

INTERIM GUIDANCE
DIRECTOR'S ORDER 12 CATEGORICAL EXCLUSIONS

This document replaces DO-12 Handbook Chapter 3
Sections 3.3, 3.4, and 3.5

Parks should remove Chapter 3, Sections 3.3, 3.4, and 3.5 from DO-12 and replace those sections with the revised sections below. Chapter 3, Sections 3.1, 3.2, 3.6, 3.7, 3.8 and 3.9 are not replaced by this document and are still in effect.

Parks should use this categorical exclusion (CE) list and guidance until advised otherwise. The CEs listed in sections 3.3 and 3.4 include CEs from 516 DM 12 and 43 CFR § 46.210 and include all of the CEs NPS may use. Parks do not need to use other sources to find applicable CEs. The CEs have been organized by need for documentation as well as by subject matter and are not organized as published in the DM or CFR. Remember, before using any CE, consult section 3.5 to make sure none of the extraordinary circumstances apply.

3.3 CEs for Which No Formal Documentation is Necessary

The following list shows actions that usually have no potential for impact to the human environment, and that therefore are not routinely subject to NEPA review and documentation. The list is included here to reinforce the idea that many routine federal government actions do not need further NEPA analysis. Under normal circumstances, no NEPA-related documentation (including an Environmental Screening Form (ESF)) is required to perform the actions on this list. However, if the criteria in section 3.5 apply, or if for any other reason you believe the action listed below may have an impact on the human environment, procedures described in DO-12 section 3.2 apply. Some of the following actions (A through I) are the same as the departmental CEs published as 43 CFR § 46.210. Others (J through Y) have been added by NPS (516 DM 12).

- A. Personnel actions and investigations and personnel services contracts.
- B. Internal organizational changes and facility and bureau reductions and closings.
- C. Routine financial transactions including such things as salaries and expenses, procurement contracts (*e.g.* , in accordance with applicable procedures and Executive Orders for sustainable or green procurement), guarantees, financial assistance, income transfers, audits, fees, bonds, and royalties.
- D. Departmental legal activities including, but not limited to, such things as arrests, investigations, patents, claims, and legal opinions. This does not include bringing judicial or administrative civil or criminal enforcement actions which are outside the scope of NEPA in accordance with 40 CFR 1508.18(a).
- E. 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).
Guidance: Examples of day-to-day maintenance and operations include trash removal, changing light bulbs, sweeping parking lots, cleaning restrooms, fixing machinery, snow removal, and small-scale building repairs that do not involve modifications of the building's footprint, etc.

Guidance: In the case of a plan that may direct NPS action, use of this CE may not be appropriate and additional analysis may be needed before implementing recommendations.

S. Sanitary facilities operation.

Guidance: Examples include changes to operating hours, replacing treatment chemicals, and upgrades to equipment to incorporate new technologies that do not result in changes to building footprints or scale of the structure or service, etc.

T. Development of standards for, and identification, nomination, certification and determination of eligibility of properties for listing in the National Register of Historic Places and the National Historic Landmark and National Natural Landmark Programs.

Guidance: This CE also applies to biosphere reserves.

U. Statements for management, outlines of planning requirements and task directives for plans and studies.

V. Preparation of internal reports, plans, studies and other documents containing recommendations for action which NPS develops preliminary to the process of preparing a specific Service proposal or set of alternatives for decision.

Guidance: This CE applies to foundation documents and other equivalent preliminary informational documents.

W. Documents which interpret existing mineral management regulations and policies, and do not recommend action.

X. Stabilization by planting native plant species in disturbed areas.

Guidance: This CE could apply to other minor revegetation actions such as replanting of native species in a small area after removal of exotic species. Remember, compliance with Section 106 of the National Historic Preservation Act must be completed prior to any ground disturbance.

Y. Day-to-day resource management and research activities.

Guidance: This CE applies to cultural and natural resource management and research activities that have no impact on the human environment and that are not otherwise listed in section 3.4.

3.4 CEs for Which a Record Is Needed

In order to carry out the responsibilities of the NPS Organic Act and NPS Management Policies, CEs should only be used when the action under the CE would result in no or minor impacts. This is true under NEPA whether the impact is beneficial or adverse. Use the Environmental Screening Form to determine the level of potential impacts. Before applying any CE, Extraordinary Circumstances, Section 3.5, must be considered.

These CEs are from 43 CFR § 46.210 and 516 DM 12.

See DO-12 section 3.2 for the process to follow when the proposal is described in one of the following categories:

Guidance: An Environmental Screening Form should be completed to ensure that the action will result in no or minor impacts to NPS resources.

B. Plans, Studies and Reports.

1. Changes or amendments to an approved plan, when such changes would cause no or only minimal environmental impact.

Guidance: Minimal impact should be interpreted to mean minor impact. This CE should only be used when the original approved plan had some level of NEPA compliance (including CEs).

2. Cultural resources maintenance guides, collection management plans and historic furnishings reports.

Guidance: This CE also applies to equivalent documents.

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

Guidance: This CE applies to equivalent documents that call for implementing actions with no or minor physical effects on the human environment.

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

C. Actions Related to Development.

1. Land acquisition within established park boundaries.

Guidance: This CE should be used when future anticipated uses would have no or minor impacts; for example, acquisitions for small-scale park administration sites.

2. Land exchanges which will not lead to significant changes in the use of land.

Guidance: This CE is most suitable for situations where the land exchange would result in no changes in the use of the land. Where changes in land use are anticipated to occur, additional NEPA analysis is likely necessary. This CE applies to routine transfers of jurisdiction between the NPS and the District of Columbia accomplished through existing statutory authority, where no change of use in the land is anticipated upon transfer.

3. Routine maintenance and repairs to non-historic structures, facilities, utilities, grounds and trails.

Guidance: Examples of routine maintenance include re-stuccoing, replacement of siding or roofing materials, repairing windows and doors, and in-kind replacements of architectural constituent features. This CE does not apply to new facility construction, expansion of the footprint of the development of existing facilities, or upgrades or improvements to existing facilities that include the potential for more than minor environmental impacts.

4. Routine maintenance and repairs to cultural resource sites, structures, utilities and grounds under an approved Historic Structures Preservation Guide or Cyclic Maintenance Guide; or if the action would not adversely affect the cultural resource.

Guidance: This CE may apply to other guides equivalent to the Historic Structures Preservation Guide and Cyclic Maintenance Guide. "Would not adversely affect" should be interpreted to mean a Section 106 determination of "no adverse effect." This CE does not apply to new facility construction, expansion of the footprint of development of existing facilities, or upgrades or improvements to existing facilities that include the potential for more than minor environmental impacts.

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

Guidance: This CE also applies to the NPS installation (not just the issuance of a right-of-way permit for another entity) of overhead poles and utility lines that meet the other requirements of the CE. Remember, as with all CEs, visual intrusions with a greater than minor impact will require additional analysis.

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

Guidance: Remember, as with all CEs, visual intrusions with a greater than minor impact will require additional analysis.

15. Installation of underground utilities in previously disturbed areas having stable soils, or in an existing utility right-of-way.

Guidance: Previously disturbed area means an area showing clear evidence of recent human disturbance or areas within an existing road prism. An example includes installation of water and sewer lines in existing utility right-of-ways.

16. Landscaping and landscape maintenance in previously disturbed or developed areas.

Guidance: Previously disturbed area means an area showing clear evidence of recent human disturbance. Installation of plant species that are known or have the potential to spread and become a pest in adjacent natural areas would trigger the exception to this CE (3.5L) and would likely require additional analysis.

17. Construction of fencing enclosures or boundary fencing posing no effect on wildlife migrations.

Guidance: Other examples include installation or construction of exclosures or other internal fencing that may be used to control exotic/ non-native species. This CE may also be used for security fencing around park buildings or facilities.

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

Guidance: Previously disturbed or developed areas means development zones with clear evidence of recent human disturbance. Other examples of minor structures include adding a small support building such as a pump house or small equipment cache in an existing maintenance yard; bus stop (transportation) or picnic shelters, comfort stations, or similar small-scale structures for public use; walkways, ramps, signs, or other small features incidental to the use of a developed area or to improve handicapped accessibility; small-scale development of new parking spaces adjacent to existing parking areas; addition or relocation of a small number of camping spaces in an existing campground or picnic sites in an existing picnic area and small compatible additions to existing buildings (such as making an L into a T). This CE does not apply to new WTF, but could be used for co-location on an existing facility and installation of associated materials.

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

Guidance: Previously disturbed or developed areas means development zones with clear evidence of recent human disturbance. This CE could apply to alteration of front country (developed area trails) to meet accessibility standards.

Guidance: This CE includes environmental study areas and research natural areas that have been temporarily or permanently closed to the public if no or minor impacts (including socioeconomic) exist.

F. Actions Related to Grant Programs.

1. Proposed actions essentially the same as those listed in paragraphs A-E above.
Guidance: This CE applies to approval of a grant by the NPS that would result in actions taken by others that are the same or similar to those listed in paragraphs A-E above.
2. Grants for acquisition of areas which will continue in the same or lower density use with no additional disturbance to the natural setting.
Guidance: This CE applies when there is no additional disturbance to the natural setting or type of use.
3. Grants for replacement or renovation of facilities at their same location without altering the kind and amount of recreational, historical or cultural resources of the area; or the integrity of the existing setting.
4. Grants for construction of facilities on lands acquired under a previous NPS or other Federal grant provided that the development is in accord with plans submitted with the acquisition grant.
Guidance: This CE may be used when the NEPA documents have been completed on the impacts of the proposal funded by the original grant.
5. Grants for the construction of new facilities within an existing park or recreation area, provided that the facilities will not:
 - a. Conflict with adjacent ownerships or land use, or cause a nuisance to adjacent owners or occupants; e.g., extend use beyond daylight hours;
 - b. Introduce motorized recreation vehicles;
 - c. Introduce active recreation pursuits into a passive recreation area;
 - d. Increase public use or introduce noncompatible uses to the extent of compromising the nature and character of the property or causing physical damage to it; or
 - e. Add or alter access to the park from the surrounding area.
Guidance: Other examples of motorized recreation vehicles include off-road vehicles, personal watercraft, and snowmobiles.
6. Grants for the restoration, rehabilitation, stabilization, preservation and reconstruction (or the authorization thereof) of properties listed on or eligible for listing on the National Register of Historic Places at their same location and provided that such actions:
 - a. Will not alter the integrity of the property or its setting;
 - b. Will not increase public use of the area to the extent of compromising the nature and character of the property; and
 - c. Will not cause a nuisance to adjacent property owners or occupants.

G. Actions Related to Hazardous Fuels Reduction and Post-fire Rehabilitation.

1. Hazardous fuels reduction activities using prescribed fire not to exceed 4,500 acres, and mechanical methods for crushing, piling, thinning, pruning, cutting, chipping, mulching, and mowing, not to exceed 1,000 acres. Such activities:
 - (1) Shall be limited to areas—
 - (i) In wildland-urban interface; and

- C. Have highly controversial environmental effects or involve unresolved conflicts concerning alternative uses of available resources [NEPA section 102(2)(E)].
- D. Have highly uncertain and potentially significant environmental effects or involve unique or unknown environmental risks.
- E. Establish a precedent for future action or represent a decision in principle about future actions with potentially significant environmental effects.
- F. Have a direct relationship to other actions with individually insignificant but cumulatively significant environmental effects.
- G. Have significant impacts on properties listed, or eligible for listing, on the National Register of Historic Places as determined by the bureau.
- H. Have significant impacts on species listed, or proposed to be listed, on the List of Endangered or Threatened Species or have significant impacts on designated Critical Habitat for these species.
- I. Violate a Federal law, or a State, local, or tribal law or requirement imposed for the protection of the environment.
- J. Have a disproportionately high and adverse effect on low income or minority populations (EO 12898).
- K. Limit access to and ceremonial use of Indian sacred sites on Federal lands by Indian religious practitioners or significantly adversely affect the physical integrity of such sacred sites (EO 13007).
- L. Contribute to the introduction, continued existence, or spread of noxious weeds or non-native invasive species known to occur in the area or actions that may promote the introduction, growth, or expansion of the range of such species (Federal Noxious Weed Control Act and EO 13112).