Chapter 5

Categorical Exclusion

5

As explained in chapter 3, a CE applies to actions that do not individually or cumulatively have a significant effect on the human environment. Each CE is approved by CEQ and excludes categories of Federal actions from further NEPA documentation because the action has been shown to have no significant effect on the environment. A CEC is a written checklist which is used to document whether or not a proposed action meets the criteria for being categorically excluded from further NEPA documentation.

As a general rule, preparation of a CEC should be a fairly rapid process, taking, at most, a few hours or a few days and involving a little research, a few coordination telephone calls, and/or short face-to-face discussions to get information, as needed, to fill out the checklist. Some internal and external scoping of issues and documentation may also be required. However, if completion of the CEC is going to take weeks and/or months to scope and document, or if the answer to any question is uncertain or "yes," an EA should be prepared.

5.1 When to Use a Categorical Exclusion

In selecting actions to be placed on the CE list in 516 DM 6, Appendix 9, Reclamation reviewed negative determinations, EAs, and FONSIs. The review concluded that the actions listed as CEs, in nearly all cases, did not require preparing an EIS. The CEC was then developed as a means of screening actions against Departmental and Reclamation criteria for exclusion. Reclamation actions whose impacts are so minor that an EA or an EIS is obviously not required are listed in 516 DM 6, Appendix 9, section 9.4, parts A, B, C, D, and E (figure 3.6).

The Department of the Interior also has a list of 11 CEs for proposed actions (516 DM 2, Appendix 1) (see figure 3.4). These actions are categorically excluded when they either individually or cumulatively do not significantly affect the quality of the human environment. No additional NEPA compliance is required for actions falling into one of the categories described in 516 DM 2, Appendix 1, and for which a checklist could successfully be completed.

Preparation of a CEC is not normally required for actions covered under the Department's CEs (which are generally generic, administrative, or very limited in scope), but a CEC should be prepared for Reclamation actions listed in appendix 9. However, according to 516 DM 2, Appendix 2, environmental documents must be prepared for actions that are considered exceptions to the Department's CE. See figure 5.4, and also figure 3.5 in chapter 3, for those exceptions. The CEC is a decision document to determine whether a proposed action qualifies as a CE. If a proposed Reclamation action does not relate to any of the exclusion categories, an EA must be prepared to determine if a FONSI is appropriate or an EIS is required.

The initial determination relative to NEPA compliance and documentation for **minor** actions, including initiating the appropriate paperwork for a CEC, will be the responsibility of the applicable area office, division within the regional office, or other responsible entity within Reclamation (TSC, Commissioner's Office of Policy, or Commissioner's Office).

5.2 Categorical Exclusion Checklist for Individual Actions

The use of the CEC is normally required on all Reclamation actions that cannot be covered by Departmental CEs and may be used when a Departmental CE applies. The CEC should not require extensive research or **any** substantive data collection; it describes the proposed action, documents how it meets the exclusion category, and lists any environmental compliance associated with the action.

The CEC should be used to evaluate an individual action in relation to the impacts it may cause. Figure 5.1 is an example of a CEC. The format for a CEC may change between regions, but the identified evaluation criteria should always be included. The CEC questions summarize the criteria found in 516 DM 2.3A. If all answers to the checklist are "no," the action meets the criteria for a CE.

If any answer is checked "yes," an EA should be prepared to determine the level of impact, unless there is no doubt that the impact is significant. If it is certain the impacts are significant (CEQ regulations, 1508.27), the EA process may be bypassed, and the preparation of an EIS initiated. If answers are uncertain, an EA may be necessary and additional information gathered to relieve the uncertainty.

If project mitigation is required, the action probably should be covered by an EA rather than a CE. Even so, environmental commitments

may be made which, when followed, would eliminate the need for specific mitigation measures. These commitments (which would be documented on the CEC) include such measures as stopping work and calling in a cultural resource specialist if archeological resources were uncovered in the course of the action, or consulting with the Service if unexpected evidence of an endangered or threatened species were found on the site. These commitments are not an attempt to produce a "mitigated CE" but, rather, an acknowledgment that unexpected things can happen and that Reclamation will respond appropriately if something should occur. This acknowledgment and/or other available and appropriate supporting material (letters from the Service, SHPO, etc.) may be attached to the CEC.

When completing the CEC, answering "uncertain" to any questions does not automatically make the action in question subject to an EA. It may only mean that sufficient data are not available to answer the question "yes" or "no." For example, if the CEC is filled out and all the questions are answered "no" except for one, which is marked "uncertain," then more research or consultation is needed. If, after further research, no significant impact is found in this area, the question can then be answered "no" and a CE declared. The results and actions taken should be documented in the "Remarks" section of the CEC.

If additional data are gathered and doubt persists about the significance of the possible impact, the action is subject to the EA process.

5.3 CEC Criteria for Evaluating Categorically Excluded Actions

The criteria and exceptions included in a CEC that must be considered in evaluating whether or not a CE is applicable and appropriate are as follows:

Evaluation of Criteria for CE:

1. This action or group of actions would have a significant effect on the quality of the human environment.

The response should consider the broad impacts to the physical, biological, social, legal, and economic factors that make up the total human environment and the relative significance of those impacts. Generally, this criterion should be evaluated last, as the information from the others is needed to evaluate this criterion adequately.

2. This action or group of actions would involve unresolved conflicts concerning alternative uses of available resources.

One should consider the use of available information, consultation with technical experts, limited public involvement, or professional judgment to reach a decision regarding potential resource conflicts as well as short- and long-term potential uses of the natural resources in question.

Evaluation of Exceptions to Actions Within CE:

1. This action would have significant adverse effects on public health or safety.

A number of issues may arise relative to public health and safety. The most common concerns are likely to involve water quality and hazardous materials. Other public health and safety considerations may not be as obvious. However, it is important to provide appropriate consideration of the broad range of public health and safety issues.

Activities must not violate applicable Federal, State, or tribal water quality standards. These water quality standards are established to protect the beneficial uses of the designated water body.

Activities must adhere to requirements set forth under the Clean Water Act, P.L. 92-500, as amended, 33 U.S.C. 1251 et seq.; Safe Drinking Water Act, P.L. 93-523 and amendments; and P.L. 99-339, June 19, 1986.

Many Reclamation activities may directly or indirectly affect public safety. Examples include the application of pesticides, impoundment construction or repair, development of recreational facilities, canal maintenance, and reservoir operations.

2. This action would have an adverse effect on unique geographical features such as wetlands, wild or scenic rivers, rivers in the nationwide inventory, refuges, flood plains, or prime or unique farmlands.

Jurisdictional wetlands are wetlands which are regulated under Section 404 of the Clean Water Act. The excavation of, or discharge of dredged or fill material into, jurisdictional wetlands is regulated by the Corps. Authorization from the Corps is required for excavation and fill activities in jurisdictional wetlands except for those activities which have been exempted or grandfathered through the rulemaking process. The level of authorization necessary can range from a nationwide

general permit to an individual permit. Wetlands generally include swamps, marshes, bogs, wet meadows, seasonal wetlands such as vernal pools and prairie potholes, and other similar areas (33 CFR 328.3(b)).

It is important to consider adverse impacts to all potential wetlands regardless of their jurisdictional status (EO 11990 and EO 11988). In this regard, all potential Reclamation actions should consider impacts to wetlands. Such consideration should begin with a review of National Wetland Inventory maps, Natural Resources Conservation Service (NRCS) soil surveys, and/or aerial photography, when available, followed by a field inspection, if necessary, to verify the presence or absence of wetlands. If possible, a representative from the Service, Corps, or NRCS should participate in the field inspection. The results of the field inspection should be documented.

Land management and conservation agencies, such as the Forest Service, Bureau of Land Management (BLM), National Park Service (NPS), and the Service, should be contacted to help identify wild or scenic rivers, or rivers listed in the national inventory of such rivers, and to assist in determining whether direct, indirect, or cumulative adverse impacts may result from the proposed action.

The Service should be contacted to determine whether national wildlife refuge system lands, including waterfowl production areas, are within the affected area and whether these areas may be adversely impacted. State and local management agencies should be contacted if refuges under their management authority may exist in the area.

Consideration should be given to whether the proposed action will increase the risk of loss from flooding; increase the impact of floods upon human safety, health, and welfare; or hinder preservation and/or restoration of the natural and beneficial values served by flood plains.

The NRCS can assist in identifying prime and unique farmlands and in determining whether the proposed action will result in adverse impacts. Consideration should be given to the direct, indirect, and cumulative effects the proposed action may have upon prime and unique farmlands in the project area (Reclamation is responsible for determining whether the proposed action may have growth-inducing effects and related impacts upon prime and unique farmland).

3. This action will have highly controversial environmental effects.

If the nature of the proposed action is such that conservation and environmental organizations, agricultural organizations, other special interest groups, or the general public **may** oppose it, or have

previously expressed their concerns, then a high degree of controversy may have been established. This is especially true if the controversy is based on the analysis and effects of the proposed action and not merely on whether a group or individual likes the project or not.

4. This action will have highly uncertain environmental effects or involve unique or unknown environmental risk.

Activities such as the introduction of a species into previously unoccupied habitat, the eradication of a species from large areas, captive management of threatened or endangered species, or innovative mitigation techniques may involve adverse environmental effects which may not have been readily discernible or which may be difficult to quantify with existing data and technology. In addition, the nature and magnitude of some environmental effects may not become apparent until long-term monitoring has been completed. Some research-oriented activities or unique environmental proposals in which the effects cannot be quantified with existing methodologies may warrant checking the "uncertain" blank.

5. This action will set a precedent for future actions.

If the proposed action is innovative, will facilitate future actions by establishing a base upon which related or connected actions depend for support, or is the initial action in a known series of actions, it may set a precedent upon which future actions depend.

6. This action is related to other actions with individually insignificant but cumulatively significant environmental effects.

The analysis of cumulative effects is one of the most important and difficult analyses to conduct. Cumulative effects are defined as

> *. . . the impact on the environment which results from the incremental impact of the action when added to other past, present, and reasonably foreseeable future actions* ***regardless*** *of what agency (Federal or non-Federal) or person undertakes such actions.*

Cumulative impacts can result from individually minor but collectively significant actions taking place over a period of time.

It is normally difficult to predict cumulative impacts which may be expected to reasonably occur in the future. However, the analysis of cumulative effects associated with reasonably foreseeable future

actions should not be speculative, but based upon known long-range plans and other plans developed by agencies, organizations, and/or individuals.

Cumulative effects can be additive or interactive. Additive effects emerge from persistent additions from one kind of source through time or space. Interactive effects result from more than one kind of source. Reclamation needs to consider whether a proposed action is one of many similar events which could accumulate effects over time.

7. This action will affect properties listed or eligible for listing in the National Register of Historic Places (National Register). This must be answered and documented only by, or in coordination with, the area or regional archeologists.

The archeologist signs the CEC to concur with the findings.

The National Register is a listing of properties important in local, State, or national history maintained by the Secretary. National Register properties may be prehistoric or historic sites, districts, structures, or objects.

Properties eligible for listing receive the same level of protection as properties listed in the National Register. The SHPO maintains a list of eligible properties for his or her respective State. Unevaluated properties are also considered eligible until determined otherwise. Unless previously surveyed, the affected area may require a field survey and, possibly, testing, as determined by the area or regional archeologist, to determine the presence of eligible properties.

If a survey or testing is conducted, consultation with the SHPO and the Advisory Council on Historic Preservation should occur, as required. It should be determined if the activity may adversely affect or would have no effect on cultural resources eligible for or on the National Register. The reasoning that leads to such determination and the proposed mitigation, if adverse effects occur, should be documented.

8. This action will adversely affect a species listed or proposed to be listed as endangered or threatened.

Reclamation should determine if threatened and endangered (T&E) species exist in the project area. This determination should be made with the involvement of the Service and/or the NMFS, as appropriate, the agencies charged with determining the distribution and critical habitat for listed species. There should also be close coordination with the area or regional ESA specialists or coordinators.

Reclamation must determine if the activity may affect any proposed or listed species or its critical habitat. The reasoning that leads to the determination should be documented. A determination of "may affect" would require consultation with the Service and/or NMFS under Section 7 of the ESA, even if the effect is determined to be beneficial.

9. This action threatens to violate Federal, State, local, or tribal law or requirements, or Secretarial or Executive order, imposed for protection of the human environment.

Reclamation should determine the jurisdictional authority for the area to be impacted by the action. This could be a State or Federal agency, or a city, county, or tribal government. Once the jurisdictional authority has been determined, the appropriate applicable environmental laws and regulations for that authority (e.g., Clean Water Act, Sections 402 and 404) should be reviewed. This may involve laws/regulations for more than one authority (e.g., an area may have to comply with a combination of environmental laws/regulations from the State, a county, city, or tribal government).

Reclamation should determine if Secretarial or Executive orders (including EO 12898, EO 12962, EO 12114, EO 13007, and SO 3206 [all attached]) apply to the action.

Reclamation should determine if the applicable laws/regulation orders are to be violated by the action.

10. This action will affect ITAs. This should be completed and documented by, or in coordination with, the area or regional ITA coordinator.

The ITA coordinator signs the CEC to concur with the findings.

ITAs are legal interests in assets held in trust by the United States for federally recognized Indian tribes or individuals. Assets are anything owned that has monetary value. The asset need not be owned outright but could be some other type of property interest, such as a lease or a right to use something. Assets can be real property, physical assets, or intangible property rights. ITAs are usually the result of rights retained under treaties, EOs, or court cases. The Secretary is the trustee for the United States on behalf of Indian tribes. All Department of the Interior agencies share the Secretary's responsibility to protect ITAs.

Consideration of potential adverse impacts to ITAs should occur as early as possible in the NEPA compliance process. The initial step should be to identify ITAs in or near the affected area. Identification of ITAs should involve consultation with potentially affected tribes,

Indian organizations, the Bureau of Indian Affairs (BIA), the Solicitor's Office, and/or the area and regional Native American Affairs coordinator. As the determination of ITA status is essentially a legal issue, the involvement of the Solicitor can be important when it is essential to state with certainty whether something is an ITA.

5.4 Proposing a New Categorical Exclusion

Reclamation can add actions to the list of CEs. If an area office or regional office wishes to add an action to the list, the effort shall be coordinated with the Commissioner's Office of Policy. The process involves Reclamation-wide review and comment, Departmental and CEQ approval, and publication in the *Federal Register* with associated public review and comment.

Additions to Reclamation's list of approved CEs require the amendment of the Departmental Manual. This amendment, in turn, requires the review and approval of the Department and CEQ through coordination with the Secretary's OEPC, Office of the ASWS, the Solicitor's Office, and CEQ. This coordination shall be conducted by the Commissioner's Office of Policy.

An action qualifies for a new CE if it can be demonstrated that it has not in the past caused (and is unlikely to ever cause) any significant effects on the environment.

Once an office determines that the addition of a new CE may be warranted and would be beneficial in meeting the goals of NEPA, the requesting office should provide the draft text of the proposed CE and supporting documentation to the Commissioner's Office of Policy. regional/area offices may also request that the Commissioner's Office of Policy develop the text and documentation.

The text of the proposed CE should be consistent with the tone and style of existing Reclamation CEs listed in 516 DM 6, Appendix 9. The category proposed shall be well defined and succinctly stated. Supporting documentation should consist of: draft CE text, draft *Federal Register* notice, detailed rationale for the proposal, and documentation (generally several EA/FONSIs) supporting the premise that the proposed category of actions does not significantly affect the quality of the human environment. These materials will be used during the coordination process to gain concurrence from other Reclamation offices and to develop the package to put forth for Departmental and CEQ review and approval.

(1) C.E.C. No. _____

(2) Contract No. _____

(3) Cost Auth. No. _____

CATEGORICAL EXCLUSION CHECKLIST
(CEC)

(4) PROJECT: _____ (5) DATE: _____

(6) EXCLUSION CATEGORY (Please write out the exclusion category):

(7) NATURE OF ACTION:

EVALUATION OF CRITERIA FOR CATEGORICAL EXCLUSION

(8) This action or group of actions would have a significant effect on the quality of the human environment. No ___ Uncertain _____ Yes _____

Sheet 1 of 3

Figure 5.1.—Example of a categorical exclusion checklist sheet.

CATEGORICAL EXCLUSION CHECKLIST
(Continued)

(9) This action or group of actions would involve unresolved conflicts concerning alternative uses of available resources.	No ___ Uncertain _____ Yes ____
(10) This action would have significant adverse effects on public health or safety.	No ___ Uncertain _____ Yes ____
(11) This action would have an adverse effect on unique geographical features such as wetlands, wild or scenic rivers, rivers in the nationwide inventory, refuges, floodplains, or prime or unique farmlands. (Same as Chapter 2, 516 DM-2, appendix 2, Part 2.2)	No ___ Uncertain _____ Yes ____
(12) The action will have highly controversial environmental effects.	No ___ Uncertain _____ Yes ____
(13) The action will have highly uncertain environmental effects or involve unique or unknown environmental risk.	No ___ Uncertain _____ Yes ____
(14) This action will establish a precedent for future actions.	No ___ Uncertain _____ Yes ____
(15) This action is related to other actions with individually insignificant but cumulatively significant effects.	No ___ Uncertain _____ Yes ____
(16) This action will adversely affect properties listed or eligible for listing in the National Register of Historic Places. (To be completed only by Regional Archeologist): _____ (initial)	No ___ Uncertain _____ Yes ____
(17) This action will adversely affect a species listed or proposed to be listed as Endangered or Threatened.	No ___ Uncertain _____ Yes ____

Sheet 2 of 3

Figure 5.1.—Example of a categorical exclusion checklist sheet (continued).

CATEGORICAL EXCLUSION CHECKLIST
(Continued)

(18) This action threatens to violate Federal, State, local, executive or Secretarial orders, or tribal law or requirements imposed for protection of the environment. No ___ Uncertain _____ Yes ____

(19) This action will affect Indian Trust Assets (ITAs) (To be completed by ITA Coordinator: _____ (initial) No ___ Uncertain _____ Yes ____

(20) NEPA ACTION RECOMMENDED: CATEGORICAL EXCLUSION _____

EA _____

EIS _____

(21) ENVIRONMENTAL AND TRUST ASSET COMMITMENTS, EXPLANATION AND/OR REMARKS:

(22) PREPARER'S NAME AND TITLE: _____

(23) APPROVED: _____ DATE: _____
Area Manager

Revised: November 25, 1996
Sheet 3 of 3

Figure 5.1.—Example of a categorical exclusion checklist sheet (continued).

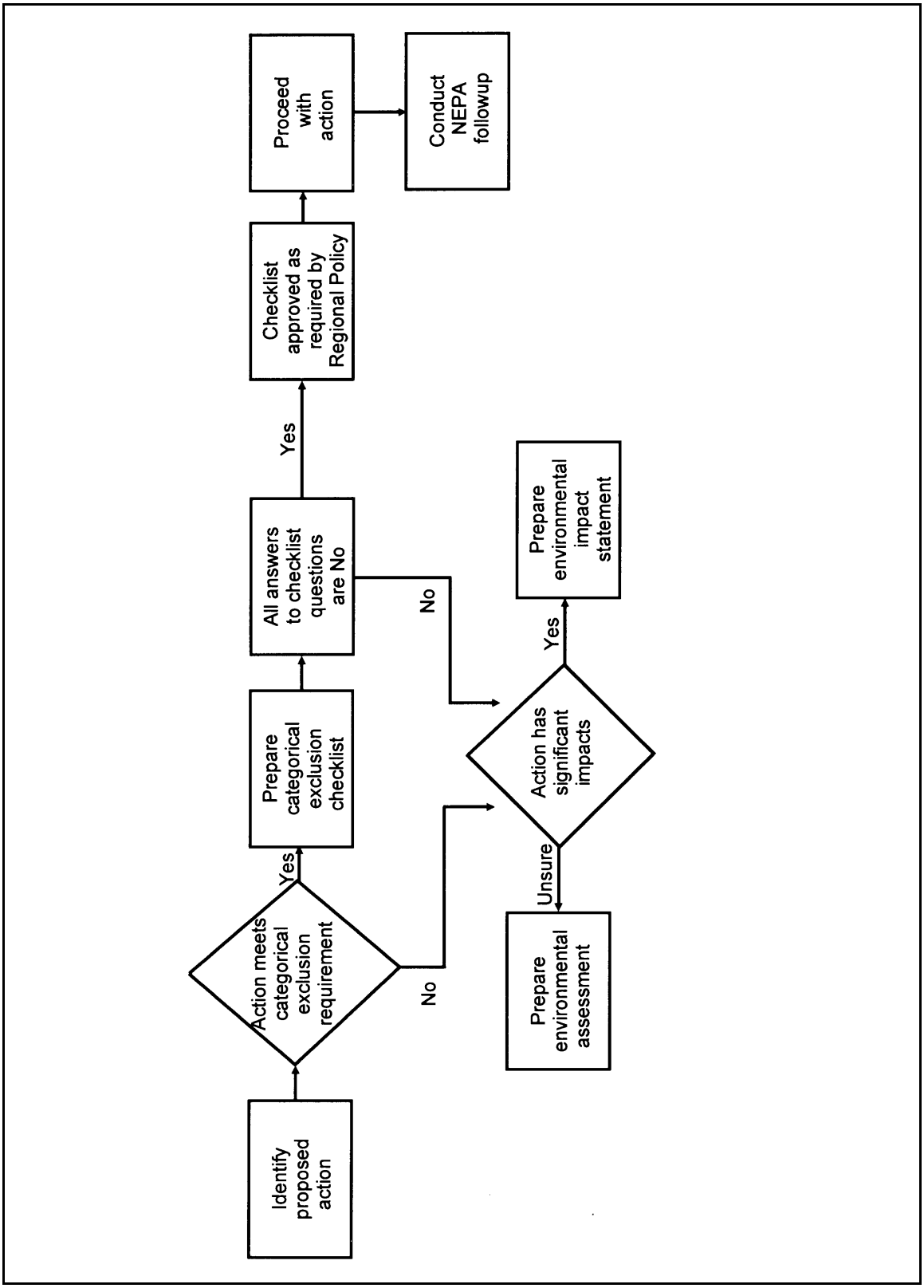

Figure 5.2.—Categorical exclusion process flowchart.

DEPARTMENT OF THE INTERIOR

DEPARTMENTAL MANUAL

516 DM 2
Appendix 1

Chapter 2 Appendix 1, Departmental Categorical Exclusions

The following actions are categorical exclusions pursuant to 516 DM 2.3A(2). However, environmental documents will be prepared for individual actions within these categorical exclusions if the exceptions listed in 516 DM 2, Appendix 2, apply.

1.1 Personnel actions and investigations and personnel services contracts.

1.2 Internal organizational changes and facility and office reductions and closings.

1.3 Routine financial transactions, including such things as salaries and expenses, procurement contracts, guarantees, financial assistance, income transfers, audits, fees, bonds, and royalties.

1.4 Law enforcement and legal transactions, including such things as arrests, investigations, patents, claims, legal opinions, and judicial proceedings including their initiation, processing, settlement, appeal, or compliance.

1.5 Regulatory and enforcement actions, including inspections, assessments, administrative hearings, and decisions; when the regulations themselves or the instruments of regulations (leases, permits, licenses, etc.) have previously been covered by the NEPA process or are exempt from it.

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

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

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

1.9 Legislative proposals of an administrative or technical nature, including such things as changes in authorizations for appropriations, and minor boundary changes and land transactions; or having primarily economic, social, individual or institutional effects; and comments and reports on referrals of legislative proposals.

1.10 Policies, directives, regulations and guidelines of an administrative, financial, legal, technical or procedural nature; or the environmental effects of which are too broad, speculative or conjectural to lend themselves to meaningful analysis and will be subject collectively or case-by-case.

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

9/26/84 #2596
Replaces 3/18/80 #2244

Figure 5.3.—Departmental categorical exclusions.

DEPARTMENT OF THE INTERIOR

DEPARTMENTAL MANUAL

516 DM 2
APPENDIX 2

Chapter 2 Appendix 2. Exceptions to Categorical Exclusions

The following exceptions apply to individual actions within categorical exclusions (CX). Environmental documents must be prepared for actions which may:

2.1 Have significant adverse effects on public health or safety.

2.2 Have adverse effects on such unique geographic characteristics as historic or cultural resources, park, recreation or refuge lands, wilderness areas, wild or scenic rivers, sole or principal drinking water aquifers, prime farmlands, wetlands, floodplains, or ecologically significant or critical areas, including those listed on the Department's National Register or Natural Landmarks.

2.3 Have highly controversial environmental effects.

2.4 Have highly uncertain and potentially significant environmental effects or involve unique or unknown environmental risks.

2.5 Establish a precedent for future action or represent a decision in principle about future actions with potentially significant environmental effects.

2.6 Be directly related to other actions with individually insignificant but cumulatively significant environmental effects.

2.7 Have adverse effects on properties listed or eligible for listing on the National Register of Historic Places.

2.8 Have adverse effects on species listed or proposed to be listed on the List of Endangered or Threatened Species, or have adverse effects on designated Critical Habitat for these species.

2.9 Require compliance with Executive Order 11988 (Floodplain Management), Executive Order 11990 (Protection of Wetlands), or the Fish and Wildlife Coordination Act.

2.10 Threaten to violate a Federal, State, local, or tribal law or requirement imposed for the protection of the environment.

9/26/84 #2596
New

9-141

Figure 5.4.—Departmental exceptions to categorical exclusions.

DEPARTMENT OF THE INTERIOR

DEPARTMENTAL MANUAL

516 DM 6
Appendix 9

Bureau of Reclamation

516 DM 6 Appendix 9
Bureau of Reclamation

9.4. *Categorical Exclusions.* In addition to the actions listed in the Departmental categorical exclusions outlined in appendix 1 of 515 DM 2, many of which Reclamation also performs, the following Reclamation actions are designated categorical exclusions unless the action qualifies as an exception under 516 DM 2.3A(3):

A. General Activities

1. Changes in regulations or policy directives and legislative proposals where the impacts are limited to economic and/or social effects.

2. Training activities of enrollees assigned to the various youth programs. Such training may include minor construction activities for other entities.

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

B. Planning Activities

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

2. Special, status, concluding, or other planning reports that do not contain recommendations for action, but may or may not recommend further study.

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

C. Project Implementation Activities

1. Classification and certification of irrigable lands.

2. Minor acquisition of land and rights-of-way or easements.

3. Minor construction activities associated with authorized projects which correct unsatisfactory environmental conditions or which merely augment or supplement, or are enclosed within existing facilities.

4. Approval of land management plans where implementation will only result in minor construction activities and resultant increased operation and maintenance activities.

D. Operators and Maintenance Activities

1. Maintenance, rehabilitation, and replacement of existing facilities which may involve a minor change in size, location, and/or operation.

2. Transfer of the operation and maintenance of Federal facilities to water districts, recreation agencies, fish and wildlife agencies, or other entities where the anticipated operation and maintenance activities are agreed to in a contract or a memorandum of agreement, follow approved Reclamation policy, and no major change in operation and maintenance is anticipated.

3. Administration and implementation of project repayment and water service contracts, including approval of organizational or other administrative changes in contracting entities brought about by inclusion or exclusion of lands in these contracts.

6/8/83 #2505
Replaces 8/25/80 #2291

Figure 5.5.—Bureau of Reclamation categorical exclusions.

4. Approval, execution, and implementation of water service contracts for minor amount of long-term water use or temporary or interim water use where the action does not lead to long-term changes and where the impacts are expected to be localized.

5. Approval of changes in pumping power and water rates charged contractors by Reclamation for project water service or power.

6. Execution and administration of recordable contracts for disposal of excess lands.

7. Withdrawal, termination, modification, or revocation where the land would be opened to discretionary land laws and where such future discretionary actions would be subject to the NEPA process, and disposal or sale of acquired lands where no major change in usage is anticipated.

8. Renewal of existing grazing, recreation management, or cabin site leases which do not increase the level of use or continue unsatisfactory environmental conditions.

9. Issuance of permits for removal of gravel or sand by an established process from existing quarries.

10. Issuance of permits, licenses, easements, and crossing agreements which provide right-of-way over Reclamation lands where the action does not allow for or lead to a major public or private action.

11. Implementation of improved appearance and soil and moisture conservation programs where the impacts are localized.

12. Conduct of programs of demonstration, educational, and technical assistance to water user organizations for improvement of project and on-farm irrigation water use and management.

13. Follow-on actions such as access agreements, contractual arrangements, and operational procedures for hydropower facilities which are on or appurtenant to Reclamation facilities or lands which are permitted or licensed by the Federal Energy Regulatory Commission (FERC) when FERC has accomplished compliance with NEPA (including actions to be taken by Reclamation) and when Reclamation's environmental concerns have been accommodated in accordance with Reclamation/FERC Memorandum of Understanding of June 22, 1981.

14. Approval, renewal, transfer, and execution of an original, amendatory, or supplemental water service or repayment contract where the only result will be to implement an administrative or financial practice or change.

15. Approval of second party water sales agreements for small amounts of water (usually less than 10 acre-feet) where Reclamation has an existing water sales contract in effect.

16. Approval and execution of contracts requiring the repayment of funds furnished or expended on behalf of an entity pursuant to the Emergency Fund Act of June 26, 1948; (43 U.S.C. 502) where the action taken is limited to the original location of the damaged facility.

17. Minor safety of dams construction activities where the work is confined to the dam, abutment areas, or appurtenant features, and where no major change in reservoir or downstream operation is anticipated as a result of the construction activities.

E. Grant and Loan Activities

1. Rehabilitation and Betterment Act loans and contracts which involve repair, replacement or modification of equipment in existing structures or minor repairs to existing dams, canals, laterals, drains, pipelines, and similar facilities.

2. Small Reclamation Projects Act grants and loans where the work to be done is confined to areas already impacted by farming or development activities, work is considered minor, and where the impacts are expected to be localized.

3. Distribution System Loans Act loans where the work to be done is confined to areas already impacted by farming or developing activities, work is considered minor, and where the impacts are expected to be localized.

4. Disaster Assistance Act studies, construction management, conservation, loans, water purchasing assistance, and water redistribution where the activity is confined to areas already impacted by farming or development; is limited to minor construction or repair, replacement, or modifications of existing facilities; and the impacts are expected to be local in nature.

Figure 5.5.—Bureau of Reclamation categorical exclusions (continued).