

ADMINISTRATIVE RECORD FOR REVISIONS TO THE DEPARTMENT OF THE ARMY CATEGORICAL EXCLUSIONS

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Background

The Council on Environmental Quality (CEQ) *Update to the Regulations Implementing the Procedural Provisions of the National Environmental Policy Act* published on 16 July 2020 establishes new requirements for revision of agencies NEPA procedures, to include revision and updating of categorical exclusions (CXs) and, when proposing new or revised CXs, their extraordinary circumstances in which a CX should not apply. Prior to the promulgation of the updated CEQ regulation, the Assistant Secretary of the Army for Installations, Energy and Environment directed the revision of 32 Code of Federal Regulations (C.F.R.) Part 651, the Army’s regulation implementing the National Environmental Policy Act of 1969 (NEPA). The Department of the Army has reviewed and revised 32 C.F.R. Part 651 in order to align the regulation with the updated CEQ regulation, current Army organization and responsibilities, update CXs, and accomplish CEQ’s recommended review. Representing a wide variety of Army active duty, National Guard, and Reserve command and headquarter organizations, the Army professionals supporting the revision included environmental practitioners and lawyers with numerous years of NEPA planning and compliance experience. Their experience included preparing environmental documents such as records of environmental consideration for applying CXs, environmental assessments, environmental impact statements, findings of no significant impact, and records of decision. The subject matter expert team and the legal team included personnel with both advanced education and experience advising Army decision-makers on environmental planning and compliance.

Development Process

To determine if changes should be considered for existing CXs and if new CXs should be considered, Army environmental subject matter experts reviewed numerous existing NEPA documents to determine classes of actions which, when implemented, resulted in no significant individual or cumulative environmental effects. The Army reviewed other federal agency CXs to identify actions similar to those frequently carried out by the Army, and evaluated these other agency CXs to determine classes of actions for which a similar Army CX would be appropriate. Each CX that currently appears in the existing 32 C.F.R. Part 651, in addition to the proposed new CXs, was carefully reviewed in concept, coverage, applicability, and wording. Each revised and new CX was cautiously crafted with the goal of balancing increased administrative efficiency in NEPA compliance while avoiding the potential for misinterpretations and misapplications of exclusionary language that could lead to non-compliance with NEPA requirements. The Army carefully considered the anticipated cumulative impacts of each proposed new or revised CX, relying upon either the experiences of other federal agencies’ application of their own CXs, the cumulative effects analyses contained within the Army’s NEPA analyses cited within this record (both site-specific/project-level and programmatic), or both. In summary, the Army developed the

proposed new and modified CXs and associated administrative records to conform to the requirements of NEPA as well as the Administrative Procedure Act (APA), its implementing regulations, and the subsequent body of case law pertaining to the APA's application as it relates to NEPA.

During the process, the Army held numerous group meetings and conference calls discussing the proposed changes. Organizations representing many components at all levels within the Army provided comments and recommendations to help ensure the Army's revised list of CXs is appropriate and supported by a sufficient administrative record. Reviews, comments, and discussions also addressed extraordinary circumstances precluding the use of a CX established for a normally excluded action.

The Army worked closely with the CEQ to ensure that proposed revisions to Army's CXs conformed to the requirements of NEPA. As detailed below, each recommended CX change and addition is justified. A number of the changes that the Army is proposing are administrative in nature, with a goal to simplify and/or clarify application of the CX. New CXs and substantially revised CXs are supported by the environmental analyses and experiences gained by the Army and other agencies, supporting the Army's reasoned determination that any resulting environmental impacts are not significant. Detailed below is this more-robust administrative record. This information is not meant to provide an exhaustive list of factors relied upon during the development of the CX revision, but rather, to detail the basis upon which each CX was changed or established.

A summary of the proposed CX changes and additions, comparing the current CX list to the proposed new CX list, is contained below in Table 1. Changes to the CX list number are clearly identified for existing CXs to which new CX language has been proposed.

The rationale and administrative record for those revisions and additions for each CX are presented after Table 1. The CXs discussed first are existing CXs for which changes are proposed. The CXs discussed second are new CXs the Army proposes to add. If no change was made to the CX, no rationale and administrative information is presented. One CX for which no change was made but for its reference number is (i)(1). Previously referred to as (i)(2), (i)(1) continues to state: *Training entirely of an administrative or classroom nature.*

Following the information on CX changes and additions are discussions on the administrative changes made to improve the Army's extraordinary circumstances descriptions to more clearly communicate when a CX cannot be applied for a normally-excluded action.

Categories of CXs

The Army groups CXs under different types of activities, groupings to which CEQ's guidance refers to as classes of actions. As part of the Army's review of a CX, the headings for each type of activity was carefully reviewed with the intent of ensuring appropriate labels accurately reflect the CXs under each. This is an administrative change.

Current CX Categories:

- (b) Administration/operation activities
- (c) Construction and demolition
- (d) Cultural and natural resource management activities
- (e) Procurement and contract activities
- (f) Real estate activities
- (g) Repair and maintenance activities
- (h) Hazardous materials/hazardous waste management and operations
- (i) Training and testing

(j) Aircraft and airfield activities

Proposed New CX Categories:

- (b) Administrative operations
- (c) Construction and demolition
- (d) Cultural and natural resources
- (e) Procurement and product modifications
- (f) Real estate transactions
- (g) Maintenance, repair, and infrastructure operations
- (h) Waste, hazardous materials, hazardous waste, and excess material and equipment
- (i) Training; research, development, engineering, testing, evaluation and demonstration; manufacturing operations, and human systems integration

Summary of Proposed Changes

Table 1: Summary of Proposed Changes		
NEW CX ID #	CURRENT CX ID # and LANGUAGE	PROPOSED NEW CX LANGUAGE
(b)(1)	(b)(1) <i>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.</i>	<i>Routine law and order activities performed by police, physical plant protection and security personnel, and civilian natural resources and environmental law officers. This includes defense support to civil authorities and search and rescue operations.</i>
(b)(2)	(b)(2) <i>Emergency or disaster assistance provided to federal, state, or local entities (REC required).</i>	<i>Emergency or disaster assistance provided to federal, state, or local entities.</i>
(b)(3)	(b)(3) <i>Preparation of regulations, procedures, manuals, and other guidance documents that implement, without substantive change, the applicable HQDA or other federal agency regulations, procedures, manuals, and other guidance documents that have been environmentally evaluated (subject to previous NEPA review).</i>	<i>Preparation, revision, and promulgation of regulations, policies, directives, procedures, manuals, and guidance documents that implement HQDA or other federal agency regulations, policy, procedures, manuals, and guidance documents that have been the subject of previous NEPA review or do not have substantial impacts on the environment.</i>

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Table 1: Summary of Proposed Changes		
NEW CX ID #	CURRENT CX ID # and LANGUAGE	PROPOSED NEW CX LANGUAGE
(b)(4)	<p>(b)(4) <i>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).</i></p> <p>(b)(5) <i>Normal personnel, fiscal, and administrative activities involving military and civilian personnel (recruiting, processing, paying, and records keeping).</i></p> <p>(b)(8) <i>Preparation of administrative or personnel-related studies, reports, or investigations.</i></p>	<p><i>Proposed administrative activities and operations to be conducted in an existing structure that are within the scope and compatibility of the present functional use of the structure. This includes all routine administrative functions of any kind; examples include, but are not limited, to military and civilian personnel recruitment, hiring, paying, supervision, and management; budgets, appropriations, and contracts planning, administration, and management; documents and records preparation, management, and distribution; investigations, inspections, analyses, and studies planning, execution, and documentation; educational and public outreach material development and distribution; and communications, briefs, and staffing actions.</i></p>
(b)(5)	n/a	<p><i>Routine management of buildings, facilities, utilities, training areas, and ranges in order to support routine use and enable timely maintenance and repair. This CX includes all management activities to enable and maintain the full functionality of the site.</i></p>
(b)(6)	<p>(b)(6) <i>Routinely conducted recreation and welfare activities not involving off-road recreational vehicles.</i></p>	<p><i>Routine morale, welfare, and recreation activities not involving off-road recreational vehicles.</i></p>
(b)(7)	<p>(b)(7) <i>Deployment of military units on a temporary duty (TDY) or training basis where existing facilities are used for their intended purposes consistent with the scope and size of existing mission.</i></p>	<p><i>Deployment of military forces on a temporary duty or training basis where existing facilities are used for their intended purposes consistent with the scope and size of existing mission.</i></p>
(b)(8)	n/a	<p><i>Routine travel and movement of personnel, vehicles, watercraft, aircraft, equipment, and other materiel and commercial goods.</i></p>
(b)(9)	<p>(b)(9) <i>Approval of asbestos or lead-based paint management plans drafted in accordance with applicable laws and regulations (REC required).</i></p>	[no change]

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Table 1: Summary of Proposed Changes		
NEW CX ID #	CURRENT CX ID # and LANGUAGE	PROPOSED NEW CX LANGUAGE
(b)(10)	<p>(b)(10) <i>Non-construction activities in support of other agencies/organizations involving community participation projects and law enforcement activities.</i></p> <p>(b)(11) <i>Ceremonies, funerals, and concerts. This includes events such as state funerals, to include flyovers.</i></p>	<p><i>Special events and routine community relations events, whether on or off the installation. These include educational, technical, advisory, and consultation activities where the Army engages with communities, government and private organizations and individuals, Federally-recognized Indian tribes, and the general public. These include, for example, ceremonies, funerals (to include state funerals), open houses, town halls, air shows, athletic events, flyovers, Earth Day events, and concerts. (REC required for air shows and flyovers).</i></p>
(b)(11)	n/a	<p><i>Temporary closure or temporary restriction of access to roads, trails, recreational areas, and/or any lands within the boundaries of a military installation or within DoD real estate lease agreement land holdings in order to protect human or animal life, other natural or cultural resources, or for military training or security/law enforcement purposes (REC required).</i></p>
(b)(12)	<p>(b)(12) <i>Reductions and realignments of civilian and/or military personnel that fall below the thresholds for reportable actions as prescribed by statute (10 U.S.C. 2687) and do not involve related activities such as construction, renovation, or demolition activities that would otherwise require an EA or an EIS to implement (REC required). This includes reorganizations and reassignments with no changes in force structure, unit redesignations, and routine administrative reorganizations and consolidations (REC required).</i></p>	<p><i>Reductions and realignments of civilian and/or military personnel that fall below the thresholds for actions reportable to Congress, as prescribed by statute (for example, 10 U.S.C. § 2687(a)(2) and 10 U.S.C. § 993). This includes reorganizations and reassignments with no changes in force structure, unit re-designations, and routine administrative reorganizations and consolidations. (REC required when the net change in military and civilian authorizations at a military installation meets the threshold for forwarding a stationing package to the DCS, G-3/5/7).</i></p>

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Table 1: Summary of Proposed Changes		
NEW CX ID #	CURRENT CX ID # and LANGUAGE	PROPOSED NEW CX LANGUAGE
(b)(13)	<i>(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).</i>	<i>Relocation of personnel into existing federally-owned (or state-owned in the case of ARNG) or commercially-leased space (REC required when the net change in military and civilian authorizations at a military installation meets the threshold for forwarding a stationing package to the DCS, G-3/5/7).</i>
(b)(14)	<i>(b)(13) Actions affecting Army property that fall under another federal agency's list of categorical exclusions when the other federal agency is the lead agency (decision maker), or joint actions on another federal agency's property that fall under that agency's list of categorical exclusions (REC required).</i>	<i>An Army action occurring on another military service's property where the action qualifies for a CX of that military service, or for actions on property designated as a Joint Base or Joint Region that qualifies for a CX of any of the military services included as part of the Joint Base or Joint Region. When the Army proponent chooses to use another military service's CX to cover a proposed action, the proponent must have verification that the other service does not object to using their CX to cover the Army action. The Army proponent will include that verification in the administrative record for the proposed action. The Army official making the CX determination must ensure the application of the CX is appropriate and that the Army proposed action was a type contemplated when the CX was established by the other service, and that no extraordinary circumstances exist. (REC required).</i>

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Table 1: Summary of Proposed Changes		
NEW CX ID #	CURRENT CX ID # and LANGUAGE	PROPOSED NEW CX LANGUAGE
(b)(15)	<i>(b)(13) Actions affecting Army property that fall under another federal agency's list of categorical exclusions when the other federal agency is the lead agency (decision maker), or joint actions on another federal agency's property that fall under that agency's list of categorical exclusions (REC required).</i>	<i>Army adoption and application of another Federal agency's CX to proposed Army actions. Other Federal agency's CXs may be adopted and applied by Army proponents to any proposed Army action occurring on or off Army property, on another Federal agency's property, or on property where another Federal agency is operating, when the proposed Army action is substantially the same as an action that is categorically excluded by another Federal agency. A proposed Army action is substantially the same as an action categorically excluded by another Federal agency's CX when it is of a similar type and scope as the action categorically excluded by another Federal agency, and no extraordinary circumstances exist. If the Army chooses to apply another Federal agency's CX to address a proposed Army action, the Army proponent must document confirmation that the other Federal agency does not object to the Army's use of their CX to address the proposed Army action. The Army proponent will document confirmation that the other Federal agency does not object to the Army's use of their CX in the REC prepared for the proposed Army action. (REC required).</i>
(c)(1)	<i>(c)(1) Construction of an addition to an existing structure or new construction on a previously undisturbed site if the area to be disturbed has no more than 5.0 cumulative acres of new surface disturbance. This does not include construction of facilities for the transportation, distribution, use, storage, treatment, and disposal of solid waste, medical waste, and hazardous waste (REC required).</i>	<i>Construction of new, alteration of existing (to include replacement or upgrades), and additions to existing buildings, facilities, structures (to include towers that do not present a collision hazard to military aircraft), launch pads, utility systems, and communication systems on previously disturbed land and/or on undisturbed land, provided there are no more than 5 total acres of surface disturbance to undisturbed land. This does not include construction of facilities intended primarily for the transportation, distribution, storage, treatment, and disposal of solid waste, medical waste, and hazardous waste (REC required). The terms "previously disturbed land" and "undisturbed land" are defined in § 651.3 of this part.</i>

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Table 1: Summary of Proposed Changes		
NEW CX ID #	CURRENT CX ID # and LANGUAGE	PROPOSED NEW CX LANGUAGE
(c)(2)	<i>(c)(1) Construction of an addition to an existing structure or new construction on a previously undisturbed site if the area to be disturbed has no more than 5.0 cumulative acres of new surface disturbance. This does not include construction of facilities for the transportation, distribution, use, storage, treatment, and disposal of solid waste, medical waste, and hazardous waste (REC required).</i>	<i>Construction of new and expansion of existing parking lots and hardening of tank trails and turn pads on previously disturbed land and/or on undisturbed land, provided there are no more than 5 total acres of surface disturbance to undisturbed land. If a parking lot design will replicate the pre-development hydrology, limitation may be extended to 10 acres (REC required). The terms “previously disturbed land” and “undisturbed land” are defined in § 651.3 of this part.</i>
(c)(3)	<i>(c)(1) Construction of an addition to an existing structure or new construction on a previously undisturbed site if the area to be disturbed has no more than 5.0 cumulative acres of new surface disturbance. This does not include construction of facilities for the transportation, distribution, use, storage, treatment, and disposal of solid waste, medical waste, and hazardous waste (REC required).</i>	<i>Placement and replacement of targetry and other stationary equipment on existing ranges provided there are no more than 5 total acres of surface disturbance to undisturbed land (REC required). The term “undisturbed land” is defined in § 651.3 of this part.</i>
(c)(4)	<i>(c)(1) Construction of an addition to an existing structure or new construction on a previously undisturbed site if the area to be disturbed has no more than 5.0 cumulative acres of new surface disturbance. This does not include construction of facilities for the transportation, distribution, use, storage, treatment, and disposal of solid waste, medical waste, and hazardous waste (REC required). (j)(3) Installation, repair, or upgrade of airfield equipment (for example, runway visual range equipment, visual approach slope indicators).</i>	<i>Installation of fencing, utility systems, and communication systems that use existing right-of-way, and installation of airfield communication and safety equipment (REC required).</i>

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Table 1: Summary of Proposed Changes		
NEW CX ID #	CURRENT CX ID # and LANGUAGE	PROPOSED NEW CX LANGUAGE
(c)(5)	<p>(c)(1) <i>Construction of an addition to an existing structure or new construction on a previously undisturbed site if the area to be disturbed has no more than 5.0 cumulative acres of new surface disturbance. This does not include construction of facilities for the transportation, distribution, use, storage, treatment, and disposal of solid waste, medical waste, and hazardous waste (REC required).</i></p> <p>(j)(3) <i>Installation, repair, or upgrade of airfield equipment (for example, runway visual range equipment, visual approach slope indicators).</i></p>	<p><i>Construction, placement, installation, or relocation of machinery and equipment (for example, analytical laboratory apparatus, electronic hardware, maintenance equipment, and health and safety equipment) from another site or structure to the new or altered building/facility/site, assuming the uses of the relocated items will be similar to their former uses (REC required).</i></p>
(c)(6)	<p>(c)(2) <i>Demolition of non-historic buildings, structures, or other improvements and disposal of debris therefrom, or removal of a part thereof for disposal, in accordance with applicable regulations, including those regulations applying to removal of asbestos, polychlorinated biphenyls (PCBs), lead-based paint, and other special hazard items (REC required).</i></p>	<p><i>Demolition of buildings, structures, or other improvements and disposal of debris therefrom, or removal of a part thereof for disposal, in accordance with applicable requirements, to include requirements associated with removal of asbestos, polychlorinated biphenyls (PCBs), lead-based paint, and other special hazards. For historic districts, sites, buildings, structures, or objects eligible for or included in the National Register of Historic Places, all requirements of the NHPA must be met (REC required).</i></p>
(c)(7)	<p>(c)(3) <i>Road or trail construction and repair on existing rights-of-ways or on previously disturbed areas.</i></p>	<p><i>Road, firebreak, or trail construction on existing rights-of-ways or on previously disturbed areas to dimensions that meet design standards that permit safe vehicle operation.</i></p>
(c)(8)	n/a	<p><i>Construction, in accordance with applicable permits, of new or improved low water crossing and fording areas on existing trails or roads used for training purposes, and storm water conveyances for storm water management, safety, and other purposes. Construction or improvements must permit the flow of water across the crossing/fording. Total ground area disturbed per low water crossing area must not exceed 5 acres. (REC required).</i></p>

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Table 1: Summary of Proposed Changes		
NEW CX ID #	CURRENT CX ID # and LANGUAGE	PROPOSED NEW CX LANGUAGE
(c)(9)	n/a	<i>Minor renovations and additions, in accordance with applicable permits, to waterfront facilities, including mooring piles, fixed floating piers, existing piers, unburied power cables, and maintenance and replacement of existing oil booms. (REC required).</i>
(c)(10)	n/a	<i>Actions in unsewered areas on lands within the boundaries of a military installation or within DoD real estate lease agreement land holdings involving the replacement of existing small (total capacity less than approximately 250,000 gallons per day) on-site wastewater and sewage systems, providing the new on-site systems do not relocate existing discharge (REC required).</i>
(c)(11)	n/a	<i>Construction or installation, to include modification, of fencing, gates, grates, walls, small enclosures, stakes, signage, cattle guards, and other small appurtenances or devices (for example, raptor electrocution prevention devices) attached to the land for the purposes of security or to otherwise protect human life, animal life, or other resources.</i>
(c)(12)	n/a	<i>Construction and modernization of common small arms ranges on previous or existing range sites in Army training and testing areas requiring total disturbance of approximately 40 acres or less, without change to noise contours that would potentially increase noise impacts to sensitive receptors and without change to existing Surface Danger Zones (SDZs). This includes the construction of a Range Operations Control Area, which contains common range support facilities and parking. This CX also includes the demolition of any old structures on the previously disturbed sites. Small arms ranges typically include weapons that fire ammunition that is .50 caliber or less and hand or launched grenades (REC required).</i>

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NEW CX ID #	CURRENT CX ID # and LANGUAGE	PROPOSED NEW CX LANGUAGE
(c)(13)	n/a	<i>Reconstruction, repair, restoration, retrofitting, or replacement of any facility, structure, road, or trail (including fencing, gates, parking lots, erosion control structures, storm water control structures, roads, trails, revegetation, removal of debris, or any other infrastructure improvement), that was in use and operation, or was under construction, and was damaged or destroyed due to a natural event, including but not limited to wildfires, floods, earthquakes, landslides, weather events; or an accident, vandalism, or an act of terrorism; and which will substantially conform to the preexisting design, function, and location as the original (REC required; will include consideration of anticipated temporary construction impacts).</i>
(d)(1)	<i>(d)(1) Land regeneration activities using only native trees and vegetation, including site preparation. This does not include forestry operations (REC required).</i>	<i>Regeneration of an area to native tree species and other native vegetation species including: site preparation; post-fire rehabilitation activities (such as tree planting, fence replacement, or habitat restoration); timber stand and/or wildlife habitat improvement activities that do not include the use of herbicides and do not require more than 1 mile of road construction; and restoration of wetlands, streams, riparian areas, and other water bodies.(REC required). This does not include forestry operations (see § 32 CFR 651.12 (d) (7)).</i>
(d)(2)	<i>(d)(3) Implementation of hunting and fishing policies or regulations that are consistent with state and local regulations.</i>	<i>Implementation of hunting and fishing policies or regulations that are consistent with state and local regulations and Tribal Treaty rights.</i>

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NEW CX ID #	CURRENT CX ID # and LANGUAGE	PROPOSED NEW CX LANGUAGE
(d)(3)	<i>(d)(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).</i>	<i>Scientific studies, surveys, data collection, monitoring, and information gathering activities that are minimally intrusive to the environment. Examples include, but are not limited to topographic surveys; bird counts; wetland mapping; use of remote sensing technologies; geophysical investigations using sonar; inventories, evaluation, and mitigation for historic properties in accordance with NHPA; other cultural and natural resource surveys, inventories, monitoring, and investigations; and geotechnical testing to support pre-construction investigations and facility design when the geotechnical testing technology used is minimally intrusive to the environment (REC required)</i>
(d)(4)	<i>(d)(5) Maintenance of archaeological, historical, and endangered/threatened species avoidance markers, fencing, and signs.</i>	<i>Maintenance, repair, and replacement in kind of archaeological, historical, and endangered/threatened species avoidance markers, fencing, and signs; and maintenance, repair, and replacement in kind of existing fencing to provide improved wildlife ingress and egress.</i>
(d)(5)	n/a	<i>Update and implementation of Integrated Natural Resources Management Plans (INRMPs) and Integrated Cultural Resources Management Plans (ICRMPs), where plan update and implementation activities are similar in type, scope, and intensity to those currently allowed and result in no new adverse effects on the environment (REC required).</i>
(d)(6)	n/a	<i>Actions to find, contain, and eradicate localized populations of invasive species using control mechanisms listed in the installation Integrated Pest Management Plan (IPMP), provided the invasive species control mechanism affects an area 250 total acres or less in size (REC required).</i>

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NEW CX ID #	CURRENT CX ID # and LANGUAGE	PROPOSED NEW CX LANGUAGE
(d)(7)	n/a	<i>Forestry and associated operations focused on the harvest and planting of live trees not to exceed 70 acres. Salvage of dead or dying trees (and adjacent live trees) not to exceed 250 acres to control disease or the spread of insect infestation. Associated operations include no more than 0.5 mile of temporary road construction, and seeding or reforestation of timber areas (REC required).</i>
(d)(8)	n/a	<i>Prescribed burning not to exceed 4,500 acres per prescribed burn project, and mechanical vegetation removal not to exceed 1,000 acres per vegetation removal project, for the purposes of: reducing the risks and severity of wildland fires and fires resulting from Army mission activities; and enhancing the biodiversity, stability, and productivity of the natural environment (REC required).</i>
(e)(1)	<i>(e)(1) Routine procurement of goods and other services (complying with applicable procedures for sustainable or “green” procurement) to support operations and infrastructure, and routine utility services and contracts.</i>	<i>Routine procurement of goods and other services (complying with applicable procedures for procurement of sustainable goods and services) to support operations and infrastructure, and routine utility services and contracts.</i>
(e)(2)	<i>(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).</i>	<i>Procurement, installation or replacement, or operation of utility and communication systems, mobile antennas, data processing equipment and similar electronic equipment that use existing right-of-way, easement, distribution systems, and/or facilities (REC required).</i>
(e)(3)	<i>(e)(3) Conversion of commercial activities under the provisions of AR 5–20. This includes only those actions that do not change the actions or the missions of the organization or alter the existing land-use patterns.</i>	<i>Conversion of commercial activities to military activities. This includes only those actions that do not change the actions or the missions of the organization or alter the existing land use patterns.</i>
(e)(4)	<i>(e)(4) Modification, product improvement, or configuration engineering design change to materiel, structure, or item that does not change the original impact of the materiel, structure, or item on the environment (REC required).</i>	<i>Modification, product improvement, or configuration engineering design change to materiel, structure, item, equipment, or system that does not change the original impact of the materiel, structure, item, equipment, or system on the environment (REC required).</i>

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NEW CX ID #	CURRENT CX ID # and LANGUAGE	PROPOSED NEW CX LANGUAGE
(e)(5)	<i>(e)(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.</i>	<i>Procurement, testing, use, and/or conversion of a commercially available product or non-developmental item (defined in § 651.3 of this part; for example, forklift, chain saw, security monitoring equipment, software, automobile, commercially-available heavy equipment, etc.) that does not result in any unusual disposal requirements.</i>
(e)(6)	<i>(e)(6) Acquisition or contracting for spares and spare parts, consistent with the approved Technical Data Package (TDP).</i>	[no change]
(e)(7)	<i>(e)(7) Modification and adaptation of commercially available items and products for military application (for example, sportsman’s products and wear such as holsters, shotguns, sidearms, protective shields, etc.), as long as modifications do not alter the normal impact to the environment (REC required).</i>	<i>Modification and adaptation of commercially available products and non-developmental items for military application (for example, sportsman’s products and wear such as holsters, shotguns, side arms, protective shields, clothing, backpacks, etc.), as long as modifications do not alter the normal impact to the environment from similar military equipment (REC required).</i>
(e)(8)	<i>(e)(8) Adaptation of non-lethal munitions and restraints from law enforcement suppliers and industry (such as rubber bullets, stun grenades, smoke bombs, etc.) for military police and crowd control activities where there is no change from the original product design and there are no unusual disposal requirements. The development and use by the military of non-lethal munitions and restraints which are similar to those used by local police forces and in which there are no unusual disposal requirements (REC required).</i>	<i>Adaptation of non-lethal munitions and restraints from law enforcement suppliers and industry (for example, rubber bullets, stun grenades, and smoke bombs) for military police and crowd control activities where there is no change from the original product design and there are no unusual disposal requirements; the development and use by the military of non-lethal munitions and restraints that are similar to those used by local police forces and in which there are no unusual disposal requirements (REC required).</i>
(f)(1)	<i>(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).</i>	<i>Grants, acquisitions, or terminations of leases, licenses, easements, permits for use of real property or facilities, and land withdrawal continuances or extensions that merely establish time periods in which there is no significant change in land or facility use. (REC required).</i>

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Table 1: Summary of Proposed Changes		
NEW CX ID #	CURRENT CX ID # and LANGUAGE	PROPOSED NEW CX LANGUAGE
(f)(2)	<i>(f)(2) Disposal of excess easement areas to the underlying fee owner (REC required).</i>	[no change]
(f)(3)	<i>(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).</i>	<i>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 General Services Administration (GSA) for disposal (REC required).</i>
(f)(4)	<i>(f)(4) Transfer of active installation utilities to a commercial or governmental utility provider, except for those systems on property that has been declared excess and proposed for disposal (REC required).</i>	<i>Transfer of active installation utilities to a commercial or governmental utility provider, except for systems on property that has been declared excess and proposed for disposal (REC required).</i>
(f)(5)	<i>(f)(5) Acquisition of real property (including facilities) where the land use will not change substantially or where the land acquired will not exceed 40 acres and the use will be similar to current or ongoing Army activities on adjacent land (REC required).</i>	<i>Acquisition of real property (including facilities) where the land use will not change substantially, or where the land acquired will not exceed 40 acres and the use will be similar to Army activities on adjacent land (REC required).</i>
(f)(6)	<i>(f)(6) Disposal of real property (including facilities) by the Army where the reasonably foreseeable use will not change significantly (REC required).</i>	[no change]
(f)(7)	n/a	<i>Agreements entered into with an eligible entity or entities under the Army Compatible Use Buffer (ACUB) program, in accordance with 10 U.S.C. § 2684a or under other applicable authorities, that address the use or development of real property in the vicinity of, or ecologically related to, a military installation or military airspace for purposes of limiting any development or use of the property that would be incompatible with the mission of the military installation and/or preserving habitat and cultural resources on the property that may eliminate or relieve current or anticipated restrictions on military testing, training or operations and for which there is no significant change of land use (REC required).</i>

Table 1: Summary of Proposed Changes

NEW CX ID #	CURRENT CX ID # and LANGUAGE	PROPOSED NEW CX LANGUAGE
(g)(1)	<i>(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).</i>	<i>Routine repair and maintenance of buildings, facilities, launch pads, structures, utility/communication systems, airfields, grounds, parking areas, targetry and other stationary equipment on existing ranges, and fencing; includes associated components and equipment. Examples include, but are not limited to, custodial services performed on existing facilities, 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. REC required for work on structures eligible for or listed in the National Register of Historic Places and structures that are 50 years of age that have not been formally evaluated for historic significance where impacts to such environmentally sensitive resources have been resolved in accordance with NHPA Section 106 regulatory procedures).</i>
(g)(2)	<i>(g)(2) Routine repairs and maintenance of roads, trails, and firebreaks. Examples include, but are not limited to: grading and clearing the roadside of brush with or without the use of herbicides; resurfacing a road to its original conditions; pruning vegetation, removal of dead, diseased, or damaged trees and cleaning culverts; and minor soil stabilization activities.</i>	<i>Routine repairs and maintenance of existing roads, trails, and firebreaks. Examples include, but are not limited to, grading and clearing the roadside of brush with or without the use of herbicides; resurfacing a road to its original conditions; pruning vegetation; removal of dead, diseased, or damaged trees; replacing or cleaning culverts; and conducting minor soil stabilization activities.</i>

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Table 1: Summary of Proposed Changes		
NEW CX ID #	CURRENT CX ID # and LANGUAGE	PROPOSED NEW CX LANGUAGE
(g)(3)	<p>(g)(3) <i>Routine repair and maintenance of equipment and vehicles (for example, autos, tractors, lawn equipment, military vehicles, etc.) which is substantially the same as that routinely performed by private sector owners and operators of similar equipment and vehicles. This does not include depot maintenance of unique military equipment.</i></p> <p>(j)(3) <i>Installation, repair, or upgrade of airfield equipment (for example, runway visual range equipment, visual approach slope indicators).</i></p>	<p><i>Routine installation, repair, and maintenance of equipment and vehicles (for example, wheeled vehicles, tractors, lawn equipment, airfield equipment [such as runway visual range equipment and visual approach slope indicators], and military vehicles, equipment, and systems) that is substantially the same as that routinely performed by private sector owners and operators of similar equipment and vehicles. This does not include depot maintenance of unique military equipment.</i></p>
(g)(4)	n/a	<p><i>Repair and maintenance (including replacement and upgrade of parts), and decontamination operations for military equipment conducted at existing enclosed facilities, to include contractor-operated/owned enclosed facilities, consistent with previously established safety levels and in compliance with applicable federal, state, and local requirements (REC required if proposed action entails a new/modified repair/maintenance operation effecting equipment containing munitions, explosives, or hazardous material, and the operation was not implemented at the enclosed facility during the preceding 5 years; REC required if the proposed action necessitates a new permit or change in an existing permit).</i></p>
(g)(5)	n/a	<p><i>Land repair and maintenance projects for the purpose of mitigating the effects of military training exercises. Examples include, but are not limited to: soil stabilization through revegetation; installing and maintaining erosion control measures; gulley and ravine stabilization; control of invasive vegetation; maintenance of existing structures such as culverts, terraces, and sediment control structures; and maintenance of improved surfaces that are part of the training landscape (REC required).</i></p>

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Table 1: Summary of Proposed Changes		
NEW CX ID #	CURRENT CX ID # and LANGUAGE	PROPOSED NEW CX LANGUAGE
(g)(6)	<i>(d)(2) Routine maintenance of streams and ditches or other rainwater conveyance structures (in accordance with USACE permit authority under Section 404 of the Clean Water Act and applicable state and local permits), and erosion control and stormwater control structures (REC required).</i>	<i>Routine maintenance of streams and ditches or other rainwater conveyance structures and erosion control and stormwater control structures (REC required).</i>
(g)(7)	n/a	<i>Development, adoption, update, and implementation of an installation pesticide, fungicide, herbicide, insecticide, and rodenticide-use program and plan (IPMP). The IPMP will provide for application of such substances approved for use by the appropriate regulating agency when the application of such substances is implemented in accordance with the manufacturer's label directions, the IPMP, and INRMP as applicable. (REC required). This categorical exclusion does not apply to implementation of aerial spraying).</i>
(g)(8)	n/a	<i>Closure, decommissioning, mothballing, disconnection, and similar discontinued use of facilities, equipment, vehicles, aircraft, watercraft, and utility and communication systems, whether temporary or permanent (REC required)</i>
(h)(1)	<i>(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).</i>	[no change]

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Table 1: Summary of Proposed Changes		
NEW CX ID #	CURRENT CX ID # and LANGUAGE	PROPOSED NEW CX LANGUAGE
(h)(2)	<i>(h)(2) Immediate responses in accordance with emergency response plans (for example, Spill Prevention Control and Countermeasure Plan (SPCCP)/Installation Spill Contingency Plan (ISCP), and Chemical Accident and Incident Response Plan) for release or discharge of oil or hazardous materials/substances; or emergency actions taken by Explosive Ordnance Demolition (EOD) detachment or Technical Escort Unit.</i>	<i>Immediate responses in accordance with emergency response plans (for example, Spill Prevention, Control, and Countermeasure Plan (SPCCP)/Installation Spill Contingency Plan (ISCP), and Chemical Accident and Incident Response Plan) for release or discharge of oil, hazardous materials or hazardous substances; and emergency actions taken by Explosive Ordnance Demolition (EOD) detachment or Technical Escort Unit.</i>
(h)(3)	<i>(h)(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).</i>	<i>Sampling, surveying, well drilling and installation, analytical testing, site preparation, and intrusive testing to determine if hazardous wastes, contaminants, pollutants, or special hazards are present (REC required). No REC required for CERCLA responses or RCRA corrective actions.</i>
(h)(4)	<i>(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.</i>	<i>Routine management to include the use of hazardous material or waste inventory management systems, transportation, distribution, use, storage, treatment, disposal, recycling, and other waste management activities for solid waste, hazardous waste, medical waste, radiological waste, and special hazards..</i>
(h)(5)	<i>(h)(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.</i>	<i>Reutilization, marketing, distribution, donation, and resale of items, personal property, equipment, and materiel, to include normal transfer of items to the Defense Logistics Agency; items, personal property, equipment, and materiel that have been contaminated with hazardous materials or wastes but will be adequately cleaned and will conform to the applicable regulatory agency's requirements.</i>
(i)(1)	<i>(i)(2) Training entirely of an administrative or classroom nature.</i>	[no change]

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Table 1: Summary of Proposed Changes		
NEW CX ID #	CURRENT CX ID # and LANGUAGE	PROPOSED NEW CX LANGUAGE
(i)(2)	<i>(i)(1) Simulated war games (classroom setting) and on-post tactical and logistical exercises involving units of battalion size or smaller, and where tracked vehicles will not be used (REC required to demonstrate coordination with installation range control and environmental office).</i>	<i>Military training, materiel and systems research, development, engineering, testing, evaluation, and demonstration, and materiel and systems fielding activities conducted in or on existing military structures, ranges, maneuver areas, training areas and access controlled facilities that are: (A) Compatible with the current use of existing military structures, ranges, maneuver areas, training areas, and access controlled facilities; (B) Similar in type, intensity, and setting to ongoing military activities; and (C) Are conducted in accordance with applicable plans and standard operating procedures protective of the environment. (D) And include but are not limited to: live fire; use of existing SDZs and impact areas; emergency response training; use of missile, rocket and artillery-type projectiles; survivability and vulnerability testing; safety and engineering drills; training exercise modification on a Military Operations in Urban Terrain site or in a shoot house; simulated war games (at existing facilities); and tactical and logistical exercises involving brigade size units or smaller (REC required)</i>
(i)(3)	<i>(i)(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 overflights, and small unit level training.</i>	<i>Intermittent on-post training activities (or off-post training covered by an ARNG land use agreement) that include, but are not limited to, land navigation, physical training, FAA approved aerial overflights, and small unit level training.</i>
(i)(4)	<i>(j)(2) Flying activities in compliance with Federal Aviation Administration Regulations and in accordance with normal flight patterns and elevations for that facility, where the flight patterns/elevations have been addressed in an installation master plan or other planning document that has been subject to NEPA public review.</i>	<i>Flying activities, to include manned and unmanned aerial vehicle (UAV) flights, and other airspace use activities (for example, missile and projectile flights) in compliance with FAA regulations and in accordance with normal flight patterns and elevations for that facility/installation.</i>

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Table 1: Summary of Proposed Changes		
NEW CX ID #	CURRENT CX ID # and LANGUAGE	PROPOSED NEW CX LANGUAGE
(i)(5)	<i>(j)(1) Infrequent, temporary (less than 30 days) increases in air operations up to 50 percent of the typical installation aircraft operation rate (REC required).</i>	<i>Infrequent and temporary increases in air operations that do not exceed 50 percent of the typical installation aircraft operations rate or 50 additional operations per day. Repetitive use of this CX may require further analysis to determine there are no cumulative impacts. (REC required).</i>
(i)(6)	n/a	<i>Operation of small arms ranges on Army lands of approximately 40 acres or less in size, without change to noise contours that would potentially increase noise impacts to sensitive receptors and/or without change to existing SDZs, if operation includes appropriate monitoring for potential off-range impacts (for example, under the Operational Range Assessment Program or similar procedures). Small arms ranges typically include weapons that fire conventional ammunition that is .50 caliber or less and hand or launched grenades. Includes operation of existing recreational small arms ranges on installations. (REC required).</i>
(i)(7)	n/a	<i>Routine operation and use of radar, sonar, laser, telemetry, and other systems that make use of the electromagnetic spectrum for detection, tracking, navigation, range-finding, targeting, communications, or other military purposes, within the boundaries of a military installation, boundaries of a DoD real estate lease agreement land holding, and/or existing airspace currently used for military training. Operation must conform to current American National Standards Institute/Institute of Electrical and Electronics Engineers guidelines for maximum permissible exposure to electromagnetic fields (REC required).</i>

Table 1: Summary of Proposed Changes		
NEW CX ID #	CURRENT CX ID # and LANGUAGE	PROPOSED NEW CX LANGUAGE
(i)(8)	<i>(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.</i>	<i>Research (basic and applied), testing, other RDT&E, production/repair operations, and manufacturing operations conducted at existing enclosed facilities to include contractor-operated/owned laboratories and other enclosed facilities, consistent with previously established safety levels (REC required if the proposed action involves the use of munitions and explosives of concern or hazardous material and the constituent was not used at the enclosed facility during the preceding 5 years, or if the proposed action is expected to release radiation).</i>
(i)(9)	n/a	<i>New activities conducted at established laboratories or manufacturing and maintenance facilities (including contractor-operated laboratories and facilities) of a similar type, nature, and scope as the prior or existing activities on the facility.</i>
(i)(10)	n/a	<i>Testing, evaluation, and demonstration of Soldier equipment, to include the operator, maintainer, and supporter, and support facilities, that provide for protection of the Soldier and the delivery of required ammunition, cargo, unit equipment, and shelters. Soldier support activities include the transportability testing of mobile facilities that include evaluation of weight, center of gravity, tilt table, and lane change, initial inspection, safety, weight, rail impact, mobility testing, drop test, and final inspection. Testing also includes evaluation of the Lightweight Chemical-Biological Protection, including collective protection and detection equipment, to determine the durability of the Soldier-worn materials and to gain wearability data, including mock training exercises (REC required).</i>
(i)(11)	n/a	<i>Testing, evaluation, and demonstration of small scale Army equipment with similar constituents and use as commercially available equipment (for example, backpacks, batteries, radios, flashlights, helmets, clothing, shoes, Global Positioning Systems, containers, test kits, respirators, netting, tents, stretchers, splints, and medical equipment).</i>

Table 1: Summary of Proposed Changes

NEW CX ID #	CURRENT CX ID # and LANGUAGE	PROPOSED NEW CX LANGUAGE
(i)(12)	n/a	<i>Flight testing, evaluation, and demonstration of surface-to-surface, air-to-surface, surface-to-air, and air-to-air rockets, missiles, and medium and large caliber ammunition or artillery-type projectiles where: (i) the projectile launch, flight, landing, and vehicle/payload recovery occurs solely within the boundaries of a military installation or within DoD real estate lease agreement land holdings; (ii) the entire flight from launch to landing occurs over an established range designated for testing of such projectiles; (iii) landing and recovery, when feasible, of boosters, (surface) projectiles, payload, aerial targets and/or related debris occurs within a designated impact area (such as a warhead impact target area); and (iv) recovery operations will be coordinated with explosive ordnance disposal (EOD) personnel to ensure test debris is rendered harmless to human health and safety prior to recovery. This CX does not apply to the testing, evaluation, or demonstration of projectiles with payloads designed to release radiological, nuclear, and high-yield explosives or other types of payloads that could cause significant harm to human health and/or the environment if released (REC required).</i>
(i)(13)	n/a	<i>Testing, evaluation, and demonstration of man portable, individual, and crew served weapons systems used principally against personnel and lightly armored targets, to include both ballistic and non-ballistic systems and associated ordnance, munitions, aiming, powering, storage, training, specialized maintenance equipment, logistic support, and other ancillary items where: (i) the small arms firing occurs solely within the boundaries of a military installation; (ii) the entire firing occurs over an established range designated for testing of small arms; and (iii) landing and recovery, when feasible, of munitions and/or debris occurs within a designated impact area (REC required).</i>

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Table 1: Summary of Proposed Changes

NEW CX ID #	CURRENT CX ID # and LANGUAGE	PROPOSED NEW CX LANGUAGE
(i)(14)	n/a	<i>Testing, evaluation, and demonstration of mortars on military installations including: (i) general support, weapon system testing, production qualifications testing, mortar detection and data acquisition, proof assembly testing, acceptance testing, classification testing, and mortar technology demonstrations; (ii) general support for mortars testing requiring small arms firing, grenade launcher firing, and rocket propelled grenades firing when launch, flight, and impact occur on designated ranges; or (iii) final classification testing, including static functioning of test items in a boxed and stacked configuration when launch, flight, and/or impact/detonation occur on designated ranges (REC required).</i>

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Table 1: Summary of Proposed Changes		
NEW CX ID #	CURRENT CX ID # and LANGUAGE	PROPOSED NEW CX LANGUAGE
(i)(15)	n/a	<i>Automotive testing involving testing, evaluation, and demonstration of automotive performance, transportability, reliability, human factors engineering and all applicable human systems integration domains, rail impact, lift and tie-down, tilt table, braking, steering and handling, side slopes, longitudinal slopes, gradeability, acceleration, and standard obstacles. Testing also includes: (i) testing mobile equipment which includes weight and center of gravity, tilt table, and lane change; (ii) automotive performance tests accomplished in environmental chambers or in existing outdoor testing area, including blowing rain and sand tests and transportability tests (lift provision compression test, helicopter flight, and rail impact); (iii) specific automotive testing measuring for weight, center of gravity, and moment of inertia, and tire, track, and suspension dynamic and static properties; (iv) testing of automotive trailers for resistance to towing; and (v) performance vehicles tested for speed and acceleration, gradeability and side slopes, standard obstacles, transportability, fuel consumption, full load cooling, environmental performance, ride quality, winching, braking, steering and handling, towing compatibility, human factors, and material handling cranes (REC required).</i>
(i)(16)	n/a	<i>Testing, evaluation, and demonstration of robotic vehicles, to include Unmanned Ground Vehicle (UGV). Testing includes scenarios that: (i) test UGVs and Soldiers individually; (ii) test the interface between UGVs and Soldiers in mounted and dismounted maneuvers on existing test grids and training ranges, including navigation and identification of obstacles, targets, and hazards; (iii) test vehicles on existing test courses and existing improved surfaces; and (iv) test vehicles operating in test chambers while subjected to environmental conditions (REC required).</i>

Table 1: Summary of Proposed Changes		
NEW CX ID #	CURRENT CX ID # and LANGUAGE	PROPOSED NEW CX LANGUAGE
(i)(17)	n/a	<i>Testing, evaluation, and demonstration of UAV and associated technologies. Testing includes scenarios in which (i) the UAV is: launched, operated, landed, and recovered solely within land boundaries of a military installation or within DoD real estate lease agreement land holdings; (ii) the entire flight from launch to landing occurs over an established range designed for testing of such systems; (iii) the entire flight from launch to landing occurs within DoD controlled airspace; and (iv) landing and recovery of UAVs, and recovery, when feasible, of associated test materials including munitions occurs within a designated test range or impact area (REC required).</i>

Proposed Revisions to Existing CXs

Existing CX (b)(1)

Current CX Language: *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.*

Proposed New CX Language: *(1) Routine law and order activities performed by civilian and military police, physical plant protection and security personnel, and civilian natural resources and environmental law officers. This includes defense support to civil authorities and search and rescue operations.*

Supporting Rationale: This is an administrative change to the existing CX (b)(1) to remove redundancy, correct a grammatical error, remove misinterpretation that the personnel covered exclude Department of Defense civilian personnel performing duties similar to those of their Soldier counterparts, and explicitly including defense support to civil authorities (DSCA) and search and rescue (S&R) operations. DSCA and S&R routinely occur without significant environmental impacts. Furthermore, adding the reference to DSCA, now a much more developed area of law with broader and more various underlying statutory authorities than when the existing 32 C.F.R. Part 651 was promulgated, is appropriate. This change merely provides clarity and removes potential conflicts in interpretation.

Reference: **Homeland Security**, *Instruction Manual 023-01-001-01, Revision 01, Implementation of the National Environmental Policy Act (NEPA)*, 2014. Appendix A – DHS List of Categorical Exclusions.

L37. Operations to carry out maritime safety, maritime law enforcement, search and rescue, domestic ice breaking, and oil or hazardous substance removal programs.

Reference: **Other Agencies.** The Army found actions of a similar nature, scope, and intensity throughout the federal government without significant environmental impacts. As the CX change was an

administrative change, and other existing CXs did not substantially contribute to the Army's revision of CX (b)(1), this reference only identifies – by agency and CX identification number/code – some of the agency CXs which similarly cover routine law and order activities.

Navy - CX (2); **Defense Logistics Agency** – CX 2; **Agriculture** - CX (5); **Energy** - CX B3.2; **Homeland Security** - CX B11; and **Interior** - CXs (d) and (f).

Existing CX (b)(2)

Current CX Language: *Emergency or disaster assistance provided to federal, state, or local entities (REC required).*

Proposed New CX Language: *Emergency or disaster assistance provided to federal, state, or local entities (REC required).*

Supporting Rationale: This is an administrative change to remove the unnecessary documentation requirement of a REC as the Army's role for actions to which this CX applies is as a supporting agency, not the lead agency.

Existing CX (b)(3)

Current CX Language: *Preparation of regulations, procedures, manuals, and other guidance documents that implement, without substantive change, the applicable HQDA or other federal agency regulations, procedures, manuals, and other guidance documents that have been environmentally evaluated (subject to previous NEPA review).*

Proposed New CX Language: *Preparation, revision, and promulgation of regulations, policies, directives, procedures, manuals, and guidance documents that implement HQDA or other federal agency regulations, policy, procedures, manuals, and guidance documents that have been the subject of previous NEPA review or do not have substantial impacts on the environment.*

Supporting Rationale: This is an administrative change. The inclusion of policies and directives as components of this CX is clarified. The applicability of this CX to preparations and updates of regulations, policies, etc. is clarified.

Reference: Other Agencies. The Army found actions of a similar nature, scope, and intensity throughout the federal government without significant environmental impacts. As the CX change was an administrative change, and other existing CXs did not substantially contribute to the Army's revision of CX (b)(1), this reference only identifies – by agency and CX identification number/code – some of the agency CXs which similarly cover 'policies' and 'directives' in CXs for similar classes of actions.

Forest Service – CX (d)(2) [as of the February 2019 proposed changes to this agency's NEPA regulations, this CX and its CX designation number remains unchanged]; **Homeland Security** – CX A3; and **Interior** – CX (i).

Existing CX (b)(4)

Current CX Language:

(b)(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).

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

(b)(8) *Preparation of administrative or personnel-related studies, reports, or investigations.*

Proposed New CX Language: *Proposed administrative activities and operations to be conducted in an existing structure that are within the scope and compatibility of the present functional use of the structure. This includes all routine administrative functions of any kind; examples include, but are not limited, to military and civilian personnel recruitment, hiring, paying, supervision, and management; budgets, appropriations, and contracts planning, administration, and management; documents and records preparation, management, and distribution; investigations, inspections, analyses, and studies planning, execution, and documentation; educational and public outreach material development and distribution; and communications, briefs, and staffing actions.*

Supporting Rationale: This is an administrative change combining three CXs into one CX. This administrative change also clarifies the classes of actions to which this CX applies. Other federal agencies have CXs that cover a host of routine administrative functions, in great detail. By comparison, the Army's CXs addressing administrative functions were needlessly insufficient. Furthermore, excluding administrative functions conducted in existing historic structures was unnecessary in light of the Army's requirement to determine whether extraordinary circumstances would preclude the use of this CX. For example, if the Army was not able to satisfy the requirements of the National Historic Preservation Act of 1966, this CX could not be applied.

Reference: Other Agencies. The Army found actions of a similar nature, scope, and intensity throughout the federal government without significant environmental impacts. As the CX change was an administrative change, and other existing CXs did not substantially contribute to the Army's revision of CX (b)(1), this reference only identifies – by agency and CX identification number/code – some of the agency CXs which cover similar administrative actions.

Navy – (1), (3); **Air Force** – A2.3.2 and A2.3.4; **Army Corps of Engineers** – (b); **Defense Logistics Agency** – 1, 3, 6, 7, 8, 9, and 14; **Homeland Security** – A1, A4, C10, L3, and L15; **Energy** – A1, A9, A11, A14, B5.1, and B6.8; **Interior** – (a), (f), (g), and (j); **Agriculture** – (2), (3), (4), and (6); and **Environmental Protection Agency** – (a)(2)(i), (iii), (iv), and (viii).

Existing CX (b)(6)

Current CX Language: *Routinely conducted recreation and welfare activities not involving off-road recreational vehicles.*

Proposed New CX Language: *(6) Routine morale, welfare, and recreation activities not involving off-road recreational vehicles.*

Supporting Rationale: This is an administrative change to align the current CX with the phrase used within the Department of Defense, to include the Army, which encompasses morale and recreation; specifically, “morale, welfare, and recreation.” This administrative change also includes a sentence structure improvement.

Existing CX (b)(7)

Current CX Language: *Deployment of military units on a temporary duty (TDY) or training basis where existing facilities are used for their intended purposes consistent with the scope and size of existing mission.*

Proposed New CX Language: *Deployment of military forces on a temporary duty or training basis where existing facilities are used for their intended purposes consistent with the scope and size of existing mission.*

Supporting Rationale: This is an administrative change to clarify the scope of the current CX; it does not change the intended scope of the CX. Soldier TDYs and deployments are not always in the form of a unit; therefore, it is more appropriate to state “military forces” instead of “military units.”

Existing CX (b)(10)

Current CX Language:

(b)(10) *Non-construction activities in support of other agencies/organizations involving community participation projects and law enforcement activities.*

(b)(11) *Ceremonies, funerals, and concerts. This includes events such as state funerals, to include flyovers.*

Proposed New CX Language: *Special events and routine community events, whether on or off the installation. These include educational, technical, advisory, and consultation activities where the Army engages with communities, government and private organizations and individuals, Federally-recognized Indian tribes, and the general public. These include, for example, ceremonies, funerals (to include state funerals), open houses, town halls, air shows, athletic events, flyovers, Earth Day events, and concerts. (REC required for air shows and flyovers).*

Supporting Rationale: This an administrative change to clarify the scope of the CX and capture similar activities detailed in other agencies CXs. Provided in the below references are some of the agency CXs that cover similar actions. Furthermore, there is no obvious distinction between the two current CXs from an environmental impact perspective; therefore, the two current CXs are proposed to be combined into one CX. The Army found actions of a similar nature, scope, and intensity throughout the federal government without significant environmental impacts.

Reference: **Navy**, 32 C.F.R. Part 775 – *Procedures for Implementing the National Environmental Policy Act*, Section 775.6(f) – Categorical exclusions.

(6) Military ceremonies;

(23) 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.

Reference: **Air Force**, 32 C.F.R. Part 989 – *Environmental Impact Analysis Process (EIAP)*, Appendix B – Categorical Exclusions.

A2.3.38. Conducting Air Force “open houses” and similar events, including air shows, golf tournaments, home shows, and the like, where crowds gather at an Air Force installation, so long as crowd and traffic control, etc., have not in the past presented significant safety or environmental impacts.

Reference: **Homeland Security**, *Instruction Manual 023-01-001-01, Revision 01, Implementation of the National Environmental Policy Act (NEPA)*, 2014. Appendix A – DHS List of Categorical Exclusions.

B5 Support for or participation in community projects that do not involve 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.

Reference: Energy, 10 C.F.R. Part 1021 – National Environmental Policy Act Implementing Procedures, Appendix A to Subpart D of Part 1021 – Categorical Exclusions Applicable to General Agency Actions.

A11 Technical advice and assistance to organizations

Technical advice and planning assistance to international, national, state, and local organizations.

A14 Approval of technical exchange arrangements

Approval of technical exchange arrangements for information, data, or personnel with other countries or international organizations (including, but not limited to, assistance in identifying and analyzing another country's energy resources, needs and options).

Reference: Fish and Wildlife Service, Department of the Interior Departmental Manual, Part 516: National Environmental Policy Act of 1969, Chapter 8: Managing the NEPA Process--U.S. Fish and Wildlife Service (516 DM 8), Section 8.5 – Categorical Exclusions.

(A)(2) Personnel training, environmental interpretation, public safety efforts, and other educational activities, which do not involve new construction or major additions to existing facilities.

(B)(8) Consultation and technical assistance activities directly related to the conservation of fish and wildlife resources.

Reference: National Park Service, Department of the Interior Departmental Manual, Part 516: National Environmental Policy Act of 1969, Chapter 12: Managing the NEPA Process--National Park Service (516 DM 12), Section 12.5 – Categorical Exclusions.

B.(6) Technical assistance to other Federal, State and local agencies or the general public.

D.(3) Changes in interpretive and environmental education programs.

D.(5) Issuance of permits for demonstrations, gatherings, ceremonies, concerts, arts and crafts shows, etc., entailing only short-term or readily mitigable environmental disturbance.

Reference: National Aeronautics and Space Administration, 14 C.F.R. Part 1216 – Environmental Quality, Section 1216.304(d) – Categorical exclusions.

(d)(1)(vi) Preparation and dissemination of information, including document mailings, publications, classroom materials, conferences, speaking engagements, Web sites, and other educational/informational activities.

(d)(2)(iii) Contribution of equipment, software, technical advice, exchange of data, and consultation to other agencies and public and private entities, where such assistance does not control a receiving entity's program, project, or activity.

(d)(2)(iv) NASA ceremonies, commemorative events, and memorial services.

Existing CX (b)(12)

Current CX Language: *Reductions and realignments of civilian and/or military personnel that: fall below the thresholds for reportable actions as prescribed by statute (10 U.S.C. 2687) and do not involve related activities such as construction, renovation, or demolition activities that would otherwise require an EA or an EIS to implement (REC required). This includes reorganizations and reassignments with no changes in force structure, unit re-designations, and routine administrative reorganizations and consolidations (REC required).*

Proposed New CX Language: *Reductions and realignments of civilian and/or military personnel that fall below the thresholds for actions reportable to Congress, as prescribed by statute (for example, 10 U.S.C. § 2687(a)(2) and 10 U.S.C. § 993). This includes reorganizations and reassignments with no changes in force structure, unit re-designations, and routine administrative reorganizations and consolidations. (REC required when the net change in military and civilian authorizations at a military installation meets the threshold for forwarding a stationing package to the DSC, G-3/5/7).*

Supporting Rationale: This is an administrative change that clarifies the scope of the action and will allow this CX to remain current should changes occur for the Congressional-reporting thresholds and/or Army policy and guidance thresholds (e.g., as documented in AR 5-10). Additionally, this administrative change will remove unnecessary REC documentation requirements as the vast number of stationing actions have no significant environmental impacts. Even stationing actions that are above the reporting thresholds, to which this CX would not apply, do not normally have significant environmental impacts.

Reference: Army. *Department of the Army, Joint Base Myer-Henderson Hall, Virginia Record of Environmental Consideration: AR 5-10 Stationing Package - Army Reserve Legislative Affairs Division.* Joint Base Myer-Henderson Hall, VA. March 27, 2015. (Joint Base Myer-Henderson Hall, 2015)

The proposed action was to relocate the Office of the Chief, Army Reserve Legislative Affairs Division (11 positions) to Fort Myer. This proposed action was categorically excluded under the Army's current CXs (b)(12) and (f)(1).

Reference: Army. *Fort Drum Record of Environmental Consideration (REC): AR 5-10 Force Structure Action FY16-2 (SMB 15-079).* U.S. Army Garrison, Fort Drum, NY. May 20, 2015. (USAG Fort Drum, 2015)

The proposed action was to realign a number of Army units, representing an installation gain of 148 Soldiers and potential regional growth of 518 persons (i.e., Soldiers and Family members). As noted in the Record of Environmental Consideration, this proposed action had been assessed as part of the Army realignments in the *Programmatic Environmental Assessment for Army 2020 Force Structure Realignment*, dated January 2013, for which a Finding of No Significant Impact resulted.

Reference: Army. *U.S. Army Garrison, Fort Gordon, Georgia - Road to Growth Stationing Actions Programmatic Environmental Assessment - Final.* U.S. Army Garrison, Fort Gordon, GA. Finding of No Significant Impact signed March 31, 2015. (USAG Fort Gordon, 2015)

The proposed action was to conduct re-stationings and realignments resulting in force increases of up to 6,000 active military, government, civilians, and contract personnel at Fort Gordon by late 2021. This increase would require renovation of some existing facilities and construction of new facilities on the installation to adequately house and support the elements being re-stationed to Fort Gordon, elements which are components of numerous different organizations, including organizational elements from federal agencies other than the Army. The majority of the facilities to be renovated and constructed would be located within the cantonment area, but some may be located in adjacent training areas. The programmatic analysis evaluated areas that the scoping process deemed to be buildable acreage within the cantonment area and several adjacent training areas for conducting the types of activities expected to come to the installation. Buildable acreage tracts were categorized as being in one of three categories based on environmental and other constraints. The first category was for areas having minor to no environmental or other constraints. The second category was for areas having moderate to minor environmental or other constraints that could be overcome by design or engineering solutions, or that could be mitigated. The third category was for areas having major environmental or other constraints that would require relocation of existing facilities, changes in land use, or could exceed a significant impact threshold without extensive mitigation. These three development categories would be used to aid in locating projects according to levels of potential environmental impacts and mitigation required. The decision hierarchy would be the first, second, and third category, respectively, for new construction; however, any of the growth alternatives could have actions occurring in any of the three development categories. Significant impacts to traffic were anticipated to result from implementation of the proposed action; however, these impacts would be mitigated to less than significant by implementing a number of physical improvements at specified road intersections. Less than significant impacts were anticipated for geology and soils, land use, biological resources, wetlands and water resources, air quality, noise, cultural resources, hazardous materials and hazardous waste, facilities, infrastructure and utilities, and socioeconomics. The proposed action reduced potential impacts to environmental resources by removing

some sensitive areas from all three of the buildable acreage categories as these areas were not considered buildable acreage. Examples of areas excluded from buildable acreage include wetlands, stream buffers, known threatened and endangered species locations and areas managed for these species, and historic properties.

Existing CX (b)(13)

Current CX Language: (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).*

Proposed New CX Language: *Relocation of personnel into existing federally-owned (or state-owned in the case of ARNG) or commercially-leased space. (REC required when the net change in military and civilian authorizations at a military installation meets the threshold for forwarding a stationing package to the DCS, G-3/5/7).*

Supporting Rationale: This is an administrative change that clarifies the scope of the action. Additionally, this administrative change will remove unnecessary REC documentation requirements.

Existing CX (b)(14)

Current CX Language: (b)(13) *Actions affecting Army property that fall under another federal agency's list of categorical exclusions when the other federal agency is the lead agency (decision maker), or joint actions on another federal agency's property that fall under that agency's list of categorical exclusions (REC required).*

Proposed New CX Language: *An Army action occurring on another military service's property where the action qualifies for a CX of that military service, or for actions on property designated as a Joint Base or Joint Region that qualifies for a CX of any of the military services included as part of the Joint Base or Joint Region. When the Army proponent chooses to use another military service's CX to cover a proposed action, the proponent must have verification that the other service does not object to using their CX to cover the Army action. The Army proponent will include that verification in the administrative record for the proposed action. The Army official making the CX determination must ensure the application of the CX is appropriate and that the Army proposed action was a type contemplated when the CX was established by the other service, and that no extraordinary circumstances exist. (REC required).*

Supporting Rationale: Several modifications and administrative changes are proposed for the current CX (b)(13) and are reflected in the proposed CXs (b)(14) and (b)(15). This modification and administrative change is proposed in recognition of the increasing number of circumstances in which the Army is stationed or executes training and testing missions on another military service's property, and when the Army is stationed or executes training and testing missions on a Joint Base or Joint Region. Since the Goldwater-Nichols Act of 1986, the military services have increasingly acted together in a joint fashion: that is, the Army, Navy, Air Force, and Marines train and fight together as a unified military force. Partly as a result of this unified military reality, joint basing decisions of Base Realignment and Closure commissions, and other factors, the services' training requirements and their accompanying anticipated environmental impacts overlap and are similar in many respects. For example, the Army and Marine Corps have relatively similar training requirements for infantry (foot Soldiers); all services have requirements to train air crew and engage in aircraft operations; and, the Army has a sizeable number of ships, resulting in watercraft operations and maintenance, similar to like-sized Naval ships. Furthermore, the services also have similar facility, infrastructure, and energy generation requirements on their respective installations. The anticipated environmental impacts from military training, military

construction, infrastructure, and energy generation are similar in nature. This proposed clarification would remove confusion regarding the interpretation of “joint” as some may interpret the action as joint only if it were a military training action which included members from multiple military services, whereas others may interpret an Army action occurring on another’s property as a joint action; the latter is the intent. This administrative change would remove the potentially perceived restrictiveness of the “joint” language. This modification and administrative change is also proposed in response to an issue particular to the Army: of the 12 existing joint bases, the Army commands only two. These two are Joint Base Lewis-McChord in Washington state and Joint Base Myer-Henderson Hall in Virginia. For all other joint bases for which Army is merely a tenant, the current regulations are not clear about whether it is permissible to apply lead service categorical exclusions to the Army’s proposed actions as a tenant. The Army seeks to apply the same concept to so-called “joint regions” of the Guard and Reserve. In general, the idea is to permit the Army to utilize the categorical exclusions of its sister services for proposed actions similar to those already categorically excluded by the other services on lands for which the Army and one or more other services are part of the Joint Base or Joint Region. This administrative change also aligns with federal initiatives to increase environmental review efficiencies, reduce duplication, and reduce unnecessary environmental analysis for actions that do not create a significant environmental impact. To avoid inadvertent differences in interpretation by the Army of another service’s CX, and ensuring the Army’s proposed action does qualify for the CX of another service, the proposed CX (b)(14) also requires verification that the other service does not object to the Army’s use of their CX to cover the Army action. No significant impacts are anticipated to result from the application of the proposed CX (b)(14) as any actions to which this CX would apply would be specific categories of action covered under one or more of the military services CXs. Furthermore, this proposed CX also incorporates controls by requiring the use of a REC to ensure thoughtful consideration as to the potential existence of an extraordinary circumstance that would prevent the application of this CX for the proposed action. The Army is proposing a number of new categorical exclusions with some of these new categorical exclusions based, in part, on the existing categorical exclusions of other agencies; however, those CXs are for actions more routinely implemented by the Army than the categories of actions for which this CX would apply. With this proposed categorical exclusion, CX (b)(14), the Army seeks generally to cover other actions that (1) have been determined to have no significant environmental effects by other military services, and (2) are implemented less frequently within the Army such that they do not warrant the addition of a specific Army CX as of the time of the proposed updates identified herein.

Reference: White House. *Executive Order 13807 – Establishing Discipline and Accountability in the Environmental Review and Permitting Process for Infrastructure Projects.* The White House, Washington, D.C. August 15, 2017.

This executive order directs CEQ to identify actions to enhance and modernize the federal environmental review and authorization process. It calls for CEQ to issue regulations, guidance, and/or directives to “provide for agency use, to the maximum extent permitted by law, of environmental studies, analysis, and decisions conducted in support of earlier Federal, State, tribal, or local environmental reviews or authorization decisions”; and “ensure that agencies apply NEPA in a manner that reduces unnecessary burdens and delays as much as possible, including by using CEQ’s authority to interpret NEPA to simplify and accelerate the NEPA review process.”

Reference: White House. *Legislative Outline for Rebuilding Infrastructure in America.* The White House, Washington, D.C. February 12, 2018.

The White House documented the administration’s intent and provided a roadmap for reducing inefficiencies in environmental reviews, reducing duplication of efforts across the federal government, and increasing flexibility in establishing and using CXs. Specifically, this *Legislative Outline* states: “Authorizing any federal agency to use a CX that has been established by another federal agency and identifying documented CXs that can be moved to an agency’s undocumented CX list without undergoing the CX substantiation and approval process would reduce duplication and unnecessary environmental

analysis for actions that do not create a significant environmental impact. Each agency would track and catalogue its use of another agency's CEs under this provision.”

Reference: **White House.** *Executive Order 13834 – Efficient Federal Operations.* The White House, Washington, D.C. May 17, 2018.

This executive order states that it is “the policy of the United States that agencies shall meet such statutory requirements in a manner that increases efficiency, optimizes performance, eliminates unnecessary use of resources, and protects the environment. In implementing this policy, each agency shall prioritize actions that reduce waste, cut costs, enhance the resilience of Federal infrastructure and operations, and enable more effective accomplishment of its mission.”

Reference: **Navy,** 32 C.F.R. Part 775 – *Procedures for Implementing the National Environmental Policy Act*, Section 775.6(f) – Categorical exclusions.

(49) Department of the Navy actions that occur on another Military Service's property where the action qualifies for a CATEX of that Service, or for actions on property designated as a Joint Base or Joint Region that would qualify for a CATEX of any of the Services included as part of the Joint Base or Joint Region. If the DoN action proponent chooses to use another Service's CATEX to cover a proposed action, the DoN must get written confirmation the other Service does not object to using their CATEX to cover the DoN action. The DoN official making the CATEX determination must ensure the application of the CATEX is appropriate and that the DoN proposed action was of a type contemplated when the CATEX was established by the other Service. Use of this CATEX requires preparation of a Record of CATEX or Decision Memorandum.

Existing CX (b)(15)

Current CX Language: (b)(13) *Actions affecting Army property that fall under another federal agency's list of categorical exclusions when the other federal agency is the lead agency (decision maker), or joint actions on another federal agency's property that fall under that agency's list of categorical exclusions (REC required).*

Proposed New CX Language: *Army adoption and application of another Federal agency's CX to proposed Army actions. Other Federal agency's CXs may be adopted and applied by Army proponents to any proposed Army action occurring on or off Army property, on another Federal agency's property, or on property where another Federal agency is operating, when the proposed Army action is substantially the same as an action that is categorically excluded by another Federal agency. A proposed Army action is substantially the same as an action categorically excluded by another Federal agency's CX when it is of a similar type and scope as the action categorically excluded by another Federal agency, and no extraordinary circumstances exist. If the Army chooses to apply another Federal agency's CX to address a proposed Army action, the Army proponent must document confirmation that the other Federal agency does not object to the Army's use of their CX to address the proposed Army action. The Army proponent will document confirmation that the other Federal agency does not object to the Army's use of their CX in the REC prepared for the proposed Army action. (REC required).*

Supporting Rationale: Administrative changes are proposed for the current CX (b)(13) and are reflected in the proposed CXs (b)(14) and (b)(15). The changes are proposed to implement CEQ's §1506.3 of Update to the Regulations Implementing the Procedural Provisions of the National Environmental Policy Act. Each federal agency has its own CX list. Some Army actions may be of a similar type and scope as actions that are categorically excluded by other federal agencies. These CX changes permit the Army to adopt and apply categorical exclusions that have been duly promulgated by other federal agencies to proposed Army actions that are similar to those categorically excluded by other agencies. To avoid inadvertent differences in interpretation of another federal agency's CX by the Army, and to ensure the Army's proposed action qualifies for another federal agency's CX, the proposed CX (b)(15) requires

documented confirmation that the other federal agency does not object to the Army's use of their CX to address the Army action. No significant impacts are anticipated to result from the application of the proposed CX (b)(15) because any actions to which this CX would apply are actions that are of a similar type and scope covered under CXs promulgated by another federal agency. Furthermore, this proposed CX also incorporates controls by requiring the use of a REC to ensure thoughtful consideration as to the potential existence of an extraordinary circumstance that would prevent the application of this CX for the proposed action, and to document confirmation that the other Federal agency does not object to the Army's use of their CX. These CX changes align with federal initiatives to increase environmental review efficiencies, reduce duplication, and reduce unnecessary environmental analysis for actions that do not create a significant environmental impact.

Reference: *Update to the Regulations Implementing the Procedural Provisions of the National Environmental Policy Act*, July 2020 (§ 1506.3 Adoption)

Reference: **White House.** *Executive Order 13807 – Establishing Discipline and Accountability in the Environmental Review and Permitting Process for Infrastructure Projects.* The White House, Washington, D.C. August 15, 2017.

This executive order directs CEQ to identify actions to enhance and modernize the federal environmental review and authorization process. It calls for CEQ to issue regulations, guidance, and/or directives to “provide for agency use, to the maximum extent permitted by law, of environmental studies, analysis, and decisions conducted in support of earlier Federal, State, tribal, or local environmental reviews or authorization decisions”; and “ensure that agencies apply NEPA in a manner that reduces unnecessary burdens and delays as much as possible, including by using CEQ’s authority to interpret NEPA to simplify and accelerate the NEPA review process.”

Reference: **White House.** *Legislative Outline for Rebuilding Infrastructure in America.* The White House, Washington, D.C. February 12, 2018.

The White House documented the administration’s intent and provided a roadmap for reducing inefficiencies in environmental reviews, reducing duplication of efforts across the federal government, and increasing flexibility in establishing and using CXs. Specifically, this *Legislative Outline* states: “Authorizing any federal agency to use a CX that has been established by another federal agency and identifying documented CXs that can be moved to an agency’s undocumented CX list without undergoing the CX substantiation and approval process would reduce duplication and unnecessary environmental analysis for actions that do not create a significant environmental impact. Each agency would track and catalogue its use of another agency’s CEs under this provision.”

Reference: **White House.** *Executive Order 13834 – Efficient Federal Operations.* The White House, Washington, D.C. May 17, 2018.

This executive order states that it is “the policy of the United States that agencies shall meet such statutory requirements in a manner that increases efficiency, optimizes performance, eliminates unnecessary use of resources, and protects the environment. In implementing this policy, each agency shall prioritize actions that reduce waste, cut costs, enhance the resilience of Federal infrastructure and operations, and enable more effective accomplishment of its mission.”

Reference: **Forest Service,** *36 C.F.R. Part 220 –National Environmental Policy Act (NEPA) Compliance,* Section 6 – Categorical exclusions. (the Forest Services proposed, as of February 2019, to change the section number for categorical exclusions from § 220.6 to § 220.5)

(e)(28)-proposed [the Forest Service proposes, as of February 2019, to add this new CX (e)(28)] A Forest Service action that will be implemented jointly with another Federal agency and the action qualifies for a categorical exclusion of the other Federal agency. If the Forest Service chooses to use another Federal agency’s categorical exclusion to cover a proposed action, the responsible official must

obtain written concurrence from the other Federal agency that the categorical exclusion applies to the proposed action.

Existing CX (c)(1)

Current CX Language: *Construction of an addition to an existing structure or new construction on a previously undisturbed site if the area to be disturbed has no more than 5.0 cumulative acres of new surface disturbance. This does not include construction of facilities for the transportation, distribution, use, storage, treatment, and disposal of solid waste, medical waste, and hazardous waste (REC required).*

Proposed New CX Language: *Construction of new, alteration of existing (to include replacement or upgrades), and additions to existing buildings, facilities, structures (to include towers that do not present a collision hazard to military aircraft), launch pads, utility systems, and communication systems on previously disturbed land and/or on undisturbed land, provided there are no more than 5 total acres of surface disturbance to undisturbed land. This does not include construction of facilities intended primarily for the transportation, distribution, storage, treatment, and disposal of solid waste, medical waste, and hazardous waste (REC required). The terms “previously disturbed land” and “undisturbed land” are defined in § 651.3 of this part.*

Supporting Rationale: Multiple modifications and administrative changes have been proposed for the current CX (c)(1) and are reflected in the proposed new CXs (c)(1), (c)(2), (c)(3), (c)(4), and (c)(5). The proposed new CX language for (c)(1) reflects some of these multiple modifications and administrative changes. An administrative change to this CX is proposed to clarify “construction” and “structure”, similar to CX language contained in other agency CXs whose scope is similar to the current CX (c)(1). A few of the related CXs of other federal agencies are included in the references below. The proposed clarifications of “construction” includes adding “alteration” as the scope was never intended to exclude alternations to existing structures. Expanding the list of items covered in the scope, as proposed, would clarify “structures”, thereby minimizing misinterpretation of this CX. This CX has also been changed to clarify that the five-acre limitation applies to undisturbed land, which the Army’s NEPA regulation now defines. The proposed changes and modifications to CX (c)(1) incorporate actions for which environmental impacts are anticipated to be less than significant. These conclusions are supported by the Army’s own experience, the experience of other federal agencies as reflected in their own CXs, and policies and requirements to which the Army adheres when planning and implementing construction projects. This proposed CX continues to incorporate controls by requiring the use of a REC to ensure thoughtful consideration as to the potential existence of an extraordinary circumstance that would prevent the application of this CX for the proposed action. These controls tend to reduce the possibility of significant impacts.

Reference: **Army.** *Sustainable Design and Development Policy Update* memorandum. Assistant Secretary of the Army for Installations, Energy and Environment; Headquarters, Department of the Army, Washington, D.C. January 17, 2017. (DA, 2017a)

The goal of this Army policy is to provide sustainable and adaptive facilities and installations that enhance mission effectiveness, reduce the Army’s environmental footprint, and achieve levels of energy independence that enhance continuity of mission-essential operations. Included in this policy is the requirement to plan, design, build, and maintain all projects to meet the requirements of Unified Facilities Criteria (UFC) 1-200-02, *High Performance and Sustainable Buildings Requirements*, December 1, 2016; and UFC 2-100-01, *Installation Master Planning*, May 15, 2012; references to both of these UFCs are included below. The policy also includes a number of siting, site development, project design, and post-construction operations and maintenance factors to promote energy efficiency, minimize waste generation, and minimize impacts to the human and natural environment (for example, biological, cultural, and water resources; and, traffic and transportation).

Reference: DoD. *Unified Facility Criteria (UFC) - High Performance and Sustainable Building Requirements (UFC 1-200-02)*. Department of Defense, Washington, D.C. December 1, 2016. (DoD, 2016b)

The UFC, to which the Army adheres, provides minimum requirements and guidance to achieve high performance and sustainable buildings that comply with the *Energy Policy Act of 2005*, the *Energy Independence and Security Act of 2007*, *Executive Order 13693 – Planning for Federal Sustainability in the Next Decade*, and the implementation requirements found in “*Guiding Principles for Sustainable Federal Buildings and Associated Instructions*” (HPSB Guiding Principles). This UFC applies to all planning, design and construction, renovation, repair, operations and maintenance, and affixed equipment installation in new and existing buildings, regardless of funding source, that result in DoD real property assets. Integrated planning is a requirement of this UFC; therefore the Army would use a collaborative, integrated planning and design team, composed of user, government support staff, and appropriate professionals, to identify requirements and to establish performance goals for siting, energy, water, materials, indoor environmental quality, and other comprehensive design goals. Two examples of the many other parameters included are protecting and conserving water; and, procuring construction materials and building supplies that have a lesser or reduced effect on human health and the environment over their lifecycle, when compared with competing products or services that serve the same purpose.

Reference: DoD. *Unified Facility Criteria (UFC) - Installation Master Planning (UFC 2-100-01)*. Department of Defense, Washington, D.C. May 15, 2012. (DoD, 2012)

The UFC, to which the Army adheres, outlines a total process for master planning. By incorporating today’s needs and mission requirements into a compelling vision with clear goals and measurable objectives, garrison master planners and installation stakeholders can prepare a Master Plan and its components that sustainably accommodates future change. The UFC lists attributes of a successful master plan, attributes which touch on many characteristics that enable quality support to the mission, Soldiers, and Families such as coordination, timeliness, accuracy, documentation, informed decisions, sustainment, and safety. The UFC also emphasizes the integration of 10 key strategies into master planning: sustainable planning, natural and cultural resource planning, defensible planning, healthy community planning, area development planning, network planning, form based planning, capacity planning, facility standardization, and plan based programming. Application of these strategies help guide and inform installation decision making on future capability, infrastructure footprint, and land use patterns. Adherence to the installation master plans for construction activities (e.g., design, site, alter, build) results in fewer construction projects having the potential for significant environmental impacts or having extraordinary circumstance that would prevent the application of a CX for the proposed action.

Reference: Army. U.S. Army Garrison Fort Wainwright, Alaska - *Real Property Master Plan Finding of No Significant Impact and Programmatic Environmental Assessment*. U.S. Army Garrison, Fort Wainwright, AK. Finding of No Significant Impact signed May 19, 2017. (USAG Fort Wainwright, 2017)

The proposed action was to implement the installation’s real property master plan, a plan which establishes long-term strategies to guide the physical development of Fort Wainwright. The management plan provides areas to accommodate new mission growth; provides additional administrative, storage, and parking facilities; and incorporates known design requirements that were identified during the planning process. The plan maintains the installation’s design vision in creating an energy-efficient installation with compact districts, versatile buildings, and interconnected transportation networks. The plan also incorporates best management practices and standard operating procedures that, when applied, further reduce potential environment impacts resulting from implementation of the real property management plan. The plan is composed of five components, which are: (1) the Vision Plan, which includes the Framework Plan and Network Plans; (2) the Installation Planning Standards; (3) the Area Development

Plans, which include Regulating Plans, Transportation Plans, and Illustrative Plans as Area Development Plan components; (4) the Capital Investment Strategy; and (5) the Plan Summary.

Implementing the proposed action was determined to have no significant impacts for air quality, airspace, biological resources, cultural resources, energy and utilities, geology and soils, land use, noise, public health and safety, recreation resources, socioeconomics and environmental justice, solid and hazardous waste and pollution, transportation and traffic, and water resources. To further reduce environmental impacts that could result from the proposed action, several mitigation measures were identified, to include adhering to regulatory requirements to consult and to obtain appropriate permits, following standard operating procedures, and implementing best management practices.

Reference: Army. *Programmatic Environmental Assessment: Implementation of the Real Property Master Plan at United States Army Garrison Fort Huachuca, Arizona.* U.S. Army Garrison, Fort Huachuca, AZ. Finding of No Significant Impact signed November 25, 2014. (USAG Fort Huachuca, 2014)

The proposed action was to implement the installation's updated real property master plan, a plan which guides growth and development, and establishes a long-range vision to sustainably support the changing command goals, mission objectives, and policies at Fort Huachuca. The master planning process identified and evaluated installation-wide, alternative future development scenarios. Ideal development potential was defined in the management plan as areas within the cantonment area and Black Tower Unmanned Aircraft Systems Complex lacking in existing or identified non-fiscal constraints. The real property management plan would allow development outside areas designated as ideal; however, areas without development constraints should be considered first. The management plan also established an installation growth boundary around the cantonment area to focus development towards the core and preserve the periphery for ecological functions, testing and training, or other appropriate uses. Under the preferred alternative analyzed in the environmental assessment, which was one of three action alternatives, Fort Huachuca would not only confine future development to areas within the existing cantonment area and Black Tower Unmanned Aircraft Systems Complex growth boundaries but would also encourage future development to locate near or within existing mission areas and prioritize facility reuse opportunities early in the planning process. Use of vacant or peripheral lands would only be considered as a last option, and preference would be given to development in areas within 0.25 mile of the primary transportation loop network.

At a programmatic level, no significant environmental impacts were anticipated with implementing the proposed action. Any anticipated adverse impacts would be local in context with the exception of air quality and transportation, which although regional in context, would still only constitute a minor impact due to low levels of anticipated emissions and increased traffic. Likewise the intensity of potential adverse impacts was anticipated to be minor or negligible for all resources evaluated.

Reference: Army. *Environmental Assessment for Re-Alignment of Army Aviation Support Facilities at the Air National Guard Base/Berry Field Nashville International Airport - Nashville, TN.* Tennessee Army National Guard, Nashville, TN. Finding of No Significant Impact signed February 10, 2014. (Tennessee Army National Guard, 2014)

The proposed action was operate a Army National Guard (ARNG) training facility in underutilized facilities available from the Tennessee Air National Guard. The proposed action included converting and renovating existing buildings and grounds for mission operations, maintenance and limited training activities in support of Army Aviation and related support units. The proposed action would provide aircraft storage and maintenance facilities, administration areas, flight operations facilities, training classrooms, equipment and supplies storage, fueling operations, and associated support functions for Army assets, which included Blackhawk and Lakota helicopters, a C-12 military fixed wing aircraft, and various wheeled ground support vehicles. Implementation of the proposed action, which included facilities conversion and rehabilitation, were determined to have no significant environmental impacts

safety, land use, water resources, air quality, noise, geology and soils, biological resources, cultural resources, environmental justice, infrastructure, lighting, and visual effects.

Reference: Army. *U.S. Army Garrison, Fort Gordon, Georgia - Road to Growth Stationing Actions Programmatic Environmental Assessment - Final.* U.S. Army Garrison, Fort Gordon, GA. Finding of No Significant Impact signed March 31, 2015. (USAG Fort Gordon, 2015)

The proposed action was to conduct re-stationings and realignments resulting in force increases of up to 6,000 active military, government, civilians, and contract personnel at Fort Gordon by late 2021. This increase would require renovation of some existing facilities and construction of new facilities on the installation to adequately house and support the elements being re-stationed to Fort Gordon, elements which are components of numerous different organizations, including organizational elements from federal agencies other than the Army. The majority of the facilities to be renovated and constructed would be located within the cantonment area, but some may be located in adjacent training areas. The programmatic analysis evaluated areas that the scoping process deemed to be buildable acreage within the cantonment area and several adjacent training areas for conducting the types of activities expected to come to the installation. Buildable acreage tracts were categorized as being in one of three categories based on environmental and other constraints. The first category was for areas having minor to no environmental or other constraints. The second category was for areas having moderate to minor environmental or other constraints that could be overcome by design or engineering solutions, or that could be mitigated. The third category was for areas having major environmental or other constraints that would require relocation of existing facilities, changes in land use, or could exceed a significant impact threshold without extensive mitigation. These three development categories would be used to aid in locating projects according to levels of potential environmental impacts and mitigation required. The decision hierarchy would be the first, second, and third category, respectively, for new construction; however, any of the growth alternatives could have actions occurring in any of the three development categories. Significant impacts to traffic were anticipated to result from implementation of the proposed action; however, these impacts would be mitigated to less than significant by implementing a number of physical improvements at specified road intersections. Less than significant impacts were anticipated for geology and soils, land use, biological resources, wetlands and water resources, air quality, noise, cultural resources, hazardous materials and hazardous waste, facilities, infrastructure and utilities, and socioeconomics. The proposed action reduced potential impacts to environmental resources by removing some sensitive areas from all three of the buildable acreage categories as these areas were not considered buildable acreage. Examples of areas excluded from buildable acreage include wetlands, stream buffers, known threatened and endangered species locations and areas managed for these species, and historic properties.

Reference: Army. *Programmatic Environmental Assessment for the Fort Sill Mission; Cantonment Area and Range and Training Land Construction, Modernization, and Maintenance; and Environmental Stewardship at Fort Sill, Oklahoma.* U.S. Army Garrison, Fort Sill, Oklahoma. Finding of No Significant Impact signed May 4, 2013. (USAG Fort Sill, 2013)

The proposed action for Fort Sill included site-specific range and cantonment area construction, sustainable cantonment and range planning using adaptable use zones, and the implementation of environmental stewardship construction guidelines. Environmental impacts were anticipated for air quality, biological resources, cultural resources, facilities and utilities, geology and soils, hazardous materials and waste, land use, noise, socioeconomics, traffic and transportation, and water resources. With the identification of various measures to reduce environmental impacts of the proposed action (to include those related to storm water and fugitive dust controls) and the Army's intent to follow prescribed regulations and acquire required permits, the Army concluded that impacts from implementing the proposed action would be less than significant.

Reference: Army. *Programmatic Environmental Assessment for Army Construction and Operation of Solar Photovoltaic Renewable Energy Projects on Army Installations.* Headquarters, Department of the Army, Washington, D.C. Finding of No Significant Impact signed March 2, 2017. (DA, 2017b)

The proposed action was to construct, operate, and maintain solar photovoltaic (PV) arrays and/or ancillary power systems on Army installations. The proposed action included, for those solar PV projects where the existing infrastructure was insufficient, constructing (or upgrading) and maintaining the associated infrastructure required for the transmission and management of the generated electricity to the electric grid. The projects proposed generally ranged from approximately 10 megawatt (MW) to 100 MW per site. On average, seven acres (2.8 hectares) of land were required, at the time of the analysis, to produce one MW of power. As this technology has evolved, the acreage requirement for one MW generating capacity has decreased; therefore, it is possible that future solar PV technologies may require even less acreage per MW; at the time of the analysis, the Army estimated that approximately 70 acres (28 hectares) of land would be required for a 10 MW site and 700 acres (283 hectares) of land for a 100 MW site. PV systems on rooftops would generally expect to have capacity measured in watts or kilowatts (kW), not MW, and be of a much smaller size and scope. The proposed action included routine maintenance to ensure proper operation of the solar PV system, including vegetation control, snow removal, solar module washing, as-needed equipment repair, and periodic module/other equipment replacement. The analysis specifically analyzed the potential environmental and socioeconomic impacts of implementing the proposed action on land in its natural state or land which has reverted to its natural state, and on previously disturbed land.

No significant impacts to any resource area were anticipated to result from implementing the proposed action; however, to ensure that site-specific projects tiered from this programmatic environmental analysis thoughtfully considered site-specific conditions, some of which may require further environmental analysis to determine the potential for significant impacts, a checklist from the programmatic document was required to be completed. Impacts from implementing the proposed action were largely anticipated to be minimized through avoidance and through the implementation of various identified environmental protection measures to include, for example, implementing erosion and storm water control measures during construction, maintaining construction vehicles and equipment, ensuring adequate and ecosystem-appropriate vegetation and/or gravel cover at the post-construction site, and ensuring safety equipment is appropriately used by construction and maintenance workers.

Reference: Navy, *32 C.F.R. Part 775 – Procedures for Implementing the National Environmental Policy Act*, Section 775.6(f) – Categorical exclusions.

(14) Alterations of and additions to existing buildings, facilities, and systems (e.g., structures, roads, runways, vessels, aircraft, or equipment) when the environmental effects will remain substantially the same and the use is consistent with applicable regulations.

(33) New construction that is similar to or compatible with existing land use (i.e., site and scale of construction are consistent with those of existing adjacent or nearby facilities) and, when completed, the use or operation of which complies with existing regulatory requirements (e.g., a building within a cantonment area with associated discharges and runoff within existing handling capacities). The test for whether this CATEX can be applied should focus on whether the proposed action generally fits within the designated land use of the proposed site.

Reference: Defense Logistics Agency, *Defense Logistics Agency Regulation 1000.22 – Environmental Considerations in Defense Logistics Agency Actions (DLAR 1000.22).* Appendix A – Categorical Exclusion, Section 4 – DLA Categorical Exclusions.

28. Construction performed in accordance with an approved installation master plan that does not significantly alter land use when the operation of the completed project would not have significant environmental consequences and would disturb no more than 5.0 cumulative acres of new surface. This does not include construction of facilities for transportation, distribution, use, storage, treatment and disposal of solid waste, medical waste, and hazardous waste. (DLA Form 1664 required)

29. Acquisition, installation, operation or privatization of utility (e.g., water, sewer, electrical) and communication systems (e.g., data processing, cable and similar electronic equipment) that use existing rights of way, easements, and distribution systems. (DLA Form 1664 required)

Reference: **Homeland Security**, *Instruction Manual 023-01-001-01, Revision 01, Implementation of the National Environmental Policy Act (NEPA)*, 2014. Appendix A – DHS List of Categorical Exclusions.

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).

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.).

L14 Coast Guard new construction upon, or improvement of, land where all of the following conditions are met:

- (a) The structure and proposed use are substantially in compliance with prevailing local planning and zoning standards.
- (b) The site is on heavily developed property and/or located on a previously disturbed site in a developed area.
- (c) The proposed use will not substantially increase the number of motor vehicles at the facility.
- (d) The site and scale of construction are consistent with those of existing, adjacent, or nearby buildings.

L24 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.).

M8 Development of temporary shelter or housing for first responders and Federal disaster personnel involving less than 10 acres of ground disturbance in previously developed or disturbed areas and that follow best management practices for pollution control.

M13 Construction or installation of structures, facilities, or equipment for the purpose of ensuring the continuity of operations during incidents such as emergencies, disasters, flooding, and power outages involving less than one acre of ground disturbance. Examples include the installation of generators, installation of storage tanks of up to 10,000 gallons, installation of pumps, construction of structures to house emergency equipment, and utility line installation. This CATEX covers associated ground disturbing activities, such as trenching, excavation, and vegetation removal of less than once acre, as well as modification of existing structures.

Reference: **Energy**, *10 C.F.R. Part 1021 – National Environmental Policy Act Implementing Procedures*, Appendix B to Subpart D of Part 1021 – Categorical Exclusions Applicable to Specific Agency Actions.

B1.4 Air conditioning systems for existing equipment

Installation or modification of air conditioning systems required for temperature control for operation of existing equipment.

B1.5 Existing steam plants and cooling water systems

Minor improvements to existing steam plants and cooling water systems (including, but not limited to, modifications of existing cooling towers and ponds), provided that the improvements would not: (1) Create new sources of water or involve new receiving waters; (2) have the potential to significantly alter water withdrawal rates; (3) exceed the permitted temperature of discharged water; or (4) increase introductions of, or involve new introductions of, hazardous substances, pollutants, contaminants, or CERCLA-excluded petroleum and natural gas products.

B1.22 Relocation of buildings

Relocation of buildings (including, but not limited to, trailers and prefabricated buildings) to an already developed area (where active utilities and currently used roads are readily accessible).

B2.1 Workplace enhancements

Modifications within or contiguous to an existing structure, in a previously disturbed or developed area, to enhance workplace habitability (including, but not limited to, installation or improvements to lighting, radiation shielding, or heating/ventilating/air conditioning and its instrumentation, and noise reduction).

B2.2 Building and equipment instrumentation

Installation of, or improvements to, building and equipment instrumentation (including, but not limited to, remote control panels, remote monitoring capability, alarm and surveillance systems, control systems to provide automatic shutdown, fire detection and protection systems, water consumption monitors and flow control systems, announcement and emergency warning systems, criticality and radiation monitors and alarms, and safeguards and security equipment).

B2.3 Personnel safety and health equipment

Installation of, or improvements to, equipment for personnel safety and health (including, but not limited to, eye washes, safety showers, radiation monitoring devices, fumehoods, and associated collection and exhaust systems), provided that the covered actions would not have the potential to cause a significant increase in emissions.

B2.5 Facility safety and environmental improvements

Safety and environmental improvements of a facility (including, but not limited to, replacement and upgrade of facility components) that do not result in a significant change in the expected useful life, design capacity, or function of the facility and during which operations may be suspended and then resumed. Improvements include, but are not limited to, replacement/upgrade of control valves, in-core monitoring devices, facility air filtration systems, or substation transformers or capacitors; addition of structural bracing to meet earthquake standards and/or sustain high wind loading; and replacement of aboveground or belowground tanks and related piping, provided that there is no evidence of leakage, based on testing in accordance with applicable requirements (such as 40 CFR part 265, "Interim Status Standards for Owners and Operators of Hazardous Waste Treatment, Storage, and Disposal Facilities" and 40 CFR part 280, "Technical Standards and Corrective Action Requirements for Owners and Operators of Underground Storage Tanks"). These actions do not include rebuilding or modifying substantial portions of a facility (such as replacing a reactor vessel).

B4.13 Upgrading and rebuilding existing powerlines

Upgrading or rebuilding approximately 20 miles in length or less of existing electric powerlines, which may involve minor relocations of small segments of the powerlines.

B5.2 Modifications to pumps and piping

Modifications to existing pump and piping configurations (including, but not limited to, manifolds, metering systems, and other instrumentation on such configurations conveying materials such as air, brine, carbon dioxide, geothermal system fluids, hydrogen gas, natural gas, nitrogen gas, oil, produced water, steam, and water). Covered modifications would not have the potential to cause significant changes to design process flow rates or permitted air emissions.

B5.16 Solar photovoltaic systems

The installation, modification, operation, and removal of commercially available solar photovoltaic systems located on a building or other structure (such as rooftop, parking lot or facility, and mounted to signage, lighting, gates, or fences), or if located on land, generally comprising less than 10 acres within a previously disturbed or developed area. Covered actions would be in accordance with applicable requirements (such as local land use and zoning requirements) in the proposed project area and would incorporate appropriate control technologies and best management practices.

B5.17 Solar thermal systems

The installation, modification, operation, and removal of commercially available small-scale solar thermal systems (including, but not limited to, solar hot water systems) located on or contiguous to a building, and if located on land, generally comprising less than 10 acres within a previously disturbed or developed area. Covered actions would be in accordance with applicable requirements (such as local land use and zoning requirements) in the proposed project area and would incorporate appropriate control technologies and best management practices.

B6.3 Improvements to environmental control systems

Improvements to environmental monitoring and control systems of an existing building or structure (such as changes to scrubbers in air quality control systems or ion-exchange devices and other filtration processes in water treatment systems), provided that during subsequent operations (1) Any substance collected by the environmental control systems would be recycled, released, or disposed of within existing permitted facilities and (2) there are applicable statutory or regulatory requirements or permit conditions for disposal, release, or recycling of any hazardous substance or CERCLA-excluded petroleum or natural gas products that are collected or released in increased quantity or that were not previously collected or released.

Existing CX (c)(2)

Current CX Language: (c)(1) *Construction of an addition to an existing structure or new construction on a previously undisturbed site if the area to be disturbed has no more than 5.0 cumulative acres of new surface disturbance. This does not include construction of facilities for the transportation, distribution, use, storage, treatment, and disposal of solid waste, medical waste, and hazardous waste (REC required).*

Proposed New CX Language: *Construction of new and expansion of existing parking lots and hardening of tank trails and turn pads on previously disturbed land and/or on undisturbed land, provided there are no more than 5 total acres of surface disturbance to undisturbed land. If a parking lot design will replicate the pre-development hydrology, limitation may be extended to 10 acres (REC required). The terms “previously disturbed land” and “undisturbed land” are defined in § 651.3 of this part.*

Supporting Rationale: Multiple modifications and administrative changes have been proposed for the current CX (c)(1) and are reflected in the proposed new CXs (c)(1), (c)(2), (c)(3), (c)(4), and (c)(5). The proposed new CX language for (c)(2) reflects some of these multiple modifications and administrative changes. As the construction of a “structure” is an activity which normally reduces permeable surface, the construction of a parking lot normally reduces permeable surface, the hardening of tank trails and turn pads normally reduce permeable surface, and as the full scope of a construction project for which the current CX (c)(1) applies would have included projects for which a parking lot was a component, the Army has determined that it would be appropriate to have a separate CX specifically addressing the construction of parking lots and hardening of tank trails and turn pads. This CX has also been changed to clarify that the five-acre limitation applies to undisturbed land, which the Army’s NEPA regulation now defines. The proposed changes and modifications reflected in this proposed CX incorporate actions for which environmental impacts are anticipated to be less than significant. These conclusions are supported by the Army’s own experience, the experience of other federal agencies as reflected in their own CXs, and policies and requirements to which the Army adheres when planning and implementing construction projects, especially those related to minimizing storm water runoff and managing storm water. This proposed CX continues to incorporate controls by requiring the use of a REC to ensure thoughtful

consideration as to the potential existence of an extraordinary circumstance that would prevent the application of this CX for the proposed action.

Reference: Army. *Sustainable Design and Development Policy Update* memorandum. Assistant Secretary of the Army for Installations, Energy and Environment; Headquarters, Department of the Army, Washington, D.C. January 17, 2017. (DA, 2017a)

The goal of this Army policy is to provide sustainable and adaptive facilities and installations that enhance mission effectiveness, reduce the Army's environmental footprint, and achieve levels of energy independence that enhance continuity of mission-essential operations. Included in this policy is the requirement to plan, design, build, and maintain all projects to meet the requirements of Unified Facilities Criteria (UFC) 1-200-02, *High Performance and Sustainable Buildings Requirements*, December 1, 2016; and UFC 2-100-01, *Installation Master Planning*, May 15, 2012. The policy also includes a number of siting, site development, project design, and post-construction operations and maintenance factors to, among other things, minimize increases in storm water runoff and manage post-construction runoff.

Reference: DoD. *Unified Facility Criteria (UFC) - Installation Master Planning (UFC 2-100-01)*. Department of Defense, Washington, D.C. May 15, 2012. (DoD, 2012)

The UFC, to which the Army adheres, outlines a total process for master planning. By incorporating today's needs and mission requirements into a compelling vision with clear goals and measurable objectives, garrison master planners and installation stakeholders can prepare a Master Plan and its components that sustainably accommodates future change. The UFC lists attributes of a successful master plan, attributes which touch on many characteristics that enable quality support to the mission, Soldiers, and Families such as coordination, timeliness, accuracy, documentation, informed decisions, sustainment, and safety. The UFC also emphasizes the integration of 10 key strategies into master planning: sustainable planning, natural and cultural resource planning, defensible planning, healthy community planning, area development planning, network planning, form based planning, capacity planning, facility standardization, and plan based programming. Application of these strategies help guide and inform installation decision making on future capability, infrastructure footprint, and land use patterns. Adherence to the installation master plans for construction activities (e.g., design, site, alter, build) results in fewer construction projects having the potential for significant environmental impacts or having extraordinary circumstance that would prevent the application of a CX for the proposed action.

Reference: Army. *U.S. Army Garrison Fort Wainwright, Alaska - Real Property Master Plan Finding of No Significant Impact and Programmatic Environmental Assessment*. U.S. Army Garrison, Fort Wainwright, AK. Finding of No Significant Impact signed May 19, 2017. (USAG Fort Wainwright, 2017)

The proposed action was to implement the installation's real property master plan, a plan which establishes long-term strategies to guide the physical development of Fort Wainwright. The management plan provides areas to accommodate new mission growth; provides additional administrative, storage, and parking facilities; and incorporates known design requirements that were identified during the planning process. The plan maintains the installation's design vision in creating an energy-efficient installation with compact districts, versatile buildings, and interconnected transportation networks. The plan also incorporates best management practices and standard operating procedures that, when applied, further reduce potential environment impacts resulting from implementation of the real property management plan, which includes the construction of new and expansion of existing parking lots. Implementing the proposed action was determined to have no significant impacts for environmental resources. To further reduce environmental impacts that could result from the proposed action, several mitigation measures were identified, to include adhering to regulatory requirements to consult and to obtain appropriate permits, following standard operating procedures, and implementing best management practices (to include those related to storm water).

Reference: Army. *Infrastructure and Operational Support for the 25th Aviation Regiment Company D Unmanned Aircraft System Environmental Assessment.* U.S. Army Garrison, Fort Wainwright, AK. Finding of No Significant Impact signed October 21, 2015. (USAG Fort Wainwright, 2015)

The proposed action was to construct a permanent hanger with an integrated Company Operations Facility, an organizational vehicle parking area, and a privately owned vehicle parking area for the 25th Aviation Regiment Gray Eagle. The total area of disturbance would be approximately 5.7 acres, with the organization vehicle parking area approximately 3.3 acres, and the privately owned vehicle parking area approximately 1.3 acres. The proposed facilities would be constructed in association with an existing airfield. Implementation of the proposed action was anticipated to result in no significant impacts to environmental resources; however, dependent on the resource area, some mitigation measures would be needed as a result of minor impacts. For example, if siting of the organization vehicle parking area on Fort Wainwright were to result in minor, adverse impacts on wetlands, mitigation measures would be required to offset the impacts and replace the lost functions and values of the wetlands. Specific mitigation measures would be determined during the Clean Water Act, Section 404 permitting process. A number of standard measures, including best management practices, would be employed where appropriate to reduce or minimize potential impacts.

Reference: Agency. *Programmatic Environmental Assessment for the Fort Sill Mission; Cantonment Area and Range and Training Land Construction, Modernization, and Maintenance; and Environmental Stewardship at Fort Sill, Oklahoma.* U.S. Army Garrison, Fort Sill, Oklahoma. Finding of No Significant Impact signed May 4, 2013. (USAG Fort Sill, 2013)

The proposed action for Fort Sill included site-specific range and cantonment area construction, sustainable cantonment and range planning using adaptable use zones, and the implementation of environmental stewardship construction guidelines. Types of activities included in the proposed action were the construction of parking lots. With the identification of various measures to reduce environmental impacts of the proposed action (to include those related to storm water) and the Army's intent to follow prescribed regulations and acquire required permits, the Army concluded that impacts from implementing the proposed action would be less than significant.

Reference: Agency. *Environmental Assessment for the Proposed 35th Infantry Division Headquarters Readiness Center, Fort Leavenworth, Kansas.* Kansas Army National Guard, Topeka, KS. Finding of No Significant Impact signed June 14, 2014. (Kansas Army National Guard, 2014)

The proposed action was to construct and operate a new Readiness Center to support routine operations, and mobilization of some or all of the 35th Infantry Division Headquarters and its subordinate units, which, at the time of the analysis, were stationed across the four-state area of Illinois, Missouri, Nebraska, and Kansas. One of the elements of the proposed action was to construct a 500-space parking area for privately owned vehicles on approximately five acre north of Greenlief Hall. The Kansas Army National Guard determined that the known and potential adverse impacts from the proposed action (which included the parking lot construction action) would not be significant for land use, air quality, noise, geology and soils, water resources, biological resources, threatened and endangered species, socioeconomics, infrastructure, and hazardous and toxic materials and wastes. The proposed action would also have no significant adverse effects on cultural resources or environmental justice considerations. To reduce potential impacts, the National Guard would implement appropriate best management practices, adhere to applicable Kansas Army National Guard construction guidelines, and obtain all necessary permits and construction site approvals. Best management practices identified were primarily for the following resources: air quality, geology and soils, water resources, biological resources, cultural resources, and transportation.

Reference: Army. *Environmental Assessment for Improvements to Drum Road, Helemano Military Reservation to Kahuku Training Area, Oahu, Hawai'i.* U.S. Army Garrison Hawai'i, HI. Finding of No Significant Impact signed August 30, 2005. (USAG Hawaii, 2005)

The proposed action was to improve Drum Road to an all-weather road, allowing uninterrupted access to military training areas and providing the opportunity to conduct convoy training. This unimproved trail was impassable during periods of heavy rainfall. Furthermore, the trail was characterized by blind curves, hairpin turns, and steep slopes with no safety protection for vehicles. The proposed action included stabilizing the trail alignment and addressing erosion problems and safety concerns. Beneficial impacts were anticipated to traffic as the improvements to Drum Road would result in a reduction of military vehicles on state and county roadways. Heavy military vehicles, including Strykers, have used Drum Road and, under the proposed action, would continue to use the trail once repairs are made. Other beneficial impacts related to the proposed action were for socioeconomics, land use, and geology and soils. Less than significant, short-term, impacts were anticipated for several resource areas as a result of construction and road use. The only long-term adverse impact, determined to be less than significant, was due to the removal of three identified historical “texas swales” and one concrete bridge along the route. To further reduce environmental impacts that could result from the proposed action, several mitigation measures were identified, to include following best management practices and obtaining storm water permits for runoff during construction.

Reference: Navy, 32 C.F.R. Part 775 – Procedures for Implementing the National Environmental Policy Act, Section 775.6(f) – Categorical exclusions.

(33) New construction that is similar to or compatible with existing land use (i.e., site and scale of construction are consistent with those of existing adjacent or nearby facilities) and, when completed, the use or operation of which complies with existing regulatory requirements (e.g., a building within a cantonment area with associated discharges and runoff within existing handling capacities). The test for whether this CATEX can be applied should focus on whether the proposed action generally fits within the designated land use of the proposed site.

Reference: Defense Logistics Agency, Defense Logistics Agency Regulation 1000.22 – Environmental Considerations in Defense Logistics Agency Actions (DLAR 1000.22). Appendix A – Categorical Exclusion, Section 4 – DLA Categorical Exclusions.

28. Construction performed in accordance with an approved installation master plan that does not significantly alter land use when the operation of the completed project would not have significant environmental consequences and would disturb no more than 5.0 cumulative acres of new surface. This does not include construction of facilities for transportation, distribution, use, storage, treatment and disposal of solid waste, medical waste, and hazardous waste. (DLA Form 1664 required)

Existing CX (c)(3)

Current CX Language: (c)(1) *Construction of an addition to an existing structure or new construction on a previously undisturbed site if the area to be disturbed has no more than 5.0 cumulative acres of new surface disturbance. This does not include construction of facilities for the transportation, distribution, use, storage, treatment, and disposal of solid waste, medical waste, and hazardous waste (REC required).*

Proposed New CX Language: *Placement and replacement of targetry and other stationary equipment on existing ranges provided there are no more than 5 total acres of surface disturbance to undisturbed land (REC required). The term “undisturbed land” is defined in § 651.3 of this part.*

Supporting Rationale: Multiple modifications and administrative changes have been proposed for the current CX (c)(1) and are reflected in the proposed new CXs (c)(1), (c)(2), (c)(3), (c)(4), and (c)(5). The proposed new CX language for (c)(3) reflects some of these multiple modifications and administrative changes. In a review of its documents, the Army determined that application of the current CX (c)(1), in regards to interpretation of its scope, has been inconsistent; specifically as it relates to the “structure” language. To enhance clarity, the Army determined that it would be appropriate to have a separate CX specifically addressing targetry and other stationary equipment on ranges. This CX has also been changed

to clarify that the five-acre limitation applies to undisturbed land, which the Army's NEPA regulation now defines.

The 5 acre limitation is related to the area of disturbance for the placement and replacement of targetry and other stationary equipment; it does not correlate to the size of any individual range, some of which are massive. Initial development of a range would have addressed, as appropriate, placement of targetry and other stationary equipment; however, in response to and support of changing Army missions, priorities, and equipment, targetry and other stationary equipment may need to be placed within other locations on a range for which existing NEPA documentation may be insufficient. Due to the large size of many ranges, the distance between targetry and other stationary equipment, access limitations and controls in support of safety considerations, and environmental factors that influence revegetation rates, previously disturbed range lands may rapidly revert to its natural state. In the Army's experience, placement or replacement of targetry and other stationary equipment on land in its natural state, or land which has reverted to its natural state, is not likely to result in significant impacts as the installation would be adhering to regulatory requirements, Army guidance, standard operating procedures, and best management practices as it considers siting options. Furthermore, this proposed CX also incorporates controls by requiring the use of a REC to ensure thoughtful consideration as to the potential existence of an extraordinary circumstance that would prevent the application of this CX for the proposed action.

Reference: **Army.** *Range Design Guide (RDG)*, a web-based tool (<http://www.hnc.usace.army.mil/Missions/Installation-Support-and-Programs-Management/Range-and-Training-Land-Program/Range-Design-Guide/>). U.S. Army Engineering and Support Center, Huntsville, AL. Web site accessed December 15, 2017. (USACE Huntsville, 2017)

This guide is a web-based tool that provides guidance for design and construction of Army training ranges based on the training requirements of the Army's Training Circular 25-8, *Training Ranges (TC 25-8)*. This guide identifies and defines interface points between the targetry system contractor and the range construction contractor, facilitates the standardization of range facilities, and notes salient points and design criteria for standardized ranges. Each module of the *Range Design Guide* contains design information about a specific subject, and includes downloadable sections in a pdf or pdf portfolio format. A designer would need a number of these sections in order to design a complete range. The specific sections required vary depending on the type of range. Each range description has a list of all files necessary for that particular range.

Reference: **Army.** *Final Environmental Assessment for the Establishment of an Air-to-Surface Helicopter Gunnery Training Target Set at White Sands Missile Range, New Mexico*. U.S. Army Garrison White Sands Missile Range, NM and U.S. Air Force Air Education and Training Command, Kirtland Air Force Base, NM. Finding of No Significant Impact signed February 19, 2008. (USAG White Sands Missile Range, 2008)

The proposed action was to establish an air-to-surface helicopter gunnery training target set at the installation within 150 nautical miles of Kirtland Air Force Base. The target set would be designed to support helicopter training requirements and would consist of one or two target groups, with armored personnel carrier hulks in the target groups. The proposed action included establishing one helicopter landing zone capable of accommodating two helicopters. While no new roads would be constructed under the proposed action, an access corridor would be delineated for maintenance vehicles and a bulldozer used for placement of targets. Implementation of the proposed action was determined to result in minor to negligible effects on land use, safety, airspace management, noise, air quality, geological resources, biological resources, cultural resources, and hazardous materials and wastes. No effects were anticipated on water resources, socioeconomic resources, and infrastructure. Various measures were identified to further reduce the already less than significant impacts associated with the proposed action, including design and siting adjustments, employing standard operating procedures, and implementing best management practices.

Reference: Army. *Programmatic Environmental Assessment for the Construction and Modification of Range Projects Over the Next Ten Years, Fort Hood, Texas.* U.S. Army Garrison, Fort Hood, TX. Finding of No Significant Impact signed July 9, 2006. (USAG Fort Hood, 2006)

The proposed action was to construct or modify 18 ranges and their associated supporting facilities within the restricted live-fire area of Fort Hood. Under the proposed action, the 18 ranges would be constructed or modified to fit the Army's emerging doctrinal training standards. A component of some of the ranges included the construction or modification of a number of types of target emplacements and other stationary range equipment. No significant environmental impacts were anticipated to result from implementing the proposed action. Various measures were identified to further reduce the already less than significant impacts associated with the proposed action, including best management practices for soil erosion control, obtaining appropriate storm water construction permits, and minimizing noise impacts by restricting construction to daytime hours.

Reference: Army. Various Environmental Assessments/Findings of No Significant Impact entitled: *Real Property Master Plan for the Electronic Proving Ground at Fort Huachuca, AZ*, dated November 2001; *U.S. Army Electronic Proving Ground Communication-Electronic Testing and Use of Test Sites in Southern Arizona and Fort Huachuca*, dated June 8, 1993; and *Approval of Land Use and Real Estate Investment Strategies in Support of Real Property Master Planning, Fort Huachuca, Arizona, Final Environmental Impact Statement*, May 1999. These analyses were relied upon in a subsequent Record of Environmental Consideration, entitled: *Record of Environmental Consideration (REC) for Hyperspectral Evaluation Experiments: Target Arrays, U.S. Army Electronic Proving Ground, Fort Huachuca, Arizona.* U.S. Army Garrison Fort Huachuca, AZ and U.S. Army Electronic Proving Ground, Fort Huachuca, AZ. November 16, 2007. (USAG Fort Huachuca, 2007b).

The proposed action was to build 120 wood target panels and deploy them to specified locations on the South Range in support of electronic data collections for the Air Force. The proposed action included grading approximately 500 meters of an existing trail in Tinker Canyon to improve vehicle access for panel placement, with reclamation of the trail, using a native seed mixture, to occur during the growing season. This Record of Environmental Consideration documented that the proposed action, as a component of the technical testing and training mission, was adequately covered within the aforementioned environmental assessments; the proposed action was also determined to be within the scope of the current CX (c)(1), which covered minor construction projects with minimal site disturbance. The proposed action incorporated design factors and best management practices to minimize environmental impacts.

Reference: Navy, 32 C.F.R. Part 775 – *Procedures for Implementing the National Environmental Policy Act*, Section 775.6(f) – Categorical exclusions.

(34) New construction that is similar to existing land use and, when completed, the use or operation of which complies with existing regulatory requirements (e.g., a building within a cantonment area with associated discharges/runoff within existing handling capacities);

(33) New construction that is similar to or compatible with existing land use (i.e., site and scale of construction are consistent with those of existing adjacent or nearby facilities) and, when completed, the use or operation of which complies with existing regulatory requirements (e.g., a building within a cantonment area with associated discharges and runoff within existing handling capacities). The test for whether this CATEX can be applied should focus on whether the proposed action generally fits within the designated land use of the proposed site.

(47) Modernization (upgrade) of range and training areas, systems, and associated components (including, but not limited to, targets, lifters, and range control systems) that supports current testing and training levels and requirements. Covered actions do not include those involving a substantial change in the type or tempo of operation, or the nature of the range (i.e., creating an impact area in an area where munitions had not been previously used).

Reference: Defense Logistics Agency, *Defense Logistics Agency Regulation 1000.22 – Environmental Considerations in Defense Logistics Agency Actions* (DLAR 1000.22). Appendix A – Categorical Exclusion, Section 4 – DLA Categorical Exclusions.

28. Construction performed in accordance with an approved installation master plan that does not significantly alter land use when the operation of the completed project would not have significant environmental consequences and would disturb no more than 5.0 cumulative acres of new surface. This does not include construction of facilities for transportation, distribution, use, storage, treatment and disposal of solid waste, medical waste, and hazardous waste. (DLA Form 1664 required)

Reference: Homeland Security, *Instruction Manual 023-01-001-01, Revision 01, Implementation of the National Environmental Policy Act (NEPA)*, 2014. Appendix A – DHS List of Categorical Exclusions.

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).

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.).

L24 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.).

Existing CX (c)(4)

Current CX Language:

(c)(1) *Construction of an addition to an existing structure or new construction on a previously undisturbed site if the area to be disturbed has no more than 5.0 cumulative acres of new surface disturbance. This does not include construction of facilities for the transportation, distribution, use, storage, treatment, and disposal of solid waste, medical waste, and hazardous waste (REC required).*

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

Proposed New CX Language: *Installation of fencing, utility systems, and communication systems that use existing right-of-way, and installation of airfield communication and safety equipment (REC required).*

Supporting Rationale: Multiple modifications and administrative changes have been proposed for the current CX (c)(1) and are reflected in the proposed new CXs (c)(1), (c)(2), (c)(3), (c)(4), and (c)(5). The

proposed new CX language for (c)(4) reflects some of these multiple modifications and administrative changes. In a review of its documents, the Army determined that application of the current CX (c)(1), in regards to interpretation of its scope, has been inconsistent; specifically as it relates to the “structure” language. To enhance clarity, the Army determined that it would be appropriate to have a separate CX specifically addressing fencing, utility systems, communication systems, airfield communication equipment, and airfield safety equipment. With this proposal, the administrative change includes combining some of the elements of the current CX (j)(3) into the proposed (c)(4); specifically those elements related to the installation of airfield communication and safety equipment. The proposed changes and modifications reflected in CX (c)(4) incorporate actions for which environmental impacts are anticipated to be less than significant. These conclusions are supported by the Army’s own experience, the experience of other federal agencies as reflected in their own CXs, and policies and requirements to which the Army adheres when planning and implementing projects to install fencing, utility systems, communication systems, and airfield communication and safety equipment. This proposed CX continues to incorporate controls by requiring the use of a REC to ensure thoughtful consideration as to the potential existence of an extraordinary circumstance that would prevent the application of this CX for the proposed action.

Reference: **Army.** *Sustainable Design and Development Policy Update* memorandum. Assistant Secretary of the Army for Installations, Energy and Environment; Headquarters, Department of the Army, Washington, D.C. January 17, 2017. (DA, 2017a)

The goal of this Army policy is to provide sustainable and adaptive facilities and installations that enhance mission effectiveness, reduce the Army’s environmental footprint, and achieve levels of energy independence that enhance continuity of mission-essential operations. Included in this policy is the requirement to plan, design, build, and maintain all projects to meet the requirements of Unified Facilities Criteria (UFC) 1-200-02, *High Performance and Sustainable Buildings Requirements*, December 1, 2016; and UFC 2-100-01, *Installation Master Planning*, May 15, 2012. The policy also includes a number of siting, site development, project design, and post-construction operations and maintenance factors to promote energy efficiency, minimize waste generation, and minimize impacts to the human and natural environment (for example, biological, cultural, and water resources; and, traffic and transportation).

Reference: **DoD.** *Unified Facility Criteria (UFC) - High Performance and Sustainable Building Requirements (UFC 1-200-02)*. Department of Defense, Washington, D.C. December 1, 2016. (DoD, 2016b)

The UFC, to which the Army adheres, provides minimum requirements and guidance to achieve high performance and sustainable buildings that comply with the *Energy Policy Act of 2005*, the *Energy Independence and Security Act of 2007*, *Executive Order 13693 – Planning for Federal Sustainability in the Next Decade*, and the implementation requirements found in “*Guiding Principles for Sustainable Federal Buildings and Associated Instructions*” (HPSB Guiding Principles). This UFC applies to all planning, design and construction, renovation, repair, operations and maintenance, and affixed equipment installation in new and existing buildings, regardless of funding source, that result in DoD real property assets. Integrated planning is a requirement of this UFC; therefore the Army would use a collaborative, integrated planning and design team, composed of user, government support staff, and appropriate professionals, to identify requirements and to establish performance goals for siting, energy, water, materials, indoor environmental quality, and other comprehensive design goals. Two examples of the many other parameters include are protecting and conserving water; and, procuring construction materials and building supplies that have a lesser or reduced effect on human health and the environment over their lifecycle, when compared with competing products or services that serve the same purpose.

Reference: **DoD.** *Unified Facility Criteria (UFC) - Installation Master Planning (UFC 2-100-01)*. Department of Defense, Washington, D.C. May 15, 2012. (DoD, 2012)

The UFC, to which the Army adheres, outlines a total process for master planning. By incorporating today's needs and mission requirements into a compelling vision with clear goals and measurable objectives, garrison master planners and installation stakeholders can prepare a Master Plan and its components that sustainably accommodates future change. The UFC lists attributes of a successful master plan, attributes which touch on many characteristics that enable quality support to the mission, Soldiers, and Families such as coordination, timeliness, accuracy, documentation, informed decisions, sustainment, and safety. The UFC also emphasizes the integration of 10 key strategies into master planning: sustainable planning, natural and cultural resource planning, defensible planning, healthy community planning, area development planning, network planning, form based planning, capacity planning, facility standardization, and plan based programming. Application of these strategies help guide and inform installation decision making on future capability, infrastructure footprint, and land use patterns. Adherence to the installation master plans for installation of fencing, utility systems, communication systems, airfield communication, and airfield safety equipment results in fewer projects having the potential for significant environmental impacts or having extraordinary circumstance that would prevent the application of a CX for the proposed action.

Reference: Army. *Programmatic Environmental Assessment for the Construction and Modification of Range Projects Over the Next Ten Years, Fort Hood, Texas.* U.S. Army Garrison, Fort Hood, TX. Finding of No Significant Impact signed July 9, 2006. (USAG Fort Hood, 2006)

The proposed action was to construct or modify 18 ranges and their associated supporting facilities within the restricted live-fire area of Fort Hood. Under the proposed action, the 18 ranges would be constructed or modified to fit the Army's emerging doctrinal training standards. A component of some of the ranges included the construction or modification of power, data, and communication lines and power and data distribution centers. No significant environmental impacts were anticipated to result from implementing the proposed action. Various measures were identified to further reduce the already less than significant impacts associated with the proposed action, including best management practices for soil erosion control, obtaining appropriate storm water construction permits, and minimizing noise impacts by restricting construction to daytime hours.

Reference: Army. *Environmental Assessment for the Kalia-Fort DeRussy Wastewater System Improvements.* City and County of Honolulu, Kapolei, HI; and cooperating agency U.S. Army Garrison Hawaii, Schofield Barracks, HI. Finding of No Significant Impact signed January 6, 2014 by U.S. Army Garrison Hawaii. (USAG Hawaii, 2014)

The proposed action was to construct improvements to the City's wastewater system in Waikiki in the area lying generally between the Ala Wai Canal, Kalakaua Avenue, and Fort DeRussy. The proposed action consisted of replacing existing sewer lines with larger diameter sewer lines, and cutting and plugging an existing 16-inch diameter sewer line traversing diagonally across Fort DeRussy. Implementation of the proposed action was determined to result in a combination of adverse and beneficial impacts, none of which were significant. Less than significant adverse impacts were anticipated for air quality, geology, soils and seismicity, water resources, public facilities, services and utilities, biological resources, and visual resources. Beneficial impacts were anticipated for socioeconomics, water resources, public facilities, services and utilities, and environmental justice. No impacts were anticipated for land use, natural hazards and hazardous materials. Mitigation measures were identified for traffic and roadways, noise, and cultural resources, with the implementation of the measures determined to reduce potential impacts to less than significant. The mitigation measures included phasing construction work; complying with noise regulations and standards; and archaeological monitoring.

Reference: Army. *Final Environmental Assessment for the Construction and Operation of Closed-Loop Geothermal Heating and Cooling Systems for BRAC Actions, Aberdeen Proving Ground, Maryland.* U.S. Army Garrison Aberdeen Proving Ground, MD. Finding of No Significant Impact signed October 22, 2009. (USAG Aberdeen Proving Ground, 2009)

The proposed action was to construct and operate a closed-loop geothermal heat pump system to provide heating and cooling at the Command Control/Communication Network Transport East, Joint Satellite Engineering Center, and Mission Training Facility buildings. These three buildings were part of the Command, Control, Communications, Computers, Intelligence, Surveillance and Reconnaissance (C4ISR) campus. The proposed action included developing underground well fields consisting of multiple wells drilled to approximately 400 feet below the ground surface and installation a closed-loop pipe system in the wells. The well systems would be connected to heat pumps, condensers, and ventilation control devices located within the interiors of the three buildings. No significant environmental impacts were anticipated from implementing the proposed action. Long-term, beneficial impacts were anticipated from reduction of energy demand and consumption at the installation, decreased need for additional uninterruptable energy supply, reduced air emissions compared to conventional chiller-boil based HVAC systems, creation of “green” jobs, and a boost in the local economy. Minor adverse impacts were anticipated for energy resources, water quality, air quality, geology and soils, noise, biological resources, aesthetics and visual resources, transportation and utilities, groundwater, solid waste, and hazardous and toxic substances. Various measures were identified to further reduce the already less than significant impacts associated with the proposed action, including having the system installed by qualified personnel accredited by the International Ground Source Heat Pump Association, including pressure sensors capable of detecting and isolating potential system leaks, obtaining appropriate permits, implementing best management practices during construction and operation, and revegetating the sites after construction activities.

Reference: Navy, 32 C.F.R. Part 775 – Procedures for Implementing the National Environmental Policy Act, Section 775.6(f) – Categorical exclusions.

(14) Alterations of and additions to existing buildings, facilities, and systems (e.g., structures, roads, runways, vessels, aircraft, or equipment) when the environmental effects will remain substantially the same and the use is consistent with applicable regulations.

(33) New construction that is similar to or compatible with existing land use (i.e., site and scale of construction are consistent with those of existing adjacent or nearby facilities) and, when completed, the use or operation of which complies with existing regulatory requirements (e.g., a building within a cantonment area with associated discharges and runoff within existing handling capacities). The test for whether this CATEX can be applied should focus on whether the proposed action generally fits within the designated land use of the proposed site.

Reference: Defense Logistics Agency, Defense Logistics Agency Regulation 1000.22 – Environmental Considerations in Defense Logistics Agency Actions (DLAR 1000.22). Appendix A – Categorical Exclusion, Section 4 – DLA Categorical Exclusions.

28. Construction performed in accordance with an approved installation master plan that does not significantly alter land use when the operation of the completed project would not have significant environmental consequences and would disturb no more than 5.0 cumulative acres of new surface. This does not include construction of facilities for transportation, distribution, use, storage, treatment and disposal of solid waste, medical waste, and hazardous waste. (DLA Form 1664 required)

29. Acquisition, installation, operation or privatization of utility (e.g., water, sewer, electrical) and communication systems (e.g., data processing, cable and similar electronic equipment) that use existing rights of way, easements, and distribution systems. (DLA Form 1664 required)

Reference: Homeland Security, Instruction Manual 023-01-001-01, Revision 01, Implementation of the National Environmental Policy Act (NEPA), 2014. Appendix A – DHS List of Categorical Exclusions.

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).

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.).

L14 Coast Guard new construction upon, or improvement of, land where all of the following conditions are met:

(a) The structure and proposed use are substantially in compliance with prevailing local planning and zoning standards.

(b) The site is on heavily developed property and/or located on a previously disturbed site in a developed area.

(c) The proposed use will not substantially increase the number of motor vehicles at the facility.

(d) The site and scale of construction are consistent with those of existing, adjacent, or nearby buildings.

L24 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.).

Reference: *Energy, 10 C.F.R. Part 1021 – National Environmental Policy Act Implementing Procedures, Appendix B to Subpart D of Part 1021 – Categorical Exclusions Applicable to Specific Agency Actions.*

B1.5 Existing steam plants and cooling water systems

Minor improvements to existing steam plants and cooling water systems (including, but not limited to, modifications of existing cooling towers and ponds), provided that the improvements would not: (1) Create new sources of water or involve new receiving waters; (2) have the potential to significantly alter water withdrawal rates; (3) exceed the permitted temperature of discharged water; or (4) increase introductions of, or involve new introductions of, hazardous substances, pollutants, contaminants, or CERCLA-excluded petroleum and natural gas products.

B4.13 Upgrading and rebuilding existing powerlines

Upgrading or rebuilding approximately 20 miles in length or less of existing electric powerlines, which may involve minor relocations of small segments of the powerlines.

B5.2 Modifications to pumps and piping

Modifications to existing pump and piping configurations (including, but not limited to, manifolds, metering systems, and other instrumentation on such configurations conveying materials such as air, brine, carbon dioxide, geothermal system fluids, hydrogen gas, natural gas, nitrogen gas, oil, produced water, steam, and water). Covered modifications would not have the potential to cause significant changes to design process flow rates or permitted air emissions.

B5.16 Solar photovoltaic systems

The installation, modification, operation, and removal of commercially available solar photovoltaic systems located on a building or other structure (such as rooftop, parking lot or facility, and mounted to signage, lighting, gates, or fences), or if located on land, generally comprising less than 10 acres within a previously disturbed or developed area. Covered actions would be in accordance with applicable

requirements (such as local land use and zoning requirements) in the proposed project area and would incorporate appropriate control technologies and best management practices.

B5.17 Solar thermal systems

The installation, modification, operation, and removal of commercially available small-scale solar thermal systems (including, but not limited to, solar hot water systems) located on or contiguous to a building, and if located on land, generally comprising less than 10 acres within a previously disturbed or developed area. Covered actions would be in accordance with applicable requirements (such as local land use and zoning requirements) in the proposed project area and would incorporate appropriate control technologies and best management practices.

Existing CX (c)(5)

Current CX Language:

(c)(1) *Construction of an addition to an existing structure or new construction on a previously undisturbed site if the area to be disturbed has no more than 5.0 cumulative acres of new surface disturbance. This does not include construction of facilities for the transportation, distribution, use, storage, treatment, and disposal of solid waste, medical waste, and hazardous waste (REC required).*

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

Proposed New CX Language: *Construction, placement, installation, or relocation of machinery and equipment (for example, analytical laboratory apparatus, electronic hardware, maintenance equipment, and health and safety equipment) from another site or structure to the new or altered building/facility/site, assuming the uses of the relocated items will be similar to their former uses (REC required).*

Supporting Rationale: Multiple modifications and administrative changes have been proposed for the current CX (c)(1) and are reflected in the proposed new CXs (c)(1), (c)(2), (c)(3), (c)(4), and (c)(5). The proposed new CX language for (c)(5) reflects some of these multiple modifications and administrative changes. In a review of its documents, the Army determined that application of the current CX (c)(1), in regards to interpretation of its scope, has been inconsistent; specifically as it relates to the “structure” language. To enhance clarity, the Army determined that it would be appropriate to have a separate CX specifically addressing machinery and equipment. With this proposal, the administrative change includes combining some of the elements of the current CX (j)(3) into the proposed (c)(5); specifically those elements related to the installation of airfield equipment that is not within the scope of the proposed (c)(4); the proposed (c)(4) includes airfield communication and safety equipment. The proposed changes and modifications reflected in CX (c)(5) incorporate actions for which environmental impacts are anticipated to be less than significant. These conclusions are supported by the Army’s own experience, the experience of other federal agencies as reflected in their own CXs, and policies and requirements to which the Army adheres when planning and implementing projects to install fencing, utility systems, communication systems, and airfield communication and safety equipment. This proposed CX continues to incorporate controls by requiring the use of a REC to ensure thoughtful consideration as to the potential existence of an extraordinary circumstance that would prevent the application of this CX for the proposed action.

Reference: **DoD.** *Unified Facility Criteria (UFC) - Installation Master Planning (UFC 2-100-01).* Department of Defense, Washington, D.C. May 15, 2012. (DoD, 2012)

The UFC, to which the Army adheres, outlines a total process for master planning, an activity which guides land uses and site selection for new construction and associated machinery and equipment. By incorporating today’s needs and mission requirements into a compelling vision with clear goals and measurable objectives, garrison master planners and installation stakeholders can prepare a Master Plan and its components that sustainably accommodates future change. Adherence to the installation master

plans for construction, placement, installation, or relocation of machinery and equipment results in fewer projects having the potential for significant environmental impacts or having extraordinary circumstance that would prevent the application of a CX for the proposed action

Reference: Army. *Programmatic Environmental Assessment and Finding of No Significant Impact for Implementation of the Real Property Master Plan at Fort Bragg, North Carolina.* U.S. Army Garrison, Fort Bragg, NC. Finding of No Significant Impact signed November 23, 2010. (USAG Fort Bragg, 2010)

The proposed action was to implement the Long Range Component of Fort Bragg's Real Property Master Plan. The proposed action included changing the installation's land use pattern to support and sustain the evolving missions of Fort Bragg and all assigned tenant units. To guide the selection of sites for future development, the installation was divided into various land use classifications, with the previously-used classifications proposed to be amended as a component of the proposed action. Fort Bragg's revised land use classifications proposed were Range and Training Areas, Airfield, Troop Housing, Industrial, Professional/Institutional, Residential/ Community, Greenbelt, and Old Post Historic District. Environmental impacts resulting from implementing the proposed action were anticipated to be less than significant.

Reference: Navy, *32 C.F.R. Part 775 – Procedures for Implementing the National Environmental Policy Act, Section 775.6(f) – Categorical exclusions.*

(14) Alteration of and additions to existing buildings, facilities, and systems (e.g., structures, roads, runways, vessels, aircraft, or equipment) when the environmental effects will remain substantially the same and the use is consistent with applicable regulations.

Reference: Missile Defense Agency, *Missile Defense Agency Final Guidance – National Environmental Policy Act Implementation Procedures, Appendix B – Categorical Exclusions (CATEXs);* effective August 8, 2014.

B–18. New construction or equipment installation or alterations (interior and exterior) to or construction of an addition to an existing structure that is similar to existing land use if the area to be disturbed has no more than 5.0 cumulative acres of new surface disturbance. The following conditions must be met:

- a. The structure and proposed use are compatible with applicable Federal, tribal, state, and local planning and zoning standards.
- b. The site and scale of construction or improvement is consistent with those of existing, adjacent, or nearby buildings.
- c. The construction or improvement will not result in uses that exceed existing support infrastructure capacities (roads, sewer, water, parking, etc.).

This does not include construction of facilities for the transportation, distribution, use, storage, treatment, and disposal of solid waste or hazardous waste (REC required).

Existing CX (c)(6)

Current CX Language: (c)(2) *Demolition of non-historic buildings, structures, or other improvements and disposal of debris therefrom, or removal of a part thereof for disposal, in accordance with applicable regulations, including those regulations applying to removal of asbestos, polychlorinated biphenyls (PCBs), lead-based paint, and other special hazard items (REC required).*

Proposed New CX Language: *Demolition of buildings, structures, or other improvements and disposal of debris therefrom, or removal of a part thereof for disposal, in accordance with applicable requirements, to include requirements associated with removal of asbestos, polychlorinated biphenyls (PCBs), lead-based paint, and other special hazards. For historic districts, sites, buildings, structures, or objects*

eligible for or included in the National Register of Historic Places, all requirements of the NHPA must be met (REC required)..

Supporting Rationale: The proposed modification to this CX will remove an unnecessary limitation to the scope of this CX. As now explicitly stated in this CX, demolition of real property that is historic must meet the requirements of NHPA. The NHPA process would determine if an extraordinary circumstance exists which would preclude the use of this CX for a particular proposed action. Normally, environmental impacts are less than significant for actions encompassing the demolition of non-historic structures as well as historic structures where the NHPA process addressed potential impacts. The Army found actions of a similar nature, scope, and intensity throughout the federal government without significant environmental impacts.

Reference: Army. *Final Programmatic Environmental Assessment for the U.S. Army Materiel Command Building Demolition Program.* U.S. Army Materiel Command, Redstone Arsenal, AL. Finding of No Significant Impact signed May 9, 2014. (AMC, 2014)

The proposed action was to remove unneeded or unused facilities from the real property inventories of Army Materiel Command installations. The use of best management practices and adherence to legal and regulatory requirements (including NHPA) were among the reasons that environmental impacts were determined to be less than significant.

Reference: Army. *Programmatic Environmental Assessment and Finding of No Significant Impact for Implementation of the Real Property Master Plan at Fort Bragg, North Carolina.* U.S. Army Garrison, Fort Bragg, NC. Finding of No Significant Impact signed November 23, 2010. (USAG Fort Bragg, 2010)

The proposed action was to implement the Long Range Component of Fort Bragg's Real Property Master Plan. The proposed action included changing the installation's land use pattern to better support and sustain the evolving missions of Fort Bragg and all assigned tenant units. Environmental impacts resulting from implementing the proposed action were anticipated to be less than significant.

Reference: Navy, 32 C.F.R. Part 775 – *Procedures for Implementing the National Environmental Policy Act*, Section 775.6(f) – Categorical exclusions.

(34) Demolition, disposal, or improvements involving buildings or structures when done in accordance with applicable regulations including those regulations applying to removal of asbestos, PCBs, and other hazardous materials.

Reference: Homeland Security, *Instruction Manual 023-01-001-01, Revision 01, Implementation of the National Environmental Policy Act (NEPA)*, 2014. Appendix A – DHS List of Categorical Exclusions.

L21 Demolition of buildings, structures, or fixtures and disposal of subsequent building, structure, or fixture waste materials.

Reference: Energy, 10 C.F.R. Part 1021 – *National Environmental Policy Act Implementing Procedures*, Appendix B to Subpart D of Part 1021 – Categorical Exclusions Applicable to Specific Agency Actions.

B1.23 Demolition and disposal of buildings

Demolition and subsequent disposal of buildings, equipment, and support structures (including, but not limited to, smoke stacks and parking lot surfaces), provided that there would be no potential for release of substances at a level, or in a form, that could pose a threat to public health or the environment.

Existing CX (c)(7)

Current CX Language: (c)(3) *Road or trail construction and repair on existing rights-of-ways or on previously disturbed areas.*

Proposed New CX Language: *Road, firebreak, or trail construction on existing rights-of-ways or on previously disturbed areas to dimensions that meet design standards that permit safe vehicle operation.*

Supporting Rationale: This is an administrative change to limit the scope of this CX to construction as road and trail repair activities are addressed in the existing CX (g)(2); this change minimizes confusion by having only one CX with a road/trail repair scope. Furthermore, this administrative change clarifies that covered activities must be designed to standard and permit safe vehicle operation; it does not change the intended scope of road or trail construction.

Existing CX (d)(1)

Current CX Language: *Land regeneration activities using only native trees and vegetation, including site preparation. This does not include forestry operations (REC required).*

Proposed New CX Language: *Regeneration of an area to native tree species and other native vegetation species including: site preparation; post-fire rehabilitation activities (such as tree planting, fence replacement, or habitat restoration); timber stand and/or wildlife habitat improvement activities that do not include the use of herbicides and do not require more than 1 mile of road construction; and restoration of wetlands, streams, riparian areas, and other water bodies.(REC required). This does not include forestry operations (see § 32 CFR 651.12 (d) (7)).*

Supporting Rationale: This is an administrative change to align the CX language with terminology used by natural resources professionals; the term “regeneration” is more appropriate than “land regeneration.”

Reference: **Forest Service**, 36 C.F.R. Part 220 –National Environmental Policy Act (NEPA) Compliance, Section 6 – Categorical exclusions. (the Forest Services proposed, as of February 2019, to change the section number for categorical exclusions from § 220.6 to § 220.5)

(e)(11)-proposed [the Forest Service proposes, as of February 2019, to add this new CX (e)(11)] Post-fire rehabilitation activities, not to exceed 4,200 acres (such as tree planting, fence replacement, habitat restoration, heritage site restoration, repair of roads and trails, and repair of damage to minor facilities such as campgrounds), to repair or improve lands unlikely to recover to a management approved condition from wildland fire damage, or to repair or replace minor facilities damaged by fire. Such activities:

(i) Shall be conducted consistent with Agency and Departmental procedures and applicable land and resource management plans;

(ii) Shall not include the use of herbicides or pesticides or the construction of new permanent roads or other new permanent infrastructure; and

(iii) Shall be completed within 3 years following a wildland fire.

(e)(18)-proposed [the Forest Service proposes, as of February 2019, to add this new CX (e)(18)] Restoring wetlands, streams, riparian areas or other water bodies by removing, replacing, or modifying water control structures such as, but not limited to, dams, levees, dikes, ditches, culverts, pipes, drainage tiles, valves, gates, and fencing, to allow waters to flow into natural channels and floodplains and restore natural flow regimes to the extent practicable where valid existing rights or special use authorizations are not unilaterally altered or canceled. Examples include but are not limited to:

(i) Repairing an existing water control structure that is no longer functioning properly with minimal dredging, excavation, or placement of fill, and does not involve releasing hazardous substances;

(ii) Installing a newly-designed structure that replaces an existing culvert to improve aquatic organism passage and prevent resource and property damage where the road or trail maintenance level does not change;

(iii) Removing a culvert and installing a bridge to improve aquatic and/or terrestrial organism passage or prevent resource or property damage where the road or trail maintenance level does not change; and

(iv) Removing a small earthen and rock fill dam with a low hazard potential classification that is no longer needed.

Existing CX (d)(2)

Current CX Language: (d)(3) *Implementation of hunting and fishing policies or regulations that are consistent with state and local regulations.*

Proposed New CX Language: *Implementation of hunting and fishing policies or regulations that are consistent with state and local regulations and Tribal Treaty rights.*

Supporting Rationale: This is an administrative change to clarify the scope of the action. Many Tribal treaties provide Tribes the continued right to hunt and fish in their usual and accustomed places, therefore the scope should not be limited to those policies and regulations consistent with only state and local regulations.

Existing CX (d)(3)

Current CX Language: (d)(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).*

Proposed New CX Language: *Scientific studies, surveys, data collection, monitoring, and information gathering activities that are minimally intrusive to the environment. Examples include, but are not limited to topographic surveys; bird counts; wetland mapping; use of remote sensing technologies, geophysical investigations using sonar; inventories, evaluation, and mitigation for historic properties in accordance with NHPA; other cultural and natural resource surveys, inventories, monitoring, and investigations; and geotechnical testing to support pre-construction investigations and facility design when the geotechnical testing technology used is minimally intrusive to the environment (REC required).*

Supporting Rationale: This an administrative change to clarify the scope of the CX by expanding the listed examples. The expanded list of examples are all activities for which significant environmental impacts do not normally occur, with this conclusion supported by the Army's own experience and those of other federal agencies, with some of these other federal agency CXs included in the references below. The expanded list of examples for information gathering excludes examples of information gathering that provide beneficial impacts to life, health, and safety factors by enabling the gathered information used to influence the design and siting of proposed construction projects.

Reference: Army. USAG Hawaii, 2007. *Record of Environmental Consideration (REC), Project Title: Geotechnical Survey for the FY09 MCA PN 68823 Unaccompanied Enlisted Personnel Housing (UEPH), Schofield Barracks.* U.S. Army Garrison Hawaii, Schofield Barracks, HI. November 15, 2007.

The proposed action was to complete geotechnical surveys within a site under consideration for the proposed Unaccompanied Enlisted Personnel Housing. The purpose of the drilling was to explore the subsurface conditions and collect soil samples and rock cores for laboratory testing, to report on surface fills encountered, evaluate depth to foundation bearing stratum, swell potential of the on-site soils, lateral earth pressures, and pavement subgrade conditions. This proposed action was determined to be categorically excluded under the current CX (d)(4).

Reference: Air Force, 32 C.F.R. Part 989 – *Environmental Impact Analysis Process (EIAP), Appendix B – Categorical Exclusions.*

A2.3.25. The analysis and assessment of the natural environment without altering it (inspections, audits, surveys, investigations). This CATEX 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 CATEX on AF Form 813.

Reference: Navy, 32 C.F.R. Part 775 – Procedures for Implementing the National Environmental Policy Act, Section 775.6(f) – Categorical exclusions.

(17) Studies, data, and information gathering that involve no permanent physical change to the environment (e.g., topographic surveys, wetlands mapping, surveys for evaluating environmental damage, and engineering efforts to support environmental analyses)

(19) Installation and operation of passive scientific measurement devices (e.g., antennae, tide gauges, weighted hydrophones, salinity measurement devices, and water quality measurement devices) where use will not result in changes in operations tempo and is consistent with applicable regulations.

Reference: Homeland Security, Instruction Manual 023-01-001-01, Revision 01, Implementation of the National Environmental Policy Act (NEPA), 2014. Appendix A – DHS List of Categorical Exclusions.

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.

L42 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:

(a) Conducting geological, geophysical, geochemical, and engineering surveys and mapping, including the establishment of survey marks.

(b) Installing and operating field instruments, such as stream-gauging stations or flow-measuring devices, telemetry systems, geochemical monitoring tools, and geophysical exploration tools.

(c) Drilling wells for sampling or monitoring of groundwater, well logging, and installation of water-level recording devices in wells.

(d) Conducting aquifer response testing.

(e) Installing and operating ambient air monitoring equipment.

(f) Sampling and characterizing water, soil, rock, or contaminants.

(g) Sampling and characterizing water effluents, air emissions, or solid waste streams.

(h) Sampling flora or fauna.

(i) Conducting archeological, historic, and cultural resource identification and evaluation studies in compliance with 36 CFR part 800 and 43 CFR part 7.

(j) 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.

L44 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.

M11 Information and data gathering and reporting in support of emergency and disaster response and recovery activities, including ground and aerial reconnaissance and structure inspection.

Reference: Interior, 43 C.F.R. Part 46 – Implementation of the National Environmental Policy Act of 1969, Section 210 – Listing of Departmental categorical exclusions.

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

Existing CX (d)(4)

Current CX Language: (d)(5) *Maintenance of archaeological, historical, and endangered/threatened species avoidance markers, fencing, and signs.*

Proposed New CX Language: *Maintenance, repair, and replacement in kind of archaeological, historical, and endangered/threatened species avoidance markers, fencing, and signs; and maintenance, repair, and replacement in kind of existing fencing to provide improved wildlife ingress and egress.*

Supporting Rationale: This an administrative change to clarify the scope of the CX and capture similar activities detailed in other agencies CXs. Provided in the below references are some of the agency CXs that cover similar actions, actions which have been found to not have significant environmental impacts. Scope clarifications include adding “repair and replacement” to the “maintenance” language. As the purpose of this existing CX is to protect sensitive resources by allowing the continued functionality of mechanisms that enables the avoidance of sensitive resources, and as one of those mechanisms is fencing, it was appropriate to incorporate similarly-scoped activities related to fencing which provides wildlife ingress and egress.

Reference: Army. *Integrated Natural Resources Management Plan and Environmental Assessment, 2014-2018, Fires Center of Excellence and Fort Sill, Oklahoma.* U.S. Army Garrison, Fort Sill, OK. Finding of No Significant Impact signed and Mutual Agreement signed November 12, 2014. (USAG Fort Sill, 2014b)

The proposed action was to implement an Integrated Natural Resources Management Plan at Fort Sill to manage natural resources, support the military mission, and comply with various environmental laws. The plan would provide the basis for the conservation and protection of natural resources with environmental benefits including, for example, activities to maintain, repair, and replace markers, fencing, and signs associated with natural and cultural resources management. Environmental impacts resulting from implementing the proposed action were determined to be less than significant or having beneficial effects on each resource area.

Reference: Forest Service, 36 C.F.R. Part 220 –National Environmental Policy Act (NEPA) Compliance, Section 6 – Categorical exclusions. (the Forest Services proposed, as of February 2019, to change the section number for categorical exclusions from § 220.6 to § 220.5)

(e)(9) Implementation or modification of minor management practices to improve allotment condition or animal distribution when an allotment management plan is not yet in place. Examples include, but are not limited to:

- (i) Rebuilding a fence to improve animal distribution;
- (ii) Adding a stock watering facility to an existing water line; and
- (iii) Spot seeding native species of grass or applying lime to maintain forage condition.

Reference: Bureau of Land Management, *Department of the Interior Departmental Manual, Part 516: National Environmental Policy Act of 1969, Chapter 11: Managing the NEPA Process--Bureau of Land Management (516 DM 11)*, Section 11.9 – Actions Eligible for a Categorical Exclusion (CX).

A.1. Modification of existing fences to provide improved wildlife ingress and egress.

Reference: **National Park Service**, *Department of the Interior Departmental Manual, Part 516: National Environmental Policy Act of 1969, Chapter 12: Managing the NEPA Process--National Park Service (516 DM 12)*, Section 12.5 – Categorical Exclusions.

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

Existing CX (e)(1)

Current CX Language: *Routine procurement of goods and other services (complying with applicable procedures for sustainable or “green” procurement) to support operations and infrastructure, and routine utility services and contracts.*

Proposed New CX Language: *Routine procurement of goods and other services (complying with applicable procedures for procurement of sustainable goods and services) to support operations and infrastructure, and routine utility services and contracts.*

Supporting Rationale: This is an administrative change as the term “procurement of sustainable goods and services” has replaced “green procurement.”

Existing CX (e)(2)

Current CX Language: *Procurement, installation or replacement, or operation of utility and communication systems, mobile antennas, data processing equipment and similar electronic equipment, that use existing right-of-way, easement, distribution systems, and/or facilities (REC required)..*

Proposed New CX Language: *Procurement, installation or replacement, and operation of utility and communication systems, mobile antennas, data processing equipment and similar electronic equipment that use existing right-of-way, easement, distribution systems, and/or facilities (REC required).*

Supporting Rationale: This is an administrative change to clarify the scope of the current CX; it does not change the intended scope of the CX. This administrative changes corrects the term that is more appropriate for use when referring to the listed items (e.g., utility and communication systems, mobile antennas, etc.). The proper term for the Army acquiring the listed examples is “procurement” and not “acquisition” as “acquisition” is normally used in the context of acquiring items such as major weapons system. This administrative change also clarifies that the scope of the action includes replacement actions. This administrative change also corrects the limitation previously and erroneously inferred by replacing “data processing cable” with “data processing equipment.”

Existing CX (e)(3)

Current CX Language: *Conversion of commercial activities under the provisions of AR 5–20. This includes only those actions that do not change the actions or the missions of the organization or alter the existing land-use patterns.*

Proposed New CX Language: *Conversion of commercial activities to military activities. This includes only those actions that do not change the actions or the missions of the organization or alter the existing land use patterns.*

Supporting Rationale: This is an administrative change to identify the title of and topics covered under the cited document, AR 5–20.

Existing CX (e)(4)

Current CX Language: *Modification, product improvement, or configuration engineering design change to materiel, structure, or item that does not change the original impact of the materiel, structure, or item on the environment (REC required).*

Proposed New CX Language: *Modification, product improvement, or configuration engineering design change to materiel, structure, item, equipment, or system that does not change the original impact of the materiel, structure, item, equipment, or system on the environment (REC required).*

Supporting Rationale: This is an administrative change to clarify the scope of this CX by adding “equipment” and “system” to the list; it does not change the intended scope of the CX. This administrative change also better aligns this existing Army CX with similarly-scoped CXs from other federal agencies.

Reference: **Navy**, 32 C.F.R. Part 775 – *Procedures for Implementing the National Environmental Policy Act*, Section 775.6(f) – Categorical exclusions.

(14) Alteration of and additions to existing buildings, facilities, and systems (e.g., structures, roads, runways, vessels, aircraft, or equipment) when the environmental effects will remain substantially the same and the use is consistent with applicable regulations.

Reference: **Federal Aviation Administration**, U.S. Department of Transportation, *Federal Aviation Administration Order 1050.1F, SUBJ: Environmental Impacts: Policies and Procedures*, Section 5-6 – The Federal Aviation Administration’s Categorical Exclusions; July 16, 2015.

5-6.1.s. Project amendments (for example, increases in costs) that do not alter the environmental impact of the action. (All)

5-6.2.b. Approvals of repairs, parts, and alterations of aircraft, commercial space launch vehicles, and engines not affecting noise, emissions, or wastes. (All)

Existing CX (e)(5)

Current CX Language: *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.*

Proposed New CX Language: *(5) Procurement, testing, use, and/or conversion of a commercially available product or non-developmental item (defined in § 651.3 of this part; for example, forklift, chain saw, security monitoring equipment, software, automobile, commercially-available heavy equipment, etc.) that does not result in any unusual disposal requirements.*

Supporting Rationale: This is an administrative change to clarify the scope of this CX by revising and expanding the listed examples of commercially available products sold to individuals and businesses in a wide variety of U.S. job sectors. This CX has also been changed to clarify that the scope includes non-developmental items, which the Army’s NEPA regulation now defines. Furthermore, as Title 10, U.S.C., Section 2403 has been rescinded, reference to this citation has been removed.

Existing CX (e)(7)

Current CX Language: *Modification and adaptation of commercially available items and products for military application (for example, sportsman’s products and wear such as holsters, shotguns, sidearms, protective shields, etc.), as long as modifications do not alter the normal impact to the environment (REC required).*

Proposed New CX Language: *Modification and adaptation of commercially available products and non-developmental items for military application (for example, sportsman's products and wear such as holsters, shotguns, side arms, protective shields, clothing, backpacks, etc.), as long as modifications do not alter the normal impact to the environment from similar military equipment (REC required).*

Supporting Rationale: This is an administrative change to clarify the scope of this CX by expanding the listed examples of available items and products to which actions with this scope of this CX applies. This CX has also been changed to clarify that the scope includes non-developmental items, which the Army's NEPA regulation now defines.

Existing CX (e)(8)

Current CX Language: *Adaptation of non-lethal munitions and restraints from law enforcement suppliers and industry (such as rubber bullets, stun grenades, smoke bombs, etc.) for military police and crowd control activities where there is no change from the original product design and there are no unusual disposal requirements. The development and use by the military of non-lethal munitions and restraints which are similar to those used by local police forces and in which there are no unusual disposal requirements (REC required).*

Proposed New CX Language: *Adaptation of non-lethal munitions and restraints from law enforcement suppliers and industry (for example, rubber bullets, stun grenades, and smoke bombs) for military police and crowd control activities where there is no change from the original product design and there are no unusual disposal requirements; the development and use by the military of non-lethal munitions and restraints that are similar to those used by local police forces and in which there are no unusual disposal requirements (REC required)).*

Supporting Rationale: This is an administrative change to provide consistent terminology when listing examples within Army CXs, and to correct a grammatical error.

Existing CX (f)(1)

Current CX Language: *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).*

Proposed New CX Language: *Grants, acquisitions, or terminations of leases, licenses, easements, permits for use of real property or facilities, and land withdrawal continuances or extensions that merely establish time periods in which there is no significant change in land or facility use (REC required).*

Supporting Rationale: The proposed modification to this CX would expand the scope to include termination of leases, licenses, easements, permits, and land withdrawal continuances or extensions. This inclusion of termination actions in the same CX that covers grant and acquisition actions is found in Department of Homeland Security CXs. Land withdrawal continuances or extensions is found in Department of Navy CXs. The Army has also determined that termination actions in which there is no significant change in land or facility uses are similar to grant and acquisition actions which have the same caveat; specifically, environmental impacts are less than significant.

Reference: Navy, 32 C.F.R. Part 775 – Procedures for Implementing the National Environmental Policy Act, Section 775.6(f) – Categorical exclusions.

(31) Land withdrawal continuances or extensions that merely establish time periods and where there is no significant change in land use.

Reference: **Homeland Security**, *Instruction Manual 023-01-001-01, Revision 01, Implementation of the National Environmental Policy Act (NEPA)*, 2014. Appendix A – DHS List of Categorical Exclusions.

C7 The initial lease of, or grant of an easement interest in, DHS-controlled real property to a non-Federal entity or the amendment, renewal, or termination of such lease or easement interest where the proposed type and intensity of real property use is similar to existing uses.

C8 The grant of a license to a non-Federal entity to perform specified acts upon DHS-controlled real property or the amendment, renewal, or termination of such license where the proposed type and intensity of real property use is similar to existing uses.

C9 Allowing another Federal agency to use DHS-controlled real property under a permit, use agreement, or similar arrangement or the amendment, renewal, or termination of such permit or agreement where the proposed type and intensity of real property use is similar to existing uses.

L7 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.

L8 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.

L9 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.

Existing CX (f)(3)

Current CX Language: *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).*

Proposed New CX Language: *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 General Services Administration (GSA) for disposal (REC required).*

Supporting Rationale: This is an administrative change to spell out first time use of the “GSA” acronym.

Existing CX (f)(4)

Current CX Language: *Transfer of active installation utilities to a commercial or governmental utility provider, except for those systems on property that has been declared excess and proposed for disposal (REC required).*

Proposed New CX Language: *Transfer of active installation utilities to a commercial or governmental utility provider, except for systems on property that has been declared excess and proposed for disposal (REC required).*

Supporting Rationale: This is an administrative change to improve sentence structure by removing “those”.

Existing CX (f)(5)

Current CX Language: *Acquisition of real property (including facilities) where the land use will not change substantially or where the land acquired will not exceed 40 acres and the use will be similar to current or ongoing Army activities on adjacent land (REC required).*

Proposed New CX Language: *Acquisition of real property (including facilities) where the land use will not change substantially, or where the land acquired will not exceed 40 acres and the use will be similar to Army activities on adjacent land (REC required).*

Supporting Rationale: This is an administrative change to clarify and simplify the language of the existing CX. The language of the proposed CX would make clear that the Army does not intend to use this CX to acquire land and construction/operate a firing range; such a proposed action would require greater NEPA analysis. The rationale for this clarification is simply that the Army's experience is that the public is generally concerned with impacts from range activities near the installation boundary (which is typically, although not always, where land acquisitions occur). This limitation does not necessarily mean that *no* Army training or testing of any kind could occur on the acquired land and still fall under this CX (maneuver training, for example, may occur and still fit under the parameters of the CX); only that a proposed firing range would generally require further NEPA analysis. The addition of "current or ongoing" was removed as superfluous, with the same meaning implied in the new proposed language.

Existing CX (g)(1)

Current CX Language: *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).*

Proposed New CX Language: *(1) Routine repair and maintenance of buildings, facilities, launch pads, structures, utility/communication systems, airfields, grounds, parking areas, targetry and other stationary equipment on existing ranges, and fencing; includes associated components and equipment. Examples include, but are not limited to custodial services performed on existing facilities, 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. REC required for work on structures eligible for or listed in the National Register of Historic Places and structures that are 50 years of age or older that have not been formally evaluated for historic significance where impacts to such environmentally sensitive resources have been resolved in accordance with NHPA Section 106 regulatory procedures).*

Supporting Rationale: This is an administrative change to address the Army's routine repair and maintenance activities of existing assets. This administrative change also provides clarification for "equipment" and "other facilities" contained in the language of the current CX. Furthermore, it clarifies when application of this CX requires a REC documentation. The Army found actions of a similar nature, scope, and intensity throughout the federal government without significant environmental impacts.

Reference: **Missile Defense Agency**, *Missile Defense Agency Final Guidance – National Environmental Policy Act Implementation Procedures*, Appendix B – Categorical Exclusions (CATEXs); effective August 8, 2014.

B-17. Routine repair and maintenance of buildings, vessels, aircraft, grounds, and other facilities and equipment which do not result in a change in functional use or a significant impact on a historically

significant element or setting. Examples include, but are not limited to: Repair of roofs, doors, windows, or fixtures, localized pest management, and minor erosion control measures.

Reference: Army Corps of Engineers, 33 C.F.R. Part 230 – Procedures for Implementing NEPA., Section 230.9 – Categorical exclusions

(b) Activities at completed Corps projects which carry out the authorized project purposes. Examples include routine operation and maintenance actions, general administration, equipment purchases, custodial actions, erosion control, painting, repair, rehabilitation, replacement of existing structures and facilities such as buildings, roads, levees, groins and utilities, and installation of new buildings utilities, or roadways in developed areas.

Reference: National Oceanic and Atmospheric Administration, Policy and Procedures for Compliance with the National Environmental Policy Act and Related Authorities – Companion Manual for NOAA Administrative Order 216-6A., Appendix E; effective January 13, 2017.

F3. (a) Routine repair, maintenance, and improvement of real and personal property, where such activities are required to maintain and preserve buildings, structures, infrastructures, vehicles, and equipment in a condition suitable to be used for its designed purpose.

Reference: National Park Service, Department of the Interior Departmental Manual, Part 516: National Environmental Policy Act of 1969, Chapter 12: Managing the NEPA Process--National Park Service (516 DM 12), Section 12.5 – Categorical Exclusions.

C.(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.

Reference: National Aeronautics and Space Administration, 14 C.F.R. Part 1216 – Environmental Quality., Section 1216.304 – Categorical exclusions.

(2)(i) Routine maintenance, minor construction or rehabilitation, minor demolition, minor modification, minor repair, and continuing or altered operations at, or of, existing NASA or NASA-funded or -approved facilities and equipment, such as buildings, roads, grounds, utilities, communication systems, and ground support systems, such as space tracking and data systems.

Existing CX (g)(2)

Current CX Language: *Routine repairs and maintenance of roads, trails, and firebreaks. Examples include, but are not limited to: grading and clearing the roadside of brush with or without the use of herbicides; resurfacing a road to its original conditions; pruning vegetation, removal of dead, diseased, or damaged trees and cleaning culverts; and minor soil stabilization activities.*

Proposed New CX Language: *Routine repairs and maintenance of existing roads, trails, and firebreaks. Examples include, but are not limited to, grading and clearing the roadside of brush with or without the use of herbicides; resurfacing a road to its original conditions; pruning vegetation; removal of dead, diseased, or damaged trees; replacing or cleaning culverts; and conducting minor soil stabilization activities.*

Supporting Rationale: This is an administrative change to clarify that this CX may only be applied to the proposed action if the road, trail, or firebreak already exists.

Existing CX (g)(3)

Current CX Language:

(g)(3) *Routine repair and maintenance of equipment and vehicles (for example, autos, tractors, lawn equipment, military vehicles, etc.) that is substantially the same as that routinely performed by private*

sector owners and operators of similar equipment and vehicles. This does not include depot maintenance of unique military equipment.

(g)(3) (3) Routine installation, repair, and maintenance of equipment and vehicles (for example wheeled vehicles, tractors, lawn equipment, airfield equipment [such as runway visual range equipment and visual approach slope indicators], and military vehicles, equipment, and systems) that is substantially the same as that routinely performed by private sector owners and operators of similar equipment and vehicles. This does not include depot maintenance of unique military equipment.

Proposed New CX Language: *Routine installation, repair, and maintenance of equipment and vehicles (for example, autos, tractors, lawn equipment, airfield equipment [such as runway visual range equipment and visual approach slope indicators], and military vehicles, equipment, and systems) that is substantially the same as that routinely performed by private sector owners and operators of similar equipment and vehicles. This does not include depot maintenance of unique military equipment.*

Supporting Rationale: This is an administrative change that combines two existing CXs into one CX.

Existing CX (g)(6)

Current CX Language: *(d)(2) Routine maintenance of streams and ditches or other rainwater conveyance structures (in accordance with USACE permit authority under Section 404 of the Clean Water Act and applicable state and local permits), and erosion control and stormwater control structures (REC required).*

Proposed New CX Language: *Routine maintenance of streams and ditches or other rainwater conveyance structures and erosion control and storm water control structures (REC required)*

Supporting Rationale: This is an administrative change to remove unnecessary references to permits as the proposed § 651.11(d) states that the use of a CX does not relieve the proponent from compliance and consultation requirements under other statutes, regulations, and permits. Furthermore, by removing the reference to Section 404 of the Clean Water Act, the Army demonstrates that it recognizes that Section 404 is not the only federal requirement which applies to actions taken to maintain streams and ditches or other rainwater conveyance structures. This administrative change does not change the intended scope of the CX.

Existing CX (h)(2)

Current CX Language: *Immediate responses in accordance with emergency response plans (for example, Spill Prevention Control and Countermeasure Plan (SPCCP)/Installation Spill Contingency Plan (ISCP), and Chemical Accident and Incident Response Plan) for release or discharge of oil or hazardous materials/ substances; or emergency actions taken by Explosive Ordnance Demolition (EOD) detachment or Technical Escort Unit.*

Proposed New CX Language: *Immediate responses in accordance with emergency response plans (for example, Spill Prevention, Control, and Countermeasure Plan (SPCCP)/Installation Spill Contingency Plan (ISCP), and Chemical Accident and Incident Response Plan) for release or discharge of oil, hazardous materials or hazardous substances; and emergency actions taken by Explosive Ordnance Demolition (EOD) detachment or Technical Escort Unit.*

Supporting Rationale: This is an administrative change clarifying that the CX applies to immediate response actions and the noted emergency actions.

Existing CX (h)(3)

Current CX Language: *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).*

Proposed New CX Language: *(3) Sampling, surveying, well drilling and installation, analytical testing, site preparation, and intrusive testing to determine if hazardous wastes, contaminants, pollutants, or special hazards are present (REC required). No REC required for CERCLA responses or RCRA corrective actions.*

Supporting Rationale: This is an administrative change to clarify that a REC is not required for similar investigative activities being performed as a Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA) response or Resource Conservation and Recovery Act (RCRA) corrective action. Separate NEPA review is not required for response actions implemented in accordance with CERCLA or RCRA, as specified in the Army's NEPA regulation, and this clarification eliminates unnecessary documentation.

Existing CX (h)(4)

Current CX Language: *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.*

Proposed New CX Language: *Routine management to include the use of hazardous material or waste inventory management systems, transportation, distribution, use, storage, treatment, disposal, recycling, and other waste management activities for solid waste, hazardous waste, medical waste, radiological waste, and special hazards.*

Supporting Rationale: This an administrative change to clarify the scope of the CX and capture similar activities detailed in other agencies CXs. Provided in the below references are some of the agency CXs that cover similar actions. This administrative change includes adding "recycling" in the language of this CX; this activity, by its very nature, is intended to minimize the impact of human activities on the environment. Furthermore, this administrative change clarifies that the use of inventory management systems to manage hazardous material and waste are within the scope of this CX. Inventory management systems control, for example, hazardous material inventories from requisition to disposal, enabling significant reductions in hazardous waste generation. This administrative change also removes "that complies with" language as the proposed § 651.11(d) states that the use of a CX does not relieve the proponent from compliance and consultation requirements under other statutes, regulations, and permits.

Reference: **Defense Logistics Agency**, *Defense Logistics Agency Regulation 1000.22 – Environmental Considerations in Defense Logistics Agency Actions (DLAR 1000.22)*. Appendix A – Categorical Exclusion, Section 4 – DLA Categorical Exclusions.

16. Management, including transportation, storage, control, and disposition of military articles/items/property/equipment requiring demilitarization, mutilation, or special handling to prevent unauthorized transfer or use in accordance with applicable agency regulatory requirements.

17. Routine management, to include transportation, distribution, use, reuse, recycling, return to manufacturer, storage, treatment, sale, and disposal of solid waste, medical waste, radiological and hazardous/toxic materials or wastes, provided that routine management is performed in accordance with applicable DOD, DLA, federal, state, local and international requirements or those approved by the EPA Administrator under applicable statutes and regulations.

Reference: **Homeland Security**, *Instruction Manual 023-01-001-01, Revision 01, Implementation of the National Environmental Policy Act (NEPA)*, 2014. Appendix A – DHS List of Categorical Exclusions.

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.

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 manufacturer's 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.

L40 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.

Existing CX (h)(5)

Current CX Language: (h)(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.*

Proposed New CX Language: *Reutilization, marketing, distribution, donation, and resale of items, personal property, equipment, and materiel, to include normal transfer of items to the Defense Logistics Agency; items, personal property, equipment, and materiel that have been contaminated with hazardous materials or wastes but will be adequately cleaned and will conform to the applicable regulatory agency's requirements.*

Supporting Rationale: This is an administrative change to clarify that the scope of this CX includes personal property. Personal property is movable property. It is anything that can be subject to ownership, except land. Real property, which is not included in the scope of this CX, is immovable property - it is land and anything attached to the land. Normally, a piece of property can be easily classified as either personal property or real property.

Existing CX (i)(2)

Current CX Language: (i)(1) *Simulated war games (classroom setting) and on-post tactical and logistical exercises involving units of battalion size or smaller, and where tracked vehicles will not be used (REC required to demonstrate coordination with installation range control and environmental office).*

Proposed New CX Language: *Military training, materiel and systems research, development, engineering, testing, evaluation, and demonstration, and materiel and systems fielding activities conducted in or on existing military structures, ranges, maneuver areas, training areas and access controlled facilities that are:*

(A) Compatible with the current use of existing military structures, ranges, maneuver areas, training areas, and access controlled facilities;

(B) Similar in type, intensity, and setting to ongoing military activities; and

(C) Are conducted in accordance with applicable plans and standard operating procedures protective of the environment.

(D) And include but are not limited to: live fire; use of existing SDZs and impact areas; emergency response training; use of missile, rocket and artillery-type projectiles; survivability and vulnerability testing; safety and engineering drills; training exercise modification on a Military Operations in Urban Terrain site or in a shoot house; simulated war games (at existing facilities); and tactical and logistical exercises involving brigade size units or smaller (REC required).

Supporting Rationale: This is an administrative change that clarifies the classes of actions to which this CX applies, in part by replacing the current “tactical and logistical” with “military training, materiel testing, and materiel fielding activities,” and providing examples. This proposed revision has this CX applying to military training and materiel testing and fielding activities, provided the basic nature of the training or testing activity does not substantially change, as could occur when an installation takes on a new training or testing mission. This administrative change also clarifies that the training, materiel testing, and materiel fielding activities covered include those for civilian employees and DoD civilian use; this is accomplished through the list of examples including emergency response training as emergency response is an activity executed by both civilians and Soldiers. In the Army’s experience, and as evidenced by some other federal agency CXs covering training exercises, the activities that would be permitted under the proposed CX (i)(2) would not have significant environmental impacts. Additionally, this proposed revision deletes the caveat “where tracked vehicles will not be used.” This previous exception was based upon the flawed premise that tracked vehicles were always more impactful than wheeled vehicles. Since promulgation of the current CX, the Army has conducted more analysis comparing tracked and wheeled vehicles, and is no longer confident that tracked vehicles are necessarily more impactful. In fact, for some types of vehicles, the contact pressure on the ground may be greater for wheeled vehicles than tracked vehicles. This is true even when the tracked vehicle is considerably heavier because the weight of a tracked vehicle is spread out over a much larger surface area, resulting in reduced ground pressure (see Table 2 in *Disturbance Measurements from Off-Road Vehicles on Seasonal Terrain*, U.S. Army Corps of Engineers, Engineer Research and Development Center, July 2005, which compares the greater contact pressure of the wheeled Stryker combat vehicle with that of the tracked M1A1 Abrams tank). As it is in the Army’s best interest to ensure the Army has land available for future training and testing requirements, the Army has adopted a sustainability culture that helps result in executing activities where minimizing environmental impacts can be a substantial factor in decisions. The Army’s sustainability culture is implemented, in part, through the employment of standard operating procedures, application of best management procedures, and adherence to legal and regulatory requirements; all of which help contribute to reducing or eliminating impacts on environmental resources. This proposed CX also incorporates controls by requiring the use of a REC to ensure thoughtful consideration as to the potential existence of an extraordinary circumstance that would prevent the application of this CX for the proposed action.

Reference: **Army.** *Environmental Assessment for the Use of M117 Armored Security Vehicles at Army installations in Hawai`i.* U.S. Army Garrison Hawai`i, HI. Finding of No Significant Impact signed January 21, 2009. (USAG Hawaii, 2009)

The proposed action was to equip Army Military Police units in Hawai`i with the M1117 Armored Security Vehicle (ASV), which would be used on all paved and unpaved roads and on established or planned training ranges and maneuver areas on Hawai`i installations. The ASV would replace some of the existing high mobility multipurpose wheeled vehicles, providing improved protection for Military Police crews. No new or expanded training ranges or maneuver areas were required, and no new weapon systems were introduced. The proposed action was determined to have no significant environmental impacts on air quality, noise, geology and soils, water resources, biological resources, cultural resources, and hazardous materials and conditions management. The less than significant noise impacts were associated with training activities under the proposed action, not the travel and movement of personnel and vehicles activity. No impacts were anticipated for land use, socioeconomics, transportation and circulation, visual resources, environmental justice, and public services, utilities, infrastructure, and facilities. Adherence to the environmental protection policies and programs in place at the installation, to include the use of best management practices, were among the reasons that environmental impacts were determined to be less than significant.

Reference: Army. *Department of the Army, United States Army Cold Regions Test Center – Final Findings of No Significant Impact and Programmatic Environmental Assessment – Army Testing, Infrastructure Improvements and Enhanced Environmental Procedures – Donnelly Training Area, Fort Wainwright, Alaska and Fort Greely, Alaska.* U.S. Army Cold Regions Test Center, Fort Greely, AK. Finding of No Significant Impact signed April 26, 2012. (Cold Regions Test Center, 2012)

The proposed action was to continue Cold Regions Test Center testing, conduct facility modernization through site-specific projects, and implement enhanced environmental review procedures for the center's activities. The Test Center mission is to plan and conduct realistic, natural environment testing with emphasis on extreme cold and sub-arctic conditions in order to provide acquisition decision makers timely, accurate, and relevant information. Components of completing test operations by the Cold Regions Test Center are meeting upcoming test requirements, ensuring that testing of military equipment is state of the art, providing the Army maximum efficiency and cost-effectiveness in its test program, protecting the safety of the center's employees and the public, and protecting the environment. The center tests all types of equipment ranging from boots to tactical vehicles to night vision goggles to weapons, with a focus on determining if environmental factors such as snow, ice, wind-chill, and darkness effect equipment performance. In general, equipment testing falls into the following four categories: vehicles, weapons systems, clothing, and individual equipment (small Soldier items). Some types of equipment fall into two or more categories (the Bradley Fighting Vehicle is both a vehicle and a weapons platform). On rare occasions, the center conducts test on items that do not fit within these four categories, such as unmanned aerial vehicles or helicopters. Enhanced environmental procedures would streamline the NEPA analysis process, avoid duplication of efforts, and allow the agency to adapt to changing testing or mission requirements while still ensuring that a thorough NEPA analysis are conducted for each project or test. The proposed action also included 22 site-specific projects that were either new construction or upgrades to existing facilities and ranges. The amount of test operations in the proposed action was expected to remain approximately the same in the next 10 years as had been conducted in the previous 10 years. Implementation of the proposed was anticipated to result in impacts to the natural, cultural, and human environment of Donnelley Training Area, with most of the expected impacts being minor. Moderate adverse impacts were anticipated for soils and permafrost, surface water and floodplains, wetlands, vegetation, fire management, and wildlife and fisheries. Various measures were identified to help avoid significant impacts to surface water and floodplains, wetlands, vegetation, and cultural resources associated with the proposed action, and to help minimize already less than significant impacts to other resource areas. These measures included the continued use of standard operating procedures and best management practices when scheduling and conducting test activities and when performing maintenance activities. Furthermore, the Army would implement invasive species prevention measures during construction activities and, when rare plant species are potentially present, would review existing data or conduct surveys, and then implement resulting management recommendations.

Reference: Army. *Environmental Assessment for Joint Urban Test Capability (JUTC), White Sands Missile Range, New Mexico.* White Sands Test Center, White Sands Missile Range, NM. Finding of No Significant Impact signed April 30, 2013. (White Sands Test Center, 2013a)

The proposed action was to establish a JUTC urban test site and maneuver area on White Sands Missile Range and use the JUTC site/area to support the development of systems for current and future theatre operations. No significant environmental impacts were anticipated as a result of implementing the proposed action, which included construction activities in addition to test activities. Less than significant impacts, largely related to construction, were anticipated for air quality, cultural resources, earth sciences, biological resources, and safety. Impacts ranging from none to low were anticipated for land use, airspace, water resources, noise, hazardous material and waste, infrastructure and utilities, transportation, socioeconomics and environmental justice, energy, frequencies, and wildland fire. Various measures were identified to further reduce the already less than significant impacts associated with the proposed action, to include the continued use of standard operating procedures and best management practices when scheduling and conducting test activities.

Reference: Army. *Final Environmental Assessment of the Construction and Operation of the Proposed Infantry Squad Battle Course (ISBC) at Fort Sill, Oklahoma (FY 10, PDC 62398).* U.S. Army Garrison, Fort Sill, OK. Finding of No Significant Impact signed March 10, 2010. (USAG Fort Sill, 2010)

The proposed action was to construct a standard ISBC range and use the complex to train and test officers and infantry squads on the skills necessary to conduct tactical movement techniques, and detect, identify, engage, and defeat an enemy doctrinally tactical array of stationary and moving infantry and armor targets. Live-fire, as well as training with sub-caliber and/or laser training devices, were components of the proposed action. The design proposed included a range operating system that would be fully capable of providing immediate performance feedback to the training units. The proposed range would use simulation technology to provide a realistic training environment, with technologies including thermal targets, night illumination devices, and visual flash simulations. The proposed ISBC range would provide the Army a capability to safely and effectively training o control lethal fires of the infantry squad. Environmental impacts resulting from implementation of the proposed action were anticipated to be none or minor for land use and airspace, aesthetics and visual resources, air quality, noise, geology and soils, water resources, biological resources, cultural resources, socioeconomics, transportation; utilities; and hazardous and toxic substances. During the construction phase and when using the range to train Soldiers, implementation of best management practices and standard operating procedures would contribute towards reducing the already less than significant impacts anticipated from implementation of the proposed action.

Reference: Army. *Final Environmental Assessment for Network Integration Evaluation (NIE), White Sands Missile Range, New Mexico.* White Sands Test Center and U.S. Army Garrison White Sands Missile Range, White Sands Missile Range, NM. Finding of No Significant Impact signed May 13, 2011. (White Sands Test Center, 2011)

The proposed action was to conduct testing activities surrounding the Network Integration Evaluation. The proposed action included a test group of approximately 3,500 Soldiers with approximately 1,000 civilian staff conducting evaluation and testing of field equipment and Soldier communication systems. Testing activities proposed involved force protection and communication exercises, supply air drops, use of simulated and live weapons systems, and reconnaissance by unmanned aerial and ground vehicles. The typical scenario consisted of two weeks site preparation, four weeks testing and evaluation in the southern portion of the missile range, two weeks of additional testing and evaluation in the northern portion of the missile range, and two weeks of site clean-up. Exercises were proposed to be held over multiple years, with the first exercise calling for use of already-disturbed site locations in White Sands south range and a new operational area in the north range. Equipment setup activities included proposed site-access improvements, to include berm expansion, road widening, leveling, drainage improvements, and erosion

control. The proposed action included installing and using temporary structures and/or CONEX containers in various locations and configurations on White Sands Missile Range. Soldier activities during the evaluation and test activities included on-road and off-road military vehicle travel, reconnaissance, improvised explosive devices exercises with simulated ambush attacks, use of simulated and live weapons systems and unmanned aerial and ground vehicles, supply air drops during the northern exercise, and employment of small pyrotechnic devices and blank small-arms rounds. No to very low impacts were anticipated for socioeconomics, environmental justice, and energy. Low to moderate impacts were anticipated for land use and aesthetics, airspace, air quality, cultural resources, earth sciences, biological resources, water resources, safety, noise, hazardous material and waste, facilities and infrastructure, transportation, frequencies, and wildland fire. Measures that would be taken to reduce impacts included, for example, adhering to standard operating procedures, implementing best management practices to control soil erosion, delineating “keep-out” areas, and conducting monitoring to control invasive plants and avoid land degradation. Implementing the proposed action, in conjunction with specified mitigation measures, resulted in a determination that there would be no significant impacts on the environment.

Reference: Army. *US Army White Sands Missile Range: 2012-0075, Environmental Review - Record of Environmental Consideration, Title of Proposed Action: NIE 13.1.* White Sands Test Center and U.S. Army Garrison White Sands Missile Range, White Sands Missile Range, NM. October 11, 2012. (White Sands Test Center, 2012)

The proposed action was to conduct the fourth in a series of semi-annual field exercises for the Network Integrated Evaluation, an exercise designed to evaluate and integrate the Army’s tactical network. The proposed action included the scope of activities addressed in the 2011 *Final Environmental Assessment for Network Integration Evaluation (NIE), White Sands Missile Range, New Mexico* (see above reference), and involved 3,800 Soldiers and 1,000 government and contractor personnel. Employment of existing standard operating procedures and best management practices were among the measures that would continue to support the conclusion that environmental impacts would be less than significant. This Record of Environmental Consideration documented that the proposed action was adequately covered within existing analyses titled *Final Environmental Impact Statement for Development and Implementation of Range-Wide Mission and Major Capabilities at White Sands Missile Range, New Mexico* (2010) and *Final Environmental Assessment for Network Integration Evaluation (NIE)* (2011).

Reference: Army. *Final Environmental Assessment for the Nationwide Fielding of the Nuclear Biological Chemical Reconnaissance Vehicle (NBCRV) and Mine Protected Clearance Vehicle (MPCV) Buffalo.* Army National Guard Bureau, Arlington, VA. Finding of No Significant Impact signed March 22, 2016. (Army National Guard Bureau, 2016)

The proposed action was to field, equip, and train Army National Guard (ARNG) Soldiers with two distinct vehicles – the Stryker NBCRV and the MPCV Buffalo – at numerous ARNG facilities, nationwide. The proposed action included Stryker NBCRV and MPCV Buffalo training activities on existing training ranges and maneuver areas that currently support operations of heavy vehicles and the performance of off-road operations. Use of these training ranges and maneuver areas would be consistent with operations covered by management procedures outlined in the relevant, site-specific installation natural and cultural resources management plans, where applicable. Operations consistent with applicable, site-specific installation natural and cultural resources protection and avoidance measures would limit potential effects associated with off-road vehicle use. Implementing best management practices, adhering to standard operating procedures, and adhering to legal and regulatory requirements were all protection measures that are components of the proposed action. Implementation of the proposed action was anticipated to be less than significant to air quality; noise; water resources; biological resources; cultural resources; and hazardous and toxic materials and waste. Impacts from none to minimal were anticipated for land use; geology, topography, and soils; socioeconomics / environmental justice;

and infrastructure. To guard against circumstances developing that could, in limited cases, result in site-specific adverse effects, the National Guard Bureau and state and territory ARNGs would maintain their stewardship posture by ensuring enforcement and implementation of necessary measures unique to their particular cases and locations.

Reference: Navy, 32 C.F.R. Part 775 – *Procedures for Implementing the National Environmental Policy Act*, Section 775.6(f) – Categorical exclusions.

(44) Routine military training associated with transits, maneuvering, safety and engineering drills, replenishments, flight operations, and weapons systems conducted at the unit or minor exercise level; similar in type, intensity and setting, including physical location and time of year, to other actions for which it has been determined, through NEPA analysis where the DON was a lead or cooperating agency, that there are no significant impacts; and conducted in accordance with all applicable standard operating procedures protective of the environment.

Reference: Energy, 10 C.F.R. Part 1021 – *National Environmental Policy Act Implementing Procedures*, Appendix B to Subpart D of Part 1021 – Categorical Exclusions Applicable to Specific Agency Actions.

B1.2 Training exercises and simulations

Training exercises and simulations (including, but not limited to, firing-range training, small-scale and short-duration force-on-force exercises, emergency response training, fire fighter and rescue training, and decontamination and spill cleanup training) conducted under appropriately controlled conditions and in accordance with applicable requirements.

Reference: Homeland Security, *Instruction Manual 023-01-001-01, Revision 01, Implementation of the National Environmental Policy Act (NEPA)*, 2014. Appendix A – DHS List of Categorical Exclusions.

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.

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).

L32 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.

L34 Simulated exercises, including tactical and logistical exercises that involve small numbers of personnel.

Existing CX (i)(3)

Current CX Language: *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 overflights, and small unit level training.*

Proposed New CX Language: *Intermittent on-post training activities (or off-post training covered by an ARNG land use agreement) that include, but are not limited to, land navigation, physical training, FAA approved aerial overflights, and small unit level training.*

Supporting Rationale: This is an administrative change to only use the acronym for “FAA” within this CX as this is not the first time use of that acronym in this part.

Existing CX (i)(4)

Current CX Language: *(j)(2) Flying activities in compliance with Federal Aviation Administration Regulations and in accordance with normal flight patterns and elevations for that facility, where the flight patterns/elevations have been addressed in an installation master plan or other planning document that has been subject to NEPA public review.*

Proposed New CX Language: *Flying activities, to include manned and unmanned aerial vehicle (UAV) flights, and other airspace use activities (for example, missile and projectile flights) in compliance with FAA regulations and in accordance with normal flight patterns and elevations for that facility/installation.*

Supporting Rationale: This proposed revision to the CX clarifies that the scope includes manned aerial vehicles, UAVs, and other airspace activity. It continues to specify that such airspace activities must be in compliance with FAA regulations. Furthermore, it continues to only include those activities which would be carried out in accordance with normal flight patterns and elevations. The Army found actions of a similar nature, scope, and intensity, without significant environmental impacts, for a number of federal agencies with flight missions.

Reference: **Army.** *Environmental Assessment for the Modification of Special Use Airspace - Fort Bliss, Texas and New Mexico.* U.S. Army Garrison, Fort Bliss, TX. Finding of No Significant Impact signed August 28, 2012. (USAG Fort Bliss, 2012)

The proposed action was to modify airspace and designate Special Use Airspace (restricted airspace) over parts of Fort Bliss and private land, separating military aircraft (both manned and unmanned) and civilian aircraft operating in the specified areas. This analysis supports clarifying the scope of this CX to state that the CX includes manned and unmanned aerial vehicle flight activities.

Reference: **Army.** *Environmental Assessment for the MQ-1C Gray Eagle Unmanned Aerial System (UAS) at Fort Carson, Colorado.* U.S. Army Garrison, Fort Carson, CO. Finding of No Significant Impact signed April 1, 2015. (USAG Fort Carson, 2015a)

The proposed action included operation of an unmanned aerial vehicle, the Gray Eagle, within the existing restricted airspace and adjacent airfield at Fort Carson. Potential impacts of these operations was demonstrated to be less than significant, with impacts reduced further through existing safeguards and controls. This analysis supports clarifying the scope of this CX to state that the CX includes manned and unmanned aerial vehicle flight activities.

Reference: **Air Force,** 32 C.F.R. Part 989 – *Environmental Impact Analysis Process (EIAP)*, Appendix B – Categorical Exclusions.

A2.3.33. Flying activities that comply with the Federal aviation regulations, that are dispersed over a wide area and that do not frequently (more than once a day) pass near the same ground points. This CATEX does not cover regular activity on established routes or within special use airspace.

Reference: Federal Aviation Administration, U.S. Department of Transportation, Federal Aviation Administration Order 1050.1F, SUBJ: Environmental Impacts: Policies and Procedures, Section 5-6 – The Federal Aviation Administration’s Categorical Exclusions; July 16, 2015.

5-6.5.r. Any navigation performance or other performance based navigation procedure that, in the determination of the Administrator, would result in measurable reductions in fuel consumption, carbon dioxide emissions, and noise, on a per flight basis, as compared to aircraft operations that follow existing instrument flight rules procedures in the same airspace. This CATEX may be used irrespective of the altitude of such procedures. 11 (ATO)

Reference: National Aeronautics and Space Administration, 14 C.F.R. Part 1216 – Environmental Quality., Section 1216.304 – Categorical exclusions.

(d)(i) Periodic aircraft flight activities, including training and research and development, which are routine and comply with applicable Federal, federally recognized Indian tribe, State, and/or local law or requirements, and Executive orders.

Existing CX (i)(5)

Current CX Language: (j)(1) *Infrequent, temporary (less than 30 days) increases in air operations up to 50 percent of the typical installation aircraft operation rate (REC required).*

Proposed New CX Language: *Infrequent and temporary increases in air operations that do not exceed 50 percent of the typical installation aircraft operations rate or 50 additional operations per day. Repetitive use of this CX may require further analysis to determine there are no cumulative impacts. (REC required).*

Supporting Rationale: The proposed modification to this CX will align the Army’s CX addressing infrequent and temporary increases in air operations with similar CXs belonging to the Army’s sister services, the Air Force and Navy. The Army found actions of a similar nature, scope, and intensity, without significant environmental impacts, in their sister agencies, the Air Force and . The Army defines an “operation”, for purpose of the reference to “50 additional operations per day” in this CX, as the takeoff, flight, and landing of a single aircraft.

Reference: Air Force, 32 C.F.R. Part 989 – Environmental Impact Analysis Process (EIAP), Appendix B – Categorical Exclusions.

A2.3.32. Temporary (for less than 30 days) increases in air operations up to 50 percent of the typical installation aircraft operation rate or increases of 50 operations a day, whichever is greater. Repetitive use of this CATEX at an installation requires further analysis to determine there are no cumulative impacts.

Reference: Navy, 32 C.F.R. Part 775 – Procedures for Implementing the National Environmental Policy Act, Section 775.6(f) – Categorical exclusions.

(20) Short-term increases in air operations up to 50 percent of the typical operation rate, or increases of 50 operations per day, whichever is greater. Frequent use of this CATEX at an installation requires further analysis to determine there are no cumulative impacts.

Existing CX (i)(8)

Current CX Language: (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.

Proposed New CX Language: *Research (basic and applied), testing, other RDT&E, production/repair operations, and manufacturing operations conducted at existing enclosed facilities to include contractor-operated/owned laboratories and other enclosed facilities, consistent with previously established safety levels (REC required if the proposed action involves the use of munitions and explosives of concern or hazardous material and the constituent was not used at the enclosed facility during the preceding 5 years, or if the proposed action is expected to release radiation)..*

Supporting Rationale: This is an administrative change to an existing CX to clarify the scope of actions covered by the CX and to incorporate controls for select proposed actions. This change clarifies that the research may be applied or basic research; that operations include those for RDT&E production/repair, as well as those for manufacturing; and that the facilities include those that are contractor-operated/owned. This administrative change also removes unnecessary reference to federal, state, and local standards as the proposed § 651.11(d) states that the use of a CX does not relieve the proponent from compliance and consultation requirements under other statutes, regulations, and permits. The modification of this CX also incorporates controls for select proposed actions involving munitions, explosives of concern, hazardous material, and radiation by requiring the use of a REC to ensure thoughtful consideration as to the potential existence of an extraordinary circumstance that would prevent the application of this CX for the proposed action. The Army found actions of a similar nature, scope, and intensity in other federal agencies without significant environmental impacts.

Reference: Army. *Final Programmatic Environmental Assessment for Aviation Ground Support Equipment Weapon Systems Management Office Activities.* U.S. Army Aviation and Missile Command, Redstone Arsenal, AL. Finding of No Significant Impact signed April 6, 2002. (US Army Aviation and Missile Command, 2002)

The proposed action addressed the provision of Soldiers with the logistics tools and test equipment needed to maintain the rotary-wing aircraft fleet. The proposed action addressed all phases entailed in providing Soldiers these tools and equipment, as overseen by the Aviation Ground Support Equipment Weapon Systems Management Office, with phases including manufacturing, testing, deployment, operations, maintenance, and decommissioning. Includes were types of activities and associated locations covered under this CX.

Reference: Navy, *32 C.F.R. Part 775 – Procedures for Implementing the National Environmental Policy Act*, Section 775.6(f) – Categorical exclusions.

(16) New activities conducted at established laboratories and plants (including contractor-operated laboratories and plants) where all airborne emissions, waterborne effluent, external ionizing and non-ionizing radiation levels, outdoor noise, and solid and bulk waste disposal practices are in compliance with existing applicable Federal, state, and local laws and regulations.

Reference: Missile Defense Agency, *Missile Defense Agency Final Guidance – National Environmental Policy Act Implementation Procedures*, Appendix B – Categorical Exclusions (CATEXs); effective August 8, 2014.

B–20. Research, testing, and operations conducted at existing facilities and plants or laboratories (including contractor-operated laboratories and plants) and in compliance with all applicable safety, environmental, and natural conservation laws. Examples include, but are not limited to: Wind tunnels, high-energy lasers, remote-sensing instruments, vacuum chambers, high-altitude simulator facilities, and propellant testing facilities.

Reference: **Environmental Protection Agency**, *40 C.F.R. Part 6 – Procedures for Implementing the National Environmental Policy Act and Assessing the Environmental Effects Abroad of EPA Actions*, Section 6.204 – Categorical exclusions and extraordinary circumstances.

(a)(2)(iv) Actions relating to or conducted completely within a permanent, existing contained facility, such as a laboratory, or other enclosed building, provided that reliable and scientifically-sound methods are used to appropriately dispose of wastes and safeguards exist to prevent hazardous, toxic, and radioactive materials in excess of allowable limits from entering the environment. Where such activities are conducted at laboratories, the Lab Director or other appropriate official must certify in writing that the laboratory follows good laboratory practices and adheres to all applicable federal, state, local, and federally-recognized Indian tribal laws and regulations. This category does not include activities related to construction and/or demolition within the facility (see paragraph (a)(1)(i) of this section).

End of Proposed Revisions to Existing CXs.

Proposed New CXs

New CX (b)(5)

Proposed New CX Language: *Routine management of buildings, facilities, utilities, training areas, and ranges in order to support routine use and enable timely maintenance and repair. This CX includes all management activities to enable and maintain the full functionality of the site.*

Supporting Rationale: The daily management of buildings, facilities, utilities, and/or training sites is a normal, routine activity of all federal agencies. Though these activities have historically occurred and will always occur for any agency with the responsibility to manage buildings, facilities, utilities, and/or training sites, the Army recognized that changes related to management activities are not specifically addressed in any of the Army's current CXs. As these changes normally result in no significant impact to environmental resources, a conclusion also held by other federal agencies, the Army proposes to address this deficiency through the inclusion of this proposed CX. Management changes may result due to the introduction of new procedures, technologies, activities, or other factors. Adherence to Army principles, employment of standard operating procedures, implementation of best management practices, and adherence to permits and other regulatory requirements all contribute to such management changes resulting in no significant environmental impacts.

Reference: **Army.** *Sustainable Design and Development Policy Update* memorandum. Assistant Secretary of the Army for Installations, Energy and Environment; Headquarters, Department of the Army, Washington, D.C. January 17, 2017. (DA, 2017a)

The goal of this Army policy is to provide sustainable and adaptive facilities and installations that enhance mission effectiveness, reduce the Army's environmental footprint, and achieve levels of energy independence that enhance continuity of mission-essential operations. Included in this policy is the requirement to plan, design, build, and maintain all projects to meet the requirements of Unified Facilities Criteria (UFC) 1-200-02, *High Performance and Sustainable Buildings Requirements*, December 1, 2016; and UFC 2-100-01, *Installation Master Planning*, May 15, 2012. The policy also includes a number of siting, site development, project design, and post-construction operations and maintenance factors to promote energy efficiency, minimize waste generation, and minimize impacts to the human and natural environment (for example, biological, cultural, and water resources; and, traffic and transportation).

Reference: **Army.** *Programmatic Environmental Assessment for Army Construction and Operation of Solar Photovoltaic Renewable Energy Projects on Army Installations*. Headquarters, Department of the Army, Washington, D.C. Finding of No Significant Impact signed March 2, 2017. (DA, 2017b)

The proposed action was to construct, operate, and maintain solar photovoltaic (PV) arrays and/or ancillary power systems on Army installations, with ancillary power systems including, for example, transmission and distribution lines. The projects proposed generally ranged from approximately 10 megawatt (MW) to 100 MW per site. At the time of the analysis, the Army estimated that approximately 70 acres (28 hectares) of land would be required for a 10 MW site and 700 acres (283 hectares) of land for a 100 MW site. PV systems on rooftops would generally expect to have capacity measured in watts or kilowatts (kW), not MW, and be of a much smaller size and scope. The proposed action included routine maintenance to ensure proper operation of the solar PV system, including vegetation control, snow removal, solar module washing, as-needed equipment repair, and periodic module/other equipment replacement.

No significant impacts to any resource area were anticipated to result from implementing the proposed action. Impacts from implementing the proposed action were largely anticipated to be minimized through avoidance and through the implementation of various identified environmental protection measures. Examples of various identified environmental protection measures related to routine maintenance included keeping maintenance vehicles and equipment in good condition, maintaining vegetation and/or

gravel cover under and around the operating solar array system as much as possible, and ensuring safety equipment is appropriately used by maintenance workers.

Reference: Agency. *Programmatic Environmental Assessment for the Fort Sill Mission; Cantonment Area and Range and Training Land Construction, Modernization, and Maintenance; and Environmental Stewardship at Fort Sill, Oklahoma.* U.S. Army Garrison, Fort Sill, Oklahoma. Finding of No Significant Impact signed May 4, 2013. (USAG Fort Sill, 2013)

The proposed action for Fort Sill included site-specific range and cantonment area construction, sustainable cantonment and range planning using adaptable use zones, and the implementation of environmental stewardship construction guidelines. Types of activities included in the proposed action were routine management actions for buildings, facilities, training areas, and ranges. The Army concluded that impacts from implementing the proposed action would be less than significant.

Reference: Army. *Final Environmental Assessment for the Residential Communities Initiative at the U.S. Army Garrison West Point, New York.* U.S. Army Garrison, West Point, NY. Finding of No Significant Impact signed March 13, 2008. (USAG West Point, 2008)

The proposed action was to transfer responsibility for providing housing and ancillary supporting facilities on the installation to a private sector development company. The proposed action included the implementation of a negotiated and approved Community Development and Management Plan under the Army's Residential Communities Initiative. In addition to the private sector development company managing, operating, and maintaining over 950 existing family housing units on West Point, the proposed action included construction, operations, and maintenance of a community center, community pool, playgrounds, a basketball court, trails, and other ancillary structures. Activities under the proposed action included renovating historical comes, converting existing historical homes into a fewer number of expanded historical comes, constructing new homes, and demolishing existing homes. No significant impacts were anticipated for land use, aesthetics and visual resources, air quality, noise, geology and soils, water resources, biological resources, cultural resources, socioeconomics (including environmental justice and protection of children), transportation, utilities, and hazardous and toxic materials. Beneficial effects on air quality, housing, quality of life, and recreated were anticipated to result from facility improvements and energy efficiencies associated with the proposed renovations and new construction activities. Most of these minor impacts were associated with demolition, construction, and renovation and not with routine of the buildings. Environmental impacts associated with management activities were anticipated to be minimized through the implementation of standard operating procedures and best management practices, and through coordination and agreements with the New York State Historic Preservation Officer.

Reference: Defense Logistics Agency, *Defense Logistics Agency Regulation 1000.22 – Environmental Considerations in Defense Logistics Agency Actions* (DLAR 1000.22). Appendix A – Categorical Exclusion, Section 4 – DLA Categorical Exclusions.

14. Commissary, Post Exchange, and Officer and Non-Commissioned Officers' (NCO) Club operations.

Reference: Interior, *43 C.F.R. Part 46 – Implementation of the National Environmental Policy Act of 1969,* Section 210 – Listing of Departmental categorical exclusions.

(f) 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).

New CX (b)(8)

Proposed New CX Language: *Routine travel and movement of personnel, vehicles, watercraft, aircraft, equipment, and other materiel and commercial goods.*

Supporting Rationale: When the Army reviewed other federal agency CXs and evaluated these other agency CXs to determine classes of actions for which a similar Army CX would be appropriate, the Army identified actions within several other federal agencies that are similar to those frequently carried out by the Army; specifically, routine travel and movement of personnel, vehicles, watercraft, aircraft, equipment, and other materiel and commercial goods. Though the current CX (b)(7) addresses deployments of military units, it does not address movements unrelated to deployments, such as an Army civilian employee's business trip or the routine movement of vehicles to a maintenance shop. As a result of the Army's review of environmental analyses, the related classes of actions categorically excluded by other federal agencies, and the Army's adherence to federal requirements governing these actions, the Army has determined that this proposed class of action does not normally have significant environmental impacts.

Reference: **Army.** *Environmental Assessment for the Use of M117 Armored Security Vehicles at Army installations in Hawai'i.* U.S. Army Garrison Hawai'i, HI. Finding of No Significant Impact signed January 21, 2009. (USAG Hawaii, 2009)

The proposed action was to equip Army Military Police units in Hawai'i with the M117 Armored Security Vehicle (ASV), which would be used on all paved and unpaved roads and on established or planned training ranges and maneuver areas on Hawai'i installations. The ASV would replace some of the existing high mobility multipurpose wheeled vehicles, providing improved protection for Military Police crews. By the very nature of the proposed action, routine travel and movement of personnel and vehicles was a component. The proposed action was determined to have no significant environmental impacts on air quality, noise, geology and soils, water resources, biological resources, cultural resources, and hazardous materials and conditions management. The less than significant noise impacts were associated with training activities under the proposed action, not the travel and movement of personnel and vehicles activity. No impacts were anticipated for land use, socioeconomics, transportation and circulation, visual resources, environmental justice, and public services, utilities, infrastructure, and facilities.

Reference: **Army.** *Environmental Assessment for Improvements to Drum Road, Helemano Military Reservation to Kahuku Training Area, Oahu, Hawai'i.* U.S. Army Garrison Hawai'i, HI. Finding of No Significant Impact signed August 30, 2005. (USAG Hawaii, 2005)

The proposed action was to improve Drum Road to an all-weather road, allowing uninterrupted access to military training areas and providing the opportunity to conduct convoy training. This unimproved trail, used as a routine transportation route and tactical training road for Soldiers, was impassable during periods of heavy rainfall. Furthermore, the trail was characterized by blind curves, hairpin turns, and steep slopes with no safety protection for vehicles. The proposed action included stabilizing the trail alignment and addressing erosion problems and safety concerns. Beneficial impacts related to routine travel and movement of personnel and vehicles were anticipated to traffic as the improvements to Drum Road would result in a reduction of military vehicles on state and county roadways. Other beneficial impacts related to the proposed action, which included construction activities, were for socioeconomics, land use, and geology and soils. Less than significant, short-term, impacts were anticipated for several resource areas as a result of construction and road use. The only long-term adverse impact, determined to be less than significant, was due to the removal of three identified historical "texas swales" and one concrete bridge along the route. To further reduce environmental impacts that could result from the proposed action, several mitigation measures were identified, to include following best management practices and obtaining storm water permits for runoff during construction.

Reference: Army. *Fort Hunter Liggett Army Total Force Training Integration Environmental Assessment.* U.S. Army Garrison, Fort Hunter Liggett, CA. Finding of No Significant Impact signed June 2, 2016. (USAG Fort Hunter Liggett, 2016)

The proposed action was to conduct off-road vehicle maneuver exercises, and increase the frequency of brigade-level collective training exercises that incorporate Active Component maneuver company integration with Army National Guard and Reserve units at Fort Hunter Liggett. The proposed action included the establishment of a primary and secondary maneuver corridor for accomplishing proposed maneuver training requirements. These corridors were selected because they would provide suitable terrain for off-road vehicle maneuver lanes and were areas used until the early 2000s for off-road vehicle maneuver exercises. The proposed action specified the limitations that would be applied to off-road vehicle maneuver training, to include limiting this training to the dry season. Implementation of the proposed action anticipated less than significant impacts for air quality (including greenhouse gases) and transportation. With the implementation of best management practices, impact avoidance measures, and other specified measures, less than significant impacts were anticipated for natural resources, cultural resources, geology and soils, and surface water and wetlands. Negligible adverse effects were anticipated for land use, noise, socioeconomic (including environmental justice), groundwater, floodplains, airspace, facilities, energy demand and generation, and utilities, and hazardous materials, hazardous waste and health and safety. Measures to further reduce the less than significant impacts associated with routine travel and movement activities included, for example, coordinating convoy movements and large transportation events affecting public roads with the California Department of Transportation, notifying media outlets and the public in advance of large operations, and scheduling movements to avoid peak traffic periods to the extent possible.

Reference: Air Force, *32 C.F.R. Part 989 – Environmental Impact Analysis Process (EIAP), Appendix B – Categorical Exclusions.*

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

Reference: Defense Logistics Agency, *Defense Logistics Agency Regulation 1000.22 – Environmental Considerations in Defense Logistics Agency Actions (DLAR 1000.22).* Appendix A – Categorical Exclusion, Section 4 – DLA Categorical Exclusions.

25. Normal activities related to contingency operations, including deployment of forces, opening and closing of military facilities, and disposal of property according to applicable regulations and theater guidance. (DLA Form 1664 Required)

45. Deployment of military and civilian personnel on a temporary duty or training basis where existing facilities are used for their intended purposes consistent with the scope and size of existing mission.

Reference: Homeland Security, *Instruction Manual 023-01-001-01, Revision 01, Implementation of the National Environmental Policy Act (NEPA), 2014.* Appendix A – DHS List of Categorical Exclusions.

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

L40 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.

Reference: National Oceanic and Atmospheric Administration, *Policy and Procedures for Compliance with the National Environmental Policy Act and Related Authorities – Companion Manual for NOAA Administrative Order 216-6A., Appendix E; effective January 13, 2017.*

G2. Routine movement of mobile assets, such as vessels and aircraft, for homeport reassignments or repair/overhaul, where no new support facilities are required.

New CX (b)(11)

Proposed New CX Language: *Temporary closure or temporary restriction of access to roads, trails, recreational areas, and/or any lands within the boundaries of a military installation or within DoD real estate lease agreement land holdings in order to protect human or animal life, other natural or cultural resources, or for military training or security/law enforcement purposes (REC required).*

Supporting Rationale: As the Army executes its mission, temporary access restrictions have historically been required to protect personnel and equipment, or allow maintenance activities to proceed, and have not resulted in significant environmental impacts. CXs that address temporary access restrictions exist for other federal agencies. To help enhance consistent interpretation of the Army's CX applicability, the proposed CX includes having a reason for the closure and requires documentation of the applicability of the CX through use of a REC. The Army found actions of a similar nature, scope, and intensity in other federal agencies without significant environmental impacts. Less than significant impacts anticipated include short-term impacts to normal users who are temporarily restricted from access to the temporarily closed road, trail, recreational area, and/or land. Application of this CX does not change the activities authorized in the affected area, activities previously addressed under NEPA, therefore no new environmental impacts would be anticipated. Closure allows previously authorized activities, such as those for training, testing, and maintenance, to proceed safely and effectively. Closures are normally per agreements with the applicable state highway department and normally includes advance notices to the public.

Reference: **New Mexico State Highway Commission.** *Resolution (Highway Roadblocks).* New Mexico State Highway Commission, Santa Fe, NM. March 20, 1972. (New Mexico State Highway Commission, 1972)

This agreement authorized road blocks on state highways to protect the traveling public during missile firings within White Sands Missile Range, and from McGregor Range, NM, and Blanding and Green River, UT to impact in White Sands Missile Range, NM. Included were roadblock duration limits and state notification requirements by the Army.

Reference: **Navy,** 32 C.F.R. Part 775 – *Procedures for Implementing the National Environmental Policy Act*, Section 775.6(f) – Categorical exclusions.

(42) Temporary closure of public access to DON property in order to protect human or animal life.

Reference: **Bureau of Land Management,** *Department of the Interior Departmental Manual, Part 516: National Environmental Policy Act of 1969, Chapter 11: Managing the NEPA Process--Bureau of Land Management (516 DM 11), Section 11.9 – Actions Eligible for a Categorical Exclusion (CX).*

G.3. Temporary closure of roads and trails.

Reference: **Fish and Wildlife Service,** *Department of the Interior Departmental Manual, Part 516: National Environmental Policy Act of 1969, Chapter 8: Managing the NEPA Process--U.S. Fish and Wildlife Service (516 DM 8), Section 8.5 – Categorical Exclusions.*

(d)(1) Orders issued pursuant to 36 CFR part 261—Prohibitions to provide short-term resource protection or to protect public health and safety. Examples include but are not limited to:

- (i) Closing a road to protect bighorn sheep during lambing season, and
- (ii) Closing an area during a period of extreme fire danger.

New CX (c)(8)

Proposed New CX Language: *Construction, in accordance with applicable permits, of new or improved low water crossing and fording areas on existing trails or roads used for training purposes, and storm water conveyances for storm water management, safety, and other purposes. Construction or improvements must permit the flow of water across the crossing/fording. Total ground area disturbed per low water crossing area must not exceed 5 acres. (REC required).*

Supporting Rationale: As part of the execution of the Army's training mission, the Army has extensive experience with and needs for low water crossings and fording areas, to include continually improving the factors that minimize environmental impacts and enhance Soldier safety. In addition, as with all federal agencies, extensive experience exists with managing storm water flow and developing the associated storm water conveyances. This experience demonstrated that environmental impacts of the types of activities proposed to under this new CX are normally less than significant. This proposed CX also incorporates controls by requiring the use of a REC to ensure thoughtful consideration as to the potential existence of an extraordinary circumstance that would prevent the application of this CX for the proposed action.

Reference: Army. *Programmatic Environmental Assessment for the Construction and Modification of Range Projects Over the Next Ten Years, Fort Hood, Texas.* U.S. Army Garrison, Fort Hood, TX. Finding of No Significant Impact signed July 9, 2006. (USAG Fort Hood, 2006)

The proposed action was to construct or modify 18 ranges and their associated supporting facilities within the restricted live-fire area of Fort Hood. Under the proposed action, the 18 ranges would be constructed or modified to fit the Army's emerging doctrinal training standards. A component of some of the ranges included the construction of low water crossings and culverts. No significant environmental impacts were anticipated to result from implementing the proposed action. Various measures were identified to further reduce the already less than significant impacts, including best management practices for soil erosion control, obtaining appropriate storm water construction permits, and minimizing noise impacts by restricting construction to daytime hours.

Reference: Agency. *Programmatic Environmental Assessment for the Fort Sill Mission; Cantonment Area and Range and Training Land Construction, Modernization, and Maintenance; and Environmental Stewardship at Fort Sill, Oklahoma.* U.S. Army Garrison, Fort Sill, Oklahoma. Finding of No Significant Impact signed May 4, 2013. (USAG Fort Sill, 2013)

The proposed action for Fort Sill included site-specific range and cantonment area construction, sustainable cantonment and range planning using adaptable use zones, and the implementation of environmental stewardship construction guidelines. Types of activities included in the proposed action were the construction of low water crossing and fording areas, and storm water conveyances. With the identification of various measures to reduce environmental impacts of the proposed action (to include those related to storm water and fugitive dust controls) and the Army's intent to follow prescribed regulations and acquire required permits, the Army concluded that impacts from implementing the proposed action would be less than significant.

Reference: Army. *Integrated Natural Resources Management Plan and Environmental Assessment, 2014-2018, Fires Center of Excellence and Fort Sill, Oklahoma.* U.S. Army Garrison, Fort Sill, OK. Finding of No Significant Impact signed and Mutual Agreement signed November 12, 2014. (USAG Fort Sill, 2014b)

The proposed action was to implement an Integrated Natural Resources Management Plan at Fort Sill to manage natural resources, support the military mission, and comply with various environmental laws. Implementation of the plan would provide both military mission and environmental benefits. Military mission benefits included, for example, improving the quality of training land and enhancing mission realism. The plan would provide the basis for the conservation and protection of natural resources with

environmental benefits including, for example, activities to reduce vegetation loss, reduce soil erosion, reduce the potential for environmental pollution, and promote biodiversity conservation. Goals and objectives of the plan included actions related to low water crossing, fording areas, and storm water controls. Environmental impacts resulting from implementing the proposed action were determined to be less than significant or having beneficial effects on each resource area.

Reference: **Energy**, *10 C.F.R. Part 1021 – National Environmental Policy Act Implementing Procedures*, Appendix B to Subpart D of Part 1021 – Categorical Exclusions Applicable to Specific Agency Actions.

B1.33 Stormwater runoff control

Design, construction, and operation of control practices to reduce stormwater runoff and maintain natural hydrology. Activities include, but are not limited to, those that reduce impervious surfaces (such as vegetative practices and use of porous pavements), best management practices (such as silt fences, straw wattles, and fiber rolls), and use of green infrastructure or other low impact development practices (such as cisterns and green roofs).

B1.6 Tanks and equipment to control runoff and spills

Installation or modification of retention tanks or small (normally under one acre) basins and associated piping and pumps for existing operations to control runoff or spills (such as under 40 CFR part 112). Modifications include, but are not limited to, installing liners or covers. (See also B1.33 of this appendix.)

B1.8 Screened water intake and outflow structures

Modifications to screened water intake and outflow structures such that intake velocities and volumes and water effluent quality and volumes are consistent with existing permit limits.

New CX (c)(9)

Proposed New CX Language: *Minor renovations and additions, in accordance with applicable permits, to waterfront facilities, including mooring piles, fixed floating piers, existing piers, unburied power cables, and maintenance and replacement of existing oil booms. (REC required).*

Supporting Rationale: When the Army reviewed other federal agency CXs and evaluated these other agency CXs to determine classes of actions for which a similar Army CX would be appropriate, the Army identified a U.S. Coast Guard action within the Department of Homeland Security as an action similar to those frequently carried out by the Army; specifically, minor renovations and additions to waterfront facilities. As a result of the review of Army environmental analyses, the Army determined that this class of action did not normally have significant environmental impacts, in part due to the implementation of best management practices and regulatory requirements to consult and to obtain appropriate permits. Furthermore, since actions affecting waterfront facilities may engender an assumption that the proposed CX (c)(1) and (g)(1) would not apply to minor renovations or additions to waterfront facilities, the Army wants to make clear such activities are within the scope of a CX. For purposes of simplification, the Army has determined it would be more appropriate to have a CX specifically addressing these activities instead of expanding the proposed languages of (c)(1) and (g)(1). To ensure thoughtful consideration as to the potential existence of an extraordinary circumstance that would prevent the application of this CX for the proposed action, this proposed CX incorporates controls by requiring the use of a REC.

Reference: **Army**. *Kwajalein Echo Pier Repair Environmental Assessment*. U.S. Army Kwajalein Atoll, Kwajalein. Finding of No Significant Impact signed December 17, 2013. (US Army Kwajalein Atoll, 2013)

The proposed action was to repair and renovate the entire existing Echo Pier, which would involve upgrading the structure to current design standards and operational requirements. Environmental impacts that could result from implementing the proposed action were identified; however, impacts were less than significant. The resource areas identified as impacted were biological and water resources. Though analyzed, impacts to cultural resources were anticipated to be extremely low. To minimize impacts that

could result to biological and water resources as a result of implementing the proposed action, various measures were identified and adopted. These measures included, for example, monitoring turbidity at the repair and demolition areas and implementing controls and best management practices to avoid discharges of toxic wastes and plastics into the marine environment.

Reference: Army. *Record of Environmental Consideration (REC), Project Title: FY16 OMA PKG A-017 - Repair Seawall and Stairs at Pihilaau Army Recreation Center (PARC), Waianae, Oahu, Hawaii (FEWR RH000542J).* U.S. Army Garrison Hawaii, Schofield Barracks, HI. July 13, 2017. (USAG Hawaii, 2016)

The proposed action was to repair/replace the PARC seawall, to include large sections that were in a state of severe degradation due to old age and ocean wave damage. The proposed action was categorically excluded under the current CXs (c)(1), (c)(2), and (g)(1). Design factors, best management practices, and other activities identified during the regulatory consultation and permitting processes were some of the component activities for minimizing environmental impacts that could result from implementing the proposed action.

Reference: Homeland Security, *Instruction Manual 023-01-001-01, Revision 01, Implementation of the National Environmental Policy Act (NEPA), 2014.* Appendix A – DHS List of Categorical Exclusions.

L30 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.

Reference: Navy, *32 C.F.R. Part 775 – Procedures for Implementing the National Environmental Policy Act, Section 775.6(f) – Categorical exclusions.*

(14) Alteration of and additions to existing buildings, facilities, and systems (e.g., structures, roads, runways, vessels, aircraft, or equipment) when the environmental effects will remain substantially the same and the use is consistent with applicable regulations.

New CX (c)(10)

Proposed New CX Language: *Actions in unsewered areas on lands within the boundaries of a military installation or within DoD real estate lease agreement land holdings involving the replacement of existing small (total capacity less than approximately 250,000 gallons per day) on-site wastewater and sewage systems, providing the new on-site systems do not relocate existing discharge (REC required).*

Supporting Rationale: Some Army facilities are in remote locations and some, to include Reserves and National Guard facilities, are in rural areas where connection to a federal or publically owned treatment works and sewer collection system is not an option. As needed, construction of facilities in these remote locations and rural areas included the construction of on-site wastewater treatment systems, such as septic tanks and associated drain fields. As with any aging system, degradation may occur, requiring replacement of the system. In the Army's review of other agency CXs, other federal agencies have CXs that covered replacement of existing on-site treatment systems. The Army's own experience supports these determinations made by other federal agencies: replacement of these systems does not normally result in significant environmental impacts. In fact, replacement of failed or failing systems normally results in beneficial impacts; for example, it would halt any discharges of untreated sewage directly into the environment where discharges were a result of a failed or failing septic system. Impacts anticipated from actions covered under the proposed scope of this CX include short-term, less than significant impacts to soils and biological resources associated with the removal of the failed or failing system, and the installation of the replacement system. Application of this CX would not change the activities associated with the facilities supported by the wastewater and sewage systems. This proposed CX also incorporates controls by requiring the use of a REC to ensure thoughtful consideration as to the potential

existence of an extraordinary circumstance that would prevent the application of this CX for the proposed action.

Reference: Army. *Record of Environmental Consideration (REC), Request: 000167 - Bldg 90128 Sewer Treatment Plant Renovations.* U.S. Army Garrison White Sands Missile Range, NM. April 4, 2017. (USAG White Sands Missile Range, 2017)

The proposed action was to renovate the existing sewage treatment plant to include removal and replacement of submersible pumps in the lift station, and installation of an electrical pedestal, guide rail systems, and other components of the plant. The proposed action was determined to be within the scope of the current CX (g)(1), which covered routine repair and maintenance. This REC included a review that determined that none of the extraordinary circumstances of 651.29 were involved.

Reference: Army. *Record of Environmental Consideration (REC), East Range Multi-Purpose Test Facility and East Range Compound Test Facility Expansion.* U.S. Army Garrison Fort Huachuca, AZ and U.S. Army Electronic Proving Ground, Fort Huachuca, AZ. REC signed August 15, 2007. (USAG Fort Huachuca, 2007a)

The proposed action was to develop a Multi-Purpose test facility on the East Range and expand the existing East Range Compound test facility. The proposed action included installing a septic tank to handle two restrooms and a drinking fountain. This Record of Environmental Consideration documented that the proposed action, as a component of the technical testing and training mission, was adequately covered within existing environmental assessments titled: *Real Property Master Plan for the Electronic Proving Ground at Fort Huachuca, AZ*, dated November 2001; *U.S. Army Electronic Proving Ground Communication-Electronic Testing and Use of Test Sites in Southern Arizona and Fort Huachuca*, dated June 8, 1993; *Approval of Land Use and Real Estate Investment Strategies in Support of Real Property Master Planning, Fort Huachuca, Arizona, Final Environmental Impact Statement*, May 1999; and *Comprehensive Unmanned Aerial Vehicle Testing and Training at Fort Huachuca, AZ*, July 2000. The proposed action was also determined to be within the scope of the current CX (c)(1), which covered minor construction projects with minimal site disturbance. The proposed action incorporated best management practices, such as those to control storm water pollution during construction, to minimize environmental impacts.

Reference: Army. *Environmental Assessment for Mississippi Army National Guard Proposed Sanitary Sewer System Replacement, Camp Shelby Joint Forces Training Center, Mississippi.* Mississippi Army National Guard, Jackson, MS. Finding of No Significant Impact signed June 5, 2015. (Mississippi Army National Guard, 2015)

The proposed action was to replace the sanitary sewer system and upgrade the aging series of pipes, manholes, and pumps to reduce infiltration and inflow problems. Implementation of the proposed action was anticipated to have impacts ranging from negligible to moderate on land use, air quality, noise, geological resources, water resources, biological resources, cultural resources, socioeconomic resources, environmental justice, infrastructure, and hazardous/toxic materials. To further reduce impacts resulting from the proposed action, the Army National Guard would implement best management practices and standard operating procedures, as well as continue to adhere to the requirements of the Camp Shelby Biological Opinion for the endangered gopher tortoise. Furthermore, impacts to wetlands would be accounted for at the established Cypress Creek Bottom Land Hardwood Mitigation Area. In summary, the Mississippi Army National Guard determined that the sanitary sewer system replacement project would not have significant impacts on the quality of the human or natural environment.

Reference: Environmental Protection Agency, *40 C.F.R. Part 6 – Procedures for Implementing the National Environmental Policy Act and Assessing the Environmental Effects Abroad of EPA Actions,* Section 6.204 – Categorical exclusions and extraordinary circumstances.

(a)(1)(iii) Actions in unsewered communities involving the replacement of existing onsite systems, providing the new onsite systems do not result in substantial increases in the volume of discharge or the loadings of pollutants from existing sources, or relocate existing discharge.

Reference: *Energy, 10 C.F.R. Part 1021 – National Environmental Policy Act Implementing Procedures, Appendix B to Subpart D of Part 1021 – Categorical Exclusions Applicable to Specific Agency Actions.*

B1.26 Small water treatment facilities

Siting, construction, expansion, modification, replacement, operation, and decommissioning of small (total capacity less than approximately 250,000 gallons per day) wastewater and surface water treatment facilities whose liquid discharges are externally regulated, and small potable water and sewage treatment facilities.

New CX (c)(11)

Proposed New CX Language: *Construction or installation, to include modification, of fencing, gates, grates, walls, small enclosures, stakes, signage, cattle guards, and other small appurtenances or devices (for example, raptor electrocution prevention devices) attached to the land for the purposes of security or to otherwise protect human life, animal life, or other resources.*

Supporting Rationale: When the Army reviewed other federal agency CXs and evaluated these other agency CXs to determine classes of actions for which a similar Army CX would be appropriate, the Army identified a number of CXs related to devices constructed or installed specifically for protection purposes. These actions within the scopes of other federal agency CXs are actions similar to those frequently carried out by the Army; for example, constructing fences and installing signage to protect sensitive environmental resources. Another example is the construction of a security fence around an existing structure that has been re-purposed, and the new activity requires enhanced security through the addition of a fence around the existing structure. As some Army lands include agricultural leases which allow cattle grazing, this component from a Bureau of Land Management CX was also included in the Army's proposed CX (c)(11) as it, too, provides for the protection of life. As a result of the review of Army environmental analyses, the Army determined that this class of action did not normally have significant environmental impacts, in part due to the implementation of best management practices, requirements related to real property management plans, and regulatory coordination requirements of installation integrated natural resources management plans. This proposed new CX is distinguishable from the coverage afforded by the "fencing" language addition proposed for CX (c)(1) because that is limited to existing rights of way. This proposed CX (c)(11) is also distinguishable from the CX (d)(5) as that CX, in addition to being limited to signs and fencing to protect threatened and endangered species or cultural resources, is for fence maintenance, repair, and replacement, not construction and installation.

Reference: *Army. Programmatic Environmental Assessment for Army Construction and Operation of Solar Photovoltaic Renewable Energy Projects on Army Installations.* Headquarters, Department of the Army, Washington, D.C. Finding of No Significant Impact signed March 2, 2017. (DA, 2017b)

The proposed action was to construct, operate, and maintain solar photovoltaic (PV) arrays and/or ancillary power systems on Army installations. The proposed action included the installation of fencing and other small appurtenances or devices attached to the land for the purposes of security or to otherwise protect human life, animal life, or other resources. The projects proposed generally ranged from approximately 10 megawatt (MW) to 100 MW per site. At the time of the analysis, the Army estimated that approximately 70 acres (28 hectares) of land would be required for a 10 MW site and 700 acres (283 hectares) of land for a 100 MW site, with sites including associated fencing and other small appurtenances or devices. PV systems on rooftops would generally expect to have capacity measured in watts or kilowatt, not MW, and be of a much smaller size and scope; these, too would include features for the purposes or security or to otherwise protect human life, bird life, or other resources. No significant impacts to any resource area were anticipated to result from implementing the proposed action; however,

to ensure that site-specific projects tiered from this programmatic environmental analysis thoughtfully considered site-specific conditions, some of which may require further environmental analysis to determine the potential for significant impacts, a checklist from the programmatic document was required to be completed. Impacts from implementing the proposed action were largely anticipated to be minimized through avoidance and through the implementation of various identified environmental protection measures to include, for example, implementing erosion and storm water control measures during construction, maintaining construction vehicles and equipment, and ensuring safety equipment is appropriately used by construction and maintenance workers.

Reference: Army. *Integrated Natural Resources Management Plan and Environmental Assessment, 2014-2018, Fires Center of Excellence and Fort Sill, Oklahoma.* U.S. Army Garrison, Fort Sill, OK. Finding of No Significant Impact signed and Mutual Agreement signed November 12, 2014. (USAG Fort Sill, 2014b)

The proposed action was to implement an Integrated Natural Resources Management Plan at Fort Sill to manage natural resources, support the military mission, and comply with various environmental laws. Implementation of the plan would provide both military mission and environmental benefits. Military mission benefits included, for example, improving the quality of training land and enhancing mission realism. The plan would provide the basis for the conservation and protection of natural resources with environmental benefits including, for example, activities to reduce vegetation loss, reduce soil erosion, reduce the potential for environmental pollution, and promote biodiversity conservation. The plan included actions related to signage and fencing. Environmental impacts resulting from implementing the proposed action were determined to be less than significant or having beneficial effects on each resource area.

Reference: Navy, *32 C.F.R. Part 775 – Procedures for Implementing the National Environmental Policy Act*, Section 775.6(f) – Categorical exclusions.

(40) 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).

Reference: Homeland Security, *Instruction Manual 023-01-001-01, Revision 01, Implementation of the National Environmental Policy Act (NEPA)*, 2014. Appendix A – DHS List of Categorical Exclusions.

L25 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.

Reference: Bureau of Land Management, *Department of the Interior Departmental Manual, Part 516: National Environmental Policy Act of 1969, Chapter 11: Managing the NEPA Process--Bureau of Land Management (516 DM 11)*, Section 11.9 – Actions Eligible for a Categorical Exclusion (CX).

A.7. Installation of devices on existing facilities to protect animal life, such as raptor electrocution prevention devices.

G.2. Installation of routine signs, markers, culverts, ditches, waterbars, gates, or cattleguards on/or adjacent to roads and trails identified in any land use or transportation plan, or eligible for incorporation in such plan.

J.8. Installation of minor devices to protect human life (e.g., grates across mines).

J.9. Construction of small protective enclosures, including those to protect reservoirs and springs and those to protect small study areas.

New CX (c)(12)

Proposed New CX Language: *Construction and modernization of common small arms ranges on previous or existing range sites in Army training and testing areas requiring total disturbance of*

approximately 40 acres or less, without change to noise contours that would potentially increase noise impacts to sensitive receptors and without change to existing Surface Danger Zones (SDZs). This includes the construction of a Range Operations Control Area, which contains common range support facilities and parking. This CX also includes the demolition of any old structures on the previously disturbed sites. Small arms ranges typically include weapons that fire ammunition that is .50 caliber or less and hand or launched grenades (REC required).

Supporting Rationale: Small arms ranges on Army installations are extremely common, and the Army has substantial experience in analyzing the environmental impacts associated with small arms ranges construction and modernization activities. Furthermore, the Army has adopted a sustainability culture that helps result in executing activities where minimizing environmental impacts can be a substantial factor in decisions. The Army's sustainability culture is implemented, in part, through the ability to modify standard range designs, employment of standard operating procedures, application of best management procedures, and adherence to legal and regulatory requirements; all of which help contribute to reducing or eliminating impacts on environmental resources. As a result of the Army's experience with range construction and modernization activities, no significant environmental impacts are anticipated to result for the activities proposed for CX (c)(12), activities which include limitations. The limitations are that the site be on a previous or existing range, the site be located in an Army training or testing area, the total disturbance required be approximately 40 acres or less, there would no noise contour changes that would potentially increase noise impacts to sensitive receptors, and there would be no change to the existing SDZ. To reduce the less than significant impacts even further, the Army would consider alternations to standard designs, employ standard operating procedures, apply best management practices, and adhere to regulatory requirements. This proposed CX also incorporates controls by requiring the use of a REC to ensure thoughtful consideration as to the potential existence of an extraordinary circumstance that would prevent the application of this CX for the proposed action.

Reference: Army. *Programmatic Environmental Assessment for Modernizing and Operating Training Ranges on Previous or Existing Range Sites on Army Training Areas.* Headquarters, Department of the Army, Washington, D.C. Finding of No Significant Impact signed February 1, 2013. (DA, 2013)

The proposed action was to modernize and operate selected Army training ranges on previously disturbed ground where the total ground disturbed would be approximately 40 acres or less. The analysis addressed the construction and operation of 20 types of ranges, 18 of which included live-fire activities. Site specific projects tiering from this programmatic analysis are required, per the Finding of No Significant Impact, to complete the Record of Environmental Consideration checklist contained in Appendix A of the analysis to determine if site-specific considerations warranted further analysis for any of the resource areas. [The use of the proposed CX would *not* require completion of the REC checklist referred to in the appendix of the programmatic environmental assessment, but would require completion of a REC to establish that the screening criteria of 651.11 are met.] Impacts resulting from implementation of the proposed action were not anticipated to be significant. The impacts anticipated were for air quality, cultural resources, land use, natural resources, operating noise, soils and topography, solid waste, threatened and endangered species, traffic and transportation, water resources, and wetlands; with none to negligible impacts for airspace, energy, facilities and infrastructure, hazardous materials/waste, and socioeconomics. To further reduce impacts resulting from the proposed action for site-specific projects, the Army would design ranges to reduce effects of soil erosion from ranges, reduce the potential migration of metals from spent ammunition into surface water and wetlands, and avoid firing over or into surface water or wetlands. Installations would also implement best management practices during construction and operation of the ranges. This programmatic environmental and its conclusions were based, in part, on 17 previously-existing analyses accomplished for site-specific projects.

Reference: Army. *Range Design Guide (RDG)*, a web-based tool (<http://www.hnc.usace.army.mil/Missions/Installation-Support-and-Programs-Management/Range-and->

Training-Land-Program/Range-Design-Guide/). U.S. Army Engineering and Support Center, Huntsville, AL. Web site accessed December 15, 2017. (USACE Huntsville, 2017)

This guide is a web-based tool that provides guidance for design and construction of Army training ranges based on the training requirements of the Army's Training Circular 25-8, *Training Ranges (TC 25-8)*. This guide identifies and defines interface points between the targetry system contractor and the range construction contractor, facilitates the standardization of range facilities, and notes salient points and design criteria for standardized ranges. Each module of the *Range Design Guide* contains design information about a specific subject, and includes downloadable sections in a pdf or pdf portfolio format. A designer would need a number of these sections in order to design a complete range. The specific sections required vary depending on the type of range. Each range description has a list of all files necessary for that particular range.

Reference: Army. *Programmatic Environmental Assessment for the Construction and Modification of Range Projects Over the Next Ten Years, Fort Hood, Texas.* U.S. Army Garrison, Fort Hood, TX. Finding of No Significant Impact signed July 9, 2006. (USAG Fort Hood, 2006)

The proposed action was to construct or modify 18 ranges and their associated supporting facilities within the restricted live-fire area of Fort Hood. Under the proposed action, the 18 ranges would be constructed or modified to fit the Army's emerging doctrinal training standards. No significant environmental impacts were anticipated to result from implementing the proposed action. Various measures were identified to further reduce the already less than significant impacts, including best management practices for soil erosion control, obtaining appropriate storm water construction permits, and minimizing noise impacts by restricting construction to daytime hours.

Reference: Army. *Final Environmental Assessment of the Construction and Operation of the Proposed Infantry Squad Battle Course (ISBC) at Fort Sill, Oklahoma (FY 10, PDC 62398).* U.S. Army Garrison, Fort Sill, OK. Finding of No Significant Impact signed March 10, 2010. (USAG Fort Sill, 2010)

The proposed action was to construct a standard ISBC range and use the complex to train and test officers and infantry squads on the skills necessary to conduct tactical movement techniques, and detect, identify, engage, and defeat an enemy doctrinally tactical array of stationary and moving infantry and armor targets. Primary facilities to be located within the perimeter of the range complex were six stationary armor targets, one moving armor target, 20 stationary infantry targets, six moving infantry targets, five bunkers, two trenches, a small range operations center, a general instruction building, a operations/storage building, a bleacher enclosure, a covered mess facility, a ammunition breakdown building, an observation tower, and vault latrines. Live-fire, as well as training with sub-caliber and/or laser training devices, were components of the proposed action. Mortar simulation device emplacements would be located in areas from which unfriendly mortar fire would be simulated, and an access road would be provided. The design proposed included a range operating system that would be fully capable of providing immediate performance feedback to the training units. The proposed range would use simulation technology to provide a realistic training environment, with technologies including thermal targets, night illumination devices, and visual flash simulations. Environmental impacts resulting from implementation of the proposed action were anticipated to be none or minor for land use and airspace, aesthetics and visual resources, air quality, noise, geology and soils, water resources, biological resources, cultural resources, socioeconomics, transportation; utilities; and hazardous and toxic substances. During the construction phase and when using the range to train Soldiers, implementation of best management practices and standard operating procedures would contribute towards reducing the already less than significant impacts anticipated from implementation of the proposed action.

Reference: Agency. *Programmatic Environmental Assessment for the Fort Sill Mission; Cantonment Area and Range and Training Land Construction, Modernization, and Maintenance; and Environmental Stewardship at Fort Sill, Oklahoma.* U.S. Army Garrison, Fort Sill, Oklahoma. Finding of No Significant Impact signed May 4, 2013. (USAG Fort Sill, 2013)

The proposed action for Fort Sill included site-specific range and cantonment area construction, sustainable cantonment and range planning using adaptable use zones, and the implementation of environmental stewardship construction guidelines. Types of activities included in the proposed action were the construction and modification of small arms ranges on previous ranges. With the identification of various measures to reduce environmental impacts of the proposed action (to include those related to storm water and fugitive dust controls) and the Army's intent to follow prescribed regulations and acquire required permits, the Army concluded that impacts from implementing the proposed action would be less than significant.

Reference: Navy, 32 C.F.R. Part 775 – *Procedures for Implementing the National Environmental Policy Act*, Section 775.6(f) – Categorical exclusions.

(47) Modernization (upgrade) of range and training areas, systems, and associated components (including, but not limited to, targets, lifters, and range control systems) that supports current testing and training levels and requirements. Covered actions do not include those involving a substantial change in the type or tempo of operation, or the nature of the range (i.e., creating an impact area in an area where munitions had not been previously used).

New CX (c)(13)

Proposed New CX Language: *Reconstruction, repair, restoration, retrofitting, or replacement of any facility, structure, road, or trail (including fencing, gates, parking lots, erosion control structures, storm water control structures, roads, trails, revegetation, removal of debris, or any other infrastructure improvement), that was in use and operation, or was under construction, and was damaged or destroyed due to a natural event, including but not limited to wildfires, floods, earthquakes, landslides, weather events; or an accident, vandalism, or an act of terrorism; and which will substantially conform to the preexisting design, function, and location as the original (REC required; will include consideration of anticipated temporary construction impacts).*

Supporting Rationale: The concept of this proposed CX was derived from a Federal Highway Administration CX. A similar CX is also being proposed by the Navy. This proposed CX is distinguishable from CXs (c)(1) and (g)(1) in that its focus is on replacement of an existing structure damaged or destroyed by an unplanned event, whether the event is an act of nature, an accident, or a malicious attack. The idea is to strengthen the Army's capacity to quickly rebuild after such an event, especially as some scientists state that the rate of severe weather events are increasing. Environmental impacts from these reconstruction, repair, restoration, retrofitting, and replacement activities would expect to be further reduced by adhering to regulatory requirements to consult and to obtain appropriate permits, following standard operating procedures, and implementing best management practices.

Reference: Army. *Fort Leonard Wood, Directorate of Public Works, Environmental Division, Record of Environmental Consideration, Project Title: Repair Building 5137 Equipment Concentration Site (ECS) 66.* U.S. Army Garrison, Fort Leonard Wood, MO. February 11, 2011. (USAG Fort Leonard Wood, 2011)

The proposed action was to repair a building severely damaged from a EF3 tornado, an action determined to be more cost effective than replacement. Repairs to the building included foundation; structural steel framing; siding; roofing; windows; doors; plumbing; mechanical, electrical, fire protection, energy management control, and security/alarm systems; latrines; and personal, administrative, and storage spaces. Various measures were identified to further reduce the already less than significant impacts associated with the proposed action, to include the application of established design standards and the continued use of best management practices. The proposed action was categorically excluded under the current CX (c)(1).

Reference: Army. *NEPA Determination/Record of Environmental Consideration (REC), Directorate of Public Works (DPW) Environmental Division, Fort Leonard Wood (FLW), Missouri 65473, Title of Proposed Action: Repair Flood Damage.* U.S. Army Garrison, Fort Leonard Wood, MO. August 29, 2017. (USAG Fort Leonard Wood, 2017)

The proposed action was to repair a building damaged from a severe flood event. Repair included cleaning mold, caulking and other sealing activities, painting, and replacing baseboard heaters and power strips with an in-kind system. Various measures were identified to further reduce the already less than significant impacts associated with the proposed action, to include adhering to garrison protocols and recycling or reusing construction and demolition waste to the fullest extent possible. The proposed action was categorically excluded under the current CX (g)(1).

Reference: Federal Highway Administration, 23 C.F.R. Part 771 –Environmental Impact and Related Procedures, Section 117 – FHWA categorical exclusions.

(9) The following actions for transportation facilities damaged by an incident resulting in an emergency declared by the Governor of the State and concurred in by the Secretary, or a disaster or emergency declared by the President pursuant to the Robert T. Stafford Act (42 U.S.C. 5121):

(i) Emergency repairs under 23 U.S.C. 125; and

(ii) The repair, reconstruction, restoration, retrofitting, or replacement of any road, highway, bridge, tunnel, or transit facility (such as a ferry dock or bus transfer station), including ancillary transportation facilities (such as pedestrian/bicycle paths and bike lanes), that is in operation or under construction when damaged and the action:

(A) Occurs within the existing right-of-way and in a manner that substantially conforms to the preexisting design, function, and location as the original (which may include upgrades to meet existing codes and standards as well as upgrades warranted to address conditions that have changed since the original construction); and

(B) Is commenced within a 2-year period beginning on the date of the declaration.

Reference: Navy, 32 C.F.R. Part 775 – Procedures for Implementing the National Environmental Policy Act, Section 775.6(f) – Categorical exclusions.

(46) Minor repairs in response to wildfires, floods, earthquakes, landslides, or severe weather events that threaten public health or safety, security, property, or natural and cultural resources, and that are necessary to repair or improve lands unlikely to recover to a management-approved condition (i.e., the previous state) without intervention. Covered activities must be completed within one year following the event and cannot include the construction of new permanent roads or other new permanent infrastructure. Such activities include, but are not limited to: repair of existing essential erosion control structures or installation of temporary erosion controls; repair of electric power transmission infrastructure; replacement or repair of storm water conveyance structures, roads, trails, fences, and minor facilities; revegetation; construction of protection fences; and removal of hazard trees, rocks, soil, and other mobile debris from, on, or along roads, trails, or streams.

New CX (d)(5)

Proposed New CX Language: *Update and implementation of Integrated Natural Resources Management Plans (INRMPs) and Integrated Cultural Resources Management Plans (ICRMPs), where plan update and implementation activities are similar in type, scope, and intensity to those currently allowed and result in no new adverse effects on the environment (REC required).*

Supporting Rationale: For many years, the Army has required installations and each state's Army National Guard to develop and update INRMPs and ICRMPs to provide for the management of natural and cultural resources, respectively, in a way that maximized beneficial effects on such resources and minimizes adverse effects and impacts without impeding the mission. These management plans are

planning tools and the implementation of these plans, where developed in coordination with appropriate stakeholders, has proven to result in no significant impacts to environmental resources. The Army also found other federal agency CXs for similar types of management plans. As such, the Army determined it would be appropriate to propose this new CX. This proposed CX also incorporates controls by requiring the use of a REC to ensure thoughtful consideration as to the potential existence of an extraordinary circumstance that would prevent the application of this CX for the proposed action.

Reference: Army. *Integrated Natural Resources Management Plan and Environmental Assessment, 2014-2018, Fires Center of Excellence and Fort Sill, Oklahoma.* U.S. Army Garrison, Fort Sill, OK. Finding of No Significant Impact signed and Mutual Agreement signed November 12, 2014. (USAG Fort Sill, 2014b)

The proposed action was to implement an Integrated Natural Resources Management Plan at Fort Sill to manage natural resources, support the military mission, and comply with various environmental laws. Implementation of the plan would provide both military mission and environmental benefits. Military mission benefits included, for example, improving the quality of training land and enhancing mission realism. The plan would provide the basis for the conservation and protection of natural resources with environmental benefits including, for example, activities to reduce vegetation loss, reduce soil erosion, reduce the potential for environmental pollution, and promote biodiversity conservation. As required by the Sikes Act (16 U.S.C. § 670a *et seq.*), the integrated natural resources management plan was prepared in cooperation with the U.S. Fish and Wildlife Service and the state of Oklahoma. Environmental impacts resulting from implementing the proposed action were determined to be less than significant or having beneficial, less than significant effects on each resource area.

Reference: Army. *Integrated Natural Resources Management Plan Environmental Assessment, Fort Benning, Georgia.* U.S. Army Garrison, Fort Benning, GA. Finding of No Significant Impact signed August 20, 2014. (USAG Fort Benning, 2014)

The proposed action was to implement the revised Fort Benning integrated natural resources management plan. The management plan specified the land management practices and adaptive management strategies that would conserve ecological integrity, support Army training, and promote the health of Fort Benning's ecosystems. The focus is ecosystem based management, rather than management for single species. The management plan focuses on the management of the natural resources on training lands, and also addresses natural resources management activities that occur within the cantonment areas. As required by the Sikes Act (16 U.S.C. § 670a *et seq.*), the integrated natural resources management plan was prepared in cooperation with the U.S. Fish and Wildlife Service and the state of North Carolina. Environmental impacts resulting from implementing the proposed action were determined to be less than significant or having beneficial, less than significant effects on each resource area.

Reference: Army. *Environmental Assessment - Integrated Natural Resources Management Plan, Fort Stewart/Hunter Army Airfield, Georgia.* U.S. Army Garrison Fort Stewart, GA. Finding of No Significant Impact signed September 2001; 2007 Review signed July 15, 2007; and, 2012 Review signed September 14, 2012. (USAG Fort Stewart, 2012)

The proposed action was to implement an integrated natural resource management plan at Fort Stewart and Hunter Army Airfield to manage natural resources, support the military mission, provide outdoor recreation opportunities, provide timber products, and comply with various environmental laws. During the 2012 review, implementation of the integrated natural resources management plan was noted as providing a conservation benefit to the Red-cockaded woodpecker and other species listed as threatened or endangered under the Endangered Species Act. As required by the Sikes Act (16 U.S.C. § 670a *et seq.*), the integrated natural resources management plan was prepared in cooperation with the U.S. Fish and Wildlife Service and the state of Georgia, as were the five-year reviews. Environmental impacts resulting from implementing the proposed action were determined to be less than significant or having beneficial, less than significant effects on each resource area.

Reference: Army. *Environmental Assessment for the Implementation of the 2017-2021 Integrated Cultural Resources Management Plan, Fort Bliss, Texas and New Mexico.* U.S. Army Garrison, Fort Bliss, TX. Finding of No Significant Impact signed January 4, 2017. (USAG Fort Bliss, 2017)

The proposed action was to implement the Fort Bliss ICRMP, in cooperation with regional stakeholders, allowing the installation to manage its cultural resources through an updated, integrated, and adaptive management approach designed to sustain and be consistent with the military mission. The ICRMP would be implemented in conjunction with the 2015-2025 Programmatic Agreement between Fort Bliss, the New Mexico State historic Preservation Officer (SHPO), the Texas SHPO, and the Advisory Council on Historic Preservation. The Army determined that implementation of the proposed action would have no significant adverse effects on land use, soils, biological resources, cultural resources, water resources, air quality, and health and safety on Fort Bliss or in the surrounding area. The new goals, objectives, and projects established and undertaken under the proposed action were anticipated to have beneficial, long-term effects on the environment and cultural landscape.

Reference: Army. *Integrated Cultural Resources Management Plan, U.S. Army Garrison, Fort Carson, Colorado.* U.S. Army Garrison, Fort Carson, CO. March 2017. (USAG Fort Carson, 2017)

The proposed action was to implement Fort Carson's ICRMP, with the environmental analysis and resulting Finding of No Significant Impact, for the proposed action documented in Appendix C of the ICRMP. The Army determined that implementation of the proposed action, which includes the Army's intent to follow prescribed regulations and comply with applicable permits and agreements, would not have a significant environmental impact. By design, cultural projects and activities at Fort Carson are integrated into a comprehensive process of environmental review and subject to revisions based on the comments and recommendations of staff subject matter experts, thereby mitigating their individual and collective environmental impacts.

Reference: Navy, *32 C.F.R. Part 775 – Procedures for Implementing the National Environmental Policy Act*, Section 775.6(f) – Categorical exclusions.

(45) Natural resources management actions undertaken or permitted pursuant to agreement with or subject to regulation by Federal, State, or local organizations having management responsibility and authority over the natural resources in question, including, but not limited to, prescribed burning, invasive species actions, timber harvesting, and hunting and fishing during seasons established by State authorities pursuant to their State fish and game management laws. The natural resources management actions must be consistent with the overall management approach of the property as documented in an Integrated Natural Resources Management Plan (INRMP) or other applicable natural resources management plan.

(48) Revisions or updates to INRMPs that do not involve substantially new or different land use or natural resources management activities and for which an EA or EIS was previously prepared that does not require supplementation pursuant to 40 CFR 1502.9(c)(1).

Reference: Forest Service, *36 C.F.R. Part 220 – National Environmental Policy Act (NEPA) Compliance*, Section 6 – Categorical exclusions. (the Forest Services proposed, as of February 2019, to change the section number for categorical exclusions from § 220.6 to § 220.5)

(e)(16) Land management plans, plan amendments, and plan revisions developed in accordance with 36 CFR part 219 *et seq.* that provide broad guidance and information for project and activity decision making in a NFS unit. Proposals for actions that approve projects and activities, or that command anyone to refrain from undertaking projects and activities, or that grant, withhold or modify contracts, permits or other formal legal instruments, are outside the scope of this category and shall be considered separately under Forest Service NEPA procedures.

(e)(16)-proposed [the Forest Service proposes, as of February 2019, to slightly modify the current CX (e)(16), detailed above] Plan amendments developed in accordance with 36 CFR part 219 *et seq.* that provide broad guidance and information for project and activity decisionmaking in a NFS unit. Proposals

for actions that approve projects and activities, or that command anyone to refrain from undertaking projects and activities, or that grant, withhold or modify contracts, permits or other formal legal instruments, are outside the scope of this category and shall be considered separately under Forest Service NEPA procedures.

Reference: National Oceanic and Atmospheric Administration, *Policy and Procedures for Compliance with the National Environmental Policy Act and Related Authorities – Companion Manual for NOAA Administrative Order 216-6A.*, Appendix E; effective January 13, 2017.

A2. Preparation of a recovery plan pursuant to section 4(f)(1) of the ESA. Such plans are advisory documents that provide consultative and technical assistance in recovery planning and do not implement site-specific or species-specific management actions. However, implementation of specific tasks identified in a recovery plan may require an EA or EIS depending on the nature of the action.

A4. Minor updates to existing national marine sanctuary management plans. This CE does not apply to sanctuary designations, expansions, changes in terms of designation, or new sanctuary management plans.

A5. Updates to existing National Estuarine Research Reserve (NERR) management plans, provided that the update does not change NERR boundaries or add or significantly change allowable uses, uses requiring a permit, or restrictions on uses. This CE does not apply to new NERR management plans, or to the execution of any specific action subsequently funded to support the updated NERR management plan.

Reference: Bureau of Land Management, *Department of the Interior Departmental Manual, Part 516: National Environmental Policy Act of 1969, Chapter 11: Managing the NEPA Process--Bureau of Land Management* (516 DM 11), Section 11.9 – Actions Eligible for a Categorical Exclusion (CX).

J.1. Maintaining land use plans in accordance with 43 CFR 1610.5-4.

Reference: National Park Service, *Department of the Interior Departmental Manual, Part 516: National Environmental Policy Act of 1969, Chapter 12: Managing the NEPA Process--National Park Service* (516 DM 12), Section 12.5 – Categorical Exclusions.

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

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

B.(4) Plans, including priorities, justifications and strategies, for non-manipulative research, monitoring, inventorying and information gathering.

B.(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.

B.(10) 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.

B.(11) Land protection plans which propose no significant change to existing land or visitor use.

Reference: Fish and Wildlife Service, *Department of the Interior Departmental Manual, Part 516: National Environmental Policy Act of 1969, Chapter 8: Managing the NEPA Process--U.S. Fish and Wildlife Service* (516 DM 8), Section 8.5 – Categorical Exclusions.

B(9) Minor changes in existing master plans, comprehensive conservation plans, or operations, when no or minor effects are anticipated. Examples could include minor changes in the type and location of compatible public use activities and land management practices.

B(10) The issuance of new or revised site, unit, or activity-specific management plans for public use, land use, or other management activities when only minor changes are planned. Examples could include an amended public use plan or fire management plan.

B(11) Natural resource damage assessment restoration plans, prepared under sections 107, 111, and 122(j) of the Comprehensive Environmental Response Compensation and Liability Act (CERCLA);

section 311(f)(4) of the Clean Water Act; and the Oil Pollution Act; when only minor or negligible change in the use of the affected areas is planned.

D. Recovery Plans. Issuance of recovery plans under section 4(f) of the ESA.

New CX (d)(6)

Proposed New CX Language: *Actions to find, contain, and eradicate localized populations of invasive species using control mechanisms listed in the installation Integrated Pest Management Plan, provided the invasive species control mechanism affects an area 250 total acres or less in size (REC required).*

Supporting Rationale: As per *Executive Order 13112 – Invasive Species*, an “invasive species” is defined as an alien species (non-native to the ecosystem under consideration) whose introduction does or is likely to cause economic or environmental harm or harm to human health. They can also adversely impact plant and animal health, undermine food and water security, jeopardize the integrity of critical infrastructure, compromise resistance to and recovery from ecological disturbances, and infest military equipment and training facilities, thus compromising military readiness. When invasive species become established as free-living populations in an ecosystem, substantially more efforts and resources are required to control and reduce their spread, and minimize their impacts. If early detection, an activity which is also within the scope of the existing CX (d)(3), is not coupled with a rapid response action, the invasive species may become established and spread rapidly. Furthermore, some invasive species present in an ecosystem are such that control and eradication of local populations are long-term efforts. To provide the Army the tools to contain and eradicate localized populations of invasive species, the Army proposes to add this new CX. The Forest Service has a CX that allows control mechanisms to be applied to areas up to 250 acres, and here the Army proposes to adopt this same limitation. There is research generally backing this acreage limitation (see, generally, Coulson, R.N. and Klepzig, K. D, Eds.; *Southern Pine Beetle II*; Southern Research Station, Asheville, NC 28804, 2011. In particular, Chapter 29, Integrated Pest Management of the Southern Pine Beetle; Coulson, R.N. and Saarenmaa, H., pg. 431.] This proposed CX also incorporates controls by requiring the invasive species control mechanisms used to be ones contained within the installation’s Integrated Pest Management Plan, and by requiring use of a REC to ensure thoughtful consideration as to the potential existence of an extraordinary circumstance that would prevent the application of this CX for the proposed action. With these controls, actions to find, contain, and eradicate localized populations of invasive species are not anticipated to cause significant environmental impacts.

Reference: **Army.** *Final Programmatic Environmental Assessment for the Implementation of US Army Integrated Pest Management Program.* U.S. Army Environmental Command, Fort Sam Houston, TX. Finding of No Significant Impact signed August 2010. (USAEC, 2010)

The proposed action was to implement an integrated pest management program that reduces the use of pesticide treatments while also achieving effective pest control. The pest control methods, which could be used separately or in an integrated manner to achieve effective control, were be within the categories of mechanical, cultural, biological, and chemical. Pest management program goals identified were: (1) to promote health, safety, and welfare of installation personnel through an effective integrated pest management program; (2) to promote installation property protection; (3) to ensure professionally trained pest management personnel provide pest management support for the Army; and, (4) to minimize impacts on the natural and human environment. To implement the pest management programs at installations, each installation would develop specific integrated pest management plans that cover certification, pesticide recording and reporting, pesticide approval, and all other pest management activities for the installation. Implementation of the proposed action was determined to result in minor impacts for air quality, water resources, soils, biological resources, cultural resources, noise, socioeconomics, environmental justice, infrastructure, and hazardous material generation; no significant environmental impacts were anticipated.

Reference: Army. *Record of Environmental Consideration (REC), Project Title: Garrison Integrated Pest Management Plan 5 Year Update.* U.S. Army Garrison Hawaii, Schofield Barracks, HI. September 15, 2015. (USAG Hawaii, 2015)

The proposed action was to implement the installation's updated integrated pest management plan. Plan update components included the addition of standard operating procedures for the control of invasive pests (Ohia wilt and little fire ants) and changes for use of pesticides near pollinating pests. The integrated pest management plan would apply to all pest management operations on U.S. Army Garrison Hawaii, to include Pohakuloa Training Area and Kilauea Military Camp. No significant environmental impacts were anticipated as a result of implementing the proposed action; and, this Record of Environmental Consideration documented that the proposed action was adequately covered within 2010 *Final Programmatic Environmental Assessment for the Implementation of US Army Integrated Pest Management Program.*

Reference: National Invasive Species Council. *NISC - National Invasive Species Council Management Plan: 2016-2018.* National Invasive Species Council, Department of the Interior, Washington, D.C. July 11, 2016. (NISC, 2016)

This management plan helps guide the actions that the Council and National Invasive Species Council member departments and agencies collectively take to prevent and mitigate the impact of invasive species. The plan discusses the four general approaches used to minimize the impact of invasive species, each associated with a different stage in the invasion process; these are prevention, eradication, control, and ecosystem restoration. Of these approaches, preventing the introduction of potentially harmful organisms is noted as being not only the first line of defense for minimizing the spread and impact of invasive alien species, it is also the most cost-effective strategy. This management plan identifies the high priority, interdepartmental actions that the federal government and its partners can take to prevent, eradicate, and control invasive species, as well as recover species and restore habitats and other assets adversely impacted by invasive species. This plan identifies goals, needs, and specific actions for each priority action. The priority actions are to provide institutional leadership and set priorities, facilitate effective coordination and cost-efficiencies, raise awareness and motivate high-impact actions, remove barriers, assess and strengthen federal capacities, and foster innovation.

Reference: Army. *Integrated Natural Resources Management Plan and Environmental Assessment, 2014-2018, Fires Center of Excellence and Fort Sill, Oklahoma.* U.S. Army Garrison, Fort Sill, OK. Finding of No Significant Impact signed and Mutual Agreement signed November 12, 2014. (USAG Fort Sill, 2014b)

The proposed action was to implement an Integrated Natural Resources Management Plan at Fort Sill to manage natural resources, support the military mission, and comply with various environmental laws. Implementation of the plan would provide both military mission and environmental benefits. Military mission benefits included, for example, improving the quality of training land and enhancing mission realism. The plan would provide the basis for the conservation and protection of natural resources with environmental benefits including, for example, activities to reduce vegetation loss, reduce soil erosion, reduce the potential for environmental pollution, and promote biodiversity conservation. Goals and objectives of the plan included actions related to identifying, controlling, and preventing invasive species. Environmental impacts resulting from implementing the proposed action were determined to be less than significant or having beneficial effects on each resource area.

Reference: Navy, 32 C.F.R. Part 775 – *Procedures for Implementing the National Environmental Policy Act*, Section 775.6(f) – Categorical exclusions.

(45) Natural resources management actions undertaken or permitted pursuant to agreement with or subject to regulation by Federal, State, or local organizations having management responsibility and authority over the natural resources in question, including, but not limited to, prescribed burning, invasive species actions, timber harvesting, and hunting and fishing during seasons established by State authorities

pursuant to their State fish and game management laws. The natural resources management actions must be consistent with the overall management approach of the property as documented in an Integrated Natural Resources Management Plan (INRMP) or other applicable natural resources management plan.

Reference: Forest Service, 36 C.F.R. Part 220 –National Environmental Policy Act (NEPA) Compliance, Section 6 – Categorical exclusions. (the Forest Services proposed, as of February 2019, to change the section number for categorical exclusions from § 220.6 to § 220.5)

(e)(14) Commercial and non-commercial 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 live uninfested/uninfected trees as determined necessary to control the spread of insects or disease. 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:

(i) Felling and harvest of trees infested with southern pine beetles and immediately adjacent uninfested trees to control expanding spot infestations, and

(ii) Removal and/or destruction of infested trees affected by a new exotic insect or disease, such as emerald ash borer, Asian long horned beetle, and sudden oak death pathogen.

New CX (d)(7)

Proposed New CX Language: *Forestry and associated operations focused on the harvest and planting of live trees not to exceed 70 acres. Salvage of dead or dying trees (and adjacent live trees) not to exceed 250 acres to control disease or the spread of insect infestation. Associated operations include no more than 0.5 mile of temporary road construction, and seeding or reforestation of timber areas (REC required).*

Supporting Rationale: The Army has vast acreages of forest lands used to provide realistic Soldier training, with some forest lands used to buffer military training activities from adjoining communities. Some of the Army's forest management activities are similar to those of the U.S. Forest Service and Bureau of Land Management, with forests managed as a component of ecosystem management, and including the sale of forest products, such as saw timber, pulp wood, poles, pine straw, and firewood. States are entitled to 40 percent of the forestry revenue/obligation net balance to be used for roads and schools in the county where revenues are generated. The remaining balance is used to manage forestry operations, administer timber sales, and execute additional natural resources projects. When the Army reviewed the U.S. Forest Service and Bureau of Land Management CXs and evaluated these CXs to determine classes of actions for which a similar Army CX would be appropriate, the Army identified forestry operation actions that are similar to those frequently carried out by the Army. As a result of the Army's review of environmental analyses, the related classes of actions categorically excluded by these other federal agencies, and the Army's adherence to federal requirements governing these actions and the environmental resources effected, the Army has determined that this proposed class of action does not normally have significant environmental impacts. This proposed CX also incorporates controls by requiring use of a REC to ensure thoughtful consideration as to the potential existence of an extraordinary circumstance that would prevent the application of this CX for the proposed action. The Army proposes to adopt the same acreage limitations as appear in the below-referenced existing exclusion of the U.S. Forest Service.

Reference: Army. *Integrated Natural Resources Management Plan Environmental Assessment, Fort Benning, Georgia*. U.S. Army Garrison, Fort Benning, GA. Finding of No Significant Impact signed August 20, 2014. (USAG Fort Benning, 2014)

The proposed action was to implement the revised Fort Benning integrated natural resources management plan. The management plan specified the land management practices and adaptive management strategies that would conserve ecological integrity, support Army training, and promote the health of Fort Benning's ecosystems. The focus is ecosystem based management, rather than management

for single species. The management plan focuses on the management of the natural resources on training lands, and also addresses natural resources management activities that occur within the cantonment areas. As required by the Sikes Act (16 U.S.C. § 670a *et seq.*), the integrated natural resources management plan was prepared in cooperation with the U.S. Fish and Wildlife Service and the state of North Carolina. Included in the proposed action were forestry operations as Fort Benning has approximately 80,000 acres in loblolly and longleaf pine, 54,000 acres of hardwood forest, and 15,000 acres of forested restricted access areas. A major focus of the installation's forest management program is to continue actions to reestablish the composition, structure, and function of the longleaf pine ecosystem in a way that resembles its historic occurrence to support sustainable military training, provide habitat for the Red-cockaded woodpecker to reach population recovery goals, and to maintain biological diversity. Harvesting of standing timber is an integral and active part of the overall forest and natural resource management program at Fort Benning, as is tree planting. Using a combination of thinning and regeneration harvest, approximately 1,000 acres would continue to be harvested annually. Areas are also harvested through the use of salvage contracts in a continual effort to salvage damaged, diseased, dying, or insect-infested timber throughout the installations. No significant environmental impacts resulting from implementation of the proposed action were anticipated. Negligible impacts were anticipated for cultural resources and noise. Impacts were anticipated to be beneficial for air quality, biological resources, land use, safety, soils, and water resources. Implementation of best management practices, adherence to minimum proximity requirements related to Red-cockaded woodpecker clusters and nest trees, employment of other standard operating procedures, and adherence to safety requirements would contribute towards the resulting beneficial impacts and towards reducing the already less than significant impacts to cultural resources and noise.

Reference: Army. *Environmental Assessment - Integrated Natural Resources Management Plan, Fort Stewart/Hunter Army Airfield, Georgia.* U.S. Army Garrison Fort Stewart, GA. Finding of No Significant Impact signed September 2001; 2007 Review signed July 15, 2007; and, 2012 Review signed September 14, 2012. (USAG Fort Stewart, 2012)

The proposed action was to implement an integrated natural resource management plan at Fort Stewart and Hunter Army Airfield to manage natural resources, support the military mission, provide outdoor recreation opportunities, provide timber products, and comply with various environmental laws. During the 2012 review, implementation of the integrated natural resources management plan, which includes forestry operations, was noted as providing a conservation benefit to the Red-cockaded woodpecker and other species listed as threatened or endangered under the Endangered Species Act. Forestry operations align with Red-cockaded woodpecker recovery actions, and include longleaf pine conversion which uses year-round burning and thinning and essentially eliminates plantation-type forestry. Unlike even-aged management of timber, the Fort Stewart system is one of perpetual timber stand improvements, and harvest is simply one means of accomplishing timber stand improvement. Thinning is the primary harvest and timber stand improvement tool used on Fort Stewart, with almost all thinning being commercial harvest. Decisions on which trees to be marked for removal (harvest) would be based on several factors, including tree spacing, species, amount of regeneration, hardwood types and ages, and presence of wetlands. The annual goal is to thin approximately 15,000 acres. Achievement of this goal would be directly impacted by a variety of factors, including market conditions, weather, and military activity. As required by the Sikes Act (16 U.S.C. § 670a *et seq.*), the integrated natural resources management plan was prepared in cooperation with the U.S. Fish and Wildlife Service and the state of Georgia, as were the five-year reviews. No significant environmental impacts resulting from implementation of the proposed action were anticipated.

Reference: Navy, 32 C.F.R. Part 775 – *Procedures for Implementing the National Environmental Policy Act*, Section 775.6(f) – Categorical exclusions.

(45) Natural resources management actions undertaken or permitted pursuant to agreement with or subject to regulation by Federal, State, or local organizations having management responsibility and

authority over the natural resources in question, including, but not limited to, prescribed burning, invasive species actions, timber harvesting, and hunting and fishing during seasons established by State authorities pursuant to their State fish and game management laws. The natural resources management actions must be consistent with the overall management approach of the property as documented in an Integrated Natural Resources Management Plan (INRMP) or other applicable natural resources management plan.

Reference: **Forest Service**, *36 C.F.R. Part 220 –National Environmental Policy Act (NEPA) Compliance*, Section 6 – Categorical exclusions. (the Forest Services proposed, as of February 2019, to change the section number for categorical exclusions from § 220.6 to § 220.5)

(e)(12) Harvest of live trees 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:

- (i) Removal of individual trees for sawlogs, specialty products, or fuelwood, and
- (ii) Commercial thinning of overstocked stands to achieve the desired stocking level to increase health and vigor.

(e)(13) Salvage of dead and/or dying trees 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:

- (i) 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, and
- (ii) Harvest of fire-damaged trees.

(e)(14) Commercial and non-commercial 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 live uninfested/uninfected trees as determined necessary to control the spread of insects or disease. 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:

- (i) Felling and harvest of trees infested with southern pine beetles and immediately adjacent uninfested trees to control expanding spot infestations, and
- (ii) Removal and/or destruction of infested trees affected by a new exotic insect or disease, such as emerald ash borer, Asian long horned beetle, and sudden oak death pathogen.

Reference: **Bureau of Land Management**, *Department of the Interior Departmental Manual, Part 516: National Environmental Policy Act of 1969, Chapter 11: Managing the NEPA Process--Bureau of Land Management* (516 DM 11), Section 11.9 – Actions Eligible for a Categorical Exclusion (CX).

C.3. Seeding or reforestation of timber sales or burn areas where no chaining is done, no pesticides are used, and there is no conversion of timber type or conversion of non-forest to forest land. Specific reforestation activities covered include: seeding and seedling plantings, shading, tubing (browse protection), paper mulching, bud caps, ravel protection, application of non-toxic big game repellent, spot scalping, rodent trapping, fertilization of seed trees, fence construction around out-planting sites, and collection of pollen, scions and cones.

New CX (d)(8)

Proposed New CX Language: *Prescribed burning not to exceed 4,500 acres per prescribed burn project, and mechanical vegetation removal not to exceed 1,000 acres per vegetation removal project, for the purposes of: reducing the risks and severity of wildland fires and fires resulting from Army mission activities; and enhancing the biodiversity, stability, and productivity of the natural environment (REC required).*

Supporting Rationale: When the Army reviewed other federal agency CXs and evaluated these other agency CXs to determine classes of actions for which a similar Army CX would be appropriate, the Army

identified a number of CXs related to reducing the risk of wildland fire, including wildland fires resulting from Army mission activities, and enhancing natural ecosystems. In this CX, the Army proposes to adopt the acreage limitations that appear in the existing, below-referenced Department of the Interior categorical exclusions (including the exclusions of the Bureau of Land Management and the U.S. Fish and Wildlife Service). These actions within the scopes of other federal agency CXs are actions similar to those frequently carried out by the Army to enhance safety, manage natural resources, and support military training and testing activities. As a result of the Army's review of environmental analyses, the related classes of actions categorically excluded by these other federal agencies, the Sikes Act (16 U.S.C. § 670a *et seq.*) requirements related to the Army's integrated natural resources management plans, and the Army's adherence to federal requirements governing these actions and the environmental resources effected, the Army has determined that this proposed class of action does not normally have significant environmental impacts. This proposed CX also incorporates controls by requiring use of a REC to ensure thoughtful consideration as to the potential existence of an extraordinary circumstance that would prevent the application of this CX for the proposed action.

Reference: Army. *Integrated Natural Resources Management Plan Environmental Assessment, Fort Benning, Georgia.* U.S. Army Garrison, Fort Benning, GA. Finding of No Significant Impact signed August 20, 2014. (USAG Fort Benning, 2014)

The proposed action was to implement the revised Fort Benning integrated natural resources management plan. The management plan specified the land management practices and adaptive management strategies that would conserve ecological integrity, support Army training, and promote the health of Fort Benning's ecosystems. The focus is ecosystem based management, rather than management for single species. The management plan focuses on the management of the natural resources on training lands, and also addresses natural resources management activities that occur within the cantonment areas. As required by the Sikes Act (16 U.S.C. § 670a *et seq.*), the integrated natural resources management plan was prepared in cooperation with the U.S. Fish and Wildlife Service and the state of North Carolina. Included in the proposed action were prescribed burning operations as Fort Benning to improve upland longleaf pine habitat condition, reduce the establishment of invasive species, reduce insect pests, reduce wildland fire risks, and improve visibility for military ground maneuvers. A major focus of the installation's natural resources management program is to continue actions to reestablish the composition, structure, and function of the longleaf pine ecosystem, an ecosystem dependent on periodic burns. Timing of prescribed burned would be based on weather, air quality considerations, and fuel conditions. Growing season burns would be conducted where needed for specific habitat restoration purposes. The U.S. Fish and Wildlife Service requires Fort Benning to burn 90,000 acres of pine habitat every three years for Red-cockaded woodpecker management. Consequently, the installation's objective is to burn 30,000 acres per year while minimizing any impacts to the training mission. Prescribed burning is an area source of criteria pollutant emissions; however, whereas wildland fires are unplanned events and the smoke generated cannot be managed for reduced impacts to smoke sensitive areas, prescribed fires reduce the potential for destructive wildfires and contribute to the maintenance of long-term air quality as acknowledged in the Environmental Protection Agency. Furthermore, with cooperation from federal land managers, the Georgia and Alabama Forestry Commissions administer each state's smoke management plans. These smoke management plans address procedures to manage smoke and achieve national clean air objectives while improving the quality of wildland ecosystems through the use of prescribed fire.

No significant environmental impacts resulting from implementation of Fort Benning's revised integrated natural resources management plan were anticipated. Negligible impacts were anticipated for cultural resources and noise. Impacts were anticipated to be beneficial for air quality, biological resources, land use, safety, soils, and water resources. Implementation of best management practices, adherence to minimum proximity requirements related to Red-cockaded woodpecker clusters and nest trees, and employment of other standard operating procedures would contribute towards the resulting beneficial impacts and towards reducing the already less than significant impacts to cultural resources and noise.

Reference: Army. *Integrated Natural Resources Management Plan and Environmental Assessment, 2014-2018, Fires Center of Excellence and Fort Sill, Oklahoma.* U.S. Army Garrison, Fort Sill, OK. Finding of No Significant Impact signed and Mutual Agreement signed November 12, 2014. (USAG Fort Sill, 2014b)

The proposed action was to implement an Integrated Natural Resources Management Plan at Fort Sill to manage natural resources, support the military mission, and comply with various environmental laws. Implementation of the plan would provide both military mission and environmental benefits. Military mission benefits included, for example, improving the quality of training land and enhancing mission realism. The plan would provide the basis for the conservation and protection of natural resources with environmental benefits including, for example, activities to reduce vegetation loss, reduce soil erosion, reduce the potential for environmental pollution, and promote biodiversity conservation. Goals and objectives of the plan included actions related to using prescribed burning to maintain training mission capabilities and enhance ecosystem biodiversity and functionality. Most past prescribed burn activities at Fort Sill have been for 20-30 sites annually, with each site ranging 20-600 acres. Environmental impacts resulting from implementing the proposed action were determined to be less than significant or having beneficial effects on each resource area.

Reference: Army. *Final Fire Mitigation Environmental Assessment for Fort Sill, Oklahoma.* U.S. Army Garrison, Fort Sill, OK. Finding of No Significant Impact signed December 14, 2016. (USAG Fort Sill, 2016)

The proposed action was to supplement existing fire mitigation activities performed at the installation. The proposed action included using additional, enhanced methods and techniques specifically developed for site conditions to further mitigate the risk of wildfires caused by natural or man-induced conditions. Included in the proposed action was the construction of six new, interior firebreaks over six miles; removal of 340 acres of woody vegetation; and, where mechanical removal or ground-level spraying was impracticable due to unexploded ordnance and severe undergrowth, programmatically evaluate and implement aerial spraying of noxious weeds and other fuel sources to reduce fuel for wildfires. Old growth forests would be avoided during woody vegetation removal and all activities, including coordinations/communications, would adhere to standard operating procedures and applicable management plan requirements. Implementation of the proposed action was anticipated to have no significant impacts on environmental resources. Beneficial impacts were anticipated for health and safety, and socioeconomics and environmental justice; negligible impacts for airspace use; and less than significant impacts for air quality, terrestrial biological resources, aquatic biological resources, cultural and historic resources, hazardous materials and waste, hydrology and hydrogeology, land use and land cover, noise, soils and topography, transportation, utilities and infrastructure, solid waste, visual and aesthetic resources, and water resources. A number of measures were identified to reduce or minimize potential impacts, to include implementing best management practices and, after firebreaks were constructed, restoring stream beds and major conduits for floodplains to pre-construction contours.

Reference: Army. *Environmental Assessment - Integrated Natural Resources Management Plan, Fort Stewart/Hunter Army Airfield, Georgia.* U.S. Army Garrison Fort Stewart, GA. Finding of No Significant Impact signed September 2001; 2007 Review signed July 15, 2007; and, 2012 Review signed September 14, 2012. (USAG Fort Stewart, 2012)

The proposed action was to implement an integrated natural resource management plan at Fort Stewart and Hunter Army Airfield to manage natural resources, support the military mission, provide outdoor recreation opportunities, provide timber products, and comply with various environmental laws. During the 2012 review, implementation of the integrated natural resources management plan, which includes prescribed burns, was noted as providing a conservation benefit to the Red-cockaded woodpecker and other species listed as threatened or endangered under the Endangered Species Act. In support of Red-cockaded woodpecker recovery actions, longleaf pine conversion includes use of year-round burning.

During the 2007 review, one of the significant accomplishments from 2001 to 2006 noted was improved habitat conditions by conducting over 600,000 acres of prescribed burns. As required by the Sikes Act (16 U.S.C. § 670a *et seq.*), the integrated natural resources management plan was prepared in cooperation with the U.S. Fish and Wildlife Service and the state of Georgia, as were the five-year reviews. No significant environmental impacts resulting from implementation of the proposed action were anticipated.

Reference: **Navy**, 32 C.F.R. Part 775 – *Procedures for Implementing the National Environmental Policy Act*, Section 775.6(f) – Categorical exclusions.

(45) Natural resources management actions undertaken or permitted pursuant to agreement with or subject to regulation by Federal, State, or local organizations having management responsibility and authority over the natural resources in question, including, but not limited to, prescribed burning, invasive species actions, timber harvesting, and hunting and fishing during seasons established by State authorities pursuant to their State fish and game management laws. The natural resources management actions must be consistent with the overall management approach of the property as documented in an Integrated Natural Resources Management Plan (INRMP) or other applicable natural resources management plan.

Reference: **Interior**, 43 C.F.R. Part 46 – *Implementation of the National Environmental Policy Act of 1969*, Section 210 – Listing of Departmental categorical exclusions.

(k) 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
 - (ii) Condition Classes 2 or 3 in Fire Regime Groups I, II, or III, outside the wildland-urban interface;
- (2) Shall be identified through a collaborative framework as described in “A Collaborative Approach for Reducing Wildland Fire Risks to Communities and the Environment 10-Year Comprehensive Strategy Implementation Plan;”
- (3) Shall be conducted consistent with bureau and Departmental procedures and applicable land and resource management plans;
- (4) Shall not be conducted in wilderness areas or impair the suitability of wilderness study areas for preservation as wilderness; and
- (5) Shall not include the use of herbicides or pesticides or the construction of new permanent roads or other new permanent infrastructure; and may include the sale of vegetative material if the primary purpose of the activity is hazardous fuels reduction. (Refer to the ESM Series for additional, required guidance.)

Reference: **Fish and Wildlife Service**, *Department of the Interior Departmental Manual, Part 516: National Environmental Policy Act of 1969, Chapter 8: Managing the NEPA Process--U.S. Fish and Wildlife Service* (516 DM 8), Section 8.5 – Categorical Exclusions.

B(4) The use of prescribed burning for habitat improvement purposes, when conducted in accordance with local and State ordinances and laws.

B(5) Fire management activities, including prevention and restoration measures, when conducted in accordance with Departmental and Service procedures.

Reference: **Bureau of Land Management**, *Department of the Interior Departmental Manual, Part 516: National Environmental Policy Act of 1969, Chapter 11: Managing the NEPA Process--Bureau of Land Management* (516 DM 11), Section 11.9 – Actions Eligible for a Categorical Exclusion (CX).

D.10. Vegetation management activities, such as seeding, planting, invasive plant removal, installation of erosion control devices (e.g., mats/straw/chips), and mechanical treatments, such as crushing, piling,

thinning, pruning, cutting, chipping, mulching, mowing, and prescribed fire when the activity is necessary for the management of vegetation on public lands. Such activities:

- a. Shall not exceed 4,500 acres per prescribed fire project and 1,000 acres for other vegetation management projects;
- b. Shall not be conducted in Wilderness areas or Wilderness Study Areas;
- c. Shall not include the use of herbicides, pesticides, biological treatments or the construction of new permanent roads or other new permanent infrastructure;
- d. May include temporary roads which are defined as roads authorized by contract, permit, lease, other written authorization, or emergency operation not intended to be part of the BLM transportation system and not necessary for long-term resource management. Temporary roads shall be designed to standards appropriate for the intended uses, considering safety, cost of transportation, and impacts on land and resources; and
- e. Shall require the treatment of temporary roads constructed or used so as to permit the reestablishment, by artificial or natural means, of vegetative cover on the roadway and areas where the vegetative cover was disturbed by the construction or use of the road, as necessary to minimize erosion from the disturbed area.

Such treatment shall be designed to reestablish vegetative cover as soon as practicable, but at least within 10 years after the termination of the contract.

Reference: **Forest Service**, 36 C.F.R. Part 220 –National Environmental Policy Act (NEPA) Compliance, Section 6 – Categorical exclusions. (the Forest Services proposed, as of February 2019, to change the section number for categorical exclusions from § 220.6 to § 220.5)

(e)(6) Timber stand and/or wildlife habitat improvement activities that do not include the use of herbicides or do not require more than 1 mile of low standard road construction. Examples include, but are not limited to:

- (i) Girdling trees to create snags;
- (ii) Thinning or brush control to improve growth or to reduce fire hazard including the opening of an existing road to a dense timber stand;
- (iii) Prescribed burning to control understory hardwoods in stands of southern pine; and
- (iv) Prescribed burning to reduce natural fuel build-up and improve plant vigor.

New CX (f)(7)

Proposed New CX Language: *Agreements entered into with an eligible entity or entities under the Army Compatible Use Buffer (ACUB) program, in accordance with 10 U.S.C. § 2684a or under other applicable authorities, that address the use or development of real property in the vicinity of, or ecologically related to, a military installation or military airspace for purposes of limiting development of the property that would be incompatible with the mission of the military installation and/or for preserving habitat and cultural resources on the property that may eliminate or relieve current or anticipated restrictions on military testing, training or operations and for which there is no significant change of land use (REC required).*

Supporting Rationale: ACUB agreement actions are similar to easements (see CX (f)(1)); however, the Army retains only a reversionary interest (not a current interest) in the land in question, subject to potential improper management of the property by a conservation partner. This is an unusual real property interest, with its own authority (e.g., 10 U.S.C. § 2684a, referenced in the proposed CX) and, as such, is more appropriate for addressing in a CX separate from CX (f)(1). This concept aligns with a U.S. Fish and Wildlife Service CX which includes issuing grants and/or entering into cooperative agreements in support of private land restorations. As with other real property interest, the Army has management controls in place, along with requiring the use of a REC for this CX, to ensure thoughtful consideration as to the potential existence of an extraordinary circumstance that would prevent the application of this CX for the proposed action. Management controls include, for example, the adherence to DoD policy and

guidance for ACUB actions, approval of the agreement by a grants officer, and periodic audits of the ACUB program and agreements entered into. There have been no significant adverse impacts as a result of the Army implementing ACUB agreements. In fact, ACUB agreements affecting numerous parcels of land by Army installations have resulted in beneficial impacts to environmental resources.

Reference: DoD. *DOD Instruction 4715.24, The Readiness and Environmental Protection Integration (REPI) Program and Encroachment Management.* Department of Defense, Washington, D.C. November 9, 2016. (DoD, 2016a)

This DoD Instruction is the DoD policy to which the Army's ACUB program adheres. Included are procedures for executing the REPI program in coordinating with other encroachment management tools and programs to protect military installations, ranges, and their associated facilities, range infrastructure, and airspace from incompatible development and other encroachment threats.

Reference: DoD. *Fiscal Year 2018 Readiness and Environmental Protection Integration Program Guide for Encroachment Management Partnerships* memorandum. Assistant Secretary of Defense for Energy, Installations and Environment; Department of Defense, Washington, D.C. April 6, 2017. (DoD, 2017)

This DoD memorandum provided the detailed instructions for projects that would be competing for fiscal year 2018 funding. This memorandum also documented the beneficial environmental impacts that have resulted through fiscal year 2016, of which the Army was a contributor; specifically, over 464,000 acres of open space and important habitat have been protected, producing a myriad of positive benefits for the mission, communities, and the environment.

Reference: Army. *Record of Environmental Consideration: Participate in Army Compatible Use Buffer (ACUB) Program.* U.S. Army Garrison, West Point, NY. February 7, 2013. (USAG West Point, 2013)

The proposed action was to use the ACUB program to establish protective buffers around the training area perimeter before further significant local development occurred. The proposed action would protect current and future mission activities by preventing incompatible lands uses from occurring within designated high noise zones and aircraft over-flight areas, while simultaneously enhancing conservation efforts of the state of New York and several conservation organizations. The proposed action was categorically excluded under the current CX (f)(1).

Reference: Fish and Wildlife Service. *NEPA Compliance Checklist: Lentile Tract, Irwin County, GA for Gopher Tortoise Preservation.* U.S. Fish and Wildlife Service - Region 4, Atlanta, GA. July 27, 2015. (USFWS, 2015)

This NEPA Compliance Checklist documents that the proposed action was covered under Fish and Wildlife Service CXs. The proposed action – a partnership between the Service, the Army, and the state of Georgia – was to preserve and manage approximately 7,000 acres of land, known as the Lentile Tract, for the longleaf pine ecosystem and gopher tortoise. Under the ACUB program, the Army was a contributing partner for this proposed project. No significant environmental impacts were anticipated from implementation of the proposed action. Land management activities – to include removal of threats to endangered, threatened, candidate, and/or at-risk species – were expected to provide beneficial impacts to the gopher tortoise, other species, and native habitat.

Reference: Fish and Wildlife Service, *Department of the Interior Departmental Manual, Part 516: National Environmental Policy Act of 1969, Chapter 8: Managing the NEPA Process--U.S. Fish and Wildlife Service* (516 DM 8), Section 8.5 – Categorical Exclusions.

E(1) State, local, or private financial assistance (grants and/or cooperative agreements), including State planning grants and private land restorations, where the environmental effects are minor or negligible.

New CX (g)(4)

Proposed New CX Language: *(4) Repair and maintenance (including replacement and upgrade of parts), and decontamination operations for military equipment conducted at existing enclosed facilities, to include contractor-operated/owned enclosed facilities, consistent with previously established safety levels and in compliance with applicable federal, state, and local requirements (REC required if proposed action entails a new/modified repair/maintenance operation affecting equipment containing munitions, explosives, or hazardous material, and the operation was not implemented at the enclosed facility during the preceding 5 years; REC required if the proposed action necessitates a new permit or change in an existing permit).*

Supporting Rationale: This proposed CX is substantially similar to the existing CX (g)(3), a CX to which some administrative changes have been proposed; however, CX (g)(3) is specifically for repair and maintenance *which is substantially the same as that routinely performed by private sector owners and operators of similar equipment and vehicles*. Some military equipment and vehicles are substantially the same as those available in the private sector, with repair and maintenance also substantially the same. This proposed CX, on the other hand, would address the repair, maintenance, and decontamination operations for military equipment that is not normally available in the private sector. This proposed CX incorporates controls that result in the Army's determination that implementation of the proposed action would not result in significant environmental impacts. The primary controls are that the proposed action be conducted at an existing enclosed facility, be implemented consistent with previously established safety levels, and be in compliance with legal and regulatory requirements. This proposed CX also incorporates controls by requiring use of a REC in certain circumstances to ensure thoughtful consideration as to the potential existence of an extraordinary circumstance that would prevent the application of this CX for the proposed action. In the Army's experience, the proposed action does not normally impact environmental resources significantly. This is supported by the fact that a Navy and Homeland Security each have a repair and maintenance operations CX with a much broader scope than what the Army is proposing for CX (g)(4).

Reference: Army. *Final Supplemental Environmental Assessment - Construction and Operation of Unmanned Aerial System Complexes and Rotary Aircraft Maintenance Hangers at Sabre Army Heliport, Fort Campbell, KY.* U.S. Army Garrison Fort Campbell, KY. Finding of No Significant Impact signed January 2, 2015. (USAG Fort Campbell, 2015)

The proposed action was to construct and operate Unmanned Aerial System complexes and replace and operate rotary aircraft maintenance hangers and associated infrastructure at Sabre Army Heliport. The analysis evaluated potential impacts to land use, air quality, noise, geology and soils, water resources, biological resources, cultural resources, socioeconomic, transportation, utilities, and hazardous and toxic substances. No significant environmental or socioeconomic consequences were anticipated to result from implementing the proposed action. Measures, to include implanting best management practices and adhering to standard operating procedures, would further reduce impacts associated with the operation to take place in the proposed maintenance hangers. Noise abatement insulation in the new facilities would result in a 25 percent noise reduction and allow routine work within the buildings to proceed without interruption. Use of work area containment and oil/water separators to prevent transport of petroleum, oils, and lubricants from maintenance areas to surface waters.

Reference: Army. *Final Environmental Assessment for the Nationwide Fielding of the Nuclear Biological Chemical Reconnaissance Vehicle (NBCRV) and Mine Protected Clearance Vehicle (MPCV) Buffalo.* Army National Guard Bureau, Arlington, VA. Finding of No Significant Impact signed March 22, 2016. (Army National Guard Bureau, 2016)

The proposed action was to field, equip, and train Army National Guard (ARNG) Soldiers with two distinct vehicles – the Stryker NBCRV and the MPCV Buffalo – at numerous ARNG facilities, nationwide. The proposed action included vehicle maintenance activities in order to maintain readiness and increase the probability of the equipment being fully mission capable in the least amount of time.

Material used for maintenance activities would be similar to those used on other existing ground vehicle systems. With the addition of these proposed new vehicles to existing ARNG maintenance requirements, facilities and operators would continue to implement associated best management practices and adhere to standard operating procedures. These protection measures, as well as adherence to legal and regulatory requirements, are a component of the proposed action. Implementation of the proposed action, which included maintenance activities, was anticipated to be less than significant to air quality; noise; water resources; biological resources; cultural resources; and hazardous and toxic materials and waste. Impacts from none to minimal were anticipated for land use; geology, topography, and soils; socioeconomics / environmental justice; and infrastructure. To guard against circumstances developing that could, in limited cases, result in site-specific adverse effects, the National Guard Bureau and state and territory ARNGs would maintain their stewardship posture by ensuring enforcement and implementation of necessary measures unique to their particular cases and locations.

Reference: **Navy**, 32 C.F.R. Part 775 – *Procedures for Implementing the National Environmental Policy Act*, Section 775.6(f) – Categorical exclusions.

(8) Routine repair and maintenance of buildings, facilities, vessels, aircraft, ranges, and equipment associated with existing operations and activities (e.g., localized pest management activities, minor erosion control measures, painting, refitting, general building/structural repair, landscaping, or grounds maintenance).

Reference: **Homeland Security**, *Instruction Manual 023-01-001-01, Revision 01, Implementation of the National Environmental Policy Act (NEPA)*, 2014. Appendix A – DHS List of Categorical Exclusions.

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.

New CX (g)(5)

Proposed New CX Language: (5) *Land repair and maintenance projects for the purpose of mitigating the effects of military training exercises. Examples include, but are not limited to: soil stabilization through revegetation; installing and maintaining erosion control measures; gully and ravine stabilization; control of invasive vegetation; maintenance of existing structures such as culverts, terraces, and sediment control structures; and maintenance of improved surfaces that are part of the training landscape (REC required).*

Supporting Rationale: This proposed CX addresses the repair and maintenance of land used for military training exercises, of which many of the activities are carried out under the Army's Integrated Training Area Management (ITAM) program. As it is in the Army's best interest to ensure the Army has land available for future training and testing requirements, the Army has adopted a sustainability culture that helps result in executing activities where minimizing environmental impacts can be a substantial factor in decisions. The Army's sustainability culture is implemented, in part, through the employment of standard operating procedures, application of best management procedures, and adherence to legal and regulatory requirements; all of which help contribute to reducing or eliminating impacts on environmental resources. In addition to the Army's policies that govern the execution of activities enabling Army ranges to continue to be available for future use, the Army's numerous assessments under NEPA have demonstrated that these land repair and maintenance activities normally do not have a significant impact on environmental resources. In fact, the impacts of land repair and maintenance projects are often beneficial for environmental resources. This proposed CX also incorporates controls by requiring the use of a REC for new outdoor training to ensure thoughtful consideration as to the potential existence of an extraordinary circumstance that would prevent the application of this CX for the proposed action.

Reference: Army. *Army Regulation 351-19, The Army Sustainable Range Program.* Headquarters, Department of the Army, Washington, D.C. September 30, 2005. (DA, 2005)

Army policies to sustain the capability, availability, and accessibility of ranges and training lands in a sustainable manner are contained within this Army regulation. The Army recognizes that its ranges need to continue to have the capacity to meet the demands dictated by the characteristics of its weapons systems and doctrinal requirements. Included within this regulation are the Army's policies regarding ITAM, a program that integrates the mission requirements with environmental requirements and environmental management practices. ITAM includes components for assessing land quality, monitoring land conditions, and recommending land rehabilitation options; integrating training and testing requirements with training land carrying capacity; education land users to minimize adverse impacts; and rehabilitating and maintaining training land. The range and training land assessment component acquires data and assesses information to maximize the capability and sustainability of the land to support live training and testing activities. The land rehabilitation and maintenance component is a key enabler for sustaining realistic training conditions and supporting the personnel, weapons, vehicles, and the mission requirements for the units using the installation. With this regulation, the Army demonstrates its recognition that Army training and testing activities can be compatible with environmental stewardship, a stewardship that can enable realistic training.

Reference: Army. *Department of the Army, United States Army Alaska, Environmental Assessment, Integrated Training Area Management Program Management Plan.* U.S. Army Garrison, Fort Wainwright, AK. Finding of No Significant Impact signed July 11, 2005. (USAG Fort Wainwright, 2005)

The proposed action was to institute a management plan through which to implement Fort Wainwright's Integrated Training Area Management (ITAM) program. The management plan would provide a systematic approach to maintaining and improving range and training land infrastructure in support of the installation's mission to provide ready combat forces for worldwide joint military operations, crisis response, and peacetime engagements. The management plan would provide the standardization necessary to allow ITAM to more easily predict possible impacts of projects and determine efficacy of project procedures. Minor temporary adverse impacts to soil, vegetation, wetlands, water resources, wildlife and fisheries, human health and safety, noise, and air quality were anticipated. Long term beneficial impacts were anticipated for all resources as the purpose of ITAM is to repair, maintain, and improve training lands disturbed by military training. These beneficial impacts anticipated included erosion prevention, revegetation, wetlands reclamation, streambank stabilization, habitat improvement, fuel load reduction, improvements for public access, and cultural resources protection. Implementation of the proposed action would not result in any significant environmental impacts.

Reference: Agency. *Programmatic Environmental Assessment for the Fort Sill Mission; Cantonment Area and Range and Training Land Construction, Modernization, and Maintenance; and Environmental Stewardship at Fort Sill, Oklahoma.* U.S. Army Garrison, Fort Sill, Oklahoma. Finding of No Significant Impact signed May 4, 2013. (USAG Fort Sill, 2013)

The proposed action for Fort Sill included site-specific range and cantonment area construction, sustainable cantonment and range planning using adaptable use zones, and the implementation of environmental stewardship construction guidelines. Types of activities included in the proposed action were maneuver damage repair and other training area maintenance projects. With the identification of various measures to reduce environmental impacts of the proposed action (to include the continued use of standard operating procedures and best management practices that minimize impacts to biological, soil, and water resources), the Army concluded that impacts from implementing the proposed action would be less than significant.

Reference: Army. *Fort Hunter Liggett Army Total Force Training Integration Environmental Assessment.* U.S. Army Garrison, Fort Hunter Liggett, CA. Finding of No Significant Impact signed June 2, 2016. (USAG Fort Hunter Liggett, 2016)

The proposed action was to conduct off-road vehicle maneuver exercises, and increase the frequency of brigade-level collective training exercises that incorporate Active Component maneuver company integration with Army National Guard and Reserve units at Fort Hunter Liggett. The proposed action included the establishment of a primary and secondary maneuver corridor for accomplishing proposed maneuver training requirements. These corridors were selected because they would provide suitable terrain for off-road vehicle maneuver lanes and were areas used until the early 2000s for off-road vehicle maneuver exercises. The proposed action specified the limitations that would be applied to off-road vehicle maneuver training, to include limiting this training to the dry season. Implementation of the proposed action anticipated less than significant impacts for air quality (including greenhouse gases) and transportation. With the implementation of best management practices, impact avoidance measures, and other specified measures, less than significant impacts were anticipated for natural resources, cultural resources, geology and soils, and surface water and wetlands. Negligible adverse effects were anticipated for land use, noise, socioeconomic (including environmental justice), groundwater, floodplains, airspace, facilities, energy demand and generation, and utilities, and hazardous materials, hazardous waste and health and safety. In addition to implementing existing operational controls, management controls, and best management practices for resource protection, timely land repair and maintenance activities were among the measures whose implementation would result in less than significant impacts resulting from the proposed conduct of off-road vehicle maneuver exercises.

Reference: Army. *Integrated Natural Resources Management Plan and Environmental Assessment, 2014-2018, Fires Center of Excellence and Fort Sill, Oklahoma.* U.S. Army Garrison, Fort Sill, OK. Finding of No Significant Impact signed and Mutual Agreement signed November 12, 2014. (USAG Fort Sill, 2014b)

The proposed action was to implement an Integrated Natural Resources Management Plan at Fort Sill to manage natural resources, support the military mission, and comply with various environmental laws. Implementation of the plan would provide both military mission and environmental benefits. Military mission benefits included, for example, improving the quality of training land and enhancing mission realism. The plan would provide the basis for the conservation and protection of natural resources with environmental benefits including, for example, activities to reduce vegetation loss, reduce soil erosion, reduce the potential for environmental pollution, and promote biodiversity conservation. Goals and objectives of the plan included actions related to land repair and maintenance projects to mitigate the effects of military training. Environmental impacts resulting from implementing the proposed action were determined to be less than significant or having beneficial effects on each resource area.

Reference: Army. *Integrated Natural Resources Management Plan Environmental Assessment, Fort Benning, Georgia.* U.S. Army Garrison, Fort Benning, GA. Finding of No Significant Impact signed August 20, 2014. (USAG Fort Benning, 2014)

The proposed action was to implement the revised Fort Benning integrated natural resources management plan. The management plan specified the land management practices and adaptive management strategies that would conserve ecological integrity, support Army training, and promote the health of Fort Benning's ecosystems. The focus is ecosystem based management, rather than management for single species. Though the management plan addresses natural resources management activities that occur within the cantonment areas, it focuses on the management of the natural resources on training lands. As required by the Sikes Act (16 U.S.C. § 670a *et seq.*), the integrated natural resources management plan was prepared in cooperation with the U.S. Fish and Wildlife Service and the state of North Carolina. The plan include land repair and maintenance activities for the purpose of mitigating the effects of military training exercises, to include projects to stabilize soils and prevent soil erosion and sedimentation. No significant environmental impacts resulting from implementation of Fort Benning's

revised integrated natural resources management plan were anticipated. Negligible impacts were anticipated for cultural resources and noise. Impacts were anticipated to be beneficial for air quality, biological resources, land use, safety, soils, and water resources. Implementation of best management practices, adherence to minimum proximity requirements related to Red-cockaded woodpecker clusters and nest trees, and employment of other standard operating procedures would contribute towards the resulting beneficial impacts and towards reducing the already less than significant impacts to cultural resources and noise.

New CX (g)(7)

Proposed New CX Language: *Development, adoption, update, and implementation of an installation pesticide, fungicide, herbicide, insecticide, and rodenticide-use program and plan (IPMP). The IPMP will provide for application of substances approved for use by the appropriate regulating agency when the application of such substances is implemented in accordance with the manufacturer's label directions, the IPMP, and INRMP as applicable. (REC required). This categorical exclusion does not apply to implementation of aerial spraying.*

Supporting Rationale: Army pest management incorporates sustainable integrated pest management philosophy, strategies, and techniques in all aspects of planning, training, and operations to reduce pesticide risk and prevent pollution, in accordance with DoD policy contained in DoD Instruction 4150.07, *The DoD Pest Management Program*. With increased threats from insect-borne diseases and extensive spread of invasive species on training lands, integrated pest management at Army facilities and installations has been determined to be the best approach to control pests, reduce pesticide resistance, meet mandates for federal agencies to reduce human health and environmental risks from pesticides, and comply with the requirements of the Federal Insecticide, Fungicide, and Rodenticide Act. In support of its mission, the Army's goal related to pest management is to protect human health, property, and natural resources from adverse impacts of weeds, insects, vertebrates, and other pests. This goal focuses the Army's efforts to sustain training lands, ranges, and facilities that support readiness with minimum impacts to the environment. As a result of the Army's experience in implementing its pest management program, no significant environmental impacts are anticipated to result for the activities proposed for CX (g)(7), activities which include limitations. The limitations are that pesticide, fungicide, herbicide, insecticide, and rodenticide substances used be approved for use by the appropriate regulating agency; the application of such substances is implemented in accordance with the manufacturer's label directions; and, the approval and application of the substance is in accordance with the IPMP and INRMP. This proposed CX also incorporates controls by requiring the use of a REC to ensure thoughtful consideration as to the potential existence of an extraordinary circumstance that would prevent the application of this CX for the proposed action.

Reference: **Army.** *Final Programmatic Environmental Assessment for the Implementation of US Army Integrated Pest Management Program.* U.S. Army Environmental Command, Fort Sam Houston, TX. Finding of No Significant Impact signed August 2010. (USAEC, 2010)

The proposed action was to implement an integrated pest management program that reduces the use of pesticide treatments while also achieving effective pest control. The pest control methods, which could be used separately or in an integrated manner to achieve effective control, were within the categories of mechanical, cultural, biological, and chemical. Pest management program goals identified were: (1) to promote health, safety, and welfare of installation personnel through an effective integrated pest management program; (2) to promote installation property protection; (3) to ensure professionally trained pest management personnel provide pest management support for the Army; and, (4) to minimize impacts on the natural and human environment. To implement the pest management programs at installations, each installation would develop specific integrated pest management plans that cover certification, pesticide recording and reporting, pesticide approval, and all other pest management activities for the installation. Implementation of the proposed action was determined to result in minor impacts for air quality, water resources, soils, biological resources, cultural resources, noise, socioeconomics,

environmental justice, infrastructure, and hazardous material generation; no significant environmental impacts were anticipated.

Reference: Army. *Record of Environmental Consideration (REC), Project Title: Garrison Integrated Pest Management Plan 5 Year Update.* U.S. Army Garrison Hawaii, Schofield Barracks, HI. September 15, 2015. (USAG Hawaii, 2015)

The proposed action was to implement the installation's updated integrated pest management plan. Examples of plan updates included an addition of a troop self-help pesticide issuance standard operating procedure, changes to termite barrier guidelines and treatment requirements, addition of standard operating procedures for the control of invasive pests (Ohia wilt and little fire ants), changes for use of pesticides near pollinating pests, and updates to procedures for application of pesticides. The integrated pest management plan would apply to all pest management operations on U.S. Army Garrison Hawaii, to include Pohakuloa Training Area and Kilauea Military Camp. No significant environmental impacts were anticipated as a result of implementing the proposed action; and, this Record of Environmental Consideration documented that the proposed action was adequately covered within 2010 *Final Programmatic Environmental Assessment for the Implementation of US Army Integrated Pest Management Program*.

Reference: Army. *Record of Environmental Consideration, NEPA / Project # 2015-418o, Title of Proposed Action: Integrated Pest Management Plan, Fort Carson and PCMS, CO.* U.S. Army Garrison Fort Carson, CO. September 8, 2015. (USAG Fort Carson, 2015b)

The proposed action was to implement the installation's integrated pest management plan. The plan emphasized non-chemical and limited chemical pest management techniques, and was consistent with the 2010 *Final Programmatic Environmental Assessment for the Implementation of US Army Integrated Pest Management Program*. No significant environmental impacts were anticipated and this Record of Environmental Consideration documented that the proposed action was adequately covered within 2010 programmatic analyses.

Reference: Army. *Record of Environmental Consideration, Subject: 2017 Installation Pest Management Plan (IPMP) for Fort George G. Meade, Maryland.* U.S. Army Garrison Fort Meade, MD. Record of Environmental Consideration signed November 6, 2017. (USAG Fort Meade, 2017)

The proposed action was to implement the installation's updated integrated pest management plan. The major change and revision to the plan was to include language pertaining to threatened and endangered species in response to the listing of the Northern Long Eared Bat as a federally threatened species. This bat and the endangered Indiana Bat had been detected acoustically on Fort Meade, though no hibernacula or maternity roost trees were known to occur on the installation or in Anne Arundel County. No significant environmental impacts were anticipated as a result of implementing the proposed action; and, this Record of Environmental Consideration documented that the proposed action was adequately covered within 2010 *Final Programmatic Environmental Assessment for the Implementation of US Army Integrated Pest Management Program*.

Reference: National Invasive Species Council. *NISC - National Invasive Species Council Management Plan: 2016-2018.* National Invasive Species Council, Department of the Interior, Washington, D.C. July 11, 2016. (NISC, 2016)

This management plan helps guide the actions that the Council and National Invasive Species Council member departments and agencies collectively take to prevent and mitigate the impact of invasive species. The plan discusses the four general approaches used to minimize the impact of invasive species, each associated with a different stage in the invasion process; these are prevention, eradication, control, and ecosystem restoration. Of these approaches, preventing the introduction of potentially harmful organisms is noted as being not only the first line of defense for minimizing the spread and impact of invasive alien species, it is also the most cost-effective strategy. This management plan identifies the high

priority, interdepartmental actions that the federal government and its partners can take to prevent, eradicate, and control invasive species, as well as recover species and restore habitats and other assets adversely impacted by invasive species. This plan identifies goals, needs, and specific actions for each priority action. The priority actions are to provide institutional leadership and set priorities, facilitate effective coordination and cost-efficiencies, raise awareness and motivate high-impact actions, remove barriers, assess and strengthen federal capacities, and foster innovation.

New CX (g)(8)

Proposed New CX Language: *Closure, decommissioning, mothballing, disconnection, and similar discontinued use of facilities, equipment, vehicles, aircraft, watercraft, and utility and communication systems, whether temporary or permanent (REC required).*

Supporting Rationale: When the Army reviewed other federal agency CXs and evaluated these other agency CXs to determine classes of actions for which a similar Army CX would be appropriate, the Army identified a number of CXs related to closure, decommissioning, mothballing, disconnection, and similar discontinued use of facilities, equipment, vehicles, aircraft, watercraft, and utility/communication systems. These actions within the scopes of other federal agency CXs are actions similar to those carried out by the Army, especially in times of downsizing or when the Army discontinues the use of a class of military equipment, vehicles, aircraft, or watercraft. This proposed CX also incorporates controls by requiring the use of a REC to ensure thoughtful consideration as to the potential existence of an extraordinary circumstance that would prevent the application of this CX for the proposed action. Should closures of facilities be determined to include environmental liabilities for which the regulations for the Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA) and Resource Conservation and Recovery Act (RCRA) apply, those facilities are placed in the Army's Environmental Restoration Program, more commonly called the Army Cleanup Program. The mission of the Cleanup Program, along with protecting human health and the environment, is to enable readiness by returning Army lands to usable condition. As noted in the proposed 32 C.F.R. Part 651 revision, § 651.9(g), response actions implemented in accordance with CERCLA or RCRA do not require separate NEPA analysis. The Army is committed to identifying, investigating, and cleaning up hazardous substances, pollutants, and contaminants that pose environmental health and safety risks at active military installations and formerly used defense sites. As a result of the Army's review of environmental analyses, the related classes of actions categorically excluded by other federal agencies, and the Army's adherence to federal requirements governing these actions, the Army has determined that this proposed class of action does not normally have significant environmental impacts subject to analysis under NEPA.

Reference: **Army.** *Environmental Assessment of BRAC 05 Disposal and Reuse of the Riverbank Army Ammunition Plant, California.* Riverbank Army Ammunition Plant, CA. Finding of No Significant Impact signed July 13, 2009. (Riverbank Army Ammunition Plant, 2009)

The proposed action was to dispose of the property made available by the closure of Riverbank Army Ammunition Plant mandated by the Base Realignment and Closure Commission. This action included caretaker operations, cleanup of contaminated sites, and possible interim leasing. Reuse by others was a secondary action that may result from disposal. No significant environmental impacts were anticipated as a result of implementing the proposed action, to include all alternatives. In general, minor impacts were anticipated for all resource areas. Moderate impacts were anticipated for air quality, noise, biological resources, socioeconomics, and transportation. Implementation of the proposed action or any of the alternatives was found to not result in any significant impact on the quality of the natural or human environment. Furthermore, no mitigation measures were required to reduce any environmental effects to below significant levels. Redevelopment of the property would result in manageable adverse effects and beneficial effects related to the socioeconomics and environmental resource areas.

Reference: Navy, 32 C.F.R. Part 775 – Procedures for Implementing the National Environmental Policy Act, Section 775.6(f) – Categorical exclusions.

(21) Decommissioning, disposal, or transfer of Navy vessels, aircraft, vehicles, and equipment when conducted in accordance with applicable regulations, including those regulations applying to removal of hazardous materials.

(36) Decisions to close facilities, decommission equipment, and/or temporarily discontinue use of facilities or equipment, where the facility or equipment is not used to prevent/control environmental impacts.

Reference: Homeland Security, Instruction Manual 023-01-001-01, Revision 01, Implementation of the National Environmental Policy Act (NEPA), 2014. Appendix A – DHS List of Categorical Exclusions.

L23 Decisions to decommission equipment or temporarily discontinue use of facilities or equipment. This does not preclude the need to review decommissioning under section 106 of the National Historic Preservation Act. (REC required for vessels and aircraft.)

Reference: Energy, 10 C.F.R. Part 1021 – National Environmental Policy Act Implementing Procedures, Appendix B to Subpart D of Part 1021 – Categorical Exclusions Applicable to Specific Agency Actions.

B1.27 Disconnection of utilities

Activities that are required for the disconnection of utility services (including, but not limited to, water, steam, telecommunications, and electrical power) after it has been determined that the continued operation of these systems is not needed for safety.

B1.28 Placing a facility in an environmentally safe condition

Minor activities that are required to place a facility in an environmentally safe condition where there is no proposed use for the facility. These activities would include, but are not limited to, reducing surface contamination, and removing materials, equipment or waste (such as final defueling of a reactor, where there are adequate existing facilities for the treatment, storage, or disposal of the materials, equipment or waste). These activities would not include conditioning, treatment, or processing of spent nuclear fuel, high-level waste, or special nuclear materials.

Reference: Federal Aviation Administration, U.S. Department of Transportation, Federal Aviation Administration Order 1050.1F, SUBJ: Environmental Impacts: Policies and Procedures, Section 5-6 – The Federal Aviation Administration’s Categorical Exclusions; July 16, 2015.

5-6.4.x. Routine facility decommissioning, exclusive of disposal. (ATO, AST)

New CX (i)(6)

Proposed New CX Language: *Operation of small arms ranges on Army lands of approximately 40 acres or less in size, without change to noise contours that would potentially increase noise impacts to sensitive receptors and/or without change to existing SDZs, if operation includes appropriate monitoring for potential off-range impacts (for example, under the Operational Range Assessment Program or similar procedures). Small arms ranges typically include weapons that fire conventional ammunition that is .50 caliber or less and hand or launched grenades. Includes operation of existing recreational small arms ranges on installations. (REC required).*

Supporting Rationale: This proposed CX complements the new CX (c)(12), with this CX addressing operations of small arms ranges and CX (c)(12) addressing the construction of small arms ranges. The reason for breaking range operation out into a separate new CX is to maintain consistency with section headings for the Army’s CXs. Furthermore, operational changes for existing small arms ranges may occur independent of a construction or modernization action. Small arms ranges on Army installations are extremely common, and the Army has substantial experience in analyzing the environmental impacts associated with small arms ranges operational activities. In support of sustainability, the Army needs to operate ranges in a manner that will result in the range being available now and in the future in order to

meet mission requirements. In the Army's experience, the proposed action does not normally impact environmental resources significantly. To reduce the less than significant impacts even further, the Army would employ standard operating procedures, apply best management practices, and adhere to regulatory requirements. Furthermore, this proposed CX incorporates controls that result in the Army's determination that implementation of the proposed action would not result in significant environmental impacts. One control is that the proposed operational change may not change noise contours such that noise impacts would be anticipated to increase for sensitive receptors. A second control is that the proposed operational change may not result in a change to existing SDZs. A third control is that the proposed operation include appropriate monitoring for potential off-range impacts. Lastly, this proposed CX incorporate controls by requiring the use of a REC to ensure thoughtful consideration as to the potential existence of an extraordinary circumstance that would prevent the application of this CX for the proposed action.

Reference: **Army.** *Army Small Arms Training Range Environmental Best Management Practices (BMPs) Manual.* U.S. Army Environmental Center, Aberdeen Proving Ground, MD. February 12, 2005. (USAEC, 2005)

The manual is a reference guide for installation and range personnel to use as they work to maintain the long-term sustainability of their operational small arms ranges and range areas. This document aims to illustrate the ability to proactively improve both the environmental conditions of a range and the range's mission of troop training and readiness. It is for use by Army installations for identifying, via an internal evaluation of small arms ranges, the potential for metal munitions constituents transport and erosion concerns associated with routine training activities at operational small arms firing ranges. In addition, this manual serves as guidance on how to address or mitigate any identified areas of concern that can be addressed through relatively simple changes in the way the range is operated and maintained, or by performing range modifications. Range management users of the manual are cautioned that the evaluation of any site-specific best management practice should include consultation with the installation environmental and legal staff to ensure that any legal or regulatory requirements are considered during best management practice evaluation, and implemented if the best management practice is chosen.

Reference: **Army.** *Programmatic Environmental Assessment for Modernizing and Operating Training Ranges on Previous or Existing Range Sites on Army Training Areas.* Headquarters, Department of the Army, Washington, D.C. Finding of No Significant Impact signed February 1, 2013. (DA, 2013)

The proposed action was to modernize and operate selected Army training ranges on previously disturbed ground where the total ground disturbed would be approximately 40 acres or less. The analysis addressed the construction and operation of 20 types of ranges, 18 of which included live-fire activities. Site specific projects tiering from this programmatic analysis are required, per the Finding of No Significant Impact, to complete the Record of Environmental Consideration checklist contained in Appendix A of the analysis to determine if site-specific considerations warranted further analysis for any of the resource areas. Impacts resulting from implementation of the proposed action were not anticipated to be significant. The impacts anticipated for construction and operation of small arms ranges were for air quality, cultural resources, land use, natural resources, operating noise, soils and topography, solid waste, threatened and endangered species, traffic and transportation, water resources, and wetlands; with none to negligible impacts for airspace, energy, facilities and infrastructure, hazardous materials/waste, and socioeconomics. To further reduce impacts resulting from the "operate ranges" element of the proposed action, installations would implement best management practices during operation of the ranges. This programmatic environmental and its conclusions were based, in part, on 17 previously-existing analyses accomplished for site-specific projects.

Reference: **Army.** *Programmatic Environmental Assessment for the Fort Sill Mission; Cantonment Area and Range and Training Land Construction, Modernization, and Maintenance; and Environmental*

Stewardship at Fort Sill, Oklahoma. U.S. Army Garrison, Fort Sill, Oklahoma. Finding of No Significant Impact signed May 4, 2013. (USAG Fort Sill, 2013)

The proposed action for Fort Sill included site-specific range and cantonment area construction, sustainable cantonment and range planning using adaptable use zones, and the implementation of environmental stewardship construction guidelines. Environmental impacts were anticipated for air quality, biological resources, cultural resources, facilities and utilities, geology and soils, hazardous materials and waste, land use, noise, socioeconomics, traffic and transportation, and water resources. With the identification of various measures to reduce environmental impacts of the proposed action (to include those operation of the ranges) and the Army's intent to follow prescribed regulations, the Army concluded that impacts from implementing the proposed action would be less than significant. An example of a noise control measure that could be applied to further reduce impacts was sequencing operations either to shorten periods of greatest noise or to avoid higher combinations.

Reference: **Army.** *Final Environmental Assessment for the Construction, Operation, and Maintenance of a Hand Grenade Familiarization Range, a Modified Record Fire Range, and a Multi-Purpose Machine Gun Range, U.S. Army Garrison, Fort Gordon, Fort Gordon, Georgia.* U.S. Army Garrison, Fort Gordon, GA. Finding of No Significant Impact signed March 28, 2011. (USAG Fort Gordon, 2011)

The proposed action was to construct or improve, operate, and maintain a Multi-Purpose Machine Gun (MPMG) range, Modified Record Fire (MRF) range, and Hand Grenade Familiarization (HGF) range, and associated infrastructure, utilities, and access roads on Fort Gordon. The MPMG range is to train individual Soldiers in the basic machine gun live-fire training tasks they require to sustain combat proficiency. The MRF range is to train and test individual Soldiers on the skills to identify, engage, and defeat stationary targets with M16 or M4 rifles using 5.56 mm ammunition. The HGF range is to train Soldiers in the task of throwing live fragmentation hand grenades. No significant impacts were anticipated as a result of implementing the proposed action. To reduce impacts associated with the operational component of the proposed action, measures identified included adhering to the requirements of the Army's 2008 *Management Guidelines for the Gopher Tortoise on Army Installations*, implementing existing best management practices, and adhering to standard operating procedures.

Reference: **Navy,** 32 C.F.R. Part 775 – *Procedures for Implementing the National Environmental Policy Act*, Section 775.6(f) – Categorical exclusions.

(44) Routine military training associated with transits, maneuvering, safety and engineering drills, replenishments, flight operations, and weapons systems conducted at the unit or minor exercise level; similar in type, intensity and setting, including physical location and time of year, to other actions for which it has been determined, through NEPA analysis where the DON was a lead or cooperating agency, that there are no significant impacts; and conducted in accordance with all applicable standard operating procedures protective of the environment.

New CX (i)(7)

Proposed New CX Language: *Routine operation and use of radar, sonar, laser, telemetry, and other systems that make use of the electromagnetic spectrum for detection, tracking, navigation, range-finding, targeting, communications, or other military purposes, within the boundaries of a military installation, boundaries of a DoD real estate lease agreement land holding, and/or existing airspace currently used for military training. Operation must conform to current American National Standards Institute/Institute of Electrical and Electronics Engineers guidelines for maximum permissible exposure to electromagnetic fields (REC required).*

Supporting Rationale: When the Army reviewed other federal agency CXs and evaluated these other agency CXs to determine classes of actions for which a similar Army CX would be appropriate, the Army identified actions within several other federal agencies that are similar to those frequently carried out by the Army; specifically, routine operation and use of radar, sonar, laser, telemetry, and other systems that

make use of the electromagnetic spectrum. As a result of the Army's review of environmental analyses, the related classes of actions categorically excluded by other federal agencies, and the Army's adherence to federal requirements governing these actions, the Army has determined that this proposed class of action does not normally have significant environmental impacts. Furthermore, this proposed CX incorporates controls that result in the Army's determination that implementation of the proposed action would not result in significant environmental impacts. One control is that operations must conform to current American National Standards Institute/Institute of Electrical and Electronics Engineers guidelines for maximum permissible exposure to electromagnetic fields. Additionally, this proposed CX incorporate controls by requiring the use of a REC to ensure thoughtful consideration as to the potential existence of an extraordinary circumstance that would prevent the application of this CX for the proposed action.

Reference: Army. *Environmental Assessment - Construction, Operation, and Maintenance of Combat Training Center-Instrumentation Systems Range Communication System, Fort Irwin, California.* U.S. Army Garrison, Fort Irwin, CA. Finding of No Significant Impact signed March 10, 2014. (USAG Fort Irwin, 2014)

The proposed action included construction actions as well as actions to operate systems which make use of the electromagnetic spectrum. The proposed action was to reuse, construct, and/or modify, operate, and maintain 21 communication tower sites and construct access/maintenance roads to 12 of the 21 sites associated with the Combat Training Center – Instrumentation System Range Communication System (CTC-IS RCS) at various locations within the Fort Irwin boundaries. The CTC-IS supports the collection of specific, battle-focused player information on war-fighting performance. The CTC-IS provides tools to analyze training performance information and provides detailed and tailored performance feedback to the units undergoing training. The units use this feedback to improve their battle skills and proficiency in tactics, techniques, and procedures. The proposed action including replacing legacy voice, video, data instrumentation, and live fire communication subsystems and networks (base-station equipment, infrastructure, field radios, and interfaces). With the implementation of a number of mitigation measures relevant to the pre-construction and construction phases, with measures identified in the Finding of No Significant Impact, the proposed action was determined to have no significant effect on the human and natural environment.

Reference: Army. *Record of Environmental Consideration (REC) - Permanent RF Test Area in Blacktail Canyon consisting of 4 transmitter Sites.* U.S. Army Garrison Fort Huachuca, AZ and U.S. Army Electronic Proving Ground, Fort Huachuca, AZ. May 5, 2008. (USAG Fort Huachuca, 2008)

The proposed action was to add electromagnetic pulse and near strike lightning test simulators as well as expand the radio frequency electromagnetic environment in Blacktail Canyon. Blacktail Canyon was an already disturbed area whose canyon walls and foliage would provide isolation and attenuation of the signals, thus reduction the reflections and interference to other users and minimizing the impacts of the electromagnetic spectrum. Developing the transmitter sites was determined to have no significant impact on environmental resources because technical testing and training mission was adequately covered within existing environmental analyses titled: *Environmental Assessment for Real Property Master Plan for the Electronic Proving Ground at Fort Huachuca, AZ* (2001); *Environmental Assessment for U.S. Army Electronic Proving Ground Communication-Electronic Testing and Use of Test Sites in Southern Arizona and Fort Huachuca* (1993); *Approval of Land Use and Real Estate Investment Strategies in Support of Real Property Master Planning, Fort Huachuca, Arizona, Final Environmental Impact Statement* (1999); and *Comprehensive Unmanned Aerial Vehicle Testing and Training at Fort Huachuca, AZ, Environmental Assessment* (2000). Furthermore, the proposed action was determined to be within the scope of the current CX (c)(1), which covered minor construction projects with minimal site disturbance; (e)(2), which covers installation of utilities and communications systems within existing easements, rights of ways, and/or facilities; and (i)(3), which covers on-post testing activities that involve no live fire or vehicles off established roads.

Reference: Army. *Final Environmental Assessment for the Creation of Restricted Area (RA) R-5601G and R-5601H, Fort Sill, Oklahoma.* U.S. Army Garrison, Fort Sill, OK. Finding of No Significant Impact signed May 16, 2014. (USAG Fort Sill, 2014a)

The proposed action is to create and utilize new Restricted Areas located adjacent to and contiguous with the existing R-5601 RA complex at Fort Sill. The existing R-5601 complex includes R-5601A through R-5601F. The new Restricted Areas would be two distinct airspaces proposed to be designated as R-5601G and R-5601H. The primary need for the proposed action resulted from the requirement of the new advanced non-eye-safe combat laser targeting systems that require longer target staff-off distances, and the need for our nation's pilots to train as they fight. No significant environmental impacts were anticipated as a result of implementing the proposed action. No impacts were anticipated for air quality, biological resources, cultural resources, socioeconomics and environmental justice, safety. Minor impacts were anticipated for airspace and noise. Some aircraft may experience delays or be vectored around active airspace during periods of high traffic; however, these delays should be infrequent, and proactive flight planning and de-confliction among airspace users and the Air Route Traffic Control Center would minimize ground holds or flight vectoring.

Reference: National Oceanic and Atmospheric Administration, *Policy and Procedures for Compliance with the National Environmental Policy Act and Related Authorities – Companion Manual for NOAA Administrative Order 216-6A., Appendix E;* effective January 13, 2017.

G6. Actions that change the NEXRAD radar coverage patterns that do not lower the lowest scan elevation and do not result in direct scanning of previously non-scanned terrain by the NEXRAD main beam.

Reference: National Aeronautics and Space Administration, *14 C.F.R. Part 1216 – Environmental Quality,* Section 1216.304(d) – Categorical exclusions.

(3)(iii) Use of lasers for research and development, scientific instruments and measurements, and distance and ranging, where such use meets all applicable Federal, federally recognized Indian tribe, State, and/or local law or requirements, and Executive orders. This applies to lasers used in spacecraft, aircraft, laboratories, watercraft, or outdoor activities.

Reference: Navy, *32 C.F.R. Part 775 – Procedures for Implementing the National Environmental Policy Act,* Section 775.6(f) – Categorical exclusions.

(44) Routine military training associated with transits, maneuvering, safety and engineering drills, replenishments, flight operations, and weapons systems conducted at the unit or minor exercise level; similar in type, intensity and setting, including physical location and time of year, to other actions for which it has been determined, through NEPA analysis where the DON was a lead or cooperating agency, that there are no significant impacts; and conducted in accordance with all applicable standard operating procedures protective of the environment.

New CX (i)(9)

Proposed New CX Language: *New activities conducted at established laboratories or manufacturing and maintenance facilities (including contractor-operated laboratories and facilities) of a similar type, nature, and scope as the prior or existing activities on the facility.*

Supporting Rationale: This proposed CX addresses new activities in existing laboratories and manufacturing and maintenance facilities. It is similar to the existing CX (i)(8) discussed earlier in this document, but, unlike CX (i)(8), it covers activities unrelated to RDT&E. Examples of activities other than RDT&E include conducting evaluation tests on a different type of constituent previously not tested in an existing laboratory; evaluating patient data from a new type of approved test in existing hospital laboratories; replacing a manufacturing line with that of a different product in an existing manufacturing facility; and, adding or changing the maintenance process for Army equipment in an existing maintenance

facility. The Army found actions of a similar nature, scope, and intensity in other federal agencies without significant environmental impacts.

Reference: Army. *Final Programmatic Environmental Assessment for Aviation Ground Support Equipment Weapon Systems Management Office Activities.* U.S. Army Aviation and Missile Command, Redstone Arsenal, AL. Finding of No Significant Impact signed April 6, 2002. (US Army Aviation and Missile Command, 2002)

The proposed action addressed the provision of Soldiers with the logistics tools and test equipment needed to maintain the rotary-wing aircraft fleet. The proposed action addressed all phases entailed in providing Soldiers these tools and equipment, as overseen by the Aviation Ground Support Equipment Weapon Systems Management Office, with phases including manufacturing, testing, deployment, operations, maintenance, and decommissioning. Includes were types of activities and associated locations covered under this CX.

Reference: Navy, *32 C.F.R. Part 775 – Procedures for Implementing the National Environmental Policy Act*, Section 775.6(f) – Categorical exclusions.

(16) New activities conducted at established laboratories and plants (including contractor-operated laboratories and plants) where all airborne emissions, waterborne effluent, external ionizing and non-ionizing radiation levels, outdoor noise, and solid and bulk waste disposal practices are in compliance with existing applicable Federal, state, and local laws and regulations.

Reference: Missile Defense Agency, *Missile Defense Agency Final Guidance – National Environmental Policy Act Implementation Procedures*, Appendix B – Categorical Exclusions (CATEXs); effective August 8, 2014.

B–20. Research, testing, and operations conducted at existing facilities and plants or laboratories (including contractor-operated laboratories and plants) and in compliance with all applicable safety, environmental, and natural conservation laws. Examples include, but are not limited to: Wind tunnels, high-energy lasers, remote-sensing instruments, vacuum chambers, high-altitude simulator facilities, and propellant testing facilities.

Reference: Environmental Protection Agency, *40 C.F.R. Part 6 – Procedures for Implementing the National Environmental Policy Act and Assessing the Environmental Effects Abroad of EPA Actions*, Section 6.204 – Categorical exclusions and extraordinary circumstances.

(a)(2)(iv) Actions relating to or conducted completely within a permanent, existing contained facility, such as a laboratory, or other enclosed building, provided that reliable and scientifically-sound methods are used to appropriately dispose of wastes and safeguards exist to prevent hazardous, toxic, and radioactive materials in excess of allowable limits from entering the environment. Where such activities are conducted at laboratories, the Lab Director or other appropriate official must certify in writing that the laboratory follows good laboratory practices and adheres to all applicable federal, state, local, and federally-recognized Indian tribal laws and regulations. This category does not include activities related to construction and/or demolition within the facility (see paragraph (a)(1)(i) of this section).

New CX (i)(10)

Proposed New CX Language: *Testing, evaluation, and demonstration of Soldier equipment, to include the operator, maintainer, and supporter, and support facilities, that provide for protection of the Soldier and the delivery of required ammunition, cargo, unit equipment, and shelters. Soldier support activities include the transportability testing of mobile facilities that include evaluation of weight, center of gravity, tilt table, and lane change, initial inspection, safety, weight, rail impact, mobility testing, drop test, and final inspection. Testing also includes evaluation of the Lightweight Chemical-Biological Protection, including collective protection and detection equipment, to determine the durability of the Soldier-worn materials and to gain wearability data, including mock training exercises (REC required).*

Supporting Rationale: As Army environmental subject matter experts reviewed numerous existing NEPA documents to determine classes of actions which, when implemented, resulted in no significant individual or cumulative environmental effects, a number of types of testing, evaluation, and demonstration actions were found to be actions which normally did not have a significant impact on the environment. To avoid misinterpretations and inappropriate applications of these new CXs, different CXs were developed for different types of testing, evaluation, and demonstration actions; the proposed CX (i)(10) deals with Soldier equipment. The proposed language aligns with the language used in the Army's testing community for these different types of testing, evaluation, and demonstration actions. The Army also found other federal agency CXs that addressed testing in a broader scope, which further supports the Army's conclusions that the proposed actions do not normally result in significant environmental impacts. In addition to determining that the implementation of these types of actions do not normally result in significant environmental impacts, the Army also incorporates into its practices a sustainability culture. For example, when these testing, evaluation, and demonstration actions are conducted on Army ranges, the Army recognizes the needs to operate ranges in a manner that will result in the range being available now and in the future in order to meet mission requirements. To reduce the less than significant impacts even further, the Army would employ standard operating procedures, apply best management practices, and adhere to regulatory requirements. This proposed CX also incorporates controls by requiring the use of a REC to ensure thoughtful consideration as to the potential existence of an extraordinary circumstance that would prevent the application of this CX for the proposed action.

Reference: **Army.** *Environmental Assessment for Joint Urban Test Capability (JUTC), White Sands Missile Range, New Mexico.* White Sands Test Center, White Sands Missile Range, NM. Finding of No Significant Impact signed April 30, 2013. (White Sands Test Center, 2013a)

The proposed action was to establish a JUTC urban test site and maneuver area on White Sands Missile Range and use the JUTC site/area to support the development of systems for current and future theatre operations. Test activities under the proposed action included various types of Soldier equipment related to dismounted operations, field operations, and surface weapons firing. No significant environmental impacts were anticipated as a result of implementing the proposed action, which included construction activities in addition to test activities. Less than significant impacts, largely related to construction, were anticipated for air quality, cultural resources, earth sciences, biological resources, and safety. Impacts ranging from none to low were anticipated for land use, airspace, water resources, noise, hazardous material and waste, infrastructure and utilities, transportation, socioeconomics and environmental justice, energy, frequencies, and wildland fire. Various measures were identified to further reduce the already less than significant impacts associated with the proposed action, to include the continued use of standard operating procedures and best management practices when scheduling and conducting test activities.

Reference: **Army.** *Final Environmental Assessment for Network Integration Evaluation (NIE), White Sands Missile Range, New Mexico.* White Sands Test Center and U.S. Army Garrison White Sands Missile Range, White Sands Missile Range, NM. Finding of No Significant Impact signed May 13, 2011. (White Sands Test Center, 2011)

The proposed action was to conduct testing activities surrounding the Network Integration Evaluation. The proposed action included a test group of approximately 3,500 Soldiers with approximately 1,000 civilian staff conducting evaluation and testing of field equipment and Soldier communication systems; this included "Soldier equipment." Activities proposed involved force protection and communication exercises, supply air drops, use of simulated and live weapons systems, and reconnaissance by unmanned aerial and ground vehicles. The typical scenario consisted of two weeks site preparation, four weeks testing and evaluation in the southern portion of the missile range, two weeks of additional testing and evaluation in the northern portion of the missile range, and two weeks of site clean-up. Exercises were proposed to be held over multiple years, with the first exercise calling for use of already-disturbed site

locations in White Sands south range and a new operational area in the north range. Equipment setup activities included proposed site-access improvements, to include berm expansion, road widening, leveling, drainage improvements, and erosion control. The proposed action included installing and using temporary structures and/or CONEX containers in various locations and configurations on White Sands Missile Range. Soldier activities during the evaluation and test activities included on-road and off-road military vehicle travel, reconnaissance, improvised explosive devices exercises with simulated ambush attacks, use of simulated and live weapons systems and unmanned aerial and ground vehicles, supply air drops during the northern exercise, and employment of small pyrotechnic devices and blank small-arms rounds. No to very low impacts were anticipated for socioeconomics, environmental justice, and energy. Low to moderate impacts were anticipated for land use and aesthetics, airspace, air quality, cultural resources, earth sciences, biological resources, water resources, safety, noise, hazardous material and waste, facilities and infrastructure, transportation, frequencies, and wildland fire. Measures that would be taken to reduce impacts included, for example, adhering to standard operating procedures, implementing best management practices to control soil erosion, delineating “keep-out” areas, and conducting monitoring to control invasive plants and avoid land degradation. Implementing the proposed action, in conjunction with specified mitigation measures, resulted in a determination that there would be no significant impacts on the environment.

Reference: Army. *US Army White Sands Missile Range: 2012-0075, Environmental Review - Record of Environmental Consideration, Title of Proposed Action: NIE 13.1.* White Sands Test Center and U.S. Army Garrison White Sands Missile Range, White Sands Missile Range, NM. October 11, 2012. (White Sands Test Center, 2012)

The proposed action was to conduct the fourth in a series of semi-annual field exercises for the Network Integrated Evaluation, an exercise designed to evaluate and integrate the Army’s tactical network. The proposed action included the scope of activities addressed in the 2011 *Final Environmental Assessment for Network Integration Evaluation (NIE), White Sands Missile Range, New Mexico* (see above reference), and involved 3,800 Soldiers and 1,000 government and contractor personnel. Employment of existing standard operating procedures and best management practices were among the measures that would continue to support the conclusion that environmental impacts would be less than significant. This Record of Environmental Consideration documented that the proposed action was adequately covered within existing analyses titled *Final Environmental Impact Statement for Development and Implementation of Range-Wide Mission and Major Capabilities at White Sands Missile Range, New Mexico* (2010) and *Final Environmental Assessment for Network Integration Evaluation (NIE)* (2011).

Reference: Army. *Department of the Army, United States Army Cold Regions Test Center – Final Findings of No Significant Impact and Programmatic Environmental Assessment – Army Testing, Infrastructure Improvements and Enhanced Environmental Procedures – Donnelly Training Area, Fort Wainwright, Alaska and Fort Greely, Alaska.* U.S. Army Cold Regions Test Center, Fort Greely, AK. Finding of No Significant Impact signed April 26, 2012. (Cold Regions Test Center, 2012)

The proposed action was to continue Cold Regions Test Center testing, conduct facility modernization through site-specific projects, and implement enhanced environmental review procedures for the center’s activities. The Test Center mission is to plan and conduct realistic, natural environment testing with emphasis on extreme cold and sub-arctic conditions in order to provide acquisition decision makers timely, accurate, and relevant information. Components of completing test operations by the Cold Regions Test Center are meeting upcoming test requirements, ensuring that testing of military equipment is state of the art, providing the Army maximum efficiency and cost-effectiveness in its test program, protecting the safety of the center’s employees and the public, and protecting the environment. The center tests all types of equipment ranging from boots to tactical vehicles to night vision goggles to weapons, with a focus on determining if environmental factors such as snow, ice, wind-chill, and darkness effect equipment performance. In general, equipment testing falls into four categories, with two of the

categories being clothing and individual equipment (small Soldier items). The amount of test operations in the proposed action was expected to remain approximately the same in the next 10 years as had been conducted in the previous 10 years. Implementation of the proposed was anticipated to result in impacts to the natural, cultural, and human environment of Donnelley Training Area, with most of the expected impacts being minor. Moderate adverse impacts were anticipated for soils and permafrost, surface water and floodplains, wetlands, vegetation, fire management, and wildlife and fisheries. Various measures were identified to help avoid significant impacts to surface water and floodplains, wetlands, vegetation, and cultural resources associated with the proposed action, and to help minimize already less than significant impacts to other resource areas. These measures included the continued use of standard operating procedures and best management practices when scheduling and conducting test activities and when performing maintenance activities.

Reference: Navy, 32 C.F.R. Part 775 – Procedures for Implementing the National Environmental Policy Act, Section 775.6(f) – Categorical exclusions.

(18) Temporary placement and use of simulated target fields (e.g., inert mines, simulated mines, or passive hydrophones) in fresh, estuarine, and marine waters for the purpose of non-explosive military training exercises or research, development, test and evaluation.

(43) Routine testing and evaluation of military equipment on a military reservation or an established range, restricted area, or operating area; similar in type, intensity and setting, including physical location and time of year, to other actions for which it has been determined, through NEPA analysis where the DON was a lead or cooperating agency, that there are no significant impacts; and conducted in accordance with all applicable standard operating procedures protective of the environment.

Reference: Energy, 10 C.F.R. Part 1021 – National Environmental Policy Act Implementing Procedures, Appendix B to Subpart D of Part 1021 – Categorical Exclusions Applicable to Specific Agency Actions.

B3.11 Outdoor tests and experiments on materials and equipment components

Outdoor tests and experiments for the development, quality assurance, or reliability of materials and equipment (including, but not limited to, weapon system components) under controlled conditions. Covered actions include, but are not limited to, burn tests (such as tests of electric cable fire resistance or the combustion characteristics of fuels), impact tests (such as pneumatic ejector tests using earthen embankments or concrete slabs designated and routinely used for that purpose), or drop, puncture, water-immersion, or thermal tests. Covered actions would not involve source, special nuclear, or byproduct materials, except encapsulated sources manufactured to applicable standards that contain source, special nuclear, or byproduct materials may be used for nondestructive actions such as detector/sensor development and testing and first responder field training.

Reference: Federal Aviation Administration, U.S. Department of Transportation, Federal Aviation Administration Order 1050.1F, SUBJ: Environmental Impacts: Policies and Procedures, Section 5-6 – The Federal Aviation Administration’s Categorical Exclusions; July 16, 2015.

5-6.5.o. Procedural actions requested by users on a test basis to determine the effectiveness of new technology and/or possible impacts to the environment. (ATO)

New CX (i)(11)

Proposed New CX Language: *Testing, evaluation, and demonstration of small scale Army equipment with similar constituents and use as commercially available equipment (for example, backpacks, batteries, radios, flashlights, helmets, clothing, shoes, Global Positioning Systems, containers, test kits, respirators, netting, tents, stretchers, splints, and medical equipment).*

Supporting Rationale: As Army environmental subject matter experts reviewed numerous existing NEPA documents to determine classes of actions which, when implemented, resulted in no significant individual or cumulative environmental effects, a number of types of testing, evaluation, and demonstration actions

were found to be actions which normally did not have a significant impact on the environment. To avoid misinterpretations and inappropriate applications of these new CXs, different CXs were developed for different types of testing, evaluation, and demonstration actions; the proposed CX (i)(11) deals with small scale equipment with similar constituents and use as commercially available equipment. The proposed language aligns with the language used in the Army's testing community for these different types of testing, evaluation, and demonstration actions. The Army also found other federal agency CXs that addressed testing in a broader scope, which further supports the Army's conclusions that the proposed actions do not normally result in significant environmental impacts. In addition to determining that the implementation of these types of actions do not normally result in significant environmental impacts, the Army also incorporates into its practices a sustainability culture. For example, when these testing, evaluation, and demonstration actions are conducted on Army ranges, the Army recognizes the needs to operate ranges in a manner that will result in the range being available now and in the future in order to meet mission requirements. To reduce the less than significant impacts even further, the Army would employ standard operating procedures, apply best management practices, and adhere to regulatory requirements. This proposed CX also incorporates controls by requiring the use of a REC to ensure thoughtful consideration as to the potential existence of an extraordinary circumstance that would prevent the application of this CX for the proposed action.

Reference: Army. *Environmental Assessment for Joint Urban Test Capability (JUTC), White Sands Missile Range, New Mexico.* White Sands Test Center, White Sands Missile Range, NM. Finding of No Significant Impact signed April 30, 2013. (White Sands Test Center, 2013a)

The proposed action was to establish a JUTC urban test site and maneuver area on White Sands Missile Range and use the JUTC site/area to support the development of systems for current and future theatre operations. Test activities under the proposed action included various types of small scale Army equipment, which can include, for example, dismounted operations, field operations, and instrumentation and communication systems equipment. No significant environmental impacts were anticipated as a result of implementing the proposed action, which included construction activities in addition to test activities. Less than significant impacts, largely related to construction, were anticipated for air quality, cultural resources, earth sciences, biological resources, and safety. Impacts ranging from none to low were anticipated for land use, airspace, water resources, noise, hazardous material and waste, infrastructure and utilities, transportation, socioeconomics and environmental justice, energy, frequencies, and wildland fire. Various measures were identified to further reduce the already less than significant impacts associated with the proposed action, to include the continued use of standard operating procedures and best management practices when scheduling and conducting test activities.

Reference: Army. *Final Environmental Assessment for Network Integration Evaluation (NIE), White Sands Missile Range, New Mexico.* White Sands Test Center and U.S. Army Garrison White Sands Missile Range, White Sands Missile Range, NM. Finding of No Significant Impact signed May 13, 2011. (White Sands Test Center, 2011)

The proposed action was to conduct testing activities surrounding the Network Integration Evaluation. The proposed action included a test group of approximately 3,500 Soldiers with approximately 1,000 civilian staff conducting evaluation and testing of field equipment and Soldier communication systems; this included "small scale Army equipment." Activities proposed involved force protection and communication exercises, supply air drops, use of simulated and live weapons systems, and reconnaissance by unmanned aerial and ground vehicles. The typical scenario consisted of two weeks site preparation, four weeks testing and evaluation in the southern portion of the missile range, two weeks of additional testing and evaluation in the northern portion of the missile range, and two weeks of site clean-up. Exercises were proposed to be held over multiple years, with the first exercise calling for use of already-disturbed site locations in White Sands south range and a new operational area in the north range. Equipment setup activities included proposed site-access improvements, to include berm expansion, road widening, leveling, drainage improvements, and erosion control. The proposed action included installing

and using temporary structures and/or CONEX containers in various locations and configurations on White Sands Missile Range. Soldier activities during the evaluation and test activities included on-road and off-road military vehicle travel, reconnaissance, improvised explosive devices exercises with simulated ambush attacks, use of simulated and live weapons systems and unmanned aerial and ground vehicles, supply air drops during the northern exercise, and employment of small pyrotechnic devices and blank small-arms rounds. No to very low impacts were anticipated for socioeconomics, environmental justice, and energy. Low to moderate impacts were anticipated for land use and aesthetics, airspace, air quality, cultural resources, earth sciences, biological resources, water resources, safety, noise, hazardous material and waste, facilities and infrastructure, transportation, frequencies, and wildland fire. Measures that would be taken to reduce impacts included, for example, adhering to standard operating procedures, implementing best management practices to control soil erosion, delineating “keep-out” areas, and conducting monitoring to control invasive plants and avoid land degradation. Implementing the proposed action, in conjunction with specified mitigation measures, resulted in a determination that there would be no significant impacts on the environment.

Reference: Army. *US Army White Sands Missile Range: 2012-0075, Environmental Review - Record of Environmental Consideration, Title of Proposed Action: NIE 13.1.* White Sands Test Center and U.S. Army Garrison White Sands Missile Range, White Sands Missile Range, NM. October 11, 2012. (White Sands Test Center, 2012)

The proposed action was to conduct the fourth in a series of semi-annual field exercises for the Network Integrated Evaluation, an exercise designed to evaluate and integrate the Army’s tactical network. The proposed action included the scope of activities addressed in the 2011 *Final Environmental Assessment for Network Integration Evaluation (NIE), White Sands Missile Range, New Mexico* (see above reference), and involved 3,800 Soldiers and 1,000 government and contractor personnel. Employment of existing standard operating procedures and best management practices were among the measures that would continue to support the conclusion that environmental impacts would be less than significant. This Record of Environmental Consideration documented that the proposed action was adequately covered within existing analyses titled *Final Environmental Impact Statement for Development and Implementation of Range-Wide Mission and Major Capabilities at White Sands Missile Range, New Mexico* (2010) and *Final Environmental Assessment for Network Integration Evaluation (NIE)* (2011).

Reference: Army. *Department of the Army, United States Army Cold Regions Test Center – Final Findings of No Significant Impact and Programmatic Environmental Assessment – Army Testing, Infrastructure Improvements and Enhanced Environmental Procedures – Donnelly Training Area, Fort Wainwright, Alaska and Fort Greely, Alaska.* U.S. Army Cold Regions Test Center, Fort Greely, AK. Finding of No Significant Impact signed April 26, 2012. (Cold Regions Test Center, 2012)

The proposed action was to continue Cold Regions Test Center testing, conduct facility modernization through site-specific projects, and implement enhanced environmental review procedures for the center’s activities. The Test Center mission is to plan and conduct realistic, natural environment testing with emphasis on extreme cold and sub-arctic conditions in order to provide acquisition decision makers timely, accurate, and relevant information. Components of completing test operations by the Cold Regions Test Center are meeting upcoming test requirements, ensuring that testing of military equipment is state of the art, providing the Army maximum efficiency and cost-effectiveness in its test program, protecting the safety of the center’s employees and the public, and protecting the environment. The center tests all types of equipment ranging from boots to tactical vehicles to night vision goggles to weapons, with a focus on determining if environmental factors such as snow, ice, wind-chill, and darkness effect equipment performance. In general, equipment testing falls into four categories, with two of the categories being clothing and individual equipment (small Soldier items). The amount of test operations in the proposed action was expected to remain approximately the same in the next 10 years as had been conducted in the previous 10 years. Implementation of the proposed was anticipated to result in impacts

to the natural, cultural, and human environment of Donnelley Training Area, with most of the expected impacts being minor. Moderate adverse impacts were anticipated for soils and permafrost, surface water and floodplains, wetlands, vegetation, fire management, and wildlife and fisheries. Various measures were identified to help avoid significant impacts to surface water and floodplains, wetlands, vegetation, and cultural resources associated with the proposed action, and to help minimize already less than significant impacts to other resource areas. These measures included the continued use of standard operating procedures and best management practices when scheduling and conducting test activities and when performing maintenance activities.

Reference: Navy, 32 C.F.R. Part 775 – *Procedures for Implementing the National Environmental Policy Act*, Section 775.6(f) – Categorical exclusions.

(43) Routine testing and evaluation of military equipment on a military reservation or an established range, restricted area, or operating area; similar in type, intensity and setting, including physical location and time of year, to other actions for which it has been determined, through NEPA analysis where the DON was a lead or cooperating agency, that there are no significant impacts; and conducted in accordance with all applicable standard operating procedures protective of the environment.

Reference: Energy, 10 C.F.R. Part 1021 – *National Environmental Policy Act Implementing Procedures*, Appendix B to Subpart D of Part 1021 – Categorical Exclusions Applicable to Specific Agency Actions.

B3.11 Outdoor tests and experiments on materials and equipment components

Outdoor tests and experiments for the development, quality assurance, or reliability of materials and equipment (including, but not limited to, weapon system components) under controlled conditions. Covered actions include, but are not limited to, burn tests (such as tests of electric cable fire resistance or the combustion characteristics of fuels), impact tests (such as pneumatic ejector tests using earthen embankments or concrete slabs designated and routinely used for that purpose), or drop, puncture, water-immersion, or thermal tests. Covered actions would not involve source, special nuclear, or byproduct materials, except encapsulated sources manufactured to applicable standards that contain source, special nuclear, or byproduct materials may be used for nondestructive actions such as detector/sensor development and testing and first responder field training.

Reference: Federal Aviation Administration, U.S. Department of Transportation, *Federal Aviation Administration Order 1050.1F, SUBJ: Environmental Impacts: Policies and Procedures*, Section 5-6 – The Federal Aviation Administration’s Categorical Exclusions; July 16, 2015.

5-6.5.o. Procedural actions requested by users on a test basis to determine the effectiveness of new technology and/or possible impacts to the environment. (ATO)

New CX (i)(12)

Proposed New CX Language: *Flight testing, evaluation, and demonstration of surface-to-surface, air-to-surface, surface-to-air, and air-to-air rockets, missiles, and medium and large caliber ammunition or artillery-type projectiles where: (i) the projectile launch, flight, landing, and vehicle/payload recovery occurs solely within the boundaries of a military installation or within DoD real estate lease agreement land holdings; (ii) the entire flight from launch to landing occurs over an established range designated for testing of such projectiles; (iii) landing and recovery, when feasible, of boosters, (surface) projectiles, payload, aerial targets and/or related debris occurs within a designated impact area (such as a warhead impact target area); and (iv) recovery operations will be coordinated with explosive ordnance disposal (EOD) personnel to ensure test debris is rendered harmless to human health and safety prior to recovery. This CX does not apply to the testing, evaluation, or demonstration of projectiles with payloads designed to release radiological, nuclear, and high-yield explosives or other types of payloads that could cause significant harm to human health and/or the environment if released (REC required).*

Supporting Rationale: As Army environmental subject matter experts reviewed numerous existing NEPA documents to determine classes of actions which, when implemented, resulted in no significant individual or cumulative environmental effects, a number of types of testing, evaluation, and demonstration actions were found to be actions which normally did not have a significant impact on the environment. To avoid misinterpretations and inappropriate applications of these new CXs, different CXs were developed for different types of testing, evaluation, and demonstration actions; the proposed CX (i)(12) deals with the flight of rockets, missiles, and medium and large caliber ammunition or artillery-type projectiles. Not part of the scope of the proposed action, however, are projectiles with payloads designed to release radiological, nuclear, and high-yield explosives that could cause significant harm to human health and/or the environment if released. The proposed language aligns with the language used in the Army's testing community for these different types of testing, evaluation, and demonstration actions. The Army also found other federal agency CXs that addressed testing in a broader scope, which further supports the Army's conclusions that the proposed actions do not normally result in significant environmental impacts. In addition to determining that the implementation of these types of actions do not normally result in significant environmental impacts, the Army also incorporates into its practices a sustainability culture. For example, when these testing, evaluation, and demonstration actions are conducted on Army ranges, the Army recognizes the need to operate ranges in a manner that will result in the range being available now and in the future in order to meet mission requirements. To reduce the less than significant impacts even further, the Army would employ standard operating procedures, apply best management practices, and adhere to regulatory requirements. This proposed CX also incorporates controls by requiring the use of a REC to ensure thoughtful consideration as to the potential existence of an extraordinary circumstance that would prevent the application of this CX for the proposed action.

Reference: Army. *Final Environmental Assessment for Demonstrations of Various Electric Fires and Loitering Aerial Munition Systems at Fort Sill, Oklahoma.* U.S. Army Garrison, Fort Sill, OK. Finding of No Significant Impact signed May 12, 2015. (USAG Fort Sill, 2015)

The proposed action was to demonstrate Electric Fires and loitering aerial munition systems (LAMS) at Fort Sill. Electric Fires is a conceptual term used by the Army to identify systems that use electromagnetic energy to destroy, degrade, and deny enemy threats. The LAMS are explosive guided munitions used to counter aerial and ground threats. Completion of these demonstrations would help establish the foundation for future acquisition and training of Electric Fires and LAMS that could provide the Army enormous gains in flexibility and mobility versus present day gun powder-based systems. Implementation of the proposed action was anticipated to have no significant environmental impacts. Minor impacts were anticipated for land use, air quality, noise, and biological resources. No impacts were anticipated for human health and safety, cultural resources, or hazardous materials and waste. Compliance with the installation Biological Opinion would ensure no significant impacts to the Black-capped vireo.

Reference: Army. *Environmental Assessment for Construction and Testing Activities at a Mid-Range Radar Site on White Sands Missile Range, New Mexico.* White Sands Test Center, White Sands Missile Range, NM. Finding of No Significant Impact signed May 31, 2013. (White Sands Test Center, 2013b)

The proposed action was to construct a new facility on the installation for testing of ground-based and surface-to-air defense systems. The proposed action included the development of a radar site for current and future testing. Test activities to be conducted using the proposed mid-range radar site would include missile flight tests involving interception of various proving ground approved aerial targets, radar testing, and other related data acquisition and processing activities. Radar capabilities are critical in defending U.S. and Allied troops against air-delivered threats. Continual upgrades are required to counter recurring advancements in technology. Testing activities could potentially injure or kill a relatively small number of small mammals, reptiles, and amphibians, but the impact was not anticipated to be significant. Measures to reduce potential impacts included implementing best management practices and adhering to standard operating procedures. With these measures, implementation of the proposed action was determined to not result in any significant impacts on the environment.

Reference: Army. *Environmental Assessment for Joint Urban Test Capability (JUTC), White Sands Missile Range, New Mexico.* White Sands Test Center, White Sands Missile Range, NM. Finding of No Significant Impact signed April 30, 2013. (White Sands Test Center, 2013a)

The proposed action was to establish a JUTC urban test site and maneuver area on White Sands Missile Range and use the JUTC site/area to support the development of systems for current and future theatre operations. Test activities under the proposed action included those for surface weapons firing (such as surface-to-surface and surface-to-air rockets and missiles), airborne weapons and munitions release, weapons impact, surface danger zone, and airspace danger zone. No significant environmental impacts were anticipated as a result of implementing the proposed action, which included construction activities in addition to test activities. Less than significant impacts, largely related to construction, were anticipated for air quality, cultural resources, earth sciences, biological resources, and safety. Impacts ranging from none to low were anticipated for land use, airspace, water resources, noise, hazardous material and waste, infrastructure and utilities, transportation, socioeconomics and environmental justice, energy, frequencies, and wildland fire. Various measures were identified to further reduce the already less than significant impacts associated with the proposed action, to include the continued use of standard operating procedures and best management practices when scheduling and conducting test activities.

Reference: Army. *Final Environmental Assessment for Network Integration Evaluation (NIE), White Sands Missile Range, New Mexico.* White Sands Test Center and U.S. Army Garrison White Sands Missile Range, White Sands Missile Range, NM. Finding of No Significant Impact signed May 13, 2011. (White Sands Test Center, 2011)

The proposed action was to conduct testing activities surrounding the Network Integration Evaluation. The proposed action included a test group of approximately 3,500 Soldiers with approximately 1,000 civilian staff conducting evaluation and testing of field equipment and Soldier communication systems. Flight testing activity components of the proposed action included surface weapons firing (surface to surface), instrumentation and communication systems, weapons impact, surface danger zone, and airspace danger zone. The typical scenario consisted of two weeks site preparation, four weeks testing and evaluation in the southern portion of the missile range, two weeks of additional testing and evaluation in the northern portion of the missile range, and two weeks of site clean-up. Exercises were proposed to be held over multiple years, with the first exercise calling for use of already-disturbed site locations in White Sands south range and a new operational area in the north range. Equipment setup activities included proposed site-access improvements, to include berm expansion, road widening, leveling, drainage improvements, and erosion control. The proposed action included installing and using temporary structures and/or CONEX containers in various locations and configurations on White Sands Missile Range. Soldier activities during the evaluation and test activities included on-road and off-road military vehicle travel, reconnaissance, improvised explosive devices exercises with simulated ambush attacks, use of simulated and live weapons systems and unmanned aerial and ground vehicles, supply air drops during the northern exercise, and employment of small pyrotechnic devices and blank small-arms rounds. No to very low impacts were anticipated for socioeconomics, environmental justice, and energy. Low to moderate impacts were anticipated for land use and aesthetics, airspace, air quality, cultural resources, earth sciences, biological resources, water resources, safety, noise, hazardous material and waste, facilities and infrastructure, transportation, frequencies, and wildland fire. Measures that would be taken to reduce impacts included, for example, adhering to standard operating procedures, implementing best management practices to control soil erosion, delineating “keep-out” areas, and conducting monitoring to control invasive plants and avoid land degradation. Implementing the proposed action, in conjunction with specified mitigation measures, resulted in a determination that there would be no significant impacts on the environment.

Reference: Army. *Department of the Army, United States Army Cold Regions Test Center – Final Findings of No Significant Impact and Programmatic Environmental Assessment – Army Testing,*

Infrastructure Improvements and Enhanced Environmental Procedures – Donnelly Training Area, Fort Wainwright, Alaska and Fort Greely, Alaska. U.S. Army Cold Regions Test Center, Fort Greely, AK. Finding of No Significant Impact signed April 26, 2012. (Cold Regions Test Center, 2012)

The proposed action was to continue Cold Regions Test Center testing, conduct facility modernization through site-specific projects, and implement enhanced environmental review procedures for the center's activities. The Test Center mission is to plan and conduct realistic, natural environment testing with emphasis on extreme cold and sub-arctic conditions in order to provide acquisition decision makers timely, accurate, and relevant information. Components of completing test operations by the Cold Regions Test Center are meeting upcoming test requirements, ensuring that testing of military equipment is state of the art, providing the Army maximum efficiency and cost-effectiveness in its test program, protecting the safety of the center's employees and the public, and protecting the environment. The center tests all types of equipment, with a focus on determining if environmental factors such as snow, ice, wind-chill, and darkness effect equipment performance. A component of the center's testing of weapons systems includes flight testing, for which the center uses, as appropriate, existing restricted airspace and impact areas. The amount of test operations in the proposed action was expected to remain approximately the same in the next 10 years as had been conducted in the previous 10 years. Implementation of the proposed was anticipated to result in impacts to the natural, cultural, and human environment of Donnelley Training Area, with most of the expected impacts being minor. Moderate adverse impacts were anticipated for soils and permafrost, surface water and floodplains, wetlands, vegetation, fire management, and wildlife and fisheries. Various measures were identified to help avoid significant impacts to surface water and floodplains, wetlands, vegetation, and cultural resources associated with the proposed action, and to help minimize already less than significant impacts to other resource areas. These measures included the continued use of standard operating procedures and best management practices when scheduling and conducting test activities and when performing maintenance activities.

Reference: **Army.** *Department of the Army, White Sands Missile Range – Final Environmental Impact Statement and Record of Decision for Development and Implementation of Range-Wide Mission and Major Capabilities at White Sands Missile Range, New Mexico.* U.S. Army White Sands Test Center, White Sands Missile Range, NM. Record of Decision signed March 24, 2010.

The proposed action was to augment WSMR capabilities to support future testing and expanded training requirements, and to solidify WSMR's role as a Major Range and Test Facility Base (MRTFB), which is a dedicated core set of DoD research, development, testing, and evaluation (RDT&E) infrastructure and associated workforce that must be preserved as a national asset to support the DoD acquisition system. The analysis included expansion of missile firing and all other current test operations. The EIS found that minor to moderate impacts were anticipated to occur for most resource areas, and the ROD adopted certain mitigation measures to reduce impacts; but, no significant impacts or adopted mitigations were identified as related to anticipated impacts from the type of flight activities that would be covered by the proposed categorical exclusion above, nor were significant cumulative effects anticipated.

Reference: **Navy,** *32 C.F.R. Part 775 – Procedures for Implementing the National Environmental Policy Act, Section 775.6(f) – Categorical exclusions.*

(18) Temporary placement and use of simulated target fields (e.g., inert mines, simulated mines, or passive hydrophones) in fresh, estuarine, and marine waters for the purpose of non-explosive military training exercises or research, development, test and evaluation.

(43) Routine testing and evaluation of military equipment on a military reservation or an established range, restricted area, or operating area; similar in type, intensity and setting, including physical location and time of year, to other actions for which it has been determined, through NEPA analysis where the DON was a lead or cooperating agency, that there are no significant impacts; and conducted in accordance with all applicable standard operating procedures protective of the environment.

Reference: **Energy**, 10 C.F.R. Part 1021 – National Environmental Policy Act Implementing Procedures, Appendix B to Subpart D of Part 1021 – Categorical Exclusions Applicable to Specific Agency Actions.

B3.11 Outdoor tests and experiments on materials and equipment components

Outdoor tests and experiments for the development, quality assurance, or reliability of materials and equipment (including, but not limited to, weapon system components) under controlled conditions. Covered actions include, but are not limited to, burn tests (such as tests of electric cable fire resistance or the combustion characteristics of fuels), impact tests (such as pneumatic ejector tests using earthen embankments or concrete slabs designated and routinely used for that purpose), or drop, puncture, water-immersion, or thermal tests. Covered actions would not involve source, special nuclear, or byproduct materials, except encapsulated sources manufactured to applicable standards that contain source, special nuclear, or byproduct materials may be used for nondestructive actions such as detector/sensor development and testing and first responder field training.

Reference: **Federal Aviation Administration**, U.S. Department of Transportation, *Federal Aviation Administration Order 1050.1F*, *SUBJ: Environmental Impacts: Policies and Procedures*, Section 5-6 – The Federal Aviation Administration’s Categorical Exclusions; July 16, 2015.

5-6.5.o. Procedural actions requested by users on a test basis to determine the effectiveness of new technology and/or possible impacts to the environment. (ATO)

New CX (i)(13)

Proposed New CX Language: *Testing, evaluation, and demonstration of man portable, individual, and crew served weapons systems used principally against personnel and lightly armored targets, to include both ballistic and non-ballistic systems and associated ordnance, munitions, aiming, powering, storage, training, specialized maintenance equipment, logistic support, and other ancillary items where: (i) the small arms firing occurs solely within the boundaries of a military installation; (ii) the entire firing occurs over an established range designated for testing of small arms; and (iii) landing and recovery, when feasible, of munitions and/or debris occurs within a designated impact area (REC required).*

Supporting Rationale: As Army environmental subject matter experts reviewed numerous existing NEPA documents to determine classes of actions which, when implemented, resulted in no significant individual or cumulative environmental effects, a number of types of testing, evaluation, and demonstration actions were found to be actions which normally did not have a significant impact on the environment. To avoid misinterpretations and inappropriate applications of these new CXs, different CXs were developed for different types of testing, evaluation, and demonstration actions; the proposed CX (i)(13) deals with man portable, individual, and crew served weapons systems. The proposed language aligns with the language used in the Army’s testing community for these different types of testing, evaluation, and demonstration actions. The Army also found other federal agency CXs that addressed testing in a broader scope, which further supports the Army’s conclusions that the proposed actions do not normally result in significant environmental impacts. In addition to determining that the implementation of these types of actions do not normally result in significant environmental impacts, the Army also incorporates into its practices a sustainability culture. For example, when these testing, evaluation, and demonstration actions are conducted on Army ranges, the Army recognizes the need to operate ranges in a manner that will result in the range being available now and in the future in order to meet mission requirements. To reduce the less than significant impacts even further, the Army would employ standard operating procedures, apply best management practices, and adhere to regulatory requirements. This proposed CX also incorporates controls by requiring the use of a REC to ensure thoughtful consideration as to the potential existence of an extraordinary circumstance that would prevent the application of this CX for the proposed action.

Reference: **Army**. *Final Environmental Assessment for Network Integration Evaluation (NIE)*, White Sands Missile Range, New Mexico. White Sands Test Center and U.S. Army Garrison White Sands

Missile Range, White Sands Missile Range, NM. Finding of No Significant Impact signed May 13, 2011. (White Sands Test Center, 2011)

The proposed action was to conduct testing activities surrounding the Network Integration Evaluation. The proposed action included a test group of approximately 3,500 Soldiers with approximately 1,000 civilian staff conducting evaluation and testing of field equipment and Soldier communication systems. Weapons systems testing and evaluation components of the proposed action included on- and off-road vehicle use, dismounted operations, field operations, surface weapons firing (surface to surface), instrumentation and communication systems, weapons impact, surface danger zone, and airspace danger zone. The typical scenario consisted of two weeks site preparation, four weeks testing and evaluation in the southern portion of the missile range, two weeks of additional testing and evaluation in the northern portion of the missile range, and two weeks of site clean-up. Exercises were proposed to be held over multiple years, with the first exercise calling for use of already-disturbed site locations in White Sands south range and a new operational area in the north range. Equipment setup activities included proposed site-access improvements, to include berm expansion, road widening, leveling, drainage improvements, and erosion control. The proposed action included installing and using temporary structures and/or CONEX containers in various locations and configurations on White Sands Missile Range. Soldier activities during the evaluation and test activities included on-road and off-road military vehicle travel, reconnaissance, improvised explosive devices exercises with simulated ambush attacks, use of simulated and live weapons systems and unmanned aerial and ground vehicles, supply air drops during the northern exercise, and employment of small pyrotechnic devices and blank small-arms rounds. No to very low impacts were anticipated for socioeconomics, environmental justice, and energy. Low to moderate impacts were anticipated for land use and aesthetics, airspace, air quality, cultural resources, earth sciences, biological resources, water resources, safety, noise, hazardous material and waste, facilities and infrastructure, transportation, frequencies, and wildland fire. Measures that would be taken to reduce impacts included, for example, adhering to standard operating procedures, implementing best management practices to control soil erosion, delineating “keep-out” areas, and conducting monitoring to control invasive plants and avoid land degradation. Implementing the proposed action, in conjunction with specified mitigation measures, resulted in a determination that there would be no significant impacts on the environment.

Reference: Army. *US Army White Sands Missile Range: 2012-0075, Environmental Review - Record of Environmental Consideration, Title of Proposed Action: NIE 13.1.* White Sands Test Center and U.S. Army Garrison White Sands Missile Range, White Sands Missile Range, NM. October 11, 2012. (White Sands Test Center, 2012)

The proposed action was to conduct the fourth in a series of semi-annual field exercises for the Network Integrated Evaluation, an exercise designed to evaluate and integrate the Army’s tactical network. The proposed action included the scope of activities addressed in the 2011 *Final Environmental Assessment for Network Integration Evaluation (NIE), White Sands Missile Range, New Mexico* (see above reference), and involved 3,800 Soldiers and 1,000 government and contractor personnel. Employment of existing standard operating procedures and best management practices were among the measures that would continue to support the conclusion that environmental impacts would be less than significant. This Record of Environmental Consideration documented that the proposed action was adequately covered within existing analyses titled *Final Environmental Impact Statement for Development and Implementation of Range-Wide Mission and Major Capabilities at White Sands Missile Range, New Mexico* (2010) and *Final Environmental Assessment for Network Integration Evaluation (NIE)* (2011).

Reference: Army. *Department of the Army, United States Army Cold Regions Test Center – Final Findings of No Significant Impact and Programmatic Environmental Assessment – Army Testing, Infrastructure Improvements and Enhanced Environmental Procedures – Donnelly Training Area, Fort*

Wainwright, Alaska and Fort Greely, Alaska. U.S. Army Cold Regions Test Center, Fort Greely, AK. Finding of No Significant Impact signed April 26, 2012. (Cold Regions Test Center, 2012)

The proposed action was to continue Cold Regions Test Center testing, conduct facility modernization through site-specific projects, and implement enhanced environmental review procedures for the center's activities. The Test Center mission is to plan and conduct realistic, natural environment testing with emphasis on extreme cold and sub-arctic conditions in order to provide acquisition decision makers timely, accurate, and relevant information. Components of completing test operations by the Cold Regions Test Center are meeting upcoming test requirements, ensuring that testing of military equipment is state of the art, providing the Army maximum efficiency and cost-effectiveness in its test program, protecting the safety of the center's employees and the public, and protecting the environment. The center tests all types of equipment, with a focus on determining if environmental factors such as snow, ice, wind-chill, and darkness effect equipment performance. In general, equipment testing falls into one of four categories, with one of the categories being weapons systems. The amount of test operations in the proposed action was expected to remain approximately the same in the next 10 years as had been conducted in the previous 10 years. Implementation of the proposed was anticipated to result in impacts to the natural, cultural, and human environment of Donnelley Training Area, with most of the expected impacts being minor. Moderate adverse impacts were anticipated for soils and permafrost, surface water and floodplains, wetlands, vegetation, fire management, and wildlife and fisheries. Various measures were identified to help avoid significant impacts to surface water and floodplains, wetlands, vegetation, and cultural resources associated with the proposed action, and to help minimize already less than significant impacts to other resource areas. These measures included the continued use of standard operating procedures and best management practices when scheduling and conducting test activities and when performing maintenance activities.

Reference: **Navy**, 32 C.F.R. Part 775 – *Procedures for Implementing the National Environmental Policy Act*, Section 775.6(f) – Categorical exclusions.

(18) Temporary placement and use of simulated target fields (e.g., inert mines, simulated mines, or passive hydrophones) in fresh, estuarine, and marine waters for the purpose of non-explosive military training exercises or research, development, test and evaluation.

(43) Routine testing and evaluation of military equipment on a military reservation or an established range, restricted area, or operating area; similar in type, intensity and setting, including physical location and time of year, to other actions for which it has been determined, through NEPA analysis where the DON was a lead or cooperating agency, that there are no significant impacts; and conducted in accordance with all applicable standard operating procedures protective of the environment.

Reference: **Energy**, 10 C.F.R. Part 1021 – *National Environmental Policy Act Implementing Procedures*, Appendix B to Subpart D of Part 1021 – Categorical Exclusions Applicable to Specific Agency Actions.

B3.11 Outdoor tests and experiments on materials and equipment components

Outdoor tests and experiments for the development, quality assurance, or reliability of materials and equipment (including, but not limited to, weapon system components) under controlled conditions. Covered actions include, but are not limited to, burn tests (such as tests of electric cable fire resistance or the combustion characteristics of fuels), impact tests (such as pneumatic ejector tests using earthen embankments or concrete slabs designated and routinely used for that purpose), or drop, puncture, water-immersion, or thermal tests. Covered actions would not involve source, special nuclear, or byproduct materials, except encapsulated sources manufactured to applicable standards that contain source, special nuclear, or byproduct materials may be used for nondestructive actions such as detector/sensor development and testing and first responder field training.

Reference: **Federal Aviation Administration**, U.S. Department of Transportation, *Federal Aviation Administration Order 1050.1F, SUBJ: Environmental Impacts: Policies and Procedures*, Section 5-6 – The Federal Aviation Administration's Categorical Exclusions; July 16, 2015.

5-6.5.o. Procedural actions requested by users on a test basis to determine the effectiveness of new technology and/or possible impacts to the environment. (ATO)

New CX (i)(14)

Proposed New CX Language: *Testing, evaluation, and demonstration of mortars on military installations, including: (i) general support, weapon system testing, production qualifications testing, mortar detection and data acquisition, proof assembly testing, acceptance testing, classification testing, and mortar technology demonstrations; (ii) general support for mortars testing requiring small arms firing, grenade launcher firing, and rocket propelled grenades firing when launch, flight, and impact occur on designated ranges; or (iii) final classification testing, including static functioning of test items in a boxed and stacked configuration when launch, flight, and/or impact/detonation occur on designated ranges (REC required).*

Supporting Rationale: As Army environmental subject matter experts reviewed numerous existing NEPA documents to determine classes of actions which, when implemented, resulted in no significant individual or cumulative environmental effects, a number of types of testing, evaluation, and demonstration actions were found to be actions which normally did not have a significant impact on the environment. To avoid misinterpretations and inappropriate applications of these new CXs, different CXs were developed for different types of testing, evaluation, and demonstration actions; the proposed CX (i)(14) deals with mortars. The proposed language aligns with the language used in the Army's testing community for these different types of testing, evaluation, and demonstration actions. The Army also found other federal agency CXs that addressed testing in a broader scope, which further supports the Army's conclusions that the proposed actions do not normally result in significant environmental impacts. In addition to determining that the implementation of these types of actions do not normally result in significant environmental impacts, the Army also incorporates into its practices a sustainability culture. For example, when these testing, evaluation, and demonstration actions are conducted on Army ranges, the Army recognizes the need to operate ranges in a manner that will result in the range being available now and in the future in order to meet mission requirements. To reduce the less than significant impacts even further, the Army would employ standard operating procedures, apply best management practices, and adhere to regulatory requirements. This proposed CX also incorporates controls by requiring the use of a REC to ensure thoughtful consideration as to the potential existence of an extraordinary circumstance that would prevent the application of this CX for the proposed action.

Reference: **Army.** *Final Environmental Assessment for Network Integration Evaluation (NIE), White Sands Missile Range, New Mexico.* White Sands Test Center and U.S. Army Garrison White Sands Missile Range, White Sands Missile Range, NM. Finding of No Significant Impact signed May 13, 2011. (White Sands Test Center, 2011)

The proposed action was to conduct testing activities surrounding the Network Integration Evaluation. The proposed action included a test group of approximately 3,500 Soldiers with approximately 1,000 civilian staff conducting evaluation and testing of field equipment and Soldier communication systems. Activities proposed involved force protection and communication exercises, use of simulated and live weapons systems, and reconnaissance by unmanned aerial and ground vehicles. Included were the use of 60mm and 81mm mortars. The typical scenario consisted of two weeks site preparation, four weeks testing and evaluation in the southern portion of the missile range, two weeks of additional testing and evaluation in the northern portion of the missile range, and two weeks of site clean-up. Exercises were proposed to be held over multiple years, with the first exercise calling for use of already-disturbed site locations in White Sands south range and a new operational area in the north range. No to very low impacts were anticipated for socioeconomics, environmental justice, and energy. Low to moderate impacts were anticipated for land use and aesthetics, airspace, air quality, cultural resources, earth sciences, biological resources, water resources, safety, noise, hazardous material and waste, facilities and infrastructure, transportation, frequencies, and wildland fire. Measures that would be taken to reduce

impacts included, for example, adhering to standard operating procedures, implementing best management practices to control soil erosion, delineating “keep-out” areas, and conducting monitoring to control invasive plants and avoid land degradation. Implementing the proposed action, in conjunction with specified mitigation measures, resulted in a determination that there would be no significant impacts on the environment.

Reference: Army. *Department of the Army, United States Army Cold Regions Test Center – Final Findings of No Significant Impact and Programmatic Environmental Assessment – Army Testing, Infrastructure Improvements and Enhanced Environmental Procedures – Donnelly Training Area, Fort Wainwright, Alaska and Fort Greely, Alaska.* U.S. Army Cold Regions Test Center, Fort Greely, AK. Finding of No Significant Impact signed April 26, 2012. (Cold Regions Test Center, 2012)

The proposed action was to continue Cold Regions Test Center testing, conduct facility modernization through site-specific projects, and implement enhanced environmental review procedures for the center’s activities. The Test Center mission is to plan and conduct realistic, natural environment testing with emphasis on extreme cold and sub-arctic conditions in order to provide acquisition decision makers timely, accurate, and relevant information. Components of completing test operations by the Cold Regions Test Center are meeting upcoming test requirements, ensuring that testing of military equipment is state of the art, providing the Army maximum efficiency and cost-effectiveness in its test program, protecting the safety of the center’s employees and the public, and protecting the environment. The center tests all types of equipment, to include mortars, with a focus on determining if environmental factors such as snow, ice, wind-chill, and darkness effect equipment performance. Restricted areas are used for testing live ordnance, such as mortars, and these types of ordnance would be fired from firing points to targets located within existing Army impact areas. Mortar testing may also include storage testing, with the purpose of obtaining information on deterioration that might occur due to freeze/thaw cycles, condensation, oxidation, and similar processes. Implementation of the proposed was anticipated to result in impacts to the natural, cultural, and human environment of Donnelley Training Area, with most of the expected impacts being minor. Moderate adverse impacts were anticipated for soils and permafrost, surface water and floodplains, wetlands, vegetation, fire management, and wildlife and fisheries. Various measures were identified to help avoid significant impacts to surface water and floodplains, wetlands, vegetation, and cultural resources associated with the proposed action, and to help minimize already less than significant impacts to other resource areas. These measures included the continued use of standard operating procedures and best management practices when scheduling and conducting test activities and when performing maintenance activities.

Reference: Navy, *32 C.F.R. Part 775 – Procedures for Implementing the National Environmental Policy Act, Section 775.6(f) – Categorical exclusions.*

(43) Routine testing and evaluation of military equipment on a military reservation or an established range, restricted area, or operating area; similar in type, intensity and setting, including physical location and time of year, to other actions for which it has been determined, through NEPA analysis where the DON was a lead or cooperating agency, that there are no significant impacts; and conducted in accordance with all applicable standard operating procedures protective of the environment

Reference: Energy, *10 C.F.R. Part 1021 – National Environmental Policy Act Implementing Procedures, Appendix B to Subpart D of Part 1021 – Categorical Exclusions Applicable to Specific Agency Actions.*

B3.11 Outdoor tests and experiments on materials and equipment components

Outdoor tests and experiments for the development, quality assurance, or reliability of materials and equipment (including, but not limited to, weapon system components) under controlled conditions. Covered actions include, but are not limited to, burn tests (such as tests of electric cable fire resistance or the combustion characteristics of fuels), impact tests (such as pneumatic ejector tests using earthen embankments or concrete slabs designated and routinely used for that purpose), or drop, puncture, water-immersion, or thermal tests. Covered actions would not involve source, special nuclear, or byproduct

materials, except encapsulated sources manufactured to applicable standards that contain source, special nuclear, or byproduct materials may be used for nondestructive actions such as detector/sensor development and testing and first responder field training.

Reference: **Federal Aviation Administration**, *U.S. Department of Transportation, Federal Aviation Administration Order 1050.1F, SUBJ: Environmental Impacts: Policies and Procedures*, Section 5-6 – The Federal Aviation Administration’s Categorical Exclusions; July 16, 2015.

5-6.5.o. Procedural actions requested by users on a test basis to determine the effectiveness of new technology and/or possible impacts to the environment. (ATO)

New CX (i)(15)

Proposed New CX Language: *Automotive testing involving testing, evaluation, and demonstration of automotive performance, transportability, reliability, human factors engineering and all applicable human systems integration domains, rail impact, lift and tie-down, tilt table, braking, steering and handling, side slopes, longitudinal slopes, gradeability, acceleration, and standard obstacles. Testing also includes: (i) testing mobile equipment which includes weight and center of gravity, tilt table, and lane change; (ii) automotive performance tests accomplished in environmental chambers or in existing outdoor testing area, including blowing rain and sand tests and transportability tests (lift provision compression test, helicopter flight, and rail impact); (iii) specific automotive testing measuring for weight, center of gravity, and moment of inertia, and tire, track, and suspension dynamic and static properties; (iv) testing of automotive trailers for resistance to towing; and (v) performance vehicles tested for speed and acceleration, gradeability and side slopes, standard obstacles, transportability, fuel consumption, full load cooling, environmental performance, ride quality, winching, braking, steering and handling, towing compatibility, human factors, and material handling cranes (REC required).*

Supporting Rationale: As Army environmental subject matter experts reviewed numerous existing NEPA documents to determine classes of actions which, when implemented, resulted in no significant individual or cumulative environmental effects, a number of types of testing, evaluation, and demonstration actions were found to be actions which normally did not have a significant impact on the environment. To avoid misinterpretations and inappropriate applications of these new CXs, different CXs were developed for different types of testing, evaluation, and demonstration actions; the proposed CX (i)(15) deals with automobiles. The proposed language aligns with the language used in the Army’s testing community for these different types of testing, evaluation, and demonstration actions. The Army also found other federal agency CXs that addressed testing in a broader scope, which further supports the Army’s conclusions that the proposed actions do not normally result in significant environmental impacts. In addition to determining that the implementation of these types of actions do not normally result in significant environmental impacts, the Army also incorporates into its practices a sustainability culture. For example, when these testing, evaluation, and demonstration actions are conducted on Army ranges, the Army recognizes the need to operate ranges in a manner that will result in the range being available now and in the future in order to meet mission requirements. To reduce the less than significant impacts even further, the Army would employ standard operating procedures, apply best management practices, and adhere to regulatory requirements. This proposed CX also incorporates controls by requiring the use of a REC to ensure thoughtful consideration as to the potential existence of an extraordinary circumstance that would prevent the application of this CX for the proposed action.

Reference: **Army**. *Environmental Assessment for Joint Urban Test Capability (JUTC), White Sands Missile Range, New Mexico*. White Sands Test Center, White Sands Missile Range, NM. Finding of No Significant Impact signed April 30, 2013. (White Sands Test Center, 2013a)

The proposed action was to establish a JUTC urban test site and maneuver area on White Sands Missile Range and use the JUTC site/area to support the development of systems for current and future

theatre operations. Test activities under the proposed action included automotive testing related to, for example, on-road and off-road vehicle use. No significant environmental impacts were anticipated as a result of implementing the proposed action, which included construction activities in addition to test activities. Less than significant impacts, largely related to construction, were anticipated for air quality, cultural resources, earth sciences, biological resources, and safety. Impacts ranging from none to low were anticipated for land use, airspace, water resources, noise, hazardous material and waste, infrastructure and utilities, transportation, socioeconomic and environmental justice, energy, frequencies, and wildland fire. Various measures were identified to further reduce the already less than significant impacts associated with the proposed action, to include the continued use of standard operating procedures and best management practices when scheduling and conducting test activities.

Reference: Army. *Final Environmental Assessment for Network Integration Evaluation (NIE), White Sands Missile Range, New Mexico.* White Sands Test Center and U.S. Army Garrison White Sands Missile Range, White Sands Missile Range, NM. Finding of No Significant Impact signed May 13, 2011. (White Sands Test Center, 2011)

The proposed action was to conduct testing activities surrounding the Network Integration Evaluation. The proposed action included a test group of approximately 3,500 Soldiers with approximately 1,000 civilian staff conducting evaluation and testing of field equipment and Soldier communication systems. Automotive testing and evaluation components of the proposed action included on- and off-road vehicle use, field operations, and instrumentation and communication systems. Activities proposed involved force protection and communication exercises, use of simulated and live weapons systems, and reconnaissance by unmanned aerial and ground vehicles. The typical scenario consisted of two weeks site preparation, four weeks testing and evaluation in the southern portion of the missile range, two weeks of additional testing and evaluation in the northern portion of the missile range, and two weeks of site clean-up. Exercises were proposed to be held over multiple years, with the first exercise calling for use of already-disturbed site locations in White Sands south range and a new operational area in the north range. Equipment setup activities included proposed site-access improvements, to include berm expansion, road widening, leveling, drainage improvements, and erosion control. The proposed action included installing and using temporary structures and/or CONEX containers in various locations and configurations on White Sands Missile Range. Soldier activities during the evaluation and test activities included on-road and off-road military vehicle travel. No to very low impacts were anticipated for socioeconomic, environmental justice, and energy. Low to moderate impacts were anticipated for land use and aesthetics, airspace, air quality, cultural resources, earth sciences, biological resources, water resources, safety, noise, hazardous material and waste, facilities and infrastructure, transportation, frequencies, and wildland fire. Measures that would be taken to reduce impacts included, for example, adhering to standard operating procedures, implementing best management practices to control soil erosion, delineating “keep-out” areas, and conducting monitoring to control invasive plants and avoid land degradation. Implementing the proposed action, in conjunction with specified mitigation measures, resulted in a determination that there would be no significant impacts on the environment.

Reference: Army. *US Army White Sands Missile Range: 2012-0075, Environmental Review - Record of Environmental Consideration, Title of Proposed Action: NIE 13.1.* White Sands Test Center and U.S. Army Garrison White Sands Missile Range, White Sands Missile Range, NM. October 11, 2012. (White Sands Test Center, 2012)

The proposed action was to conduct the fourth in a series of semi-annual field exercises for the Network Integrated Evaluation, an exercise designed to evaluate and integrate the Army’s tactical network. The proposed action included the scope of activities addressed in the 2011 *Final Environmental Assessment for Network Integration Evaluation (NIE), White Sands Missile Range, New Mexico* (see above reference), and involved 3,800 Soldiers and 1,000 government and contractor personnel. Employment of existing standard operating procedures and best management practices were among the measures that would continue to support the conclusion that environmental impacts would be less than

significant. This Record of Environmental Consideration documented that the proposed action was adequately covered within existing analyses titled *Final Environmental Impact Statement for Development and Implementation of Range-Wide Mission and Major Capabilities at White Sands Missile Range, New Mexico* (2010) and *Final Environmental Assessment for Network Integration Evaluation (NIE)* (2011).

Reference: Army. *Department of the Army, United States Army Cold Regions Test Center – Final Findings of No Significant Impact and Programmatic Environmental Assessment – Army Testing, Infrastructure Improvements and Enhanced Environmental Procedures – Donnelly Training Area, Fort Wainwright, Alaska and Fort Greely, Alaska.* U.S. Army Cold Regions Test Center, Fort Greely, AK. Finding of No Significant Impact signed April 26, 2012. (Cold Regions Test Center, 2012)

The proposed action was to continue Cold Regions Test Center testing, conduct facility modernization through site-specific projects, and implement enhanced environmental review procedures for the center's activities. The Test Center mission is to plan and conduct realistic, natural environment testing with emphasis on extreme cold and sub-arctic conditions in order to provide acquisition decision makers timely, accurate, and relevant information. Components of completing test operations by the Cold Regions Test Center are meeting upcoming test requirements, ensuring that testing of military equipment is state of the art, providing the Army maximum efficiency and cost-effectiveness in its test program, protecting the safety of the center's employees and the public, and protecting the environment. The center tests all types of equipment with a focus on determining if environmental factors such as snow, ice, wind-chill, and darkness effect equipment performance. In general, equipment testing falls into one of four categories, with one of the categories being vehicles. The amount of test operations in the proposed action was expected to remain approximately the same in the next 10 years as had been conducted in the previous 10 years. Implementation of the proposed was anticipated to result in impacts to the natural, cultural, and human environment of Donnelley Training Area, with most of the expected impacts being minor. Moderate adverse impacts were anticipated for soils and permafrost, surface water and floodplains, wetlands, vegetation, fire management, and wildlife and fisheries. Various measures were identified to help avoid significant impacts to surface water and floodplains, wetlands, vegetation, and cultural resources associated with the proposed action, and to help minimize already less than significant impacts to other resource areas. These measures included the continued use of standard operating procedures and best management practices when scheduling and conducting test activities and when performing maintenance activities. One example of a specific measure, to minimize impacts caused by off-road vehicle use, was to, as much as is practical, schedule testing activities to coincide with the times of the year during which the lands are more resilient, such as when there is snow-pack.

Reference: Navy, *32 C.F.R. Part 775 – Procedures for Implementing the National Environmental Policy Act, Section 775.6(f) – Categorical exclusions.*

(43) Routine testing and evaluation of military equipment on a military reservation or an established range, restricted area, or operating area; similar in type, intensity and setting, including physical location and time of year, to other actions for which it has been determined, through NEPA analysis where the DON was a lead or cooperating agency, that there are no significant impacts; and conducted in accordance with all applicable standard operating procedures protective of the environment.

Reference: Energy, *10 C.F.R. Part 1021 – National Environmental Policy Act Implementing Procedures, Appendix B to Subpart D of Part 1021 – Categorical Exclusions Applicable to Specific Agency Actions.*

B3.5 Tank car tests

Tank car tests under 49 CFR part 179 (including, but not limited to, tests of safety relief devices, pressure regulators, and thermal protection systems).

B3.11 Outdoor tests and experiments on materials and equipment components

Outdoor tests and experiments for the development, quality assurance, or reliability of materials and equipment (including, but not limited to, weapon system components) under controlled conditions.

Covered actions include, but are not limited to, burn tests (such as tests of electric cable fire resistance or the combustion characteristics of fuels), impact tests (such as pneumatic ejector tests using earthen embankments or concrete slabs designated and routinely used for that purpose), or drop, puncture, water-immersion, or thermal tests. Covered actions would not involve source, special nuclear, or byproduct materials, except encapsulated sources manufactured to applicable standards that contain source, special nuclear, or byproduct materials may be used for nondestructive actions such as detector/sensor development and testing and first responder field training.

Reference: **Federal Aviation Administration**, *U.S. Department of Transportation, Federal Aviation Administration Order 1050.1F, SUBJ: Environmental Impacts: Policies and Procedures*, Section 5-6 – The Federal Aviation Administration’s Categorical Exclusions; July 16, 2015.

5-6.5.o. Procedural actions requested by users on a test basis to determine the effectiveness of new technology and/or possible impacts to the environment. (ATO)

New CX (i)(16)

Proposed New CX Language: *Testing, evaluation, and demonstration of robotic vehicles, to include Unmanned Ground Vehicle (UGV). Testing includes scenarios that: (i) test UGVs and Soldiers individually; (ii) test the interface between UGVs and Soldiers in mounted and dismounted maneuvers on existing test grids and training ranges, including navigation and identification of obstacles, targets, and hazards; (iii) test vehicles on existing test courses and existing improved surfaces; and (iv) test vehicles operating in test chambers while subjected to environmental conditions (REC required).*

Supporting Rationale: As Army environmental subject matter experts reviewed numerous existing NEPA documents to determine classes of actions which, when implemented, resulted in no significant individual or cumulative environmental effects, a number of types of testing, evaluation, and demonstration actions were found to be actions which normally did not have a significant impact on the environment. To avoid misinterpretations and inappropriate applications of these new CXs, different CXs were developed for different types of testing, evaluation, and demonstration actions; the proposed CX (i)(16) deals with robotic vehicles. The proposed language aligns with the language used in the Army’s testing community for these different types of testing, evaluation, and demonstration actions. The Army also found other federal agency CXs that addressed testing in a broader scope, which further supports the Army’s conclusions that the proposed actions do not normally result in significant environmental impacts. In addition to determining that the implementation of these types of actions do not normally result in significant environmental impacts, the Army also incorporates into its practices a sustainability culture. For example, when these testing, evaluation, and demonstration actions are conducted on Army ranges, the Army recognizes the need to operate ranges in a manner that will result in the range being available now and in the future in order to meet mission requirements. To reduce the less than significant impacts even further, the Army would employ standard operating procedures, apply best management practices, and adhere to regulatory requirements. This proposed CX also incorporates controls by requiring the use of a REC to ensure thoughtful consideration as to the potential existence of an extraordinary circumstance that would prevent the application of this CX for the proposed action.

Reference: **Army**. *Environmental Assessment for Joint Urban Test Capability (JUTC), White Sands Missile Range, New Mexico*. White Sands Test Center, White Sands Missile Range, NM. Finding of No Significant Impact signed April 30, 2013. (White Sands Test Center, 2013a)

The proposed action was to establish a JUTC urban test site and maneuver area on White Sands Missile Range and use the JUTC site/area to support the development of systems for current and future theatre operations. Test activities under the proposed action included robotic vehicle testing related to, for example, on-road vehicle use, off-road vehicle use, and instrumentation and communication systems. No significant environmental impacts were anticipated as a result of implementing the proposed action, which included construction activities in addition to test activities. Less than significant impacts, largely

related to construction, were anticipated for air quality, cultural resources, earth sciences, biological resources, and safety. Impacts ranging from none to low were anticipated for land use, airspace, water resources, noise, hazardous material and waste, infrastructure and utilities, transportation, socioeconomics and environmental justice, energy, frequencies, and wildland fire. Various measures were identified to further reduce the already less than significant impacts associated with the proposed action, to include the continued use of standard operating procedures and best management practices when scheduling and conducting test activities.

Reference: Army. *Final Environmental Assessment for Network Integration Evaluation (NIE), White Sands Missile Range, New Mexico.* White Sands Test Center and U.S. Army Garrison White Sands Missile Range, White Sands Missile Range, NM. Finding of No Significant Impact signed May 13, 2011. (White Sands Test Center, 2011)

The proposed action was to conduct testing activities surrounding the Network Integration Evaluation. The proposed action included a test group of approximately 3,500 Soldiers with approximately 1,000 civilian staff conducting evaluation and testing of field equipment and Soldier communication systems. Robotic vehicle testing and evaluation components of the proposed action included on- and off-road vehicle use, field operations, surface weapons firing (surface to surface), instrumentation and communication systems, surface danger zone, and airspace danger zone. Activities proposed involved force protection and communication exercises, supply air drops, use of simulated and live weapons systems, and reconnaissance by unmanned aerial and ground vehicles. The typical scenario consisted of two weeks site preparation, four weeks testing and evaluation in the southern portion of the missile range, two weeks of additional testing and evaluation in the northern portion of the missile range, and two weeks of site clean-up. Exercises were proposed to be held over multiple years, with the first exercise calling for use of already-disturbed site locations in White Sands south range and a new operational area in the north range. Equipment setup activities included proposed site-access improvements, to include berm expansion, road widening, leveling, drainage improvements, and erosion control. The proposed action included installing and using temporary structures and/or CONEX containers in various locations and configurations on White Sands Missile Range. Soldier activities during the evaluation and test activities included on-road and off-road military vehicle travel, reconnaissance, improvised explosive devices exercises with simulated ambush attacks, use of simulated and live weapons systems and unmanned aerial and ground vehicles, supply air drops during the northern exercise, and employment of small pyrotechnic devices and blank small-arms rounds. No to very low impacts were anticipated for socioeconomics, environmental justice, and energy. Low to moderate impacts were anticipated for land use and aesthetics, airspace, air quality, cultural resources, earth sciences, biological resources, water resources, safety, noise, hazardous material and waste, facilities and infrastructure, transportation, frequencies, and wildland fire. Measures that would be taken to reduce impacts included, for example, adhering to standard operating procedures, implementing best management practices to control soil erosion, delineating “keep-out” areas, and conducting monitoring to control invasive plants and avoid land degradation. Implementing the proposed action, in conjunction with specified mitigation measures, resulted in a determination that there would be no significant impacts on the environment.

Reference: Army. *US Army White Sands Missile Range: 2012-0075, Environmental Review - Record of Environmental Consideration, Title of Proposed Action: NIE 13.1.* White Sands Test Center and U.S. Army Garrison White Sands Missile Range, White Sands Missile Range, NM. October 11, 2012. (White Sands Test Center, 2012)

The proposed action was to conduct the fourth in a series of semi-annual field exercises for the Network Integrated Evaluation, an exercise designed to evaluate and integrate the Army’s tactical network. The proposed action included the scope of activities addressed in the 2011 *Final Environmental Assessment for Network Integration Evaluation (NIE), White Sands Missile Range, New Mexico* (see above reference), and involved 3,800 Soldiers and 1,000 government and contractor personnel. Employment of existing standard operating procedures and best management practices were among the

measures that would continue to support the conclusion that environmental impacts would be less than significant. This Record of Environmental Consideration documented that the proposed action was adequately covered within existing analyses titled *Final Environmental Impact Statement for Development and Implementation of Range-Wide Mission and Major Capabilities at White Sands Missile Range, New Mexico* (2010) and *Final Environmental Assessment for Network Integration Evaluation (NIE)* (2011).

Reference: Army. *Department of the Army, United States Army Cold Regions Test Center – Final Findings of No Significant Impact and Programmatic Environmental Assessment – Army Testing, Infrastructure Improvements and Enhanced Environmental Procedures – Donnelly Training Area, Fort Wainwright, Alaska and Fort Greely, Alaska.* U.S. Army Cold Regions Test Center, Fort Greely, AK. Finding of No Significant Impact signed April 26, 2012. (Cold Regions Test Center, 2012)

The proposed action was to continue Cold Regions Test Center testing, conduct facility modernization through site-specific projects, and implement enhanced environmental review procedures for the center's activities. The Test Center mission is to plan and conduct realistic, natural environment testing with emphasis on extreme cold and sub-arctic conditions in order to provide acquisition decision makers timely, accurate, and relevant information. Components of completing test operations by the Cold Regions Test Center are meeting upcoming test requirements, ensuring that testing of military equipment is state of the art, providing the Army maximum efficiency and cost-effectiveness in its test program, protecting the safety of the center's employees and the public, and protecting the environment. The center tests all types of equipment, to include robotic vehicles, with a focus on determining if environmental factors, such as snow, ice, wind-chill, and darkness, effect equipment performance. The amount of test operations in the proposed action was expected to remain approximately the same in the next 10 years as had been conducted in the previous 10 years. Implementation of the proposed was anticipated to result in impacts to the natural, cultural, and human environment of Donnelley Training Area, with most of the expected impacts being minor. Moderate adverse impacts were anticipated for soils and permafrost, surface water and floodplains, wetlands, vegetation, fire management, and wildlife and fisheries. Various measures were identified to help avoid significant impacts to surface water and floodplains, wetlands, vegetation, and cultural resources associated with the proposed action, and to help minimize already less than significant impacts to other resource areas. These measures included the continued use of standard operating procedures and best management practices when scheduling and conducting test activities and when performing maintenance activities.

Reference: Navy, *32 C.F.R. Part 775 – Procedures for Implementing the National Environmental Policy Act, Section 775.6(f) – Categorical exclusions.*

(43) Routine testing and evaluation of military equipment on a military reservation or an established range, restricted area, or operating area; similar in type, intensity and setting, including physical location and time of year, to other actions for which it has been determined, through NEPA analysis where the DON was a lead or cooperating agency, that there are no significant impacts; and conducted in accordance with all applicable standard operating procedures protective of the environment.

Reference: Energy, *10 C.F.R. Part 1021 – National Environmental Policy Act Implementing Procedures, Appendix B to Subpart D of Part 1021 – Categorical Exclusions Applicable to Specific Agency Actions.*

B3.11 Outdoor tests and experiments on materials and equipment components

Outdoor tests and experiments for the development, quality assurance, or reliability of materials and equipment (including, but not limited to, weapon system components) under controlled conditions. Covered actions include, but are not limited to, burn tests (such as tests of electric cable fire resistance or the combustion characteristics of fuels), impact tests (such as pneumatic ejector tests using earthen embankments or concrete slabs designated and routinely used for that purpose), or drop, puncture, water-immersion, or thermal tests. Covered actions would not involve source, special nuclear, or byproduct materials, except encapsulated sources manufactured to applicable standards that contain source, special

nuclear, or byproduct materials may be used for nondestructive actions such as detector/sensor development and testing and first responder field training.

Reference: **Federal Aviation Administration**, *U.S. Department of Transportation, Federal Aviation Administration Order 1050.1F, SUBJ: Environmental Impacts: Policies and Procedures, Section 5-6 – The Federal Aviation Administration’s Categorical Exclusions*; July 16, 2015.

5-6.5.o. Procedural actions requested by users on a test basis to determine the effectiveness of new technology and/or possible impacts to the environment. (ATO)

New CX (i)(17)

Proposed New CX Language: *Testing, evaluation, and demonstration of UAV and associated technologies. Testing includes scenarios in which: (i) the UAV is launched, operated, landed, and recovered solely within land boundaries of a military installation or within DoD real estate lease agreement land holdings; (ii) the entire flight from launch to landing occurs over an established range designed for testing of such systems; (iii) the entire flight from launch to landing occurs within DoD controlled airspace; and (iv) landing and recovery of UAVs, and recovery, when feasible, of associated test materials including munitions occurs within a designated test range or impact area (REC required).*

Supporting Rationale: As Army environmental subject matter experts reviewed numerous existing NEPA documents to determine classes of actions which, when implemented, resulted in no significant individual or cumulative environmental effects, a number of types of testing, evaluation, and demonstration actions were found to be actions which normally did not have a significant impact on the environment. To avoid misinterpretations and inappropriate applications of these new CXs, different CXs were developed for different types of testing, evaluation, and demonstration actions; the proposed CX (i)(17) deals with unmanned aerial vehicles. The proposed language aligns with the language used in the Army’s testing community for these different types of testing, evaluation, and demonstration actions. The Army also found other federal agency CXs that addressed testing in a broader scope, which further supports the Army’s conclusions that the proposed actions do not normally result in significant environmental impacts. In addition to determining that the implementation of these types of actions do not normally result in significant environmental impacts, the Army also incorporates into its practices a sustainability culture. For example, when these testing, evaluation, and demonstration actions are conducted on Army ranges, the Army recognizes the need to operate ranges in a manner that will result in the range being available now and in the future in order to meet mission requirements. To reduce the less than significant impacts even further, the Army would employ standard operating procedures, apply best management practices, and adhere to regulatory requirements. This proposed CX also incorporates controls by requiring the use of a REC to ensure thoughtful consideration as to the potential existence of an extraordinary circumstance that would prevent the application of this CX for the proposed action.

Reference: **Army**. *Environmental Assessment for Joint Urban Test Capability (JUTC), White Sands Missile Range, New Mexico*. White Sands Test Center, White Sands Missile Range, NM. Finding of No Significant Impact signed April 30, 2013. (White Sands Test Center, 2013a)

The proposed action was to establish a JUTC urban test site and maneuver area on White Sands Missile Range and use the JUTC site/area to support the development of systems for current and future theatre operations. Test activities under the proposed action included UAV testing related to, for example, instrumentation and communication systems, airspace danger zone, and air vehicle operations. No significant environmental impacts were anticipated as a result of implementing the proposed action, which included construction activities in addition to test activities. Less than significant impacts, largely related to construction, were anticipated for air quality, cultural resources, earth sciences, biological resources, and safety. Impacts ranging from none to low were anticipated for land use, airspace, water resources, noise, hazardous material and waste, infrastructure and utilities, transportation, socioeconomics and environmental justice, energy, frequencies, and wildland fire. Various measures were identified to

further reduce the already less than significant impacts associated with the proposed action, to include the continued use of standard operating procedures and best management practices when scheduling and conducting test activities.

Reference: Army. *Final Environmental Assessment for Network Integration Evaluation (NIE), White Sands Missile Range, New Mexico.* White Sands Test Center and U.S. Army Garrison White Sands Missile Range, White Sands Missile Range, NM. Finding of No Significant Impact signed May 13, 2011. (White Sands Test Center, 2011)

The proposed action was to conduct testing activities surrounding the Network Integration Evaluation. The proposed action included a test group of approximately 3,500 Soldiers with approximately 1,000 civilian staff conducting evaluation and testing of field equipment and Soldier communication systems. UAV testing and evaluation components of the proposed action included field operations, instrumentation and communication systems, weapons impact, surface danger zone, airspace danger zone, and air vehicle operations. Activities proposed involved force protection and communication exercises, supply air drops, use of simulated and live weapons systems, and reconnaissance by unmanned aerial and ground vehicles. The typical scenario consisted of two weeks site preparation, four weeks testing and evaluation in the southern portion of the missile range, two weeks of additional testing and evaluation in the northern portion of the missile range, and two weeks of site clean-up. Exercises were proposed to be held over multiple years, with the first exercise calling for use of already-disturbed site locations in White Sands south range and a new operational area in the north range. Equipment setup activities included proposed site-access improvements, to include berm expansion, road widening, leveling, drainage improvements, and erosion control. The proposed action included installing and using temporary structures and/or CONEX containers in various locations and configurations on White Sands Missile Range. Soldier activities during the evaluation and test activities included on-road and off-road military vehicle travel, reconnaissance, improvised explosive devices exercises with simulated ambush attacks, use of simulated and live weapons systems and unmanned aerial and ground vehicles, supply air drops during the northern exercise, and employment of small pyrotechnic devices and blank small-arms rounds. No to very low impacts were anticipated for socioeconomics, environmental justice, and energy. Low to moderate impacts were anticipated for land use and aesthetics, airspace, air quality, cultural resources, earth sciences, biological resources, water resources, safety, noise, hazardous material and waste, facilities and infrastructure, transportation, frequencies, and wildland fire. Measures that would be taken to reduce impacts included, for example, adhering to standard operating procedures, implementing best management practices to control soil erosion, delineating “keep-out” areas, and conducting monitoring to control invasive plants and avoid land degradation. Implementing the proposed action, in conjunction with specified mitigation measures, resulted in a determination that there would be no significant impacts on the environment.

Reference: Army. *US Army White Sands Missile Range: 2012-0075, Environmental Review - Record of Environmental Consideration, Title of Proposed Action: NIE 13.1.* White Sands Test Center and U.S. Army Garrison White Sands Missile Range, White Sands Missile Range, NM. October 11, 2012. (White Sands Test Center, 2012)

The proposed action was to conduct the fourth in a series of semi-annual field exercises for the Network Integrated Evaluation, an exercise designed to evaluate and integrate the Army’s tactical network. The proposed action included the scope of activities addressed in the 2011 *Final Environmental Assessment for Network Integration Evaluation (NIE), White Sands Missile Range, New Mexico* (see above reference), and involved 3,800 Soldiers and 1,000 government and contractor personnel. Employment of existing standard operating procedures and best management practices were among the measures that would continue to support the conclusion that environmental impacts would be less than significant. This Record of Environmental Consideration documented that the proposed action was adequately covered within existing analyses titled *Final Environmental Impact Statement for Development and Implementation of Range-Wide Mission and Major Capabilities at White Sands Missile*

Range, New Mexico (2010) and *Final Environmental Assessment for Network Integration Evaluation (NIE)* (2011).

Reference: Army. *Department of the Army, United States Army Cold Regions Test Center – Final Findings of No Significant Impact and Programmatic Environmental Assessment – Army Testing, Infrastructure Improvements and Enhanced Environmental Procedures – Donnelly Training Area, Fort Wainwright, Alaska and Fort Greely, Alaska.* U.S. Army Cold Regions Test Center, Fort Greely, AK. Finding of No Significant Impact signed April 26, 2012. (Cold Regions Test Center, 2012)

The proposed action was to continue Cold Regions Test Center testing, conduct facility modernization through site-specific projects, and implement enhanced environmental review procedures for the center's activities. The Test Center mission is to plan and conduct realistic, natural environment testing with emphasis on extreme cold and sub-arctic conditions in order to provide acquisition decision makers timely, accurate, and relevant information. Components of completing test operations by the Cold Regions Test Center are meeting upcoming test requirements, ensuring that testing of military equipment is state of the art, providing the Army maximum efficiency and cost-effectiveness in its test program, protecting the safety of the center's employees and the public, and protecting the environment. The center tests all types of equipment. Though most equipment testing falls into the categories of vehicles, weapons systems, clothing, and individual equipment (small Soldier items), the center does, on rare occasions, test on items that do not fit within these four categories, such as unmanned aerial vehicles. The amount of test operations in the proposed action was expected to remain approximately the same in the next 10 years as had been conducted in the previous 10 years. Implementation of the proposed was anticipated to result in impacts to the natural, cultural, and human environment of Donnelley Training Area, with most of the expected impacts being minor. Moderate adverse impacts were anticipated for soils and permafrost, surface water and floodplains, wetlands, vegetation, fire management, and wildlife and fisheries. Various measures were identified to help avoid significant impacts to surface water and floodplains, wetlands, vegetation, and cultural resources associated with the proposed action, and to help minimize already less than significant impacts to other resource areas. These measures included the continued use of standard operating procedures and best management practices when scheduling and conducting test activities.

Reference: Navy, 32 C.F.R. Part 775 – *Procedures for Implementing the National Environmental Policy Act*, Section 775.6(f) – Categorical exclusions.

(43) Routine testing and evaluation of military equipment on a military reservation or an established range, restricted area, or operating area; similar in type, intensity and setting, including physical location and time of year, to other actions for which it has been determined, through NEPA analysis where the DON was a lead or cooperating agency, that there are no significant impacts; and conducted in accordance with all applicable standard operating procedures protective of the environment.

Reference: Energy, 10 C.F.R. Part 1021 – *National Environmental Policy Act Implementing Procedures*, Appendix B to Subpart D of Part 1021 – Categorical Exclusions Applicable to Specific Agency Actions.

B3.11 Outdoor tests and experiments on materials and equipment components

Outdoor tests and experiments for the development, quality assurance, or reliability of materials and equipment (including, but not limited to, weapon system components) under controlled conditions. Covered actions include, but are not limited to, burn tests (such as tests of electric cable fire resistance or the combustion characteristics of fuels), impact tests (such as pneumatic ejector tests using earthen embankments or concrete slabs designated and routinely used for that purpose), or drop, puncture, water-immersion, or thermal tests. Covered actions would not involve source, special nuclear, or byproduct materials, except encapsulated sources manufactured to applicable standards that contain source, special nuclear, or byproduct materials may be used for nondestructive actions such as detector/sensor development and testing and first responder field training.

Reference: **Federal Aviation Administration**, *U.S. Department of Transportation, Federal Aviation Administration Order 1050.1F, SUBJ: Environmental Impacts: Policies and Procedures*, Section 5-6 – The Federal Aviation Administration’s Categorical Exclusions; July 16, 2015.

5-6.5.n. Tests of air traffic departure or arrival procedures conducted under 3,000 feet above ground level (AGL), provided that: (1) the duration of the test does not exceed six months; (2) the test is requested by an airport or launch operator in response to mitigating noise concerns, or initiated by the FAA for safety or efficiency of proposed procedures; and (3) the test data collected will be used to assess the operational and noise impacts of the test. (ATO)

5-6.5.o. Procedural actions requested by users on a test basis to determine the effectiveness of new technology and/or possible impacts to the environment. (ATO)

Reference: **Federal Aviation Administration**, *U.S. Department of Transportation, Federal Aviation Administration Order 1050.1F, SUBJ: Environmental Impacts: Policies and Procedures*, Section 5-6 – The Federal Aviation Administration’s Categorical Exclusions; July 16, 2015.

5-6.5.o. Procedural actions requested by users on a test basis to determine the effectiveness of new technology and/or possible impacts to the environment. (ATO)

End of New CXs.

Proposed Revisions to Extraordinary Circumstances

Revision to Extraordinary Circumstance [(b)(1)]

Current Extraordinary Circumstance Language:

- (1) *Reasonable likelihood of significant effects on public health, safety, or the environment.*
- (2) *Reasonable likelihood of significant environmental effects (direct, indirect, and cumulative).*

Proposed New Extraordinary Circumstance Language:

(1) *Unique characteristics of the affected site or region in which the proposed action is located indicate a reasonable likelihood of significant effects (direct, indirect, or cumulative) on public health, safety, or the environment.*

Supporting Rationale: This is an administrative change that re-states, but does not change the intent of the existing extraordinary circumstances.

Revision to Extraordinary Circumstance [(b)(2)]

Current Extraordinary Circumstance Language:

- (3) *Imposition of uncertain or unique environmental risks.*
- (11) *Involving effects on the environment that are highly uncertain, involve unique or unknown risks, or are scientifically controversial.*

Proposed New Extraordinary Circumstance Language:

(2) *Possible effects on the environment are highly uncertain or the proposed action involves unique or unknown risks.*

Supporting Rationale: This is an administrative change that re-states, but does not change the intent of the existing extraordinary circumstance. Administrative changes related to the controversy component of

the current extraordinary circumstance (b)(11) is reflected below in the proposed extraordinary circumstance (b)(7).

Revision to Extraordinary Circumstance [(b)(3)]

Current Extraordinary Circumstance Language:

(4) *Greater scope or size than is normal for this category of action.*

Proposed New Extraordinary Circumstance Language:

(3) *Scope or size of the proposed action is substantially greater than what is typical or what is described in otherwise applicable CXs.*

Supporting Rationale: This is an administrative change that re-states, but does not change the intent of the existing extraordinary circumstance.

Revision to Extraordinary Circumstance [(b)(4)]

Current Extraordinary Circumstance Language:

(5) *Reportable releases of hazardous or toxic substances as specified in 40 CFR part 302, Designation, Reportable Quantities, and Notification.*

(6) *Releases of petroleum, oils, and lubricants (POL) except from a properly functioning engine or vehicle, application of pesticides and herbicides, or where the proposed action results in the requirement to develop or amend a Spill Prevention, Control, or Countermeasures Plan.*

(7) *When a review of an action that might otherwise qualify for a Record of Non-applicability (RONA) reveals that air emissions exceed de minimis levels or otherwise that a formal Clean Air Act conformity determination is required.*

(13) *Potential for degradation of already existing poor environmental conditions. Also, initiation of a degrading influence, activity, or effect in areas not already significantly modified from their natural condition.*

Proposed New Extraordinary Circumstance Language:

(4) *Implementation of the proposed action would require a substantive revision to a management plan and an EA or EIS for the management plan is required prior to the plan revision being finalized or approved.*

Supporting Rationale: This is an administrative change that re-states, but does not change the intent of the existing extraordinary circumstances, as each of the current extraordinary circumstances would be anticipated to result in a need to revise one or more management plans. Administrative changes for the current extraordinary circumstances (b)(5), (6), and (7) are also reflected in the proposed extraordinary circumstance (b)(5).

Revision to Extraordinary Circumstance [(b)(5)]

Current Extraordinary Circumstance Language:

(5) *Reportable releases of hazardous or toxic substances as specified in 40 CFR part 302, Designation, Reportable Quantities, and Notification.*

(6) *Releases of petroleum, oils, and lubricants (POL) except from a properly functioning engine or vehicle, application of pesticides and herbicides, or where the proposed action results in the requirement to develop or amend a Spill Prevention, Control, or Countermeasures Plan.*

(7) *When a review of an action that might otherwise qualify for a Record of Non-applicability (RONA) reveals that air emissions exceed de minimis levels or otherwise that a formal Clean Air Act conformity determination is required.*

Proposed New Extraordinary Circumstance Language:

(5) *Reasonable likelihood that the proposed action would result in discharges or emissions of pollutants above a de minimus level and/or reportable quantities, and the discharge or emission is not otherwise alleviated through another environmental process (e.g., discharge or emission permit).*

Supporting Rationale: This is an administrative change that re-states, but does not change the intent of the existing extraordinary circumstances.

Revision to Extraordinary Circumstance [(b)(6)]

Current Extraordinary Circumstance Language:

(8) *Reasonable likelihood of violating any federal, state, or local law or requirements imposed for the protection of the environment.*

Proposed New Extraordinary Circumstance Language:

(6) *Reasonable likelihood of violating an applicable federal, state, or local law or requirements imposed for the protection of the environment.*

Supporting Rationale: This is an administrative change that re-states, but does not change the intent of the existing extraordinary circumstance.

Revision to Extraordinary Circumstance [(b)(7)]

Current Extraordinary Circumstance Language:

(10) *Involving effects on the quality of the environment that are likely to be highly controversial.*

(11) *Involving effects on the environment that are highly uncertain, involve unique or unknown risks, or are scientifically controversial.*

Proposed New Extraordinary Circumstance Language:

(7) *Effects on the quality of the environment likely to be highly controversial.*

Supporting Rationale: This is an administrative change that re-states, but does not change the intent of the existing extraordinary circumstances addressing controversy.

Revision to Extraordinary Circumstance [(b)(8)]

Current Extraordinary Circumstance Language:

(12) *Establishes a precedent (or makes decisions in principle) for future or subsequent actions that are reasonably likely to have a future significant effect.*

Proposed New Extraordinary Circumstance Language:

(8) *Would establish a precedent (or makes decisions in principle) for future or subsequent actions that are reasonably likely to have a future significant effect.*

Supporting Rationale: This is an administrative change that re-states, but does not change the intent of the existing extraordinary circumstance.

Revision to Extraordinary Circumstance [(b)(9)]

Current Extraordinary Circumstance Language:

(11) *Involving effects on the environment that are highly uncertain, involve unique or unknown risks, or are scientifically controversial.*

(14) *Introduction/employment of unproven technology.*

Proposed New Extraordinary Circumstance Language:

(9) *Introduction/employment of materials or technology for which potential impacts on the environment are unproven.*

Supporting Rationale: Though the proposed extraordinary circumstance (b)(9) is the same as the current (b)(14), unproven technology, by its nature, entails unknown risks. As such, this extraordinary circumstance incorporates the provisions involving unknown risks that is a component of the current extraordinary circumstance (b)(11). As described above, other components of the current extraordinary circumstance (b)(11) have been incorporated into the proposed extraordinary circumstances (b)(2) and (7). This is an administrative change that re-states, but does not change the intent of the existing extraordinary circumstances.

Revision to Extraordinary Circumstance [(c)]

Current Extraordinary Circumstance Language:

§ 651.29 (b)(9) *Unresolved effect on environmentally sensitive resources, as defined in paragraph (c) of this section.*

§ 651.29 (c) *If a proposed action would adversely affect “environmentally sensitive” resources, unless the impact has been resolved through another environmental process (e.g., CZMA, NHPA, CWA, etc.) a CX cannot be used (see paragraph (e) of this section). Environmentally sensitive resources include:*

- (1) *Proposed federally listed, threatened, or endangered species or their designated critical habitats.*
- (2) *Properties listed or eligible for listing on the National Register of Historic Places (AR 200–4).*
- (3) *Areas having special designation or recognition such as prime or unique agricultural lands; coastal zones; designated wilderness or wilderness study areas; wild and scenic rivers; National Historic Landmarks (designated by the Secretary of the Interior); 100-year floodplains; wetlands; sole source aquifers (potential sources of drinking water); National Wildlife Refuges; National Parks; areas of critical environmental concern; or other areas of high environmental sensitivity.*

Proposed New Extraordinary Circumstance Language:

§ 651.11(c) *A CX may not be used if a proposed action would adversely affect an environmentally sensitive resource unless the adverse effect is addressed through another environmental compliance process (for example, Endangered Species Act (ESA), Native American Graves Protection and Repatriation Act (NAGPRA), Integrated Natural Resources Management Plans (INRMPs) adhering to the Sikes Act, Migratory Bird Treaty Act (MBTA), Bald and Golden Eagle Protection Act (BGEPA), Coastal Zone Management Act, National Historic Preservation Act (NHPA), Clean Water Act (CWA), etc.). A REC is required to document the use of another environmental compliance process to address potential impacts to environmentally sensitive resources. The term “environmentally sensitive resources” is defined in Appendix B, Section II of this part.*

Appendix B, Section II, Environmentally Sensitive Resources: *Includes but is not limited to: species that are federally listed as threatened or endangered or are candidates for such listing; threatened or endangered species critical habitat; migratory birds; Bald and Golden Eagles; prime or unique agricultural lands; coastal zones; designated wilderness or wilderness study areas; National Wildlife Refuges and National Parks; wild and scenic rivers; floodplains; wetlands; riparian areas; sole source aquifers; other natural resources of concern; paleontological resources, historic properties including sites, buildings, structures, districts, and objects eligible for or included in the National Register of Historic Places; Native American human remains and cultural items; archeological resources; Indian sacred sites; protected tribal resources including tribal trust resources, natural resources, and properties of traditional or customary religious or cultural importance retained by or reserved by or for Indian tribes through treaties, statutes, judicial decisions, or EOs.*

Supporting Rationale: This is an administrative change that re-states, but does not change the intent of the existing extraordinary circumstance. Actions which have been categorically excluded are actions which have been found to normally have no significant impact on human health or environmental resources. Implementation of NEPA, however, does not nullify the requirements of other laws and regulations. Implementation of the requirements of these other environmental compliance processes, such as consulting with the regulatory agency or obtaining permits, should not be the sole factor driving the need to conduct an environmental analysis or environmental impact statement for categorically excluded actions. To clarify the Army's requirements related to the application of categorical exclusions when the proposed action has the potential to impact environmentally sensitive resources, the Army proposes to change the related language associated with extraordinary circumstances, to include expanding the list of items to include cultural items as defined by NAGPRA, and to define 'environmentally sensitive resources' in the glossary section of the Army's NEPA regulation.

End of Extraordinary Circumstances.