

Categorical Exclusions (NEPA)

This information applies to:
All grants and cooperative agreements

Definition

Under the National Environmental Policy Act (NEPA), categorical exclusions are defined as a group of actions that would have no significant individual or cumulative effect on the quality of the human environment and, for which in the absence of extraordinary circumstances, neither an environmental assessment nor an environmental impact statement is required.

Department Manual 516

NEPA applies to Department and bureau decision making and focuses on major Federal actions significantly affecting the quality of the human environment.

Bureaus will initiate early consultation and coordination with other bureaus and any Federal agency which has jurisdiction by law or special expertise with respect to any environmental impact involved, and with appropriate Federal, State, local and Indian tribal agencies authorized to develop and enforce environmental standards.

Categorical Exclusions (1508.4).

The following criteria will be used to determine actions to be categorically excluded from the NEPA process:

- (a) The action or group of actions would have no significant effect on the quality of the human environment; and
- (b) The action or group of actions would not involve unresolved conflicts concerning alternative uses of available resources.

Based on the above criteria, the classes of actions listed in DM 516 Chapter 8 are categorically excluded from further review under the NEPA process.

If extraordinary circumstances to categorical exclusions apply ([CE extraordinary circumstances.docx](#)), the categorical exclusions cannot be used. The following Service actions are designated categorical exclusions unless the action is an exception to the categorical exclusion

A. General.

- (1) Changes or amendments to an approved action when such changes have no or minor potential environmental impact.
- (2) Personnel training, environmental interpretation, public safety efforts, and other educational activities, which do not involve new construction or major additions to existing facilities.
- (3) The issuance and modification of procedures, including manuals, orders, guidelines, and field instructions, when the impacts are limited to administrative effects.
- (4) The acquisition of real property obtained either through discretionary acts or when acquired by law, whether by way of condemnation, donation, escheat, right-of-entry, escrow, exchange, lapses, purchase, or transfer and that will be under the jurisdiction or control of the United States. Such acquisition of real property shall be in accordance with 602 DM 2 and the Service's procedures, when the acquisition is from a willing seller, continuance of or minor modification to the existing land use is planned, and the acquisition planning process has been performed in coordination with the affected public.

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

- (1) Research, inventory, and information collection activities directly related to the conservation of fish and wildlife resources which involve negligible animal mortality or habitat destruction, no introduction of contaminants, or no introduction of organisms not indigenous to the affected ecosystem.
- (2) The operation, maintenance, and management of existing facilities and routine recurring management activities and improvements, including renovations and replacements which result in no or only minor changes in the use, and have no or negligible environmental effects on-site or in the vicinity of the site.
- (3) The construction of new, or the addition of, small structures or improvements, including structures and improvements for the restoration of wetland, riparian, instream, or native habitats, which result in no or only minor changes in the use of the affected local area. The following are examples of activities that may be included.
 - (a) The installation of fences.
 - (b) The construction of small water control structures.
 - (c) The planting of seeds or seedlings and other minor re-vegetation actions.
 - (d) The construction of small berms or dikes.

- (e) The development of limited access for routine maintenance and management purposes.
- (4) The use of prescribed burning for habitat improvement purposes, when conducted in accordance with local and State ordinances and laws.
- (5) Fire management activities, including prevention and restoration measures, when conducted in accordance with Departmental and Service procedures.
- (6) The reintroduction or supplementation (e.g., stocking) of native, formerly native, or established species into suitable habitat within their historic or established range, where no or negligible environmental disturbances are anticipated.
- (7) Minor changes in the amounts or types of public use on Service or State-managed lands, in accordance with existing regulations, management plans, and procedures.
- (8) Consultation and technical assistance activities directly related to the conservation of fish and wildlife resources.
- (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.
- (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.
- (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.

C. Permit and Regulatory Functions.

- (1) The issuance, denial, suspension, and revocation of permits for activities involving fish, wildlife, or plants regulated under 50 CFR Chapter 1, Subsection B, when such permits cause no or negligible environmental disturbance. These permits involve endangered and threatened species, species listed under the Convention on International Trade in Endangered Species of Wild Fauna and Flora (CITES), marine mammals, exotic birds, migratory birds, eagles, and injurious wildlife.
- (2) The issuance of ESA section 10(a)(1)(B) "low-effect" incidental take permits that, individually or cumulatively, have a minor or negligible effect on the species covered in the habitat conservation plan.
- (3) The issuance of special regulations for public use of Service-managed land, which maintain essentially the permitted level of use and do not continue a level of use that has resulted in adverse environmental effects.
- (4) The issuance or re issuance of permits for limited additional use of an existing right-of-way for underground or above ground power, telephone, or pipelines, where no new structures (i.e., facilities) or major improvement to those facilities are required; and for permitting a new right-of-way, where no or negligible environmental disturbances are anticipated.
- (5) The issuance or re issuance of special use permits for the administration of specialized uses, including agricultural uses, or other economic uses for management purposes, when such uses are compatible, contribute to the Document purposes of the refuge system unit, and result in no or negligible environmental effects.
- (6) The denial of special use permit applications, either initially or when permits are reviewed for renewal, when the proposed action is determined not compatible with the purposes of the refuge system unit.
- (7) Activities directly related to the enforcement of fish and wildlife laws, not included in 516 DM 2, Appendix 1.4. These activities include:
 - (a) Assessment of civil penalties.
 - (b) Forfeiture of property seized or subject to forfeiture.
 - (c) The issuance or re issuance of rules, procedures, standards, and permits for the designation of ports, inspection, clearance, marking, and license requirements pertaining to wildlife and wildlife products, and for the humane and healthful transportation of wildlife.
- (8) Actions where the Service has concurrence or co-approval with another agency and the action is a categorical exclusion for that agency. This would normally involve one Federal action or connected actions where the Service is a cooperating agency.

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

E. Financial Assistance.

- (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.
- (2) Grants for categorically excluded actions in paragraphs A, B, and C, above; and categorically excluded actions in Appendix 1 of 516 DM 2.

Frequently Asked Questions

What determines whether or not a Categorical Exclusion can be applied to a federal action?

In order to be able to apply a Categorical Exclusion to an action it must be determined that the action or group of actions would have no significant effect on the quality of the human environment; and the action or group of actions would not involve unresolved conflicts (create public controversy) concerning alternative uses of available resources. In addition if extraordinary circumstances to categorical exclusions apply ([CE extraordinary circumstances.docx](#)), the categorical exclusions cannot be used.

How is the human environment defined?

According to NEPA, the human environment is defined as the natural and physical environment and the relationship of people to the environment.

How is it determined if an action will reach the level of significant or insignificant impact to the human environment?

To make an objective determination on the level of impact to the human environment an action should be evaluated and placed in proper context.

Determine if the action will have a global, national, regional, or local affect. Consider both the short and long-term effects of the action. Determine the intensity or severity of the impact.

How is it determined if there will be public controversy regarding a proposed federal action?

Consider the various aspects of the human environment (ecological, aesthetic, historic, cultural, economic, social, health) and determine how many of those aspects will be negatively impacted. If only one or two aspects of the human environment will be negatively impacted by the proposed action... significant public controversy is not likely. On the other hand, if more than two aspects of the human environment will be negatively impacted by the proposed action..... significant public controversy may be likely. In some instances, where public response is uncertain, it may be necessary to conduct some form of low level public scoping (such as to host an open house meeting) to gauge public response to proposed actions.

How should a Categorical Exclusion determination be documented?

If a Categorical Exclusion is recommended, WSFR staff will document the determination (in most regions) with a NEPA Compliance Checklist or the equivalent (which includes a "no" response to the list of extraordinary circumstances [CE extraordinary circumstances.docx](#)) as the administrative record. If a Categorical Exclusion determination has the potential to be challenged or questioned it may be necessary for the WSFR staff to draft an Environmental Action Statement as additional support and documentation of the Categorical Exclusion.

Learning Aids

Related Pages

[National Environmental Policy Act of 1969](#)

Resources

[CE extraordinary circumstances](#)

References

Department of the Interior Departmental Manual 516 DM

42 U.S.C. §4331(a).