices, analytical instruments, and other devices containing sealed radiological sources; use of industrial radiography; use of radioactive material in medical and veterinary practices; possession of radioactive material incident to performing services such as installation, maintenance, leak tests, and calibration; use of uranium as shielding material in containers or devices; and radioactive tracers (REC required).

USBP

Reference: Programmatic Environmental Assessment for GAMMA Imaging Inspection Systems, resulting in a FONSI.

In March 2004, The United States (U.S.) Customs and Border Protection (CBP), analyzed A new method of conducting inspections involves the use of Non-Intrusive Inspection (NII) equipment based on technologies such as low-energy X-ray or low-energy gamma radiation sources to "see" into cargo containers and identify potential contraband. The Applied Technology Division (ATD) of CBP has examined gamma-imaging technologies for their suitability as parts of CBP's inspection program.

The Programmatic Environmental Assessment (PEA) documents a top-level evaluation of the potential environmental consequences resulting from deploying, installing, and operating of gamma imaging systems to inspect cargoes at air, sea and land ports of entry (POEs) throughout the U.S. and Puerto Rico.

Analysis: After considering all relevant factors and issues, the PEA concluded that Non-Intrusive Inspection (NII) equipment would not significantly affect the physical, cultural, and socioeconomic environments. However, this PEA mentioned that site-specific analyses will be performed for each location in the U.S. or Puerto Rico, where CBP installs VACIS II, Mobile VACIS, Pallet VACIS and/or Rail VACIS. Each site-specific analysis will be reported in a Supplemental Environmental Document, which will tier off of this PEA in accordance with 40 CFR Part 1508.28.

Reference: Environmental Assessment for Pulsed Fast Neutron Analysis Cargo Inspection System Test Facility at Ysleta Port of Entry Commercial Cargo Facility, El Paso, Texas, 2003 resulting in a FONSI

This EA analyzed an extended real-life trial of the Pulsed Fast Neutron Analysis (PFNA) system, a radiation-based method of Non-Intrusive Inspection Technology that allows CBP to examine cargoes without having to physically unload the cargo containers. Based on a review of candidate locations having a high volume of incoming commercial traffic, the Ysleta Commercial Cargo Facility in El Paso, Texas was identified as the best test site. Under the proposed action, the government will construct a test facility (approximately nine months) and operate it with the commercial stream-of-commerce (for a maximum period of six months).

Analysis: The EA analyzed the many potential environmental consequences and determined that all impacts would be negligible or minor. With the

exception of radiation, the effects and consequences of the proposed action are not unlike constructing and operating a drive-through tollbooth plaza. With regard to radiation and air quality, a very small amount (a fraction of one percent of EPA's allowable threshold) is released to the atmosphere. A small amount of solid radioactive waste will be disposed of using licensed contractors who typically handle hospital waste. Analyses have shown that the system is safe to operators, cargo and the general public. A stowaway in the cargo vehicle will be subjected to a maximum radiation dose the same as OSHA allows for general public over the course of a year. Weapons of mass destruction will not be initiated by the system. Analysis of possible accidents shows that worst-case radiation doses are below acceptable standards. The EA concluded that this trial would not significantly affect the physical, cultural, and socioeconomic environments.

Reference: Programmatic Environmental Assessment for Gamma Imaging Inspection Systems, Department of Homeland Security, Bureau of Customs and Border Protection, Applied Technology Division, March 12, 2004, resulting in a FONSI

Customs and Border Protection wrote this PEA to analyze the use of Non-Intrusive Inspection (NII) equipment based on technologies such as low-energy X-ray or low-energy gamma radiation sources to "see" into cargo containers and identify potential contraband. The PEA evaluated potential environmental consequences resulting from deploying, installing, and operating the four different configurations of gamma imaging systems [known as the Vehicle and Cargo Inspection System (VACIS)] to inspect cargoes at air, sea and land ports of entry (POEs) throughout the U.S. and Puerto Rico.

Analysis: The PEA analyzed the likely environmental consequences, including the radiological consequences, and concluded that VACIS is not expected to significantly affect the physical, cultural, and socioeconomic environments.

DOE

Reference: 10CFR1021 Subpart D Appendix B

B2.6 Packaging, transportation, and storage of radioactive materials from the public domain, in accordance with the Atomic Energy Act upon a request by the Nuclear Regulatory Commission or other cognizant agency, which would include a State that regulates radioactive materials under an agreement with the Nuclear Regulatory Commission or other agencies that may, under unusual circumstances, have responsibilities regarding the materials that are included in the categorical exclusion. Covered materials are those for which possession and use by Nuclear Regulatory Commission licensees has been categorically excluded under 10 CFR 51.22(14) or its successors. Examples of these radioactive materials (which may contain source, byproduct or special nuclear materials) are density gauges, therapeutic medical devices, generators, reagent kits, irradiators, analytical instruments, well monitoring equipment, uranium shielding material, depleted uranium military munitions, and packaged radioactive waste not exceeding 50 curies.

B3.12 Siting, construction (or modification), operation, and decommissioning of microbiological and biomedical diagnostic, treatment and research facilities (excluding Biosafety Level-3 and Biosafety Level-4; reference: Biosafety in Microbiological and Biomedical Laboratories, 3rd Edition, May 1993, U.S. Department of Health and Human Services Public Health Service, Centers of Disease Control and Prevention, and the National Institutes of Health (HHS Publication No. (CDC) 93-8395)) including, but not limited to, laboratories, treatment areas, offices, and storage areas, within or contiguous to an already developed area (where active utilities and currently used roads are readily accessible). Operation may include the purchase, installation, and operation of biomedical equipment, such as commercially available cyclotrons that are used to generate radioisotopes and radiopharmaceuticals, and commercially available biomedical imaging and spectroscopy instrumentation.

B7.2 Approval of import or export of small quantities of special nuclear materials or isotopic materials in accordance with the Nuclear Non-Proliferation Act of 1978 and the "Procedures Established Pursuant to the Nuclear Non Proliferation Act of 1978" (43 FR 25326, June 9, 1978).

NRC

Reference: 10CFR51.22

14) Issuance, amendment, or renewal of materials licenses issued pursuant to 10 CFR Parts 30, 31, 32, 33, 34, 35, 36, 39, 40 or part 70 authorizing the following types of activities:

- (i) Distribution of radioactive material and devices or products containing radioactive material to general licensees and to persons exempt from licensing.
- (ii) Distribution of radiopharmaceuticals, generators, reagent kits and/or sealed sources to persons licensed pursuant to 10 CFR 35.18.
- (iii) Nuclear pharmacies.
- (iv) Medical and veterinary.
- (v) Use of radioactive materials for research and development and for educational purposes.
- (vi) Industrial radiography.
- (vii) Irradiators.
- (viii) Use of sealed sources and use of gauging devices, analytical instruments and other devices containing sealed sources.
- (ix) Use of uranium as shielding material in containers or devices.
- (x) Possession of radioactive material incident to performing services such as installation, maintenance, leak tests and calibration.
- (xi) Use of sealed sources and/or radioactive tracers in well-logging procedures.
- (xii) Acceptance of packaged radioactive wastes from others for transfer to licensed land burial facilities provided the interim storage period for any package does not exceed 180 days and the total possession limit for all packages held in interim storage at the same time does not exceed 50 curies.

(xiii) Manufacturing or processing of source, byproduct, or special nuclear materials for distribution to other licensees, except processing of source material for extraction of rare earth and other metals.

(xiv) Nuclear laundries.

(xv) Possession, manufacturing, processing, shipment, testing, or other use of depleted uranium military munitions.

(xvi) Any use of source, byproduct, or special nuclear material not listed above which involves quantities and forms of source, byproduct, or special nuclear material similar to those listed in paragraphs (c)(14) (i) through (xv) of this section (Category 14).

NEPA WORKING GROUP

As an R&D lab Environmental Measurements Laboratory uses instruments that have sealed sources such as Gas Chromatographs that have a Ni source. These instruments are found in commercial labs, hospital labs, and teaching institutions. When such an instrument is discarded, the source is removed and disposed of as radioactive waste. The use of analytical instruments should not require an EA. As part of the instrument design process, the engineers follow Design in Safety Protocol. The instrument is designed to minimize or protect the worker (user) and the environment (public) from adverse health effects or physical injury including pollution prevention and waste minimization in the design process. Environmental Safety & Health is part of the design process, not an after thought. We also calibrate instruments or devices with known quantified radiological sources. There are Standard Operating Procedures to perform this work that eliminate any adverse effects to the worker or the environment.

Alfred Crescenzi
Industrial Hygienist-Laboratory
Safety Officer
United States Department of
Homeland Security

B9* Acquisition, installation, operation, or evaluation of physical security devices, or controls to enhance the physical security of existing critical assets and the eventual removal and disposal of that equipment in compliance with applicable requirements to protect the environment. Examples include, but are not limited to:

- (a) Motion detection systems,
- (b) Use of temporary barriers, fences, and jersey walls on or adjacent to existing facilities or on land that has already been disturbed or built upon,
- (c) Impact resistant doors and gates,
- (d) X-ray units,
- (e) Remote video surveillance systems,
- (f) Diver/swimmer detection systems, except sonar,
- (g) Blast/shock impact-resistant systems for land based and waterfront facilities,
- (i) Column and surface wraps, and,

(j) Breakage/shatter-resistant glass.

The Panel found that physical security devices or controls contemplated by this categorical exclusion were used throughout Department by component entities with a history that pre-dates the Department. The Panel further noted that these actions resulted in no harm to the environment.

Most of the physical security devices or controls consist of commercially available products purchased in compliance with Federal Acquisition Regulations. These products are also in use by private industry and other government agencies.

Furthermore, the Department is also required to minimize disposal through maximum reutilization and specialized sales, and will ensure that maximum attainable recycling and recovery are achieved in accordance with the Resource Conservation and Recovery Act (RCRA).

The Panel specifically limited the categorical exclusion to areas that are not environmentally sensitive. This limitation was applied to ensure that there would be no potential for significant environmental impacts contemplated by the application of this categorical exclusion.

The Panel determined that the use of examples in this particular categorical exclusion would be helpful to future users in clarifying the types of activities envisioned by the categorical exclusion. In providing examples, the Panel did not intend to extend the categorical exclusion to actions including extraordinary circumstances that may result in the activity having significant environmental effects.

The Panel defined this categorical exclusion to be sufficiently related to actions that may involve one or more extraordinary circumstances. To ensure that only those actions having negligible impacts on the human environment are contemplated by this categorical exclusion, the Panel proposed that a REC be prepared to document the determination whether the action is either appropriately categorically excluded or whether it requires further analysis through an EA or EIS process.

In addition, this categorical exclusion is supported by long-standing categorical exclusions and administrative records brought to Department by its components.

The Panel recognized that all Federal agencies, with very few limitations, must meet the same requirements to protect the environment. The Panel determined from their experience in or on behalf of other Federal agencies, that the characteristics of the activities in Department were no different than those performed by other Federal agencies in general, as well as specifically related to the environment.

Categorical exclusion B9 was the subject of comments regarding the temporary use of barriers and jersey walls. Specifically, comments sought

clarification of the term "temporary." "Temporary," as contemplated in this categorical exclusion, means that the barrier is easily installed with no need to disturb soils or the surrounding areas, and that it can be easily removed or moved to another area. Additional comments indicated that "temporary" should be limited to a term of time, with a week or less provided as a suggested option. The Department does not deem "temporary" regarding the use of barriers, fences, and jersey walls to mean one week or less. The term temporary as used by the Department to refer to structures that are not permanent and that, depending upon mission concerns, is eventually removed. The Department views the reference to the temporary use of barriers, fences, and jersey walls as sufficiently narrow in that only barriers, fences, and jersey walls on or adjacent to existing facilities are included in Categorical Exclusion B9. A barrier, fence or jersey wall attached to, or set adjacent to, an existing facility will not normally have an adverse effect on the natural environments since the construction and location of the barrier will take place on land that has already been disturbed and built upon.

In addition to concerns regarding the barriers, comments on categorical exclusion B9 included concerns regarding: (1) the inclusion of diver/swimmer devices that could harm marine species and habitat, (2) the evaluation of blast/shock impact resistant systems in manners that could pose a risk to migratory birds, endangered species, and air quality, and (3) the reference to remote video surveillance systems that could cause significant surface disturbance.

The Department considered each of these comments and the concerns that they detailed. The Department notes that Section 3.2 in Appendix A of the directive contains a list of conditions and extraordinary circumstances that must be satisfied in the application of this categorical exclusion to a specific program or activity within the Department. These conditions and extraordinary circumstances were developed in recognition that, while the vast majority of Department activities in this category do not have potential for significant impacts to the environment, activity proponents within the Department need to be alert for rare and unique conditions that may require more extensive evaluation of the potential for environmental impacts under NEPA. This evaluation would include not only the immediate effect of the Department's decision, but also the potential environmental effects that may indirectly result from implementing the decision and the cumulative effects of the decision on the quality of the human environment.

Through its deliberations, the Panel determined that the proposed categorical exclusion encompassed programmatic activities that inherently do not have an individual or cumulative significant impact on the environment.

LEGACY CATEGORICAL EXCLUSIONS AND COMPARABLE AGENCY CATEGORICAL EXCLUSIONS

U.S. COAST GUARD

Reference: Federal Register, Vol. 67, No. 141, Tuesday July 23, 2002, page 48243

(p) Determination by the Coast Guard that Coast Guard controlled personal property, including vessels and aircraft, is "excess property," as that term is defined in the Federal Property and Administrative Services Act of 1949 (40 U.S.C. 472(e)), and any subsequent transfer of such property to another Federal agency's administrative control or conveyance of the United States' title in such property to a non-Federal entity. (Checklist and CED required.)

FAA

Reference: FAA Order 5050.4A Chapter 3, Section 23

(a) (3) Installation of miscellaneous items including segmented circles, wind or landing direction indicators or measuring devices, or fencing.

(a) (7) Landscaping generally, and landscaping or construction of physical barriers to diminish impact of airport blast and noise.

(b) (2) Acquisition of: security equipment required by rule or regulation for the safety or security of personnel and property on the airport (14 CFR Part 107), safety equipment required by rule or regulation for certification of an airport (14 CFR Part 139) or snow removal equipment.

Reference: FAA Order 1050.1E

Equipment and Instrumentation Actions

9. Acquisition of security equipment required by rule or regulation for the safety or security of personnel and property on the airport or launch facility (14 CFR part 107, Airport Security), safety equipment required by rule or regulation for certification of an airport (14 CFR part 139, Certification and Operation: Land Airports Serving Certain Air Carriers) or licensing of a launch facility, or snow removal equipment. (APP, AST)

Equipment and Instrumentation Actions (end) Note: Categorically excluded actions proposed under this notice and public procedure are depicted in italics.

GENERAL SERVICES ADMINISTRATION

Reference: PBS NEPA Deskguide, October 1999

5.3 AUTOMATIC categorical exclusions

The following are automatic categorical exclusions and require no checklist:

(k) Other repair and alteration projects where:

No toxic or hazardous substances are involved with the project or exist in or on the property where the project takes place;

No properties listed on or eligible for the National Register of Historic Places are involved;

The building footprint or envelope will not be increased;

There is no evidence of community controversy; and

There is no evidence of other unresolved environmental issues.

(m) Repair to or replacement in kind of equipment or components in GSA controlled facilities without change in location, e.g. HVAC, electrical distribution systems, windows, doors or roof where there is no evidence of unresolved environmental issues.

AIR FORCE

Reference: 32CFR989 Appendix B

A2.3.8. *Performing interior and exterior construction within the 5-foot line of a building without changing the land use of the existing building.*

A2.3.9. *Repairing and replacing real property installed equipment.*

A2.3.10. *Routine facility maintenance and repair that does not involve disturbing significant quantities of hazardous materials such as asbestos.*

DOE

Reference: 10CFR1021 Subpart D Appendix B

B1.11 *Installation of fencing, including that for border marking, that will not adversely affect wildlife movements or surface water flow.*

NAVY

Reference: 32CFR775.6

(8) Routine actions normally conducted to operate, protect, and maintain Navy-owned and/or controlled properties, e.g., maintaining law and order, physical plant protection by military police and security personnel, and localized pest management activities on improved and semi-improved lands conducted in accordance with applicable federal and state directives.

B10 Identifications, inspections, surveys, or sampling, testing, seizures, quarantines, removals, sanitization, and monitoring of imported products that cause little or no physical alteration of the environment. This CATEX would primarily encompass a variety of daily activities performed at the borders and ports of entry by various elements of the Customs and Border Protection and Transportation Security Administration.

This categorical exclusion was originally published for notice and comment as categorical exclusion B11. It has been renumbered categorical exclusion B10 because the categorical exclusion that was published for notice and comment as categorical exclusion B10 was deleted. The former B10 was determined to (1) include only ongoing aircraft operations for which NEPA had likely already been completed, and (2) not involve a decision for which NEPA could inform. Accordingly, the Department deleted the categorical exclusion formerly published as B10. The only change between this categorical exclusion B10 and the formerly published categorical exclusion B11 is the deletion of the word "and" inadvertently placed in the originally published text.

The Panel realized that the activities contemplated by this categorical exclusion represent a mix of functional activities that, depending on a specific action at a specific point in time, could be entirely for law enforcement purposes that would be otherwise excluded from NEPA. Nevertheless, many of these actions occur on a daily basis at various ports

of entry as a part of routine monitoring of imports for homeland security purposes. The Panel considered that this categorical exclusion contemplated activities that were independent of law enforcement actions otherwise excluded from NEPA.

The Panel recognized that certain components within Department, the U.S. Coast Guard, the Customs and Border Protection, and the Transportation Security Administration, primarily performed these types of activities. These activities always occur at facilities with properly trained staff and the necessary equipment to perform these activities. For example, the Transportation Security Administration regularly inspects luggage and cargo coming into airports from international flights, while the U.S. Border Patrol inspects vehicles entering the country from Mexico or Canada at established entry points. The Panel concurred that these types of activities have been performed for many years on land and in the maritime environment with no significant harm to the human environment.

It is also important to note that many of these activities achieve a significant environmental protection purpose. For example, Customs and Border Protection activities prevent the importation of non-indigenous species that could cause significant ecological and agricultural damage in this country. Likewise, these activities in Customs and Border Protection intercept illegal trafficking in antiquities.

In addition, activities defined by this categorical exclusion are supported by long-standing categorical exclusion and administrative records brought to Department by its components.

Through its deliberations, the Panel determined that the proposed categorical exclusion encompassed programmatic activities that inherently do not have an individual or cumulative significant impact on the environment.

LEGACY CATEGORICAL EXCLUSIONS AND COMPARABLE AGENCY CATEGORICAL EXCLUSIONS

APHIS

Reference: 7CFR372.5 (c)

(c) (1) Routine measures. (i) Routine measures, such as identifications, inspections, surveys, sampling that does not cause physical alteration of the environment, testing, seizures, quarantines, removals, sanitizing, inoculations, control, and monitoring employed by agency programs to pursue their missions and functions. Such measures may include the use--according to any label instructions or other lawful requirements and consistent with standard, published program practices and precautions--of chemicals, pesticides, or other potentially hazardous or harmful substances, materials, and target-specific devices or remedies, provided that such use meets all of the following criteria (insofar as they may pertain to a particular action): (A) The use is localized or contained in areas where humans are not likely to be exposed, and is limited in terms of quantity, i.e., individualized dosages and remedies; (B) The use will not cause

contaminants to enter water bodies, including wetlands; (C) The use does not adversely affect any federally protected species or critical habitat; and (D) The use does not cause bioaccumulation. (ii) Examples of routine measures include: (A) Inoculation or treatment of discrete herds of livestock or wildlife undertaken in contained areas (such as a barn or corral, a zoo, an exhibition, or an aviary)

CBP

Reference: Programmatic Environmental Assessment for GAMMA Imaging Inspection Systems ,March 2004, resulting in a FONSI

The U.S. Customs and Border Protection (CBP), analyzed a new method of conducting inspections that involves the use of Non-Intrusive Inspection (NII) equipment based on technologies such as low-energy X-ray or low-energy gamma radiation sources to "see" into cargo containers and identify potential contraband. The Applied Technology Division (ATD) of CBP has examined gamma-imaging technologies for their suitability as parts of CBP's inspection program. The Programmatic Environmental Assessment (PEA) documents a top-level evaluation of the potential environmental consequences resulting from deploying, installing, and operating of gamma imaging systems to inspect cargoes at air, sea and land ports of entry (POEs) throughout the U.S. and Puerto Rico.

Analysis: After considering all relevant factors and issues, the PEA concludes that Non-Intrusive Inspection (NII) equipment would not significantly affect the physical, cultural, and socioeconomic environments. However this PEA mentioned that site-specific analyses will be performed for each location in the U.S. or Puerto Rico, where CBP installs VACIS II, Mobile VACIS, Pallet VACIS and/or Rail VACIS. Each site-specific analysis will be reported in a Supplemental Environmental Document, which will tier off of this PEA in accordance with 40 CFR Part 1508.28.

Reference: Environmental Assessment for the Pulsed Fast Neutron Analysis Cargo Inspection System Test Facility at Ysleta Port of Entry Commercial Cargo Facility, El Paso, Texas, 2003, resulting in a FONSI
This EA analyzed an extended real-life trial of Pulsed Fast Neutron Analysis (PFNA) system, a radiation-based method of Non-Intrusive Inspection Technology that allows CBP to examine cargoes without having to physically unload the cargo containers. Based on a review of candidate locations having a high volume of incoming commercial traffic, the Ysleta Commercial Cargo Facility in El Paso, Texas was identified as the best test site. Under the proposed action, the government will construct a test facility (approximately 9 months) and operate it with the commercial stream-of-commerce (for a maximum period of 6 months).

Analysis: The EA analyzed the many potential environmental consequences and determined that all impacts would be negligible or minor. With the exception of radiation, the effects and consequences of the proposed action are not unlike constructing and operating a drive-through tollbooth plaza. With regard to radiation and air quality, a very small amount (a fraction of 1 percent of EPA's allowable threshold) is

released to the atmosphere. A small amount of solid radioactive waste will be disposed of using licensed contractors who typically handle hospital waste. Analyses have shown that the system is safe to operators, cargo and the general public. A stowaway in the cargo vehicle will be subjected to a maximum radiation dose the same as OSHA allows for general public over the course of a year. Weapons of mass destruction will not be initiated by the system. Analysis of possible accidents shows that worst-case radiation doses are below acceptable standards. The EA concluded that this trial would not significantly affect the physical, cultural, and socioeconomic environments.

Reference: Programmatic Environmental Assessment for Gamma Imaging Inspection Systems, Department of Homeland Security, Bureau of Customs and Border Protection, Applied Technology Division, March 12, 2004, resulting in a FONSI

Customs and Border Protection wrote this PEA to analyze the use of Non-Intrusive Inspection (NII) equipment based on technologies such as low-energy X-ray or low-energy gamma radiation sources to "see" into cargo containers and identify potential contraband. The PEA evaluated potential environmental consequences resulting from deploying, installing, and operating the four different configurations of gamma imaging systems [known as the Vehicle and Cargo Inspection System (VACIS)] to inspect cargoes at air, sea and land ports of entry (POEs) throughout the U.S. and Puerto Rico.

Analysis: The PEA analyzed the likely environmental consequences, including the radiological consequences, and concluded that VACIS is not expected to significantly affect the physical, cultural, and socioeconomic environments.

B11 Routine monitoring and surveillance activities that support law enforcement or homeland security and defense operations, such as patrols, investigations, and intelligence gathering, but not including any construction activities (construction activities are addressed in Subsection F of these CATEX). This CATEX would primarily encompass a variety of daily activities performed by the components of U.S. Coast Guard, Immigration and Customs Enforcement, Customs and Border Protection, Transportation Security Administration, and the U.S. Secret Service.

This categorical exclusion was originally published for notice and comment as categorical exclusion B12. It has been renumbered as B11 because the categorical exclusion that was published for notice and comment as categorical exclusion B10 was deleted and the Department renamed the categorical exclusions formerly published as B11 and B12 with the names B10 and B11 respectively.

The only change between this categorical exclusion B11 and the formerly published categorical exclusion B11 is the deletion of the phrase, "...except those set forth in subsection F of these categorical exclusions..." and

replacing it with the clarifying parenthetical phrase, "... (construction activities are addressed in subsection F of these categorical exclusions)..."

The types of routine monitoring and surveillance activities contemplated by this categorical exclusion must otherwise comply with all requirements to protect privacy and the rights of U.S. citizens. The Panel did not anticipate that this categorical exclusion would somehow exempt these activities from compliance with other laws and requirements.

For example, the Department monitors Internet to gather information to help locate and capture persons suspected of terrorist activities or trafficking in child pornography. The monitoring of vessel traffic into and out of major U.S. seaports helps ensure safe passage for these vessels. The Panel did not contemplate that this categorical exclusion would encompass construction activities other than those otherwise addressed with categorical exclusions in subsection F.

The Panel further considered that this categorical exclusion contemplated activities that were independent of emergency civil and criminal law enforcement actions otherwise excluded from NEPA. The Panel recognized various components within the Department, such as the U.S. Coast Guard, U.S. Secret Service, Immigration and Customs Enforcement, and the Customs and Border Protection may perform these routine monitoring and surveillance activities.

The Panel specifically limited the categorical exclusion to activities that would not include construction. These limitations were applied to ensure that there would be no potential for significant environmental impacts contemplated by the application of this categorical exclusion.

The types of routine monitoring and surveillance activities contemplated by this categorical exclusion are those that would normally occur from formally established or publicly accessible locations. Categorical exclusion B11 (formerly B12) was the subject of comments regarding the impact of routine monitoring patrols. Specifically, the comment indicated concern that routine monitoring patrols can have an impact on the environment depending on the intensity and number of persons involved in the patrols. The comment further justified this concern by stating that this concern is particularly important in the case of patrols occurring in sensitive areas such as wilderness areas that may be habitat to endangered species.

The Department considered the concerns associated with this comment and noted that illegal entrants, smugglers, and potential terrorists do not recognize or provide for the maintenance or preservation of the national assets in protected wilderness, national wildlife refuges, national forests, national monuments, marine sanctuaries, or critical habitat for marine mammals or endangered species. The patrols contemplated by this categorical exclusion would only be those not involving extraordinary circumstances, and could serve as a deterrent to these individuals and lessen their intrusions in critical wildlife areas.

In addition, Section 3.2 in Appendix A of the directive contains a list of conditions and extraordinary circumstances that must be satisfied in the application of this categorical exclusion to a specific program or activity within the Department. These conditions and extraordinary circumstances were developed in recognition that, while the vast majority of Department activities in this category do not have potential for significant impacts to the environment, activity proponents within DHS need to be alert for rare and unique conditions that may require more extensive evaluation of the potential for environmental impacts under NEPA. This evaluation would include not only the immediate effect of the Department's decision, but also the potential environmental effects that may indirectly result from implementing the decision and the cumulative effects of the decision on the quality of the human environment.

In addition, activities defined by this categorical exclusion are supported by long-standing categorical exclusion and administrative records brought to Department by its components.

The Panel also noted that other Federal agencies have categorical exclusion for similar activities that are sufficiently descriptive such that they demonstrated to the Panel that those activities were similar in nature, scope, and impact on the human environment to those performed by Department. In addition, the Panel recognized that all Federal agencies, with very few limitations, must meet the same requirements to protect the environment. The Panel determined from their experience in or on behalf of other Federal agencies, that the characteristics of the activities in Department were no different than those performed by other Federal agencies in general, as well as specifically related to the environment.

Through its deliberations, the Panel determined that the proposed categorical exclusion encompassed programmatic activities that inherently do not have an individual or cumulative significant impact on the environment.

LEGACY CATEGORICAL EXCLUSIONS AND COMPARABLE AGENCY CATEGORICAL EXCLUSIONS

USDA-ARS APHIS

Reference: 7CFR1b.3 (a)

(a) (5) Civil and criminal law enforcement and investigative activities

FEMA

Reference: 44CFR10.8 (d) (2)

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

USBP

Reference: Environmental Assessment for the Airboat Patrols on the Rio Grande River, Del Rio Sector, Texas, June 2001, resulting in a FONSI signed in June 2001

This Environmental Assessment (EA) addresses the potential effects, beneficial and adverse, of the proposed increase of U.S. Border Patrol (USBP) airboat patrols on the Rio Grande River within the Del Rio Sector, Texas. The purpose for the increased patrols on the river is to deter illegal crossings at their point of origin. Such patrols would also serve the purpose of avoiding unnecessary drowning deaths by deterring the illegal activity and/or providing rescue of illegal aliens,

Analysis: Based on the findings of this analysis, no significant adverse impacts would occur from the proposed action. Increased or enhanced interdiction of illegal and drug entry and activities would have positive, indirect socioeconomic benefits.

ARMY

Reference: 32CFR 651 Appendix B Section II

(b)(1) Routine law and order activities performed by military/military police and physical plant protection and security personnel, and civilian natural resources and environmental law officers.

REAL ESTATE ACTIVITIES

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

The Panel found that the activity of real property acquisition through purchase, lease, assignment, easement, condemnation, or donation contemplated under this categorical exclusion are often performed by components with real property management responsibilities. The Panel also found that real property acquisitions may involve either continued use of a property for its existing purposes or changed use of the property. Since changing the functional use of a property could involve numerous considerations, the Panel limited the scope of acquisitions of real property to those that would not change the functional use of the property. Furthermore, the Panel limited the scope of the potential acquisition activities to avoid real property that is within or adjacent to environmentally sensitive areas to ensure that the subsequent use of the property by the Department would avoid potential to cause harm to the human environment. As a result of those limitations, the Panel determined that this categorical exclusion contemplated activities that would inherently have no potential for significant impacts to the human environment.

In addition, this categorical exclusion is supported by long-standing categorical exclusion's and administrative records brought to Department by its components that themselves would have only been developed through a process consistent with NEPA regulatory requirements. In particular, the Panel identified the categorical exclusions of the U.S. Coast Guard, the manager of the largest number of real properties in Department. Further, the

Panel found that actions of a similar nature, scope, and intensity were performed throughout Department without significant environmental impacts.

The Panel of interdisciplinary experts also noted that numerous other Federal agencies have categorical exclusion for similar activities that are sufficiently descriptive such that they demonstrated to the Panel that those activities were similar in nature, scope, and impact on the human environment to those performed by Department. In addition, the Panel recognized that all Federal agencies, with very few limitations, must meet the same requirements to protect the environment. The Panel determined from their experience in or on behalf of other Federal agencies, that the characteristics of the activities in Department were no different than those performed by other Federal agencies in general, as well as specifically related to the environment.

Accordingly, through its deliberations, the Panel determined that the proposed categorical exclusion encompassed programmatic activities that inherently did not have individual or cumulative significant impact on the human environment.

LEGACY CATEGORICAL EXCLUSIONS AND COMPARABLE AGENCY CATEGORICAL EXCLUSIONS

FEMA

Reference: 44CFR10.8 (d) (2)

(viii) Acquisition or lease of existing facilities where planned uses conform to past use or local land use requirements;

FLETC

Reference: Environmental Assessment for the Acquisition of a Warehouse Facility in Brunswick, Georgia, resulting in a FONSI

This FLETC project analyzed the purchase of a warehouse facility that had been leased by FLETC since March 2000. FLETC had already installed a concrete barricade gate system for security. The 51,000 square foot building was constructed in 1986.

Analysis: It was determined that the proposed acquisition of the warehouse facility does not constitute a "major federal action significantly affecting the quality of the human environment" when considered individually or cumulatively in the context of NEPA, including both direct and indirect impacts.

USCG

Reference: COMDTINST M16475.1D Figure 2-1 Coast Guard Categorical exclusions

2. Real and Personal Property Related Actions b. The grant of a license to a non-Federal party to perform specified acts upon Coast Guard-controlled real property or the amendment, renewal, or termination of such license where the proposed real property use is similar to existing uses. (Checklist and CED required.) c. Allowing another Federal agency to use Coast Guard-controlled real property under a permit, use agreement, or similar arrangement or the amendment,

renewal, or termination of such permit or agreement where the real property use is similar to existing uses. (Checklist and CED required.) e. Acquisition of real property (including fee simple estates, leaseholds, and easements) improved or unimproved, and related personal property from a non-Federal party by purchase, lease, donation, or exchange where the proposed real property use is similar to existing uses for the foreseeable future (acquisition through condemnation not covered). (Checklist and CED required.) g. Coast Guard use of real property under the administrative control of another DOT component or another Federal agency through a permit, use agreement, or similar arrangement where the proposed real property use is similar to existing uses. (Checklist and CED required.)

USBP

Reference: *Environmental Assessment for the Proposed Construction of the U.S. Border Patrol Station in Laredo, Webb County, Texas, May 1998*, resulting in a FONSI, signed in May 1998.

This Environmental Assessment was prepared for the Immigration and Naturalization Service (INS) proposed land purchase, construction of a U.S. Border Patrol (USBP) station, and relocation of agents to the new facility that is located on an approximately 10-acre tract at the southeast corner of Grand Central Boulevard and the McPherson Road extension in Laredo, Webb County, Texas.

The INS proposed to purchase an approximately 10-acre tract of land from a private landowner in order to construct a USBP station at the southeast corner of Grand Central Boulevard and the McPherson Boulevard extension in Laredo, Webb County, Texas. The USBP agents stationed at the currently leased Laredo North Station would relocate to the new facility when construction is complete. The new station would consist of the following structures or components: a single-story building (30,500 square feet [with a detention area (2,500 sf)]; three aboveground storage tanks (two 10,000-gallon gasoline tanks and one 12,000-gallon diesel tank); a 2,500-sf drive/parking area; a dog kennel for 26 dogs; and a radio tower.

Analysis: The proposed action is not anticipated to have any significant adverse impacts to soils, water, biological resources, or cultural resources. No significant adverse impacts are anticipated to land use, socioeconomics, hazardous materials and waste, air quality, or noise. In addition, the proposed action is not anticipated to have any long-term adverse impacts to the environment.

Reference: *Environmental Assessment for the Proposed Construction of the U.S. Border Patrol Station in Sanderson, Terrell County, Texas, February 12, 2001*, resulting in a FONSI signed in February 2001.

This EA addresses the potential impacts of the Immigration and Naturalization Service (INS) proposed property purchase, construction of a U.S. Border Patrol (USBP) station, and relocation of agents from an existing facility to the new facility. The proposed facility would be located on an approximately 33-acre tract north of U.S. Highway 90 and west of Highland Plaza Ave. in Sanderson, Terrell County, Texas.

The purpose is to construct a new facility to accommodate an increased number of agents who will be assigned to the Marfa Sector, Sanderson Station. The current Sanderson Station can accommodate up to five personnel, but has inadequate ancillary facilities which cannot be expanded. A new station would allow for increased staff, as well as more efficient and effective operations in a modern facility that can best support the USBP mission. The new station would consist of the following structures or components: a single-story building (14,000 square feet); one aboveground gasoline storage tank; a 39,858 sf drive/parking area; a dog kennel; and a radio tower.

Analysis: Based upon the results of the EA, it has been concluded that the proposed action would not have a significant adverse impact on the environment.

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

The Panel found that the activities of lease extensions, renewals, or succeeding leases are often performed by components with real property management responsibilities (nearly the whole of the Department). The Panel also found that these leasing activities may involve either continued use of a property for its existing purposes or changed use of the property. Since changing the functional use of a property could involve numerous considerations, the Panel limited the scope of these leasing activities contemplated for Department purposes to those that would not change the functional use of the property. Furthermore, the Panel limited the scope of the potential leasing activities to include only those where all environmental operating permits have been acquired and are current to ensure that the subsequent Department use of the property would avoid any potential to cause harm to the human environment. As a result of these limitations, the Panel determined that this categorical exclusion contemplated activities that would inherently have no potential for significant impacts to the human environment.

In addition, this categorical exclusion is supported by long-standing categorical exclusions and administrative records brought to the Department by its components that themselves would have only been developed through a process consistent with NEPA regulatory requirements. In particular, the Panel identified the categorical exclusions of the U.S. Coast Guard, the manager of the largest number of real properties in the Department. Further, the Panel found that actions of a similar nature, scope, and intensity were performed throughout Department without significant environmental impacts.

The Panel also noted that numerous other Federal agencies have categorical exclusion for similar activities that are sufficiently descriptive such that they demonstrated to the Panel that those activities were similar in nature, scope, and impact on the human environment to those performed by the Department. In addition, the Panel recognized that all Federal agencies, with very few limitations, must meet the same requirements to protect the environment. The Panel determined from their experience in or on behalf of

other Federal agencies, that the characteristics of the activities in Department were no different than those performed by other Federal agencies in general, as well as specifically related to the environment.

Accordingly, through a deliberative process, the Panel determined that the proposed categorical exclusion encompassed programmatic activities that inherently did not have individual or cumulative significant impact on the human environment.

LEGACY CATEGORICAL EXCLUSIONS AND COMPARABLE AGENCY CATEGORICAL EXCLUSIONS

FEMA

Reference: 44CFR10.8 (d) (2)

(viii) Acquisition or lease of existing facilities where planned uses conform to past use or local land use requirements;

USCG

Reference: COMDTINST M16475.1D Figure 2-1 Coast Guard Categorical exclusions

2. Real and Personal Property Related Actions b. The grant of a license to a non-Federal party to perform specified acts upon Coast Guard-controlled real property or the amendment, renewal, or termination of such license where the proposed real property use is similar to existing uses. (Checklist and CED required.) c. Allowing another Federal agency to use Coast Guard-controlled real property under a permit, use agreement, or similar arrangement or the amendment, renewal, or termination of such permit or agreement where the real property use is similar to existing uses. (Checklist and CED required.) e. Acquisition of real property (including fee simple estates, leaseholds, and easements) improved or unimproved, and related personal property from a non-Federal party by purchase, lease, donation, or exchange where the proposed real property use is similar to existing uses for the foreseeable future (acquisition through condemnation not covered). (Checklist and CED required.) g. Coast Guard use of real property under the administrative control of another DOT component or another Federal agency through a permit, use agreement, or similar arrangement where the proposed real property use is similar to existing uses. (Checklist and CED required.)

USBP

Environmental Assessment for the Expansion of U.S. Border Patrol Air Operations and Facilities, U.S. Border Patrol Tucson Sector, Arizona, April 2003, resulting in a FONSI signed in April 2003

This Environmental Assessment (EA) was prepared to analyze the potential for significant environmental impacts associated with the proposed expansion of United States Border Patrol (USBP) air operations and facilities in Southeastern Arizona.

The USBP proposes to expand air operation origination out of Sierra Vista, Arizona. The only airport capable of supporting increased USBP air operations in the area is the Joint Use Libby Army Airfield/Sierra

Vista Municipal Airport (LAAF/SVMA) The USBP could lease or build new facilities at LAAF or SVMA. These additional facilities would include an aircraft hangar, office space, and enough parking for twenty vehicles.

As many as fifteen full-time USBP personnel could be assigned to the expanded facility. Of these fifteen positions, seven are already stationed at LAAF. As many as 16 aircraft could be stationed at the new facility. Of these sixteen aircraft (fifteen rotary-wing and one fixed-wing) six aircraft (four rotary-wing and two fixed-wing) are already based at LAAF. As a result, there could be an estimated 150% increase in USBP air operations at LAAF/SVMA. Additional maintenance activities in the new hangar would be required to support the new aircraft.

Analysis: Based upon the results of the EA, it has been concluded that the proposed action would not have a significant adverse impact on the natural or human environment, and no further NEPA analysis (i.e., Environmental Impact Statement) is warranted.

ARMY

Reference: 32CFR Part 651 Appendix B. Section II

(f)(1) Grants or acquisitions of leases, licenses, easements, and permits for use of real property or facilities in which there is no significant change in land or facility use. Examples include, but are not limited to, Army controlled property and Army leases of civilian property to include leases of training, administrative, general use, special purpose, or warehouse space (REC required).

Reference: 33CFR Part 230.9 Categorical exclusions

(1) Renewal and minor amendments of existing real estate grants evidencing authority to use Government owned real property.

DEPARTMENT OF THE INTERIOR, Bureau of Land Management

Reference: Departmental Manual 516

5.4 Categorical exclusions

E. Realty (9) Renewals and assignments of leases, permits or rights-of-way where no additional rights are conveyed beyond those granted by the original authorizations.

C3 Reassignment of real property, including related personal property within the Department (e.g., from one Departmental element to another) that does not result in a change in the functional use of the property.

The Panel noted that the activity of reassigning property management responsibilities, where the functional use of a property would not change, would be a strictly administrative function. Since the Department is new, , it is difficult to predict where and when these types of actions may occur or their frequency. Nevertheless, the Panel recognized that as the Department matures and organizes to more effectively perform its missions, reassignments of real property management responsibilities will necessarily occur to complement realigned mission responsibilities.

This categorical exclusion only contemplates real property reassignments that do not change the functional use of a property. The Panel included this limitation to reflect its determination that this categorical exclusion would not be appropriate for planning of new mission requirements that could require property modifications. With this limitation, the reassignment would not, in any way, alter the property management requirements or the environmental protection requirements that the functional use of the property would otherwise have to meet. As a result of these limitations, the Panel determined that this categorical exclusion contemplated activities that would inherently have no potential for significant impacts to the human environment.

In addition, this categorical exclusion is supported by long-standing categorical exclusion's and administrative records brought to the Department by its components that themselves would have only been developed through a process consistent with NEPA regulatory requirements. In particular, the Panel identified the categorical exclusions of the U.S. Coast Guard, the manager of the largest number of real properties in the Department. Further, the Panel found that actions of a similar nature, scope, and intensity were performed throughout the Department without significant environmental impacts.

The Panel also noted that other Federal agencies have categorical exclusions for similar activities that are sufficiently descriptive such that they demonstrated to the Panel that those activities were similar in nature, scope, and impact on the human environment to those performed by the Department. In addition, the Panel recognized that all Federal agencies, with very few limitations, must meet the same requirements to protect the environment. The Panel determined from their experience in or on behalf of other Federal agencies, that the characteristics of the activities in Department were no different than those performed by other Federal agencies in general, as well as specifically related to the environment.

Accordingly, through a deliberative process, the Panel determined that the proposed categorical exclusion encompassed programmatic activities that inherently did not have individual or cumulative significant impact on the human environment.

LEGACY CATEGORICAL EXCLUSIONS AND COMPARABLE AGENCY CATEGORICAL EXCLUSIONS

USCG

Reference: COMDTINST M16475.1D Figure 2-1 Coast Guard Categorical Exclusions

2. Real and Personal Property Related Actions

a. The initial lease of, or grant of, an easement interest in, Coast Guard-controlled real property to a non-Federal party or the amendment, renewal, or termination of such lease or easement interest where the reasonably foreseeable real property use will not change significantly

and is similar to existing uses. (Checklist and CED required f. Acquisition of real property and related personal property through transfer of administrative control from another Department of Transportation (DOT) component or another Federal agency to the Coast Guard where title to the property remains with the United States including transfers made pursuant to the defense Base Closure and Realignment Act of 1990, Pub. L. 101-510, as amended, (10 U.S.C. 2687 note) and where the proposed Coast Guard real property uses is similar to existing uses. (Checklist and CED required.) j. Transfer of administrative control over real property from the Coast Guard to another Department of Transportation (DOT) component or another Federal agency (title to the property remains with the United States) that results in no immediate change in use of the property k. Determination by the Coast Guard that real property is excess to its needs, pursuant to the Federal Property and Administrative Services Act of 1949 (40 U.S.C. 471 et seq.), and the subsequent reporting of such determination to the Administrator of the General Services Administration or the subsequent filing of a notice of intent to relinquish lands withdrawn or reserved from the public domain with the Bureau of Land Management, Department of Interior, in accordance with 43 CFR part 2370. (Checklist and CED required.) . l. Congressionally mandated conveyance of Coast Guard controlled real property to another Federal agency or non-Federal entity. (Checklist and CED required.) n. Decisions to temporarily or permanently decommission, disestablish, or close Coast Guard shore facilities including any follow-on connected protection and maintenance needed to maintain the property until it is no longer under Coast Guard control. (Checklist and CED required.) p. Determination by the Coast Guard that Coast Guard controlled personal property, including vessels and aircraft, is "excess property", as that term is defined in the Federal Property and Administrative Services Act of 1949 (40 U.S.C. 472(e)), and any subsequent transfer of such property or another Federal agency's administrative control or conveyance of the United States' title in such property to a non-Federal entity. (Checklist and CED required.)

FEMA

Reference: 44CFR10.8 (d) (2)

(viii) Acquisition or lease of existing facilities where planned uses conform to past use or local land use requirements;

ARMY

Reference: 32CFR651 Appendix B. Section II

(f)(3) Transfer of real property administrative control within the Army, to another military department, or to other federal agency, including the return of public domain lands to the Department of Interior, and reporting of property as excess and surplus to the GSA for disposal (REC required).

DEPARTMENT OF THE INTERIOR, Bureau of Indian Affairs

Reference: Departmental Manual 516 Part 10
10.5 Categorical exclusions.

I. Land Conveyance and Other Transfers. Approvals or grants of conveyances and other transfers of interests in land where no change in land use is planned.

C4 Transfer of administrative control over real property, including related personal property, between another federal agency and the Department that does not result in a change in the functional use of the property.

The Panel noted that the activity of transferring administrative control of real property between the Department and another Federal agency, where the functional use of a property would not change, would be a strictly administrative function.

This categorical exclusion only contemplates real property transfers within the Federal government that do not change the functional use of a property. The Panel limited the scope of this categorical exclusion to real property transfers that would not result in a change in the functional use of the property to reflect its determination that this categorical exclusion would not be appropriate for planning of new mission requirements that could require property modifications. In addition, the Panel recognized that all Federal agencies, with very few limitations, must meet the same requirements to protect the environment. With these limitations, the Panel determined that the reassignment would not, in any way, alter the property management requirements or the environmental protection requirements that the functional use of the property would otherwise have to meet. As a result of these limitations, the Panel determined that this categorical exclusion contemplated activities that would inherently have no potential for significant impacts to the human environment.

In addition, this categorical exclusion is supported by long-standing categorical exclusions and administrative records brought to the Department by its components that themselves would have only been developed through a process consistent with NEPA regulatory requirements. In particular, the Panel identified the categorical exclusions of the U.S. Coast Guard, the manager of the largest number of real properties in the Department. Further, the Panel found that actions of a similar nature, scope, and intensity were performed throughout the Department without significant environmental impacts.

The Panel also noted that other Federal agencies have categorical exclusion for similar activities that are sufficiently descriptive such that they demonstrated to the Panel that those activities were similar in nature, scope, and impact on the human environment to those performed by the Department. In addition, the Panel recognized that all Federal agencies, with very few limitations, must meet the same requirements to protect the environment. The Panel determined from their experience in or on behalf of other Federal agencies, that the characteristics of the activities in Department were no different than those performed by other Federal agencies in general, as well as specifically related to the environment.

Accordingly, through a deliberative process, the Panel determined that the proposed categorical exclusion encompassed programmatic activities that inherently did not have individual or cumulative significant impact on the human environment.

LEGACY CATEGORICAL EXCLUSIONS AND COMPARABLE AGENCY CATEGORICAL EXCLUSIONS

USCG

Reference: COMDTINST M16475.1D Figure 2-1 Coast Guard Categorical Exclusions

2. Real and Personal Property Related Actions

a. The initial lease of, or grant of, an easement interest in, Coast Guard-controlled real property to a non-Federal party or the amendment, renewal, or termination of such lease or easement interest where the reasonably foreseeable real property use will not change significantly and is similar to existing uses. (Checklist and CED required f. Acquisition of real property and related personal property through transfer of administrative control from another Department of Transportation (DOT) component or another Federal agency to the Coast Guard where title to the property remains with the United States including transfers made pursuant to the defense Base Closure and Realignment Act of 1990, Pub. L. 101-510, as amended, (10 U.S.C. 2687 note) and where the proposed Coast Guard real property uses is similar to existing uses. (Checklist and CED required.) j. Transfer of administrative control over real property from the Coast Guard to another Department of Transportation (DOT) component or another Federal agency (title to the property remains with the United States) that results in no immediate change in use of the property k. Determination by the Coast Guard that real property is excess to its needs, pursuant to the Federal Property and Administrative Services Act of 1949 (40 U.S.C. 471 et seq.), and the subsequent reporting of such determination to the Administrator of the General Services Administration or the subsequent filing of a notice of intent to relinquish lands withdrawn or reserved from the public domain with the Bureau of Land Management, Department of Interior, in accordance with 43 CFR part 2370. (Checklist and CED required.) . 1. Congressionally mandated conveyance of Coast Guard controlled real property to another Federal agency or non-Federal entity. (Checklist and CED required.) n. Decisions to temporarily or permanently decommission, disestablish, or close Coast Guard shore facilities including any follow-on connected protection and maintenance needed to maintain the property until it is no longer under Coast Guard control. (Checklist and CED required.) p. Determination by the Coast Guard that Coast Guard controlled personal property, including vessels and aircraft, is "excess property", as that term is defined in the Federal Property and Administrative Services Act of 1949 (40 U.S.C. 472(e)), and any subsequent transfer of such property of another Federal agency's administrative control or conveyance of the United States' title in such property to a non-Federal entity. (Checklist and CED required.)

FEMA

Reference: 44CFR10.8 (d) (2)

(viii) Acquisition or lease of existing facilities where planned uses conform to past use or local land use requirements;

FLETC

Reference: Environmental Assessment, U.S. Customs Service Firearms Training Facility, Harpers Ferry, West Virginia, July 2002, resulting in a FONSI

This Environmental Assessment analyzed the proposed construction of a Firearms Training Facility on an approximately 104-acre site within Jefferson County, West Virginia. Construction of the Harpers Ferry Training Facility, under this alternative would utilize 60-acres transferred to the U.S. Customs Service from the National Park Service, along with administrative jurisdiction, as required by PL 106-246 and the "Agreement to Transfer Administrative Jurisdiction of Land" and a 45-foot right-of-way. A 7-acre privately-owned parcel and a 37-acre privately-owned parcel would need to be acquired for implementation of this alternative.

Analysis: Based on the findings of this analysis, no significant adverse impacts would occur from the proposed actions.

ARMY

Reference: 32CFR651 Appendix B. Section II

(f)(3) Transfer of real property administrative control within the Army, to another military department, or to other federal agency, including the return of public domain lands to the Department of Interior, and reporting of property as excess and surplus to the GSA for disposal (REC required).

AIR FORCE

Reference: 32CFR989 Appendix B

A2.3.18. Transferring administrative control of real property within the Air Force or to another military department or to another Federal agency, not including GSA, including returning public domain lands to the Department of the Interior.

BLM

Reference: Department of the Interior Departmental Manual - Part 516 5.4 Categorical exclusions

E. Realty (15) Transfer of land or interest in land to or from other Bureaus or Federal agencies where current management will continue and future changes in management will be subject to the NEPA process.

C5 Determination that real property is excess to the needs of the Department and, in the case of acquired real property, the subsequent reporting of such determination to the General Services Administration or, in the case of lands withdrawn or otherwise reserved from the public domain, the subsequent filing of a notice of intent to relinquish with the Bureau of Land Management, Department of Interior.

The Panel noted that the activity of transferring administrative control of real property between the Department and another Federal agency, where the functional use of a property would not change, would be a strictly administrative function.

This categorical exclusion only contemplates real property transfers within the Federal government that do not change the functional use of a property. The Panel limited the scope of this categorical exclusion to real property transfers that would not result in a change in the functional use of the property to reflect its determination that this categorical exclusion would not be appropriate for planning of new mission requirements that could require property modifications. In addition, the Panel recognized that all Federal agencies, with very few limitations, must meet the same requirements to protect the environment. With these limitations, the Panel determined that the reassignment would not, in any way, alter the property management requirements or the environmental protection requirements that the functional use of the property would otherwise have to meet. As a result of these limitations, the Panel determined that this categorical exclusion contemplated activities that would inherently have no potential for significant impacts to the human environment.

In addition, this categorical exclusion is supported by long-standing categorical exclusion's and administrative records brought to the Department by its components that themselves would have only been developed through a process consistent with NEPA regulatory requirements. In particular, the Panel identified the categorical exclusions of the U.S. Coast Guard, the manager of the largest number of real properties in the Department. Further, the Panel found that actions of a similar nature, scope, and intensity were performed throughout the Department without significant environmental impacts.

The Panel also noted that other Federal agencies have categorical exclusions for similar activities that are sufficiently descriptive such that they demonstrated to the Panel that those activities were similar in nature, scope, and impact on the human environment to those performed by the Department. In addition, the Panel recognized that all Federal agencies, with very few limitations, must meet the same requirements to protect the environment. The Panel determined from their experience in or on behalf of other Federal agencies, that the characteristics of the activities in Department were no different than those performed by other Federal agencies in general, as well as specifically related to the environment.

Accordingly, through a deliberative process, the Panel determined that the proposed categorical exclusion encompassed programmatic activities that inherently did not have individual or cumulative significant impact on the human environment.

LEGACY CATEGORICAL EXCLUSIONS AND COMPARABLE AGENCY CATEGORICAL EXCLUSIONS

USCG

Reference: COMDTINST M16457.1D Figure 2-1 Coast Guard Categorical Exclusions

2. Real and Personal Property Related Actions

k. Determination by the Coast Guard that real property is excess to its needs, pursuant to the Federal Property and Administrative Services Act of 1949 (40 U.S.C. 471 et seq.), and the subsequent reporting of such determination to the Administrator of the General Services Administration or the subsequent filing of a notice of intent to relinquish lands withdrawn or reserved from the public domain with the Bureau of Land Management, Department of Interior, in accordance with 43 CFR part 2370. (Checklist and CED required.) (Checklist and CED required.)

p. Determination by the Coast Guard that Coast Guard controlled personal property, including vessels and aircraft, is "excess property", as that term is defined in the Federal Property and Administrative Services Act of 1949 (40 U.S.C. 472(e)), and any subsequent transfer of such property to another Federal agency's administrative control or conveyance of the United States' title in such property to a non-Federal entity. (Checklist and CED required.)

AIR FORCE

Reference: 32CFR989 Appendix B

A2.3.17. Transferring land, facilities, and personal property for which the General Services Administration (GSA) is the action agency. Such transfers are excluded only if there is no change in land use and GSA complies with its NEPA requirements.

ARMY

Reference: 33CFR230.9 Categorical exclusions

(m) Reporting excess real property to the General Services Administration for disposal.

USBP

Reference: Environmental Assessment for the Excess or Transfer of U.S. Border Patrol Station Gila Bend, Arizona Immigration and Naturalization Service U.S. Border Patrol, February 1999, resulting in a FONSI

This Environmental Assessment documents the potential environmental liabilities and impacts anticipated as a result of excessing or transferring the U.S. Border Patrol station at Gila Bend, Maricopa County, Arizona. The Border Patrol station has been vacant since the early 1990s and is currently serving no value to the Government.

The proposed action would involve minimal construction/repair activities to remove some environmental liabilities and to bring buildings to occupancy standards. The site was surveyed for sensitive biological and cultural resources. One potential state-protected species was recorded at the site. Relocation of this single specimen, if necessary, would be required to be coordinated through the Arizona Department of Agriculture.

Analysis: Based on the findings of this analysis, no significant adverse impacts would occur from the proposed actions. Therefore, no

further analysis or documentation (Environmental Impact Statement) is warranted. The INS, in implementing this decision, will employ all practical means to minimize the potential adverse impacts on the local environment.

REPAIR AND MAINTENANCE ACTIVITIES

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

These categories of actions were determined to have no inherent potential for significant environmental impacts. Further, the Panel reviewed these categories of actions to determine whether actions of a similar nature, scope, and intensity were performed throughout Department. A Panel of interdisciplinary experts reviewed other agencies' CATEXs, the CATEXs that agencies brought to the Department and the mission of the Department as it relates to the environment. Through a deliberative process, the Panel determined that the above-enumerated CATEXs encompassed programmatic activities that inherently do not have an individual or cumulative significant impact on the environment.

In addition, this categorical exclusion is supported by long-standing categorical exclusion's and administrative records brought to the Department by its components that themselves would have only been developed through a process consistent with NEPA regulatory requirements. In particular, the Panel identified the categorical exclusions of the U.S. Coast Guard, the manager of the largest number of real properties in the Department, and the record of the U.S. Border Patrol. Further, the Panel found that actions of a similar nature, scope, and intensity were performed throughout the Department without significant environmental impacts.

The Panel determined that the use of examples in this particular categorical exclusion would be helpful to future users in clarifying the types of activities envisioned by the categorical exclusion. In providing examples, the Panel did not intend to extend the categorical exclusion to actions including extraordinary circumstances that may result in the activity having significant environmental effects.

The Panel also noted that numerous other Federal agencies have categorical exclusion for similar activities that are sufficiently descriptive such that they demonstrated to the Panel that those activities were similar in nature, scope, and impact on the human environment to those performed by the Department. In addition, the Panel recognized that all Federal agencies, with very few limitations, must meet the same requirements to protect the

environment. The Panel determined from their experience in or on behalf of other Federal agencies, that the characteristics of the activities in Department were no different than those performed by other Federal agencies in general, as well as specifically related to the environment.

Categorical exclusion D1 was the subject of comments regarding the term, "minor renovations and additions". Specifically, the comment expressed the concern that activities taking place outside of a building may have impacts on adjacent, sensitive coastal resources. The comment expressed the desire that the categorical exclusion be limited to projects that are not located near such resources.

The Department considered this concern and noted that Section 3.2 in Appendix A of the directive contains a list of conditions and extraordinary circumstances that must be satisfied in the application of this categorical exclusion to a specific program or activity within the Department. These conditions and extraordinary circumstances were developed in recognition that, while the vast majority of Department activities in this category do not have potential for significant impacts to the environment, activity proponents within the Department need to be alert for rare and unique conditions that may require more extensive evaluation of the potential for environmental impacts under NEPA. This evaluation would include not only the immediate effect of the Department's decision, but also the potential environmental effects that may indirectly result from implementing the decision and the cumulative effects of the decision on the quality of the human environment.

This categorical exclusion was changed from the text published for public comment in that the example, "...*extending an existing roadway in a developed area a short distance...*," was deleted. This change was made to ensure that the Department's activities under this categorical exclusion would not extend to actions where there could exist the potential to significantly impact the quality of the human environment. Some minor grammatical changes were also made.

LEGACY CATEGORICAL EXCLUSIONS AND COMPARABLE AGENCY CATEGORICAL EXCLUSIONS

APHIS

Reference: 7CFR372.5 (c)

7CFR372.5 (c) (4) *Rehabilitation of facilities. Rehabilitation of existing laboratories and other APHIS facilities, functional replacement of parts and equipment, and minor additions to such existing APHIS facilities*

FEMA

Reference: 44CFR10.8 (d) (2)

(x) *Routine maintenance, repair, and grounds-keeping activities at FEMA facilities;*

(xv) *Repair, reconstruction, restoration, elevation, retrofitting, upgrading to current codes and standards, or replacement of any*

facility in a manner that substantially conforms to the preexisting design, function, and location; [SE, in part]

FAA

Reference: FAA Order 5050.4A Chapter 3, Section 23

(a) (5) Construction, relocation or repair of entrance and service roadway.

USCG

Reference: Figure 2-1 Coast Guard Categorical Exclusions

2. Real and Personal Property Related Actions q. Minor renovations and additions to buildings, roads, airfields, grounds, equipment, and other facilities that do not result in a change in functional use of the real property (e.g. realigning interior spaces of an existing building, extending an existing roadway in a developed area a short distance, installing a small antenna on an already existing antenna tower, adding a small storage shed to an existing building, etc.). (Checklist and CED required.) u. Routine repair and maintenance of buildings, roads, airfields, grounds, equipment, and other facilities which do not result in a change in functional use, or an impact on a historically significant element or setting. v. Routine repair and maintenance to waterfront facilities, including mooring piles, fixed floating piers, existing piers, and unburied power cables. w. Minor renovations and additions to waterfront facilities, including mooring piles, fixed floating piers, existing piers, and unburied power cables, which do not require special, site-specific regulatory permits. (Checklist and CED required.) x. Routine grounds maintenance and activities at units and facilities. Examples include localized pest management actions and actions to maintain improved grounds (such as landscaping, lawn care and minor erosion control measures) that are conducted in accordance with applicable Federal, state, and local directives.

6. Bridge Administration Actions a. Modification or replacement of an existing bridge on essentially the same alignment or location. Excluded are bridges with historic significance or bridges providing access to undeveloped barrier islands and beaches.

AIR FORCE

Reference: 32CFR989 Appendix B

A2.3.8. Performing interior and exterior construction within the 5-foot line of a building without changing the land use of the existing building.

USDA-ARS

Reference: Environmental Assessment for the Bulk Fuel Oil Storage and Distribution System Project, Plum Island Animal Research Center, resulting in a FONSI

The U. S. Department of Agriculture, Agricultural Research Service (ARS) has proposed to provide Plum Island Animal Research Center with a bulk fuel oil storage and distribution system that meets or exceeds local, state, and federal requirements for fuel oil systems. The

proposed action involves making necessary repairs/modifications to the existing fuel system to meet appropriate regulations and construction of new fuel oil system in a new location not currently being used for the bulk fuel oil system. The associated impacts will be minimized by preventive construction techniques.

Analysis: Based upon the findings of this EA, no significant environmental impacts would result from the proposed action.

FLETC

Reference: Environmental Assessment for the Expansion of the Alcohol, Tobacco and Firearms (ATF) Facility at the Federal Law Enforcement Training Center in Glynco, GA, resulting in a FONSI signed in May 2001.

This project sought to expand the existing ATF Facility from three office trailers up to a maximum of eight office trailers with one additional septic tank, and provide an additional parking area for ATF employees. The new trailers (approximately 1,755 square feet each) would be located in a wooded area adjacent to the three existing ATF trailers. The trailers would be used for ATF offices.

Analysis: This EA concluded that the proposal would not significantly affect the environment.

Reference: Environmental Assessment for Building 2 Expansion at the Federal Law Enforcement Training Center Artesia, New Mexico, resulting in a FONSI signed in July 1999.

This project examined expanding Building 2, or the Physical Training Building, within the FLETC compound near Artesia, New Mexico, on the north and west sides by approximately 15,000 square feet.

Analysis: This EA concluded that would not significantly affect the physical, cultural, and socioeconomic environments.

Reference: Environmental Assessment and Finding of No Significant Impact Construction of Building Alterations and Additions to Buildings 95, 96, & 97 FLETC, Glynco, GA, December 2000, resulting in a FONSI signed in December 2002.

This EA analyzed the proposed construction of alterations and additions for buildings 95, 96, and 97 at the Federal Law Enforcement Training Center (FLETC) at Glynco, Georgia. This proposed action has been developed for FLETC to renovate primarily the interiors of the existing dormitories, i.e., Buildings 95 and 96, and associated boiler house (Building 97), and to construct a new Recreational/Community Building within the footprint of the existing buildings. The existing footprint of building 95 and 96 (57,480 square feet) would not change; however, the existing footprint (3500 square feet) for building 97 would be reduced by the removal of an obsolete cooling tower.

Analysis: It was concluded that the proposed building modifications does not constitute a "major federal action significantly affecting the quality of the human environment" when considered individually or cumulative in the context of the referenced act including both direct and indirect impacts. Therefore, an Environmental Impact Statement is not required.

Reference: *Environmental Assessment and Finding of No Significant Impact for Construction of Building Alterations and Additions, September 2000, resulting in a FONSI signed on September 19, 2000.*

This EA analyzed the impacts of the proposed construction of building alterations and additions for the Federal Law Enforcement Training Center (FLETC) at Glynco, Georgia. This project proposes alterations and additions to 19 buildings at FLETC. The building modifications involve interior alteration of 15 of the 31 existing townhouse buildings; expansion of building 92; and interior renovation of buildings 90, 94, and 46. The building modifications in the proposed action involve primarily interior alterations and renovations.

Analysis: It was concluded that the proposed building modifications does not constitute a "major federal action significantly affecting the quality of the human environment" when considered individually or cumulative in the context of the referenced act including both direct and indirect impacts. Therefore, an Environmental Impact Statement is not required.

INS

Reference: *28CFR61 Appendix C*

10. *Actions Which Normally Do Not Require Either an Environmental Impact Statement or an Environmental Assessment: (a) Construction projects for existing facilities including but not limited to: Remodeling; replacement of building systems and components; maintenance and operations repairs and general improvements when such projects do not significantly alter the initial occupancy and program of the facility or significantly impact upon the environment.*

USBP

Reference: *Preliminary Draft Abbreviated Environmental Assessment for Proposed Construction/Renovation of Border Checkpoint Stations near Las Cruces and Alamogordo, New Mexico and Comstock and El Paso, Texas, March 24, 1997, resulting in a FONSI*

This document assessed the construction or renovation of six border check points: two near Las Cruces, New Mexico; two near Alamogordo, New Mexico; one near El Paso, Texas; and one near Comstock, Texas.

Analysis: Based on the findings of this analysis, no significant adverse impacts would occur from the proposed actions.

Reference: *Final Environmental Assessment: JTF-6 Border Road Improvement Project Columbus, New Mexico, January 1999, resulting in a FONSI signed in January 1999*

This Final Environmental Assessment assessed the potential for significant adverse or beneficial environmental impacts of the proposed action proposed to take place in Luna and Hidalgo Counties, New Mexico (NM) near the city of Columbus, which is approximately sixty miles west of El Paso, Texas (TX) and thirty miles south of Deming, NM. The proposed action consists of improving seventy-five miles of soil road and installing single-bar (guardrail type) vehicle barriers in strategic locations along approximately fifty miles of the border road.

Analysis: There would be no significant adverse affects to the natural environment associated with the proposed projects. This EA is tiered from the Programmatic Environmental Impact Statement (PEIS) completed for Joint Task Force Six (JTF-6) activities along the U.S.-Mexico border (U.S. Army 1994).

Reference: Environmental Impact Analysis to Support a Categorical exclusion for the Repair and Replacement of a Communications Tower and Access Road Immigration and Naturalization Service, July 1998, The U.S. Border Patrol proposes to repair and/or replace a 260-foot radio communications tower and make improvements to the existing access road leading to the proposed tower site east of Bayview, Texas. INS proposes to repair and/or replace the radio tower and make improvements to the existing access road leading to the tower site, which is east of Bayview, Texas. The proposed action would involve minimal construction activities due to the existing service road and concrete pad which will be utilized.

Analysis: Based on the findings of this analysis, no significant adverse impacts would occur from the proposed actions. Therefore, no further analysis or documentation (Environmental Assessment or Impact Statement) is warranted. The INS, in implementing this decision, will employ all practical means to minimize the potential adverse impacts on the local environment.

Reference: Final Environmental Assessment for the Proposed Expansion of the Ajo U.S. Border Patrol Station Why, AR, May 2001, resulting in a FONSI

This Environmental Assessment (EA) evaluates the potential for environmental impacts associated with expanding the U.S. Border Patrol (USBP) Ajo Station in Why, Pima County, Arizona. The site is located within Why, Pima County, Arizona, along Highway 85 approximately 28 miles north of the Mexico border. Approximately 0.92 acres of land currently owned by USBP will be utilized for the station expansion. The proposed action (Alternative 1) expands the existing Ajo Station approximately 200 feet to the east. Existing conditions on the proposed expansion site consist of disturbed land which formerly served as a corral for horses used by the USBP.

Analysis: Based upon the results of the EA, it has been concluded that the proposed action would not have a significant adverse impact on the natural or human environment, and no further NEPA analysis (i.e., Environmental Impact Statement) is warranted.

Reference: Preliminary Draft Abbreviated Environmental Assessment for Proposed Construction/Renovation of Border Checkpoint Stations near Las Cruces and Alamogordo, New Mexico and Comstock and El Paso, Texas, March 24, 1997, resulting in a FONSI

This project proposes to construct or renovate six border check points: two near Las Cruces, New Mexico; two near Alamogordo, New Mexico; one near El Paso, Texas; and one near Comstock, Texas.

Analysis: Based on the findings of this analysis, no significant adverse impacts would occur from the proposed actions.

Reference: Draft Environmental Assessment: Immigration and Naturalization Service New Palo Parado Temporary Traffic Checkpoint Station Nogales, Arizona, October 2000, resulting in a FONSI signed January 6, 2001.

This Environmental Assessment (EA) addresses the potential effects, beneficial and adverse, of the proposed construction of a new, temporary checkpoint station (Palo Parado) at milepost 15.6 on Interstate 19 near Nogales, AZ. The project will require the placement of 2,454 cubic yards of fill in two locations to level the ground. One area will be filled and extended by twelve feet to support an inspection point and a second area will be leveled for parking. A third area near the frontage road will be graded and used for temporary storage of and placement of portable toilets. A fourth area may be used in the future placement of an administrative trailer. If this site is used, a platform (approximately 12 ft x 20 ft) would be constructed on the shoulder of the road to provide a level site for the trailer. The total project area is approximately one acre in size and will occur within the existing Arizona Department of Transportation (ADOT) right-of-way.

Analysis: Based on the findings of this analysis, no significant adverse impacts would occur from the proposed action. Increased or enhanced interdiction of illegal and drug entry and activities would have positive, indirect socioeconomic benefits.

Reference: Final Report Environmental Assessment for Infrastructure within US Border Patrol Naco-Douglas Corridor Cochise County, Arizona Immigration and Naturalization Service, Washington, DC, August 2000, resulting in a FONSI signed in August 2000.

Infrastructure improvements that will be addressed include, but are not limited, to roads, fences, vehicle barriers, helipads, USBP stations, remote video surveillance (RVS) sites, lights, and checkpoints. The cumulative effect of these improvement projects since 1995 and into the reasonably foreseeable future, and in conjunction with other programs or projects proposed or implemented by other agencies, is the primary focus of this EA.

Analysis: The proposed action would involve minimal construction activities within sites that have been, for the most part, previously disturbed. No significant adverse effects to air quality, water quality, cultural resources, unique areas, soils, protected species, or land use are expected. Based on the findings of this analysis no significant adverse impacts would occur from the preferred alternative.

Reference: Environmental Assessment for the Expansion of the US Border Patrol Indio Station, El Centro Sector, CA, resulting in a FONSI signed in July 2003.

The USBP at the Indio Station had an increase in staff and required an expansion of their facilities. They developed 2.58 acres of previously disturbed but now vacant property to construct a parking lot and install two module trailers, lighting and an 8-foot fence around the area. The property was not previously paved; however it contained

debris and trash and did not support any wildlife populations. Utilities previously existed in the area including water and sewer lines.

Analysis: This EA concluded that the proposed action did not significantly impact the environment. This EA offers support for this CATEX...for "...minor renovations and additions to buildings, roads, airfields, grounds, equipment, and other facilities..." and it did not "...result in a change in the functional use of the real property...".

Reference: Supplemental Environmental Assessment Proposed JTF-6 Road Improvements near Eagle Pass and Cinco Cattle Company Ranch Maverick County, Texas, April 2004, resulting in a FONSI

This Supplemental Environmental Assessment (SEA) updates the Final Environmental Assessment (EA) for the proposed Joint Task Force Six (JTF-6) road improvements near Eagle Pass and Cinco Cattle Company Ranch, Texas prepared in May 2000. The original EA addressed the potential for adverse or beneficial environmental impacts of improvements to 15.9 miles of existing primitive road and the construction of five water crossings near Eagle Pass and on the Cinco Ranch. The Cinco Ranch section consists of 11.1 miles of improvements to existing primitive roads and the construction of one Texas bridge (low-water concrete crossing) and one timber trestle bridge near the U.S.-Mexico border west of El Indio, Texas. In addition, another 2.8-mile section of road on Cinco Ranch was identified for possible future upgrade activities. The Proposed Action of this SEA consists of a change in the original bridge crossing design at Cuevas Creek near El Indio from a timber trestle bridge to a Bailey bridge. This new design also elevates the connecting approach roads to and from the proposed bridge and upgrades the surface with caliche aggregate. The Bailey bridge design would raise the road grade above the water surface elevation (50-year floodplain) in Cuevas Creek. This Bailey bridge design, relative to the timber trestle design, would have fewer impacts within the streambed.

Analysis: Based upon the results of the EA, it has been concluded that the proposed action would not have a significant adverse impact on the natural or human environment, and no further NEPA analysis (i.e., Environmental Impact Statement) is warranted.

Reference: Supplemental Environmental Assessment JTF-6 Fence and Road Construction, Douglas, Cochise County, Arizona, July 1997, resulting in a FONSI

This Environmental Assessment (EA) addresses the potential for significant adverse or beneficial environmental impacts in accordance with provisions of the National Environmental Policy Act (NEPA). This document was tiered from existing EAs completed for previous construction activities (U.S. Army 1991, 1993) in the same vicinity, and a Programmatic Environmental Impact Statement completed for Joint Task Force Six (JTF-6) activities along the U.S.-Mexico border (U.S. Army 1994). The Immigration and Naturalization Service (INS) and the U.S. Border Patrol, Tucson Sector are proposing to replace approximately six miles of fence, construct 0.5 miles of new road, and

improve 0.8 miles of road along the U.S.-Mexico border at Douglas, Cochise County, Arizona. Approximately .1.3 miles would be of decorative fence, with the remaining 4.9 miles of steel landing mat.

Analysis: Based upon the results of the EA, it has been concluded that the proposed action would not have a significant adverse impact on the natural or human environment, and no further NEPA analysis (i.e., Environmental Impact Statement) is warranted.

Reference: Final Supplemental Environmental Assessment Whitewater Draw Douglas, Cochise County, Arizona Immigration and Naturalization Service, June 21, 2001, resulting in a FONSI

This Environmental Assessment (EA) addresses site-specific actual and potential cumulative effects, beneficial and adverse, of the Immigration and Naturalization Service (INS) and U.S. Border Patrol (USBP) activity regarding improvement to the border access road and the construction of a water crossing structure for Whitewater Draw, southwest of Douglas, Cochise County, Arizona. This document supplements the Final EA for Infrastructure within U.S. Border Patrol Naco-Douglas Corridor (INS 2000). This document also addresses cumulative impacts of past, present, and foreseeable future construction and operational actions in the proposed project area. Other EAs consulted in developing cumulative impacts in the proposed project area included the Joint Task Force 6 (JTF-6) Road Maintenance and Construction EA (USACE 1996), the JTF-6 Fence and Road Construction EA (USACE 1997b), the Proposed JTF-6 Light Pole Installation Mission EA (USACE 1998), and the JTF-6 Proposed Fence, Lighting, Road Repair and Improvement Project, Douglas, Cochise County, Arizona (USACE 2001).

Analysis: Based on the findings of this analysis and assuming that all mitigation measures recommended herein are implemented, no significant adverse impacts would occur from the Preferred Alternative. As previously stated, increased or enhanced interdiction of illegal alien entry and drug activities would have positive, indirect socioeconomic benefits.

Reference: Final Supplemental Environmental Assessment for Various Infrastructure and Road Improvements from Canyon City, California to the Imperial County Line San Diego County, California, November 2003, resulting in a FONSI signed in November 2003.

The proposed actions consists of the construction of six night vision scope pads and access road construction and maintenance, 2.2 miles of road improvements to the SDG&E Road, an approximately 467-foot section of bypass road construction, and the installation of an approximately 650-foot section of fence and vehicle barriers. These improvements are proposed by the U.S. Border Patrol (USBP) and would take place between Tecate and Tierra del Sol, California.

Analysis: Based upon the findings of this analysis, and assuming that all mitigation measures recommended herein are implemented, no significant adverse impacts would occur from the Proposed Action Alternative.

Reference: Final Report Environmental Assessment for Infrastructure within US Border Patrol Naco-Douglas Corridor Cochise County, Arizona, August 2000, resulting in a FONSI

The Proposed Alternative would allow the infrastructure projects currently approved or funded and those anticipated to be completed over the next five years. Infrastructure improvements that will be addressed include, but are not limited, to roads, fences, vehicle barriers, helipads, USBP stations, remote video surveillance (RVS) sites, lights, and checkpoints. The cumulative effect of these improvement projects since 1995 and into the reasonably foreseeable future, and in conjunction with other programs or projects proposed or implemented by other agencies, is the primary focus of this EA.

Analysis: Based on the findings of this analysis and assuming that all mitigation measures recommended herein are implemented, no significant adverse impacts would occur from the preferred alternative

Reference: Final Environmental Assessment: Proposed JTF-6 Mission JT423-98 Marfa, Texas, February 1998, resulting in a FONSI signed in February 1998.

The scope of this EA addresses the potential impacts of proposed improvements on approximately 89.7 miles of existing road rights-of-way, construction of 1.8 miles of new road, and construction of some support facilities (e.g., helicopter landing pads, K-Span buildings, landing strips, obstacle course, etc.) in the U.S. Border Patrol (USBP) Marfa Sector in Presidio and Jeff Davis counties, Texas. In addition, this EA also addresses the potential cumulative impacts associated with a Joint Task Force Six (JTF-6) action in west Texas. A Programmatic Environmental Impact Statement (PEIS) was prepared in 1994 for the INS and JTF-6 proposed projects that facilitate Law Enforcement Agency (LEA) missions to reduce illegal drug activity along the southwestern border of the United States. The PEIS addresses the cumulative effects of past and future projects undertaken by JTF-6 for numerous LEAs within the four southwestern states (Texas, New Mexico, Arizona, and California). This EA tiers from the PEIS.

Analysis: Based upon the results of the EA, it has been concluded that the proposed action would not have a significant adverse impact on the natural or human environment, and no further NEPA analysis (i.e., Environmental Impact Statement) is warranted.

Reference: Final Environmental Assessment: JTF-6 Border Road Improvement Project Columbus, New Mexico, January 1999, resulting in a FONSI signed in January 1999.

This Final Environmental Assessment (FEA) assesses the potential for significant adverse or beneficial environmental impacts of the proposed action and alternatives in accordance with provisions of the National Environmental Policy Act (NEPA). The proposed action is located in Luna and Hidalgo Counties, NM near the city of Columbus, which is approximately 60 miles west of El Paso, TX and 30 miles south of Deming, NM. The proposed action consists of improving 75 miles of soil road and installing single-bar (guardrail type) vehicle barriers in strategic locations along approximately 50 miles of the border road.

This document is tiered from the Programmatic Environmental Impact Statement (PEIS) completed for Joint Task Force Six (JTF-6) activities along the U.S.-Mexico border (U.S. Army 1994). The PEIS was prepared in 1994 for the Immigration and Naturalization Service (INS) and JTF 6 to address the potential impacts of proposed projects that would facilitate law enforcement agencies (LEAs) missions to reduce illegal drug activity along the southwestern border of the U.S. The PEIS addresses the cumulative effect of past and reasonably foreseeable projects undertaken by JTF-6 for numerous LEAs in the four southwestern states (Texas, New Mexico, Arizona, and California).-

Analysis: Based upon the results of the EA, it has been concluded that the proposed action would not have a significant adverse impact on the natural or human environment, and no further NEPA analysis (i.e., Environmental Impact Statement) is warranted.

Reference: Final Environmental Assessment: Joint Task Force Six Proposed Fence Road Repair and Improvement Project Douglas, Cochise County, Arizona, February 2001, resulting in a FONSI signed in February 2001

A Programmatic Environmental Impact Statement (PEIS), prepared in 1994 for the Immigration and Naturalization Service (INS) and JTF-6, addressed proposed projects that facilitate missions to reduce illegal drug activity trafficking. This Environmental Assessment (EA) tiers from the 1994 PEIS. This EA addresses the potential impacts associated with a proposed fence and road improvement project along the U.S.-Mexico border in Cochise County, Arizona. The proposed action includes landing mat fence extension, installation of permanent lighting, road and hydrological repairs and improvements, and road maintenance. It specifically addresses the extension of an existing landing mat fence east of the Port of Entry (POE) for a distance of two miles, installation of permanent lighting east of the POE for a distance of 0.8 of a mile and west of the POE for a distance of one mile; repair/improvement the border road and hydrological conditions east of the POE for a distance of four miles and west of Whitewater Draw for a distance of four miles; and road maintenance west of the road repair section for a distance of eight miles near Douglas, Arizona.

Analysis: Based upon the results of the EA, it has been concluded that the proposed action would not have a significant adverse impact on the natural or human environment, and no further NEPA analysis (i.e., Environmental Impact Statement) is warranted.

Reference: Final Environmental Assessment for the Proposed JTF-6 Missions JT513/515/425-98 Laredo, Texas, January 1998, resulting in a FONSI signed in January 1998.

This Environmental Assessment addresses the potential impacts of proposed improvements on approximately 239.8 miles of existing road and ranch road rights-of-way in the U.S. Border Patrol (USBP) Laredo area in Webb County and Carrizo Springs area in Maverick and Dimmit counties, Texas, and the potential cumulative impacts associated with a Joint Task Force Six (JTF-6) action in the Laredo area. The proposed action seeks to improve 170.3 miles of existing, deteriorated roads and

to construct 69.5 miles of new roads in Webb, Maverick, and Dimmit counties, Texas. A Programmatic Environmental Impact Statement (PEIS) was prepared in 1994 for the INS and JTF-6 proposed projects that facilitate Law Enforcement Agency (LEAs) missions to reduce illegal drug activity along the southwestern border of the United States. The PEIS addresses the cumulative effects of past and future projects undertaken by JTF-6 for numerous LEAs within the four southwestern states (Texas, New Mexico, Arizona, and California). This EA tiers from the PEIS.

Analysis: Based upon the results of the EA, it has been concluded that the proposed action would not have a significant adverse impact on the natural or human environment, and no further NEPA analysis (i.e., Environmental Impact Statement) is warranted.

Reference: Final Environmental Assessment for the Installation and Operation of Nine Remote Video Surveillance Systems in the Tucson Sector, Cochise County, Arizona, January 2003, resulting in a FONSI signed in January 2003.

The U.S. Immigration and Naturalization Service (INS) proposes to install and operate nine Remote Video Surveillance (RVS) systems for the Naco and Douglas U.S. Border Patrol (USBP) Stations. The proposed action includes related permanent road improvements, temporary road improvements, and the installation of powerlines from adjacent power grids. The proposed action would involve minimal construction activities at the proposed RVS sites. All of the access road construction would involve grading of existing roadways and previously disturbed areas.

Analysis: Based upon the results of the EA, it has been concluded that the proposed action would not have a significant adverse impact on the natural or human environment, and no further NEPA analysis (i.e., Environmental Impact Statement) is warranted.

Reference: Final Environmental Assessment For Naco Roadway and Fence Construction Naco, Cochise County, Arizona, April 2003, resulting in a FONSI

This EA analyzed infrastructure improvements, including the construction of four miles of roads and approximately 1.5 miles of fence. The four miles of road improvement would occur along the northern edge of the existing border road, two miles east and west of the Naco port of entry (POE), with a new access road to the border from the newly constructed Naco Highway. Landing mat or bollard fence, beginning approximately one mile west of the POE and continuing for a distance of one mile would replace existing vehicle barriers. An additional half mile of bollard fence would be installed in the natural washes and drains that transect the proposed road.

Analysis: Based on the findings of this analysis and assuming that all design measures recommended herein are implemented, no significant adverse impacts would occur from the Proposed Action Alternative.

Reference: Final Environmental Assessment for Joint Task Force Six Operation 23-90/20-91 Nogales, Santa Cruz County, Arizona, July 1991, resulting in a FONSI signed in July 1991.

This Environmental Assessment prepared for the Joint Task Force Six (JTF-6) Project, Nogales, Santa Cruz County, Arizona. This Environmental Assessment (EA) was prepared to analyze the proposed project, located east of Nogales, Arizona, along the United States-Mexico border, which consists of construction of a firearms training facility on fifty acres of city-owned land; improving about twelve miles of roadway; and construction of about a mile of new roadway, including one wood bridge across a large wash.

Reference: Final Environmental Assessment for Border Road and Fence; Construction and Repair Tecate to Canyon City, San Diego County, California, October 1993, resulting in a FONSI signed in October 1993.

This document analyzes the actions to be taken for border road construction and repair, and fence construction and repair. This EA has been prepared to assess any environmental concerns associated with this action segments; the installation and/or repair of fencing; and the installation of culverts on about 10 miles of the U.S./Mexico border in the vicinity of Tecate, California. The project will include some widening of roads. A detailed project description is included in Section 4.0 of this FEA.

Analysis: Based upon the results of the FEA, it has been concluded that the proposed action would not have a significant adverse impact on the natural or human environment, and no further NEPA analysis (i.e., Environmental Impact Statement) is warranted.

Reference: Draft Environmental Assessment Joint Task Force Six Proposed Fence and Road Improvement Project Naco, Cochise County, Arizona, March 2000, resulting in a FONSI signed on August 3, 2000.

The proposed action would involve the extension of an existing landing mat fence located east of the Port of Entry (POE) for a distance of one mile near Naco, Arizona. From the ending point of the proposed landing mat fence, a proposed vehicle barrier would extend another three miles to the east. Additionally, two Arizona crossings (low water crossings) would be constructed at two separate ephemeral stream crossings west of the POE. Finally, the Proposed Action would involve improvements to the border road for a four-mile segment east of the POE and a six-mile segment west of the POE. A Programmatic Environmental Impact Statement (PEIS) was prepared in 1994 for the Immigration and Naturalization Service (INS) and Joint Task Force Six (JTF-6), proposed activities which facilitate Law Enforcement Agencies (LEAs) missions to reduce illegal drug activity along the southwestern border of the U.S. The PEIS addresses the cumulative effects of past and reasonably foreseeable projects undertaken by JTF-6 for numerous LEAs in the four southwestern states (Texas, New Mexico, Arizona, and California). This Environmental Assessment (EA) for the Proposed Action tiers from the 1994 PETS (U.S. Army 1994). Cooperating agencies involved with the Proposed Action include the U.S. Border Patrol, the INS, and JTF-6.

Analysis: Based on the results of the EA and the environmental design measures to be incorporated as part of the Proposed Action, it has been concluded that the Proposed Action will not have a significant adverse effect on the environment.

D2 Routine upgrade, repair, maintenance, or replacement of equipment and vehicles, such as aircraft, vessels, or airfield equipment that does not result in a change in the functional use of the property.

These categories of actions were determined to inherently have no potential for significant environmental impacts. For the most part, these categorical exclusions are likewise supported by long-standing categorical exclusions and administrative records brought to the Department by its components. Further, the Panel reviewed these categories of actions to determine whether actions of a similar nature, scope, and intensity were performed throughout Department. The Panel reviewed other agency's categorical exclusions, the categorical exclusions that agencies brought to the Department, and the mission of Department as it relates to the environment. The Panel determined that the categorical exclusion encompassed programmatic activities that inherently do not have an individual or cumulative significant impact on the environment.

LEGACY CATEGORICAL EXCLUSIONS AND COMPARABLE AGENCY CATEGORICAL EXCLUSIONS

USCG

Reference: COMDINST M16475.1D Figure 2-1 Coast Guard Categorical exclusions

- 1. Administrative Actions: b. Routine procurement activities and actions for goods and services, including office supplies, equipment, mobile assets, and utility services for routine administration, operation, and maintenance.*
- 2. Real and Personal Property Related Actions t. Routine repair, renovation, and maintenance actions on aircraft and vessels.*

USDA-ARS

Reference: 7CFR520.5 (b)

(1) Repair, replacement of structural components or equipment, or other routine maintenance of facilities controlled in whole or in part by ARS;

ARMY

Reference: 32CFR651 Appendix B. Section II

(j)(3) Installation, repair, or upgrade of airfield equipment (for example, runway visual range equipment, visual approach slope indicators).

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

These categories of actions were determined to have no inherent potential for significant environmental impacts. Further, the Panel reviewed these categories of actions to determine whether actions of a similar nature, scope, and intensity were performed throughout the Department. A Panel reviewed other agency's categorical exclusions, the categorical exclusions that agencies brought to the Department and the mission of the Department as it relates to the environment. Through a deliberative process, the Panel determined that the above-enumerated categorical exclusions encompassed programmatic activities that inherently do not have an individual or cumulative significant impact on the environment.

In addition, this categorical exclusion is supported by long-standing categorical exclusion's and administrative records brought to the Department by its components that themselves would have only been developed through a process consistent with NEPA regulatory requirements. In particular, the Panel identified the categorical exclusions of the U.S. Coast Guard, the manager of the largest number of real properties in the Department, the legacy categorical exclusions from the Federal Emergency Management Agency, and the record of the U.S. Border Patrol. Further, the Panel found that actions of a similar nature, scope, and intensity were performed throughout the Department without significant environmental impacts.

The Panel determined that the use of examples in this particular categorical exclusion would be helpful to future users in clarifying the types of activities envisioned by the categorical exclusion. In providing examples, the Panel did not intend to extend the categorical exclusion to actions including extraordinary circumstances that may result in the activity having significant environmental effects.

The Panel also noted that numerous other Federal agencies have categorical exclusion for similar activities that are sufficiently descriptive such that they demonstrated to the Panel that those activities were similar in nature, scope, and impact on the human environment to those performed by the Department. In addition, the Panel recognized that all Federal agencies, with very few limitations, must meet the same requirements to protect the environment. The Panel determined from their experience in or on behalf of other Federal agencies, that the characteristics of the activities in Department were no different than those performed by other Federal agencies in general, as well as specifically related to the environment.

Categorical exclusion D3 was the subject of comments regarding: (1) pest control activities, and (2) the impact of repair and maintenance activities on sensitive coastal areas. The comment focusing on pest control activities

expressed concern that there exists the need for restrictions on pest control activities to avoid the potential for a significant impact on endangered species, groundwater, and public health. The Department considered that concern and notes that the reference to pest control was only an example of the type of activity envisioned by the categorical exclusion. In providing examples, the Department does not seek to extend the categorical exclusion to actions including extraordinary circumstances that may result in the activity having significant environmental effects. However, in response to the comments in this area, the wording of this categorical exclusion was narrowed to clarify its application to Department-managed properties. Pest control activities that may be conducted at Department managed properties would be incidental to the management of the facility for mission requirements. Department activities do not have a natural resources management mission that may require the general eradication of pests. Typical pest control activities would consist of but not necessarily be limited to those actions necessary to meet health requirements in cafeterias and residential facilities, actions to maintain the integrity of structures, or the Department's participation as one of many other property managers in larger pest control programs run by other Federal or state agencies.

The Department also considered the comment detailing the concern about the impact of repair and maintenance activities on sensitive coastal areas. Regarding both concerns, the Department notes that Section 3.2 in Appendix A of the directive contains a list of conditions and extraordinary circumstances that must be satisfied in the application of this categorical exclusion to a specific program or activity within the Department. These conditions and extraordinary circumstances were developed in recognition that, while the vast majority of Department activities in this category do not have potential for significant impacts to the environment, activity proponents within the Department need to be alert for rare and unique conditions that may require more extensive evaluation of the potential for environmental impacts under NEPA. This evaluation would include not only the immediate effect of the Department's decision, but also the potential environmental effects that may indirectly result from implementing the decision and the cumulative effects of the decision on the quality of the human environment.

LEGACY CATEGORICAL EXCLUSIONS AND COMPARABLE AGENCY CATEGORICAL EXCLUSIONS

APHIS

Reference: 7CFR372.5 (c)

(c) (4) Rehabilitation of facilities. Rehabilitation of existing laboratories and other APHIS facilities, functional replacement of parts and equipment, and minor additions to such existing APHIS facilities

USDA-ARS

Reference: Environmental Assessment for the Harbor Repairs Project, Plum Island Animal Research Center resulting in a FONSI

The U.S. Department of Agriculture, Agricultural Research Service (ARS) proposed to provide Plum Island Animal Research Center with an improved harbor and repair or replace existing harbor structures. The project sought to ensure the long term stability and usefulness of the Plum Island Animal Research Center harbor. The project was carried out under the requirements of the U.S. Army Corps of Engineers and NYSDEC permits.

Analysis: Based upon the findings of this EA, no significant adverse environmental impacts would result from the proposed action.

Reference: Environmental Assessment for the Bulk Fuel Oil Storage and Distribution System Project, Plum Island Animal Research Center, resulting in a FONSI

The U.S. Department of Agriculture, Agricultural Research Service (ARS) proposed to provide Plum Island Animal Research Center with a bulk fuel oil storage and distribution system that meets or exceeds local, state, and federal requirements for fuel oil systems. The proposed action involves making necessary repairs/modifications to the existing fuel system to meet appropriate regulations and construction of new fuel oil system in a new location not currently being used for the bulk fuel oil system. The associated impacts will be minimized by preventive construction techniques.

Analysis: Based upon the findings of this EA, no significant environmental impacts would result from the proposed action.

FEMA

Reference: 44CFR10.8 (d) (2)

(x) Routine maintenance, repair, and grounds-keeping activities at FEMA facilities;

(xv) Repair, reconstruction, restoration, elevation, retrofitting, upgrading to current codes and standards, or replacement of any facility in a manner that substantially conforms to the preexisting design, function, and location; [SE, in part]

INS

Reference: 28CFR61 Appendix C

10. Actions Which Normally Do Not Require Either An Environmental Impact Statement Or An Environmental Assessment: (a) Construction projects for existing facilities including but not limited to: Remodeling; replacement of building systems and components; maintenance and operations repairs and general improvements when such projects do not significantly alter the initial occupancy and program of the facility or significantly impact upon the environment.

USCG

Reference: COMDTINST M 16475.1D Figure 2-1 Coast Guard Categorical exclusions

2. Real and Personal Property Related Actions g. Minor renovations and additions to buildings, roads, airfields, grounds, equipment, and other facilities that do not result in a change in functional use of the real property (e.g. realigning interior spaces of an existing

building, extending an existing roadway in a developed area a short distance, installing a small antenna on an already existing antenna tower, adding a small storage shed to an existing building, etc.). (Checklist and CED required.) u. Routine repair and maintenance of buildings, roads, airfields, grounds, equipment, and other facilities which do not result in a change in functional use, or an impact on a historically significant element or setting. v. Routine repair and maintenance to waterfront facilities, including mooring piles, fixed floating piers, existing piers, and unburied power cables. w. Minor renovations and additions to waterfront facilities, including mooring piles, fixed floating piers, existing piers, and unburied power cables, which do not require special, site-specific regulatory permits. (Checklist and CED required.) x. Routine grounds maintenance and activities at units and facilities. Examples include localized pest management actions and actions to maintain improved grounds (such as landscaping, lawn care and minor erosion control measures) that are conducted in accordance with applicable Federal, state, and local directives.

6. Bridge Administration Actions a. Modification or replacement of an existing bridge on essentially the same alignment or location. Excluded are bridges with historic significance or bridges providing access to undeveloped barrier islands and beaches.

FAA

Reference: FAA Order 5050.4A Chapter 3, Section 23.

(a) (5) Construction, relocation or repair of entrance and service roadway.

FLETC

Reference: Environmental Assessment for the Construction of a Physical Security Training Facility, Building 15, for the Federal Law Enforcement Training Center (FLETC) at Glynco, Georgia, resulting in a FONSI signed on September 19, 2000.

The proposed action would consist of construction a new building (Building 15) at the intersection of Legislative Drive and Records Avenue to house the physical security training that is presently being conducted in Building 146. The building would be called the Physical Security Training Facility. The work would include:

- (1) Construction of a 12,000 square foot, one-story, standing seem galvanized steel roofed building, with architectural concrete masonry for the exterior bearing walls;
- (2) Site improvements consisting of storm drainage, walkways and landscaping;
- (3) Connection to the FLETC-wide underground chilled water and natural gas distribution loops. The new chilled water loop (supply and return lines) would connect to the nearest existing valve pit located approximately 800 feet southeast of the new facility;
- (4) Restoration of a roughly 5,000 square-foot existing paved area for parking;

(5) Relocation of the training activities from Building #146; and
 (6) Modification and reuse of the existing training facility for other ongoing FLETC activities.

Analysis: Based upon the findings of this analysis no significant adverse impacts would occur from these activities.

USBP

Reference: Final Report Environmental Assessment for Infrastructure within US Border Patrol Naco-Douglas Corridor Cochise County, Arizona, August 2000, resulting in a FONSI

The Proposed Alternative would allow the infrastructure projects currently approved or funded and those anticipated to be completed over the next five years. Infrastructure improvements that will be addressed include, but are not limited, to roads, fences, vehicle barriers, helipads, USBP stations, remote video surveillance (RVS) sites, lights, and checkpoints. The cumulative effect of these improvement projects since 1995 and into the reasonably foreseeable future, and in conjunction with other programs or projects proposed or implemented by other agencies, is the primary focus of this EA.

Analysis: Based on the findings of this analysis and assuming that all mitigation measures recommended herein are implemented, no significant adverse impacts would occur from the preferred alternative

Reference: Environmental Assessment on Proposed JTF-6 Projects in West Texas September 1993

The proposed action would involve four separate projects at several locations in seven southwest Texas counties. The proposed projects are: (1) the repair/upgrade of approximately 150 miles (241 kilometers) of existing roads in Terrell, Brewster, Presidio, Jeff Davis, Culberson, and Hudspeth counties; (2) the construction of helicopter landing zones at radio repeater stations on Christmas Mountain, Santiago Peak, and Tres Hermanos in Brewster County and Mount Livermore in Jeff Davis County; (3) the upgrade of an existing firing range near Fabens in El Paso County; and (4) the construction of a U.S. Border Patrol check station on U.S. Highway 62-180 in El Paso County.

Analysis: Based upon the results of the EA, it has been concluded that the proposed action would not have a significant adverse impact on the natural or human environment, and no further NEPA analysis (i.e., Environmental Impact Statement) is warranted.

Reference: Final Environmental Assessment JTF-6 Border Road Improvement Project Columbus, New Mexico, January 1999, resulting in a FONSI signed in January 1999.

This Environmental Assessment assessed the potential for significant adverse or beneficial environmental impacts of the proposed action proposed to take place in Luna and Hidalgo Counties, NM near the city of Columbus, which is approximately sixty miles west of El Paso, TX and thirty miles south of Deming, NM. The proposed action consists of improving seventy-five miles of soil road and installing single-bar (guardrail type) vehicle barriers in strategic locations along approximately fifty miles of the border road.

Analysis: There would be no significant adverse affects to the natural environment associated with the proposed projects. This EA is tiered from the Programmatic Environmental Impact Statement (PEIS) completed for Joint Task Force Six (JTF-6) activities along the U.S.-Mexico border (U.S. Army 1994).

Reference: Final Report Environmental Assessment for Infrastructure within US Border Patrol Naco-Douglas Corridor Cochise County, Arizona Immigration and Naturalization Service, Washington, DC, August 2000, resulting in a FONSI signed in August 2000

This environmental assessment addressed infrastructure improvements including, but are not limited, to roads, fences, vehicle barriers, helipads, USBP stations, remote video surveillance (RVS) sites, lights, and checkpoints. The cumulative effect of these improvement projects since 1995 and into the reasonably foreseeable future, and in conjunction with other programs or projects proposed or implemented by other agencies, is the primary focus of this EA.

Analysis: The proposed action would involve minimal construction activities within sites that have been, for the most part, previously disturbed. No significant adverse effects to air quality, water quality, cultural resources, unique areas, soils, protected species, or land use are expected. Based on the findings of this analysis no significant adverse impacts would occur from the preferred alternative.

Reference: Final Environmental Assessment for Border Road Maintenance & Repair Naco, Cochise County, Arizona, February 1993, resulting in a FONSI signed in February 1993.

This EA analyzed the potential for impact from the routine maintenance of the existing road along the U.S.- Mexico Border. The project encompasses twenty-two miles of existing roads east and west of Naco, Arizona. The road maintenance will consist of light scraping, installation of culverts, grading and shaping for drainage, and placing gravel in several washes.

Analysis: Based upon the findings of this EA, no significant environmental impacts would result from the proposed action.

Reference: Final Supplemental Environmental Assessment of Remote Video Surveillance Systems (RVS) and Communication Towers (CTOW) for the US Border Patrol in the Harlingen, Laredo, and Eagle Pass Stations, October 2003, resulting in a FONSI signed October 2003.

This Supplemental Environmental Assessment (EA) supplements the Final EA of Remote Video Surveillance Systems (RVS) Systems and Communication Towers (CTOW) for the US Border Patrol in the Harlingen, Laredo, and Eagle Pass Stations. This Supplemental EA (SEA) addresses additional effects that may potentially occur relative to proposed construction of an access road for the Walker Tower 2B site and proposed improvements to an existing access road for the Lupes Tower site. Both sites are located within the Laredo South Station's area of operations. The project consisted of construction of a new access road and upgrade of an existing roadway to provide access to two RVS sites: the Walker Tower 2B and Lupes Tower. The proposed construction consists of grading

a 12-foot wide by 1,200-foot long access road at the Walker Tower 2B site and minor improvements to approximately 600 feet of an existing road at the Lupes Tower site.

Analysis: Based upon the results of these EAs, it was concluded that the project was not likely to adversely affect the environment; therefore, further environmental analysis is not warranted.

Reference: Preliminary Draft Environmental Assessment JTF-6 Road Maintenance and Construction Naco - Douglas, Cochise County, Arizona, July 1996, resulting in a FONSI

The scope of the EA covers the impact of performing maintenance on approximately 52 miles of existing road, constructing two miles of new road, and constructing 2.5 miles of rail barrier, all near Naco and Douglas, Cochise County, Arizona. This document was tiered off of existing documents completed for previous road maintenance activities for 52 miles of existing road, and a Programmatic Environmental Impact Statement completed for Joint Task Force Six (JTF-6) activities along the U. S.-Mexico border. The Immigration and Naturalization Service (INS) and the U.S. Border Patrol, Tucson Sector are proposing to perform maintenance activities on approximately 52 miles of existing road, and to construct two miles of new road near the U.S.-Mexico border.

Analysis: There would be no significant adverse affects to the natural environment associated with the proposed projects. The proposed action would not impact area land use, water resources, air quality, cultural resources, or socioeconomic impacts of the proposed action would not affect any listed or species proposed for listing as threatened or endangered in accordance with the Endangered Species Act. Additionally, with environmental design measures specified as part of the proposed action, there would be negligible impacts to area soil, water resources, and biological resources.

Reference: Final Environmental Assessment on proposed JTF-6 Road Repair Projects on the Tohono O'Odham Indian Nation, September 1992, resulting in a FONSI

The proposed action consists of two Joint Task Force Six (JTF-6) operations. The proposed operations are to repair approximately 32.5 miles of the existing border road and to establish listening post/operation post (LP/OP) sites on the Tohono O'Odham Indian Nation in southern Arizona along the United States and Mexico International Border. The repair projects would include approximately 29.5 miles of the existing border road between Christmas Gate and Ali Chuk and 3.0 miles of the existing border road south of Au Chuk. The LP/OP sites would be constructed on Horse Peak in the Morena Mountains. A combination of four-wheel drive vehicles and hiking would be used to access the LP/OP sites.

Analysis: Based on the finding of this environmental assessment, and the mitigations which would be utilized during the construction phase of proposed repair of the border road from Christmas Gate to Ali Chuk, no significant impacts would occur from the proposed action.

Reference: Final Environmental Assessment on Proposed JTF-6 mission JT032-93 Laredo, Texas July 1993 resulting in a FONSI

The proposed action, Joint Task Force Six (JTF-6) Mission JT032-93, would involve four separate actions at several locations in six south Texas counties. The proposed action would involve (1) repair and construction of approximately 150 miles of existing fire breaks along highway right-of-ways, (2) the repair/upgrade of approximately six miles of road along the Rio Grande within or near Laredo, (3) the upgrade/repair of three small-arms firing ranges at Freer, Hebbronville, and Laredo (4) the construction of a fitness/obstacle course at the Laredo Junior College in Laredo, Texas.

Analysis: Based on the finding of this environmental assessment and the mitigations which would be utilized during the construction phase, no significant impacts would occur during the proposed project.

Reference: Final Environmental Assessment for the Proposed JTF- Levee Road Maintenance and Repair Project Brownsville, Texas, April 2000, resulting in a FONSI signed in July 2000.

This Final Environmental Assessment (EA) identifies the potential adverse and beneficial environmental impacts that would occur upon implementation of maintenance and repair activities of levee and access roads near the Brownsville, Texas area in accordance with provisions of the National Environmental Policy Act (NEPA) and Army Regulation 200-2. The scope of this EA covers the potential impacts of maintenance and repair of approximately 11 miles of roads located on flood control levees owned/controlled by the U.S. Section, International Boundary and Water Commission's (US City of Brownsville, and/or Cameron County. The upgrades include resurfacing with caliche or comparable road-base material to enhance the safety of any roads in disrepair. In addition, about 2.6 miles of access roads and six ramps are proposed to be improved.

Analysis: Based upon the results of the EA, it has been concluded that the proposed action would not have a significant adverse impact on the natural or human environment, and no further NEPA analysis (i.e., Environmental Impact Statement) is warranted.

Reference: Final Environmental Assessment for Road Improvements along King's Ranch Road and the U.S.-Mexico Border near Douglas, Cochise County, Arizona, February 2002, resulting in a FONSI signed in February 2002.

The Proposed Action Alternative involves major road and drainage repairs/improvements along a 2-mile section of border road that JTF-6 did not complete under a previous NEPA document. This alternative also includes one mile of major road improvements along King's Ranch Road, which runs north-south from the new Douglas Border Patrol station to the U.S.-Mexico border.

Analysis: Based upon the results of the EA and the environmental design measures to be incorporated as part of the proposed action, it has been concluded that the proposed action would not have a significant adverse effect on the environment.

Reference: Final Environmental Assessment for Joint Task Force Six Operations JT089-93, JT094-93 and JT265-93 Douglas, Cochise County, Arizona, February 1993, resulting in a FONSI signed in February 1993.

The purpose of JTF-6 Operations in Douglas, Arizona is to provide routine maintenance to existing drag and mountain roads, along the U.S.-Mexico Border and to install fences at the U.S. Border Patrol Station in Douglas, Arizona. The proposed project includes three components: (1) JT 265-93, the maintenance of twenty-four miles of an existing drag road east and west of Douglas, Arizona, (2) JT 094-93, the maintenance of about one mile of mountain road east of Douglas, Arizona, and (3) JT 089-93, the installation of fences at the U.S. Border Patrol Station at Douglas, Arizona. The road maintenance will consist of light scraping, installation of culverts, grading and shaping for drainage, placing gravel in a slowly flowing wash and resetting existing cattle guards. Road projects will be maintained within their existing width. Limited turnarounds and passing areas will be coordinated with on-site monitors.

Analysis: A review of this Environmental Assessment and coordination with the appropriate agencies indicate that the actions, as proposed by the Joint Task Force Six Operation for road maintenance and fence installation, will not have a significant impact on the quality of the physical or biological environment. All requirements of the National Environmental Policy Act (NEPA) have been satisfied; therefore, preparation of an Environmental Impact Statement is not required.

Reference: Final Environmental Assessment for Border Road Maintenance & Repair Naco, Cochise County Arizona, February 1993, resulting in a FONSI signed in February 1993.

The proposed project consists of twenty-two miles of an existing road east and west of Naco, Arizona. The road maintenance will consist of light scraping, installation of culverts, grading and shaping for drainage, and placing gravel in several washes.

Analysis: Based upon the results of the EA, it has been concluded that the proposed action would not have a significant adverse impact on the natural or human environment, and no further NEPA analysis (i.e., Environmental Impact Statement) is warranted.

Reference: Environmental Assessment on Proposed JTF-6 Projects in West Texas, September 1993, resulting in a FONSI

The proposed action would involve four separate projects at several locations in seven southwest Texas counties. The proposed projects are: (1) the repair/upgrade of approximately 150 miles (241 kilometers) of existing roads in Terrell, Brewster, Presidio, Jeff Davis, Culberson, and Hudspeth counties; (2) the construction of helicopter landing zones at radio repeater stations on Christmas Mountain, Santiago Peak, and Tres Hermanos in Brewster County and Mount Livermore in Jeff Davis County; (3) the upgrade of an existing firing range near Fabens in El Paso County; and (4) the construction of a U.S. Border Patrol check station on U.S. Highway 62-180 in El Paso County.

Analysis: Based upon the results of the EA, it has been concluded that the proposed action would not have a significant adverse impact on the

natural or human environment, and no further NEPA analysis (i.e., Environmental Impact Statement) is warranted.

Reference: Final Environmental Assessment for Border Fence Construction and Road Repair Naco, Cochise County, Arizona JTF-6 Operation JT044-94, resulting in a FONSI signed in April 1994.

This Environmental Assessment prepared by the U.S. Army Corps of Engineers (COE), Los Angeles District (LAD) for the Joint Task Force Six (JTF-6) project for Naco, Arizona. JTF-6 coordinates all Title 10 Department of Defense support to Federal, state and local law enforcement agencies, as requested by Operation Alliance and approved by the Joint Chiefs of Staff in the efforts to disrupt illegal drug operations along the southwest land border and protect national security. The purpose of JTF-6 Operation at Naco, Arizona, is to assist law enforcement agencies in the prevention of illegal importation of drugs along the U.S./Mexico border. The proposed project consists of replacing three miles of existing chain-link fencing with 10-foot high steel landing mat fencing, installation of culverts and repair of approximately one mile of existing road parallel to the fence along the International Boundary with Mexico at Naco, Arizona.

Analysis: Based upon the results of the EA, it has been concluded that the proposed action would not have a significant adverse impact on the natural or human environment, and no further NEPA analysis (i.e., Environmental Impact Statement) is warranted.

D4* Reconstruction and/or repair by replacement of existing utilities or surveillance systems in an existing right-of-way or easement, upon agreement with the owner of the relevant property interest.

This categorical exclusion is supported by long-standing categorical exclusion's and administrative records brought to the Department by its components that themselves would have only been developed through a process consistent with NEPA regulatory requirements. In particular, the Panel identified the categorical exclusions of the U.S. Coast Guard, the manager of the largest number of real properties in the Department, and the record of environmental assessments from the U.S. Border Patrol. Further, the Panel found that actions of a similar nature, scope, and intensity were performed throughout the Department without significant environmental impacts.

The Panel defined this categorical exclusion to be sufficiently related to actions that may involve one or more extraordinary circumstances. To ensure that only those actions having negligible impacts on the human environment are contemplated by this categorical exclusion, the Panel proposed that a Record of Environmental Consideration (REC) be prepared to document the determination whether the action is either appropriately categorically excluded or whether it requires further analysis through an EA or EIS process.

The Panel also noted that numerous other Federal agencies have categorical exclusion for similar activities that are sufficiently descriptive such that

they demonstrated to the Panel that those activities were similar in nature, scope, and impact on the human environment to those performed by the Department. In addition, the Panel recognized that all Federal agencies, with very few limitations, must meet the same requirements to protect the environment. The Panel determined from their experience in or on behalf of other Federal agencies, that the characteristics of the activities in Department were no different than those performed by other Federal agencies in general, as well as specifically related to the environment.

A Panel of interdisciplinary experts reviewed other agencies' categorical exclusions, the categorical exclusions that agencies brought to the Department and the mission of the Department as it relates to the environment. Through a deliberative process, the Panel determined that the above-enumerated categorical exclusions encompassed programmatic activities that inherently do not have an individual or cumulative significant impact on the environment.

LEGACY CATEGORICAL EXCLUSIONS AND COMPARABLE AGENCY CATEGORICAL EXCLUSIONS

USDA-ARS

Reference: Environmental Assessment for the Underwater Electrical Cable Replacement Project, Plum Island Animal Research Center,, resulting in a FONSI

The U.S. Department of Agriculture, Agricultural Research Service (ARS) proposed to provide Plum Island Animal Research Center with a new underwater electrical cable from Orient Point, NY to Plum Island Animal Research Center. The proposed action was designed to meet all regulatory requirements, limit environmental impacts and meet the electrical and communications need of Plum Island Animal Research Center.

Analysis: Based upon the findings of this EA, no significant adverse environmental impacts would result from the proposed action.

FEMA

Reference: 44CFR10.8 (d) (2)

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

INS

Reference: 28CFR61 Appendix C

10. Actions Which Normally Do Not Require Either An Environmental Impact Statement Or An Environmental Assessment: (a) Construction projects for existing facilities including but not limited to: Remodeling; replacement of building systems and components; maintenance and operations repairs and general improvements when such projects do not significantly alter the initial occupancy and program of the facility or significantly impact upon the environment.

USBP

Reference: *Environmental Impact Analysis to Support a Categorical Exclusion for the Repair and Replacement of a Communications Tower and Access Road, Immigration and Naturalization Service, July 1998, resulting in a FONSI*

The U.S. Border Patrol proposes to repair and replace a 260-foot radio communications tower and make improvements to the existing access road leading to the proposed tower site east of Bayview, Texas. An existing service road and concrete pad were to be used in this project.

Analysis: No significant adverse effect to any resource (i.e., air quality, water quality, cultural resource, wetlands, protected species, land use, etc.) was expected.

USCG

Reference: *COMDTINST M16475.1D Figure 2-1 Coast Guard Categorical exclusions*

2. Real and Personal Property Related Actions q. Minor renovations and additions to buildings, roads, airfields, grounds, equipment, and other facilities that do not result in a change in functional use of the real property (e.g. realigning interior spaces of an existing building, extending an existing roadway in a developed area a short distance, installing a small antenna on an already existing antenna tower, adding a small storage shed to an existing building, etc.). (Checklist and CED required.)

u. Routine repair and maintenance of buildings, roads, airfields, grounds, equipment, and other facilities which do not result in a change in functional use, or an impact on a historically significant element or setting. v. Routine repair and maintenance to waterfront facilities, including mooring piles, fixed floating piers, existing piers, and unburied power cables. w. Minor renovations and additions to waterfront facilities, including mooring piles, fixed floating piers, existing piers, and unburied power cables, which do not require special,

site-specific regulatory permits. (Checklist and CED required.) x. Routine grounds maintenance and activities at units and facilities. Examples include localized pest management actions and actions to maintain improved grounds (such as landscaping, lawn care and minor erosion control measures) that are conducted in accordance with applicable Federal, state, and local directives.

6. Bridge Administration Actions a. Modification or replacement of an existing bridge on essentially the same alignment or location. Excluded are bridges with historic significance or bridges providing access to undeveloped barrier islands and beaches.

FAA

Reference: *FAA Order 5050.4A Chapter 3, Section 23.*

(a) (2) Installation or upgrading of airfield lighting systems, including runway end identification lights, visual approach aids, beacons and electrical distribution systems.

ARMY

Reference: *32CFR651 Appendix B. Section II*

(e)(2) Acquisition, installation, and operation of utility and communication systems, mobile antennas, data processing cable and similar electronic equipment that use existing right-of-way, easement, distribution systems, and/or facilities (REC required).

NAVY

Reference: 32CFR775.6

(8) Routine actions normally conducted to operate, protect, and maintain Navy-owned and/or controlled properties, e.g., maintaining law and order, physical plant protection by military police and security personnel, and localized pest management activities on improved and semi-improved lands conducted in accordance with applicable federal and state directives.

DOE

Reference: 10CFR1021, Subpart D. Appendix B

B1.7 Acquisition, installation, operation, and removal of communication systems, data processing equipment, and similar electronic equipment.

B1.19 Siting, construction, and operation of microwave and radio communication towers and associated facilities, if the towers and associated facilities would not be in an area of great visual value.

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

The Panel recognized that several components of Department operated fleets of ships or small boats that may need to maintain harbors where the vessels are homeported. The U.S. Coast Guard was found to operate the largest vessels, the widest range of sizes of vessels, the greatest number of vessels, the largest number of moorings and homeports, and the widest geographic distribution of waterfront facilities in nearly all of the categories of maritime and freshwater environments present in the U.S. Other components of the Department, such as the Customs and Border Protection, primarily operated fleets of small boats, although the Science and Technology Directorate maintained a ferry to access the Plum Island facility.

Recognizing the sensitivity of the maritime and freshwater environments, the Panel was careful to limit the nature of dredging activities that would be categorically excluded to only those activities involved with maintaining existing channels, harbors, and mooring facilities. Maintenance dredging, by its very nature, does not involve establishing new depths or greater widths. Furthermore, Department activities of maintenance dredging would only involve those channels, harbors, and mooring facilities over which the Department would have direct control. The Panel recognized that the Department also moors many of its vessels and small boats at leased space in both public and private harbors and marinas. Likewise, the Department may have waterfront

facilities within much larger commercial harbors, such as Boston, New York City, Houston, Seattle, or San Francisco. Where the Department leases mooring space, the maintenance of access channels and anchorage areas would be the responsibility of the owner of the waterfront facility. In the large commercial harbors where the Department keeps its vessels and boats, the Department would only be responsible to maintain the immediate area required for access and use of its waterfront facilities.

In further recognition of the sensitive nature of maritime and freshwater environments, the Panel limited the scope of the activities contemplated by this categorical exclusion to those that would use an existing approved disposal site. Nevertheless, the Panel wanted to ensure that the categorical exclusion would not apply to maintenance dredging activities until all applicable permits were secured. As a result of these limitations, the Panel determined that this categorical exclusion contemplated activities that would inherently have no potential for significant impacts to the human environment.

The Panel defined this categorical exclusion to be sufficiently related to actions that may involve one or more extraordinary circumstances. To ensure that only those actions having negligible impacts on the human environment are contemplated by this categorical exclusion, the Panel proposed that a Record of Environmental Consideration (REC) be prepared to document the determination whether the action is either appropriately categorically excluded or whether it requires further analysis through an EA or EIS process.

In addition, this categorical exclusion is supported by a long-standing categorical exclusion and administrative record brought to the Department by the U.S. Coast Guard and USDA - ARS that themselves would have only been developed through a process consistent with NEPA regulatory requirements. The USCG operates a greater variety of vessels, large and small, from a greater variety of waterfront facilities than any other Departmental component. Furthermore, these USCG waterfront facilities are located along all maritime coasts, the Great Lakes, and the Mississippi and Missouri Rivers.

As mentioned above, the Panel identified the U.S. Coast Guard operations to be of the greatest scope and intensity of any of the Department components, while also inclusive of operations of a similar nature as all of the Departmental components. The Panel noted that maintenance dredging activities have been conducted for years within the U.S. Coast Guard without significant environmental impacts. Likewise, the Panel found that there were no significant environmental impacts from the maintenance dredging operations of the above-mentioned agencies in the conduct of their operations. Therefore, the Panel found that actions of a similar nature, scope, and intensity were performed throughout the Department without significant environmental impacts.

The Panel of interdisciplinary experts also noted that other Federal agencies have categorical exclusion for similar activities that are sufficiently

descriptive such that they demonstrated to the Panel that those activities were similar in nature, scope, and impact on the human environment to those performed by the Department. In addition, the Panel recognized that all Federal agencies, with very few limitations, must meet the same requirements to protect the environment. The Panel determined from their experience in or on behalf of other Federal agencies, that the characteristics of the activities in Department were no different than those performed by other Federal agencies in general, as well as specifically related to the environment.

Accordingly, through a deliberative process, the Panel determined that the proposed categorical exclusion encompassed programmatic activities that inherently did not have individual or cumulative significant impact on the human environment.

Categorical exclusion D5 was the subject of comments regarding dredging. Specifically, several comments suggested that that dredging activities can have a significant effect on marine and riparian habitats, effecting endangered species, critical habitat, water flow, flooding, waste management, and a host of other environmental concerns. Additionally, some commenters suggested limiting this categorical exclusion to the United States Coast Guard. The Department considered these comments detailing concerns with dredging.

The Department notes that its components do not generally have independent authority to conduct maintenance dredging (or any other activity) without complying with the many laws and requirements established to protect the environment. This exclusion from further environmental analysis under NEPA is adequately limited by the need to secure applicable permits and any required approval for a disposal site. It is also noted that the U.S. Coast Guard operations are the greatest in scope and intensity of any of the Department components, but the nature of their operations in this area are done in manners similar to that of other Departmental components. Finally, it is noted that other agencies have conducted maintenance dredging activities without significant environmental impacts in the conduct of operations that are much less potentially significant in scope and intensity than that of the U.S. Coast Guard while remaining subject to all applicable permits and regulatory limitations for maintenance dredging and disposal.

In addition, Section 3.2 in Appendix A of the directive contains a list of conditions and extraordinary circumstances that must be satisfied in the application of this categorical exclusion to a specific program or activity within DHS. These conditions and extraordinary circumstances were developed in recognition that, while the vast majority of DHS activities in this category do not have potential for significant impacts to the environment, activity proponents within DHS need to be alert for rare and unique conditions that may require more extensive evaluation of the potential for environmental impacts under NEPA. This evaluation would include not only the immediate effect of the DHS decision, but also the potential environmental effects that may indirectly result from implementing the decision and the cumulative effects of the decision on the quality of the human environment.

LEGACY CATEGORICAL EXCLUSIONS AND COMPARABLE AGENCY CATEGORICAL EXCLUSIONS

USCG

Reference: COMDTINST M16475.1D Figure 2-1 Coast Guard Categorical exclusions

2. Real and Personal Property Related Actions. Maintenance dredging and debris disposal where no new depths are required, applicable permits are secured, and disposal will be at an existing approved disposal site. (Checklist and CED required.)

USDA - ARS

Plum Island Animal Disease Center Harbor Repairs (EA 96-1940-01), resulting in a FONSI signed on November 12, 1996.

ARMY

*Reference: 33CFR230.9 Categorical exclusions
(c) Minor maintenance dredging using existing disposal sites.*

NAVY

*Reference: 32CFR775
Sec. 775.6 Planning considerations.
(f) Categorical exclusions.
(38) Maintenance dredging and debris disposal where no new depths are required, applicable permits are secured, and disposal will be at an approved disposal site;*

D6 Maintenance of aquatic and riparian habitat in streams and ponds, using native materials or best natural resource management practices. Examples include, but are not limited to:

- (a) Installing or repairing gabions with stone from a nearby source,**
- (b) Adding brush for fish habitat,**
- (c) Stabilizing stream banks through bioengineering techniques, and,**
- (d) Removing and controlling exotic vegetation, not including the use of herbicides or non-native biological controls.**

This CATEX would primarily involve property management activities at larger properties within the Coast Guard, Science and Technology Directorate, and the Federal Law Enforcement Training Centers.

The Panel recognized that maintenance of aquatic and riparian habitat in streams and ponds was a type of natural resource management activity that could be addressed within the types of activities contemplated under categorical exclusion E5. However, the Panel believed that it was necessary to address these types of natural resource management activities separately from others types of natural resource management activities due to the unique and more sensitive nature of the aquatic environment. Nevertheless, much of

the same basis for E5 applies to D6 and the legacy administrative record brought into the Department supports both types of activities.

The Department is not a major land managing agency in the Federal government. The natural resource management activities in aquatic and riparian habitat contemplated under this categorical exclusion would generally be performed by components with real property management responsibilities.

This categorical exclusion was the subject of a grammatical change from the text published for public comment in that the term, "would encompass" was changed to "would primarily involve," when referring to the property management activities that this categorical exclusion would likely involve. Although there were no comments from the public on this point, this change was made to more accurately reflect the Panel's intent. It is anticipated that only those components with sufficient property where such activities may be possible will perform these types of activities. The use of the term "encompass" in the draft document was not intended to communicate the exclusion of smaller property management activities, only to highlight that the enumerated larger components were the most likely proponents of these activities. This change is not an expansion of the exclusion previously published, but rather a clarification. It is understood that specifying those components is not intended to limit the application of this categorical exclusion in any way, but this clarification was made to more accurately and grammatically introduce those components most likely to take frequent action under this categorical exclusion.

Several components of the Department may manage one or two land parcels where these benefits may be realized. However; the U.S. Coast Guard manages the largest of real properties in the Department and in sensitive aquatic environments along all maritime coasts and several rivers in the U.S. The Customs and Border Protection manages a smaller number of properties that may include fresh water ponds, streams, and riparian habitat.

The activities to construct aquatic and riparian habitat on Department managed property contemplated in this categorical exclusion would be of a small scale and limited to a single locality. Furthermore, recognizing the sensitivity of the maritime and freshwater environments to the introduction of non-indigenous species, the Panel was careful to limit the nature of the activities that would be categorically excluded to only those activities using native materials or best natural resource management practices. These types of natural resource management activities would be undertaken to achieve small scale benefits to native flora and fauna. Any potential for environmental impacts would likewise be of a small scale and confined to more localized impacts. As a result of these limitations and in consideration of the administrative record, the Panel determined that this categorical exclusion contemplated activities that would inherently have no potential for significant impacts to the human environment.

In addition, this categorical exclusion is supported by a long-standing categorical exclusion and administrative record brought to the Department

that would have only been developed through a process consistent with NEPA regulatory requirements. In particular, the Panel identified legacy categorical exclusions from the U.S. Coast Guard and the Federal Emergency Management Agency. The U.S. Border Patrol brought a legacy of environmental assessments and findings of no significant impact for its land based activities. The Panel identified the U.S. Coast Guard operations to be of the greatest scope and intensity of any of the Department components, while also inclusive of operations of a similar nature as all of the Department components. Based upon this history of environmental analyses and the experience of its members, the Panel found that actions of a similar nature, scope, and intensity were performed throughout the Department without significant environmental impacts.

The Panel determined that the use of examples in this particular categorical exclusion would be helpful to future users in clarifying the types of activities envisioned by the categorical exclusion. In providing examples, the Panel did not intend to extend the categorical exclusion to actions including extraordinary circumstances that may result in the activity having significant environmental effects.

In particular, example "c" makes reference to bioengineering. Bioengineering is the use of either native or proven vegetative species to put down roots and stabilize the soil along a water course. Branches, whips, cuttings, rooted cuttings, and stakes are examples of what may be used. Species such as willows, dogwoods, and poplars are used. Such materials can be collected locally or purchased from suppliers recommended by the local office of the U.S. Department of Agriculture (USDA) Natural Resources Conservation Service (NRCS). The use of such techniques is relatively inexpensive and highly preferable to mitigating the results of siltation caused by soil disturbing activities.

The Panel also noted that other Federal agencies have categorical exclusion for similar activities that are sufficiently descriptive such that they demonstrated to the Panel that those activities were similar in nature, scope, and impact on the human environment to those performed by the Department. Federal agencies with responsibilities to manage similar activities at a larger scale and in a greater variety of natural environments, including environments at least as sensitive as those that the Department may normally work in, have categorical exclusions that encompass the types of activities contemplated for this Department categorical exclusion. In addition, the Panel recognized that all Federal agencies, with very few limitations, must meet the same requirements to protect the environment. The Panel determined from their experience in or on behalf of other Federal agencies, that the characteristics of the activities in Department were no different than those performed by other Federal agencies in general, as well as specifically related to the environment.

Accordingly, through a deliberative process, the Panel determined that the proposed categorical exclusion encompassed programmatic activities that inherently did not have individual or cumulative significant impact on the human environment.

LEGACY CATEGORICAL EXCLUSIONS AND COMPARABLE AGENCY CATEGORICAL EXCLUSIONS

FEMA

Reference: 44CFR10.8 (d) (2)
(xi) Planting of indigenous vegetation

USBP

Reference: Supplemental Environmental Assessment Immigration and Naturalization Service Border Road Maintenance and Construction, Tecate to Campo, San Diego County, California, April 1997, resulting in a FONSI

This supplemental Environmental Assessment (EA) assesses the potential for significant adverse or beneficial environmental impacts of the proposed action and alternatives in accordance with provisions of the National Environmental Policy Act (NEPA). The proposed action involves approximately three miles of new road construction, which includes two miles of riparian area rehabilitation and one mile of highly erodible land rehabilitation on corresponding abandoned road sections, and approximately six miles of maintenance to existing border roads along the U.S.-Mexico border between Tecate and Campo, San Diego County, California.

A Programmatic Environmental Impact Statement (PEIS) was prepared in 1994 for the Immigration and Naturalization Service (INS) and Joint Task Force Six (JTF-6) proposed projects that facilitate law enforcement agencies (LEAs) missions to reduce illegal drug activity along the southwestern border of the U.S. (U.S. Army 1994). The PEIS addressed the cumulative effects of past and reasonably foreseeable projects undertaken by JTF-6. Additionally, the U.S. Army Corps of Engineers (USCOE), Los Angeles District, prepared two EAs (Tecate to Canyon City; Campo to Jacumba) for border road maintenance and construction activities in this region (U.S. Army 1993 and 1994). This EA is a supplement to the JTF-6 PEIS, and tiers from the PEIS and the two previous EAs.

Analysis: Based upon the results of the EA and the environmental design measures to be incorporated as part of the proposed action, it has been concluded that the proposed action will not have a significant adverse effect on the environment.

Reference: Final Environmental Assessment for Various Road Improvements from Canyon City, California to the Imperial County Line San Diego County, California, U.S. Border Patrol, March 2003, resulting in a FONSI signed in March 2003

The proposed actions consists of: 1) the placement of up to fifty portable lights, as needed, within 60 feet of the border from the Pacific Crest Trail to the Imperial County line; 2) night vision scope pad and access road construction; 3) installation/repair of four drainage structures; 4) the installation of a 300-foot bollard fence section near Jacumba; 5) blasting activities; and 6) the installation of two water wells and holding tanks by the U.S. Border Patrol (USBP).

All activities would take place between Canyon City, California and the Imperial County line in San Diego County, California.

Analysis: Based upon the findings of this analysis and assuming that all mitigation measures recommended herein are implemented, no significant adverse impacts would occur from the Proposed Action Alternative.

Reference: Final Environmental Assessment Immigration and Naturalization Service Brush and Small Tree Thinning Operation near Jacumba, California, November 2001, resulting in a FONSI

This Environmental Assessment (EA) addresses the potential effects, beneficial and adverse, of the proposed brush and small tree thinning operation near Jacumba, California. The proposed action would involve hand-clearing brush within an 18 acre site within Boundary Creek. Large trees, as requested by the landowner, would remain on the site. Riparian habitat would be thinned within the proposed project area.

Analysis: Based on the findings of this analysis, no significant adverse impacts would occur from the proposed action. Mitigation measures regarding schedule, frequency, and method of clearing/thinning have been incorporated to ensure no significant effects occur. No significant adverse effects to air quality, water quality, cultural resources, unique areas, soils, protected species, or land use are expected as a result of the proposed action.

Reference: Final Environmental Assessment Joint Task Force Six Proposed Fence Road Repair and Improvement Project Douglas, Cochise County, Arizona, February 2001, resulting in a FONSI signed in February 2001.

A Programmatic Environmental Impact Statement (PEIS), prepared in 1994 for the Immigration and Naturalization Service (INS) and JTF-6, addressed proposed projects that facilitate missions to reduce illegal drug activity trafficking. This Environmental Assessment (EA) tiers from the 1994 PEIS, and addresses the potential impacts associated with a proposed fence and road improvement project along the U.S.-Mexico border in Cochise County, Arizona. The proposed action includes the extension of a landing mat fence, installation of permanent lighting, road and hydrological repairs and improvements, and road maintenance. The proposed action specifically addresses the extension of an existing landing mat fence east of the Port of Entry (POE) for a distance of two miles, installation of permanent lighting east of the POE for a distance of 0.8 of a mile and west of the POE for a distance of one mile; repair/improvement the border road and hydrological conditions east of the POE for a distance of four miles and west of Whitewater Draw for a distance of four miles; and road maintenance west of the road repair section for a distance of eight miles near Douglas, Arizona.

Analysis: Based upon the results of the EA, it has been concluded that the proposed action would not have a significant adverse impact on the natural or human environment, and no further NEPA analysis (i.e., Environmental Impact Statement) is warranted.

Reference: Final Environmental Assessment for Border Road Maintenance & Repair Naco, Cochise County Arizona, February 1993, resulting in a FONSI signed in February 1993

The proposed project consists of 22 miles of an existing road east and west of Naco, Arizona. The road maintenance will consist of light scraping, installation of culverts, grading and shaping for drainage, and placing gravel in several washes.

Analysis: Based upon the results of the EA, it has been concluded that the proposed action would not have a significant adverse impact on the natural or human environment, and no further NEPA analysis (i.e., Environmental Impact Statement) is warranted.

Reference: Environmental Assessment for the Southerly International Border Water Improvement Project, March 2000, resulting in a FONSI

The Colorado River Basin Salinity Control Act of 1974, Public Law 93-320, authorized the construction, operation, and maintenance of facilities in the Colorado River Basin to control the, salinity of water delivered to Mexico by the International Boundary and Water Commission. The purpose of this Environmental Assessment (EA) is to identify some proposed options developed by the Bureau of Reclamation, Yuma Area Office, and the International Boundary and Water Commission for the delivery of water to Mexico across the land boundary at San Luis, Arizona. Currently, water is delivered through the Sanchez Mejrada Canal at the southerly International Boundary (SIB). The water flow at the SIB fluctuates and flow variations render deliveries at the SIB unpredictable for both quantity and quality.

This Environmental Assessment considers the following three alternatives to providing improved flows and less salty water to Mexico at the SIB: 1) Install variable speed motor controllers at the SIB Boundary Pumping Plant (BPP) and construct a diversion channel from the BPP to the Bypass Drain, 2) Install variable speed motor controllers at the SIB BPP without the construction of a diversion canal; and 3) no action.

Analysis: Based upon the results of the EA, it has been concluded that the proposed action would not have a significant adverse impact on the natural or human environment, and no further NEPA analysis (i.e., Environmental Impact Statement) is warranted.

DOE

Reference: 10 CFR Pt. 1021, Subpt. D. App. B

B1.20 Small-scale activities undertaken to protect, restore, or improve fish and wildlife habitat, fish passage facilities (such as fish ladders or minor diversion channels), or fisheries.

CONSTRUCTION, INSTALLATION, AND DEMOLITION ACTIVITIES

E1 Construction, installation, operation, maintenance, and removal of utility and communication systems (such as mobile antennas, data processing cable, and similar electronic equipment) that use existing rights-of-way, easements, utility distribution

systems, and/or facilities. This is limited to activities with towers where the resulting total height does not exceed 200 feet and where the FCC would not require an environmental assessment or environmental impact statement for the acquisition, installation, operation or maintenance.

Many components of the Department engage in or provide support to one or more phases of the construction, operation, maintenance, and removal of communications systems and similar electronic equipment. These types of electronic equipment are essential to support effective emergency response, search and rescue, and law enforcement activities for which the Department was established.

The Panel limited the scope of the activities contemplated by this categorical exclusion to those that would use existing rights-of-way, easements, utility distribution systems, and/or facilities. These existing rights-of-way, easements, utility distribution systems, and/or facilities would include properties that have already been disturbed by prior installation of utility and communications systems. Due to this prior disturbance, there would be little potential for significant environmental impact from the use of these properties. Likewise, the Panel chose to limit the scope of activities contemplated under this categorical exclusion to equipment and towers less than 200 feet in height, where the FCC would not require an environmental assessment or environmental impact statement for the acquisition, installation, operation or maintenance. Since the Federal Communications Commission has substantial experience with regulating communications systems and towers, the Panel believed that relying on their expertise with regard to the absence of need for an environmental assessment or environmental impact statement would be appropriate to ensure that Department activities of a similar nature would not cause significant impact to the human environment. As a result of these limitations, the Panel determined that this categorical exclusion contemplated activities that would inherently have no potential for significant impacts to the human environment.

In addition, this categorical exclusion is supported by a long-standing categorical exclusion and administrative records brought to the Department by the U.S. Coast Guard, Transportation Security Administration, Federal Emergency Management Agency, and Customs and Border Protection. These legacy categorical exclusions and environmental assessments themselves would have only been developed through a process consistent with NEPA regulatory requirements. The Panel was careful to ensure that the language of this categorical exclusion did not extend the activities beyond those contemplated in the legacy administrative record. The Panel recognized that the breadth of this administrative record demonstrated that operations of a similar nature, scope, and intensity were performed throughout the Department without significant environmental impacts.

The Panel also noted that other Federal agencies have categorical exclusions for similar activities that are sufficiently descriptive such that they

demonstrated to the Panel that those activities were similar in nature, scope, and impact on the human environment to those performed by The Department. In addition, the Panel recognized that all Federal agencies, with very few limitations, must meet the same requirements to protect the environment. The Panel determined from their experience in or on behalf of other Federal agencies, that the characteristics of the activities in the Department were no different than those performed by other Federal agencies in general, as well as specifically related to the environment.

Accordingly, through a deliberative process, the Panel determined that the proposed categorical exclusion encompassed programmatic activities that inherently did not have individual or cumulative significant impact on the human environment.

Categorical exclusion E1 was the subject of a comment regarding facilities that cross tidal, coastal, or navigable waters. Specifically, the comment suggested that the activities contemplated by this categorical exclusion are not of concern in upland areas; however, if any of the facilities cross tidal, coastal, or navigable waters there is the potential for environmental impacts.

The Department considered this comment and notes that its components do not generally have independent authority to conduct activities without complying with the many laws and requirements established to protect the environment. This exclusion from further environmental analysis under NEPA is adequately limited by the need to secure applicable permits and any required approvals.

In addition, Section 3.2 in Appendix A of the directive contains a list of conditions and extraordinary circumstances that must be satisfied in the application of this categorical exclusion to a specific program or activity within DHS. These conditions and extraordinary circumstances were developed in recognition that, while the vast majority of DHS activities in this category do not have potential for significant impacts to the environment, activity proponents within DHS need to be alert for rare and unique conditions that may require more extensive evaluation of the potential for environmental impacts under NEPA. This evaluation would include not only the immediate effect of the DHS decision, but also the potential environmental effects that may indirectly result from implementing the decision and the cumulative effects of the decision on the quality of the human environment.

This categorical exclusion was changed from the text published for public comment in that the phrase, "*...intrusion detection systems,*" was deleted. This was done because it was noticed that the inclusion of intrusion detection systems was redundant with the inclusion of such systems in categorical exclusion B9. There is also a grammatical change from the text published for public comment in that the phrase, "*...and for equipment and towers...*" was replaced with the phrase, "*This includes equipment and towers...*".

LEGACY CATEGORICAL EXCLUSIONS AND COMPARABLE AGENCY CATEGORICAL EXCLUSIONS

FAA

Reference: FAA Order 5050.4A Chapter 3, Section 23.

(a) (2) Installation or upgrading of airfield lighting systems, including runway end identification lights, visual approach aids, beacons and electrical distribution systems.

(a) (7) Landscaping generally, and landscaping or construction of physical barriers to diminish impact of airport blast and noise.

FEMA

Reference: 44CFR10.8 (d) (2)

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

(x) Routine maintenance, repair, and grounds-keeping activities at FEMA facilities;

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

USDA-ARS

Reference: EA for the Underwater Electrical Cable Replacement Project, Plum Island Animal Research Center resulting in a FONSI

U. S. Department of Agriculture, Agricultural Research Service (ARS) proposed to provide Plum Island Animal Research Center with a new underwater electrical cable from Orient Point, NY to Plum Island Animal Research Center. The proposed action was designed to meet all regulatory requirements, limit environmental impacts and meet the electrical and communications need of Plum Island Animal Research Center.

Analysis: Based upon the findings of this EA, no significant adverse environmental impacts would result from the proposed action.

USCG

Reference: COMDTINST M16475.1D Figure 2-1 Coast Guard Categorical Exclusions

2. Real and Personal Property Related Actions q. Minor renovations and additions to buildings, roads, airfields, grounds, equipment, and other facilities that do not result in a change in functional use of the real property (e.g. realigning interior spaces of an existing building, extending an existing roadway in a developed area a short distance, installing a small antenna on an already existing antenna tower, adding a small storage shed to an existing building, etc.).

(Checklist and CED required.) u. Routine repair and maintenance of buildings, roads, airfields, grounds, equipment, and other facilities which do not result in a change in functional use, or an impact on a historically significant element or setting. v. Routine repair and maintenance to waterfront facilities, including mooring piles, fixed floating piers, existing piers, and unburied power cables. w. Minor renovations and additions to waterfront facilities, including mooring

piles, fixed floating piers, existing piers, and unburied power cables, which do not require special, site-specific regulatory permits. (Checklist and CED required.) x. Routine grounds maintenance and activities at units and facilities. Examples include localized pest management actions and actions to maintain improved grounds (such as landscaping, lawn care and minor erosion control measures) that are conducted in accordance with applicable Federal, state, and local directives.

6. Bridge Administration Actions a. Modification or replacement of an existing bridge on essentially the same alignment or location. Excluded are bridges with historic significance or bridges providing access to undeveloped barrier islands and beaches.

INS

Reference: 28CFR61 Appendix C

10. *Actions Which Normally Do Not Require Either An Environmental Impact Statement Or An Environmental Assessment: (a) Construction projects for existing facilities including but not limited to: Remodeling; replacement of building systems and components; maintenance and operations repairs and general improvements when such projects do not significantly alter the initial occupancy and program of the facility or significantly impact upon the environment.*

ARMY

Reference: 32CFR651 Appendix B. Section II

(e)(2) Acquisition, installation, and operation of utility and communication systems, mobile antennas, data processing cable and similar electronic equipment that use existing right-of-way, easement, distribution systems, and/or facilities (REC required).

AIR FORCE

Reference: 32CFR989 Appendix B

A2.3.12. Installing, operating, modifying, and routinely repairing and replacing utility and communications systems, data processing cable, and similar electronic equipment that use existing rights of way, easements, distribution systems, or facilities.

DOE

Reference: 10CFR1021, Subpart D, Appendix B

B1.7 Acquisition, installation, operation, and removal of communication systems, data processing equipment, and similar electronic equipment.

B1.19 Siting, construction, and operation of microwave and radio communication towers and associated facilities, if the towers and associated facilities would not be in an area of great visual value.

NAVY

Reference: 32CFR775.6

(16) Acquisition, installation, and operation of utility and communication systems, data processing cable, and similar electronic equipment which use existing rights of way, easements, distribution systems, and/or facilities.

USBP

Reference: *Environmental Assessment for the Proposed Remote Video Surveillance System in Lower Niagara River, New York, July 2001, resulting in a FONSI*

The Immigration and Naturalization Service, U.S. Border Patrol proposes to install and operate a remote video surveillance (RVS) system along the lower Niagara River in Niagara County, New York. Four sites along the Lower Niagara River are under consideration for installation of RVS equipment. Site No. 1 is located atop the Wrobel Towers, a 13-story senior citizen residential building located at 800 Niagara Avenue: in the City of Niagara Falls. Site No. 2 is located on undeveloped, state-owned parkland, approximately 150 feet west of the Robert Mo Parkway in the Town of Lewiston. Site No. 3 is located on private property situated on Lower River Road in the Town of Lewiston. Site No. 4 is located in Old Fort Niagara, within Fort Niagara State Park, near the village of Youngstown.

Analysis: The proposed action would result in less-than-significant adverse impacts to the immediate area near each site and the surrounding community. Cumulative impacts have been taken into account. Beneficial impacts would result from the U.S. Border Patrol being better able to meet its mandate in light of budgetary constraints and increased mission requirements.

Reference: *Final Environmental Assessment Joint Task Force Six Proposed Lighting and Camera Installation Project Nogales, Arizona, September 1998, resulting in a FONSI*

This Environmental Assessment (EA) addresses potential impacts associated with a proposed lighting and camera installation project covering approximately four miles on the U.S-Mexico border in Santa Cruz County, Arizona. This document is tiered from the Programmatic Environmental Impact Statement (PETS) completed for a broad scope of JTF-6 activities along the U.S-Mexico border (U.S. Army 1994). The proposed project site is located along the U.S-Mexico border in the city of Nogales and extending westward and eastward into Santa Cruz County, Arizona.

Analysis: Based upon the results of the EA, it has been concluded that the proposed action would not have a significant adverse impact on the natural or human environment, and no further NEPA analysis (i.e., Environmental Impact Statement) is warranted.

Reference: *Draft Environmental Assessment of Proposed Installation of Communications Towers at U.S. Border Patrol Checkpoints, Falfurrias and Sarita, Texas, December 2002, resulting in a FONSI signed on January 27, 2003*

The U.S. Border Patrol (USBP) maintains checkpoints on the northbound side of U.S. Highway 281 approximately 13 miles south of Falfurrias, Texas, and on the northbound side of U.S. Highway 77 approximately 14 miles south of Santa, Texas. The USBP proposes to construct new communications towers at these checkpoints. The USBP proposes to construct a 152 foot communications tower and associated housing for a

backup generator and other equipment at each of the two checkpoints. The tower at the Falfurrias checkpoint would be anchored by three concrete piers spaced in an equilateral triangle 23 feet on a side. These piers would be constructed of reinforced concrete, would measure four feet in diameter, and would be installed to a depth of 38 feet. The tower at the Sarita checkpoint would be anchored on a 26-foot square concrete mat foundation installed to a total depth of 6.25 feet. Dimensions for the equipment housing were not available, but it is estimated that they would measure approximately 15-feet long by 8-feet wide. The towers and equipment shelters would be connected to the main building at each checkpoint by underground electrical conduits that would be installed under the pavement.

Analysis: The Proposed Action would not result in any significant environmental impact. There would be no impacts on land use, geological resources, water resources, wildlife, threatened or endangered species, or cultural resources. The only adverse impacts on vegetation, noise, aesthetics, or solid and hazardous waste concerns would be insignificant. The proposed action would have a slight but overall insignificant beneficial impact on the socioeconomic environment of the area through temporary increases on spending on local businesses during construction and improved public safety for the local communities and legitimate users of the rest areas.

Reference: Draft Programmatic Environmental Assessment for the Installation and Operation of Remote Video Surveillance Systems in the Central Region of the Immigration and Naturalization Service resulting in a FONSI signed on March 19, 2003

The proposed action consists of the expanded use of Remote Video Surveillance (RVS) systems in the Central Region of the Immigration and Naturalization Service (INS) by the U.S. Border Patrol (USBP). At the present time, the proposed action includes the installation of up to 1,556 additional RVS systems in the Central Region over the next ten years. This number is a planning level analysis. The actual number of RV systems required will vary depending upon enforcement strategies and their function will continually be evaluated on a site-specific basis. The process and guidelines by which the proposed RVS systems would be installed will be identified in this document. In addition, the Proposed Action would include the completion of RVS systems currently in the process of being installed and the operation and maintenance of all existing and Proposed RVS systems.

Analysis: Based upon the results of the PEA and given the identified environmental design measures, it has been concluded that the proposed action would not have a significant adverse impact on the environment.

Reference: Environmental Analysis Document to Support a Categorical Exclusion for the Installation, Operation and Maintenance of Seventeen Electronic Surveillance Systems Laredo, Texas Immigration and Naturalization Service, September 1998, resulting in a FONSI

The U.S. Border Patrol proposes to install, operate and maintain 17 Remote Video Surveillance (RVS) sites along the U.S.-Mexico border near Laredo, Texas. The proposed action would involve minimal construction

activities within sites that have been previously disturbed. All sites were surveyed for sensitive biological and cultural resources. Two proposed locations are located within areas that support suitable habitat for endangered species. Since the Chacon Creek site does not have a power source nearby, it is recommended that this site use a solar Panel and battery for power, rather than overhead power lines. With implementation of this design change, there would be no impacts to the surrounding brush habitat from additional power (utility) pole installation. The Cenizo Steps proposed pole location should be moved as least 20 feet east of its proposed location. This would move the pole from a brush habitat to a bare ground area, thereby avoiding any potential impacts to brush habitat. No significant adverse effect to any resource (i.e., air quality, water quality, cultural resource, wetlands, protected species, land use, etc.) is expected.

Analysis: Based on the findings of this analysis, no significant adverse impacts would occur from the proposed actions. Increased or enhanced interdiction of illegal drug and alien trafficking would have positive, indirect socioeconomic benefits. Therefore, no further analysis or documentation (Environmental Assessment or Impact Statement) is warranted. The INS, in implementing this decision, will employ all practical means to minimize the potential adverse impacts on the local environment.

Reference: Environmental Analysis Proposed Low-Light Level Remote Video Surveillance System (RVS) For Operation Rio Grande Cameron County, Texas, March 2000, resulting in a FONSI

Operation Rio Grande is a program initiated by the United States Border Patrol (USBP) in August 1997 to aid in reducing illegal immigration and drug trafficking along the Rio Grande corridor of the McAllen Sector of the USBP. This Environmental Analysis addresses the potential impacts that could result from the installation, operation and maintenance of 20 low-light level remote video surveillance systems (RVSS) in the Port Isabel and Brownsville stations of the McAllen Sector in Cameron County, Texas.

Analysis: Based upon the results of the EA, it has been concluded that the proposed action would not have a significant adverse impact on the natural or human environment, and no further NEPA analysis (i.e., Environmental Impact Statement) is warranted. The information contained in this Environmental Analysis supports the designation of the proposed action as a Categorical exclusion (CATEX) pursuant to the National Environmental Policy Act (NEPA) of 1969, as amended.

Reference: Environmental Assessment for a Proposed Remote Video Surveillance (RVS) Site at Ysleta, Texas U.S. Immigration and Naturalization Service, September 2000, resulting in a FONSI signed in September 2000

The U.S. Border Patrol (USBP) proposes to install and operate, a Remote Video Surveillance (RVS) tower and system near the U.S.- Mexico border near Ysleta, Texas. The proposed action would involve minimal construction activities within a site that has been previously disturbed. The site was surveyed for sensitive biological and cultural

resources. No significant adverse effects to air quality, water quality, cultural resource, wetlands, protected species, or land use are expected.

Analysis: Based on the findings of this analysis, no significant adverse impacts would occur from the proposed actions at the seven proposed RVS site locations. Increased or enhanced interdiction of illegal drug and alien entry and activities would have positive, indirect socioeconomic benefits. Therefore, no further analysis or documentation (Environmental Impact Statement) is warranted. The U.S. Immigration and Naturalization Service, in implementing this decision, will employ all practical means to minimize the potential adverse impacts on the local environment.

Reference: Environmental Assessment for Proposed Installation of Surveillance Equipment in Minnesota, North Dakota and Montana U.S. Immigration and Naturalization Service, May 2002, resulting in a FONSI signed in May 2002

The U.S. Border Patrol (USBP) proposes to install and operate 24 Remote Video Surveillance (RVS) systems along the U.S-Canadian Border in Montana, North Dakota, and Minnesota. The proposed action would involve the placement of RVS systems on previously existing structures and one previously disturbed site. Poles will be put into the ground at three locations where RVS equipment would be mounted. No impacts are anticipated at any of these locations.

Analysis: Based on the findings of this analysis, no significant adverse impacts would occur from the proposed actions at the 22 of the 24 proposed RVS site locations. Two locations are close to potentially eligible railroad bridges. Poles would be constructed approximately 100 yards away from these bridges to avoid any impact to these potentially significant structures. As a result no impacts are anticipated to either of these structures.

Reference: Environmental Assessment for Remote Video Surveillance Systems (RVS) and Communication Towers (CTOW) for the US Border Patrol in the Harlingen, Laredo, and Eagle Pass Stations, May 2002 resulting in a FONSI

This Environmental Assessment (EA) evaluated the installation, operation, and maintenance of forty-three remote video surveillance systems (RVS) and five communication towers (CTOW) in the Del Rio, Laredo, and McAllen Sectors of the USBP. Of the forty-three RVS and five CTOW sites, four of the RVS and two of the CTOW will be placed either on existing structures or replace existing structures. The vast majority of the proposed RVS and CTOW locations are situated in moderately to completely disturbed areas near rail yards, residential developments, agricultural fields, and existing roads.

Analysis: This proposed action is not expected to result in any significant long-term or cumulative adverse impacts on the human or natural environment.

Reference: Final Supplemental Environmental Assessment of Remote Video Surveillance Systems (RVS) and Communication Towers (CTOW) for the US

Border Patrol in the Harlingen, Laredo, and Eagle Pass Stations, October 2003, resulting in a FONSI signed October 2003

This Supplemental Environmental Assessment (EA) supplements the Final EA of Remote Video Surveillance Systems (RVS) Systems and Communication Towers (CTOW) for the US Border Patrol in the Harlingen, Laredo, and Eagle Pass Stations. This Supplemental EA (SEA) addresses additional effects that may potentially occur relative to proposed construction of an access road for the Walker Tower 2B site and proposed improvements to an existing access road for the Lupes Tower site. Both sites are located within the Laredo South Station's area of operations. The project consisted of construction of a new access road and upgrade of an existing roadway to provide access to two RVS sites: the Walker Tower 2B and Lupes Tower. The proposed construction consists of grading a 12-foot wide by 1,200-foot long access road at the Walker Tower 2B site and minor improvements to approximately 600 feet of an existing road at the Lupes Tower site.

Analysis: Based upon the results of these EAs, it was concluded that the project was not likely to adversely affect the environment; therefore, further environmental analysis is not warranted.

Reference: Environmental Assessment for Seven Remote Video Surveillance Sites near Naco, Arizona, June 2000, resulting in a FONSI

In this EA the U.S. Border Patrol (USBP) proposed to install, operate, and maintain seven Remote Video Surveillance (RVS) sites along the U.S./Mexico border near Naco, Arizona. The proposed action involved minimal construction activities within sites that have been previously disturbed.

Analysis: The EA determined that there would be no significant adverse impacts from the proposed actions at the seven proposed RVS site locations.

Reference: Environmental Assessment For The Installation, Operation And Maintenance Of Fourteen Remote Video Surveillance Systems Eagle Pass, Texas Immigration And Naturalization Service, June 1999, resulting in a FONSI

The USBP proposes to install, operate, and maintain 14 Remote Video Surveillance (RVS) sites along the U.S. Mexico border near Eagle Pass, Texas. The proposed action would involve minimal construction activities within sites that have been previously disturbed. All sites were surveyed for sensitive biological and cultural resources. No significant adverse effect to any resource (i.e., air quality, water quality, cultural resource, wetlands, protected species, land use, etc.) is expected.

Analysis: No significant adverse impacts would occur from the proposed actions. Increased or enhanced interdiction of illegal drug and alien entry and activities would have positive, indirect socioeconomic benefits. Therefore, no further analysis or documentation is warranted. The U.S. Immigration and Naturalization Service, in implementing this decision, will employ all practical means to minimize the potential adverse impacts on the environment.

Reference: Environmental Assessment for the Acquisition, Installation, and Operation of Remote Video Surveillance Systems USBP El Centro Sector, California, February 2001, resulting in a FONSI

This Environmental Assessment (EA) addresses the potential adverse effects of the proposed installation and operation of 24 remote video surveillance (RVS) systems near Calexico, Imperial County, California. The U.S. Immigration and Naturalization Service (INS) and U.S. Border Patrol proposes to install the RVS systems at specific strategic locations along the U.S.-Mexico border to enhance their capabilities of detecting illegal entries into the United States and to assist in the apprehensions of those illegal entrants who are detected.

Analysis: Based upon the results of the EA, it has been concluded that construction activities for the proposed RVS sites, outside of the critical habitat area for the endangered peninsular bighorn sheep, would have no adverse impacts to environmental resources in the proposed project area. However, no construction activities should be initiated at the proposed RV sites located in the critical habitat area until the USFWS has issued a Biological Opinion in regards to what level of effect the proposed action could have on endangered species.

Reference: Environmental Assessment for the Installation of Fencing, Lights, Cameras, Guardrails, and Sensors along the American Canal Extension El Paso, Texas, April 1999, resulting in a FONSI

This Environmental Assessment was tiered from the "Final Programmatic Environmental Impact Statement for JTF-6 Activities Along the U.S./Mexico Border and sought install fencing, lights, cameras, guardrails and sensors along portions of the American Canal Extension in El Paso, TX. The entire project was within the city limits of El Paso. The project entailed approximately 20 miles of fencing, permanent stadium-type lights to be installed on poles 60 to 300 feet high in three clusters along the 20-mile project area, and construction of guardrails placed along portions of the project in order to prevent vehicles accessing the levee slopes at inappropriate or unsafe locations. The project also analyzed the installation of surveillance cameras, to provide remote surveillance of the BP patrol area, at critical locations along the project length. Some cameras were to be mounted on existing poles, antennae, or buildings, while others required installation of new poles.

Analysis: Based upon the findings of this EA, no significant adverse environmental impacts would result from the proposed action.

Reference: Environmental Assessment for the Installation, Operation, and Maintenance of a Remote Video Surveillance (RVS) System in Whatcom County, Washington. May, 2000, resulting in a FONSI

This project sought to install, operate, and maintain a Remote Video Surveillance system (RVS), with a fiber optic cable video and data transmission subsystem along the U.S.-Canadian border in Whatcom County, Washington. The project will consist of approximately 47 miles of underground fiber optic line and thirty-one cameras mounted on poles ranging in height from 60 to 80 feet.

Analysis: Based upon the findings of this EA, no significant adverse environmental impacts would result from the proposed action.

Reference: Environmental Assessment Installation of Fencing, Lights, Cameras, Guardrails, And Sensors Along The American Canal Extension El Paso District El Paso, Texas, April 1999, resulting in a FONSI
This Environmental Assessment is tiered from the "Final Programmatic Environmental Impact Statement for JTF-6 Activities Along the U.S.-Mexico Border (Texas, New Mexico, Arizona and California) ", dated August 1994, prepared for the INS. The El Paso Sector of the United States Border Patrol proposes to install fencing, lights, cameras, guardrails and sensors along portions of the American Canal Extension in El Paso, TX. The project is located near the Rio Grande River in northwestern Texas. The entire project is within the city limits of El Paso. The majority of the Project Location is along a man made canal and levee system. Portions of the canal are at times adjacent to industrial areas, downtown El Paso, and mixed commercial with limited residential development. Border Highway (Route 375) roughly parallels most of the project site.

Analysis: Based on the findings of this analysis, no significant adverse impacts would occur from the proposed actions. Therefore, no further analysis or documentation (Environmental Assessment or Impact Statement) is warranted. The INS, in implementing this decision, will employ all practical means to minimize the potential adverse impacts on the local environment.

Reference: Final Environmental Assessment for Construction of Barrier Systems along a 1.6-Mile Corridor of the United States/Mexico International Boundary (Spring Canyon) in San Diego, California May 1998, Revised July 1998, resulting in a FONSI
The EA tiers from the 1994 Programmatic Environmental Impact Statement for Joint Task Force Six (JTF-6) Activities along the United States/Mexico Border. The INS proposes to construct a patrol road, secondary fence (including pedestrian, overhead rolling, vehicle swing gates and dog runs), maintenance roads, lighting, and remote video surveillance along a corridor that begins just east of the San Ysidro POE, and stretches 1.6 miles eastward to Arnie's Point. Construction of these elements would take place entirely within the area defined as the "limits of construction", which encompass 44.5 acres. The Proposed Action also includes placement of a box culvert in Stewart's Creek. The box culvert would be placed in Stewart's Creek, 1.6 miles west of the San Ysidro POE, and 200 feet east-southeast of the U.S. International Boundary and Water Commission (USIBWC) waste treatment facility. All construction activity associated with the box culvert would take place within a 50' x 100' area. Impact assessment associated with the Proposed Action covers the 44.5 acre limits of construction and the 50' x 100' area. The analysis of project-related potential environmental impacts is documented in the BA prepared for the project. Biological and cultural resource surveys were conducted to identify any sensitive resources potentially affected by the project. Findings were coordinated with the appropriate resource agencies and the areas

containing sensitive resources were either identified for avoidance or a mitigation plan developed during project construction. A mitigation plan has been developed and approved by the California State Historic Officer for archeological site number CA-SDI- 10,809, which lies within the limits of construction associated with the Proposed Action. The site is recommended as potentially eligible for inclusion in the National Register of Historic Places. In order to avoid impacts to the site, a data recovery program will be applied. Data recovery efforts would be conducted while construction would begin along other portions of the corridor. All data recovery would be completed before construction activities commence in the site area.

Analysis: Based on the findings of this analysis, no significant adverse impacts would occur from the proposed actions.

Reference: Final Environmental Assessment for Nogales Infrastructure Improvements Tucson Sector, Nogales Station Santa Cruz County, Arizona, October 2003, resulting in a FONSI signed in October 2003

The Department of Homeland Security proposes to construct 1.5 miles of all-weather patrol roads, perform 0.5 mile of road improvements, install one mile of border fence and maintenance road, and install fifteen Remote Video Surveillance (RVS) systems in proximity to the U.S-Mexico border in Nogales, Arizona. Road improvements to the first 0.5 mile of existing road would involve paving with asphalt. Also, up to sixty portable light systems in the area would continue to be utilized to facilitate enforcement operations.

Analysis: The proposed infrastructure improvements would have no significant adverse effects on natural resources within the project corridor. Therefore, no further analysis or documentation is warranted. The Department of Homeland Security, in implementing this decision, would employ all practical means to minimize the potential adverse impacts on the local environment.

Reference: Final Environmental Assessment for the Installation and Operation of a Relay Tower at Crawford Hill, United States Border Patrol, Nogales Station Santa Cruz County, Arizona Immigration and Naturalization Service, November 2002, resulting in a FONSI signed in November 2002

The proposed action is the installation, operation and maintenance of one relay tower along the U.S.-Mexico border within Santa Cruz County, Arizona. The proposed relay tower would be equipped with RVS equipment. The proposed relay tower is located on Crawford Hill within the City of Nogales. In addition to the relay tower being installed at the Crawford Hill site, the USBP also plans on updating their existing cameras sites within the Nogales Station AO by retrofitting 10 new modem cameras with infrared capabilities at the existing RVS locations. This action would include the removal of non-cameras and replacement with new infrared cameras and would not require any ground disturbing activities.

Analysis: Based upon the results of the EA and the environmental design measures to be incorporated as part of the proposed action, it has been concluded that the proposed action will not have a significant adverse

effect on the environment. Therefore, no further environmental impact analysis is warranted.

Reference: Final Environmental Assessment for the Installation and Operation of Nine Remote Video Surveillance Systems in the Tucson Sector, Cochise County, Arizona, January 2003, resulting in a FONSI signed in January 2003

The U.S. Immigration and Naturalization Service (INS) proposes to install and operate nine Remote Video Surveillance (RVS) systems for the Naco and Douglas U.S. Border Patrol (USBP) Stations. The proposed action includes related permanent road improvements, temporary road improvements, and the installation of power lines from adjacent power grids. The proposed action would involve minimal construction activities at the proposed RVS sites. All of the access road construction would involve grading of existing roadways and previously disturbed areas.

Analysis: Based upon the results of the EA, it has been concluded that the proposed action would not have a significant adverse impact on the natural or human environment, and no further NEPA analysis (i.e., Environmental Impact Statement) is warranted.

Reference: Final Programmatic Environmental Assessment for the Proposed Installation and Operation of Remote Video Surveillance Systems in the Western Region of the Immigration and Naturalization, March 2003, resulting in a FONSI signed March 2003

The USBP Western Region is responsible for approximately 420-miles of the U.S./Canadian border and 511-miles of the U.S./Mexico border, most of which are remote and rugged terrain. Therefore, the USBP has the need for a non-intrusive method for monitoring vast areas with limited resources. Remote Video Surveillance (RVS) systems provide a partial solution to this problem while simultaneously limiting the potential impact to environmental resources. This project sought to analysis the expanded use of RVS systems in the Western Region including the installation of up to 459 additional RVS systems in the Western Region over the next 10 years including the operation and maintenance of all existing and proposed RVS systems. This document described the impacts of the proposed action; however, site-specific surveys and evaluations and tiered NEPA documents will be completed once locations for RVS system installation are identified. This PEA will describe the cumulative effects of the proposed action in conjunction with other on-going and proposed projects.

Analysis: Based upon the results of the PEA it was concluded that the installation and operation of multiple RVS systems would not have a significant adverse impact on the natural or human environment.

Reference: Final Report Environmental Assessment for Infrastructure within US Border Patrol Naco-Douglas Corridor Cochise County, Arizona Immigration and Naturalization Service Washington, DC, August 2000, resulting in a FONSI signed in August 2000

Infrastructure improvements that will be addressed include, but are not limited, to roads, fences, vehicle barriers, helipads, USBP stations,

remote video surveillance (RVS) sites, lights, and checkpoints. The cumulative effect of these improvement projects since 1995 and into the reasonably foreseeable future, and in conjunction with other programs or projects proposed or implemented by other agencies, is the primary focus of this EA.

Analysis: The proposed action would involve minimal construction activities within sites that have been, for the most part, previously disturbed. No significant adverse effects to air quality, water quality, cultural resources, unique areas, soils, protected species, or land use are expected. Based on the findings of this analysis no significant adverse impacts would occur from the preferred alternative.

Reference: Final Report: Environmental Assessment for Proposed Installation of Remote Video Surveillance Equipment Immigration and Naturalization Service San Diego Sector, San Diego, October 2002, resulting in a FONSI signed in October 2002

The proposed action consists of installation, operation, and maintenance of 25 Remote Video Surveillance (RVS) systems near the U.S.-Mexican border within the U.S. Border Patrol (USBP) San Diego Sector, California. This EA analyzes the potential for significant adverse or beneficial impacts of the proposed action. Of the 25 RVS systems, 19 would be installed within the footprint of the extant San Diego Border Infrastructure System. The six remaining RVS systems would be installed at previously disturbed sites outside of the Border Infrastructure System.

Analysis: Based upon the results of the EA, it has been concluded that the proposed action would not have a significant adverse impact on the natural or human environment, and no further NEPA analysis (i.e., Environmental Impact Statement) is warranted.

Reference: Final Supplemental Environmental Assessment for the Acquisition, Installation, and Operation of Remote Video Surveillance Systems, Imperial County, California October 2002, resulting in a FONSI

The U.S. Immigration and Naturalization Service (INS) and U.S. Border Patrol (USBP) El Centro Sector proposes to install Remote Video Surveillance (RVS) systems at specific strategic locations along the U.S./Mexico border to enhance their capabilities of deterring, detecting, and assisting in the apprehensions of illegal entries into the United States. The acquisition, installation, and operation of 24 RVS sites were addressed in an Environmental Assessment (EA) and Finding of No Significant Impact (FONSI) signed on 16 May 2002. However, shortly after public distribution of the Final EA, the USBP and their RVS design contractor determined that some sites needed to be relocated due to technical issues and/or their inability to gain access to the property. In addition, some sites needed to be redesigned and/or added to accommodate proper transmission and reception of signals. This document updates and supplements the June 2002 EA and addresses only those sites that have been modified or relocated. The design changes and additional RVS systems documented in this Supplemental

Environmental Assessment (SEA) includes the addition of four relay sites, five equipment sheds, seven new or relocated RVS sites, and twelve design changes.

Analysis: Based on the findings of this analysis and assuming that all mitigation measures recommended herein are implemented, no significant adverse impacts would occur from the Preferred Alternative. As previously stated, increased or enhanced interdiction of illegal alien entry and drug activities would have positive, indirect socioeconomic benefits.

Reference: Pre-Draft Environmental Assessment for Construction of Barrier Systems Border Field State Park to Gravel Pit and Tin Can Hill Areas San Diego California including Cumulative Impact Assessment for the Multiple Fence System Master Plan, April 1999, resulting in a FONSI This Environmental Assessment analyzes and presents the direct and indirect environmental impacts associated with an Immigration and Naturalization Service (INS) proposal to construct patrol roads, secondary fencing (including pedestrian, overhead rolling, and vehicle swing gate and "agent safety zones"), maintenance roads, tight standards, and remote video surveillance (RVS) cameras along two non-contiguous segments of the U.S.-Mexico international boundary, in San Diego County, California. The EA also presents a cumulative impact assessment for implementation of the Multiple Fence System Master developed for San Diego, California. The Multiple Fence System Master Plan present a plan for enhanced border control along the international boundary in the U.S. Border Patrol (USBP) San Diego Sector (Imperial Beach, Chula Vista, and Brown Field stations) using a combination of roads, lighting, and fences. This EA tiers from the 1994 Programmatic Environmental Impact Statement (PEIS) for Joint Task Force Six (JTF-6) Activities along the U.S.-Mexico Border, prepared by the U.S. Army Corps of Engineers (USACE), Fort Worth District. The proposed action would take place in the Border Field State Park to Gravel Pit and Tin Can Hill areas of San Diego County, within the USBP San Diego Sector (Imperial Beach and Brown Field stations). The proposed action would occur entirely within an area defined as the "project corridor." The project corridor includes two, non-contiguous segments referred to as the "western segment" and "eastern segment" of the project corridor. Analysis: Based upon the results of the EA, it has been concluded that the proposed action would not have a significant adverse impact on the natural or human environment, and no further NEPA analysis (i.e., Environmental Impact Statement) is warranted.

Reference: Preliminary Draft Environmental Assessment Acquisition, Installation, and Operation of Remote Video Surveillance Systems United States Border Patrol Buffalo Sector Niagara Falls, New York, April 2001, resulting in a FONSI

The USBP proposes to install, operate and maintain Remote Video Surveillance systems (RVS) near Niagara Falls, New York. The preferred alternative selects a group of RVS sites that provide an effective video coverage while trying to minimize impacts to environmental resources. Of the alternatives considered, the preferred alternative

would result in the least amount of environmental impacts while providing a strategically effective approach to ensuring the USBP agents' and migrants' health and safety.

Analysis: Based on the findings of this analysis, no significant adverse impacts would occur from the proposed actions.

E2* New construction upon or improvement of land where all of the following conditions are met:

- (a) The structure and proposed use are compatible with applicable Federal, tribal, state, and local planning and zoning standards and consistent with federally approved state coastal management programs,**
- (b) The site is in a developed area and/or a previously disturbed site,**
- (c) The proposed use will not substantially increase the number of motor vehicles at the facility or in the area,**
- (d) The site and scale of construction or improvement are consistent with those of existing, adjacent, or nearby buildings, and,**
- (e) The construction or improvement will not result in uses that exceed existing support infrastructure capacities (roads, sewer, water, parking, etc.).**

The Department of Homeland Security is not a major land managing agency in the Federal government. Department activities involving new construction or improvements of land typically involve single buildings and supporting infrastructure in a single locality. Any potential for environmental impacts would be of a small scale and confined to more localized impacts.

The Panel found that the activity of new construction or improvements of land contemplated under this categorical exclusion are performed by organizational components with real property management responsibilities (nearly the whole of the Department). The Panel also found that public assistance programs may also result in limited new construction or improvements of land where the requirements of NEPA may apply.

This categorical exclusion is supported by long-standing categorical exclusions and administrative records brought to the Department by its components that themselves would have only been developed through a process consistent with NEPA regulatory requirements. In particular, the Panel identified legacy categorical exclusions from the U.S. Coast Guard. The U.S. Coast Guard manages the largest number of real properties in the Department in sensitive aquatic environments along all maritime coasts and several rivers in the U.S. In addition its bridge administration program can be involved in regulating the construction of bridges across navigable waters in any area of the U.S. Legacy categorical exclusions from the Federal Emergency Management Agency include public assistance programs that could be implemented in any part of the U.S. to assist in preparing and recovering from a disaster. The U.S. Border Patrol brought a legacy of environmental assessments and findings of no significant impact for its land based activities. Based upon this extensive history of environmental analyses and the experience of its members, the Panel found that actions of a similar

nature, scope, and intensity were performed throughout the Department without significant environmental impacts.

Since new construction or improvements on land could involve numerous considerations, the Panel took great care to establish limiting provisions to avoid the potential for significant impacts to the human environment. The following limiting provisions were established to both conform to the evidence presented in the administrative record, to clarify meaning of those limiting provisions found in the administrative record, or to add to or modify limitations found in the record based on the experience of the Panel members to further avoid the potential for significant impacts to the human environment:

- (a) The structure and proposed use are compatible with applicable Federal, tribal, state, and local planning and zoning standards and consistent with federally approved state coastal management programs (pursuant to the Coastal Zone Management Act)
- (b) The site is in a developed area and/or a previously disturbed site
- (c) The proposed use will not substantially increase the number of motor vehicles at the facility or in the area
- (d) The site and scale of construction or improvement are consistent with those of existing, adjacent, or nearby buildings
- (e) The construction or improvement will not result in uses that exceed existing support infrastructure capacities (roads, sewer, water, parking, etc.)

As a result of all of these limitations, the Panel determined that this categorical exclusion contemplated activities that would inherently have no potential for significant impacts to the human environment.

The Panel defined this categorical exclusion to be sufficiently related to actions that may involve one or more extraordinary circumstances. To ensure that only those actions having negligible impacts on the human environment are contemplated by this categorical exclusion, the Panel proposed that a Record of Environmental Consideration (REC) be prepared to document the determination whether the action is either appropriately categorically excluded or whether it requires further analysis through an EA or EIS process.

The Panel also noted that other Federal agencies have categorical exclusions for similar activities that are sufficiently descriptive such that they demonstrated to the Panel that those activities were similar in nature, scope, and impact on the human environment to those performed by the Department. In addition, the Panel recognized that all Federal agencies, with very few limitations, must meet the same requirements to protect the environment. The Panel determined from their experience in or on behalf of other Federal agencies, that the characteristics of the activities in the Department were no different than those performed by other Federal agencies in general, as well as specifically related to the environment. .

Accordingly, through a deliberative process, the Panel determined that the proposed categorical exclusion encompassed programmatic activities that inherently did not have individual or cumulative significant impact on the human environment.

Categorical exclusion E2 was the subject of comments expressing concern regarding (1) the precise definition of, "*developed area*" or "*previously disturbed site*" as used in paragraph (b), and (2) the potential for this categorical exclusion serving as a loophole permitting an infinite amount of construction.

The Department considered the comment regarding the definitions of, "*developed area*" or "*previously disturbed site*." The comment specifically addressed wetland resources, stating that it was within reason to believe that wetlands capable of restoration might be considered "disturbed areas." As an example, the comment presents that any such disturbance of a wetland in a particular state that was not related to restoration would possibly be inconsistent with the enforceable policies of the federally approved Coastal Management Program within that state. In response to that concern, the Department modified the text published for public comment by replacing the phrase, "...local planning and zoning standards," with the phrase, "...Federal, tribal, State, and local planning and zoning standards and consistent with federally approved state coastal management programs" as a condition precedent to any action taken under this categorical exclusion.

The Department also considered the concern that this categorical exclusion creates a potential loophole. The comment indicated that the categorical exclusion might be read to permit an infinite amount of construction as long as it could be artfully tailored to meet or to reputedly meet the specified criterion. In response to that concern, the Department noted that Section 3.2 in Appendix A of the directive contains a list of conditions and extraordinary circumstances that must be satisfied in the application of this categorical exclusion to a specific program or activity within the Department. These conditions and extraordinary circumstances were developed in recognition that, while the vast majority of the Department activities in this category do not have potential for significant impacts to the environment, activity proponents within the Department need to be alert for rare and unique conditions that may require more extensive evaluation of the potential for environmental impacts under NEPA. This evaluation would include not only the immediate effect of the Department's decision, but also the potential environmental effects that may indirectly result from implementing the decision and the cumulative effects of the decision on the quality of the human environment.

LEGACY CATEGORICAL EXCLUSIONS AND COMPARABLE AGENCY CATEGORICAL EXCLUSIONS

FEMA

Reference: 44CFR10.8 (d) (2)

(xvi) Improvements to existing facilities and the construction of small scale hazard mitigation measures in existing developed areas with

substantially completed infrastructure, when the immediate project area has already been disturbed, and when those actions do not alter basic functions, do not exceed capacity of other system components, or modify intended land use; provided the operation of the completed project will not, of itself, have an adverse effect on the quality of the human environment;

USCG

Reference: Figure 2-1 Coast Guard Categorical Exclusions

2. Real and Personal Property Related Actions h. Coast Guard new construction upon, or improvement of, land where all of the following conditions are met (Checklist and CED required.): The structure and proposed use are substantially in compliance with prevailing local planning and zoning standards. The site is on heavily developed property and/or located on a previously disturbed site in a developed area. The proposed use will not substantially increase the number of motor vehicles at the facility. The site and scale of construction are consistent with those of existing, adjacent, or nearby buildings.

6. Bridge Administration Actions b. Construction of pipeline bridges for transporting potable water. c. Construction of pedestrian, bicycle, or equestrian bridges and stream gauging cableways used to transport people.

NAVY

Reference: 32CFR775.6

(9) New construction that is consistent with existing land use and, when completed, the use or operation of which complies with existing regulatory requirements and constraints, e.g., a building on a parking lot with associated discharges/runoff within existing handling capacities, a bus stop along a roadway, and a foundation pad for portable buildings within a building complex.

USBP

Reference: Preliminary Draft Amended Environmental Assessment Construction/Renovation Of Border Patrol Checkpoints Near Las Cruces And Alamogordo, New Mexico And El Paso, Texas, February 2001, resulting in a FONSI

The project involves construction of two facilities near Alamogordo, New Mexico, renovation of four existing facilities near Las Cruces, New Mexico, and construction of a new facility near El Paso, Texas. Construction and renovation would occur on land already heavily disturbed and within the highway right-of-ways.

Analysis: Based upon the results of the EA, it has been concluded that the proposed action would not have a significant adverse impact on the environment.

Reference: Final Draft Environmental Assessment Proposed Construction of Border Patrol Station in Eagle Pass, Texas, August 2002, resulting in a FONSI

This Environmental Assessment analyzed the proposed construction and operation of a U. S. Border Patrol (USBP) station in Eagle Pass, Texas.

The Proposed Action calls for the construction of a new border patrol station located approximately one mile south of Eagle Pass on Farm-to-Market Road (FM) 1021. The proposed station would be located on an approximately 39-acre site in a rural area, allowing the future possibility of expansion.

Analysis: Based upon the results of the EA, it has been concluded that the proposed action would not have a significant adverse impact on the natural or human environment, and no further NEPA analysis (i.e., Environmental Impact Statement) is warranted.

Reference: Final Environmental Assessment U.S. Border Patrol Station Wilcox, Arizona September 2002 resulting in a FONSI signed in September of 2002

The Immigration and Naturalization Service (INS) is proposing to relocate the operation of a United States Border Patrol Station (USBPS) to a new facility. The existing and proposed facilities are located in Wilcox, Cochise County. Two additional site locations were considered and eliminated from further consideration due to environmental constraints. The Proposed Alternative would be located within an existing industrial area nearby other non-residential developments within the City limits of Wilcox.

Analysis: Based on the analysis of the resource studies, no significant adverse impacts would result from the Proposed Alternative.

Reference: Preliminary Final Environmental Assessment Immigration and Naturalization Service New 350-Agent Border Patrol Station Campo, California October 2002 resulting in a FONSI

The proposed action consists of building a 350-Agent Border Patrol (USBP) Station near Campo, San Diego. This EA analyzes the potential for significant adverse or beneficial impacts of the proposed action. The proposed action addresses the construction of a 350-Agent USBP station at one of the three locations near Campo, California. A total of 34 acres of land would be acquired. Of this, only 13 acres would be altered. The affected land is currently in open rangeland. The remaining area would serve as a buffer zone and would be used as a turn-out pasture for USBP horse patrols that may occur in the region.

Analysis: Based upon the results of the EA, it has been concluded that the proposed action would not have a significant adverse impact on the environment.

Reference: Final Environmental Assessment for the Installation of Temporary Vehicle Barriers along the International Border near Calexico, California January 2003 resulting in a FONSI signed in January of 2003

This Environmental Assessment (EA) addresses the potential effects, both beneficial and adverse, of the proposed acquisition, installation, and operation of temporary vehicle barriers at various locations along 14.5 miles of the U.S./Mexico border near Calexico, Imperial County, California. The U.S. Fish and Wildlife Service (USFWS) has designated a portion of the proposed project area as critical habitat for the endangered peninsular bighorn sheep. No direct effects to the sheep or

its habitat would occur as a result of the Proposed Action Alternative. However, indirect effects could potentially occur if illegal traffic shifts into other areas. The extent of these effects is not quantifiable at this time because UDA and smuggler patterns are at their, discretion and outside the control of the USBP. The placement of any barriers within critical habitat would occur from 1 July through 31 December to ensure that no aspect of the proposed action interferes with the sheep's lambing season. In addition, much of the project corridor is located within the Vuha Desert Management Area for the proposed threatened flat-tailed horned lizard. USBP would provide biological monitors onsite during placement of the vehicle barriers to ensure no accidental take of the flat-tailed horned lizard would occur.

Analysis: Based upon the results of the EA, it has been concluded that placement of temporary vehicle barriers along the international border would have no adverse direct effects to environmental resources in the proposed project area. However, indirect effects could occur to those areas outside of the project corridor because of the potential for shifting traffic patterns by the smugglers and UDAs. The magnitude of these effects is not identifiable or measurable at this time.

Reference: Environmental Assessment Proposed Immigration and Naturalization Service District Office Oakdale, Louisiana August 1996 resulting in a FONSI

This EA analyzed the proposed construction and operation of an Immigration and Naturalization Service (INS) District Office. The location of the proposed action is within the northeast portion of the city of Oakdale, Allen Parish, Louisiana. The proposed District Office would be constructed near the Oakdale Federal Detention Center (FDC) and the Oakdale Federal Deportation Center (FDTC). The proposed action would provide necessary parking, storage, office space, and related special space (e.g., conference/training rooms, holding areas) that would meet INS personnel requirements in support of the missions at the Oakdale FDC and the Oakdale FDTC. Depending on the site chosen, the proposed construction would involve clearing, grading, and development on a minimum of three and a maximum of four acres for building space and parking lots.

Analysis: Based on the findings of the Environmental Assessment, and the incorporation of mitigation measures as part of the proposed action, the proposed action would not have a significant adverse impact on the environment. Therefore, issuance of a Finding of No Significant Impact is warranted and an Environmental Impact Statement is not required.

Reference: Environmental Assessment for the Proposed Lockdown Dormitory Krome Service Processing Center Miami-Dade County, Florida October 2002 resulting in a FONSI signed in October of 2002

The U.S. Department of Justice, Immigration and Naturalization Service (INS), proposes to construct and operate a 304-bed lockdown dormitory at the Krome Service Processing Center (SPC) site in Miami-Dade County Florida.

Analysis: The proposed action would result in minimal short and long-term impacts to the immediate area of the project location and the surrounding community. Cumulative impacts have been taken into account. Beneficial impacts would result from the proposed action: the Krome SPC would be able to meet its mission requirements in a facility with adequate resources to serve the current and anticipated migrant population.

Reference: Environmental Assessment on Proposed JTF-6 Projects in West Texas September 1993 resulting in a FONSI

The proposed action would involve four separate projects at several locations in seven southwest Texas counties. The proposed projects are: (1) the repair/upgrade of approximately 150 miles (241 kilometers) of existing roads in Terrell, Brewster, Presidio, Jeff Davis, Culberson, and Hudspeth counties; (2) the construction of helicopter landing zones at radio repeater stations on Christmas Mountain, Santiago Peak, and Tres Hermanos in Brewster County and Mount Livermore in Jeff Davis County; (3) the upgrade of an existing firing range near Fabens in El Paso County; and (4) the construction of a U.S. Border Patrol check station on U.S. Highway 62-180 in El Paso County.

Analysis: Based upon the results of the EA, it has been concluded that the proposed action would not have a significant adverse impact on the natural or human environment, and no further NEPA analysis (i.e., Environmental Impact Statement) is warranted.

Reference: Preliminary Draft Abbreviated Environmental Assessment for Proposed Construction/Renovation of Border Checkpoint Stations near Las Cruces and Alamogordo, New Mexico and Comstock and El Paso, Texas, March 24, 1997 resulting in a FONSI

This project proposes to construct or renovate six border check points: two near Las Cruces, New Mexico; two near Alamogordo, New Mexico; one near El Paso, Texas; and one near Comstock, Texas.

Analysis: Based on the findings of this analysis, no significant adverse impacts would occur from the proposed actions.

Reference: Environmental Assessment U.S. Border Patrol Station, Sierra Blanca, Texas February, 2000 resulting in a FONSI signed in February of 2000

This Environmental Assessment (EA) was prepared to evaluate the potential environmental impacts of constructing a U.S. Border Patrol Facility in Sierra Blanca, Texas.. Currently, U.S. Border Patrol Sierra Blanca Sector headquarters facilities are located in the town of Sierra Blartca, Texas. The current station is a 927-square foot building originally built to staff 5 agents. The facility is occupied by 31 agents. Operational functions such as detention cells and parking are either inadequate or not available. These facilities do not provide sufficient space for current or future border patrol operations.

Analysis: On the basis of the findings of the Environmental Assessment, no significant impact is anticipated from the proposed project on human health or the natural environment. A Finding of No Significant Impact

is warranted and an Environmental Impact Statement is not required for this action.

Reference: Environmental Assessment Proposed Construction of the U.S. Border Patrol Station in Laredo, Webb County, Texas May 1998 resulting in a FONSI signed in May of 1998

This Environmental Assessment was prepared for the Immigration and Naturalization Service (INS) proposed land purchase, construction of a U.S. Border Patrol (USBP) station, and relocation of agents to the new facility on an approximately 10-acre tract at the southeast corner of Grand Central Boulevard and the McPherson Road extension in Laredo, Webb County, Texas.

The INS proposes to purchase an approximately 10-acre tract of land from a private landowner in order to construct a USBP station at the southeast corner of Grand Central Boulevard and the McPherson Boulevard extension in Laredo, Webb County, Texas. The USBP agents stationed at the currently leased Laredo North Station would relocate to the new facility when construction is complete. The new station would consist of the following structures or components: a single-story building (30,500 square feet [with a detention area (2,500 sf)]; three aboveground storage tanks (two 10,000-gallon gasoline tanks and one 12,000-gallon diesel tank); a 2,500-sf drive/parking area; a dog kennel for twenty-six dogs; and a radio tower.

Analysis: The proposed action is not anticipated to have any significant adverse impacts to soils, water, biological, or cultural resources. No significant adverse impacts are anticipated to land use, socioeconomic, hazardous materials and waste, air quality, or noise. In addition, the proposed action is not anticipated to have any long-term adverse impacts to the environment.

Reference: Environmental Assessment Proposed Construction of the U.S. Border Patrol Station in Sanderson, Terrell County, Texas February 12, 2001, resulting in a FONSI signed in February 2001

This EA addresses the potential impacts of the Immigration and Naturalization Service (INS) proposed property purchase, construction of a U.S. Border Patrol (USBP) station, and relocation of agents from an existing facility to the new facility. The proposed facility would be located on an approximately 33-acre tract of land north of U.S. Highway 90 and west of Highland Plaza Ave. in Sanderson, Terrell County, Texas.

The purpose is to construct a new facility to accommodate an increased number of agents who will be assigned to the Marfa Sector, Sanderson Station. The current Sanderson Station can accommodate up to 5 personnel, but has inadequate ancillary facilities and does not have the capability to expand to include these facilities. A new station would allow for the necessary expansion of agent staff size as well as more efficient and effective operations in a modern facility that can best support the USBP mission. The new station would consist of the following structures or components: a single-story building (14,000 square feet); one aboveground gasoline storage tank; a 39,858 sf drive/parking area; a dog kennel; and a radio tower.

Analysis: Based upon the results of the EA, it has been concluded that the proposed action would not have a significant adverse impact on the environment.

Reference: Environmental Assessment for the United States Border Patrol Station, Alpine, Texas, resulting in a FONSI signed in July 2000

The Immigration and Naturalization Service is proposing to construct a larger Border Patrol station in Alpine that would accommodate an increase from twenty Border Patrol agents to 100. The proposed Border Patrol station would be located on a 5-acre parcel of land along U.S. Highway 67/90, just west of Alpine's city limits, in Bretster County, Texas.

The existing station is located in a leased facility that formerly housed an automobile dealership and is inadequate to meet the station's need for additional office space, alien processing, interweaving and detention, as well as support facilities. Facilities that are proposed are a administration building, a vehicle maintenance shop, a helicopter landing pad, a fuel island, a car wash, a dog kennel, parking, perimeter chain link fence, high pressure sodium lighting security systems for the interior and exterior of site, landscaping with irrigation, and a 40-foot radio tower with satellite dish.

Analysis: The proposed action would not result in any moderate or significant, short or long-term, cumulative adverse effects and, therefore, an Environmental Impact Statement will not be generated for the proposed action.

Reference: Draft Supplemental Environmental Assessment Proposed Phase II Housing Facilities at the United States Border Patrol Station Presidio, Texas, February 2001, resulting in a FONSI

The Immigration and Naturalization Service is proposing to construct 38 housing units (Phase II) adjacent to the Phase I housing project in order to increase human resources at the Presidio Border Patrol Station (BPS). The proposed housing construction would be located on an 18-acre parcel of land north of the intersection of Erma Avenue and Foothill Boulevard, in the City of Presidio, Presidio County, Texas.

Analysis: In the long-term, human health and safety and vegetation would benefit from the proposed project. Socioeconomics would also benefit from the project with the increase in BP agents and construction workforce. Minimal long-term impact would occur to wildlife, noise, land use and transportation. Short-term impacts would occur to soils, air quality and noise during construction and could occur to human health and safety. No long-term impacts would occur to soils, geology, climate, air quality, groundwater, wetlands and other waters of the United States, floodplains, special status species, environmental justice, cultural resources and irreversible or irretrievable resources. It would not result in any moderate or significant, short or long-term, cumulative adverse effects and, therefore, is recommended. An Environmental Impact Statement (EIS) will not be generated for the proposed action.

Reference: Draft Environmental Assessment Immigration and Naturalization Service Expansion of Parking/Storage Facility and New Traffic Checkpoint at Sonoita, Arizona, October 2000. resulting in a FONSI signed on January 9, 2000.

This Environmental Assessment (EA) addresses the potential effects, beneficial and adverse, of the proposed expansion of the parking and storage facilities at the Sonoita U.S. Border Patrol (USBP) Station, Sonoita, AZ, and the construction of new traffic checkpoint along State Route (SR) 83 at milepost 40.8, approximately eight miles north of Sonoita, AZ. The proposed action would involve construction activities within sites that have been previously disturbed and within the existing right-of-way

Analysis: Based on the findings of this analysis, no significant adverse impacts would occur from the proposed action. Increased or enhanced interdiction of illegal and drug entry and activities would have positive, indirect socioeconomic benefits.

Reference: Environmental Assessment for the U.S. Border Patrol Station, Yuma, Arizona, November 2001, resulting in a FONSI signed on April 17, 2002

This EA will analyze the impacts of a new U.S. Border Patrol Station (BPS) adjacent to the Yuma Sector Headquarters Complex on the southern edge of Yuma, Arizona. After construction of the new facilities, the staffing would increase from 190 to 350 people. The selected site would be purchased by the U.S. Government to support the U.S. Border Patrol (USBP). The new BPS would cover approximately 50,000 square feet and would include such facilities as the main station, sally port, dog kennels, parking, seized vehicle temporary storage, fuel island, wash station, communication towers, and a two-bay vehicle maintenance shop.

Analysis: On the basis of the findings of the environmental assessment, no significant impact is anticipated from the proposed project on human health or the natural environment. A Finding of No Significant Impact is warranted and an Environmental Impact Statement is not required for this action.

Reference: Environmental Assessment U.S. Border Patrol San Diego Sector Support Facilities at Brown Field San Diego, California, October 1999, resulting in a FONSI

This EA analyzed the proposed construction and operation of the San Diego Sector Support Facilities at Brown Field in San Diego, California. Proposed development includes an air operations facility, vehicle maintenance garage, electronics maintenance shop, facilities maintenance shop, parking areas, interior access roads, and associated ancillary functions. This EA evaluates the potential effects of the Proposed Action on the following resource areas: geology and soils, biological resources, cultural resources, water resources, air quality, noise, public health and safety, land use, visual resources, traffic and circulation, utilities and public services, socioeconomics, and hazardous materials and wastes.

Analysis: Based upon the results of the EA, it has been concluded that the proposed action would not have a significant adverse impact on the environment.

Reference: Draft Environmental Assessment Proposed Construction of Border Patrol Checkpoint at 1-35 Mile Marker 29 Laredo, Webb County, Texas, March 28, 2002 resulting in a FONSI

The proposed action calls for the construction of a checkpoint station located approximately two miles north of the I-35/Camino Colombia exit. Vehicles traveling north on I-35 from the toll road will be forced to pass through the new checkpoint, situated east of the access road.

The proposed action could result in potential impacts to a prehistoric site of possible cultural significance identified during the field investigation Site 41WB612 is a lithic scatter with surface and subsurface material covering about 2.07 acres. No diagnostic artifacts or features were recovered, and the period of occupation is unclear. However, the site is contained within a flat eolian plain that appears to be stable below the top layer of loose soil, and the potential for additional subsurface cultural material is good. The layout of the proposed checkpoint is such avoidance of the site is not possible, so it appears that the proposed action will impact the site. For this reason, testing of the site for eligibility on the National Register of Historic Places (NRHP) has been undertaken. The results of the testing will be addressed in a separate document, If the site is determined to be ineligible for inclusion on the NR the potential impact on this cultural resource would be considered insignificant.

Analysis: Based on the findings of this analysis, no significant adverse impacts would occur from the proposed actions.

Reference: Draft Environmental Assessment New Building Construction San Angelo, Tom Green County, Texas, February 2002, resulting in a FONSI signed on May 5, 2003

This Environmental Assessment (EA) addresses site-specific actual and potential cumulative effects, beneficial and adverse, of the Immigration and Naturalization Service (INS) and U.S. Border Patrol (USBP) activity regarding construction of office space for the Anti-Smuggling Unit of the Del Rio Sector.

Analysis: Based on the findings of this analysis and assuming that all mitigation measures recommended herein are implemented, no significant adverse impacts would occur from the Proposed Action. As previously stated, increased or enhanced interdiction of illegal drug activities would have positive, indirect socioeconomic benefits.

Reference: Environmental Assessment for Construction of New Border Station, Sault Sainte Marie, Michigan Chippewa County, January 1999, resulting in a FONSI signed in January 1999.

The proposed action involves the construction of a 48,000 gross square feet building on the existing government owned site, and an adjacent 0.33 acre parcel to be purchased by the General Services Administration (GSA) from the State of Michigan The total square footage includes canopied areas. The new facility will provide expanded office, lobby,

and storage space, a firing range, five primary inspection lanes, a garage, and a secondary inspection building to allow the search of buses and private vehicles

The proposed action will allow the U.S. Customs Service, U.S. Immigration and Naturalization Service, and U.S. Department Agriculture Plant Protection and Quarantine Service to efficiently carry out their missions at the International Bridge border crossing at Sault Sainte Marie, Michigan. According to the definitions in the U.S. Border Station Design Guide, this station is expanding from a "small" station to a "medium" station. The U.S. Department of Agriculture Plant Protection and Quarantine (PPQ) has also submitted a request for space at this location, a result of the increased passage of produce from Asia through Canada.

Analysis: Based on the findings of this analysis, no significant adverse impacts would occur from the proposed actions.

Reference: Environmental Assessment for the Construction of a Physical Security Training Facility, Building 15, for the Federal Law Enforcement Training Center (FLETC) at Glynco, Georgia, resulting in a FONSI signed on September 19, 2000

The proposed action would consist of construction a new building (Building 15) at the intersection of Legislative Drive and Records Avenue to house the physical security training that is presently being conducted in Building 146. The building would be called the Physical Security Training Facility. The work would include:

- (1) Construction of a 12,000 square foot, one-story, standing seam galvanized steel roofed building, with architectural concrete masonry for the exterior bearing walls;
- (2) Site improvements consisting of storm drainage, walkways and landscaping;
- (3) Connection to the FLETC-wide underground chilled water and natural gas distribution loops. The new chilled water loop (supply and return lines) would connect to the nearest existing valve pit located approximately 800 feet southeast of the new facility;
- (4) Restoration of a roughly 5,000 square-foot existing paved area for parking;
- (5) Relocation of the training activities from Building 146; and
- (6) Modification and reuse of the existing training facility for other ongoing FLETC activities.

Analysis: Based upon the findings of this analysis no significant adverse impacts would occur from these activities.

Reference: Environmental Assessment for the Administration Building Construction Project, Building 93, FLETC, Glynco, Georgia resulting in a FONSI.

This Environmental Assessment describes those environmental impacts that would result from the proposed construction of the new administration building would be located northeast of FLETC Avenue. A new administration building would consolidate safety and environmental, finance, procurement, security, and other offices from many scattered

locations into one location. The personnel would work in a modern, spacious, healthful and more comfortable environment.

Analysis: Based upon the findings of this analysis no significant adverse impacts would occur from these activities.

Reference: Draft Environmental Assessment and Finding of No Significant Impact for Construction of Multi-Activity Center FLETC, Glynco, Georgia, August 2002, resulting in a FONSI signed on September 3, 2002. The Multi-Activity Center would consist of one 2-story building (approximately 20,000 square feet) that includes rooms for short-term ammo storage, a weapons display area, weapons storage, classrooms, and office space. The project also includes parking and would result in disturbance to an area of approximately 5.5 acres.

Analysis: Based upon the findings of this analysis no significant adverse impacts would occur from these activities.

Reference: Environmental Assessment for Mock Port of Entry and Border Patrol Station and Related Facilities at the Federal Law Enforcement Training Center Glynco, Georgia, resulting in a FONSI signed in July 2001.

INS, US Customs, and US Border Patrol constructed a training center at the Federal Law Enforcement Training Center (FLETC) located in Glynco, GA. The facilities included a training center (23,000 square feet) thirty-six parking spaces, and various outdoor training areas. Specifically, a new single story building was constructed to contain a single classroom, a mock port of entry, a mock border patrol station, various training rooms for specific exercises, office spaces, rest rooms, break rooms, and storage areas. The project also included fabrication of outdoor venues to simulate traffic circulation at Ports of Entry. The site was a total of five acres and was previously vacant and wooded.

Through coordination with the appropriate resource agencies, the Environmental Assessment determined there would be no significant adverse impacts to the environment from this action. In an effort to reduce impacts during construction, INS and FLETC implemented several Best Management Practices (BMP5) including: avoiding construction near wetlands, using existing tree cover or new plantings to shield historic bunkers near the site, using native plants species, applying energy conservation to design techniques, and using BMPs for erosion, sedimentation and dust control. With the incorporation of the mitigation measures, the EA determined there were no significant impacts to the human environment, nor were any cumulative or irreversible impacts anticipated.

Analysis: Though this project was larger than this CATEX would allow, and didn't meet the requirements that the site in a developed area and/or on a previously disturbed site, this project still resulted in a FONSI.

Reference: Final Environmental Assessment for Various Road Improvements from Canyon City, California to the Imperial County Line San Diego

County, California US Border Patrol, March 2003, resulting in a FONSI signed in March 2003

This project analyzed the potential for impact from 1) the placement of up to fifty portable lights, as needed, within 60 feet of the border from the Pacific Crest Trail to the Imperial County line; 2) night vision scope pad and access road construction; 3) installation/repair of four drainage structures; 4) the installation of a 300-foot bollard fence section near Jacumba; 5) blasting activities; and 6) the installation of two water wells and holding tanks by the U.S. Border Patrol (USBP). All activities would take place between Canyon City, California and the Imperial County line in San Diego County, California.

Analysis: Based upon the findings of this analysis no significant adverse impacts would occur from these activities.

Reference: Draft Environmental Assessment Joint Task Force Six Proposed Fence and Road Improvement Project Naco, Cochise County, Arizona, March 2000, resulting in a FONSI signed on August 3, 2000.

The Proposed Action would involve the extension of an existing landing mat fence located east of the Port of Entry (POE) for a distance of one mile near Naco, Arizona. From the ending point of the proposed landing mat fence, a proposed vehicle barrier would extend another three miles to the east. Additionally, two Arizona crossings (low water crossings) would be constructed at two separate ephemeral stream crossings west of the POE. Finally, the Proposed Action would involve improvements to the border road for a four-mile segment east of the POE and a six-mile segment west of the POE. A Programmatic Environmental Impact Statement (PEIS) was prepared in 1994 for the Immigration and Naturalization Service (INS) and Joint Task Force Six (JTF-6), proposed activities which facilitate Law Enforcement Agencies (LEAs) missions to reduce illegal drug activity along the southwestern border of the U.S. The PEIS addresses the cumulative effects of past and reasonably foreseeable projects undertaken by JTF-6 for numerous LEAs in the four southwestern states (Texas, New Mexico, Arizona, and California). This Environmental Assessment (EA) for the Proposed Action tiers from the 1994 PETS (U.S. Army 1994). Cooperating agencies involved with the Proposed Action include the U.S. Border Patrol, the INS, and JTF-6.

Analysis: Based on the results of the EA and the environmental design measures to be incorporated as part of the Proposed Action, it has been concluded that the Proposed Action will not have a significant adverse effect on the environment.

Reference: Environmental Assessment for the Installation of Fencing, Lights, Cameras, Guardrails, and Sensors along the American Canal Extension El Paso, Texas, April 1999, resulting in a FONSI

This Environmental Assessment was tiered from the "Final Programmatic Environmental Impact Statement for JTF-6 Activities Along the U.S./Mexico Border and sought install fencing, lights, cameras, guardrails and sensors along portions of the American Canal Extension in El Paso, TX. The entire project was within the city limits of El Paso. The project entailed approximately twenty miles of fencing,

permanent stadium-type lights to be installed on poles 60 to 300 feet high in three clusters along the 20-mile project area, and construction of guardrails placed along portions of the project in order to prevent vehicles accessing the levee slopes at inappropriate or unsafe locations. The project also analyzed the installation of surveillance cameras, to provide remote surveillance of the BP patrol area, at critical locations along the project length. Some cameras were to be mounted on existing poles, antennae, or buildings, while others required installation of new poles.

Analysis: Based upon the findings of this EA, no significant adverse environmental impacts would result from the proposed action.

Reference: Final Environmental Assessment Area Lighting, Fencing, and Roadways at International Border San Diego, California, August 1997, resulting in a FONSI signed in August 1997

This Environmental Assessment (EA) prepared for the Los Angeles District for the Immigration and Naturalization Service (INS) Lighting, Fencing and Roads Project at the International Border San Diego, California. The INS proposes to implement a system of lighting, fencing, and roadways. The project consists of parallel construction of lighting, fencing, and roadways (total length about 7.3 miles) up to approximately 150 feet north of the existing border fence, originating at Arnies Point (approximately seven miles east of the Pacific Ocean) and terminating at the San Ysidro Mountain foothills to the east.

Analysis: Based upon the results of the EA, it has been concluded that the proposed action would not have a significant adverse impact on the natural or human environment, and no further NEPA analysis (i.e., Environmental Impact Statement) is warranted.

Reference: Final Environmental Assessment for Border Road and Fence; Construction and Repair Tecate to Canyon City, San Diego County, California, October 1993, resulting in a FONSI signed in October 1993

This document analyzes the actions to be taken for border road construction and repair, and fence construction and repair. This PEA has been prepared to assess any environmental concerns associated with this action segments; the installation and/or repair of fencing; and the installation of culverts on about 10 miles of the U.S./Mexico border in the vicinity of Tecate, California. The project will include some widening of roads. A detailed project description is included in Section 4.0 of this FEA.

Analysis: Based upon the results of the EA, it has been concluded that the proposed action would not have a significant adverse impact on the natural or human environment, and no further NEPA analysis (i.e., Environmental Impact Statement) is warranted.

Reference: Final Environmental Assessment for Conversion of Vehicle Barriers to Landing Mat Fence Naco, Arizona Immigration and Naturalization Service Washington, DC, October 2002, resulting in a FONSI signed in October 2002

The proposed action is to convert 1.2 miles of vehicle barriers east of Naco, Arizona into landing mat fence. The project involved the

conversion of 1.2 miles of existing vehicle barriers with 10-foot support poles into landing mat fence with little or no additional ground disturbance. The Preferred Alternative would involve minimal construction activities within an area that has been previously disturbed.

Analysis: Based on the findings of this analysis and assuming that all mitigation measures recommended herein are implemented, no significant adverse impacts would occur from the Preferred Alternative.

Reference: Final Environmental Assessment for Joint Task Force Six Operations JT089-93, JT094-93 and JT265-93 Douglas, Cochise County, Arizona, February 1993, resulting in a FONSI signed in February 1993

The purpose of JTF-6 Operations in Douglas, Arizona is to provide routine maintenance to existing drag and mountain roads, along the U.S.-Mexico Border and to install fences at the U.S. Border Patrol Station in Douglas, Arizona. The proposed project includes three components: JT 265-93, the maintenance, of 24 miles of an existing drag road east and west of Douglas, Arizona. JT 094-93, the maintenance of about one mile of mountain road east of Douglas, Arizona. JT 089-93, the installation of fences at the U. S. Border Patrol Station at Douglas, Arizona. The road maintenance will consist of light scraping, installation of culverts, grading and shaping for drainage, placing gravel in a slowly flowing wash and resetting existing cattle guards. Road projects will be maintained within their existing width. Limited turnarounds and passing areas will be coordinated with on-site monitors.

Analysis: A review of this Environmental Assessment and coordination with the appropriate agencies indicate that the actions, as proposed by the Joint Task Force Six Operation for road maintenance and fence installation, will not have a significant impact on the quality of the physical or biological environment. All requirements of the National Environmental Policy Act (NEPA) have been satisfied; therefore, preparation of an Environmental Impact Statement is not required.

Reference: Final Environmental Assessment for Naco Roadway and Fence Construction Naco, Cochise County, Arizona, April 2003, resulting in a FONSI

This EA analyzed infrastructure improvements, including the construction of 4 miles of roads and approximately 1.5 miles of fence. The 4 miles of road improvement would occur along the northern edge of the existing border road, 2 miles east and west of the Naco port of entry (POE), with a new access road to the border from the newly constructed Naco Highway. Landing mat or bollard fence, beginning approximately one mile west of the POE and continuing for a distance of one mile would replace existing vehicle barriers. An additional 0.5 miles of bollard fence would be installed in the natural washes and drains that transect the proposed road.

Analysis: Based on the findings of this analysis and assuming that all design measures recommended herein are implemented, no significant adverse impacts would occur from the Proposed Action Alternative.

Reference: Final Environmental Assessment for the Proposed New River Safety Barrier and Border Fence Project Calexico, California, January 2004, resulting in a FONSI signed in January 2004

The USBP proposes to install, operate and maintain a retractable Safety Barrier that would deter the flow of illegal aliens north via the New River without impeding the flow of the water. In addition to the Safety Barrier, 5-miles of border barrier fence would also be constructed. The Safety Barrier is a retractable gate style fence made of tubular aluminum fingers that will be adjusted to the depth of the channel bottom. The Border Patrol agents will engage the barrier upon the detection of illegal alien activity in the river. As the illegal aliens are apprehended or turned back, the barrier would be disengaged allowing it to remain up and out of the channel until it is activated again. One or two permanent stadium style lights will also be installed to assist in detecting illegal aliens at night. These lights would be located within 30-feet of the Safety Barrier Bridge, facing south, to ensure that agents can clearly see the river at night. Along with the Safety Barrier, 200- feet of chain link fence from the international border to the Safety Barrier Bridge along both outer banks of the New River will be constructed.

Analysis: Based upon the results of the environmental assessment and the environmental design measures to be incorporated as part of the proposed action, the proposed action will not have a significant adverse effect on the environment. Therefore, no further environmental impact analysis is warranted.

Reference: Final Environmental Assessment for Various Road Improvements from Canyon City, California to The Imperial County Line San Diego County, California, U.S. Border Patrol, March 2003, resulting in a FONSI signed in March 2003

The proposed actions consists of: 1) the placement of up to 50 portable lights, as needed, within 60 feet of the border from the Pacific Crest Trail to the Imperial County line; 2) night vision scope pad and access road construction; 3) installation/repair of four drainage structures; 4) the installation of a 300-foot bollard fence section near Jacumba; 5) blasting activities; and 6) the installation of two water wells and holding tanks by the U.S. Border Patrol (USBP). All activities would take place between Canyon City, California and the Imperial County line in San Diego County, California.

Analysis: Based upon the findings of this analysis and assuming that all mitigation measures recommended herein are implemented, no significant adverse impacts would occur from the Proposed Action Alternative.

Reference: Final Environmental Assessment: Immigration and Naturalization Service U.S. Border Patrol Pedestrian Fence along the International Border, USBP El Paso Sector, Texas, January 2003, resulting in a FONSI signed on January 7, 2003.

The U.S. Immigration and Naturalization Service (INS) proposes to improve and extend an existing pedestrian (chain-link) fence for the U.S. Border Patrol (USBP) El Paso Sector, near Anapra, New Mexico. The

Proposed Action Alternative includes the improvement of 0.2 miles along the eastern end of the existing fence and the horizontal extension of 0.17 miles and 0.41 miles of the current eastern and western ends, respectively. The proposed action would involve the excavation and removal of approximately 0.1 cubic yards of soil from each hole where fence poles would be located, but would not significantly affect the existing environment. The footprint of the proposed fence was surveyed for sensitive biological and cultural resources.

Analysis: No major, long-term, adverse impacts are anticipated to any resources analyzed within this document. Therefore, no further analysis or documentation (i.e., Environmental Impact Statement) is warranted. The INS, in implementing this decision, would employ all practical means necessary to minimize the potential adverse impacts on the local environment.

Reference: Final Environmental Assessment Joint Task Force Six Proposed Fence Road Repair and Improvement Project Douglas, Cochise County, Arizona, February 2001, resulting in a FONSI signed in February 2001

A Programmatic Environmental Impact Statement (PEIS), prepared in 1994 for the Immigration and Naturalization Service (INS) and JTF-6, addressed proposed projects that facilitate missions to reduce illegal drug activity trafficking. This Environmental Assessment (EA) tiers from the 1994 PEIS. This EA addresses the potential impacts associated with a proposed fence and road improvement project along the U.S.-Mexico border in Cochise County, Arizona. The Proposed Action includes landing mat fence extension, installation of permanent lighting, road and hydrological repairs and improvements, and road maintenance. The Proposed Action specifically addresses the extension of an existing landing mat fence east of the Port of Entry (POE) for a distance of two miles, installation of permanent lighting east of the POE for a distance of 0.8 of a mile and west of the POE for a distance of one mile; repair/improvement the border road and hydrological conditions east of the POE for a distance of 4 miles and west of Whitewater Draw for a distance of 4 miles; and road maintenance west of the road repair section for a distance of eight miles near Douglas, Arizona.

Analysis: Based upon the results of the EA, it has been concluded that the proposed action would not have a significant adverse impact on the natural or human environment, and no further NEPA analysis (i.e., Environmental Impact Statement) is warranted.

Reference: Final Environmental Assessment JTF-6 Fence Construction Project Yuma County, Arizona, May 1998, resulting in a FONSI signed in May 1998

This Environmental Assessment (EA) addresses the potential impacts associated with the proposed fence construction along the U.S.-Mexico border in Yuma County, Arizona. The Proposed Action would involve the construction of a fence two feet north of the U.S.-Mexico border beginning at the existing landing mat fence and extending approximately 3.3 miles to the east, south of Yuma, Arizona and north of San Luis, Mexico. Materials to be used for the proposed fence would either be steel landing mat or sheet metal fence. A Programmatic Environmental

Impact Statement (PEIS) was prepared in 1994 for the Immigration and Naturalization Service (INS) and Joint Task Force Six (JTF-6) proposed projects that facilitate Law Enforcement Agencies (LEAs) missions to reduce illegal drug activity along the southwestern border of the U.S. The PEIS addresses the cumulative effects of past and reasonably-foreseeable projects undertaken by JTF-6 for numerous LEAs in the four southwestern states (Texas, New Mexico, Arizona, and California). This Environmental Assessment (EA) for the Proposed Action tiers from the PEIS completed for JTF-6 and INS activities along the U.S.-Mexico border (U.S. Army 1994) Due to potential problems obtaining rights-of-entry, the proposed action may not be implemented. If the proposed action cannot be implemented, then the environmentally preferred alternative (install the light poles 90 ft closer to the border) or the no action alternative may be selected. Both of these alternatives for installation of the light poles would be more compatible with the USBP mission and would not significantly affect the resources contained within the Douglas area.

Analysis: Based upon the results of the EA, it has been concluded that the proposed action would not have a significant adverse impact on the natural or human environment, and no further NEPA analysis (i.e., Environmental Impact Statement) is warranted.

Reference: Final Supplemental Environmental Assessment for Various Infrastructure and Road Improvements from Canyon City, California to the Imperial County Line San Diego County, California, November 2003, resulting in a FONSI signed in November 2003

The propose actions consists the construction of six night vision scope pads and access road construction and maintenance, 2.2 miles of road improvements to the SDG&E Road, an approximately 467-foot section of bypass road construction, and the installation of an approximately 650-foot section of fence and vehicle barriers. These improvements are proposed by the U.S. Border Patrol (USBP) and would take place between Tecate and Tierra del Sol, California.

Analysis: Based upon the findings of this analysis and assuming that all mitigation measures recommended herein are implemented, no significant adverse impacts would occur from the Proposed Action Alternative.

Reference: Pre-Draft Environmental Assessment for Construction of Barrier Systems Border Field State Park to Gravel Pit and Tin Can Hill Areas San Diego California including Cumulative Impact Assessment for the Multiple Fence System Master Plan, April 1999, resulting in a FONSI This Environmental Assessment analyzes and presents the direct and indirect environmental impacts associated with an Immigration and Naturalization Service (INS) proposal to construct patrol roads, secondary fencing (including pedestrian, overhead rolling, and vehicle swing gate and "agent safety zones"), maintenance roads, tight standards, and remote video surveillance (RVS) cameras along two non-contiguous segments of the U.S./Mexico international boundary, in San Diego County, California. The EA also presents a cumulative impact assessment for implementation of the Multiple Fence System Master

developed for San Diego, California. The Multiple Fence System Master Plan present a plan for enhanced border control along the international boundary in the U.S. Border Patrol (USBP) San Diego Sector (Imperial Beach, Chula Vista, and Brown Field stations) using a combination of roads, lighting, and fences. This EA tiers from the 1994 Programmatic Environmental Impact Statement (PEIS) for Joint Task Force Six (JTF-6) Activities along the U.S./Mexico Border, prepared by the U.S. Army Corps of Engineers (USACE), Fort Worth District. The Proposed Action would take place in the Border Field State Park to Gravel Pit and Tin Can Hill areas of San Diego County, within the USBP San Diego Sector (Imperial Beach and Brown Field stations). The Proposed Action would occur entirely within an area defined as the "project corridor." The project corridor includes two, non-contiguous segments referred to as the "western segment" and "eastern segment" of the project corridor. Analysis: Based upon the results of the EA, it has been concluded that the proposed action would not have a significant adverse impact on the natural or human environment, and no further NEPA analysis (i.e., Environmental Impact Statement) is warranted.

Lighting Projects

Reference: Draft Environmental Assessment for Operation Rio Grande Interim Lighting, August 1997 - June 1999, resulting in a FONSI
 Operation Rio Grande is a strategy initiated by the U.S. Border Patrol (USBP), a law enforcement branch of the U.S. Immigration and Naturalization Service (INS), in August 1997 to aid in reducing illegal immigration and drug trafficking along the Rio Grande corridor of the McAllen Sector of the USBP. This EA addresses the interim effects of a portion of Operation Rio Grande in the Brownsville and Port Isabel stations of the McAllen Sector, and will be superseded by an Environmental Impact Statement (EIS) for Operation Rio Grande McAllen Sector. This EA is tiered from the Programmatic Environmental Impact Statement (PEIS) completed for a broad scope of INS Joint Task Force-6 (JTF-6) activities along the U.S.-Mexico border (USACE, 1994). The continuation and expansion of Operation Rio Grande through the actions covered by this EA will increase the efficiency and safety of the USBP agents in the McAllen Sector as they fulfill their obligations under U.S. laws and directives. The proposed action is the interim use of lights in the McAllen Sector stations of Brownsville and Port Isabel pending completion of an EIS on Operation Rio Grande. This action is intended to reduce the influx of illegal immigration and drugs into these two stations,

Analysis: Based upon the results of the EA, it has been concluded that the proposed action would not have a significant adverse impact on the natural or human environment, and no further NEPA analysis (i.e., Environmental Impact Statement) is warranted.

Reference: Environmental Assessment for the Installation of Portable Lights within the Naco Corridor Cochise County, Arizona, December 2001, resulting in a FONSI signed in December 2001

This EA analyzed the acquisition and the intermittent operation of approximately 30 to 50 portable lights. These proposed lights would be

deployed anywhere along the 10.5 -mile corridor along the US/Mexico border, three miles to the east and 7.5 miles to the west of the POE at Naco, on an as needed basis. A total of 202 sites, along the 10.5-mile corridor, have been designated for light placement.

Analysis: Based upon the results of the EA and the environmental design measures to be incorporated as part of the proposed action, it was concluded that the proposed action would not have a significant adverse effect on the environment.

Reference: Environmental Assessment Installation of Fencing, Lights, Cameras, Guardrails, And Sensors Along The American Canal Extension El Paso District El Paso, Texas, April 1999, resulting in a FONSI

This Environmental Assessment is tiered from the "Final Programmatic Environmental Impact Statement for JTF-6 Activities Along the U.S.-Mexico Border (Texas, New Mexico, Arizona and California) ", dated August 1994, prepared for the INS. The El Paso Sector of the United States Border Patrol proposes to install fencing, lights, cameras, guardrails and sensors along portions of the American Canal Extension in El Paso, TX. The project is located near the Rio Grande River in northwestern Texas. The entire project is within the city limits of El Paso. The majority of the Project Location is along a man made canal and levee system. Portions of the canal are at times adjacent to industrial areas, downtown El Paso, and mixed commercial with limited residential development. Border Highway (Route 375) roughly parallels most of the project site.

Analysis: Based on the findings of this analysis, no significant adverse impacts would occur from the proposed actions. Therefore, no further analysis or documentation (Environmental Assessment or Impact Statement) is warranted. The INS, in implementing this decision, will employ all practical means to minimize the potential adverse impacts on the local environment.

Reference: Final Environmental Assessment Area Lighting, Fencing, and Roadways at International Border San Diego, California, August 1997, resulting in a FONSI signed in August 1997

This Environmental Assessment (EA) prepared for the Los Angeles District for the Immigration and Naturalization Service (INS) Lighting, Fencing and Roads Project at the International Border San Diego, California. The INS proposes to implement a system of lighting, fencing, and roadways. The project consists of parallel construction of lighting, fencing, and roadways (total length about 7.3 miles) up to approximately 150 feet north of the existing border fence, originating at Arnies Point (approximately seven miles east of the Pacific Ocean) and terminating at the San Ysidro Mountain foothills to the east.

Analysis: Based upon the results of the EA, it has been concluded that the proposed action would not have a significant adverse impact on the natural or human environment, and no further NEPA analysis (i.e., Environmental Impact Statement) is warranted.

Reference: Final Environmental Assessment for the Proposed New River Safety Barrier and Border Fence Project Calexico, California, January 2004, resulting in a FONSI signed in January of 2004

The USBP proposes to install, operate and maintain a retractable Safety Barrier that would deter the flow of illegal aliens north via the New River without impeding the flow of the water. In addition to the Safety Barrier, five miles of border barrier fence would also be constructed. The Safety Barrier is a retractable gate style fence made of tubular aluminum fingers that will be adjusted to the depth of the channel bottom. The Border Patrol agents will engage the barrier upon the detection of illegal alien activity in the river. As the illegal aliens are apprehended or turned back, the barrier would be disengaged allowing it to remain up and out of the channel until it is activated again. One or two permanent stadium style lights will also be installed to assist in detecting illegal aliens at night. These lights would be located within 30-feet of the Safety Barrier Bridge, facing south, to ensure that agents can clearly see the river at night. Along with the Safety Barrier, 200- feet of chain link fence from the international border to the Safety Barrier Bridge along both outer banks of the New River will be constructed.

Analysis: Based upon the results of the environmental assessment and the environmental design measures to be incorporated as part of the Proposed Action, the Proposed Action will not have a significant adverse effect on the environment. Therefore, no further environmental impact analysis is warranted.

Reference: Final Environmental Assessment for Various Road Improvements from Canyon City, California to The Imperial County Line San Diego County, California, U.S. Border Patrol, March 2003, resulting in a FONSI signed in March 2003

The proposed actions consists of: 1) the placement of up to 50 portable lights, as needed, within 60 feet of the border from the Pacific Crest Trail to the Imperial County line; 2) night vision scope pad and access road construction; 3) installation/repair of four drainage structures; 4) the installation of a 300-foot bollard fence section near Jacumba; 5) blasting activities; and 6) the installation of two water wells and holding tanks by the U.S. Border Patrol (USBP). All activities would take place between Canyon City, California and the Imperial County line in San Diego County, California.

Analysis: Based upon the findings of this analysis and assuming that all mitigation measures recommended herein are implemented, no significant adverse impacts would occur from the Proposed Action Alternative.

Reference: Final Environmental Assessment Joint Task Force Six Proposed Lighting Project Naco, Cochise County, Arizona, April 5, 1999, resulting in a FONSI signed on April 5, 1999

A Programmatic Environmental Impact Statement (PETS), prepared in 1994 for the Immigration and Naturalization Service (INS) and JTF-6, proposed projects that facilitate LEA missions to reduce illegal drug trafficking. The PEIS addresses the cumulative effects of past and

reasonably foreseeable actions undertaken by JTF-6 for numerous LEAs in the four southwestern states (Texas, New Mexico, Arizona, and California). This Environmental Assessment WA) tiers from the 1994 PETS (U.S. Army 1994). This EA addresses the potential impacts associated with a proposed lighting project along the U.S.-Mexico border in Cochise County, Arizona. The Proposed Action involves the installation of approximately 40 lighting poles placed approximately 60 feet north of the international border one mile west of the truck Port of Entry (POE) and one mile east of the POE at Naco, Arizona. A secondary usage of these poles may be for camera equipment at a later date.

Analysis: Based upon the results of the EA, it has been concluded that the proposed action would not have a significant adverse impact on the natural or human environment, and no further NEPA analysis (i.e., Environmental Impact Statement) is warranted.

Reference: Final Environmental Assessment Joint Task Force Six Proposed Lighting Project Yuma County, Arizona Imperial County, California, May 1999, resulting in a FONSI

A Programmatic Environmental Impact Statement (PETS), prepared in 1994 for the Immigration and Naturalization Service (INS) and JTF-6, proposed projects that facilitate LEA missions to reduce illegal drug trafficking. The PEIS addresses the cumulative effects of past and reasonably foreseeable actions undertaken by JTF-6 for numerous LEAs in the four southwestern states (Texas, New Mexico, Arizona, and California). This Environmental Assessment WA) tiers from the 1994 PEIS (U.S. Army 1994). This EA addresses the potential impacts associated with a proposed lighting project along the U.S.-Mexico border in Yuma County, Arizona and Imperial County, California. The Proposed Action involves the installation of lighting poles placed at either the 60-foot ROW or at a line 150 feet north of the international border in southern and western Yuma County, Arizona. Another segment of lights is proposed for areas adjacent to the Wellton-Mohawk Bypass Drain running north/south, west of Gadsden and Yurna, Arizona. A final segment of lights is proposed for the public access POE parking lot of the Andrade Reservation in Imperial County, California. Approximately 154 total poles would be installed in these areas. A secondary usage of these poles may be for camera equipment at a later date.

Analysis: Based upon the results of the EA, it has been concluded that the proposed action would not have a significant adverse impact on the natural or human environment, and no further NEPA analysis (i.e., Environmental Impact Statement) is warranted.

Reference: Final Environmental Assessment Portable Lights within the Naco Corridor Cochise County, Arizona, December 2001, resulting in a FONSI signed in December 2001

The propose action would include the acquisition and the intermittent operation of approximately 30 to 50 portable lights. These proposed lights would be deployed anywhere along the 10.5-mile corridor along the US/Mexico border, three miles to the east, and 7.5 miles to the west of the POE at Naco, on an as needed basis. A total of 202 sites,

along the 10.5-mile corridor, have been designated for light placement, when needed.

Analysis: Based upon the results of the EA and the environmental design measures to be incorporated as part of the proposed action, it has been concluded that the proposed action would not have a significant adverse effect on the environment.

Reference: Final Report Environmental Assessment for Permanent Lighting Structures near Calexico, California, February 2002, resulting in a FONSI signed in February 2002

The US Immigration and Naturalization Service (INS) and US Border Patrol (USBP) propose to install lighting systems at specific strategic locations along the All American Canal near Calexico, California to enhance their capabilities of detecting illegal entries into the United States and to assist in the apprehensions of those illegal entrants who are detected. The Proposed Action would require that 12.25 miles of the All American Canal levee roadway have permanent lighting structures installed.

Analysis: Based on the findings outlined in this document, no significant adverse impacts would occur from the proposed actions at the proposed lighting structure site locations. Therefore, no further analysis or documentation (i.e., Environmental Impact Statement) is warranted.

Reference: Final Supplemental Environmental Assessment for the Proposed JTF-6 Light Pole Installation Mission Douglas, Cochise County, Arizona, March 1998, resulting in a FONSI signed in March 1998

This SEA analyzed the potential impacts of installing lights and light poles along a 5-mile corridor, which is located 150 ft north of the United States-Mexico border near Douglas, in Cochise County, Arizona. Additionally the project entailed the construction of an 8-ft wide right-of-way to facilitate installation of the poles. This road would be maintained by the USBP to assist in the continual maintenance of the light and light poles.

Analysis: There would be no significant adverse effects to the natural environment associated with the proposed project. This conclusion was further supported by other NEPA documents, including: The August 1997 JTF-6 Fence and Road Construction EA (U.S. Army 1997) and The Programmatic Environmental Impact Statement (PEIS) prepared in 1994 for the Immigration and Naturalization Service (INS) and JTF-6. Additional existing EAs (U.S. Army 1991, 1993, 1996) that were completed for various construction activities in the same vicinity as the proposed action.

Reference: Environmental Assessment Installation of Fencing, Lights, Cameras, Guardrails, And Sensors Along The American Canal Extension El Paso District El Paso, Texas, April 1999, resulting in a FONSI

This Environmental Assessment is tiered from the "Final Programmatic Environmental Impact Statement for JTF-6 Activities Along the U.S./Mexico Border (Texas, New Mexico, Arizona and California) ", dated August 1994, prepared for the INS. The El Paso Sector of the United

States Border Patrol proposes to install fencing, lights, cameras, guardrails and sensors along portions of the American Canal Extension in El Paso, TX. The project is located near the Rio Grande River in northwestern Texas. The entire project is within the city limits of El Paso. The majority of the Project Location is along a man made canal and levee system. Portions of the canal are at times adjacent to industrial areas, downtown El Paso, and mixed commercial with limited residential development. Border Highway (Route 375) roughly parallels most of the project site.

Analysis: Based on the findings of this analysis, no significant adverse impacts would occur from the proposed actions. Therefore, no further analysis or documentation (Environmental Assessment or Impact Statement) is warranted. The INS, in implementing this decision, will employ all practical means to minimize the potential adverse impacts on the local environment.

Reference: Final Environmental Assessment for the Installation of Temporary Vehicle Barriers along the International Border near Calexico, California, January 2003, resulting in a FONSI signed in January 2003

This Environmental Assessment (EA) addresses the potential effects, both beneficial and adverse, of the proposed acquisition, installation, and operation of temporary vehicle barriers at various locations along 14.5 miles of the U.S./Mexico border near Calexico, Imperial County, California. The U.S. Fish and Wildlife Service (USFWS) has designated a portion of the proposed project area as critical habitat for the endangered peninsular bighorn sheep. No direct effects to the sheep or its habitat would occur as a result of the Proposed Action Alternative. However, indirect effects could potentially occur if illegal traffic shifts into other areas. The extent of these effects is not quantifiable at this time because Undocumented Alien (UDA) and smuggler patterns are at their discretion and outside the control of the USBP. The placement of any barriers within critical habitat would occur from 1 July through 31 December to ensure that no aspect of the proposed action interferes with the sheep's lambing season. In addition, much of the project corridor is located within the Vuha Desert Management Area for the proposed threatened flat-tailed horned lizard. USBP would provide biological monitors onsite during placement of the vehicle barriers to ensure no accidental take of the flat-tailed horned lizard would occur.

Analysis: Based upon the results of the EA, it has been concluded that placement of temporary vehicle barriers along the international border would have no adverse direct effects to environmental resources in the proposed project area. However, indirect effects could occur to those areas outside of the project corridor because of the potential for shifting traffic patterns by the smugglers and UDAs. The magnitude of these effects is not identifiable or measurable at this time.

Reference: Final Environmental Assessment U.S. Border Patrol Temporary Vehicle Barriers Naco and Douglas, Arizona, November 2002, resulting in a FONSI

The Immigration and Naturalization Service (INS) is planning to install temporary vehicle barriers along a 25-mile corridor starting west of Black Draw, Arizona (approximately 28 miles east of Douglas) to the border of the eastern boundary of the Sari Pedro Riparian National Conservation Area (NCA), approximately 11 miles west of Naco.

The proposed action would allow the placement of temporary vehicle barriers at various locations along a 25-mile corridor within the Naco and Douglas AOs. The eastern terminus of the proposed corridor would be just west of Black Draw in the San Bernardino Valley, and the western limit is near the eastern boundary of the San Pedro Riparian NCA. The barriers would be placed in high illegal traffic areas on an as-needed basis and relocated to other areas, as USBP intelligence dictates. Thus, the entire corridor would not be barricaded at any given time.

Analysis: Based upon the results of the BA and the environmental design measures to be incorporated as part of the proposed action, it concluded that the proposed action would not have a significant effect on the environment. For this reason no further environmental analysis is needed.

Reference: Supplemental Environmental Assessment JTF-6 Fence and Road Construction, Douglas, Cochise County, Arizona, July 1997, resulting in a FONSI

This Environmental Assessment (EA) addresses the potential for significant adverse or beneficial environmental impacts in accordance with provisions of the National Environmental Policy Act (NEPA). This document was tiered from existing EAs completed for previous construction activities (U.S. Army 1991a, 1993) in the same vicinity, and a Programmatic Environmental Impact Statement completed for Joint Task Force Six (JTF-6) activities along the U.S.-Mexico border (U.S. Army 1994). The Immigration and Naturalization Service (INS) and the U.S. Border Patrol, Tucson Sector are proposing to replace approximately six miles of fence, construct 0.5 miles of new road, and improve 0.8 miles of road along the U.S.-Mexico border at Douglas, Cochise County, Arizona. Approximately 1.3 miles would be of decorative fence, with the remaining 4.9 miles of steel landing mat.

Analysis: Based upon the results of the EA, it has been concluded that the proposed action would not have a significant adverse impact on the natural or human environment, and no further NEPA analysis (i.e., Environmental Impact Statement) is warranted.

Reference: Supplemental Environmental Assessment Immigration and Naturalization Service Border Road Maintenance and Construction, Tecate to Campo, San Diego County, California, April 1997, resulting in a FONSI

This supplemental Environmental Assessment (EA) assesses the potential for significant adverse or beneficial environmental impacts of the proposed action and alternatives in accordance with provisions of the National Environmental Policy Act (NEPA). The proposed action involves approximately three miles of new road construction, which includes two miles of riparian area rehabilitation and one mile of highly erodible land rehabilitation on corresponding abandoned road sections, and

approximately six miles of maintenance to existing border roads along the U.S.-Mexico border between Tecate and Campo, San Diego County, California. A Programmatic Environmental Impact Statement (PEIS) was prepared in 1994 for the Immigration and Naturalization Service (INS) and Joint Task Force Six (JTF-6) proposed projects that facilitate law enforcement agencies (LEAs) missions to reduce illegal drug activity along the southwestern border of the U.S. (U.S. Army 1994b). The PEIS addressed the cumulative effects of past and reasonably foreseeable projects undertaken by JTF-6. Additionally, the U.S. Army Corps of Engineers (USCOE), Los Angeles District, prepared two EAs (Tecate to Canyon City; Campo to Jacumba) for border road maintenance and construction activities in this region (U.S. Army 1993 and 1994a). This EA is a supplement to the JTF-6 PEIS, and tiers from the PEIS and the two previous EAs.

Analysis: Based upon the results of the EA and the environmental design measures to be incorporated as part of the proposed action, it has been concluded that the proposed action will not have a significant adverse effect on the environment.

Reference: Pre-Draft Environmental Assessment for Construction of Barrier Systems Border Field State Park to Gravel Pit and Tin Can Hill Areas San Diego California including Cumulative Impact Assessment for the Multiple Fence System Master Plan, April 1999, resulting in a FONSI This Environmental Assessment analyzes and presents the direct and indirect environmental impacts associated with an Immigration and Naturalization Service (INS) proposal to construct patrol roads, secondary fencing (including pedestrian, overhead rolling, and vehicle swing gate and "agent safety zones"), maintenance roads, tight standards, and remote video surveillance (RVS) cameras along two non-contiguous segments of the U.S./Mexico international boundary, in San Diego County, California. The EA also presents a cumulative impact assessment for implementation of the Multiple Fence System Master Plan developed for San Diego, California. The Multiple Fence System Master Plan present a plan for enhanced border control along the international boundary in the U.S. Border Patrol (USBP) San Diego Sector (Imperial Beach, Chula Vista, and Brown Field stations) using a combination of roads, lighting, and fences. This EA tiers from the 1994 Programmatic Environmental Impact Statement (PEIS) for Joint Task Force Six (JTF-6) Activities along the U.S./Mexico Border, prepared by the U.S. Army Corps of Engineers (USACE), Fort Worth District. The Proposed Action would take place in the Border Field State Park to Gravel Pit and Tin Can Hill areas of San Diego County, within the USBP San Diego Sector (Imperial Beach and Brown Field stations). The Proposed Action would occur entirely within an area defined as the "project corridor." The project corridor includes two, non-contiguous segments referred to as the "western segment" and "eastern segment" of the project corridor.

Analysis: Based upon the results of the EA, it has been concluded that the proposed action would not have a significant adverse impact on the natural or human environment, and no further NEPA analysis (i.e., Environmental Impact Statement) is warranted.

Reference: Final Supplemental Environmental Assessment of Remote Video Surveillance Systems (RVS) and Communication Towers (CTOW) for the US Border Patrol in the Harlingen, Laredo, and Eagle Pass Stations, October 2003, resulting in a FONSI signed October 2003

This Supplemental Environmental Assessment (EA) supplements the Final EA of Remote Video Surveillance Systems (RVS) Systems and Communication Towers (CTOW) for the US Border Patrol in the Harlingen, Laredo, and Eagle Pass Stations. This Supplemental EA (SEA) addresses additional effects that may potentially occur relative to proposed construction of an access road for the Walker Tower 2B site and proposed improvements to an existing access road for the Lupes Tower site. Both sites are located within the Laredo South Station's area of operations. The project consisted of construction of a new access road and upgrade of an existing roadway to provide access to two RVS sites: the Walker Tower 2B and Lupes Tower. The proposed construction consists of grading a 12-foot wide by 1,200-foot long access road at the Walker Tower 2B site and minor improvements to approximately 600 feet of an existing road at the Lupes Tower site.

Analysis: Based upon the results of these EAs, it was concluded that the project was not likely to adversely affect the environment; therefore, further environmental analysis is not warranted.

Reference: Final Supplemental Environmental Assessment for Various Infrastructure and Road Improvements from Canyon City, California to the Imperial County Line San Diego County, California, November 2003, resulting in a FONSI signed in November 2003

The propose actions consists the construction of six night vision scope pads and access road construction and maintenance, 2.2 miles of road improvements to the SDG&E Road, an approximately 467-foot section of bypass road construction, and the installation of an approximately 650-foot section of fence and vehicle barriers. These improvements are proposed by the U.S. Border Patrol (USBP) and would take place between Tecate and Tierra del Sol, California.

Analysis: Based upon the findings of this analysis and assuming that all mitigation measures recommended herein are implemented, no significant adverse impacts would occur from the Proposed Action Alternative.

Reference: Final Environmental Assessment Proposed JTF-6 mission JT423-98 Marfa, Texas, February 1998, resulting in a FONSI signed in February 1998

The scope of this EA addresses the potential impacts of proposed improvements on approximately 89.7 miles of existing road rights-of-way, construction of 1.8 miles of new road, and construction of some support facilities (e.g., helicopter landing pads, K-Span buildings, landing strips, obstacle course, etc.) in the U.S. Border Patrol (USBP) Marfa Sector in Presidio and Jeff Davis counties, Texas. In addition, this EA also addresses the potential cumulative impacts associated with a Joint Task Force Six (JTF-6) action in west Texas. A Programmatic Environmental Impact Statement (PEIS) was prepared in 1994 for the INS and JTF-6 proposed projects that facilitate Law Enforcement Agency

(LEA) missions to reduce illegal drug activity along the southwestern border of the United States. The PEIS addresses the cumulative effects of past and future projects undertaken by JTF-6 for numerous LEAs within the four southwestern states (Texas, New Mexico, Arizona, and California). This EA tiers from the PEIS.

Analysis: Based upon the results of the EA, it has been concluded that the proposed action would not have a significant adverse impact on the natural or human environment, and no further NEPA analysis (i.e., Environmental Impact Statement) is warranted.

Reference: Final Environmental Assessment for the Proposed JTF-6 missions JT513/515/425-98 Laredo, Texas, January 1998, resulting in a FONSI signed in January 1998

This Environmental Assessment addresses the potential impacts of proposed improvements on approximately 239.8 miles of existing road and ranch road rights-of-way in the U.S. Border Patrol (USBP) Laredo area in Webb County and Carrizo Springs area in Maverick and Dimmit counties, Texas, and the potential cumulative impacts associated with a Joint Task Force Six (JTF-6) action in the Laredo area. The Proposed Action seeks to improve 170.3 miles of existing, deteriorated roads and to construct 69.5 miles of new roads in Webb, Maverick, and Dimmit counties, Texas. A Programmatic Environmental Impact Statement (PEIS) was prepared in 1994 for the INS and JTF-6 proposed projects that facilitate Law Enforcement Agency (LEAs) missions to reduce illegal drug activity along the southwestern border of the United States. The PEIS addresses the cumulative effects of past and future projects undertaken by JTF-6 for numerous LEAs within the four southwestern states (Texas, New Mexico, Arizona, and California). This EA tiers from the PEIS.

Analysis: Based upon the results of the EA, it has been concluded that the proposed action would not have a significant adverse impact on the natural or human environment, and no further NEPA analysis (i.e., Environmental Impact Statement) is warranted.

Reference: Final Environmental Assessment for Naco Roadway and Fence Construction Naco, Cochise County, Arizona, April 2003, resulting in a FONSI

This EA analyzed infrastructure improvements, including the construction of 4 miles of roads and approximately 1.5 miles of fence. The 4 miles of road improvement would occur along the northern edge of the existing border road, 2 miles east and west of the Naco port of entry (POE), with a new access road to the border from the newly constructed Naco Highway. Landing mat or bollard fence, beginning approximately 1 mile west of the POE and continuing for a distance of 1 mile would replace existing vehicle barriers. An additional 0.5 miles of bollard fence would be installed in the natural washes and drains that transect the proposed road.

Analysis: Based on the findings of this analysis and assuming that all design measures recommended herein are implemented, no significant adverse impacts would occur from the Proposed Action Alternative.

Reference: Final Environmental Assessment for Ephriam Ridge Reclamation United States Border Patrol Tucson Sector, Nogales Station Santa Cruz County, Arizona, March 2003, resulting in a FONSI signed in March 2003
The U.S. Border Patrol (USBP), Nogales Station, proposes to reclaim Ephriam Ridge, which is located in Santa Cruz County, Arizona. This action includes stabilizing the ridge to prevent soils from washing against the border fence. Failure to take any action could cause the fence to collapse under the weight of the soil. The proposed action addresses the effects of erosion control, fencing, grading, and construction of a central access road down Ephriam Ridge in an effort to reduce erosion. The proposed action includes modification of site topography, soil stabilization, installation of sediment basins, revegetation, and replacing the fence within the presently degraded area.

Analysis: Based upon the results of the EA, it has been concluded that the proposed action would not have a significant adverse impact on the environment.

Reference: Environmental Assessment Area Lighting, Fencing, and Roadways at the International Border San Diego, California resulting in a FONSI August 1997

The Immigration and Naturalization Service (INS) sought to implement a combined lighting, fencing, and roadway system along the U.S. border in three sections of 3.0 miles, 2.1 miles, and 2.25 each. The 7.35-mile long project originated about seven miles east of the Pacific Ocean, immediately north of the International Boundary between the United States and Mexico and terminates at the San Ysidro Mountain foothills. The project consisted of the installation of the following components approximately 150 feet north of the Border: (1) 45-foot high concrete light poles, spaced on average every 400 feet; (2) approximate 15-foot high security style fencing; and (3) 30-foot wide all-weather roadways parallel and adjacent to the fence both on the north and south sides.

Analysis: Based upon the findings of this EA, no significant adverse environmental impacts would result from the proposed action. This determination is well supported, as it ties from our duplicates the work of, multiple environmental analysis documents including: The 1997 Final EA for the INS Multi-Tiered Pilot Fence Project The 1993 Final EA for the JTF-6 San Diego Area Lighting System Project The 1993 Final EA for the JTF-6 San Diego Area Border Fence Project The Programmatic Environmental Impact Statement (PEIS) prepared by the Fort Worth District to address the various measures to minimize illegal entries along the international border.

Reference: Final Environmental Assessment Area Lighting, Fencing, and Roadways at International Border San Diego, California August 1997 resulting in a FONSI signed in August of 1997

This Environmental Assessment (EA) prepared for the Los Angeles District for the Immigration and Naturalization Service (INS) Lighting, Fencing and Roads Project at the International Border San Diego, California. The INS proposes to implement a system of lighting, fencing, and roadways. The project consists of parallel construction of

lighting, fencing, and roadways (total length about 7.3 miles) up to approximately 150 feet north of the existing border fence, originating at Arnies Point (approximately seven miles east of the Pacific Ocean) and terminating at the San Ysidro Mountain foothills to the east.

Analysis: Based upon the results of the EA, it has been concluded that the proposed action would not have a significant adverse impact on the natural or human environment, and no further NEPA analysis (i.e., Environmental Impact Statement) is warranted.

E3* Acquisition, installation, operation, and maintenance of equipment, devices, and/or controls necessary to mitigate effects of the Department's missions on health and the environment, including the execution of appropriate real estate agreements. Examples include but are not limited to:

- (a) Pollution prevention and pollution control equipment required to meet applicable Federal, tribal, state, or local requirements,**
- (b) Noise abatement measures, including construction of noise barriers, installation of noise control materials, or planting native trees and/or native vegetation for use as a noise abatement measure, and,**
- (c) Devices to protect human or animal life, such as raptor electrocution prevention devices, fencing to restrict wildlife movement on to airfields, fencing and grating to prevent accidental entry to hazardous or restricted areas, and rescue beacons to protect human life.**

The Panel found that activities involving acquisition, installation, operation, and maintenance of equipment, devices, and/or controls necessary to mitigate effects of the Department missions on health and the environment are performed by components with real property management responsibilities (nearly the whole Department). However, the Department of Homeland Security is not a major land managing agency in the Federal government nor is it responsible for extensive commercial or industrial operations. The purpose of the activities contemplated in this categorical exclusion would be to prevent significant adverse impacts to the human environment from Department activities. Department activities involving acquisition, installation, operation, and maintenance of equipment, devices, and/or controls necessary to mitigate effects of Department missions on health and the environment are typically of a small scale, involving single buildings or small pieces of equipment. Any potential for environmental impacts would be of a small scale and confined to more localized impacts.

This categorical exclusion is supported by long-standing categorical exclusions and administrative records brought to the Department by its components that themselves would have only been developed through a process consistent with NEPA regulatory requirements. In particular, the Panel identified legacy categorical exclusions from the U.S. Coast Guard. The U.S. Coast Guard manages the largest number of real properties and conducts the most extensive set of small scale industrial operations in the Department. Furthermore, the U.S. Coast Guard performs these activities in sensitive

aquatic environments along all maritime coasts and several rivers in the U.S. The U.S. Border Patrol brought a legacy of environmental assessments and findings of no significant impact for its land based activities. Based upon this extensive history of environmental analyses and the experience of its members, the Panel found that actions of a similar nature, scope, and intensity were performed throughout the Department without significant environmental impacts.

The Panel determined that this categorical exclusion would benefit from further description of the characteristics of activities envisioned. The descriptive items pollution prevention and pollution control equipment, noise abatement measures, and devices to protect human or animal life are intended to define the nature of activities encompassed by this categorical exclusion. They are neither presented to limit the categorical exclusion to those activities or to extend the categorical exclusion to actions including extraordinary circumstances that may result in the activity having significant environmental effects.

The Panel defined this categorical exclusion to be sufficiently related to actions that may involve one or more extraordinary circumstances. To ensure that only those actions having negligible impacts on the human environment are contemplated by this categorical exclusion, the Panel proposed that a Record of Environmental Consideration (REC) be prepared to document the determination whether the action is either appropriately categorically excluded or whether it requires further analysis through an EA or EIS process.

The Panel also noted that other Federal agencies have categorical exclusions for similar activities that are sufficiently descriptive such that they demonstrated to the Panel that those activities were similar in nature, scope, and impact on the human environment to those performed by the Department. In addition, the Panel recognized that all Federal agencies, with very few limitations, must meet the same requirements to protect the environment. The Panel determined from their experience in or on behalf of other Federal agencies, that the characteristics of the activities in the Department were no different than those performed by other Federal agencies in general, as well as specifically related to the environment.

Accordingly, through a deliberative process, the Panel determined that the proposed categorical exclusion encompassed programmatic activities that inherently did not have individual or cumulative significant impact on the human environment.

LEGACY CATEGORICAL EXCLUSIONS AND COMPARABLE AGENCY CATEGORICAL EXCLUSIONS

USCG

Reference: COMDTINST M16475.1D Figure 2-1 Coast Guard Categorical exclusions

2. Real and Personal Property Related Actions r. Installation of devices to protect human or animal life, such as raptor electrocution

prevention devices, fencing to restrict wildlife movement on to airfields, and fencing and grating to prevent accidental entry to hazardous areas. (Checklist and CED required.)

NAVY

Reference: 32CFR775.6

(7) Alteration of and additions to existing structures to conform or provide conforming use specifically required by new or existing applicable legislation or regulations, e.g., hush houses for aircraft engines and scrubbers for air emissions.

(29) Installation of devices to protect human or animal life, e.g., raptor electrocution prevention devices, fencing to restrict wildlife movement onto airfields, and fencing and grating to prevent accidental entry to hazardous areas.

BLM

Reference: Department of the Interior Departmental Manual - Part 516 5.4 Categorical exclusions

H. Other (8) Installation of minor devices to protect human life (e.g. grates across mines.)

E4* Removal or demolition, along with subsequent disposal of debris to permitted or authorized off-site locations, of non-historic buildings, structures, other improvements, and/or equipment in compliance with applicable environmental and safety requirements.

The Panel found that both the U.S. Coast Guard and the Federal Emergency Management Agency brought legacy categorical exclusions for the activities of removal or demolition, along with subsequent disposal of debris to permitted or authorized off-site locations, of non-historic buildings, structures, other improvements, and/or equipment. The U.S. Coast Guard may perform these types of activities on U.S. government property under its control, while the Federal Emergency Management Agency may authorize the performance of this type of activity through a public assistance program anywhere in the U.S. as a part of response and recovery to disasters.

The U.S. Coast Guard manages the largest number of real properties in the Department in sensitive aquatic environments along all maritime coasts and several rivers in the U.S. In addition its bridge administration program can be involved in regulating the removal or construction of bridges across navigable waters in any area of the U.S. Legacy categorical exclusions from the Federal Emergency Management Agency include public assistance programs that could be implemented in any part of the U.S. to assist in preparing and recovering from a disaster. Other legacy agencies have brought environmental assessments and findings of no significant impact that include such activities. However, no other components of the Department would perform these activities in as great a scope or intensity as the U.S. Coast Guard and the Federal Emergency Management Agency. Based upon this history of environmental analyses and the experience of its members, the Panel found

that actions of a similar nature, scope, and intensity were performed throughout the Department without significant environmental impacts.

Since removal or demolition, along with subsequent disposal of debris to permitted or authorized off-site locations, of non-historic buildings, structures, other improvements, and/or equipment could involve numerous considerations, the Panel took great care to establish limiting provisions to avoid the potential for significant impacts to the human environment. In particular, the Panel wanted to ensure that the activities contemplated in this categorical exclusion were performed in compliance with applicable environmental and safety requirements. As a result of this limitation, the Panel determined that this categorical exclusion contemplated activities that would inherently have no potential for significant impacts to the human environment.

The Panel defined this categorical exclusion to be sufficiently related to actions that may involve one or more extraordinary circumstances. To ensure that only those actions having negligible impacts on the human environment are contemplated by this categorical exclusion, the Panel proposed that a Record of Environmental Consideration (REC) be prepared to document the determination whether the action is either appropriately categorically excluded or whether it requires further analysis through an EA or EIS process.

The Panel also noted that other Federal agencies have categorical exclusions for similar activities that are sufficiently descriptive such that they demonstrated to the Panel that those activities were similar in nature, scope, and impact on the human environment to those performed by the Department. In addition, the Panel recognized that all Federal agencies, with very few limitations, must meet the same requirements to protect the environment. The Panel determined from their experience in or on behalf of other Federal agencies, that the characteristics of the activities in the Department were no different than those performed by other Federal agencies in general, as well as specifically related to the environment.

Accordingly, through a deliberative process, the Panel determined that the proposed categorical exclusion encompassed programmatic activities that inherently did not have individual or cumulative significant impact on the human environment.

Categorical exclusion E4 was the subject of comments expressing concern regarding the destruction or disruption of adjacent habitat during demolition activities. The Department considered the comment regarding potentially significant impacts on habitat areas adjacent to demolition activities. The comment specifically expressed a concern that the Categorical Exclusion needs to make provisions to prevent the destruction or disruption of adjacent habitat during demolition activities. The comment asserts that activities may be otherwise in compliance with regulations, but that does not ensure that projects will cease when they have a significant effect on the environment.

In response to the concern that activities under this CATEX may adversely impact adjacent habitat or may otherwise have a significant effect on the environment, the Department notes that Section 3.2 in Appendix A of the directive contains a list of conditions and extraordinary circumstances that must be satisfied in the application of this categorical exclusion to a specific program or activity within DHS. These conditions and extraordinary circumstances were developed in recognition that, while the vast majority of DHS activities in this category do not have potential for significant impacts to the environment, activity proponents within DHS need to be alert for rare and unique conditions that may require more extensive evaluation of the potential for environmental impacts under NEPA. This evaluation would include not only the immediate effect of the DHS decision, but also the potential environmental effects that may indirectly result from implementing the decision and the cumulative effects of the decision on the quality of the human environment.

LEGACY CATEGORICAL EXCLUSIONS AND COMPARABLE AGENCY CATEGORICAL EXCLUSIONS

FEMA

Reference: 44 CFR § 10.8 (d) (2)

(xii) Demolition of structures and other improvements or disposal of uncontaminated structures and other improvements to permitted off-site locations, or both;

(xiii) Physical relocation of individual structures where FEMA has no involvement in the relocation site selection or development;

USCG

Reference: COMDTINST M16475.1D Figure 2-1 Coast Guard Categorical Exclusions

2. Real and Personal Property Related Actions. Demolition of buildings, structures, or fixtures and disposal of subsequent building, structure, or fixture waste materials. (Checklist and CED required.)

ENERGY

Reference: 10 CFR 1021

B1.23 Demolition and subsequent disposal of buildings, equipment, and support structures (including, but not limited to, smoke stacks and parking lot surfaces).

E5 Natural resource management activities on Department-managed property to aid in the maintenance or restoration of native flora and fauna, including site preparation, landscaping, and control of non-indigenous species. This CATEX would encompass property management activities primarily at properties within the U.S. Coast Guard, Science and Technology Directorate, and the Federal Law Enforcement Training Centers.

The Department of Homeland Security is not a major land managing agency in the Federal government. Natural resource management activities to aid in the

restoration of native flora and fauna on Department managed property would be of a small scale and limited to a single locality. Natural resource management activities of the type contemplated would be undertaken to achieve small scale benefits to native flora and fauna. Any potential for environmental impacts would be of a small scale and confined to more localized impacts.

These natural resource management activities contemplated under this categorical exclusion would be performed by components with real property management responsibilities, but only those with sufficient property where such activities may be possible. Several components of the Department may manage one or two land parcels where these benefits may be realized. However; the U.S. Coast Guard manages the largest number of real properties in the Department and in sensitive aquatic environments along all maritime coasts and several rivers in the U.S. The Federal Law Enforcement Training Centers and the Customs and Border Protection conduct a variety of land based activities at properties in the interior of the U.S. and along its borders.

Categorical exclusion E5 was the subject of comments expressing concern regarding actions that might cause imbalance to a stable ecosystem. The Department considered this concern. The comment specifically addressed the concern that natural resource management activities might actually imbalance natural ecological function and cause further environmental problems. The comment stated that restoration often causes short-term adverse effects in order to gain long-term beneficial effects and asserts that NEPA analysis is necessary to balance these competing effects in different timeframes

The issue of enhancement and restoration of native flora and fauna has been addressed in previous environmental assessments conducted at the Federal Law Enforcement Training Center (FLETC). Support for such practices has been positive and is commonly practiced throughout the range of the long-leaf pine and species associated with that ecosystem.

Natural resources management that follows accepted Best Management Practices (BMPs) for the state in which the action takes place, that is guided by the direct intervention of natural resource management professionals, and that follows the approved activities specified in signed Environmental Assessments that have addressed anticipated environmental impacts is a threshold that likely satisfactorily addresses the concerns expressed by the comment. The Department's components have a demonstrated history of NEPA compliance as reflected by numerous EAs that have been written concerning a myriad of activities over the course of many years at FLETC. Specifically, FLETC has a Natural Resources Management Activities EA that has addressed native flora and fauna (as have numerous other EAs completed at the Center). Biologists from state and federal agencies have submitted input for consideration and reference within those EAs.

To ensure that concerns for maintaining balanced ecosystems were maintained in activities for which this categorical exclusion may be legitimately invoked, the Department modified the text published for public comment by replacing the phrase, "...to enhance native flora and fauna," with the phrase,

"...to aid in the maintenance or restoration of native flora and fauna," and added the limiting term, "...and control of non-indigenous species" as a natural resource management activity category within this categorical exclusion. The Department also clarified the scope of this categorical exclusion by adding the limiting term, "...on Department managed property," to clarify that this categorical exclusion is limited to property under the control of the Department.

This categorical exclusion is supported by long-standing categorical exclusions and administrative records brought to the Department by its components that themselves would have only been developed through a process consistent with NEPA regulatory requirements. In particular, the Panel identified legacy categorical exclusions from the U.S. Coast Guard and the Federal Emergency Management Agency. The U.S. Border Patrol brought a legacy of environmental assessments and findings of no significant impact for its land based activities. Based upon this extensive history of environmental analyses and the experience of its members, the Panel found that actions of a similar nature, scope, and intensity were performed throughout the Department without significant environmental impacts.

The Panel defined this categorical exclusion to be sufficiently related to actions that may involve one or more extraordinary circumstances. To ensure that only those actions having negligible impacts on the human environment are contemplated by this categorical exclusion, the Panel proposed that a Record of Environmental Consideration (REC) be prepared to document the determination whether the action is either appropriately categorically excluded or whether it requires further analysis through an EA or EIS process.

The Panel also noted that other Federal agencies have categorical exclusion for similar activities that are sufficiently descriptive such that they demonstrated to the Panel that those activities were similar in nature, scope, and impact on the human environment to those performed by the Department. Numerous Federal agencies with responsibilities to manage similar activities at a larger scale and in a greater variety of natural environments, including environments at least as sensitive as those that the Department may normally work in, have categorical exclusions that encompass the types of activities contemplated for this Departmental categorical exclusion. In addition, the Panel recognized that all Federal agencies, with very few limitations, must meet the same requirements to protect the environment. The Panel determined from their experience in or on behalf of other Federal agencies, that the characteristics of the activities in the Department were no different than those performed by other Federal agencies in general, as well as specifically related to the environment.

Accordingly, through a deliberative process, the Panel determined that the proposed categorical exclusion encompassed programmatic activities that inherently did not have individual or cumulative significant impact on the human environment.

LEGACY CATEGORICAL EXCLUSIONS AND COMPARABLE AGENCY CATEGORICAL EXCLUSIONS

FEMA

Reference: 44 CFR § 10.8 (d) (2)
(xi) Planting of indigenous vegetation

USCG

Reference: COMDTINST M16475.1D, Figure 2-1
(27) Natural and cultural resource management and research activities that are in accordance with inter-agency agreements and which are designed to improve or upgrade the USCG's ability to manage those resources.

ARMY

Reference: 32 CFR 651 Appendix B. Section II
(d)(1) Land regeneration activities using only native trees and vegetation, including site preparation. This does not include forestry operations (REC required).

FAA

Reference: FAA Order 5050.4A Chapter 3, Section 23.
(a) (7) Landscaping generally, and landscaping or construction of physical barriers to diminish impact of airport blast and noise.

NAVY

Reference: 32 CFR 775.6
(33) Reintroduction of endemic or native species (other than endangered or threatened species) into their historic habitat when no substantial site preparation is involved.

USBP

Reference: Final Environmental Assessment for Ephriam Ridge Reclamation United States Border Patrol Tucson Sector, Nogales Station Santa Cruz County, Arizona March 2003 resulting in a FONSI signed in March of 2003 The U.S. Border Patrol (USBP), Nogales Station, proposes to reclaim Ephriam Ridge, which is located in Santa Cruz County, Arizona. This action includes stabilizing the ridge to prevent soils from washing against the border fence. Failure to take any action could cause the fence to collapse under the weight of the soil. The proposed action addresses the effects of erosion control, fencing, grading, and construction of a central access road down Ephriam Ridge in an effort to reduce erosion. The proposed action includes modification of site topography, soil stabilization, installation of sediment basins, revegetation, and replacing the fence within the presently degraded area.

Analysis: Based upon the results of the EA, it has been concluded that the proposed action would not have a significant adverse impact on the environment.

E6 Reconstruction of roads on Departmental facilities, where runoff, erosion, and sedimentation issues are mitigated through implementation of best management practices. This CATEX would encompass property management activities primarily at properties within the U.S. Coast Guard, Science and Technology Directorate, and the Federal Law Enforcement Training Centers.

Road reconstruction, by definition, could only occur in areas where a road previously existed. This categorical exclusion would not include new road construction. Previous construction activities to build a road that was later abandoned and subsequent use of the road would have resulted in disturbance to natural or cultural resources in the road right of way. Reconstruction of a road would not be likely to disturb significant new areas of natural or cultural resources. Furthermore, since the Department of Homeland Security is not a major land managing agency in the Federal government, any potential for environmental impacts from road reconstruction in the Department would typically be of a small scale and confined to more localized impacts.

However, the Panel realized that if a road is abandoned for a long enough period of time, environmental conditions may revert back to a more natural state. In addition, old road right of ways may have been established at a time when the potential for impacts to the human environment were not a factor in agency decision making. The Panel also recognized that environmental protection requirements change over time, such that newer requirements may cause portions of old road right of ways to become environmentally sensitive. The Panel believed that the majority of road reconstruction activities would occur on right of ways that have been used in the recent past and would not have been abandoned long enough to revert back to natural habitat. Nevertheless, the Panel also recognized that the application of each categorical exclusion would need to be reviewed for the presence of extraordinary circumstances. The Panel believed that the review for extraordinary circumstances would be sufficient to ensure that a more extensive environmental review under NEPA would be performed when necessary.

The Panel also recognized that road reconstruction has the potential to generate indirect offsite environmental impacts. Therefore, the Panel limited the scope of this categorical exclusion to reconstruction of roads where runoff, erosion, and sedimentation issues are mitigated through implementation of Best Management Practices. As a result of these limitations, the Panel determined that this categorical exclusion contemplated activities that would inherently have no potential for significant impacts to the human environment.

The Panel found that the activity of road reconstruction contemplated under this categorical exclusion would only be performed by components with real property management responsibilities. These activities would primarily occur at properties within the Department components of U.S. Coast Guard, the Federal Law Enforcement Training Centers, and Customs and Border Protection.

In addition, this categorical exclusion is supported by long-standing categorical exclusions and administrative records brought to the Department by its components that themselves would have only been developed through a process consistent with NEPA regulatory requirements. In particular, the Panel identified the categorical exclusions of the U.S. Coast Guard and those of the Federal Aviation Administration brought in with the Transportation Security Administration. The U.S. Border Patrol brought a record of environmental assessments and findings of no significant impact. In addition to the activities of a similar nature, scope, and intensity performed by these components, the Panel found that actions of a lesser nature, scope, and intensity were performed throughout the Department without significant environmental impacts.

Accordingly, through a deliberative process, the Panel determined that the proposed categorical exclusion encompassed programmatic activities that inherently did not have individual or cumulative significant impact on the human environment.

The Department received numerous comments to this categorical exclusion from the public. The comments suggest that the reference to "previously disturbed areas" needed clarification. The comments noted that road construction can have significant impact on the environment by increasing erosion, contaminated runoff, and fragmenting wildlife habitat, and asserted that the proposed categorical exclusion should be clarified to limit the excluded activity to roads that would not cause new surface disturbance.

In response to the comments, this categorical exclusion was significantly revised and narrowed in scope. The comments submitted for this categorical exclusion noted that the important criterion to determine the potential for significant environmental impact was not the extent of prior disturbance, but rather the degree of environmental sensitivity. The Department recognizes that new road construction is highly controversial, and accordingly limited this categorical exclusion by modifying the term "...construction or reconstruction," to read, "...reconstruction."

LEGACY CATEGORICAL EXCLUSIONS AND COMPARABLE AGENCY CATEGORICAL EXCLUSIONS

USCG

Reference: COMDTINST M16475.1B Figure 2-1 Coast Guard Categorical exclusions

2. Real and Personal Property Related Actions q. *Minor renovations and additions to buildings, roads, airfields, grounds, equipment, and other facilities that do not result in a change in functional use of the real property (e.g. realigning interior spaces of an existing building, extending an existing roadway in a developed area a short distance, installing a small antenna on an already existing antenna tower, adding a small storage shed to an existing building, etc.). (Checklist and CED required.)* u. *Routine repair and maintenance of buildings, roads, airfields, grounds, equipment, and other facilities*

which do not result in a change in functional use, or an impact on a historically significant element or setting

FAA

Reference: FAA Order 5050.4A Chapter 3, Section 23.

(a) (5) Construction, relocation or repair of entrance and service roadway.

USBP

Reference: Supplemental EA USBP Hwy 94 (Dulzura) Check Point and Helipad and Truck Inspection Lane Improvements. San Diego County, CA resulting in a FONSI March 2002

This Supplemental Environmental Assessment from the USBP proposed construction and operation of a helipad (20 ft x 20 if) and to widen the shoulder of Highway 94 for a total of 165 ft in length to create a truck inspection lane at the Duizura Check Point. The total area of the action was 22,500 sq ft. All activities took place within the existing check point boundaries and no additional lands were disturbed. The site for the truck lane was previously disturbed land and all of the 6 trees taken out to accommodate the inspection lane were relocated.

Through coordination with the appropriate resource agencies, this Supplemental EA determined there would be no significant adverse impacts to the environment from this action. In an effort to reduce impacts during the construction phase, USBP implemented several environmental design measures including:

Implementing construction BMPs to address noise, air pollution and erosion.

Limiting construction to the non-nesting season for migratory birds. If this could not be done, then surveys for nesting birds would be completed and mitigation measures employed if they are found to be necessary.

Helicopters would be maintained at the highest standards and hovering during take off and landing would be limited.

E7 Construction of physical fitness and training trails for non-motorized use on Department facilities in areas that are not environmentally sensitive, where run-off, erosion, and sedimentation are mitigated through implementation of best management practices. This CATEX would encompass property management activities primarily at properties within the U.S. Coast Guard, Science and Technology Directorate, and the Federal Law Enforcement Training Centers.

The Department of Homeland Security has a significant mission to train Federal law enforcement officers, military personnel in the U.S. Coast Guard, and law enforcement and emergency response personnel in state and local governments. This training includes both indoor and outdoor activities, including physical fitness requirements. The majority of this training mission occurs on property managed by the Federal Law Enforcement Training Centers or the U.S. Coast Guard. However, other components of the Department

have included the construction of physical fitness and training trails for non-motorized use as a part of facilities in more isolated locations.

The Panel realized that while these physical fitness and training trails would be of a relatively small scale, care must be taken in their design and construction to avoid areas that are environmentally sensitive. The Panel also recognized that physical fitness and training trail construction has the potential to generate indirect offsite environmental impacts. Therefore, the Panel limited the scope of this categorical exclusion to physical fitness and training trail construction where runoff, erosion, and sedimentation issues are mitigated through implementation of Best Management Practices. As a result of these limitations, the Panel determined that this categorical exclusion contemplated activities that would inherently have no potential for significant impacts to the human environment.

In addition, this categorical exclusion is supported by administrative records brought to the Department by its components that themselves would have only been developed through a process consistent with NEPA regulatory requirements. In particular, the Panel identified that the U.S. Border Patrol brought a record of environmental assessments and findings of no significant impact. In addition, the Panel found that actions of a similar nature, scope, and intensity were performed throughout the Department without significant environmental impacts.

The Panel also noted that other Federal agencies have categorical exclusions for similar activities that are sufficiently descriptive such that they demonstrated to the Panel that those activities were similar in nature, scope, and impact on the human environment to those performed by the Department. The Panel determined from their experience in or on behalf of other Federal agencies, that the characteristics of the activities in the Department were no different than those performed by other Federal agencies in general, as well as specifically related to the environment.

Accordingly, through a deliberative process, the Panel determined that the proposed categorical exclusion encompassed programmatic activities that inherently did not have individual or cumulative significant impact on the human environment.

The Department received a general comment regarding this and several other categorical exclusions that essentially asserted that the Department maintained a relaxed threshold for what constitutes information that has no significant effect on the human environment. The comment referenced this categorical exclusion concerning construction of trails as an example of that relaxed threshold.

The Department considered the comment raising the concern of adopting a relaxed threshold for the impact of activities to include construction of trails in non-environmentally sensitive areas where run-off, erosion, and sedimentation during construction are capable of mitigation through implementation of Best Management Practices. The Department notes that section 3.2 in Appendix A of the directive contains a list of conditions and

extraordinary circumstances that must be satisfied in the application of this categorical exclusion to a specific program or activity within the Department. These conditions and extraordinary circumstances were developed in recognition that, while the vast majority of Department activities in this category do not have potential for significant impacts to the environment, activity proponents within the Department need to be alert for rare and unique conditions that may require more extensive evaluation of the potential for environmental impacts under NEPA. This evaluation would include not only the immediate effect of the Department's decision, but also the potential environmental effects that may indirectly result from implementing the decision and the cumulative effects of the decision on the quality of the human environment.

LEGACY CATEGORICAL EXCLUSIONS AND COMPARABLE AGENCY CATEGORICAL EXCLUSIONS

DOE

Reference: 10 CFR 1021, Subpart D, Appendix B.

B1.13 Construction, acquisition, and relocation of onsite pathways and short onsite access roads and railroads.

USBP

Reference: *Final Environmental Assessment Proposed JTF-6 mission JT423-98 Marfa, Texas February 1998 resulting in a FONSI signed in February of 1998*

The scope of this EA addresses the potential impacts of proposed improvements on approximately 89.7 miles of existing road rights-of-way, construction of 1.8 miles of new road, and construction of some support facilities (e.g., helicopter landing pads, K-Span buildings, landing strips, obstacle course, etc.) in the U.S. Border Patrol (USBP) Marfa Sector in Presidio and Jeff Davis counties, Texas. In addition, this EA also addresses the potential cumulative impacts associated with a Joint Task Force Six (JTF-6) action in west Texas.

A Programmatic Environmental Impact Statement (PEIS) was prepared in 1994 for the INS and JTF-6 proposed projects that facilitate Law Enforcement Agency (LEA) missions to reduce illegal drug activity along the southwestern border of the United States. The PEIS addresses the cumulative effects of past and future projects undertaken by JTF-6 for numerous LEAs within the four southwestern states (Texas, New Mexico, Arizona, and California). This EA tiers from the PEIS.

Analysis: Based upon the results of the EA, it has been concluded that the proposed action would not have a significant adverse impact on the natural or human environment, and no further NEPA analysis (i.e., Environmental Impact Statement) is warranted.

Reference: *Final Environmental Assessment on Proposed JTF-6 mission JT032-93 Laredo, Texas July 1993 resulting in a FONSI*

The proposed action, Joint Task Force Six (JTF-6) Mission JT032-93, would involve four separate actions at several locations in six south Texas counties. The proposed action would involve (1) repair and construction of approximately 150 miles of existing fire breaks along

highway right-of-ways, (2) the repair/upgrade of approximately six miles of road along the Rio Grande within or near Laredo, (3) the upgrade/repair of three small-arms firing ranges at Freer, Hebbronville, and Laredo (4) the construction of a fitness/obstacle course at the Laredo Junior College in Laredo, Texas.

Analysis: Based on the finding of this environmental assessment and the mitigations which would be utilized during the construction phase, no significant impacts would occur during the proposed project.

ARMY

Reference: 32 CFR 651

(3) Road or trail construction and repair on existing rights-of-ways or on previously disturbed areas.

USDA - Forest Service

Reference: FSH 1909.15 - ENVIRONMENTAL POLICY AND PROCEDURES HANDBOOK Section 31.2

1. Construction and reconstruction of trails. Examples include but are not limited to:

- a. Constructing or reconstructing a trail to a scenic overlook.
- b. Reconstructing an existing trail to allow use by handicapped individuals.

E8* Construction of aquatic and riparian habitat in streams and ponds on Department-managed land, using native materials or best natural resource management practices.

Examples include, but are not limited to:

- (a) Installing or repairing gabions with stone from a nearby source,**
- (b) Adding brush for fish habitat,**
- (c) Stabilizing stream banks through bioengineering techniques, and,**
- (d) Removing and controlling exotic vegetation, not including the use of herbicides or non-native biological controls.**

This CATEX would encompass property management activities primarily at properties within the U.S. Coast Guard, Science and Technology Directorate, and the Federal Law Enforcement Training Centers.

The Panel recognized that construction of aquatic and riparian habitat in streams and ponds was a type of natural resource management activity that could be addressed within the types of activities contemplated under categorical exclusion E5. However, the Panel believed that it was necessary to address these types of natural resource management activities separately from others types of natural resource management activities due to the unique and more sensitive nature of the aquatic environment. Nevertheless, much of the same basis for E5 applies to E8 and the legacy administrative record brought into the Department supports both types of activities.

The Department of Homeland Security is not a major land managing agency in the Federal government. These natural resource management activities in

aquatic and riparian habitat contemplated under this categorical exclusion would be performed by components with real property management responsibilities, but only those with sufficient property where such activities may be possible. Several components of the Department may manage one or two land parcels where these benefits may be realized. However; the U.S. Coast Guard manages the largest number of real properties in the Department and in sensitive aquatic environments along all maritime coasts and several rivers in the U.S. The Federal Law Enforcement Training Centers and the Science and Technology Directorate manage a smaller number of properties that may include fresh water ponds, streams, and riparian habitat.

The activities to construct aquatic and riparian habitat on Department managed property contemplated in this categorical exclusion would be of a small scale and limited to a single locality. Furthermore, recognizing the sensitivity of the maritime and freshwater environments to the introduction of non-indigenous species, the Panel was careful to limit the nature of the activities that would be categorically excluded to only those activities using native materials or best natural resource management practices. These types of natural resource management activities would be undertaken to achieve small scale benefits to native flora and fauna. Any potential for environmental impacts would likewise be of a small scale and confined to more localized impacts. As a result of these limitations and in consideration of the administrative record, the Panel determined that this categorical exclusion contemplated activities that would inherently have no potential for significant impacts to the human environment.

In addition, this categorical exclusion is supported by a long-standing categorical exclusion and administrative record brought to the Department that themselves would have only been developed through a process consistent with NEPA regulatory requirements. In particular, the Panel identified legacy categorical exclusions from the U.S. Coast Guard and the Federal Emergency Management Agency. The U.S. Border Patrol brought a legacy of environmental assessments and findings of no significant impact for its land based activities. The Panel identified the U.S. Coast Guard operations to be of the greatest scope and intensity of any of the Department components, while also inclusive of operations of a similar nature as all of the Department components. Based upon this history of environmental analyses and the experience of its members, the Panel found that actions of a similar nature, scope, and intensity were performed throughout the Department without significant environmental impacts.

The Panel defined this categorical exclusion to be sufficiently related to actions that may involve one or more extraordinary circumstances. To ensure that only those actions having negligible impacts on the human environment are contemplated by this categorical exclusion, the Panel proposed that a Record of Environmental Consideration (REC) be prepared to document the determination whether the action is either appropriately categorically excluded or whether it requires further analysis through an EA or EIS process.

The Panel determined that the use of examples in this particular categorical exclusion would be helpful to future users in clarifying the types of activities envisioned by the categorical exclusion. In providing examples, the Panel did not intend to extend the categorical exclusion to actions including extraordinary circumstances that may result in the activity having significant environmental effects.

The Panel also noted that other Federal agencies have categorical exclusion for similar activities that are sufficiently descriptive such that they demonstrated to the Panel that those activities were similar in nature, scope, and impact on the human environment to those performed by the Department. Numerous Federal agencies with responsibilities to manage similar activities at a larger scale and in a greater variety of natural environments, including environments at least as sensitive as those that the Department may normally work in, have categorical exclusions that encompass the types of activities contemplated for this Department categorical exclusion. In addition, the Panel recognized that all Federal agencies, with very few limitations, must meet the same requirements to protect the environment. The Panel determined from their experience in or on behalf of other Federal agencies, that the characteristics of the activities in the Department were no different than those performed by other Federal agencies in general, as well as specifically related to the environment.

Accordingly, through a deliberative process, the Panel determined that the proposed categorical exclusion encompassed programmatic activities that inherently did not have individual or cumulative significant impact on the human environment.

LEGACY CATEGORICAL EXCLUSIONS AND COMPARABLE AGENCY CATEGORICAL EXCLUSIONS

USBP

Reference: Environmental Assessment for the Southerly International Border Water Improvement Project March 2000 resulting in a FONSI The Colorado River Basin Salinity Control Act of 1974, Public Law 93-320, authorized the construction, operation, and maintenance of facilities in the Colorado River Basin to control the salinity of water delivered to Mexico by the International Boundary and Water Commission. The purpose of this Environmental Assessment (EA) is to identify some proposed options developed by the Bureau of Reclamation, Yuma Area Office, and the International Boundary and Water Commission for the delivery of water to Mexico across the land boundary at San Luis, Arizona. Currently, water is delivered through the Sanchez Mejorada Canal at the southerly International Boundary (SIB). The water flow at the SIB fluctuates and flow variations render deliveries at the SIB unpredictable for both quantity and quality.

This Environmental Assessment considers the following three alternatives to providing improved flows and less salty water to Mexico at the SIB: 1) Install variable speed motor controllers at the SIB Boundary Pumping Plant (BPP) and construct a diversion channel from the BPP to the Bypass Drain, 2) Install variable speed motor controllers at

the SIB BPP without the construction of a diversion canal; and 3) no action.

Analysis: Based upon the results of the EA, it has been concluded that the proposed action would not have a significant adverse impact on the natural or human environment, and no further NEPA analysis (i.e., Environmental Impact Statement) is warranted.

Reference: Supplemental Environmental Assessment Immigration and Naturalization Service Border Road Maintenance and Construction, Tecate to Campo, San Diego County, California April 1997 resulting in a FONSI This supplemental Environmental Assessment (EA) assesses the potential for significant adverse or beneficial environmental impacts of the proposed action and alternatives in accordance with provisions of the National Environmental Policy Act (NEPA). The proposed action involves approximately three miles of new road construction, which includes two miles of riparian area rehabilitation and one mile of highly erodible land rehabilitation on corresponding abandoned road sections, and approximately six miles of maintenance to existing border roads along the U.S.-Mexico border between Tecate and Campo, San Diego County, California.

A Programmatic Environmental Impact Statement (PEIS) was prepared in 1994 for the Immigration and Naturalization Service (INS) and Joint Task Force Six (JTF-6) proposed projects that facilitate law enforcement agencies (LEAs) missions to reduce illegal drug activity along the southwestern border of the U.S.(U.S. Army 1994). The PEIS addressed the cumulative effects of past and reasonably foreseeable projects undertaken by JTF-6. Additionally, the U.S. Army Corps of Engineers (USCOE), Los Angeles District, prepared two EAs (Tecate to Canyon City; Campo to Jacumba) for border road maintenance and construction activities in this region (U.S. Army 1993 and 1994). This EA is a supplement to the JTF-6 PEIS, and tiers from the PEIS and the two previous EAs.

Analysis: Based upon the results of the EA and the environmental design measures to be incorporated as part of the proposed action, it has been concluded that the proposed action will not have a significant adverse effect on the environment.

Reference: Final Environmental Assessment Joint Task Force Six Proposed Fence Road Repair and Improvement Project Douglas, Cochise County, Arizona February 2001 resulting in a FONSI signed in February of 2001 A Programmatic Environmental Impact Statement (PEIS), prepared in 1994 for the Immigration and Naturalization Service (INS) and JTF-6, addressed proposed projects that facilitate missions to reduce illegal drug activity trafficking. This Environmental Assessment (EA) tiers from the 1994 PEIS.

This EA addresses the potential impacts associated with a proposed fence and road improvement project along the U.S.-Mexico border in Cochise County, Arizona. The Proposed Action includes landing mat fence extension, installation of permanent lighting, road and hydrological repairs and improvements, and road maintenance. The Proposed Action specifically addresses the extension of an existing landing mat fence

east of the Port of Entry (POE) for a distance of two miles, installation of permanent lighting east of the POE for a distance of 0.8 of a mile and west of the POE for a distance of one mile; repair/improvement the border road and hydrological conditions east of the POE for a distance of 4 miles and west of Whitewater Draw for a distance of 4 miles; and road maintenance west of the road repair section for a distance of eight miles near Douglas, Arizona.

Analysis: Based upon the results of the EA, it has been concluded that the proposed action would not have a significant adverse impact on the natural or human environment, and no further NEPA analysis (i.e., Environmental Impact Statement) is warranted.

DOE

Reference: 10 CFR 1021, Subpart D, Appendix B.

B1.20 Small-scale activities undertaken to protect, restore, or improve fish and wildlife habitat, fish passage facilities (such as fish ladders or minor diversion channels), or fisheries.

DEPARTMENT OF THE INTERIOR

Reference: Departmental Manual 516, Part 2

Series: Environmental Quality Programs APPENDIX 1

U.S. Fish and Wildlife Service 516 DM 8

B. Resource Management.

(3) The construction of new, or the addition of, small structures or improvements, including structures and improvements for the restoration of wetland, riparian, instream, or native habitats, which result in no or only minor changes in the use of the affected local area. The following are examples of activities that may be included.

- (a) The installation of fences.
- (b) The construction of small water control structures.
- (c) The planting of seeds or seedlings and other minor revegetation actions.
- (d) The construction of small berms or dikes.
- (e) The development of limited access for routine maintenance and management purposes.

HAZARDOUS/RADIOACTIVE MATERIALS MANAGEMENT AND OPERATIONS

F1 Routine procurement, transportation, distribution, use, and storage of hazardous materials that comply with all applicable requirements, such as Occupational Safety and Health Act (OSHA) and National Fire Protection Association (NFPA)..

The former categorical exclusion F1 language referencing "Routine procurement, handling, recycling, and off-site disposal of hazardous material/waste that complies with applicable requirement," was viewed as not accurately defining the intent of this categorical exclusion as supported by

the administrative record. It is more accurate to limit the actions contemplated by that language to those applicable to hazardous materials, and to do likewise for hazardous waste. In order to ensure that this categorical exclusion was sufficiently limited in that fashion without expanding or modifying its intended scope, the categorical exclusion published for notice and comment as F1 has been limited by defining it as "Categorical exclusion F1: Routine procurement, transportation, distribution, use, and storage of hazardous materials that comply with all applicable requirements, such as OSHA and NFPA," and "Categorical exclusion F2: Routine reuse, recycling, and off-site disposal of hazardous wastes including medical and radiological wastes generated incidental to Department activities where such reuse, recycling, and off-site disposal complies with applicable requirements such as RCRA, OSHA, and state hazardous waste management practices."

The Department received comment on categorical exclusion F1 that was related primarily to hazardous waste disposal as opposed to hazardous materials usage. That comment will be addressed in categorical exclusion F2.

The Panel examined the various activities undertaken by both the new entities created and the existing entities merged into the Department to determine the extent to which these various components procured, transported, distributed, used, and stored hazardous materials during the normal course of their activities. Because a wide variety of materials are considered to be hazardous materials, including fuels for vehicles and equipment, it was found that actions of a similar nature, scope, and intensity were quite common throughout the Department in both operational and support activities. The majority of hazardous materials procured, transported, distributed, used, and stored were found to consist of commercially available materials (in conformance with federal procurement priorities). A more limited quantity of hazardous materials were of a type that was provided by commercial sources specifically for military (U.S. Coast Guard) or law enforcement purposes. Homeland security unique requirements for hazardous materials were found to be extremely infrequent and most of these were adaptations of commercially available goods and services (in conformance with federal procurement priorities).

The Panel examined the existing categorical exclusions brought into the Department with the components and found that the U.S. Coast Guard had a categorical exclusion that included the routine movement, handling, and distribution of hazardous materials. This was significant because the U.S. Coast Guard was found to operate in the greatest variety of natural environments and have the greatest variety of operations that may have a requirement for hazardous materials, including such things as industrial operations, motor pool, vessel maintenance, aircraft maintenance, and facility maintenance. This long-standing categorical exclusion brought to the Department by the U.S. Coast Guard would have only been developed through a process consistent with NEPA regulatory requirements.

The Panel found that motor pools, small vessels and boats, aircraft and helicopters, and facilities were maintained in a similar fashion throughout the Department. The Panel also found that the Department had specific

legislative authority to seek even higher levels of consistency in its operational and maintenance processes. The Panel also found that hazardous material activities contemplated by this categorical exclusion are those that would be undertaken at facilities or as a part of operations that must meet a variety of stringent requirements designed to protect the quality of the human environment. The Panel found that actions of a similar nature, scope, and intensity were performed throughout the Department in compliance with federal, tribal, state, or local law and/or regulatory policy by component entities with a history that pre-dates the Department. The Panel further noted that these actions resulted in no harm to the environment.

The Panel also noted that other Federal agencies have categorical exclusion for similar activities that are sufficiently descriptive such that it could be determined that they included a much broader range of activities and encompassed activities of generally greater scope and intensity than any in the Department. In addition, the Panel recognized that all Federal agencies, with very few limitations, must meet the same requirements to protect the environment. For example, the volume of materials procured by agencies of the Department of Defense dwarf those of the Department. The Panel determined from their experience in or on behalf of other Federal agencies, that the characteristics of the activities in the Department were no different than those performed by other Federal agencies in general, as well as specifically related to the environment.

Accordingly, through a deliberative process, the Panel determined that the proposed categorical exclusion encompassed programmatic activities that inherently did not have individual or cumulative significant impact on the human environment.

LEGACY CATEGORICAL EXCLUSIONS AND COMPARABLE AGENCY CATEGORICAL EXCLUSIONS

USCG

Reference: COMDTINST M16475.1D Figure 2-1 Coast Guard Categorical exclusions

4. Operational Actions d. the routine movement, handling, and distribution of non-hazardous and hazardous materials and wastes in accordance with applicable regulations.

ARMY

Reference: 32 CFR 651 Appendix B. Section II (h)(4) Routine management, to include transportation, distribution, use, storage, treatment, and disposal of solid waste, medical waste, radiological and special hazards (for example, asbestos, PCBs, lead-based paint, or unexploded ordnance), and/or hazardous waste that complies with EPA, Army, or other regulatory agency requirements. This CX is not applicable to new construction of facilities for such management purposes.

FDA

Reference: 21 CFR 25.30

(m) Disposal of low-level radioactive waste materials (as defined in the Nuclear Regulatory Commission regulations at 10 CFR 61.2) and chemical waste materials generated in the laboratories serviced by the contracts administered by FDA, if the waste is disposed of in compliance with all applicable Federal, State, and local requirements.

DOE

Reference: 10CFR1021, Subpart D, Appendix B.

B2.6 Packaging, transportation, and storage of radioactive materials from the public domain, in accordance with the Atomic Energy Act upon a request by the Nuclear Regulatory Commission or other cognizant agency, which would include a State that regulates radioactive materials under an agreement with the Nuclear Regulatory Commission or other agencies that may, under unusual circumstances, have responsibilities regarding the materials that are included in the categorical exclusion. Covered materials are those for which possession and use by Nuclear Regulatory Commission licensees has been categorically excluded under 10 CFR 51.22(14) or its successors. Examples of these radioactive materials (which may contain source, byproduct or special nuclear materials) are density gauges, therapeutic medical devices, generators, reagent kits, irradiators, analytical instruments, well monitoring equipment, uranium shielding material, depleted uranium military munitions, and packaged radioactive waste not exceeding 50 curies.

F2 Reuse, recycling, and disposal of solid, medical, radiological, and hazardous waste generated incidental to Department activities that comply with applicable requirements such as Resource Conservation and Recovery Act (RCRA), Occupational Safety and Health Act (OSHA), and state hazardous waste management practices. Examples include but are not limited to:

- (a) Appropriate treatment and disposal of medical waste conducted in accordance with all federal, state, local and tribal laws and regulations,**
- (b) Temporary storage and disposal solid waste, conducted in accordance with all federal, state, local and tribal laws and regulations,**
- (c) Disposal of radiological waste through manufacturer return and recycling programs, and,**
- (c) Hazardous waste minimization activities.**

The former categorical exclusion F1 language referencing "**Routine procurement, handling, recycling, and off-site disposal of hazardous material/waste that complies with applicable requirement,**" was viewed as not accurately defining the intent of this categorical exclusion as supported by the administrative record. It is more accurate to limit the actions contemplated by that language to those applicable to hazardous materials, and to do likewise for hazardous waste. Consequently, categorical exclusion F1

was developed to be limited to activities with hazardous materials and this categorical exclusion F2 was developed to be limited to activities with hazardous waste.

The term "Reuse" was added to emphasize the importance of reutilization of hazardous waste; an action that, similar to recycling, reduces the volume of waste disposal and the potential for adverse environmental impacts of hazardous waste. The phrase "*generated incidental to Department activities*" was added to emphasize that this categorical exclusion only contemplates reuse, recycling, and off-site disposal that is required by routine Department activities. The phrase "*such as RCRA, OSHA, and state hazardous waste management practices*" was added to exemplify the type of requirements that may be applicable to hazardous waste reuse, recycling, and disposal.

The Panel examined the various activities undertaken by both the new entities created and the existing entities merged into the Department to determine the extent to which these various components reused, recycled, and disposed of solid, medical, radiological, and hazardous waste generated incidental to their activities. The Panel found that a wide variety of materials are used throughout the department, some of which are considered to be hazardous materials. The Panel found that some of these materials would not be fully used up in Department activities, resulting in small quantities of hazardous waste; while others, like batteries for hand held radios, could become hazardous waste as a result of their intended use. The Panel also found that U.S. Coast Guard and other components are responsible for medical clinics or research laboratories that may generate small quantities of medical waste that needs to either be treated prior to disposal or disposed through a contractor or facility that will treat the medical waste appropriately. Other materials, such as fuels for vehicles and equipment, can change their nature over time, rendering them inappropriate for use, requiring recycling or disposal as hazardous waste. The Panel found that reuse, recycling, and disposal actions of a similar nature, scope, and intensity were quite common throughout the Department in both operational and support activities.

In regard to the disposal of radiological waste, the Panel found that the majority of such situations where radiological wastes would be generated within the Department would be associated with activities contemplated under categorical exclusion B8. However, the Panel found that some equipment used within the department contained materials that were disposed of as radiological waste through manufacturer sponsored return and replacement programs.

The Panel found that motor pools, small vessels and boats, aircraft and helicopters, and facilities were maintained in a similar fashion throughout the Department. The Panel also found that the Department had specific legislative authority to seek even higher levels of consistency in its operational and maintenance processes. The Panel also found that hazardous, radiological, or medical waste activities contemplated by this categorical exclusion are those that would be undertaken at facilities or as a part of operations that must meet a variety of stringent requirements designed to protect the quality of the human environment. The Panel found that actions

of a similar nature, scope, and intensity were performed throughout the Department in compliance with federal, tribal, state, or local law and/or regulatory policy by component entities with a history that pre-dates the Department. The Panel further noted that these actions resulted in no harm to the environment.

The Department is generally not interested in establishing or causing to have established new landfills or waste disposal facilities and this categorical exclusion would not apply to that type of activity. Use of these permitted waste disposal facilities by the Department under normal circumstances would be the same as any other customer of the facility. The potential for environmental impacts, including environmental justice, from established permitted landfills and facilities would normally have been evaluated by others during the permitting process. Furthermore, the applicable requirements contemplated in this categorical exclusion would include the requirements of the Resource Conservation and Recovery Act (Subtitle D) and state implementing regulations.

The Panel examined the existing categorical exclusions brought into the Department with the components and found that the U.S. Coast Guard had a categorical exclusion that included the routine movement, handling, and distribution of hazardous wastes. This was significant because the U.S. Coast Guard was found to operate in the greatest variety of natural environments and have the greatest variety of operations that may result in the incidental generation of hazardous or medical waste, including such things as industrial operations, motor pool, vessel maintenance, aircraft maintenance, and facility maintenance. This long-standing categorical exclusion brought to the Department by the U.S. Coast Guard would have only been developed through a process consistent with NEPA regulatory requirements.

The Panel determined that the use of examples in this particular categorical exclusion would be helpful to future users in clarifying the types of activities envisioned by the categorical exclusion. In providing examples, the Panel did not intend to extend the categorical exclusion to actions including extraordinary circumstances that may result in the activity having significant environmental effects.

The Panel also noted that other Federal agencies have categorical exclusion for similar activities that are sufficiently descriptive such that it could be determined that they included a much broader range of activities and encompassed activities of generally greater scope and intensity than any in the Department. In addition, the Panel recognized that all Federal agencies, with very few limitations, must meet the same requirements to protect the environment. For example, the volume of materials procured by agencies of the Department of Defense dwarf those of the Department. The Panel determined from their experience in or on behalf of other Federal agencies, that the characteristics of the activities in the Department were no different than those performed by other Federal agencies in general, as well as specifically related to the environment.

Accordingly, through a deliberative process, the Panel determined that the proposed categorical exclusion encompassed programmatic activities that inherently did not have individual or cumulative significant impact on the human environment.

The Department received a comment asserting that that no standard exists by which to measure the routine use of hazardous materials/waste. Specifically, the comment stated that, absent a deeper explanation of the activities being excluded, this categorical exclusion could easily become a rubber stamp to nearly all agency activities with hazardous waste. The comment expressed the additional concern that a categorical exclusion for these activities could mask the cumulative effects of routine hazardous waste use at agency facilities.

The Department considered the comment and notes that section 3.2 in Appendix A of the directive contains a list of conditions and extraordinary circumstances that must be satisfied in the application of this categorical exclusion to a specific program or activity within the Department. These conditions and extraordinary circumstances were developed in recognition that, while the vast majority of Department activities in this category do not have potential for significant impacts to the environment, activity proponents within the Department need to be alert for rare and unique conditions that may require more extensive evaluation of the potential for environmental impacts under NEPA. This evaluation would include not only the immediate effect of the Department's decision, but also the potential environmental effects that may indirectly result from implementing the decision and the cumulative effects of the decision on the quality of the human environment.

LEGACY CATEGORICAL EXCLUSIONS AND COMPARABLE AGENCY CATEGORICAL EXCLUSIONS

USCG

Reference: COMDTINST M16475.1D Figure 2-1 Coast Guard Categorical Exclusions

4. Operational Actions d. the routine movement, handling, and distribution of non-hazardous and hazardous materials and wastes in accordance with applicable regulations.

ARMY

Reference: 32 CFR 651 Appendix B. Section II (h)(4) Routine management, to include transportation, distribution, use, storage, treatment, and disposal of solid waste, medical waste, radiological and special hazards (for example, asbestos, PCBs, lead-based paint, or unexploded ordnance), and/or hazardous waste that complies with EPA, Army, or other regulatory agency requirements. This CX is not applicable to new construction of facilities for such management purposes.

FDA

Reference: 21 CFR 25.30

(m) Disposal of low-level radioactive waste materials (as defined in the Nuclear Regulatory Commission regulations at 10 CFR 61.2) and chemical waste materials generated in the laboratories serviced by the contracts administered by FDA, if the waste is disposed of in compliance with all applicable Federal, State, and local requirements.

DOE

Reference: 10 CFR 1021, Subpart D, Appendix B

B2.6 Packaging, transportation, and storage of radioactive materials from the public domain, in accordance with the Atomic Energy Act upon a request by the Nuclear Regulatory Commission or other cognizant agency, which would include a State that regulates radioactive materials under an agreement with the Nuclear Regulatory Commission or other agencies that may, under unusual circumstances, have responsibilities regarding the materials that are included in the categorical exclusion. Covered materials are those for which possession and use by Nuclear Regulatory Commission licensees has been categorically excluded under 10 CFR 51.22(14) or its successors. Examples of these radioactive materials (which may contain source, byproduct or special nuclear materials) are density gauges, therapeutic medical devices, generators, reagent kits, irradiators, analytical instruments, well monitoring equipment, uranium shielding material, depleted uranium military munitions, and packaged radioactive waste not exceeding 50 curies.

F3 Use (that may include the processes of installation, maintenance, non-destructive testing, and calibration), transport, and storage of hand-held, mobile or stationary instruments, containing sealed radiological and radioactive materials, to screen for or detect dangerous or illegal individuals or materials in compliance with commercial manufacturers' specifications, as well as applicable Federal requirements to protect the human environment. Examples of such instruments include but are not limited to:

- (a) Gauging devices, tracers, and other analytical instruments,**
- (b) Instruments used in industrial radiography,**
- (c) Systems used in medical and veterinary practices and,**
- (d) Nuclear Regulatory Commission (NRC) approved, sealed, small source radiation devices for scanning vehicles and packages where radiation exposure to employees or the public does not exceed 0.1 rem per year and where systems are maintained within the NRC license parameters at existing facilities.**

This categorical exclusion resulted from a combination of two other categorical exclusions previously published for comment as F3 and F2. Wording in the former version of F3, i.e., "Use, transportation, and placement of Nuclear Regulatory Commission (NRC) approved, sealed, small source radiation for scanning and detection devices for inspecting vehicles and packages where radiation exposure to employees or the public does not exceed 0.1 rem per year and where systems are maintained within the NRC license parameters at existing facilities..." did not accurately define the

intent of this categorical exclusion. Also, the administrative record reflected redundancy in the wording of the exclusions. Likewise, language in what was categorical exclusion F2 referencing *"Use of instruments that contain hazardous, radioactive, and radiological materials in a manner that meets or exceeds all applicable laws and local regulations. Examples include, but are not limited to:*

(a) Gauging devices, tracers, analytical instruments, and other devices containing sealed radiological and radioactive sources

(b) Devices used in industrial radiography

(c) Installation, maintenance, non-destructive tests, and calibration..." was viewed as not accurately defining the intent of this categorical exclusion, as supported by the administrative record.

The Panel realized that it was more accurate to define and describe a separate category of activities contemplated as the use (that may include the processes of installation, maintenance, non-destructive testing, and calibration), transport, and storage of hand-held, mobile or stationary instruments, containing sealed radiological and radioactive materials, to screen for or detect dangerous or illegal individuals or materials. In so doing, this more accurately and more narrowly describes the nature of those instruments contemplated as hand-held, mobile or stationary instruments and more accurately describe the term "use" to include installation, maintenance, non-destructive testing, and calibration of those instruments. In so doing, the Department ensured that its activities involving other types of uses and other types of instruments would be more accurately described in other categorical exclusions such as B1, B3, B8, B9, and G1.

The rewriting of this categorical exclusion further limits the activities contemplated to those involving hand-held, mobile or stationary instruments containing sealed radiological and radioactive materials from that which used to include the more general term of "hazardous materials" to more accurately reflect the intent of the two categorical exclusions now combined into one, as included in this grouping of the Department's list of categorical exclusions. This also ensures that Department activities involving instruments containing other types of materials, including hazardous materials, would be more accurately described in other categorical exclusions such as B1, B3, B8, B9, F1, and G1.

The phrase *"...in compliance with commercial manufacturer's specifications, as well as applicable federal requirements to protect the human environment..."* was added to exemplify the type of requirements that may be applicable to the use of these instruments. The example of *"Nuclear Regulatory Commission (NRC) approved, sealed, small source radiation devices for scanning vehicles and packages where radiation exposure to employees or the public does not exceed 0.1 rem per year and where systems are maintained within the NRC license parameters at existing facilities..."* was retained to exemplify the nature of the types of radiation devices that were contemplated and the controls on radiation exposure that were contemplated to ensure that there would be no significant impacts to the quality of the human environment.

The Panel also recognized that DHS would not normally be storing or transporting large quantities of these instruments. Any storage or transport of these instruments that may occur for DHS purposes would be associated with activities surrounding the acquisition of the instruments, their distribution to appropriate operational units, and the limited numbers of these instruments that may be stored at any single unit for their operational needs. In addition, operational units may transport small quantities of these instruments during operational missions.

The Panel of environmental professionals examined the various activities undertaken by the new entities created and the existing entities merged into the Department to determine the extent to which these various components used hand-held, mobile or stationary instruments containing sealed radiological and radioactive materials to screen for or detect dangerous or illegal individuals or materials. The panel found that a wide variety of hand-held, mobile or stationary instruments containing sealed radiological and radioactive materials are used by various components of the department to screen for or detect dangerous or illegal individuals or materials. Furthermore, these uses are not only for inspections at land, sea, and air ports of entry but may also involve emergency response and recovery activities. For example, the components of the U.S. Coast Guard, Transportation Security Administration, and Customs and Border Protection perform the activities contemplated at land, sea, and air ports of entry; while the Office of State and Local Government Coordination and Preparedness trains non-Federal entities in the appropriate use of these instruments. Furthermore, the Panel found that the appropriate use of these instruments included the processes of installation, maintenance, non-destructive testing, and calibration. The Panel found that actions of a similar nature, scope, and intensity were quite common throughout DHS in operational activities.

The Panel found that hand-held, mobile or stationary instruments containing sealed radiological and radioactive materials were used to screen for or detect dangerous or illegal individuals or materials in a similar fashion throughout DHS. The Panel also found that DHS had specific legislative authority to seek even higher levels of consistency in its operational processes. The Panel also found that these hand-held, mobile or stationary instruments containing sealed radiological and radioactive materials contemplated by this categorical exclusion must be used in a manner that meets a variety of stringent requirements designed to protect the quality of the human environment. The Panel further noted that these actions resulted in no harm to the environment.

The panel examined the existing administrative record brought into DHS with the components included the use of hand-held, mobile or stationary instruments containing sealed radiological and radioactive materials to screen for or detect dangerous or illegal individuals or materials. The panel noted the record from the Customs and Border Protection, the Science and Technology Directorate, and the Preparedness Directorate.

The panel determined that the use of examples in this particular CATEX would be helpful to future users in clarifying the types of activities envisioned

by the CATEX. In providing examples, the panel did not intend to extend the CATEX to actions including extraordinary circumstances that may result in the activity having significant environmental effects.

The panel of interdisciplinary experts also noted that other Federal agencies have CATEX for similar activities that are sufficiently descriptive such that they demonstrated to the panel that those activities were similar in nature, scope, and impact on the human environment to those performed by DHS. In addition, the panel recognized that all Federal agencies, with very few limitations, must meet the same requirements to protect the environment. The panel determined from their experience in other Federal agencies and from the expertise of the consultants, that the characteristics of the activities in DHS were no different than those performed by other Federal agencies in general, and similarly had negligible impacts on the human environment.

Accordingly, through a deliberative process, the Panel determined that the proposed CATEX encompassed programmatic activities that inherently did not have individual or cumulative significant impact on the human environment.

LEGACY CATEGORICAL EXCLUSIONS AND COMPARABLE AGENCY CATEGORICAL EXCLUSIONS

AIR FORCE

Reference: 32 CFR 989 Appendix B

A2.3.27. Normal or routine basic and applied scientific research confined to the laboratory and in compliance with all applicable safety, environmental, and natural resource conservation laws.

ARMY

Reference: 32 CFR 651 Appendix B. Section II

(h)(1) Use of gauging devices, analytical instruments, and other devices containing sealed radiological sources; use of industrial radiography; use of radioactive material in medical and veterinary practices; possession of radioactive material incident to performing services such as installation, maintenance, leak tests, and calibration; use of uranium as shielding material in containers or devices; and radioactive tracers (REC required).

USBP

Reference: Programmatic Environmental Assessment for GAMMA Imaging Inspection Systems resulting in a FONSI

In March 2004, The United States (U.S.) Customs and Border Protection (CBP), analyzed A new method of conducting inspections involves the use of Non-Intrusive Inspection (NII) equipment based on technologies such as low-energy X-ray or low-energy gamma radiation sources to "see" into cargo containers and identify potential contraband. The Applied Technology Division (ATD) of CBP has examined gamma-imaging technologies for their suitability as parts of CBP's inspection program.

The Programmatic Environmental Assessment (PEA) documents a top-level evaluation of the potential environmental consequences resulting from

deploying, installing, and operating of gamma imaging systems to inspect cargoes at air, sea and land ports of entry (POEs) throughout the U.S. and Puerto Rico.

Analysis: After considering all relevant factors and issues, the PEA concludes that Non-Intrusive Inspection (NII) equipment would not significantly affect the physical, cultural, and socioeconomic environments. However this PEA mentioned that site-specific analyses will be performed for each location in the U.S. or Puerto Rico, where CBP installs VACIS II, Mobile VACIS, Pallet VACIS and/or Rail VACIS. Each site-specific analysis will be reported in a Supplemental Environmental Document, which will tier off of this PEA in accordance with 40 CFR Part 1508.28.

Reference: Environmental Assessment for Pulsed Fast Neutron Analysis Cargo Inspection System Test Facility at Ysleta Port of Entry Commercial Cargo Facility, El Paso, Texas 2003 resulting in a FONSI This EA analyzed an extended real-life trial of Pulsed Fast Neutron Analysis (PFNA) system, a radiation-based method of Non-Intrusive Inspection Technology that allows CBP to examine cargoes without having to physically unload the cargo containers. Based on a review of candidate locations having a high volume of incoming commercial traffic, the Ysleta Commercial Cargo Facility in El Paso, Texas was identified as the best test site. Under the proposed action, the government will construct a test facility (approximately 9 months) and operate it with the commercial stream-of-commerce (for a maximum period of 6 months).

Analysis: The EA analyzed the many potential environmental consequences and determined that all impacts would be negligible or minor. With the exception of radiation, the effects and consequences of the proposed action are not unlike constructing and operating a drive-through tollbooth plaza. With regard to radiation and air quality, a very small amount (a fraction of 1 percent of EPA's allowable threshold) is released to the atmosphere. A small amount of solid radioactive waste will be disposed of using licensed contractors who typically handle hospital waste. Analyses have shown that the system is safe to operators, cargo and the general public. A stowaway in the cargo vehicle will be subjected to a maximum radiation dose the same as OSHA allows for general public over the course of a year. Weapons of mass destruction will not be initiated by the system. Analysis of possible accidents shows that worst-case radiation doses are below acceptable standards. The EA concluded that this trial would not significantly affect the physical, cultural, and socioeconomic environments.

Reference: Programmatic Environmental Assessment for Gamma Imaging Inspection Systems, Department of Homeland Security, Bureau of Customs and Border Protection, Applied Technology Division, March 12, 2004 resulting in a FONSI

Customs and Border Protection wrote this PEA to analyze the use of Non-Intrusive Inspection (NII) equipment based on technologies such as low-energy X-ray or low-energy gamma radiation sources to "see" into cargo containers and identify potential contraband. The PEA evaluated

potential environmental consequences resulting from deploying, installing, and operating the four different configurations of gamma imaging systems [known as the Vehicle and Cargo Inspection System (VACIS)] to inspect cargoes at air, sea and land ports of entry (POEs) throughout the U.S. and Puerto Rico.

Analysis: The PEA analyzed the likely environmental consequences, including the radiological consequences, and concluded that VACIS is not expected to significantly affect the physical, cultural, and socioeconomic environments.

DOE

Reference: 10 CFR 1021, Subpart D, Appendix B.

B2.6 Packaging, transportation, and storage of radioactive materials from the public domain, in accordance with the Atomic Energy Act upon a request by the Nuclear Regulatory Commission or other cognizant agency, which would include a State that regulates radioactive materials under an agreement with the Nuclear Regulatory Commission or other agencies that may, under unusual circumstances, have responsibilities regarding the materials that are included in the categorical exclusion. Covered materials are those for which possession and use by Nuclear Regulatory Commission licensees has been categorically excluded under 10 CFR 51.22(14) or its successors. Examples of these radioactive materials (which may contain source, byproduct or special nuclear materials) are density gauges, therapeutic medical devices, generators, reagent kits, irradiators, analytical instruments, well monitoring equipment, uranium shielding material, depleted uranium military munitions, and packaged radioactive waste not exceeding 50 curies.

B3.12 Siting, construction (or modification), operation, and decommissioning of microbiological and biomedical diagnostic, treatment and research facilities (excluding Biosafety Level-3 and Biosafety Level-4; reference: Biosafety in Microbiological and Biomedical Laboratories, 3rd Edition, May 1993, U.S. Department of Health and Human Services Public Health Service, Centers of Disease Control and Prevention, and the National Institutes of Health (HHS Publication No. (CDC) 93-8395)) including, but not limited to, laboratories, treatment areas, offices, and storage areas, within or contiguous to an already developed area (where active utilities and currently used roads are readily accessible). Operation may include the purchase, installation, and operation of biomedical equipment, such as commercially available cyclotrons that are used to generate radioisotopes and radiopharmaceuticals, and commercially available biomedical imaging and spectroscopy instrumentation.

B7.2 Approval of import or export of small quantities of special nuclear materials or isotopic materials in accordance with the Nuclear Non-Proliferation Act of 1978 and the ``Procedures Established Pursuant to the Nuclear Non Proliferation Act of 1978'' (43 FR 25326, June 9, 1978).

NRC

Reference: 10 CFR § 51.22

14) Issuance, amendment, or renewal of materials licenses issued pursuant to 10 CFR Parts 30, 31, 32, 33, 34, 35, 36, 39, 40 or part 70 authorizing the following types of activities:

- (i) Distribution of radioactive material and devices or products containing radioactive material to general licensees and to persons exempt from licensing.
- (ii) Distribution of radiopharmaceuticals, generators, reagent kits and/or sealed sources to persons licensed pursuant to 10 CFR 35.18.
- (iii) Nuclear pharmacies.
- (iv) Medical and veterinary.
- (v) Use of radioactive materials for research and development and for educational purposes.
- (vi) Industrial radiography.
- (vii) Irradiators.
- (viii) Use of sealed sources and use of gauging devices, analytical instruments and other devices containing sealed sources.
- (ix) Use of uranium as shielding material in containers or devices.
- (x) Possession of radioactive material incident to performing services such as installation, maintenance, leak tests and calibration.
- (xi) Use of sealed sources and/or radioactive tracers in well-logging procedures.
- (xii) Acceptance of packaged radioactive wastes from others for transfer to licensed land burial facilities provided the interim storage period for any package does not exceed 180 days and the total possession limit for all packages held in interim storage at the same time does not exceed 50 curies.
- (xiii) Manufacturing or processing of source, byproduct, or special nuclear materials for distribution to other licensees, except processing of source material for extraction of rare earth and other metals.
- (xiv) Nuclear laundries.
- (xv) Possession, manufacturing, processing, shipment, testing, or other use of depleted uranium military munitions.
- (xvi) Any use of source, byproduct, or special nuclear material not listed above which involves quantities and forms of source, byproduct, or special nuclear material similar to those listed in paragraphs (c)(14) (i) through (xv) of this section (Category 14).

TRAINING AND EXERCISES

G1 Training of homeland security personnel, including international, tribal, state, and local agency representatives using existing facilities where the training occurs in

accordance with applicable permits and other requirements for the protection of the environment. This exclusion does not apply to training that involves the use of live chemical, biological, or radiological agents except when conducted at a location designed and constructed to contain the materials used for that training. Examples include but are not limited to:

- (a) Administrative or classroom training,**
- (b) Tactical training, including but not limited to training in explosives and incendiary devices, arson investigation and firefighting, and emergency preparedness and response,**
- (c) Vehicle and small boat operation training,**
- (d) Small arms and less-than-lethal weapons training,**
- (e) Security specialties and terrorist response training,**
- (f) Crowd control training, including gas range training,**
- (g) Enforcement response, self-defense, and interdiction techniques training, and,**
- (h) Techniques for use in fingerprinting and drug analysis**

The panel of environmental professionals found that training activities of varying nature, scope, and intensity were performed at facilities throughout DHS. Nearly every component of DHS has some type of training activity. One component, the Federal Law Enforcement Training Centers, has the training of law enforcement and homeland security personnel and the operation of associated training facilities as its primary mission. The Federal Emergency Management Agency and the Preparedness Directorate provide training, with the operation of associated training facilities, to first responder personnel in Federal, tribal, state, and local governments. Another component, the U.S. Coast Guard, has a recruit training center, an academy for the training of military officers, and several locations for the training of military personnel in specific mission requirements and maintenance of skills. Other components maintain smaller training programs to meet mission specific requirements.

The panel of environmental professionals found that training activities of a similar nature, scope, and intensity were performed throughout DHS in compliance with federal, tribal, state, or local law and/or regulatory policy by component entities with a history that pre-dates the Department. The panel also found that these training activities contemplated by this categorical exclusion have been undertaken within facilities that are operated under stringent requirements designed to protect the quality of the human environment. The Panel further noted that these training activities have resulted in no harm to the environment.

The panel specifically limited this categorical exclusion to training at existing facilities. The acquisition or construction of new training facilities was not contemplated with this categorical exclusion.

The panel limited the applicability of the training activities contemplated with this categorical exclusion to those where the training occurs in

accordance with applicable permits and other requirements for the protection of the environment.

The panel recognized that there were issues of particular environmental sensitivity associated with training that involved the use of live chemical, biological, or radiological agents. Therefore, this categorical exclusion has been limited to training that involves the use of live chemical, biological, or radiological agents only when conducted at locations designed and constructed to contain the materials used for that training. These existing facilities are highly contained and controlled to allow realistic training scenarios while protecting the environment, the surrounding communities, and, most importantly, the health and safety of the participants.

The panel determined that the use of examples in this particular CATEX would be helpful to future users in clarifying the types of activities envisioned by the CATEX. In providing examples, the panel did not intend to extend the CATEX to actions including extraordinary circumstances that may result in the activity having significant environmental effects.

This categorical exclusion is supported by long standing CATEX and administrative records brought to DHS by its components. The U.S. Coast Guard and the Federal Emergency Management Agency had existing categorical exclusions for training activities. The Federal Law Enforcement Training Centers and the U.S. Border Patrol brought extensive administrative records to support that there was no potential for significant impact to the human environment from their training activities.

The panel of interdisciplinary experts also noted that other Federal agencies have categorical exclusions for similar activities that are sufficiently descriptive such that they demonstrated to the panel that those activities were similar in nature, scope, and impact on the human environment to those performed by DHS. In addition, the panel recognized that all Federal agencies, with very few limitations, must meet the same requirements to protect the environment. The panel determined from their experience in other Federal agencies and from the expertise of the consultants, that the characteristics of the activities in DHS were no different than those performed by other Federal agencies in general, as well as specifically related to the environment.

Through a deliberative process, the Panel determined that the proposed CATEX encompassed programmatic activities that inherently do not have an individual or cumulative significant impact on the environment.

LEGACY CATEGORICAL EXCLUSIONS AND COMPARABLE AGENCY CATEGORICAL EXCLUSIONS

USDA-ARS

Reference: 7 CFR 1b.3

(4) Educational and informational programs and activities...

USCG

Reference: COMDTINST M16475.1D Figure 2-1 Coast Guard Categorical Exclusions

3. Training a. Defense preparedness training and exercises conducted on Coast Guard controlled property that do not involve undeveloped property or increased noise levels over adjacent property and that involve a limited number of personnel, such as exercises involving primarily electronic simulation or command post personnel. (Checklist and CED required.) b. Defense preparedness training and exercises conducted on other than USCG property, where the lead agency or department is not USCG or DOT and the lead agency or department has completed its NEPA analysis and documentation requirements. c. Simulated exercises, including tactical and logistical exercises that involve small numbers of personnel. d. Training of an administrative or classroom nature.

FEMA

Reference: 44CFR 10.8 (d) (2)

(v) Training activities and both training and operational exercises utilizing existing facilities in accordance with established procedures and land use designations

ARMY

Reference: 32CFR651 Appendix B. Section II

(i)(2) Training entirely of an administrative or classroom nature.

DOE

Reference: 10CFR1021, Subpart D, Appendix B .

B1.2 Routine training exercises and simulations including, but not limited to:

Emergency response and security training.

Fire fighting, rescue, and spill response/cleanup training.

B1.2 Training exercises and simulations (including, but not limited to, firing-range training, emergency response training, fire fighter and rescue training, and spill cleanup training).

FLETC

Reference: Environmental Assessment for the Construction of a Physical Security Training Facility, Building 15, for the Federal Law Enforcement Training Center (FLETC) at Glynco, Georgia, resulting in a FONSI signed on September 9, 2000.

The proposed action would consist of construction a new building (Building #15) at the intersection of Legislative Drive and Records Avenue to house the physical security training that is presently being conducted in Building #146. The building would be called the Physical Security Training Facility. The work would include:

(1) Construction of a 12,000 square foot, one-story, standing seam galvanized steel roofed building, with architectural concrete masonry for the exterior bearing walls;

(2) Site improvements consisting of storm drainage, walkways and landscaping;

(3) Connection to the FLETC-wide underground chilled water and natural gas distribution loops. The new chilled water loop (supply and return lines) would connect to the nearest existing valve pit located approximately 800 feet southeast of the new facility;

(4) Restoration of a roughly 5,000 square-foot existing paved area for parking;

(5) Relocation of the training activities from Building #146; and

(6) Modification and reuse of the existing training facility for other ongoing FLETC activities.

Analysis: Based upon the findings of this analysis no significant adverse impacts would occur from these activities.

Reference: An Amendment to Include a Covered Outdoor Firing Range to an Environmental Assessment for the Canine Enforcement Training Center Front Royal, Virginia, Department of the Treasury U.S. Customs Service, National Logistics Center 6026 Lakeside Boulevard Indianapolis, Indiana 46278. Original document dated April, 1994; Amendment dated January 3, 1995.

This is an addendum to include a Covered Outdoor Firing Range to the original Environmental Assessment that encompassed both Site "A", the 13.4 acre main campus, and Site "B", location of proposed construction of new facilities on a 282 acre tract of land, (hereafter referred to as the Master Plan). The following is a description of the proposed covered outdoor firing range at Site "B".

Analysis: There is no anticipated adverse environmental effect as the range will be used only during scheduled class times and will be maintained on a regular basis keeping lead particulates confined to the concrete slab and the bullet trap. Rain and snow runoff will be controlled by the roof covering and downspouts minimizing the potential for any lead particulates to enter into the local watershed. The sound generated will be attenuated by the enclosed design and sound absorbing materials creating a possible reduction in the current noise level.

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

The panel found that DHS provides direct support, technical assistance, and funding to plan, conduct, and evaluate training exercises based on incidents of natural disaster and chemical, biological, radiological, nuclear, or explosive (CBRNE) terrorism. These training exercises may involve planning exercises, actual conduct of these exercises, and evaluation drills and

exercises to test preparedness, response, and recovery. These training exercises are developed in accordance with long standing procedures that involve careful consideration of the nature of the exercise, the development of the scenarios, selection of the appropriate physical location, and recognition of the variety of requirements that may apply to their conduct. These procedures are a part of this administrative record.

The Panel recognized that components consolidated into the Department planned and conducted national-level exercises of the type contemplated by this categorical exclusion for many years with a history of no adverse impact to the environment. Since consolidation into the Department, national-level exercises have been generally conducted almost annually under a FEMA categorical exclusion applicable through the Department's Savings Clause found within the Homeland Security Act of 2002. That categorical exclusion governs, "*Training activities and both training and operational exercises utilizing existing facilities in accordance with established procedures and land use designations.*" Because of the increasingly greater focus on the involvement of Federal, state, tribal, and local emergency responders, it is important that this categorical exclusion adopt that language and note their involvement in these exercises. The categorical exclusion is also descriptive of the various administrative activities that could develop these exercises, to include grants, cooperative agreements, contracts, or project activities conducted directly by government personnel.

Exercises take place in communities around the nation, and involve members from several response disciplines. The exercises may consist of workshops, drills, tabletop exercises, and full-scale exercises. Two of the most common types of exercises are the tabletop and the full-scale exercise. Tabletop exercises are conducted indoors with participants working through scenarios verbally or through computer simulations. Full-scale exercises (FSE) are usually conducted outdoors, and always in a strictly controlled environment.

The Panel found that realistic training scenarios that involve local, state, and federal agencies are necessary to simulate the actual conditions first responders will face in the event of a disaster, whether from terrorist attack or other natural or manmade causes. The skills and the lines of communication that are developed when training for response operations must be learned in advance of the catastrophe, not on the job when the event is actually happening. Exercises provide first responders a "risk free environment" in which they practice prevention, reduce vulnerabilities, and sharpen response capabilities.

These exercises help states and municipalities assess their capacity to prevent, deter, respond to and recover from a disaster. Lessons learned from the exercises are used to modify and improve protocols and procedures. The exercises also provide DHS a feedback mechanism to assess the quality of training, protocols, and equipment.

FSE are the largest and most complex of these training activities. FSE are necessary to practice what is learned in classroom training and in the tabletop exercises. Selection of a site for a FSE must meet the parameters of the

scenario and includes a visual inspection of the site and determination of boundaries that will confine exercise play. FSEs are normally of limited time duration and geographic scope. FSEs are purposefully designed with the participation of the other relevant governments and response organizations to provide as realistic a scenario as possible without making unacceptable demands on available emergency response resources or unacceptable impacts on the communities where they occur.

One of the assumptions in developing a FSE scenario is that terrorists would want to target large public events for maximum effect. Therefore, FSE activities contemplated in the development of this categorical exclusion were those normally conducted in venues such as public buildings, sports stadiums, fairgrounds, ports, or other sites designed to accommodate large public gatherings and activities. For example, some CBRNE FSE training exercises are conducted indoors in arenas or convention centers, and others involve exercises at sports stadiums or fairgrounds.

Disaster contingency planning and training exercises have been conducted by a variety of federal agencies with no discernable environmental impact. The former Department of Justice, Office of Domestic Preparedness, now merged into the Office of State and Local Government Coordination and Preparedness, has conducted terrorist attack response exercises since 1997. The Federal Emergency Management Agency (now merged into the DHS Emergency Preparedness and Response Directorate) has conducted these types of training exercises for many years to provide effective responses to natural disasters.

DHS must meet all requirements to protect the quality of the human environment in preparing for and conducting these exercises. The panel found that each of these exercises; including airborne emissions, waterborne effluents, outdoor noise, and solid and bulk waste disposal practices; must be performed in compliance with all applicable Federal, tribal, state, and local laws and regulations, including those designed to protect the environment. Panel members with experience with these exercises stated that they have not caused a significant impact to the human environment.

The panel determined that it would be appropriate to limit the nature of activities included in the categorical exclusion to conform to the current practices and experience. Therefore, the scope of activities included in the categorical exclusion has been limited to those training exercises conducted "in accordance with existing facility or land use designations." Likewise, the scope of activities included in the categorical exclusion has been limited to those training exercises that do not involve the use of chemical, biological, radiological, nuclear, or explosive agents/devices, since that is not the normal practice and use of those types of agents or devices in an open environment could potentially have an adverse environmental impact. This means that the entire exercise including airborne emissions, waterborne effluents, outdoor noise, and solid and bulk waste disposal practices must be in compliance with existing applicable Federal, state and local laws and regulations.

Accordingly, through a deliberative process, the Panel determined that the proposed CATEX encompassed programmatic activities that inherently did not have individual or cumulative significant impact on the human environment.

LEGACY CATEGORICAL EXCLUSIONS AND COMPARABLE AGENCY CATEGORICAL EXCLUSIONS

FEMA

Reference: 44 CFR Part 10 Environmental Considerations

Subpart B_Agency Implementing Procedures

Sec. 10.8 Determination of requirement for environmental review.

(d) Categorical Exclusions (CATEXs).

(2) List of exclusion categories.

(v) Training activities and both training and operational exercises utilizing existing facilities in accordance with established procedures and land use designations;

FAA

Reference: FAA Order 1050.1d Chapter 31 (a)

(3) Planning grants which do not imply a project commitment

Reference: FAA Order 5050.4A Chapter 3, Section 23

(b) (3) Issuance of airport planning grants.

ARMY

Reference: 32 CFR 651 Appendix B. Section II

(b)(2) Emergency or disaster assistance provided to federal, state, or local entities (REC required).

DOE

Reference: 10 CFR 1021, Subpart D, Appendix B.

B1.2 Routine training exercises and simulations including, but not limited to:

Emergency response and security training.

Fire fighting, rescue, and spill response/cleanup training.

B1.2 Training exercises and simulations (including, but not limited to, firing-range training, emergency response training, fire fighter and rescue training, and spill cleanup training).

UNIQUE CATEGORICAL EXCLUSIONS FOR THE TRANSPORTATION SECURITY ADMINISTRATION

H1 Approval or disapproval of security plans required under legislative or regulatory mandates unless such plans would have a significant effect on the environment.

This is a legacy categorical exclusion brought into DHS with TSA. It was a legacy categorical exclusion used by TSA in their programs that they obtained from the Federal Aviation Administration. Clauses in both the Aviation

Transportation Security Act and the Homeland Security Act provide for TSA to carry this categorical exclusion into DHS.

LEGACY CATEGORICAL EXCLUSIONS AND COMPARABLE AGENCY CATEGORICAL EXCLUSIONS

FAA

*Reference: FAA Order 1050.1d Chapter 31 (a)
(5) Policy and planning documents not intended for or which do not cause direct implementation of project or system actions*

*Reference: FAA Order 5050.4A Chapter 3, Section 23.
(b) (6) Issuance of airport policy and planning documents including the National Plan of Integrated Airport Systems (NPIAS), Airport Improvement Program (AIP) priority system, advisory circulars on planning, design, and development programs which are not intended for direct implementation or which are issued by FAA as administrative and technical guidance to the public.*

H2 Issuance or revocation of certificates or other approvals, including but not limited

to:

- (a) Airmen certificates,**
- (b) Security procedures at general aviation airports, and,**
- (c) Airport security plans.**

This is a legacy categorical exclusion brought into DHS with TSA. It was a legacy categorical exclusion used by TSA in their programs that they obtained from the Federal Aviation Administration. Clauses in both the Aviation Transportation Security Act and the Homeland Security Act provide for TSA to carry this categorical exclusion into DHS.

LEGACY CATEGORICAL EXCLUSIONS AND COMPARABLE AGENCY CATEGORICAL EXCLUSIONS

FAA

*Reference: FAA Order 1050.1d Chapter 31 (a)
(8) the approval or issuance of certificates covering medicals for airmen, delegated authority, ground schools, out-of-agency training, and aircraft repair or maintenance not affecting noise, emissions, or wastes.*

*Reference: FAA Order 5050.4A Chapter 3, Section 23.
(b) (7) Issuance of certificates and related actions under the Airport Certification Program (14 CFR Part 139).*

UNIQUE CATEGORICAL EXCLUSION FOR THE U.S. VISIT PROGRAM

I1* A portable or relocatable facility or structure used to collect traveler data at or adjacent to an existing port of entry where the placement or use of the facility does not significantly disturb land, air, or water resources and does not individually or cumulatively have a significant environmental effect. The building footprint of the facility must be less than 5,000 square feet and the facility or structure must not foreclose future land use alternatives.

The Panel found that activities involving the construction or installation of a portable or relocatable facility or structure used to collect traveler data near to an existing port of entry were types of activities that would be performed within the U.S. VISIT program. The Panel also found that the administrative record supported the application of this CATEX to the US VISIT program.

However, the Panel, including the US VISIT program, was concerned that activities involving the construction or installation of a portable or relocatable facility or structure used to collect traveler data near to an existing port of entry could involve activities with potential for impact to the human environment. In order to avoid this potential, the CATEX has been limited to facilities or structures with a footprint of less than 5,000 square feet and that would not foreclose future land use alternatives.

Accordingly, through a deliberative process, the Panel determined that the proposed categorical exclusion encompassed activities that inherently did not have individual or cumulative significant impact on the human environment.

LEGACY CATEGORICAL EXCLUSIONS AND COMPARABLE AGENCY CATEGORICAL EXCLUSIONS

US-VISIT

Reference: DHS, US- Visit, Administrative Record for Categorical Exclusion F-2 Temporary Facilities On Or Adjacent To Existing Port Facilities, 2004. This document offers an extensive analysis to support the inclusion of CATEX F-2, now I-1, in these procedures. Some of the documents summarized in this analysis are referenced and summarized individually in this document.

UNIQUE CATEGORICAL EXCLUSIONS FOR THE FEDERAL LAW ENFORCEMENT TRAINING CENTER

J1* Prescribed burning, wildlife habitat improvement thinning, and brush removal for southern yellow pine at the FLETC facility in Glynco, Georgia. No more than 200 acres will be treated in any single year. These activities may include up to 0.5 mile of low-standard, temporary road construction to support these operations.

The Panel found that management of southern yellow pine forests involving prescribed burning, thinning to improve wildlife habitat, and brush removal is a form of property maintenance that is unique to the mission of Federal Law Enforcement Training Center. The Panel found that the Federal Law Enforcement Training Center has a history of this type of activity dating back several years. The panel identified that this type of forest management could be considered a normal part of facility maintenance that might otherwise be included in CATEX D3 or E5. However, the panel found that this particular form of facility maintenance was unique to the Glynco, Georgia facility. Based on the above, the panel determined that management of southern yellow pine forests involving prescribed burning, thinning to improve wildlife habitat, and brush removal warranted its own categorical exclusion.

The panel of interdisciplinary experts also noted that other Federal agencies have CATEX for similar activities that are sufficiently descriptive such that they demonstrated to the panel that those activities were similar in nature, scope, and impact on the human environment to those performed by DHS. In addition, the panel recognized that all Federal agencies, with very few limitations, must meet the same requirements to protect the environment. The panel determined from their experience in other Federal agencies and from the expertise of the consultants, that the characteristics of the activities in DHS were no different than those performed by other Federal agencies in general, and similarly had negligible impacts on the human environment.

Accordingly, through a deliberative process, the Panel determined that the proposed CATEX encompassed programmatic activities that inherently did not have individual or cumulative significant impact on the human environment.

LEGACY CATEGORICAL EXCLUSIONS AND COMPARABLE AGENCY CATEGORICAL EXCLUSIONS

USFS

Reference: FSH 1909.15—Environmental Policy and Procedures Handbook Chapter 30—Categorical Exclusion from Documentation 31.2—Categories of Action for Which a Project or Case File and Decision Memo Are Required. Routine, proposed actions within any of the following categories may be excluded from documentation in an EIS or an EA; however, a project or case file is required and the decision to proceed must be documented in a decision memo (sec. 32). As a minimum, the project or case file should include any records prepared, such as (1) the names of interested and affected people, groups, and agencies contacted; (2) the determination that no extraordinary circumstances exist; (3) a copy of the decision memo (sec 30.5 (2)); (4) a list of the people notified of the decision; (5) Copy of the notice required by 36 CFR Part 217, or any other notice used to inform interested and affected persons of the decision to proceed with or to implement an action that has been categorically excluded. Maintain a project or case file and prepare a decision memo for routine, proposed actions within any of the following categories.

* * * * *

10. Harvest of live trees not to exceed 50 acres, requiring no more than 1/2 mile of temporary road construction. Do not use this category for even-aged regeneration harvest or vegetation type conversion. The proposed action may include incidental removal of trees for landings, skid trails, and road clearing. Examples include but are not limited to:

a. Removal of individual trees for sawlogs, specialty products, or fuelwood.

b. Harvest of trees to reduce the fuel loading in an overstocked stand adjacent to residential area and construction of a short temporary road to access the stand.

c. Commercial thinning of overstocked stands to achieve the desired stocking level to increase health and vigor.

11. Salvage of dead and/or dying trees not to exceed 250 acres, requiring no more than 2 mile of temporary road construction. The proposed action may include incidental removal of green trees for landings, skid trails, and road clearing. Examples include but are not limited to:

a. Harvest of a portion of a stand damaged by a wind or ice event and construction of short temporary road to access the damaged trees.

b. Harvest of fire damaged trees.

12. Sanitation harvest of trees to control insects or disease not to exceed 250 acres, requiring no more than 1/2 mile of temporary road construction, including removal of infested/infected trees and adjacent green trees up to two tree lengths away if determined necessary to control the spread of insects or disease. The proposed action may include incidental removal of green trees for landings, skid trails, and road clearing. Examples include but are not limited to:

a. Felling and harvest of trees infested with southern pine beetles and immediately adjacent green trees to control expanding infestations.

b. Harvest of green trees infested with mountain pine beetle and trees already killed by beetles.

NAVY

Reference: 32 CFR 775.6

(32) Routine maintenance of timber stands, including issuance of down-wood firewood permits, hazardous tree removal, and sanitation salvage.

ARMY

Reference: 32 CFR 651 Appendix B. Section II

(g)(1) Routine repair and maintenance of buildings, airfields, grounds, equipment, and other facilities. Examples include, but are not limited to: Removal and disposal of asbestos-containing material (for example, roof material and floor tile) or lead-based paint in accordance with applicable regulations; removal of dead, diseased, or damaged trees; and repair of roofs, doors, windows, or fixtures (REC required for removal and disposal of asbestos-containing material and lead-based paint or work on historic structures).

BLM

*Reference: Department of the Interior Departmental Manual - Part 516
5.4 Categorical Exclusions*

C. Forestry.

(2) Sale and removal of individual trees or small groups of trees which are dead, diseased, injured or which constitute a safety hazard, and where access for the removal requires no more than maintenance to existing roads.

(4) Precommercial thinning and brush control using small mechanical devices.

J2 Harvest of live trees on Federal Law Enforcement Training Center facilities not to exceed 70 acres, requiring no more than 1/2 mile of temporary road construction. Do not use this category for even-aged regeneration harvest or vegetation type conversion. The proposed action may include incidental removal of trees for landings, skid trails, and road clearing. Examples include but are not limited to:

(a) Removal of individual trees for saw logs, specialty products, or fuel wood, and,

(b) Commercial thinning of overstocked stands to achieve the desired stocking level to increase health and vigor.

The Panel found that harvest of live trees is a form of property maintenance that is unique to the Federal Law Enforcement Training Center. The Panel found that the Federal Law Enforcement Training Center has a history of this type of activity dating back several years. The panel identified that this type of forest management could be considered a normal part of facility maintenance that might otherwise be included in CATEX D3 or E5. However, the panel found that this particular form of facility maintenance was unique to the Glynco, Georgia facility. Based on the above, the panel determined that harvest of live trees warranted its own categorical exclusion.

The panel determined that it would be appropriate to limit the nature of activities included in the categorical exclusion to exclude even-aged regeneration harvest or vegetation type conversion experience. The Panel believed that these types of forest management activities had a greater potential for significant impact on the quality of the human environment. Therefore, the scope of activities included in the categorical exclusion has been limited to not include even-aged regeneration harvest or vegetation type conversion.

The panel determined that the use of examples in this particular CATEX would be helpful to future users in clarifying the types of activities envisioned by the CATEX. In providing examples, the panel did not intend to extend the CATEX to actions including extraordinary circumstances that may result in the activity having significant environmental effects.

The panel of interdisciplinary experts also noted that other Federal agencies have CATEX for similar activities that are sufficiently descriptive such that they demonstrated to the panel that those activities were similar in nature, scope, and impact on the human environment to those performed by DHS. In addition, the panel recognized that all Federal agencies, with very few

limitations, must meet the same requirements to protect the environment. The panel determined from their experience in other Federal agencies and from the expertise of the consultants, that the characteristics of the activities in DHS were no different than those performed by other Federal agencies in general, and similarly had negligible impacts on the human environment.

Accordingly, through a deliberative process, the Panel determined that the proposed CATEX encompassed programmatic activities that inherently did not have individual or cumulative significant impact on the human environment.

LEGACY CATEGORICAL EXCLUSIONS AND COMPARABLE AGENCY CATEGORICAL EXCLUSIONS

USFS

Reference: FSH 1909.15—Environmental Policy and Procedures Handbook Chapter 30—Categorical Exclusion from Documentation 31.2—Categories of Action for Which a Project or Case File and Decision Memo Are Required. Routine, proposed actions within any of the following categories may be excluded from documentation in an EIS or an EA; however, a project or case file is required and the decision to proceed must be documented in a decision memo (sec. 32). As a minimum, the project or case file should include any records prepared, such as (1) the names of interested and affected people, groups, and agencies contacted; (2) the determination that no extraordinary circumstances exist; (3) a copy of the decision memo (sec 30.5 (2)); (4) a list of the people notified of the decision; (5) Copy of the notice required by 36 CFR Part 217, or any other notice used to inform interested and affected persons of the decision to proceed with or to implement an action that has been categorically excluded. Maintain a project or case file and prepare a decision memo for routine, proposed actions within any of the following categories.

** * * * **

10. Harvest of live trees not to exceed 50 acres, requiring no more than 1/2 mile of temporary road construction. Do not use this category for even-aged regeneration harvest or vegetation type conversion. The proposed action may include incidental removal of trees for landings, skid trails, and road clearing. Examples include but are not limited to:

- a. Removal of individual trees for sawlogs, specialty products, or fuelwood.*
- b. Harvest of trees to reduce the fuel loading in an overstocked stand adjacent to residential area and construction of a short temporary road to access the stand.*
- c. Commercial thinning of overstocked stands to achieve the desired stocking level to increase health and vigor.*

11. Salvage of dead and/or dying trees not to exceed 250 acres, requiring no more than 2 mile of temporary road construction. The proposed action may include incidental removal of green trees for landings, skid trails, and road clearing. Examples include but are not limited to:

a. Harvest of a portion of a stand damaged by a wind or ice event and construction of short temporary road to access the damaged trees.

b. Harvest of fire damaged trees.

12. Sanitation harvest of trees to control insects or disease not to exceed 250 acres, requiring no more than 1/2 mile of temporary road construction, including removal of infested/infected trees and adjacent green trees up to two tree lengths away if determined necessary to control the spread of insects or disease. The proposed action may include incidental removal of green trees for landings, skid trails, and road clearing. Examples include but are not limited to:

a. Felling and harvest of trees infested with southern pine beetles and immediately adjacent green trees to control expanding infestations.

b. Harvest of green trees infested with mountain pine beetle and trees already killed by beetles.

J3 Salvage of dead and/or dying trees on Federal Law Enforcement Training Center facilities not to exceed 250 acres, requiring no more than 1/2 mile of temporary road construction. The proposed action may include incidental removal of live or dead trees for landings, skid trails, and road clearing. Examples include but are not limited to:

(a) Harvest of a portion of a stand damaged by a wind or ice event and construction of a short temporary road to access the damaged trees,

(b) Harvest of fire damaged trees, and,

(c) Harvest of insect or disease damaged trees.

The Panel found that salvage of dead and/or dying trees for purposes other than facilities landscaping or road maintenance is a form of property maintenance that is unique to the Federal Law Enforcement Training Center. The Panel found that the Federal Law Enforcement Training Center has a history of this type of activity dating back several years. The panel identified that this type of forest management could be considered a normal part of facility maintenance that might otherwise be included in CATEX D3 or E5. However, the panel found that this particular form of facility maintenance was unique to the Glynco, Georgia facility. Based on the above, the panel determined that salvage of dead and/or dying trees warranted its own categorical exclusion.

The panel determined that it would be appropriate to limit the nature of activities included in the categorical exclusion to salvage of dead and/or dying trees over areas less than 250 acres, requiring no more than 1/2 mile of temporary road construction. The Panel believed that these types of forest management activities, when conducted over larger acreages had a greater potential for significant impact on the quality of the human environment.

The panel determined that the use of examples in this particular CATEX would be helpful to future users in clarifying the types of activities envisioned by the CATEX. In providing examples, the panel did not intend to extend the

CATEX to actions including extraordinary circumstances that may result in the activity having significant environmental effects.

The panel of interdisciplinary experts also noted that other Federal agencies have CATEX for similar activities that are sufficiently descriptive such that they demonstrated to the panel that those activities were similar in nature, scope, and impact on the human environment to those performed by DHS. In addition, the panel recognized that all Federal agencies, with very few limitations, must meet the same requirements to protect the environment. The panel determined from their experience in other Federal agencies and from the expertise of the consultants, that the characteristics of the activities in DHS were no different than those performed by other Federal agencies in general, and similarly had negligible impacts on the human environment.

Accordingly, through a deliberative process, the Panel determined that the proposed CATEX encompassed programmatic activities that inherently did not have individual or cumulative significant impact on the human environment.

LEGACY CATEGORICAL EXCLUSIONS AND COMPARABLE AGENCY CATEGORICAL EXCLUSIONS

USFS

Reference: FSH 1909.15—Environmental Policy and Procedures Handbook Chapter 30

31.2—Categories of Action for Which a Project or Case File and Decision Memo Are Required. Routine, proposed actions within any of the following categories may be excluded from documentation in an EIS or an EA; however, a project or case file is required and the decision to proceed must be documented in a decision memo (sec. 32). As a minimum, the project or case file should include any records prepared, such as (1) the names of interested and affected people, groups, and agencies contacted; (2) the determination that no extraordinary circumstances exist; (3) a copy of the decision memo (sec 30.5 (2)); (4) a list of the people notified of the decision; (5) Copy of the notice required by 36 CFR Part 217, or any other notice used to inform interested and affected persons of the decision to proceed with or to implement an action that has been categorically excluded. Maintain a project or case file and prepare a decision memo for routine, proposed actions within any of the following categories.

** * * * **

10. Harvest of live trees not to exceed 50 acres, requiring no more than 1/2 mile of temporary road construction. Do not use this category for even-aged regeneration harvest or vegetation type conversion. The proposed action may include incidental removal of trees for landings, skid trails, and road clearing. Examples include but are not limited to:

a. Removal of individual trees for sawlogs, specialty products, or fuelwood.

b. Harvest of trees to reduce the fuel loading in an overstocked stand adjacent to residential area and construction of a short temporary road to access the stand.

c. Commercial thinning of overstocked stands to achieve the desired stocking level to increase health and vigor.

11. Salvage of dead and/or dying trees not to exceed 250 acres, requiring no more than 2 mile of temporary road construction. The proposed action may include incidental removal of green trees for landings, skid trails, and road clearing. Examples include but are not limited to:

a. Harvest of a portion of a stand damaged by a wind or ice event and construction of short temporary road to access the damaged trees.

b. Harvest of fire damaged trees.

12. Sanitation harvest of trees to control insects or disease not to exceed 250 acres, requiring no more than 1/2 mile of temporary road construction, including removal of infested/infected trees and adjacent green trees up to two tree lengths away if determined necessary to control the spread of insects or disease. The proposed action may include incidental removal of green trees for landings, skid trails, and road clearing. Examples include but are not limited to:

a. Felling and harvest of trees infested with southern pine beetles and immediately adjacent green trees to control expanding infestations.

b. Harvest of green trees infested with mountain pine beetle and trees already killed by beetles.

NAVY

Reference: 32 CFR 775.6

(32) Routine maintenance of timber stands, including issuance of down-wood firewood permits, hazardous tree removal, and sanitation salvage.

ARMY

Reference: 32 CFR 651 Appendix B. Section II

(g)(1) Routine repair and maintenance of buildings, airfields, grounds, equipment, and other facilities. Examples include, but are not limited to: Removal and disposal of asbestos-containing material (for example, roof material and floor tile) or lead-based paint in accordance with applicable regulations; removal of dead, diseased, or damaged trees; and repair of roofs, doors, windows, or fixtures (REC required for removal and disposal of asbestos-containing material and lead-based paint or work on historic structures).

DEPARTMENT OF THE INTERIOR, Bureau of Land Management

Reference: Departmental Manual 516

5.4 Categorical Exclusions

C. Forestry.

(2) Sale and removal of individual trees or small groups of trees which are dead, diseased, injured or which constitute a safety hazard, and where access for the removal requires no more than maintenance to existing roads.

(4) Precommercial thinning and brush control using small mechanical devices.

UNIQUE CATEGORICAL EXCLUSIONS FOR THE CUSTOMS AND BORDER PROTECTION

K1 Road dragging of existing roads and trails established by Federal, tribal, state, or local governments to maintain a clearly delineated right-of-way, to provide evidence of foot traffic and that will not expand the width, length, or footprint of the road or trail.

The Panel found that road dragging is a form of road maintenance that is unique to the mission of Customs and Border Protection. Furthermore, road dragging is performed on specifically constructed drag roads made to be wide with soft shoulders. These drag roads are intended to be groomed daily for evidence of foot traffic from illegal entrants or smugglers. The Panel found that Customs and Border Protection has a history of this type of activity dating back to 1936, when its predecessor, the U.S. Border Patrol was established. The panel identified that road dragging could be considered a normal part of facility maintenance that might otherwise be included in CATEX D3. However, the panel found that this particular form of facility maintenance may occur in areas adjacent to particularly sensitive natural environments. Based on the above, the panel determined that road dragging of existing roads and trails warranted its own categorical exclusion.

Drag roads are maintained in the sensitive desert environment of the southwest along the border with Mexico. This area contains habitat for a variety of threatened and endangered species. It also does not recover very quickly from human disturbance.

In recognition of the sensitive characteristics of the natural environment along the border with Mexico, this categorical exclusion has been carefully constructed to limit its scope and to avoid activities with potential for significant impact on the human environment. It only includes dragging of existing roads and trails and does not include any new road construction. It also does not include activities that may expand the width, length, or footprint of the road or trail. Furthermore, to ensure that its scope is limited to appropriate activities within the mission of the U.S. Border Patrol, it is limited to road dragging of existing roads and trails established by Federal, tribal, state, or local governments.

This categorical exclusion is supported by an administrative record brought to DHS by the U.S. Border Patrol and former Immigration and Naturalization Service that itself was developed through a process consistent with NEPA regulatory requirements.

LEGACY CATEGORICAL EXCLUSIONS AND COMPARABLE AGENCY CATEGORICAL EXCLUSIONS

USBP

Reference: Draft Environmental Assessment for the Joint Task Force Six Operation 91024 Douglas, Cochise County, Arizona, April 1991, resulting in a FONSI

The proposed project, located approximately 20 miles east of Douglas, Arizona, along the United States/Mexican border, consists of establishing an approximate 3 mile stretch of road to be used as a drag road; it will be maintained at a width of approximately 20 feet; it will be laid immediately adjacent to the international fence, except where environmental constraints recommend modification or movement to avoid and/or minimize impacts. The drag road establishment project involves removing rocks, leveling/grading operations and installing a number of culverts and/or gabion fords to cross existing washes. Analysis: It was determined that the proposed project will not result in a significant effect on the existing environment.

Reference: Final Environmental Assessment for Joint Task Force Six Operations JT089-93, JT094-93 and JT265-93 Douglas, Cochise County, Arizona, February 1993, resulting in a FONSI signed in February 1993. The purpose of JTF-6 Operations in Douglas, Arizona is to provide routine maintenance to existing drag and mountain roads, along the U.S.-Mexico Border and to install fences at the U.S. Border Patrol Station in Douglas, Arizona. The proposed project includes three components:

JT 265-93, the maintenance, of 24 miles of an existing drag road east and west of Douglas, Arizona.

JT 094-93, the maintenance of about one mile of mountain road east of Douglas, Arizona.

JT 089-93, the installation of fences at the U. S. Border Patrol Station at Douglas, Arizona.

The road maintenance will consist of light scraping, installation of culverts, grading and shaping for drainage, placing gravel in a slowly flowing wash and resetting existing cattle guards. Road projects will be maintained within their existing width. Limited turnarounds and passing areas will be coordinated with on-site monitors.

Analysis: A review of this Environmental Assessment and coordination with the appropriate agencies indicate that the actions, as proposed by the Joint Task Force Six Operation for road maintenance and fence installation, will not have a significant impact on the quality of the physical or biological environment. All requirements of the National Environmental Policy Act (NEPA) have been satisfied; therefore, preparation of an Environmental Impact Statement is not required.

Reference: Preliminary Draft Environmental Assessment JTF-6 Road Maintenance and Construction Naco - Douglas, Cochise County, Arizona, July 1996 resulting in a FONSI

The scope of the EA covers the impact of performing maintenance on approximately 52 miles of existing road, constructing two miles of new road, and constructing 2.5 miles of rail barrier, all near Naco and Douglas, Cochise County, Arizona. This document was tiered off of existing EM completed for previous road maintenance activities for 52 miles of existing road, and a Programmatic Environmental Impact Statement completed for Joint Task Force Six (JTF-6) activities along the U. S.-Mexico border. The Immigration and Naturalization Service (INS) and the U.S. Border Patrol, Tucson Sector are proposing to

perform maintenance activities on approximately 52 miles of existing road, and to construct two miles of new road near the U.S.-Mexico border.

Analysis: There would be no significant adverse affects to the natural environment associated with the proposed projects. The proposed action would not impact area land use, water resources, air quality, cultural resources, or socioeconomic impacts of the proposed action would not affect any listed or species proposed for listing as threatened or endangered in accordance with the Endangered Species Act. Additionally, with environmental design measures specified as part of the proposed action, there would be negligible impacts to area soil, water resources, and biological resources.

Reference: Final Environmental Assessment on proposed JTF-6 Road Repair Projects on the Tohono O'Odham Indian Nation, September 1992, resulting in a FONSI

The proposed action consists of two Joint Task Force Six (JTF-6) operations. The proposed operations are to repair approximately 32.5 miles of the existing border road and to establish listening post/operation post (LP/OP) sites on the Tohono O'Odham Indian Nation in southern Arizona along the United States and Mexico International Border. The repair projects would include approximately 29.5 miles of the existing border road between Christmas Gate and Ali Chuk and 3.0 miles of the existing border road south of Au Chuk. The LP/OP sites would be constructed on Horse Peak in the Morena Mountains. A combination of four-wheel drive vehicles and hiking would be used to access the LP/OP sites.

Analysis: Based on the finding of this environmental assessment, and the mitigations which would be utilized during the construction phase of proposed repair of the border road from Christmas Gate to Ali Chuk, no significant impacts would occur from the proposed action.

Reference: Final Environmental Assessment on Proposed JTF-6 Mission JT032-93 Laredo, Texas, July 1993, resulting in a FONSI

The proposed action, Joint Task Force Six (JTF-6) Mission JT032-93, would involve four separate actions at several locations in six south Texas counties. The proposed action would involve (1) repair and construction of approximately 150 miles of existing fire breaks along highway right-of-ways, (2) the repair/upgrade of approximately six miles of road along the Rio Grande within or near Laredo, (3) the upgrade/repair of three small-arms firing ranges at Freer, Hebbronville, and Laredo (4) the construction of a fitness/obstacle course at the Laredo Junior College in Laredo, Texas.

Analysis: Based on the finding of this environmental assessment and the mitigations which would be utilized during the construction phase, no significant impacts would occur during the proposed project.

Reference: Final Environmental Assessment for the Proposed JTF- Levee Road Maintenance and Repair Project Brownsville, Texas April 2000 resulting in a FONSI signed in July of 2000

This Final Environmental Assessment (EA) identifies the potential adverse and beneficial environmental impacts that would occur upon implementation of maintenance and repair activities of levee and access roads near the Brownsville, Texas area in accordance with provisions of the National Environmental Policy Act (NEPA) and Army Regulation 200-2. The scope of this EA covers the potential impacts of maintenance and repair of approximately 11 miles of roads located on flood control levees owned/controlled by the U.S. Section, International Boundary and Water Commission's (US City of Brownsville, and/or Cameron County. The upgrades include resurfacing with caliche or comparable road-base material to enhance the safety of any roads in disrepair. In addition, about 2.6 miles of access roads and six ramps are proposed to be improved.

Analysis: Based upon the results of the EA, it has been concluded that the proposed action would not have a significant adverse impact on the natural or human environment, and no further NEPA analysis (i.e., Environmental Impact Statement) is warranted.

Reference: Final Environmental Assessment for Road Improvements along King's Ranch Road and the U.S-Mexico Border near Douglas, Cochise County, Arizona, February 2002, resulting in a FONSI signed in February 2002

The Proposed Action Alternative involves major road and drainage repairs/improvements along a 2-mile section of border road that JTF-6 did not complete under a previous NEPA document. This alternative also includes one mile of major road improvements along King's Ranch Road, which runs north-south from the new Douglas Border Patrol station to the U.S.-Mexico border.

Analysis: Based upon the results of the EA and the environmental design measures to be incorporated as part of the proposed action, it has been concluded that the proposed action would not have a significant adverse effect on the environment.

Reference: Final Environmental Assessment for Border Road Maintenance & Repair Naco, Cochise County Arizona, February 1993, resulting in a FONSI signed in February 1993

The proposed project consists of 22 miles of an existing road east and west of Naco, Arizona. The road maintenance will consist of light scraping, installation of culverts, grading and shaping for drainage, and placing gravel in several washes.

Analysis: Based upon the results of the EA, it has been concluded that the proposed action would not have a significant adverse impact on the natural or human environment, and no further NEPA analysis (i.e., Environmental Impact Statement) is warranted.

Reference: Environmental Assessment on Proposed JTF-6 Projects in West Texas, September 1993, resulting in a FONSI

The proposed action would involve four separate projects at several locations in seven southwest Texas counties. The proposed projects are: (1) the repair/upgrade of approximately 150 miles (241 kilometers) of existing roads in Terrell, Brewster, Presidio, Jeff Davis, Culberson,

and Hudspeth counties; (2) the construction of helicopter landing zones at radio repeater stations on Christmas Mountain, Santiago Peak, and Tres Hermanos in Brewster County and Mount Livermore in Jeff Davis County; (3) the upgrade of an existing firing range near Fabens in El Paso County; and (4) the construction of a U.S. Border Patrol check station on U.S. Highway 62-180 in El Paso County.

Analysis: Based upon the results of the EA, it has been concluded that the proposed action would not have a significant adverse impact on the natural or human environment, and no further NEPA analysis (i.e., Environmental Impact Statement) is warranted.

Reference: Final Environmental Assessment for Border Fence Construction and Road Repair Naco, Cochise County, Arizona JTF-6 Operation JT044-94, resulting in a FONSI signed in April 1994

This Environmental Assessment prepared by the U.S. Army Corps of Engineers (COE), Los Angeles District (LAD) for the Joint Task Force Six (JTF-6) project for Naco, Arizona. JTF-6 coordinates all Title 10 Department of Defense support to Federal, state and local law enforcement agencies as requested by Operation Alliance and approved by the Joint Chiefs of Staff in the efforts to disrupt illegal drug operations along the southwest land border and protect national security. The purpose of JTF-6 Operation at Naco, Arizona, is to assist law enforcement agencies in the prevention of illegal importation of drugs along the U.S./Mexico border. The proposed project consists of replacing 3 miles of existing chain-link fencing with 10 feet high steel landing mat fencing, installation of culverts and repair of approximately 1 mile of existing road parallel to the fence along International Boundary at Naco, Arizona.

Analysis: Based upon the results of the EA, it has been concluded that the proposed action would not have a significant adverse impact on the natural or human environment, and no further NEPA analysis (i.e., Environmental Impact Statement) is warranted.

K2 Repair and maintenance of existing border fences that do not involve expansion in width or length of the project, and will not encroach on adjacent habitat.

Border fences are unique structures designed for a unique purpose to prevent illegal entry into the U.S. of persons or vehicles. The panel identified that repair and maintenance of existing border fences could be considered a normal part of facility maintenance that might otherwise be included in CATEX D3. However, the panel found that this particular form of facility maintenance may occur in areas adjacent to particularly sensitive natural environment. Furthermore, repair and maintenance of existing border fences is a form of facility maintenance that is unique to the mission of Customs and Border Protection. Therefore, the panel determined that repair and maintenance of existing border fences warranted its own categorical exclusion.

Border fences are maintained in the sensitive desert environment of the southwest along the border with Mexico. This area contains habitat for a

variety of threatened and endangered species. It also does not recover very quickly from human disturbance.

In recognition of the sensitive characteristics of the natural environment along the border with Mexico, this categorical exclusion has been carefully constructed to limit its scope and to avoid activities with potential for significant impact on the human environment. It only includes maintenance of existing border fences and does not include any new construction. It also does not include activities that may expand the width or length of the border fence or encroach on adjacent habitat.

This categorical exclusion is supported by an administrative record brought to DHS by the U.S. Border Patrol and former Immigration and Naturalization Service that itself was developed through a process consistent with NEPA regulatory requirements.

LEGACY CATEGORICAL EXCLUSIONS AND COMPARABLE AGENCY CATEGORICAL EXCLUSIONS

INS

Reference: 28 CFR 61 Appendix C

10. Actions Which Normally Do Not Require Either An Environmental Impact Statement Or An Environmental Assessment: (a) Construction projects for existing facilities including but not limited to: Remodeling; replacement of building systems and components; maintenance and operations repairs and general improvements when such projects do not significantly alter the initial occupancy and program of the facility or significantly impact upon the environment.

USBP

Reference: Final Supplemental Environmental Assessment for the Replacement and Maintenance of the San Diego Surf Fence San Diego, California, May 2002, resulting in a FONSI signed in April 2002
The proposed action consists of replacement and maintenance of the Pacific Ocean surf fence by the Immigration and Naturalization Service (INS), U.S. Border Patrol (USBP) in San Diego, California. This Supplemental Environmental Assessment (SEA) analyzes the potential for significant adverse or beneficial impacts of the proposed action. This document is a supplement to the Final Environmental Assessment (EA) for the Joint Task Force Six Operation (JT 305-93/306-93) Border Fence Construction San Diego County, California prepared by the U.S. Army Corps of Engineers (USACE), Los Angeles District in 1993. This proposed action is the replacement and maintenance of the surf fence from the toe of Monument Mesa extending west approximately 465 feet into the Pacific Ocean beyond the low mean tide line. All proposed work would be conducted by units from Joint Task Force Six (JTF-6) with the support of INS and USBP. Since the original construction, the fence has been compromised due to vandalism and the effects of the continuous weathering and corrosion from saltwater. As a result, the surf fence has been compromised to a point where illegal entry into the United

States is possible. INS and USBP need to replace and maintain the surf fence in order to fulfill their mission of maintaining and controlling the border region of the United States.

Analysis: Based upon the results of the SEA, it has been concluded that the proposed action would not have a significant adverse impact on the environment.

Reference: Final Report Supplemental Environmental Assessment for the Replacement and Maintenance of the San Diego Surf Fence San Diego, California, May 2002, resulting in a FONSI signed in April 2002

The primary purpose of the proposed action is to replace and maintain the Pacific Ocean surf fence to enhance the U.S. Border Patrol's capability to gain, maintain, and extend control of the U.S./Mexico border. This proposed action is the replacement and maintenance of the existing surf fence from the toe of Monument Mesa extending west approximately 465 feet into the Pacific Ocean beyond the low mean tide line.

Analysis: Based upon the results of the Supplemental EA and the environmental design measures to be incorporated as part of the Proposed Action, it has been concluded that the Proposed Action will not have a significant adverse effect on the environment.

Reference: Supplemental Environmental Assessment JTF-6 Fence and Road Construction, Douglas, Cochise County, Arizona, July 1997, resulting in a FONSI

This Environmental Assessment (EA) addresses the potential for significant adverse or beneficial environmental impacts in accordance with provisions of the National Environmental Policy Act (NEPA). This document was tiered from existing EAs completed for previous construction activities (U.S. Army 1991a, 1993) in the same vicinity, and a Programmatic Environmental Impact Statement completed for Joint Task Force Six (JTF-6) activities along the U.S.-Mexico border (U.S. Army 1994). The Immigration and Naturalization Service (INS) and the U.S. Border Patrol, Tucson Sector are proposing to replace approximately six miles of fence, construct 0.5 miles of new road, and improve 0.8 miles of road along the U.S.-Mexico border at Douglas, Cochise County, Arizona. Approximately .1.3 miles would be of decorative fence, with the remaining 4.9 miles of steel landing mat.

Analysis: Based upon the results of the EA, it has been concluded that the proposed action would not have a significant adverse impact on the natural or human environment, and no further NEPA analysis (i.e., Environmental Impact Statement) is warranted.

Reference: Final Environmental Assessment for Border Fence Construction and Road Repair Naco, Cochise County, Arizona JTF-6 Operation JT044-94 resulting in a FONSI signed in April of 1994

This Environmental Assessment prepared by the U.S. Army Corps of Engineers (COE), Los Angeles District (LAD) for the Joint Task Force Six (JTF-6) project for Naco, Arizona. JTF-6 coordinates all Title 10 Department of Defense support to Federal, state and local law enforcement agencies as requested by Operation Alliance and approved by

the Joint Chiefs of Staff in the efforts to disrupt illegal drug operations along the southwest land border and protect national security. The purpose of JTF-6 Operation at Naco, Arizona, is to assist law enforcement agencies in the prevention of illegal importation of drugs along the U.S./Mexico border. The proposed project consists of replacing three miles of existing chain-link fencing with 10-foot high steel landing mat fencing, installation of culverts and repair of approximately one mile of existing road parallel to the fence along International Boundary at Naco, Arizona.

Analysis: Based upon the results of the EA, it has been concluded that the proposed action would not have a significant adverse impact on the natural or human environment, and no further NEPA analysis (i.e., Environmental Impact Statement) is warranted.

Reference: Final Report Environmental Assessment for Infrastructure within U.S. Border Patrol Naco-Douglas Corridor Cochise County, Arizona, August 2000, resulting in a FONSI

The Proposed Alternative would allow the infrastructure projects currently approved or funded and those anticipated to be completed over the next five years. Infrastructure improvements that will be addressed include, but are not limited, to roads, fences, vehicle barriers, helipads, USBP stations, remote video surveillance (RVS) sites, lights, and checkpoints. The cumulative effect of these improvement projects since 1995 and into the reasonably foreseeable future, and in conjunction with other programs or projects proposed or implemented by other agencies, is the primary focus of this EA.

Analysis: Based on the findings of this analysis and assuming that all mitigation measures recommended herein are implemented, no significant adverse impacts would occur from the preferred alternative

Reference: Final Environmental Assessment JTF-6 Border Fence Construction and Maintenance Calexico, Imperial County, California, March 1997, resulting in a FONSI signed in March 1997

This Environmental Assessment (EA) assesses the potential for significant adverse or beneficial environmental impacts of the proposed action which involves approximately 5.75 miles of fence replacement and the concurrent removal of 5.75 miles of existing fence by JTF-6, along the U.S.-Mexico border, near Calexico, Imperial County, California. This document was tiered from the Programmatic Environmental Impact Statement completed for Joint Task Force Six (JTF-6) activities along the U.S.-Mexico border (U.S. Army 1994b). A Programmatic Environmental Impact Statement (PEIS) was prepared in 1994 for the Immigration and Naturalization Service (INS) and JTF-6 proposed projects that facilitate law enforcement agencies (LEAs) missions to reduce illegal drug activity along the southwestern border of the U.S. The PEIS addresses the cumulative effects of past and reasonably foreseeable projects undertaken by JTF-6 for numerous LEAs in the four southwestern states (Texas, New Mexico, Arizona, and California). Construction of approximately 2.5 miles of landing mat fence on the west side of the Calexico port-of-entry and 3.25 miles of ballard fence on the east side of the Calexico port-of-entry is proposed to replace the existing

chainlink fence. The new fence would be placed approximately two feet north of the international boundary. Proposed fence construction activities would occur within a 25 feet wide area north of the U.S. - Mexico border. An existing unimproved road parallel to the existing fence would be used during construction and no road improvements are planned under the proposed action.

Analysis: There would be no significant adverse affects to the natural environment associated with the proposed projects.

Reference: Final Environmental Assessment Immigration and Naturalization Service Us Border Patrol Pedestrian Fence along the International Border, USBP El Paso Sector, Texas January 2003 resulting in a FONSI signed on 1/7/03

The U.S. Immigration and Naturalization Service (INS) proposes to improve and extend an existing pedestrian (chainlink) fence for the U.S. Border Patrol (USBP) El Paso Sector, near Anapra, New Mexico. The Proposed Action Alternative includes the improvement of 0.2 miles along the eastern end of the existing fence and the horizontal extension of 0.17 miles and 0.41 miles of the current eastern and western ends, respectively. The proposed action would involve the excavation and removal of approximately 0.1 cubic yards of soil from each hole where fence poles would be located, but would not significantly affect the existing environment. The footprint of the proposed fence was surveyed for sensitive biological and cultural resources.

Analysis: No major, long-term, adverse impacts are anticipated to any resources analyzed within this document. Therefore, no further analysis or documentation (i.e., Environmental Impact Statement) is warranted. The INS, in implementing this decision, would employ all practical means necessary to minimize the potential adverse impacts on the local environment.

Reference: Final Environmental Assessment for Border Road and Fence; Construction and Repair Tecate to Canyon City, San Diego County, California, October 1993, resulting in a FONSI signed in October 1993 This document analyzes the actions to be taken for border road construction and repair, and fence construction and repair. This PEA has been prepared to assess any environmental concerns associated with this action segments; the installation and/or repair of fencing; and the installation of culverts on about 10 miles of the U.S/Mexico border in the vicinity of Tecate, California. The project will include some widening of roads. A detailed project description is included in Section 4.0 of this FEA.

Analysis: Based upon the results of the EA, it has been concluded that the proposed action would not have a significant adverse impact on the natural or human environment, and no further NEPA analysis (i.e., Environmental Impact Statement) is warranted.