Department of War

National Environmental Policy Act Implementing Procedures

Version 1.3

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Part 0—PURPOSE AND POLICY

Part 0.1 Purpose and policy.

Part 0.2 Applicability.

Part 0.1 Purpose and policy.

(a) The purpose of these procedures is to integrate the National Environmental Policy Act (NEPA) into the decision-making process for the Department of War (DoW), which includes the DoW Components, and the Army Civil Works program executed by the U.S. Army Corps of Engineers, all collectively referred to as DoW (hereinafter). Specifically, the procedures: describe the process by which DoW determines what actions are subject to NEPA's procedural requirements and the applicable level of NEPA review; ensure that relevant environmental information is identified and considered early in the process in order to ensure informed decision making; enable DoW to conduct coordinated, consistent, predictable and timely environmental reviews; reduce unnecessary burdens and delays; and implement NEPA's mandates regarding lead and cooperating agency roles, page and time limits, and sponsor preparation of environmental documents.

(b) *Procedural and Interpretive Guidance.* This document sets forth DoW's procedures and practices for implementing NEPA. It further explains DoW's interpretation of certain key terms in NEPA. It does not, nor does it intend to, govern the rights and obligations of any party outside the Federal government. It does, however, establish the procedures under which DoW will typically fulfill its requirements under NEPA.

(c) *Consultation with the Council on Environmental Quality (CEQ).* In addition to the process for establishing or revising categorical exclusions (CATEXs) set forth in Part 1.4(b) and (d) of these procedures, DoW will consult with CEQ while developing or revising their proposed NEPA implementing procedures, in accord with NEPA § 102(2)(B), 42 U.S.C. § 4332(B).

Part 0.2 Applicability.

(a) *Applicability.* This part is applicable to all entities of the Department of War and its executing agents for actions where DoW is serving as the action proponent.

(b) *Authority.* NEPA imposes certain procedural requirements on the exercise of DoW's existing legal authority in relevant circumstances. Nothing contained in these procedures is intended or should be construed to limit DoW's other authorities or legal responsibilities.

Part 1.1 — NEPA AND AGENCY PLANNING

Part 1.1 Determining when NEPA review is required.

Part 1.2 Determining the appropriate level of NEPA review.

Part 1.3 NEPA and agency decision making.

Part 1.4 Categorical exclusions.

Part 1.5 Environmental assessments.

Part 1.6 Findings of no significant impact.

Part 1.7 Lead and cooperating agencies.

Part 1.8 Notices of intent and scoping.

Part 1.1 Determining when NEPA review is required.

(a) DoW will determine that NEPA review is not required for a proposed agency action when:

(1) The activities or decision do not result in final agency action under the Administrative Procedure Act, see 5 U.S.C. § 704, or other relevant statute that also includes a finality requirement;

(2) The proposed activity or decision is exempted from NEPA by law;

(3) NEPA review would clearly and fundamentally conflict with the requirements of another provision of law;

(4) In circumstances where Congress by statute has prescribed decisional criteria with sufficient completeness and precision such that DoW retains no residual discretion to alter its action based on the consideration of environmental factors, then that function of DoW is nondiscretionary within the meaning of NEPA § 106(a)(4) and/or § 111(10)(B)(vii) (42 U.S.C. § 4336(a)(4) and § 4336e(10)(B)(vii), respectively), and NEPA review is not required for the action in question;

(5) The proposed action is an action for which another statute's requirements serve the function of agency compliance with NEPA;

(6) The proposed action is not a "major Federal action." The terms "major" and "Federal action" each have independent force. NEPA review is required only when both of these two elements are present. Such a determination is dependent upon the facts and circumstances of each situation, and is thus reserved to the judgment of DoW;

(7) NEPA review is not required for actions with no or minimal Federal funding, or with no or minimal Federal involvement where a federal agency cannot control the outcome of the project. NEPA § 111(10)(B)(i), 42 U.S.C. § 4336e(10)(B)(i). A but-for causal relationship is insufficient to make an agency responsible for a particular action under NEPA. By the same token, minimal Federal funding or involvement, which may in a causal sense be a but-for cause of an action, does not by itself convert that action into a Federal action within the meaning of the language of the statute; or

(8) The issuance of DoW's NEPA procedures is not subject to NEPA review.

(b) In determining whether NEPA applies to a proposed agency action, DoW will consider only the action or project at hand.

Part 1.2 Determine the appropriate level of NEPA review.

(a) If DoW determines under Part 1.1 of these procedures that NEPA applies to a proposed activity or decision, DoW will then determine the appropriate level of NEPA review in the following sequence and manner. At all steps in the following process, DoW will consider the proposed action or project at hand and its effects.

(1) If DoW has established, or adopted pursuant to NEPA § 109, 42 U.S.C. § 4336c, a categorical exclusion (CATEX) or CATEXs that covers the proposed action, DoW will analyze whether to apply the CATEX(s) to the proposed action and apply the CATEX(s), if appropriate, pursuant to Part 1.4(e) of these procedures.

(2) If another agency has already established a CATEX that covers the proposed action, DoW will consider whether to adopt that exclusion pursuant to Part 1.4(c) of these procedures so that it can be applied to the proposed action at issue, and to future activities or decisions of that type.

(3) If the proposed action warrants the establishment of a new CATEX, or the revision of an existing CATEX, pursuant to Part 1.4(b) of these procedures, DoW will consider whether to so establish or revise, and then apply the CATEX to the proposed action pursuant to Part 1.4(e) of these procedures.

(4) If DoW cannot apply a CATEX to the proposed action consistent with paragraphs (a)(1) - (a)(3) of this Part, DoW will consider the proposed action's reasonably foreseeable effects consistent with paragraph (b) of this Part, and then:

(i) if the proposed action is not likely to have reasonably foreseeable significant effects or the significance of the effects is unknown, will develop an environmental assessment (EA), as described in Part 1.5 of these procedures; or

(ii) if the proposed action is likely to have reasonably foreseeable significant effects, will develop an environmental impact statement (EIS), as described in Part 2 of these procedures.

(b) When considering whether the reasonably foreseeable effects of the proposed action are significant, DoW will consider the potentially affected environment and degree of the effects of the action. DoW may use any reliable data source and will not undertake new research unless it is essential to evaluating alternatives and the cost and time of obtaining it are not unreasonable.

(1) In considering the potentially affected environment, DoW may consider, as appropriate to the specific action, the affected area (national, regional, or local) and its resources.

(2) In considering the degree of the effects, DoW may consider the following, as appropriate to the specific action:

(i) Both short- and long-term effects;

(ii) Both beneficial and adverse effects;

(iii) Effects on public health and safety;

(iv) Economic effects; and

(v) Effects on the quality of life of the American people.

Part 1.3 NEPA and agency decision making.

(a) DoW will maximize the use of proven strategies to complete the environmental review process efficiently, including the use of electronic collaboration tools and programmatic approaches. Efficiency will be promoted through the following:

(1) Use of programmatic analyses, when practical, to eliminate redundancies in future project/program analyses and reduce mission delays.

(2) Adopting another organization's or agency's CATEXs; incorporating portions of existing environmental documents (EA and EIS) and reviews into EAs and EISs; incorporation of environmental documents by reference; using CATEXs to the greatest extent possible consistent with the law; and not preparing an EIS when an EA with a finding of no significant impact (FONSI) is appropriate.

(b) *Limitations on actions during the NEPA process.* Except as provided in paragraph (c) of this section, until DoW issues a record of decision or finding of no significant impact, or makes a categorical exclusion determination, as applicable DoW will take no action concerning a proposal that would:

(1) Have an adverse environmental effect; or

(2) Limit the choice of reasonable alternatives.

(c) If DoW is considering an application from a non-Federal entity and becomes aware that the applicant is about to take an action within DoW's jurisdiction that would meet either of the criteria in (b), DoW will promptly notify the applicant that DoW will take appropriate action to ensure that the objectives and procedures of NEPA are achieved. This section does not preclude development by applicants of plans or designs or performance of other activities necessary to support an application for Federal, State, Tribal, or local permits or assistance. When considering a proposed action for Federal funding, DoW may authorize such activities, purchase of long lead-time equipment, and purchase options made by applicants.

(d) *Actions developed by non-Federal entities.* For proposed actions that are initially developed by applicants or other non-Federal entities, DoW will:

(1) Coordinate with the non-Federal entity at the earliest reasonable time in the planning process to inform the entity what information DoW might need to comply with NEPA and establish a schedule for completing steps in the NEPA review process, consistent with NEPA's statutory deadlines and any internal agency NEPA schedule requirements; and

(2) Supervise an applicant's or, when hired by the applicant, a contractor's preparation of an EA or EIS. DoW's procedures for applicant-prepared EAs and EISs are included in Part 5 of these procedures.

(e) Notify the applicant that DoW will take appropriate action to ensure compliance with NEPA, as required.

(f) *Rulemaking.* For informal rulemaking conducted pursuant to the Administrative Procedure Act, 5 U.S.C. § 553, the environmental document will normally accompany the proposed rule.

(g) *Classified actions.* Environmental documents for a classified proposed action shall be prepared, safeguarded, and disseminated in accordance with the requirements applicable to classified information. To the extent practicable, these documents shall be organized in such a manner that classified portions are included as appendices, so that unclassified portions can be made available to the public. Review of classified NEPA documentation will be coordinated with the Environmental Protection Agency (EPA) as necessary to fulfill requirements of section 309 of the Clean Air Act (42 U.S.C. 7609 et seq.).

(1) A classified EA/EIS serves the same "informed decision making" purpose as does a published unclassified EA/EIS. Even though the classified EA/EIS does not undergo public review and comment, it must still be part of the information package considered by the decision maker for the proposed action. The content of a classified EA/EIS (or the classified portion of a public EA/EIS) will therefore meet the same content requirements applicable to a published unclassified EA/EIS.

Part 1.4 Categorical exclusions.

(a) *Generally.* This section describes the process DoW uses for establishing and revising CATEXs, for adopting other agencies' CATEXs, and for applying CATEXs to a proposed agency action. DoW's current CATEXs, including CATEXs established and substantiated by DoW consistent with its NEPA procedures, legislative CATEXs, and CATEXs adopted from other agencies in accordance with section 109 of NEPA, are listed in Appendix A and Appendix B. DoW including all DoW components is considered a single "Federal Agency" for the purposes of NEPA's CATEX provisions, regardless of the DoW component that originally established or adopted a given CATEX.

(b) *Establishing or revising CATEXs.* To establish a new CATEX, DoW will first need to determine that the category of actions normally does not significantly affect the quality of the human environment. In establishing or revising a CATEX, DoW will:

(1) Develop a written record containing information to substantiate the CATEX; determination;

(2) Consult with CEQ on its proposed new or revised CATEX including the written record, for a period not to exceed 30 days prior to providing public notice as described in subparagraph (3);

(3) At DoW's discretion, provide public notice (e.g., in the Federal Register (FR)) of DoW's establishment or revision of the CATEX and the location (e.g., website) of availability of the written record, for public review; and

(4) Make the CATEX readily available (e.g. on a publicly accessible website).

(c) *Adopting categorical exclusions from other Federal agencies.* Consistent with NEPA § 109, 42 U.S.C. § 4336c, DoW may adopt a CATEX listed in another agency's NEPA procedures. When adopting a CATEX, DoW will:

(1) Identify the CATEX listed in another agency's NEPA procedures that covers its category of proposed or related actions;

(2) Consult with the agency that established the CATEX to ensure that the proposed adoption of the CATEX is appropriate;

(3) Provide public notice that DoW is adopting the CATEX, including a brief description of the proposed action or category of proposed actions to which DoW intends to apply the adopted CATEX.

(4) Document the adoption of the CATEX in DoW's administrative record.

(d) *Applying categorical exclusions.* If DoW determines that a CATEX could apply to a proposed agency action, DoW will evaluate the action for extraordinary circumstances that indicate a normally excluded agency action may have a reasonably foreseeable significant adverse effect.

(1) Extraordinary circumstances that may preclude the use of a CATEX include the following:

(i) Potential for substantial adverse effect on public health, safety or the environment;

(ii) Potential to violate applicable Federal, State, Tribal, or local environmental laws;

(iii) Greater scope or size of project than usual for the category of action proposed;

(iv) Project poses uncertain, unknown, or unique risks to public health, safety, or the environment that are unlike those posed by typical actions in the excluded category;

(v) Project will result in an uncontrolled or unpermitted release of hazardous substances or require a conformity determination under standards in 40 CFR part 93, subpart B (the Clean Air Act General Conformity Rule);

(vi) Potential for substantial adverse effect on the following sensitive resources, unless the potential impact has been resolved through another environmental process (e.g., CZMA, NHPA, CWA, etc.):

a. endangered or threatened species listed under the Endangered Species Act, or designated critical habitat for these species; and/or

b. areas of particular environmental concern or sensitivity such as coral reefs, federally designated wilderness areas, wildlife refuges, marine sanctuaries and monuments, wetlands, sole source aquifers, or parklands; and/or

c. Have an adverse effect on archaeological resources or historic properties listed or determined to be eligible for listing in the National Register of Historic Places.

(2) DoW may apply multiple CATEXs to the constituent parts of a single action but must consider whether the aggregate impacts of the constituent parts could give rise to an extraordinary circumstance or result in reasonably foreseeable significant effects.

(3) If an extraordinary circumstance is present, DoW will determine whether the proposed agency action can be modified to avoid those effects, and if so, apply the CATEX. If the action cannot be modified, DoW will consider whether the application of the CE is still appropriate notwithstanding the presence of extraordinary circumstances, because even with the extraordinary circumstance, the proposed action does not have the potential to result in significant impacts. The mere presence of an extraordinary circumstance does not necessarily prevent the application of the categorical exclusion.

(4) If DoW determines that it cannot apply a CATEX to the proposed action, DoW will prepare an EA or EIS, as appropriate.

(e) *Documentation of CATEX determinations.* DoW will document the application of a CATEX in its administrative record in each of the following cases:

(1) For any application of a CATEX designated by DoW as requiring documentation (e.g., Record of Environmental Consideration, Air Force Form 813, Defense Logistics Agency Form 1664), as indicated in paragraph (g) of this section; or

(2) For any case in which DoW determines that applying a CATEX is appropriate consistent with paragraph (d).

(f) *Reliance on CATEX determinations of other agencies.* DoW may also rely on another agency's determination that a CATEX applies to a particular proposed DoW action if the agency action covered by that determination and the DoW's proposed action are substantially the same, or if DoW's proposed action is a subset of the type of agency action covered by that determination. DoW will document its reliance on another agency's CATEX determination in the Administrative Record.

(g) *Applying legislative categorical exclusions.* If DoW determines that a categorical exclusion established through legislation, or a categorical exclusion that Congress through legislation has directed DoW to establish, covers a proposed agency action, DoW will conclude review consistent with applicable law. If appropriate, DoW may examine extraordinary circumstances, modify the proposed agency action, or document the determination that the legislative categorical exclusion applies, consistent with paragraph of this section and the legal authority for the establishment of the legislative categorical exclusion.

(h) *List of categorical exclusions.* See Appendix A and Appendix B.

Part 1.5 Environmental assessments.

(a) *Generally.* If an action is subject to NEPA, as determined following the procedures in Part 1.1 of these procedures, and unless DoW finds that the proposed action is covered by a CATEX as determined following the procedures in Part 1.4 of these procedures, or by another provision of law, DoW will prepare an EA with respect to a proposed agency action that does not have a reasonably foreseeable significant effect on the quality of the human environment, or if the significance of such effect is unknown. DoW is mindful of Congress' direction that EAs are to be "concise." NEPA § 106(b)(2); 42 U.S.C. § 4336(b)(2).

(b) *Elements.* To assist DoW in determining whether to prepare a FONSI or an EIS, the EA will briefly discuss the:

(1) Purpose and need for the proposed agency action based on the DoW's statutory authority. When the proposed agency action concerns DoW's duty to act on an application for authorization, the purpose and need for the proposed agency action will also be informed by the goals of the applicant;

(2) Proposed action and alternatives to the extent required by NEPA § 102(2)(H), 42 U.S.C. § 4332(2)(H); and

(3) The reasonably foreseeable effects of the proposed agency action and the alternatives considered.

(c) *Scope of analysis.*

(1) In preparing the environmental assessment, DoW will focus its analysis on whether the environmental effects of the action or project at hand are significant.

(2) Similarly, DoW will document in the environmental assessment where and how it drew a reasonable and manageable line relating to its consideration of any environmental effects from the action or project at hand that extend outside the geographical territory of the project or might materialize later in time.

(3) To the extent it assists in reasoned decision-making, DoW may, but is not required to by NEPA, analyze environmental effects from other projects separate in time, or separate in place, or that fall outside of DoW's regulatory authority, or that would have to be initiated by a third party. If DoW determines that such analysis would assist it in reasoned decisionmaking, it will document this determination in the environmental assessment and explain where it drew a reasonable and manageable line relating to the consideration of such effects from such separate projects.

(d) *Page limits.*

(1) The text of a stand-alone EA is strictly prohibited from exceeding 75 pages, not including citations or appendices.

(2) Appendices are to be used for voluminous materials, such as scientific tables, collections of data, statistical calculations, and the like, which substantiate the analysis provided in the environmental assessment. Appendices are not to be used to provide additional substantive analysis, because that would circumvent the congressionally mandated page limits.

(3) EAs will be formatted for an 8.5x11" paper with one-inch margins using a word processor with 12-point proportionally spaced font, single spaced. Footnotes may be in 10-point font. Such size restrictions do not apply to explanatory maps, diagrams, graphs, tables, and other means of graphically displaying quantitative or geospatial information, although pages containing such material do count towards the page limit. When an item of graphical material is larger than 8.5x11", each such item will count as one page.

(4) Certification Related to Page Limits. The breadth and depth of analysis in an EA will be tailored to ensure that the environmental analysis does not exceed this page limit. In this regard, as part of the finalization of the EA, a responsible official will certify (and the certification will be incorporated into the EA) that DoW has considered the factors mandated by NEPA; that the EA represents DoW's good-faith effort to prioritize documentation of the most important considerations required by the statute within the congressionally mandated page limits; that this prioritization reflects DoW's expert judgment; and that any considerations addressed briefly or left unaddressed were, in DoW's judgment, comparatively not of a substantive nature that meaningfully informed the consideration of environmental effects and the resulting decision on how to proceed..

(e) *Deadlines.* Congress providing deadlines for EAs and EISs in § 107(g) of NEPA, 42 U.S.C. § 4336a(g). These deadlines indicate Congress's determination that an agency, has presumptively spent a reasonable amount of time on analysis and the document should issue, absent very unusual circumstances. Thus:

(1) DoW will complete the EA not later than the date that is 1 year after beginning the EA, in accordance with 42 U.S.C. § 4336a(g)(1)(B). Typically, the EA start date will be the date of notification to government entities or the public that the DoW entity will be preparing an EA. The EA completion date will be the date that DoW entity publishes the FONSI.

(2) *Deadline extensions.* If DoW determines it is not able to meet the deadline prescribed by NEPA § 107(g)(1)(B), 42 U.S.C. § 4336a(g)(1)(B), it must consult with the applicant, if any, pursuant to NEPA § 107(g)(2), 42 U.S.C. § 4336a(g)(2). After such consultation, if needed, and for cause stated, it may establish a new deadline. Cause for establishing a new deadline is only established if the EA is so incomplete, at the time at which DoW determines it is not able to meet the statutory deadline, that issuance would, in DoW's view, result in an inadequate analysis. Such new deadline must provide only so much additional time as is necessary to complete such EA. The announcement of the new deadline will specify the reason why the EA was not able to be completed under the statutory deadline and whether the applicant consented to the new deadline.

(3) *Certification Related to Deadline.* When the EA is published, a responsible official will certify (and the certification will be incorporated into the EA) that the resulting EA represents DoW's good-faith effort to fulfill NEPA's requirements within the Congressional timeline; that such effort is substantially complete; that, in DoW's expert opinion, it has thoroughly considered the factors mandated by NEPA; and that, in DoW's judgment, the analysis contained therein is adequate to inform and reasonably explain DoW's final decision regarding the proposed federal action. Army Civil Works water resources feasibility reports with an integrated EA are subject to the time limit for these reports specified in 33 U.S.C. § 2282c(a)(1). DoW will publish notices of EA and FONSI completion on a publicly accessible website.

Part 1.6 Findings of no significant impact.

(a) DoW will prepare a finding of no significant impact (FONSI) if DoW determines, based on the EA, that the proposed action or project at hand will not have significant effects. The FONSI will:

(1) Include the EA or incorporate it by reference.

(2) Document the reasons why DoW has determined that the selected alternative will not have a significant effect on the quality of the human environment.

(3) State the authority for any mitigation that DoW has adopted and any applicable monitoring or enforcement provisions. If DoW finds no significant effects based on mitigation, the mitigated FONSI will state any mitigation requirements enforceable by the DoW or voluntary mitigation commitments that will be undertaken to avoid significant effects.

(4) Identify any other documents related to the FONSI.

(5) State that an EIS will not be prepared, concluding the NEPA process for that action.

(6) If significant effects are known, those significant effects may be reduced or mitigated to a level where a mitigated FONSI can be used.

(b) DoW will publish the FONSI on a publicly accessible website.

Part 1.7 Lead and cooperating agencies.

In many instances, a proposed activity or decision is undertaken in the context which entails activities or decisions undertaken by other federal agencies (e.g., where multiple federal authorizations or analyses are required with respect to a project sponsor's overall purpose and goal). These activities and decisions are "related actions," in that they are each the responsibility of a particular agency, but they are all related in a matter relevant to NEPA (e.g., by their relationship with one overarching project). In such instances, Congress has provided that the multiple agencies involved shall determine which of them will be the lead agency pursuant to the criteria identified in NEPA § 107(a)(1)(A), 42 U.S.C. § 4336a(a)(1)(A). When serving as the lead agency, DoW is ultimately responsible for completing the NEPA process; when serving as the lead agency, DoW will also determine and document the scope of the project at hand. When a joint lead relationship is established pursuant to NEPA § 107(a)(1)(B), 42 U.S.C. §4336a(a)(1)(B), DoW and the other joint lead agency or agencies are collectively responsible for completing the NEPA process.

(a) Disputes about Lead Agency Designation. If agencies disagree on which should be the lead agency, they should first attempt to resolve the dispute internally by escalating it within their respective agencies. If internal resolution fails, the agencies can refer the dispute to the Council on Environmental Quality (CEQ) for resolution. CEQ may issue a determination on which agency should be the lead. If no lead agency is determined, each agency may proceed with its own NEPA compliance for the project.

(b) *Cooperating Agency Designation.* Upon request of the lead agency, any Federal agency with jurisdiction by law shall be a cooperating agency. In addition, upon request of the lead agency, any other Federal agency with special expertise with respect to any environmental issue may be a cooperating agency. A State, Tribal, or local agency of similar qualifications may become a cooperating or participating agency by agreement with the lead agency.

Part 1.8 Notices of intent, scoping, planning, and tiering.

(a) As a preliminary step to determining whether, in connection with a proposal that is not excluded pursuant to a categorical exclusion, DoW will prepare an environmental assessment or an environmental impact, DoW will determine and document the scope of the project at hand.

(b) *Notice of intent.* As soon as practicable after determining that a proposal is sufficiently developed to allow for meaningful public comment and requires an EIS, DoW will publish the notice of intent (NOI) to prepare an EIS on a publicly accessible website.

(1) The NOI for an EIS will include a request for public comment on alternatives or effects and on relevant information, studies, or analyses with respect to the proposed agency action (NEPA § 107(c); 42 U.S.C. § 4336a(c)).

(2) In addition to a request for comment required for NOIs for EIS, a NOI for any environmental document may include:

(i) The purpose and need for the proposed action; A preliminary description of the proposed action and alternatives the EIS will consider;

(ii) A brief summary of expected effects;

(iii) Anticipated permits and other authorizations (i.e., anticipated related actions); A schedule for the decision-making process;

(iv) A description of the public scoping process, including any scoping meeting(s);

(v) Contact information for a person within DoW who can answer questions about the proposed action and the EIS; and

(vi) Identification of any cooperating and participating agencies (i.e., agencies responsible for related actions), and any information that such agencies require in the notice to facilitate their decisions or authorizations.

(c) *Scoping.* DoW may use an early and open process to determine the scope of issues for analysis in an environmental document, including identifying substantive issues that meaningfully inform the consideration of environmental effects and the resulting decision on how to proceed, eliminating from further study non-substantive issues Scoping may begin as soon as practicable after the proposal for action is sufficiently developed for consideration. Scoping may include appropriate pre-application procedures or work conducted prior to publication of the NOI.

(d) *Integration of other documents.* Environmental documentation and analyses required by these procedures should be integrated as much as practicable with any environmental studies, surveys, and impact analyses required by other environmental review laws and executive orders (EOs). For Army Civil Works projects, planning and/or engineering reports may be combined with or integrated into the EA or EIS. For Civil Works projects, NEPA documents shall be prepared concurrently with and utilize data from such analyses. When a cost-benefit analysis has been prepared in conjunction with an action which also requires a NEPA analysis, the costbenefit analysis shall be integrated into the environmental documentation.

(e) *Tiering.* The use of tiering is encouraged. Tiering refers to the coverage of general matters in broader environmental impact statements (such as national program or policy statements) with subsequent narrower statements or environmental analyses incorporating by reference the general discussions and concentrating solely on the issues specific to the statement subsequently prepared. Tiering is appropriate when the sequence of statements or analyses is:

(1) From a program, plan, or policy environmental impact statement to a program, plan, or policy statement or analysis of lesser scope or to a site-specific statement or analysis.

(2) From an environmental impact statement on a specific action at an early stage to a supplemental or subsequent statement or analysis at a later stage. Tiering in such cases is appropriate when it focuses analysis on the issues which are ripe for decision and excludes from consideration issues already decided or not yet ripe.

(f) *Public Involvement in Army Civil Works Project Planning.* Draft feasibility reports with an integrated or attached EA and FONSI (as appropriate) or EIS can be circulated to agencies, organizations, and members of the public known to have an interest in the study for comment. For Army Civil Works, in the case of feasibility, continuing authority, or special planning reports and certain planning/engineering reports, the draft FONSI and EA should be included within the draft report and circulated for a minimum 30-day review to concerned agencies, organizations and the interested public. In the case of operation and maintenance activities involving the discharge of dredged or fill material requiring a public notice, the

notice should indicate the availability of the EA/FONSI. For all other Army Civil Works project actions, a notice of availability of the FONSI will be sent to concerned agencies, organizations and the interested public.

Part 2—ENVIRONMENTAL IMPACT STATEMENTS

Part 2.1 Preparation of environmental impact statements.

Part 2.2 Purpose and need.

Part 2.3 Analysis within the environmental impact statement.

Part 2.4 Page limits.

Part 2.5 Deadlines.

Part 2.6 Publication of the environmental documents.

Part 2.1 Preparation of environmental impact statements.

(a) DoW will prepare an EIS only with respect to proposed agency actions that otherwise require preparation of an environmental document and that have a reasonably foreseeable significant effect on the quality of the human environment. NEPA § 106(b)(1); 42 U.S.C. § 4336(b)(1). A determination that the agency will proceed with an EIS may only be made by the appropriate official. For the:

(1) Military Departments and Offices of the Secretary of War, the determination is made by an Assistant Secretary-level or Principal Deputy Assistant Secretary-level official

(2) Defense Agencies and Defense Field Activities, the determination is made by the Director or a Senior Executive Service-level Deputy Director.

(3) Army Civil Works, the determination is made by the appropriate U.S. Army Corps of Engineers district commander.

(b) During the process of preparing an EIS, DoW:

(1) Will obtain the comments of:

(i) Any Federal (or cooperating non-Federal) agency that has jurisdiction by law or special expertise with respect to any environmental impact of the action or project at hand or is authorized to develop and enforce environmental standards that govern the action or project at hand;

(ii) Appropriate State, Tribal, and local agencies that are authorized to develop and enforce environmental standards;

(iii) State, Tribal, or local governments that may be affected by the proposed action;

(iv) Any agency that has requested it receive statements on actions of the kind proposed;

(v) The applicant, if any; and

(vi) The public, including by affirmatively soliciting comments in a manner designed to inform those persons or organizations who may be interested in or affected by the proposed action.

(c) The process of obtaining and requesting comments pursuant to (b) above may be undertaken at any time that is reasonable in the process of preparing the EIS. DoW will ensure that the process of obtaining and requesting comments pursuant to (b) above, and DoW's analysis of

and response to those comments, does not cause DoW to violate the congressionally mandated deadline for completion of an EIS.

(d) *Addressing comments contained in EIS.* DoW will address any significant comments received consistent with paragraph (b) of this section in the EIS.

(e) The EIS will include a summary of any substantive comments received consistent with paragraph (b) of this section. Specific actions that DoW may take in response to substantive issues raised and/or recommendations made in the comments received in the EIS may include:

(1) Modifying alternatives, including the proposed action.

(2) Developing and evaluating alternatives not previously given serious consideration.

(3) Supplementing, improving, or modifying analyses, to include consideration of science or literature not previously considered.

(4) Making factual corrections.

(5) No action needed. DoW may provide a brief rationale for taking no action, such as:

(i) The comment is outside the scope of what is being proposed;

(ii) There is no cause-effect relationship between the actions the agency is proposing and the issue raised and/or recommendation made;

(iii) The commenter misinterpreted the information provided; or

(iv) The recommendation made does not comply with applicable laws or regulations and/or are not feasible to implement (technically or economically), etc.

Part 2.2 Purpose and need.

The EIS will address the purpose and need for the proposed agency action based on the DoW's statutory authority. When the proposed agency action concerns DoW's duty to act on an application for authorization, the purpose and need for the proposed agency action will also be informed by the goals of the applicant.

Part 2.3 Analysis within the environmental impact statement.

(a) The EIS will include a detailed statement on:

(1) Reasonably foreseeable environmental effects of the proposed agency action;

(2) Any reasonably foreseeable adverse environmental effects which cannot be avoided should the proposal be implemented;

(3) A reasonable range of alternatives to the proposed agency action, including an analysis of any adverse environmental impacts of not implementing the proposed agency action in the case of a no action alternative, that are, in DoW's expert judgement, technically and economically feasible, and meet the purpose and need of the proposal;

(4) The relationship between local short-term uses of man's environment and the maintenance and enhancement of long-term productivity;

(5) Any irreversible and irretrievable commitments of Federal resources which would be involved in the proposed agency action should it be implemented; and

(6) Any means identified to mitigate adverse environmental effects of the proposed action. DoW is mindful in this respect that NEPA itself does not require or authorize DoW to impose any mitigation measures.

(b) *Scope of analysis.*

(1) In preparing the environmental impact statement, DoW will focus its analysis on whether the environmental effects of the action or project at hand are significant.

(2) Similarly, DoW will document in the environmental impact statement where and how it drew a reasonable and manageable line relating to its consideration of any environmental effects from the action or project at hand that extend outside the geographical territory of the project or might materialize later in time.

(3) To the extent it assists in reasoned decision-making, DoW may, but is not required to by NEPA, analyze environmental effects from other projects separate in time, or separate in place, or that fall outside of DoW's regulatory authority, or that would have to be initiated by a third party. If DoW determines that such analysis would assist it in reasoned decision making, it will document this determination in the environmental impact statement and explain where it drew a reasonable and manageable line relating to the consideration of such effects from such separate projects.

(c) *Proportionate analysis.* EISs will discuss effects in proportion to their significance. With respect to issues that are not of a substantive nature and do not meaningfully inform the consideration of environmental effects and the resulting decision on how to proceed, the EIS will include the briefest possible discussion to explain why those issues are not substantive and therefore not subject to any further analysis. EISs will be analytic, concise, and no longer than necessary to comply with NEPA in light of the congressionally mandated page limits and deadlines.

Part 2.4 Page limits.

(a) Except as provided in paragraph (b) of this Part, the text of an EIS will not exceed 150 pages, not including citations or appendices.

(b) A stand-alone EIS for a proposed agency action of extraordinary complexity is strictly prohibited from exceeding300 pages, not including any citations or appendices. DoW will determine at the earliest possible stage of preparation of an EIS whether the conditions for exceeding the page limit in paragraph (a) are present.

(c) Appendices are to be used for voluminous materials, such as scientific tables, collections of data, statistical calculations, and the like, which substantiate the analysis provided in the environmental assessment. Appendices are not to be used to provide additional substantive analysis, because that would circumvent the congressionally mandated page limits.

(d) An EIS will be prepared on 8.5x11" paper with one-inch margins using a word processor with 12-point proportionally spaced font, single spaced. Footnotes may be in 10-point font. Such size restrictions do not apply to explanatory maps, diagrams, graphs, tables, and other means of graphically displaying quantitative or geospatial information, although pages

containing such material do count towards the page limit. When an item of graphical material is larger than 8.5x11", each such item will count as one page.

(e) *Certification Related to Page Limits.* The breadth and depth of analysis in an EIS will be tailored to ensure that the EIS does not exceed these page limits. In this regard, as part of the finalization of the EIS, a responsible official will certify that DoW has considered the factors mandated by NEPA; that the EIS represents DoW's good-faith effort to prioritize documentation of the most important considerations required by the statute within the congressionally mandated page limits; that this prioritization reflects DoW's expert judgment; and that any considerations addressed briefly or left unaddressed were, in DoW's judgment, comparatively unimportant or frivolous.

Part 2.5 Deadlines.

(a) Congress provided deadlines for EAs and EISs in NEPA § 107(g), 42 U.S.C. § 4336a(g). Thus, DoW will complete the EIS not later than the date that is 2 years after the date that the NOI was published on a public website or in the FR, if applicable. The NOI formally begins the scoping process for an EIS. The EIS completion date will be the date that the Record of Decision is published.

(b) The EIS will be published (unless the deadline is extended pursuant to the provision below) on or before the deadline.

(c) If the proposal involves an applicant and DoW determines it is not able to meet the deadline prescribed by NEPA § 107(g)(1)(A), 42 U.S.C. § 4336a(g)(1)(A), DoW must consult with the applicant pursuant NEPA § 107(g)(2), 42 U.S.C. § 4336a(g)(2). After such consultation, if needed, and for cause stated, it may establish a new deadline by the senior agency official approving of an extended timeline, they must document and report to CEQ and Congress, as appropriate. Cause for establishing a new deadline is only established if the EIS is so incomplete, at the time at which DoW determines it is not able to meet the statutory deadline, that issuance would, in DoW's view, result in an inadequate analysis. Such new deadline must provide only so much additional time as is necessary to complete such EIS. The announcement of the new deadline will specify the reason why the EIS was not able to be completed under the statutory deadline and whether the applicant consented to the new deadline.

(d) Certification Related to Deadlines. When the EIS is published, a responsible official will certify (and the certification will be incorporated into the EIS) that the resulting EIS represents DoW's good-faith effort to fulfill NEPA's requirements within the Congressional timeline; that such effort is substantially complete; and that, in the DoW's expert opinion, it has thoroughly considered the factors mandated by NEPA; and that, in the DoW's judgment, the analysis contained therein is adequate to inform and reasonably explain DoW's final decision regarding the proposed federal action. Army Civil Works water resources feasibility reports with an integrated EIS or EA are subject to the time limit for these reports specified in 33 U.S.C. § 2282c(a)(1).

Part 2.6 Publication of the environmental impact statement.

(a) DoW will make the entire EIS available on a publicly accessible website, following any applicable law, regulation, and policy for information dissemination

(b) During the process of preparing the EIS, DoW may publish such draft, pre-decisional materials as in its judgment may assist in fulfilling its responsibilities under NEPA.

Part 3—EFFICIENT ENVIRONMENTAL REVIEWS

Part 3.1 Programmatic environmental documents.

Part 3.2 Adoption.

Part 3.3 Publishing predecisional environmental documents.

Part 3.4 Combining documents.

Part 3.5 Incorporation by reference.

Part 3.6 Supplemental environmental documents.

Part 3.7 Integrity and completeness of information.

Part 3.8 Integrating NEPA with other environmental requirements.

Part 3.9 Elimination of duplication with State, Tribal, and local procedures.

Part 3.10 Proposals for regulations.

Part 3.11 Unique identification numbers.

Part 3.12 Emergencies.

Part 3.1 Programmatic environmental documents.

(a) DoW may prepare environmental documents for programmatic actions, such as the adoption of new programs. DoW may evaluate the proposal(s) in one of the following ways:

  (1) Geographically, including actions occurring in the same general location, such as body of water, region, or metropolitan area;

  (2) Generically, including actions that have relevant similarities, such as common timing, effects, alternatives, methods of implementation, media, or subject matter; or

  (3) By stage of technological development.

(b) Consistent with NEPA § 108, 42 U.S.C. § 4336b, and Part 3.2 of these procedures, after completing a programmatic EA or EIS, DoW may rely on that document for 5 years if there are not substantial new circumstances or information about the significance of adverse effects that bear on the analysis. After 5 years, as long as DoW reevaluates the analysis in the programmatic environmental document and any underlying assumption to ensure reliance on the analysis remains valid, briefly documents its reevaluation, and explains why the analysis remains valid considering any new and substantial information or circumstances, DoW may continue to rely on the document.

Part 3.2 Reliance on existing environmental documents.

(a) *Generally.* DoW may rely upon from another agency an EIS, EA, or portion thereof, or a determination that a specific agency action is covered by a CATEX, provided that the EIS, EA, portion thereof, or determination meets the standards for an adequate environmental document of the same type under these procedures.

(b) *Substantial Similarity*

  (1) If the actions covered by the original EIS or EA and the proposed action are substantially the same, the DoW will republish the relied upon EIS or EA.

(2) If the actions are not substantially the same, DoW may modify the EIS or EA as necessary to render the document fit for fulfilling NEPA's analytic requirements for the action at hand, and publish the relied upon EIS or EA, as modified, for comment to the extent that solicitation of comment will assist DoW in expeditiously adapting the relied upon EIS or EA so that it is fit for DoW's purposes.

Part 3.3 Publishing predecisional environmental documents.

During the process of preparing any environmental document provided for by these procedures, DoW may publish such draft, predecisional materials as in its judgment may assist in fulfilling its responsibilities under NEPA and this guidance.

Part 3.4 Combining documents.

DoW will combine, to the fullest extent practicable, any environmental document with any other agency document to reduce duplication and paperwork.

Part 3.5 Incorporation.

(a) *Incorporation.* DoW may incorporate material, such as planning studies, analyses, or other relevant information, into environmental documents by reference when the effect will be to cut down on bulk without impeding DoW and public review of the action. When incorporating material by reference, DoW will cite, briefly describe the content and relevance to the environmental document and make the materials reasonably available for review by potentially interested parties. DoW will not use incorporation as a means to evade the statutory page limits.

(b) Although NEPA itself does not require cost-benefit analysis, DoW may conduct cost-benefit analysis in some cases. To the extent that this cost-benefit analysis is relevant to any alternatives analysis DoW is conducting pursuant to NEPA, DoW will incorporate the cost-benefit analysis by reference or append it to the EIS to avoid duplication in evaluating the environmental effects. In such cases, the environmental document will discuss the relationship between that analysis and any analyses of unquantified environmental effects, values, and amenities.

Part 3.6 Supplemental environmental documents.

DoW will prepare supplements to environmental documents only if a major Federal action remains to occur, and:

(a) DoW makes substantial changes to the proposed action that are relevant to environmental concerns; or

(b) DoW decides, in its discretion, that there are substantial new circumstances or information about the significance of the adverse effects that bear on the proposed action or its effects.

Part 3.7 Integrity and completeness of information.

(a) DoW will not undertake new scientific and technical research to inform its analyses unless that is essential to a reasoned choice among alternatives and the overall costs and time frame of such undertaking are not unreasonable. Rather, DoW will make use of reliable existing data and resources.

(b) When DoW is evaluating an action's reasonably foreseeable effects on the human environment, and there is incomplete or unavailable information that cannot be obtained at a reasonable cost or the means to obtain it are unknown, DoW will make clear in the relevant environmental document that such information is lacking.

(c) For Army Civil Works projects in preconstruction engineering and design, construction, and for completed Army Civil Works projects in an operations and maintenance category, District commanders will review the existing NEPA document(s) to determine whether there are new circumstances or significant impacts that warrant the preparation of a draft and final supplement to the EIS. If the proposed changes and new impacts are not significant, an EA and FONSI may be used.

Part 3.8 Integrating NEPA with other environmental requirements.

(a) To the fullest extent possible, DoW will prepare environmental documents concurrently with and integrated with analyses and related surveys and studies required by other Federal statutes.

(b) DoW will combine an environmental document prepared in compliance with NEPA with any other agency document to reduce duplication and paperwork. Thus, DoW may combine an environmental document with related plans, rules, or amendments as a single consolidated document.

(c) If comments on a NOI or other aspects of a scoping process identify consultations, permits, or licenses necessary under other environmental laws, the environmental document may contain a section briefly listing the applicable requirements and how DoW has or will meet them (e.g., permits applied for or received, consultations initiated or concluded).

Part 3.9 Elimination of duplication with State, Tribal, and local procedures.

(a) DoW may cooperate with State, Tribal, and local agencies that are responsible for preparing environmental documents.

(b) To the fullest extent practicable unless specifically prohibited by law, DoW will cooperate with State, Tribal, and local agencies to reduce duplication between NEPA and State, Tribal, and local requirements, including through use of studies, analyses, and decisions developed by State, Tribal, or local agencies. Such cooperation may include:

(1) Joint planning processes;

(2) Joint environmental research and studies;

(3) Joint public meetings (except where otherwise provided by statute); or

(4) Joint environmental documents.

Part 3.10 Proposals for regulations.

Where the proposed action is the promulgation of a rule or regulation, procedures and documentation pursuant to other statutory or EO requirements may satisfy one or more requirements of this Part. When a procedure or document satisfies one or more requirements of this Part, DoW may substitute it for the corresponding requirements in this Part and need not carry out duplicative procedures or documentation. Agencies will identify which corresponding requirements in this Part are satisfied and consult with CEQ to confirm such determinations.

Part 3.11 Unique identification numbers.

For all environmental documents, DoW will provide a unique identification number for tracking purposes, which DoW will reference on all associated environmental review documents prepared for the proposed agency action and in any database or tracking system for such documents. DoW will coordinate with CEQ and other federal agencies to ensure uniformity of such identification numbers across federal agencies.

Part 3.12 Emergencies.

(a) Where emergency circumstances make it necessary to take an action with reasonably foreseeable significant environmental effects without observing the provisions of these procedures, DoW will consult with CEQ about alternative arrangements for compliance with NEPA § 102(2)(C), 42 U.S.C. § 4332(2)(C).

(b) Emergency circumstances may require immediate actions that prevent following standard NEPA procedures. For example, immediate threats to life, property, or important natural, cultural, or historical resources may make it necessary to take an action with significant environmental impact without following standard NEPA procedures. Army Civil Works emergency actions include Flood Control and Coastal Emergencies Activities pursuant to Pub. L. 84-99, as amended, and projects constructed under sections 3 of the River and Harbor Act of 1945 or 14 of the Flood Control Act of 1946 of the Continuing Authorities Program.

Part 4—AGENCY DECISION MAKING

Part 4.1 Decision documents.

Part 4.2 Filing requirements.

Part 4.1 Decision documents.

At the time of its decision on a proposed action, DoW may prepare and publish a concise decision document notifying the public that the decisionmaker has certified that DoW has considered all relevant information raised in the NEPA process and that the NEPA process has closed.

(a) Decision making under NEPA is an inherently governmental function. DoW may use contractors to assist in the preparation of environmental documents but only a government official may make the final determination for decision documents.

(b) CATEXs. DoW will document decisions to apply a CATEX in the administrative record.

(c) FONSI. DoW will document a FONSI to explain the reasons why an action not otherwise categorically excluded will not have a significant impact on the human environment, and for which an EIS will not therefore be prepared. A FONSI will include the EA or a summary and note any other environmental documents related to it. A FONSI may be one result of review of an EA. The FONSI can only be signed by the appropriate civilian or military personnel (e.g., GS-15 or military officer O-6 level). A FONSI will be published on a publicly accessible website. For Army Civil Works, the U.S. Army Corps of Engineers district commander is responsible for determining that a FONSI is appropriate.

(d) Record of Decision (ROD). A ROD sets out a concise summary of the final decision and selected measures for mitigation (if any) of adverse environmental impacts of the alternative chosen from those considered in an EIS. The ROD must be signed by the appropriate Assistant Secretary level or Principal Deputy Assistant Secretary level official of the Military Department. For Defense Agencies or Defense Field Activities, the ROD must be signed by the Director or a Senior Executive Service-level Deputy Director. For Army Civil Works, the ROD must be signed by the Assistant Secretary of the Army for Civil Works or their designee. At a minimum, a ROD notice will be published on a publicly accessible website and in the FR.

Part 4.2 Filing requirements.

DoW will file EISs together with comments and any responses with the EPA, Office of Federal Activities for publication in the FR.

Part 5—PROCEDURES FOR APPLICANT-PREPARED NEPA DOCUMENTS

Part 5.1 Procedures for applicant-prepared environmental documents.

In accordance with NEPA § 107(f), 42 U.S.C. § 4336a(f), DoW has established procedures allowing applicants, or contractors hired by applicants, to prepare NEPA documents under DoW's supervision.

(a) The Sponsor will independently evaluate the environmental document and will take responsibility for its contents.

(b) The Sponsor will assist applicants, if applicable, and applicant-hired contractors by providing guidance and outlining the types of information required for the preparation of the environmental document. The Sponsor may provide appropriate guidance and assist in environmental document preparation, to the extent that DoW's resources and policy priorities permit. The Sponsor will work with the applicant to define the purpose and need, and, when appropriate, to develop a reasonable range of alternatives to meet that purpose and need.

(c) The Sponsor will develop and modify, as appropriate, a schedule for preparation of the environmental document. Major changes to the schedule or related matters will be documented through written correspondence.

(d) The Sponsor may request from an applicant environmental information for use by DoW in preparing or evaluating an environmental document. This may include a decision file consisting of any factual, scientific, or technical information used, developed, or considered by the applicant or applicant-hired contractor in the course of preparing the environmental document, including any correspondence with DoW or with third parties.

    (1) The Sponsor or action proponent must furnish guidance, participate in the preparation of, and independently evaluate NEPA documents, taking responsibility for their accuracy, scope, and contents.

Part 6—DEFINITIONS

Part 6.1 Definitions.

As used in these implementing procedures, terms have the meanings provided in NEPA § 111, 42 U.S.C. § 4336e. In addition:

(a) *Action proponent* means the office, Military Department, Defense Agency, Defense Field Activity, DoW component, or commander or director of a unit, activity, or organization who initiates a proposal for action, and who has command and control authority over the action once it is authorized. For some actions, the action proponent will also serve as the decision-making authority for that action. In specific circumstances, the action proponent and decision maker may be identified in DoW Regulations, other DoW Instructions, operational instructions and orders, acquisition instructions, and other sources which set out authority and responsibility within the DoW.

(b) *Applicant* means entity applying to DoW for a permit, license, exemption or allocation, or other similar actions, unless the action is categorically excluded from preparation of an EA or EIS

(c) *Authorization* means any license, permit, approval, finding, determination, or other administrative decision issued by an agency that is required or authorized under Federal law in order to implement a proposed action.

(d) *Connected action* means a separate Federal action within the authority of DoW that is closely related to the proposed agency action and should be addressed in a single environmental document because the proposed agency action:

(1) Automatically triggers the separate Federal action, which independently would require the preparation of additional environmental documents;

(2) Cannot proceed unless the separate Federal action is taken previously or simultaneously; or

(3) Is an interdependent part of a larger Federal action that includes a separate Federal action, which mutually depend on the larger Federal action for their justification.

(e) *DoW components* refer collectively to OSD, the Military Departments, the Office of the Chairman of the Joint Chiefs of Staff and the Joint Staff, the Combatant Commands, the Office of Inspector General of the DoW, the Defense Agencies, the DoW Field Activities, and all other organizational entities within the DoW, including the Army Civil Works program.

(f) *Effects or impacts* means changes to the human environment from the proposed action or alternatives that are reasonably foreseeable and have a reasonably close causal relationship to the proposed action or alternatives.

(1) Effects include ecological (such as the effects on natural resources and on the components, structures, and functioning of affected ecosystems), aesthetic, historic, cultural, economic (such as the effects on employment), social, or health effects. Effects appropriate for analysis under NEPA may be either beneficial or adverse, or both, with respect to these values.

(2) A “but for” causal relationship is insufficient to make an agency responsible for a particular effect under NEPA. Effects should generally not be considered if they are

remote in time, geographically remote, or the product of a lengthy causal chain. Effects do not include those effects that the agency has no ability to prevent due to the limits of its regulatory authority, or that would occur regardless of the proposed action, or that would need to be initiated by a third party.

(g) *Human environment* means comprehensively the natural and physical environment and the relationship of Americans with that environment. (See also the definition of "effects" in paragraph (d) of this section.)

(h) *Jurisdiction by law* means agency authority to approve, veto, or finance all or part of the proposal.

(i) *Lead Agency*, with respect to the proposed action, means:

(1) The agency that proposed such action; or

(2) If there are 2 or more Federal agencies undertaking related actions related to one project, with respect to such action, the agency designated under section 107(a) (1) NEPA § 107(a)(1)(A), 42 U.S.C. § 4336a(a)(1)(A).

(j) *NEPA* means the National Environmental Policy Act, as amended (42 U.S.C. § 4321, et seq.).

(k) *NEPA process* means all measures necessary for compliance with the requirements of section 2 and title I of NEPA § 102(2), 42 U.S.C. § 4332(2).

(l) *Notice of intent* means a public notice that an agency will prepare and consider an environmental document.

(m) *Participating agency* means a Federal, State, Tribal, or local agency participating in an environmental review or authorization of an action.

(n) *Publish and publication* mean methods used by the agency to efficiently and effectively make environmental documents and information available for review by interested persons, including electronic publication.

(o) *Related action* means an action undertaken by an agency, e.g., a permitting action, some other type of authorization action, an analysis required by statute, or the like, that bears a relationship to other actions undertaken by other agencies relevant to NEPA, e.g., that a set of related actions are all related to one overarching project.

(p) *Reasonable alternatives* mean a reasonable range of alternatives that are technically and economically feasible, meet the purpose and need for the proposed action, and, where applicable, meet the goals of the applicant.

(q) *Reasonably foreseeable* means sufficiently likely to occur such that a person of ordinary prudence would take it into account in reaching a decision.

(r) *Scope* consists of the range of actions, alternatives, and effects to be considered in an environmental document. The scope of an individual document may depend on its relationships to other documents.

(s) *Sponsor* is the lead DoW Component responsible for overseeing the project applicant and will serve as the action proponent. Sponsor only applies to DoW actions involving nongovernmental entities.

Part 7—SEVERABILITY AND NON-REVIEWABILITY.

Part 7.1 Severability.

Part 7.2 Non-reviewability

Part 7.1 Severability.

The sections of these procedures are separate and severable from one another. If any section or portion therein is stayed or determined to be invalid, or the applicability of any section to any person or entity is held invalid, it is DoW's intention that the validity of the remainder of those parts will not be affected, with the remaining section, and all applications thereof, to continue in effect.

Part 7.2 Non-reviewability.

The issuance or update of DoW or DoW component procedures is not subject to NEPA review under this subchapter.

Appendix A
Department of War Categorical Exclusions

Last Updated: October 20, 2026

Categorical Exclusions (CATEXs) established by DOW, are hereby available for all of the DOW, as defined, to use regardless of original establishing agency (i.e., any DOW entity can use another DOW CATEX without having to go through the formal adoption process in the DOW NEPA Implementing Procedures). Examples of CATEX documentation forms have been provided as TABs A, B, C, and D. The list of CATEXs is subject to continual review and modification. DOW will periodically evaluate the need for new CATEXs and follow the process detailed in its procedures.

CATEXs are grouped by establishing agency listed in the table of contents below:

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I. Department of the Army[1]

(a) Administrative operations:

DoW A1-1. 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.

DoW A2-2. Emergency or disaster assistance provided to Federal, State, or local entities.

DoW A3-3. 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.

DoW A4-4. 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.

DoW A5-5. Normal personnel, fiscal, and administrative activities involving military and civilian personnel (recruiting, processing, paying, and records keeping).

DoW A6-6. 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.

DoW A7-7. Routine morale, welfare, and recreation activities not involving off-road recreational vehicles.

DoW A8-8. 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.

DoW A9-9. Routine travel and movement of personnel, vehicles, watercraft, aircraft, equipment, and other materiel and commercial goods.

DoW A10-10. Approval of asbestos or lead-based paint management plans drafted in accordance with applicable laws and regulations (REC required). (See TAB A)

DoW A11-11. 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,

[1] Title 32 Code of Federal Regulations (CFR) Part 651

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). (See TAB A)

DoW A12-12. 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). (See TAB A)

DoW A13-13. 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). (See TAB A)

DoW A14-14. 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). (See TAB A)

DoW A15-15. 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). (See TAB A)

DoW A16-16. 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). (See TAB A)

(b) Construction and demolition:

DoW A17-1. 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 five total (contiguous or non-contiguous) acres of surface disturbance to undisturbed land (REC required). 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. Previously disturbed land has been changed such that its ecological processes have been and remain altered by human activity and encompasses areas that have been transformed from native vegetation to nonnative species or a managed state. Undisturbed land in its natural state or land which has reverted to its natural state where ecological processes remain unattended by human activity. (See TAB A)

DoW A18-2. 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). (See TAB A)

DoW A19-3. 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). (See TAB A)

DoW A20-4. Installation of fencing, utility systems, and communication systems that use existing right-of-way, and installation of airfield communication and safety equipment (REC required). (See TAB A)

DoW A21-5. 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). (See TAB A)

DoW A22-6. 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). (See TAB A)

DoW A23-7. 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.

DoW A24-8. 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). (See TAB A)

DoW A25-9. 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). (See TAB A)

DoW A26-10. 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 onsite systems do not relocate existing discharge (REC required). (See TAB A)

DoW A27-11. 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.

DoW A28-12. 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). (See TAB A)

DoW A29-13. 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). (See TAB A)

(c) Cultural and natural resources:

DoW A30-1. 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)). (See TAB A)

DoW A31-2. Implementation of hunting and fishing policies or regulations that are consistent with state and local regulations and Tribal treaty rights.

DoW A32-3. 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). (See TAB A)

DoW A33-4. 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.

DoW A34-5. 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 degree to those currently allowed and result in no new adverse effects on the environment (REC required). (See TAB A)

DoW A35-6. 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). (See TAB A)

DoW A36-7. 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). (See TAB A)

DoW A37-8. 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). (See TAB A)

(d) Procurement and product modifications:

DoW A38-1. 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.

DoW A39-2. 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). (See TAB A)

DoW A40-3. 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.

DoW A41-4. 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). (See TAB A)

DoW A42-5. Procurement, testing, use, and/or conversion of a commercially available product or non-developmental item (NDI). (A NDI is any previously developed item of supply used exclusively for government purposes by a Federal Agency, a State or local government, or a foreign government with which the United States has a mutual defense cooperation agreement; any item described above that requires only minor modifications or modifications of the type customarily available in the commercial marketplace in order to meet the requirements of the processing department or agency. Such items for example include, forklift, chain saw, security monitoring equipment, software, automobile, commercially-available heavy equipment, etc.) that do not result in any unusual disposal requirements.

DoW A43-6. Acquisition or contracting for spares and spare parts, consistent with the approved Technical Data Package (TDP).

DoW A44-7. 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). (See TAB A)

DoW A45-8. 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). (See TAB A)

(e) Real estate transactions:

DoW A46-1. 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). (See TAB A)

DoW A47-2. Disposal of excess easement areas to the underlying fee owner (REC required). (See TAB A)

DoW A48-3. 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 General Services Administration (GSA) for disposal (REC required). (See TAB A)

DoW A49-4. 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). (See TAB A)

DoW A50-5. 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 Army activities on adjacent land (REC required). (See TAB A)

DoW A51-6. Disposal of real property (including facilities) by the Army where the reasonably foreseeable use will not change significantly (REC required). (See TAB A)

DoW A52-7. 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). (See TAB A)

(f) Maintenance, repair, and infrastructure operations:

DoW A53-1. 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 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). (See TAB A)

DoW A54-2. 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.

DoW A55-3. 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.

DoW A56-4. 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 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). (See TAB A)

DoW A57-5. 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; 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). (See TAB A)

DoW A58-6. Routine maintenance of streams and ditches or other rainwater conveyance structures and erosion control and stormwater control structures (REC required). (See TAB A)

DoW A59-7. 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 regulatory 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). (See TAB A)

DoW A60-8. 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). (See TAB A)

(g) Waste, hazardous materials, hazardous waste, and excess material and equipment:

DoW A61-1. 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). (See TAB A)

DoW A62-2. 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, hazardous materials or hazardous substances; and emergency actions taken by Explosive Ordnance Demolition (EOD) detachment or Technical Escort Unit.

DoW A63-3. 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. (See TAB A)

DoW A64-4. 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.

DoW A65-5. 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.

(h) Training; research, development, engineering, testing, evaluation and demonstration; manufacturing operations, and human systems integration:

DoW A66-1. Training entirely of an administrative or classroom nature.

DoW A67-2. 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:

i. Compatible with the current use of existing military structures, ranges, maneuver areas, training areas, and access controlled facilities;

ii. Similar in type, degree, and setting to ongoing military activities; and

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

iv. 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). (See TAB A)

DoW A68-3. Intermittent on-post training activities (or offpost 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.

DoW A69-4. 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.

DoW A70-5. 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 significant impacts (REC required). (See TAB A)

DoW A71-6. 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 offrange 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). (See TAB A)

DoW A72-7. 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). (See TAB A)

DoW A73-8. 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). (See TAB A)

DoW A74-9. New research, development, testing, and evaluation 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 research, development, testing, and evaluation activities on the facility.

DoW A75-10. 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). (See TAB A)

DoW A76-11. 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).

DoW A77-12. Flight testing, evaluation, and demonstration of surface-to-surface, air-to-surface, surfaceto-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). (See TAB A)

DoW A78-13. 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). (See TAB A)

DoW A79-14. 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). (See TAB A)

DoW A80-15. 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). (See TAB A)

DoW A81-16. 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). (See TAB A)

DoW A82-17. 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). (See TAB A)

II. Department of the Air Force[2]

DoW A83-1. Routine procurement of goods and services.

DoW A84-2. Routine Commissary and Exchange operations.

DoW A85-3. Routine recreational and welfare activities.

[2] Title 32 CFR Part 989

DoW A86-4. Normal personnel, fiscal or budgeting, and administrative activities and decisions including those involving military and civilian personnel (for example, recruiting, processing, paying, and records keeping).

DoW A87-5. Preparing, revising, or adopting regulations, instructions, directives, or guidance documents that do not, themselves, result in an action being taken.

DoW A88-6. Preparing, revising, or adopting regulations, instructions, directives, or guidance documents that implement (without substantial change) the regulations, instructions, directives, or guidance documents from higher headquarters or other Federal agencies with superior subject matter jurisdiction.

DoW A89-7. Continuation or resumption of pre-existing actions, where there is no substantial change in existing conditions or existing land uses and where the actions were originally evaluated in accordance with applicable law and regulations, and surrounding circumstances have not changed.

DoW A90-8. Performing interior and exterior construction within the 5-foot line of a building without changing the land use of the existing building.

DoW A91-9. Repairing and replacing real property installed equipment.

DoW A92-10. Routine facility maintenance and repair that does not involve disturbing significant quantities of hazardous materials such as asbestos and lead-based paint.

DoW A93-11. Actions similar to other actions which have been determined to have an insignificant impact in a similar setting as established in an EIS or an EA resulting in a FONSI. The EPF must document application of this CATEX on AF Form 813, specifically identifying the previous Air Force approved environmental document which provides the basis for this determination. (See TAB B)

DoW A94-12. Installing, operating, modifying, and routinely repairing and replacing utility and communications systems, data processing cable, and similar electronic equipment that use existing rights of way, easements, distribution systems, or facilities.

DoW A95-13. Installing or modifying airfield operational equipment (such as runway visual range equipment, visual glide path systems, and remote transmitter or receiver facilities) on airfield property and usually accessible only to maintenance personnel.

DoW A96-14. Installing on previously developed land, equipment that does not substantially alter land use (i.e., land use of more than one acre). This includes outgrants to private lessees for similar construction. The EPF must document application of this CATEX on AF Form 813. (See TAB B)

DoW A97-15. Laying-away or mothballing a production facility or adopting a reduced maintenance level at a closing installation when (1) agreement on any required historic preservation effort has been reached with the state historic preservation officer and the Advisory Council on Historic Preservation, and (2) no degradation in the environmental restoration program will occur.

DoW A98-16. Acquiring land and ingrants (50 acres or less) for activities otherwise subject to CATEX. The EPF must document application of this CATEX on AF Form 813. (See TAB B)

DoW A99-17. Transferring land, facilities, and personal property for which the General Services Administration (GSA) is the action agency. Such transfers are excluded only if there is no change in land use and GSA complies with its NEPA requirements.

DoW A100-18. Transferring administrative control of real property within the Air Force or to another military department or to another Federal agency, not including GSA, including returning public domain lands to the Department of the Interior.

DoW A101-19. Granting easements, leases, licenses, rights of entry, and permits to use Air Force controlled property for activities that, if conducted by the Air Force, could be categorically excluded in accordance with this Appendix. The EPF must document application of this CATEX on AF Form 813. (See TAB B)

DoW A102-20. Converting in-house services to contract services.

DoW A103-21. Routine personnel decreases and increases, including work force conversion to either on-base contractor operation or to military operation from contractor operation (excluding base closure and realignment actions which are subject to congressional reporting under 10 U.S.C. 2687).

DoW A104-22. Routine, temporary movement of personnel, including deployments of personnel on a TDY basis where existing facilities are used.

DoW A105-23. Personnel reductions resulting from workload adjustments, reduced personnel funding levels, skill imbalances, or other similar causes.

DoW A106-24. Study efforts that involve no commitment of resources other than personnel and funding allocations.

DoW A107-25. 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. (See TAB B)

DoW A108-26. Undertaking specific investigatory activities to support remedial action activities for purposes of cleanup of Environmental Restoration Account (ERA)—Air Force and Resource Conservation and Recovery Act (RCRA) corrective action sites. These activities include soil borings and sampling, installation, and operation of test or monitoring wells. This CATEX applies to studies that assist in determining final cleanup actions when they are conducted in accordance with legal agreements, administrative orders, or work plans previously agreed to by EPA or state regulators.

DoW A109-27. Normal or routine basic and applied scientific research confined to the laboratory and in compliance with all applicable safety, environmental, and natural resource conservation laws.

DoW A110-28. Routine transporting of hazardous materials and wastes in accordance with applicable Federal, state, interstate, and local laws.

DoW A111-29. Emergency handling and transporting of small quantities of chemical surety material or suspected chemical surety material, whether or not classified as hazardous or toxic waste, from a discovery site to a permitted storage, treatment, or disposal facility.

DoW A112-30. Immediate responses to the release or discharge of oil or hazardous materials in accordance with an approved Spill Prevention and Response Plan or Spill Contingency Plan or that are otherwise consistent with the requirements of the National Contingency Plan.

DoW A113-31. Relocating a small number of aircraft to an installation with similar aircraft that does not result in a significant increase of total flying hours or the total number of aircraft operations, a change in flight tracks, or an increase in permanent personnel or logistics support requirements at the receiving installation. Repetitive use of this CATEX at an installation requires further analysis to determine there are no cumulative impacts. The EPF must document application of this CATEX on AF Form 813. (See TAB B)

DoW A114-32. 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.

DoW A115-33. 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.

DoW A116-34. Supersonic flying operations over land and above 30,000 feet MSL, or over water and above 10,000 feet MSL and more than 15 nautical miles from land.

DoW A117-35. Formal requests to the FAA, or host-nation equivalent agency, to establish or modify special use airspace (for example, restricted areas, warning areas, military operating areas) and military training routes for subsonic operations that have a base altitude of 3,000 feet above ground level or higher. The EPF must document application of this CATEX on AF Form 813, which must accompany the request to the FAA. (See TAB B)

DoW A118-36. Adopting airfield approach, departure, and en route procedures that are less than 3,000 feet above ground level, and that also do not route air traffic over noise-sensitive areas, including residential neighborhoods or cultural, historical, and outdoor recreational areas. The EPF may categorically exclude such air traffic patterns at or greater than 3,000 feet above ground level regardless of underlying land use.

DoW A119-37. Participating in “air shows” and fly-overs by Air Force aircraft at non-Air Force public events after obtaining FAA coordination and approval.

DoW A120-38. 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.

III. Department of the Navy[3]

DoW A121-1. Routine fiscal and administrative activities, including administration of contracts.

DoW A122-2. Routine law and order activities performed by military personnel, military police, or other security personnel, including physical plant protection and security.

DoW A123-3. Routine use and operation of existing facilities, laboratories, and equipment.

DoW A124-4. Administrative studies, surveys, and data collection.

DoW A125-5. Issuance or modification of administrative procedures, regulations, directives, manuals, or policy.

DoW A126-6. Military ceremonies.

DoW A127-7. Routine procurement of goods and services conducted in accordance with applicable procurement regulations, executive orders, and policies.

DoW A128-8. 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).

DoW A129-9. Training of an administrative or classroom nature.

DoW A130-10. Routine personnel actions.

DoW A131-11. Routine movement of mobile assets (such as ships, submarines, aircraft, and ground assets for repair, overhaul, dismantling, disposal, homeporting, home basing, temporary reassignments; and training, testing, or scientific research) where no new support facilities are required.

DoW A132-12. Routine procurement, management, storage, handling, installation, and disposal of commercial items, where the items are used and handled in accordance with applicable regulations (e.g., consumables, electronic components, computer equipment, pumps);

DoW A133-13. Routine recreational and welfare activities.

DoW A134-14. 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.

DoW A135-15. Routine movement, handling, and distribution of materials, including hazardous materials and wastes that are moved, handled, or distributed in accordance with applicable regulations.

DoW A136-16. New activities conducted at established laboratories and plants (including contractor-operated laboratories and plants) where all airborne emissions, waterborne effluent, external

[3] Title 32 CFR Part 775

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

DoW A137-17. 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).

DoW A138-18. 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.

DoW A139-19. 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.

DoW A140-20. 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.

DoW A141-21. Decommissioning, disposal, or transfer of naval vessels, aircraft, vehicles, and equipment when conducted in accordance with applicable regulations, including those regulations applying to removal of hazardous materials.

DoW A142-22. Non-routine repair and renovation, and donation or other transfer of structures, vessels, aircraft, vehicles, landscapes, or other contributing elements of facilities listed or eligible for listing on the National Register of Historic Places.

DoW A143-23. 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.

DoW A144-24. Military training conducted on or over nonmilitary land or water areas, where such training is consistent with the type and tempo of existing non-military airspace, land, and water use (e.g., night compass training, forced marches along trails, roads, and highways, use of permanently established ranges, use of public waterways, or use of civilian airfields).

DoW A145-25. Transfer of real property from the DON to another military department or to another Federal agency.

DoW A146-26. Receipt of property from another Federal agency when there is no anticipated or proposed substantial change in land use.

DoW A147-27. Minor land acquisitions or disposals where anticipated or proposed land use is similar to existing land use and zoning, both in type and intensity.

DoW A148-28. Disposal of excess easement interests to the underlying fee owner.

DoW A149-29. Initial real estate in grants and out grants involving existing facilities or land with no significant change in use (e.g., leasing of federally owned or privately owned housing or office space, and agricultural out leases).

DoW A150-30. Renewals and minor amendments of existing real estate grants for use of Government-owned real property where no significant change in land use is anticipated.

DoW A151-31. Land withdrawal continuances or extensions that establish time periods with no significant change in land use.

DoW A152-32. Grants of license, easement, or similar arrangements for the use of existing rights-of-way or incidental easements complementing the use of existing rights-of-way for use by vehicles (not to include significant increases in vehicle loading); electrical, telephone, and other transmission and communication lines; water, wastewater, storm water, and irrigation pipelines, pumping stations, and facilities; and for similar utility and transportation uses.

DoW A153-33. 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.

DoW A154-34. 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.

DoW A155-35. Acquisition, installation, modernization, repair, or operation of utility (including, but not limited to, water, sewer, and electrical) and communication systems (including, but not limited to, data processing cable and similar electronic equipment) that use existing rights of way, easements, distribution systems, and facilities.

DoW A156-36. Decisions to close facilities, decommission equipment, or temporarily discontinue use of facilities or equipment, where the facility or equipment is not used to prevent or control environmental impacts.

DoW A157-37. Maintenance dredging and debris disposal where no new depths are required, applicable permits are secured, and disposal will be at an approved disposal site.

DoW A158-38. Relocation of personnel into existing federally owned or commercially leased space that does not involve a substantial change affecting the supporting infrastructure (e.g., no increase in vehicular traffic beyond the capacity of the supporting road network to accommodate such an increase).

DoW A159-39. Pre-lease upland exploration activities for oil, gas, or geothermal reserves, (e.g., geophysical surveys).

DoW A160-40. 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).

DoW A161-41. Reintroduction of endemic or native species (other than endangered or threatened species) into their historic habitat when no substantial site preparation is involved.

DoW A162-42. Temporary closure of public access to DON property to protect human or animal life.

DoW A163-43. 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.

DoW A164-44. 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.

DoW A165-45. 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.

DoW A166-46. 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.

DoW A167-47. Modernization (upgrade) of range and training areas, systems, and associated components (including, but not limited to, targets, lifters, and range control systems) that support 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).

DoW A168-48. 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).

DoW A169-49. DON 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 obtain written confirmation the other Service does not object to using its 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's 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.

IV. Defense Threat Reduction Agency[4]

DoW A170-1. Normal personnel, fiscal or budgeting, and administrative activities and decisions, including those involving military and civilian personnel such as example, recruiting, processing, data collection, conducting surveys, payroll, and recordkeeping.

DoW A171-2. Preparing, revising, or adopting regulations, instructions, directives, or guidance documents including those that implement without substantial change the regulations, instructions, directives, or guidance documents from higher headquarters or other Federal agencies.

DoW A172-3. Decreases, increases, relocation and realignment of personnel into an existing Federally-owned space that does not involve a substantial change affecting the supporting infrastructure or use of space (e.g., no increase in traffic beyond the capacity of the supporting network to accommodate such an increase).

DoW A173-4. Routine procurement of goods and services conducted in accordance with applicable procurement regulations and green purchasing requirements including office supplies, equipment, mobile assets, and utility services for routine administration, operation, and maintenance.

DoW A174-5. Administrative study efforts involving no commitment of resources other than personnel and funding allocations. If any of these study efforts result in proposals for further action, those proposals must be considered separately by an appropriate CATEX or NEPA analysis. Examples include, but are not limited to: studies and surveys conducted to further administrative, personnel-related, engineering, safety, security, siting, and facility audit activities.

DoW A175-6. Studies, monitoring, data and sample collection, and information gathering that involve no permanent physical change to the environment. If any of these activities result in proposals for further action, those proposals must be considered by an appropriate CATEX or NEPA analysis. Examples include, but are not limited to:

- Surveys for threatened and endangered species, wildlife and wildlife habitat, historic properties and archeological sites; wetland delineations; minimal water, air, waste; material and soil sampling (e.g., grab samples);
- Environmental Baseline Surveys or Environmental Condition of Property Surveys; and
- Topographical surveying and mapping that does not require cutting and/or removal of trees.

[4] Volume 81 Federal Register (FR) 61200

DoW A176-7. Sampling, borehole drilling, well drilling and installations, analytical testing, site preparation, and minimally intrusive physical testing. These activities could involve minor clearing and grubbing or movement of heavy equipment such as drill rigs. If any of these actions result in proposals for further actions, those proposals must be considered by an appropriate CATEX or NEPA analysis. Examples include, but are not limited to:

- Sampling for asbestos-containing materials, polychlorinated biphenyls, and lead-based paint.
- Topographical surveys and surveys for unexploded ordnance.
- Minimally-intrusive (no more than 25 square feet of disturbed surface area) geological, geophysical surveys, geo-technical activities, and seismic studies.
- Minimally-intrusive sampling to determine if hazardous wastes, contaminants, pollutants, or special hazards are present.
- Ground water monitoring wells, subsurface soil sampling, and soil borings.

DoW A177-8. Immediate responses to the release or discharge of oil or hazardous materials in accordance with an approved Spill Prevention, Control and Countermeasure Plan or Spill Contingency (SPCC) Plan, or that is otherwise consistent with the requirements of the EPA National Contingency Plan.

DoW A178-9. Temporary use of transportable power generators or operational support equipment when located in a previously disturbed area and when operated in compliance with applicable regulatory requirements.

DoW A179-10. Routine movement, handling, use, and distribution of materials, including sealed radioactive sources, special nuclear material, hazardous materials or wastes moved, handled, or distributed in accordance with applicable regulations, such as the DTRA/SCC-WMD Nuclear Regulatory Commission license, Resource Conservation and Recovery Act, National Oil and Hazardous Substance Pollution Contingency Plan, Occupational Safety and Health Act, and Hazardous Materials Transportation Act.

DoW A180-11. Routine movement of mobile test assets (such instrument trailers, cameras, portable antennas, etc.) for routine missile defense test and evaluation, for repair, overhaul or maintenance where no new support facilities are required.

DoW A181-12. Activities and operations to be conducted in an existing non-historic structure which are within the scope of, and are compatible with, 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.

DoW A182-13. Acquisition, installation, modification, routine repair and replacement, and operation of utility (e.g., water, sewer, and electrical) and communication systems, mobile antennas, data processing cable, and similar electronic equipment that use existing rights-of-way, easements, distribution systems, facilities, or previously disturbed land.

DoW A183-14. Acquisition, installation, or minor relocation, operation and maintenance, or evaluation of physical security devices or controls to protect human or animal life and to enhance the physical security of existing critical assets in compliance with applicable Federal, tribal, state and local requirements to protect the environment. Examples include, but are not limited to:

- Motion detection systems.
- Lighting.
- Remote video surveillance systems.
- Access controls.
- Physical barriers, fences, grating, on or adjacent to existing facilities.

DoW A184-15. Installation and maintenance of archaeological, historical, and endangered or threatened species avoidance markers, fencing, and signs.

DoW A185-16. Road or trail construction and repair on existing rights-of-ways or in previously disturbed areas which do not result in a change in functional use. Runoff, erosion, and sedimentation are controlled through implementation of best management practice.

DoW A186-17. Routine repair and maintenance of buildings, 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.

DoW A187-18. 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 five cumulative acres of new surface disturbance. This CATEX encompasses activities that do not have an individual or cumulative significant impact on the environment because:

- The activity is of a type that would be consistent with approved military installation or industrial site management plans and is thereby compatible with existing land use for the location;
- Actions are areas where the quality of biological resources would be minimal or nonexistent and cultural resources are likely to have been previously identified and addressed (or already disturbed), thereby eliminating potential biological or cultural resource impacts;
- The traffic impact (if any) would be limited and not exceed the capability of existing road networks;
- Construction would be limited to a type and scale that does not exceed construction already existing in the area;
- Construction would be conducted in accordance with applicable SOPs and BMPs;

- Indirect (cumulative) impacts from associated infrastructure (e.g., utilities) would be limited in scope; and
- Certain types of facilities with potentially significant impacts, e.g., solid or hazardous waste facilities, are excluded from this CATEX.

DoW A188-19. Demolition of non-historic buildings, structures, or other improvements and repairs that result in disposal of debris there-from, or removal of a part thereof for disposal, in accordance with applicable regulations, including those regulations applying to removal of asbestos containing materials, polychlorinated biphenyls, lead-based paint, and other special hazard items.

DoW A189-20. Research, testing, and operations conducted at existing facilities (including contractor-operated laboratories and plants) and in compliance with all applicable safety, environmental, and natural conservation laws (because of these controls, these types of activities have little potential for significant environmental impacts.) Examples include, but are not limited to: nuclear weapons effects simulators, weapons performance measurement, wind tunnels, high energy lasers, remote sensing instruments, vacuum chambers, high altitude simulator facilities, and propellant testing facilities.

DoW A190-21. Routine installation and use of cameras, communications equipment, and other essentially similar facilities and equipment within a military installation, training area, test area, or previously disturbed area that conform to current American National Standards Institute/Institute of Electrical and Electronics Engineers guidelines, Federal Communications Commission Radio Frequency Exposure Limits 1.1310, and Electric and Magnetic Fields Exposure Directive 99/519/EC for maximum permissible exposure to electromagnetic fields.

DoW A191-22. Routine law and order activities performed by military personnel, military police, or other security personnel, including physical plant protection and security.

V. Defense Logistics Agency[5]

(a) Administrative and Contractual Activities

DoW A192-1. Normal personnel, fiscal, and administrative activities (recruiting, processing, pay, and recordkeeping). These activities include preparation of administrative or personnel-related studies, reports, and investigations.

DoW A193-2. Routine law and order activities performed by military, military police, physical plant protection, and security personnel and civilian natural resources and environmental law officers.

DoW A194-3. Studies, inspections, surveys, and investigations or other planning documents involving manpower and/or funding resources not having an environmental impact. (DLA Form 1664 Required). (See TAB C)

DoW A195-4. Reductions and realignments of civilian and/or military personnel that do not require notification of Congress under 10 U.S.C. 2687. This includes reorganizations and reassignments

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with no changes in force structure, unit re-designations, and routine administrative reorganizations or consolidations. (DLA Form 1664 required). (See TAB C)

DoW A196-5. Preparation of regulations, procedures, manuals and other guidance documents that implement without substantive change, the applicable DLA, higher headquarters or other federal agency regulations, procedures, manuals and other guidance documents.

DoW A197-6. Actions to suspend or debar contractors or individuals from doing business with DOD and to determine what actions should be taken with respect to such contractors and individuals.

DoW A198-7. Determinations on mistakes in bid and requests for extraordinary contractual relief.

DoW A199-8. Financial management activities, including budgeting, finance, and accounting, development of performance standards and manpower requirements, operation of Management Information System, and evaluation of performance.

DoW A200-9. Contract administration services, including pre-award surveys, production surveillance, quality assurance, and other activities related to the administration of defense contracts if conducted in accordance with applicable contract and environmental laws and regulations.

DoW A201-10. Activities of contractors under the administrative control of the DLA

DoW A202-11. Conversion of commercial activities under the provision of OMB Circular A-76. This includes only those actions that do not change the actions or the missions of DLA or alter the existing land-use patterns. (DLA Form 1664 Required). (See TAB C)

(b) Operational, Business and Logistical Activities

DoW A203-1. Recreation and welfare activities other than fish and wildlife management operations.

DoW A204-2. Commissary, Post Exchange, and Officer and Non-Commissioned Officers' (NCO) Club operations.

DoW A205-3. Routine procurement of goods and services.

DoW A206-4. 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.

DoW A207-5. 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.

DoW A208-6. Management of assigned items, including procurement, related engineering support, storage, distribution, and transportation.

DoW A209-7. Technical and logistical services, including development and maintenance of the federal cataloging program, standardization programs, other technical information and analysis programs, and related activities operated or maintained by DLA.

DoW A210-8. Reutilization, transfer, donation or sale of DOD excess or surplus personal property.

DoW A211-9. Abandonment or destruction of surplus DOD personal property that is not hazardous or toxic.

DoW A212-10. Adoption of industry specifications for products and services in lieu of military standards and specifications.

DoW A213-11. Normal or routine basic and applied scientific research in compliance with all applicable safety, environment, and natural resource conservations laws.

DoW A214-12. Immediate responses to the release or discharge of oil or hazardous materials in accordance with an approved Spill Prevention and Response Plan or Spill Contingency Plan or that are otherwise consistent with the requirements of the National Contingency Plan. (DLA Form 1664 Required). (See TAB C)

DoW A215-13. 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). (See TAB C)

DoW A216-14. Emergency or disaster assistance provided to federal, state, or local entities. (DLA Form 1664 required). (See TAB C)

(c) Repair and Maintenance and Real Estate Activities

DoW A217-1. Routine repair and maintenance of buildings, roads, grounds, administrative vehicles, and operating and materials handling equipment.

DoW A218-2. 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). (See TAB C)

DoW A219-3. 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). (See TAB C)

DoW A220-4. Grants of easements for the use of existing rights-of-way for roads, electrical power, telephone, and other transmission and communication lines; water, sewage, storm water, and irrigation pipelines, pumping stations, and related facilities; and for other similar, public utility, and transportation uses. (DLA Form 1664 required). (See TAB C)

DoW A221-5. Grant of leases, licenses, inter-service support agreements, and permits to utilize DLA managed real property (e.g., classroom, office, warehouse, or administrative space). (DLA Form 1664 required). (See TAB C)

DoW A222-6. Reporting the availability of excess real property to the General Services Administration and the owning Military Service. (DLA Form 1664 required). (See TAB C)

DoW A223-7. Actions to negotiate the acquisition of rights, inventions, patents, and copyrights. Actions to negotiate licenses and other documents granting rights in inventions, patents, and copyrights owned and controlled by the government.

DoW A224-8. Demolition of non-historic buildings, structures or other improvements and removal and disposal of debris in accordance with applicable regulations including regulations which apply to asbestos, polychlorinated biphenyls, and lead-based paint. (DLA Form 1664 required). (See TAB C)

DoW A225-9. Application of pesticides in accordance with an Installation Pest Management Plan.

DoW A226-10. 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, polychlorinated biphenyls, lead-based paint, or unexploded ordnance) are present. (DLA Form 1664 required). (See TAB C)

DoW A227-11. Replacement of existing energy sources with alternative, renewable, or synthetic energy sources that comply with existing permit conditions. (DLA Form 1664 required). (See TAB C)

DoW A228-12. Analysis and assessment of the natural environment without altering it (inspections, audits, surveys, investigations), to include granting of permits necessary for such surveys, provided the technology or procedure involved is well understood and there are no adverse environmental impacts anticipated from it.

DoW A229-13. Undertaking of specific investigatory activities to support remedial action activities for the purpose of cleanup of corrective action sites. These activities include soil borings and sampling, installation, and operation of test or monitoring. (DLA Form 1664 required). (See TAB C)

DoW A230-14. Final cleanup actions when conducted in accordance with legal agreements, administrative orders, or work plans previously agreed to by EPA or state regulators. (DLA Form 1664 required). (See TAB C)

DoW A231-15. Removal of bulk containers (drums, barrels) that contain or may contain hazardous substances, pollutants, contaminants, Comprehensive Environmental Restoration Compensation Liabilities Act-excluded petroleum or natural gas products, or hazardous waste (designated in 40 CFR part 261 or applicable state requirements), if such actions would reduce the likelihood of spillage, leakage, fire, explosion, or exposure to humans, animals, or the food chain. (DLA Form 1664 required). (See TAB C)

DoW A232-16. Removal of an underground storage tank including its associated piping and underlying containment systems in compliance with RCRA, subtitle I; 40 CFR part 265, subpart J; and 40 CFR 280, subparts F and G, and similar provisions of state law and regulation if such action would reduce the likelihood of spillage, leakage, or spread of, or direct contact with contamination. (DLA Form 1664 required). (See TAB C)

DoW A233-17. Repair or replacement of leaking containers.

(d) Training and Testing Activities

DoW A234-1. On-the-job training activities and training entirely of an administrative or classroom nature.

DoW A235-2. 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.

VI. Missile Defense Agency[6]

DoW A236-1. Normal personnel, fiscal or budgeting, and administrative activities and decisions including those involving military and civilian personnel (for example, recruiting, processing, paying, and recordkeeping).

DoW A237-2. Preparing, revising, or adopting regulations, instructions, directives, or guidance documents including those that implement without substantial change the regulations, instructions, directives, or guidance documents from higher headquarters or other Federal agencies.

DoW A238-3. Decreases, increases, relocation, and realignment of personnel into existing Federally-owned or commercially-leased space that does not involve a substantial change affecting the supporting infrastructure or use of space (e.g., no increase in traffic beyond the capacity of the supporting network to accommodate such an increase).

DoW A239-4. Routine procurement of goods and services conducted in accordance with applicable procurement regulations, Executive Orders, and policies to support operations and infrastructure, including routine utility services and contracts.

DoW A240-5. Administrative study efforts involving no commitment of resources other than personnel and funding allocations. If any of these study efforts result in proposals for further action, those proposals must be considered separately by an appropriate CATEX or NEPA analysis. Examples include, but are not limited to: Studies to further administrative, personnel-related, architectural, engineering, safety, security, siting, and facility audit activities.

DoW A241-6. Studies, monitoring, data and sample collection, and information gathering that involve no permanent physical change to the environment. If any of these activities result in proposals for further action, those proposals must be considered by an appropriate CATEX or NEPA analysis. Examples include, but are not limited to:

a. Surveys for threatened and endangered species, wildlife and wildlife habitat, historic properties and archeological sites; wetland delineations; minimal water, air, waste, material, and soil sampling (e.g., grab samples).

b. Vulnerability, risk, and structural integrity assessments of infrastructure.

c. Environmental Baseline Surveys or Environmental Condition of Property Surveys.

[6] Volume 79 FR 46410

d. Topographical surveying and mapping that does not require cutting and/or removal of trees.

DoW A242-7. Sampling, well drilling and installation, analytical testing, site preparation, and minimally intrusive physical testing. These activities could involve minor clearing and grubbing or movement of heavy equipment such as drill rigs. If any of these actions result in proposals for further actions, those proposals must be considered by an appropriate CATEX or NEPA analysis. Examples include, but are not limited to:

a. Sampling for asbestos-containing materials (ACMs), polychlorinated biphenyls (PCBs), and lead-based paint (LBP).

b. Topographical surveys and surveys for unexploded ordnance.

c. Minimally-intrusive geological, geophysical surveys, geo-technical activities, and seismic studies.

d. Minimally-intrusive sampling to determine if hazardous wastes, contaminants, pollutants, or special hazards are present.

e. Ground water monitoring wells, subsurface soil sampling, and soil borings (REC required). (See TAB D)

DoW A243-8. Immediate response to the release or discharge of oil or hazardous materials in accordance with an approved Spill Prevention, Control, and Countermeasure (SPCC) Plan or Spill Contingency Plan, or that is otherwise consistent with the requirements of the EPA National Contingency Plan.

DoW A244-9. Temporary use of transportable power generators or operational support equipment when located in a previously disturbed area and when operated in compliance with applicable regulatory requirements.

DoW A245-10. Routine movement, handling, use, and distribution of materials, including hazardous materials or wastes moved, handled, or distributed in accordance with applicable regulations, such as the Resource Conservation and Recovery Act (RCRA), Occupational Safety and Health Administration (OSHA), and Hazardous Materials Transportation Act (HMTA).

DoW A246-11. Routine movement of mobile test assets (such as ships, aircraft, mobile sensors, telemetry, etc.) for routine missile defense test and evaluation; repair, overhaul or maintenance; or home port reassignments where no new support facilities are required.

DoW A247-12. Activities and operations to be conducted in an existing non-historic structure which are within the scope of and are compatible with the present functional use of the building, will not cause 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.

DoW A248-13. Acquisition, installation, modification, routine repair and replacement, and operation of utility (e.g., water, sewer, and electrical) and communication systems, mobile antennas, data processing cable and similar electronic equipment that use existing rights-of-way, easements, distribution systems, facilities, or previously disturbed land (REC required). (See TAB D)

DoW A249-14. Acquisition, installation or minor relocation, operation and maintenance, or evaluation of physical security devices or controls to protect human or animal life and to enhance the physical security of existing critical assets in compliance with applicable Federal, tribal, state and local requirements to protect the environment. Examples include, but are not limited to:

a. Motion detection systems.

b. Raptor electrocution prevention devices.

c. Lighting.

d. Remote video surveillance systems.

e. Access controls.

f. Physical barriers, fences, grating, on or adjacent to existing facilities (REC required). (See TAB D)

DoW A250-15. Maintenance of archaeological, historical, and endangered or threatened species avoidance markers, fencing, and signs.

DoW A251-16. Road or trail construction and repair on existing rights-of-ways or in previously disturbed areas which do not result in a change in functional use. Runoff, erosion, and sedimentation are controlled through implementation of best management practices (REC required). (See TAB D)

DoW A252-17. 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.

DoW A253-18. 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). (See TAB D)

DoW A254-19. Demolition of non-historic buildings, structures, or other improvements and repairs that result in disposal of debris therefrom, or removal of a part thereof for disposal, in accordance with applicable regulations, including those regulations applying to removal of ACM, PCBs, LBP, and other special hazard items (REC required). (See TAB D)

DoW A255-20. 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.

DoW A256-21. Routine installation and use of radars, telemetry systems, communications equipment, and other essentially similar facilities and equipment within a launch facility, mobile platform, military installation, training area, or previously disturbed area that conform to current American National Standards Institute/ Institute of Electrical and Electronics Engineers (ANSI/IEEE) guidelines for maximum permissible exposure to electromagnetic fields (REC required). (See TAB D)

VII. United States Army Corps of Engineers[7]

DoW A257-1. Fixed or floating small private piers, small docks, boat hoists and boathouses.

DoW A258-2. Minor utility distribution and collection lines including irrigation;

DoW A259-3. Minor maintenance dredging using existing disposal sites;

DoW A260-4. Boat launching ramps;

DoW A261-5. All applications which qualify as letters of permission (as described at 33 CFR 325.5(b)(2)).

VIII. Civil Works Program of the U.S. Army Corps of Engineers[8]

DoW A262-1. 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.

DoW A263-2. Minor maintenance dredging using existing disposal sites.

DoW A264-3. Planning and technical studies which do not contain recommendations for authorization or funding for construction, but may recommend further study. This does not exclude consideration of environmental matters in the studies.

DoW A265-4. All Operations and Maintenance grants, general plans, agreements, etc., necessary to carry out land use, development and other measures proposed in project authorization documents, project design memoranda, master plans, or reflected in the project NEPA documents.

DoW A266-5. Real estate grants for use of excess or surplus real property.

[7] Title 33 CFR Part 325; Appendix B
[8] Title 33 CFR 230

DoW A267-6. Real estate grants for Government-owned housing.

DoW A268-7. Exchanges of excess real property and interests therein for property required for project purposes.

DoW A269-8. Real estate grants for rights-of-way which involve only minor disturbances to earth, air, or water:

i. Minor access roads, streets and boat ramps.

ii. Minor utility distribution and collection lines, including irrigation.

iii. Removal of sand, gravel, rock, and other material from existing borrow areas.

iv. Oil and gas seismic and gravity meter survey for exploration purposes.

DoW A270-9. Real estate grants of consent to use Government-owned easement areas.

DoW A271-10. Real estate grants for archeological and historical investigations compatible with the Corps Historic Preservation Act responsibilities.

DoW A272-11. Renewal and minor amendments of existing real estate grants evidencing authority to use Government-owned real property.

DoW A273-12. Reporting excess real property to the General Services Administration for disposal.

DoW A274-13. Boundary line agreements and disposal of lands or release of deed restrictions to cure encroachments.

DoW A275-14. Disposal of excess easement interest to the underlying fee owner.

DoW A276-15. Disposal of existing buildings and improvements for off-site removal.

DoW A277-16. Sale of existing cottage site areas.

DoW A278-17. Return of public domain lands to the Department of the Interior.

DoW A279-18. Transfer and grants of lands to other Federal agencies.

Appendix B

Department of War Categorical Exclusions Established Through Adoption

Last Updated: October 8, 2026

Categorical Exclusions (CATEXs) established by the Department of War (DOW) through adoption, are hereby available for all of the DOW, as defined, to use regardless of original establishing agency (i.e., any DOW entity can use another DOW CATEX without having to go through the formal adoption process in the DOW NEPA Implementing Procedures). Examples of CATEX documentation forms have been provided as TABs A, B, C, and D. The list of CATEXs is subject to continual review and modification. DOW will periodically evaluate the need for new CATEXs and follow the process detailed in its procedures.

CATEXs are grouped by establishing agency listed in the table of contents below:

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BI. Agricultural Research Services (ARS)[1]

DoW B1-1. Research programs or projects of limited size and magnitude or with only short-term effects on the environment. Examples are:

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

b. Inventories, studies or other such activities that have limited context and minimal intensity in terms of changes in the environment.

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

BII. Department of Energy (DOE)[2,3,4]

DoW B2-1. Electric vehicle charging stations: The installation, modification, operation, and removal of electric vehicle charging stations, using commercially available technology, within a previously disturbed or developed area. Covered actions are limited to areas where access and parking are 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.

DoW B3-2. 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.

DoW B4-3. Microwave, Meteorological, and Radio Towers. Siting, construction, modification, operation, and removal of microwave, radio communication, and meteorological towers and associated facilities, provided that the towers and associated facilities would not be in a governmentally designated scenic area (see B(4)(iv) of this appendix) unless otherwise authorized by the appropriate governmental entity.

DoW B5-4. 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).

[1] 89 FR 92911
[2] 89 FR 55933
[3] 91 FR 8847
[4] 91 FR 56135

DoW B6-5. Contracts, Policies, and Marketing and Allocation Plans for Electric Power. Establishment and implementation of contracts, policies, and marketing and allocation plans related to electric power acquisition that involve only the use of the existing transmission system and existing generation resources operating within their normal operating limits.

DoW B7-6. Export of Electrical Energy. Export of electric energy as provided by Section 202(e) of the Federal Power Act over existing transmission systems or using transmission system changes that are themselves categorically excluded.

DoW B8-7. Power Marketing Services and Activities. Power marketing services and power management activities (including, but not limited to, storage, load shaping and balancing, seasonal exchanges, and other similar activities), provided that the operations of generating projects would remain within normal operating limits. (See B4.14 of this appendix for energy storage systems.)

DoW B9-8. Additions and Modifications to Transmission Facilities. Additions or modifications to electric power transmission facilities within a previously disturbed or developed facility area. Covered activities include, but are not limited to, switchyard rock grounding upgrades, secondary containment projects, paving projects, seismic upgrading, tower modifications, load shaping projects (such as reducing energy use during periods of peak demand), changing insulators, and replacement of poles, circuit breakers, conductors, transformers, and crossarms. (See B4.14 of this appendix for energy storage systems.)

DoW B10-9. Fiber Optic Cable. Adding fiber optic cables to transmission facilities or burying fiber optic cable in existing powerline or pipeline rights-of-way. Covered actions may include associated vaults and pulling and tensioning sites outside of rights-of-way in nearby previously disturbed or developed areas.

DoW B11-10. Electricity Transmission Agreements. New electricity transmission agreements, and modifications to existing transmission arrangements, to use a transmission facility of one system to transfer power of and for another system, provided that no new generation projects would be involved and no physical changes in the transmission system would be made beyond the previously disturbed or developed facility area.

DoW B12-11. Removal of Electric Transmission Facilities. Deactivation, dismantling, and removal of electric transmission facilities (including, but not limited to, electric powerlines, substations, and switching stations) and abandonment and restoration of rights-of-way (including, but not limited to, associated access roads).

DoW B13-12. Electric Power Substations and Interconnection Facilities. Construction or modification of electric power substations or interconnection facilities (including, but not limited to, switching stations and support facilities).

DoW B14-13. Construction of Powerlines. Construction of electric powerlines approximately 10 miles in length or less, or approximately 20 miles in length or less within previously disturbed or developed powerline or pipeline rights-of-way.

DoW B15-14. Upgrading and Rebuilding Existing Powerlines. Upgrading or rebuilding existing electric powerlines, which may involve relocations of small segments of the powerlines within an existing powerline right-of-way or within otherwise previously disturbed or developed lands (as discussed at section 5.4(b)(1)). Upgrading or rebuilding existing electric powerlines also may involve widening an existing powerline right-of-way to meet current electrical standards if the widening remains within previously disturbed or developed lands and only extends into a small area beyond such lands as needed to comply with applicable electrical standards. Covered actions would be in accordance with applicable requirements, including the integral elements listed at the start of this appendix; and would incorporate appropriate design and construction standards, control technologies, and best management practices. This categorical exclusion does not apply to underwater powerlines. As used in this categorical exclusion, "small" has the meaning discussed at section 5.4(b)(2)).

DoW B16-15. Construction and Operation of Electrochemical-Battery or Flywheel Energy Storage Systems. Construction, operation, upgrade, or decommissioning of an electrochemical-battery or flywheel energy storage system within a previously disturbed or developed area or within a small (as discussed at section 5.4(b)(2)) area contiguous to a previously disturbed or developed area. Covered actions would be in accordance with applicable requirements (such as land use and zoning requirements) in the proposed project area and the integral elements listed at the start of this appendix, and would incorporate appropriate safety standards (including the current National Fire Protection Association 855, Standard for the Installation of Stationary Energy Storage Systems), design and construction standards, control technologies, and best management practices.

DoW B17-16. Solar Photovoltaic Systems.

a. The installation, modification, operation, or decommissioning of commercially available solar photovoltaic systems:
    i. Located on a building or other structure (such as rooftop, parking lot or facility, or mounted to signage, lighting, gates, or fences); or
    ii. Located within a previously disturbed or developed area.
b. Covered actions would be in accordance with applicable requirements (such as land use and zoning requirements) in the proposed project area and the integral elements listed at the start this appendix, and would be consistent with applicable plans for the management of wildlife and habitat, including plans to maintain habitat connectivity, and incorporate appropriate control technologies and best management practices.

DoW B18-17. Electric Vehicle Charging Stations. The installation, modification, operation, and removal of electric vehicle charging stations, using commercially available

technology, within a previously disturbed or developed area. Covered actions are limited to areas where access and parking are 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.

DoW B19-18. Authorization, siting, construction, operation, reauthorization, and decommissioning of advanced nuclear reactors, provided DOE determines that:

a. the project's attributes, including potential fission product inventory, fuel type, reactor design, and operational plans, reduce sufficiently the risk of adverse offsite consequences from the release of radioactive or hazardous materials, and
b. the project demonstrates that any hazardous waste, radioactive waste, or spent nuclear fuel generated by the project can be managed in accordance with applicable requirements.

BIII. National Aeronautics and Space Administration (NASA)[5]

DoW B20-1. 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.

DoW B21-2. Research, development, and testing in compliance with all applicable Federal, federally recognized Indian Tribe, State, and/or local law or requirements and Executive orders

DoW B22-3. 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.

BIV. Tennessee Valley Authority (TVA)[6]

DoW B23-1. The following forest management activities:

a. Actions to manipulate species composition and age class, including, but not limited to, harvesting or thinning of live trees and other timber stand improvement actions (*e.g.,* prescribed burns, non-commercial removal, chemical control), generally covering up to 125 acres and requiring no more than 1 mile of temporary or seasonal permanent road construction.
b. Actions to salvage dead and/or dying trees including, but not limited to, harvesting of trees to control insects or disease or address storm damage (including removal of affected trees and adjacent live, unaffected trees as determined necessary to control

[5] 89 FR 92911
[6] 89 FR 92911

the spread of insects or disease), generally covering up to 250 acres and requiring no more than 1 mile of temporary or seasonal permanent road construction; and

c. Actions to regenerate forest stands, including, but not limited to, planting of native tree species upon site preparation, generally covering up to 125 acres and requiring no more than 1 mile of temporary or seasonal permanent road construction.

BV. United States Geological Survey (USGS)[7]

DoW B24-1. Collection of data and samples for geologic, paleontologic, hydrologic, mineralogic, geochemical and surface or subsurface geophysical investigations, and resource evaluation, including contracts therefor.

DoW B25-2. Establishment of survey marks, placement and operation of field instruments, and installation of any research/monitoring devices.

DoW B26-3. Digging and subsequent site restoration of exploratory trenches not to exceed one acre of surface disturbance.

BVI. United States Fish and Wildlife Service (USFS)[8]

DoW B27-1. Short-term (1 year or less) mineral, energy, or geophysical investigations and their incidental support activities that may require cross-country travel by vehicles and equipment, construction of less than 1 mile of low standard road, or use and minor repair of existing roads. Examples include, but are not limited to:

a. Authorizing geophysical investigations which use existing roads that may require incidental repair to reach sites for drilling core holes, temperature gradient holes, or seismic shot holes;
b. Gathering geophysical data using shot hole, vibroseis, or surface charge methods;
c. Trenching to obtain evidence of mineralization;
d. Clearing vegetation for sight paths or from areas used for investigation or support facilities;
e. Redesigning or rearranging surface facilities within an approved site;
f. Approving interim and final site restoration measures; and
g. Approving a plan for exploration which authorizes repair of an existing road and the construction of 1/3 mile of temporary road; clearing vegetation from an acre of land for trenches, drill pads, or support facilities.

DoW B28-2. 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:

[7] 91 FR 8847
[8] 91 FR 8847

a. Shall be conducted consistent with Agency and Departmental procedures and applicable land and resource management plans;
b. Shall not include the use of herbicides or pesticides or the construction of new permanent roads or other new permanent infrastructure; and
c. Shall be completed within 3 years following a wildland fire.

DoW B29-3. 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:

a. 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;
b. 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;
c. 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
d. Removing a small earthen and rock fill dam with a low hazard potential classification that is no longer needed.

BVII. Natural Resources Conservation Service (NRCS) [9]

DoW B30-1. Undertaking minor agricultural practices to maintain and restore ecological conditions in floodplains after a natural disaster or on lands impacted by human alteration. Examples of these practices include: mowing, haying, grazing, fencing, off-stream watering facilities, and invasive species control which are undertaken when fish and wildlife are not breeding, nesting, rearing young, or during other sensitive timeframes.

DoW B31-2. Implementing soil control measures on existing agricultural lands, such as grade stabilization structures (pipe drops), sediment basins, terraces, grassed waterways, filter strips, riparian forest buffer, and critical area planting.

BVIII. Department of the Interior (DOI) [10]

DoW B32-1. *(Not for use within the jurisdiction of the Ninth Circuit Court.) 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:

[9] 91 FR 8847
[10] 91 FR 8847

a. 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;
b. 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;"
c. Shall be conducted consistent with bureau and Departmental procedures and applicable land and resource management plans;
d. Shall not be conducted in wilderness areas or impair the suitability of wilderness study areas for preservation as wilderness; and
e. 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.

(* Indicates that DOI has a requirement to document the applicability of the CATEX and review of extraordinary circumstances)

BIX. Bureau of Land Management (BLM)[11]

DoW B33-1. * Approval of an operations plan and associated Geothermal Drilling Permits for a geothermal resource confirmation project, pursuant to 43 CFR part 3200, subpart 3260; which:

a. Does not include resource utilization;
b. Does not exceed 20 acres of total (contiguous or noncontiguous) surface disturbance;
c. Requires reclamation of all surface disturbances when their intended purpose has been fulfilled;
d. Requires reclamation of temporary routes when their intended purpose(s) has been fulfilled, unless through a separate review and decision-making process the BLM incorporates and appropriately designates the route as part of its transportation system;
e. Does not make a temporary route available for public use unless the temporary route is specifically intended to accommodate public use;
f. Requires temporary routes to be constructed and used so as to allow for the reclamation, by artificial or natural means, of vegetative cover on the temporary route and areas where the vegetative cover was disturbed by the construction or use of the route, and requires such treatment to be designed to reestablish vegetative cover as soon as possible, but at most within 10 years after approved reclamation commences; and,

[11] 91 FR 8847

g. Includes design elements to protect resources and resource uses consistent with the applicable Resource Management Plan, laws, regulations, and lease terms

(* Indicates that DOI has a requirement to document the applicability of the CATEX and review of extraordinary circumstances)

BX. Farm Service Agency (FSA) [12]

DoW B34-1. Conservation easement purchases with no construction planned.

[12] 91 FR 8847

Appendix C

Department of War Guidance for Categorical Exclusions Under the National Environmental Policy Act

Last Updated: September 3, 2026

APPENDIX C

DEPARTMENT OF WAR GUIDANCE FOR CATEGORICAL EXCLUSIONS UNDER THE NATIONAL ENVIRONMENTAL POLICY ACT

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I. Introduction

The Fiscal Responsibility Act of 2023[1] amended the National Environmental Policy Act of 1969[2] (NEPA) and incorporated the concept of categorical exclusions into statute[3] — codifying the practice long recognized by the Council on Environmental Quality (CEQ) and frequently used by Federal departments and agencies since the late 1970s. Under the 2023 amendments, NEPA:

- Formally defines a categorical exclusion as a "category of actions that a Federal agency has determined normally does not significantly affect the quality of the human environment[.]"[4]
- States that an agency is not required to prepare an environmental document, including an environmental assessment (EA) or environmental impact statement (EIS), if the action is excluded pursuant to a categorical exclusion.[5]
- Authorizes agencies to "adopt" categorical exclusions listed in another agency's NEPA procedures for a category of proposed agency actions for which the categorical exclusion was established and for subsequent application to the adopting agency's actions.[6]

To ensure consistent interpretation and implementation of NEPA's amendments throughout the Department of War (DoW), the Office of the Assistant Secretary of War for Energy, Installations, and Environment (OASW(EI&E)) issues this guidance to provide methods for establishing, applying, revising, and adopting categorical exclusions. This categorical exclusion guidance will assist the DoW Components in implementing the DoW NEPA Procedures[7] more transparently and efficiently.

A. Establishing, Revising, or Removing Categorical Exclusions

DoW Components may establish new or revise existing categorical exclusions if they determine that a category of actions normally does not significantly affect the quality of the human environment. This determination can be made after reviewing the environmental impacts of a class of proposed actions and finding that the actions typically result in no significant environmental impacts.

When DoW Components acquire new responsibilities through legislation or administrative restructuring that entail new activities with potential environmental impacts, they should be prepared to propose the establishment or adoption of new categorical exclusions after they gain sufficient experience with the new activities. This should include the development of sufficient environmental documentation to make a reasoned determination that environmental impacts are

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[1] Pub. L. 118-5 (2023)
[2] Pub. L. 91-190. 42 U.S.C. §§ 4321–4347 (1970), as amended.
[3] Pub. L. 118-5, § 321, 137 Stat. 10, 38-46 (2023).
[4] 42 U.S.C. § 4336e(1), NEPA Sec. 111(1).
[5] 42 U.S.C. § 4336(a)(2), NEPA Sec. 106(a)(2).
[6] 42 U.S.C. § 4336c, NEPA Sec. 109.
[7] https://www.denix.osd.mil/nepa/

not significant for the category of action(s), and establish an administrative record that substantiates the determination will likely not result in extraordinary circumstances.

DoW Components may reassess the applicability of their categorical exclusions to ensure continued compliance with NEPA's statutory definition of actions that "normally do not significantly affect the quality of the human environment." If the DoW Component determines, based on new information, that a category of actions previously excluded may result in significant impacts, the categorical exclusion may no longer be appropriate and the DoW Component should recommend to the OASW(EI&E) to consider the categorical exclusion for removal.

Alternatively, DoW may determine that it is appropriate to remove a categorical exclusion from the DoW NEPA Procedures when the categorical exclusion is no longer in use. There may also be instances when DoW's statutory authority has been amended such that the Department no longer carries out the excluded category of actions, or when a categorical exclusion applies to a category of actions that are not major Federal actions[8] subject to NEPA.

B. Adopting a Categorical Exclusion from Another Agency

NEPA, as amended, provides agencies with authority to "adopt" categorical exclusions established by other agencies for application to the adopting agency's similar action. Section III of this document includes guidance for DoW Components to follow for adopting a categorical exclusion from another agency. If the establishing agency revises a categorical exclusion that a DoW Component has adopted, the OASW(EI&E) will determine whether to retain the categorical exclusion as adopted, or to remove the adopted categorical exclusion and adopt the revised categorical exclusion based on how the DoW Components have applied the categorical exclusion.

II. Establishing and Revising DoW Categorical Exclusions

A. To establish or revise a categorical exclusion, the DoW Component must determine that the category of actions normally does not significantly affect the quality of the human environment. In making this determination, the DoW Component must:

1. Develop a written record substantiating the determination that the category of actions proposed for exclusion normally does not significantly affect the quality of the human environment. The extent of the substantiation record should be sufficient to analyze the reasonably foreseeable impacts of the category of actions covered.

[8] 42 USC § 4336e(10), NEPA Sec. 111(10).

a) DoW Components may rely on one or more types of data and resources to substantiate their determination (*i.e.*, "substantiation methods")[9]. Examples of some commonly used substantiation methods include:

(1) analyzing previously completed environmental reviews of actions that the agency itself or another agency found did not have significant environmental effects;

(2) analyzing another agency's categorical exclusion of a substantively similar or identical category of actions; and

(3) relying upon the experience and expertise of agency staff or outside experts familiar with the category of actions and their potential environmental effects, as well as published peer-reviewed literature or data relevant to the category of actions being considered. When relying on this method, the substantiation record should describe the experience and expertise of the parties and any methods they employed in making their determination. Experts will document the integrity and completeness of information per DoW NEPA Procedures, Section 3.7.

b) If relying on a combination of substantiation methods, DoW Components should explain whether their determination that the category of actions normally will not have significant environmental effects is based on the combination of methods in its totality or is independently and adequately justified by one or more of the methods employed.

2. The DoW Component will prepare draft documentation of establishing or revising categorical exclusion(s) for public notice. All categorical exclusion establishment and revision documentation shall include:

a) A description of the categorical exclusion to be established or revised and the DoW Component's reasoned determination that the excluded category of actions does not normally have a significant effect on the quality of the human environment. This should include the substantiation record with references or citations to any supporting documentation for the categorical exclusion (e.g., Finding(s) of No Significant Impact).

b) A brief summary of how the categorical exclusion will improve efficiency of the environmental review process for the action and resolve the demonstrated need, including any additional considerations or requirements.

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[9] NEPA requires agencies to use reliable data and resources in carrying out NEPA, including in the determination that a category of actions normally does not have significant environmental effects. Section 102(2)(E) of NEPA, 42 U.S.C. § 4332(2)(E); *cf*. section 106(b)(3) of NEPA, 42 U.S.C. § 4336(b)(3).

c) A brief summary of the DoW Component's objectives for consultation with CEQ.

d) A draft notice of categorical exclusion establishment or revision to be published in the *Federal Register* at the discretion of DoW. The draft notice should include the publicly accessible website where the substantiation record will be published.[10]

3. Notify the OASW(EI&E) and the Office of General Counsel (OGC) by emailing the written record and any associated relevant documentation to the OASW(EI&E) NEPA mailbox (osd.mc-alex.ousd-a-s.mbx.nepa@mail.mil) with the subject line "Notification of Categorical Exclusion Establishment/Revision."

4. The OASW(EI&E) will consult with CEQ on the DoW Component's proposed new or revised categorical exclusion(s), including the written record, for a period of 30 days prior to providing public notice of establishment of the categorical exclusion. The OASW(EI&E) will include the DoW Component proposing the new or revised categorical exclusion(s) on all notification and consultation emails and meetings with CEQ.

5. After consultation with CEQ, the final categorical exclusion establishment or revision documentation shall be approved by the OASW(EI&E) responsible official. The OASW(EI&E) will publish an announcement to the DoW NEPA community on the availability of the CATEX before publishing in the DoW NEPA Procedures.

6. If applicable, the OASW(EI&E) will publish the final categorical exclusion establishment or revision notice in the *Federal Register* and on a publicly accessible website for awareness. The OASW(EI&E) will maintain a record of public notices on the OSW DENIX webpage [https://www.denix.osd.mil/nepa/]. DoW Components may choose to have notices published on their respective websites in addition.

B. If the DoW Component or OASW(EI&E) becomes aware of substantial new information about the environmental effects from categories of actions categorically excluded, the DoW Component that established the existing categorical exclusion will determine whether to retain, revise, or remove that categorical exclusion and notify OASW(EI&E) of the DoW Component's determination.

C. A DoW Component may establish a categorical exclusion jointly with another non-DoW agency.[11] DoW can save administrative time and resources by establishing a

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[10] NEPA does not require agencies to solicit public comment when establishing or revising a categorical exclusion; however, it is at the discretion of DoW to solicit public involvement.

[11] Though DoW uses the term "joint" here to refer to the combined efforts of agencies to comply with NEPA, the use of this term should not be confused with the concept of "joint lead agency" in section 107(a)(1)(B), 42 U.S.C. § 4336a(a)(1)(B).

categorical exclusion jointly for activities requiring actions by multiple agencies. For example, where one agency provides funding for a category of actions that require a permit from another agency, the agencies may be able to establish a categorical exclusion that covers both the funding and permitting aspects of that activity.

D. Where a DoW Component proposes establishing a categorical exclusion jointly with another DoW Component, the DoW Component shall communicate with the OASW(EI&E) and other DoW Components prior to establishment to ensure consistency and avoid duplication.

E. Where DoW establishes categorical exclusions jointly, the DoW Component should follow the process identified above in Section II.A of this document for establishing a categorical exclusion and include the categorical exclusion in both DoW's and the other agency's NEPA implementing procedures.

F. The OASW(EI&E) will maintain a complete list of categorical exclusions in the Appendix of the DoW NEPA Procedures. This list will be updated semi-annually for new or revised categorical exclusions.

III. Removing a Categorical Exclusion

A. To remove a categorical exclusion from DoW's NEPA Procedures, the DoW Component that established the categorical exclusion proposed for removal will:

1. Develop a written justification for the removal of a DoW categorical exclusion. The documentation of the DoW Component's removal of the categorical exclusion shall include:

a) A description of the categorical exclusion to be removed from DoW's NEPA Procedures.

b) A brief summary of the DoW Component's reasoning and need for removal of the categorical exclusion. For example, if new evidence or DoW Component's experience shows that the category of action(s) does have significant impacts in some cases or if, after review, the DoW Component determines that the category of action(s) does have the potential to cause significant impacts.

c) The publicly accessible website where the notification and documentation will be published.

2. Notify OASW(EI&E) via the OASW(EI&E) NEPA mailbox (osd.mc-alex.ousd-a-s.mbx.nepa@mail.mil) that the DoW Component has identified a categorical exclusion for removal from the DoW NEPA Procedures. The OASW(EI&E) will notify all DoW Components of the proposed removal to ensure the categorical exclusion removal is appropriate.

3. OASW(EI&E) will notify other Federal agencies that have previously adopted the categorical exclusion that the categorical exclusion is proposed for removal.

4. OASW(EI&E) will coordinate with CEQ on the proposed removal of the categorical exclusion, including the written justification for the removal, for a period of 30 days prior to providing public notice. The OASW(EI&E) will include the DoW Component proposing the categorical exclusion removal on all notification and consultation emails and meetings with CEQ.

5. After consultation with CEQ, the final categorical exclusion removal documentation shall be approved by the OASW(EI&E) responsible official. The OASW(EI&E) will publish an announcement to the DoW NEPA community on the removal of the CATEX before the categorical exclusion is removed from the DoW's list of approved categorical exclusions.

6. If applicable, the OASW(EI&E) will publish the categorical exclusion removal notice in the *Federal Register* and on a publicly accessible website for awareness. The OASW(EI&E) will maintain a record of public notices on the OSW DENIX webpage. DoW Components may choose to have notices published on their respective websites in addition.

B. The OASW(EI&E) will maintain a complete list of categorical exclusions in the Appendix of the DoW NEPA Procedures. This list will be updated semi-annually for removed categorical exclusions.

C. The OASW(EI&E) will monitor the Federal Register for removal notices from other Federal agencies. The OASW(EI&E) will provide notice to the DoW Components if a categorical exclusion adopted by DoW from another agency is removed or proposed for removal.

IV. Categorical Exclusions from Other Agencies

A. A DoW Component may adopt a categorical exclusion listed in another agency's NEPA procedures for a category of proposed agency actions for which the categorical exclusion was established. The DoW Component should document the categorical exclusion adoption as follows:

1. Notify the OASW(EI&E) NEPA mailbox (osd.mc-alex.ousd-a-s.mbx.nepa@mail.mil) that the Component has identified a need to adopt a categorical exclusion listed in another agency's NEPA procedures.

2. Contact the agency that established the categorical exclusion to ensure that the agency is aware that the DoW Component intends to adopt that agency's categorical exclusion. As part of the notification, include the OASW(EI&E) NEPA mailbox (osd.mc-alex.ousd-a-s.mbx.nepa@mail.mil) on all notification emails and meetings.

3. Prepare draft documentation of the adoption of the categorical exclusion and document it in the DoW Component's administrative record and on a publicly accessible website. DoW Components are encouraged to develop standard

documentation for categorical exclusion adoptions. All categorical exclusion adoption documentation must include the following:

a) A description and reference/citation of the categorical exclusion proposed for adoption. If the agency that established the categorical exclusion did not document their determination, then the DoW Component will consult with the agency to verify that the establishing agency has not experienced complications in applying the categorical exclusion or that the establishing agency has not found the use of the categorical exclusion precluded by frequent extraordinary circumstance(s).

b) A description of how the DoW Component intends to use the adopted categorical exclusion for proposed actions. Include any additional considerations or requirements by the establishing agency that were provided to the Component in the categorical exclusion adoption consultation process.

c) A brief summary of the consultation process with the establishing agency, including resolutions, if any, that were agreed upon during the consultations.

4. Notify the OASW(EI&E) NEPA mailbox (osd.mc-alex.ousd-a-s.mbx.nepa@mail.mil) of final categorical exclusion(s) adopted so that the adopted categorical exclusion can be added to the DoW's list of approved categorical exclusions for use by all of DoW.

5. Publish the categorical exclusion adoption notice on a publicly accessible website. The OASW(EI&E) will maintain a record of public notices on the OSW DENIX webpage [https://www.denix.osd.mil/nepa/]. DoW Components may choose to have notices published on their respective websites in addition.

B. If another Federal agency outside of DoW requests to adopt a DoW categorical exclusion, the DoW Component that established the categorical exclusion and the OASW(EI&E) should consult with adopting agency to, if applicable, evaluate the categorical exclusion's applicability is accurately described and any conditions originally established by the DoW Component are fully understood by the adopting agency. DoW may provide written confirmation of the categorical exclusion adoption to the adopting agency.

C. If the OASW(EI&E), through routine monitoring of the *Federal Register* or other means, learns of another agency substantially revising a categorical exclusion adopted by DoW, the use of the categorical exclusion by DoW will be paused until the procedures outlined above in Section IV.A of this document are followed by the DoW Component that originally adopted the categorical exclusion. Within 60 days, the DoW Component that adopted the categorical exclusion will, in consultation with OASW(EI&E), determine if the categorical exclusion should be reestablished or if the categorical

exclusion will be removed. The purpose of this stoppage is to establish the applicability of the categorical exclusion revision(s) to the DoW's respective category of action(s).

D. The OASW(EI&E) will maintain a complete list of categorical exclusions in the Appendix of the DoW NEPA Procedures and update semi-annually for adopted categorical exclusions.

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TAB A: Department of the Army Record of Environmental Consideration

A Record of Environmental Consideration (REC) is a signed statement submitted with project documentation that briefly documents that an Army action has received environmental review. RECs are prepared for CATEXs that require them, and for actions covered by existing or previous NEPA documentation. A REC briefly describes the proposed action and timeframe, identifies the proponent and approving official(s), and clearly shows how an action qualifies for a CATEX, or is already covered in an existing EA or EIS. When used to support a CATEX, the REC must address the use of screening criteria to ensure that no extraordinary circumstances or situations exist. A REC has no prescribed format, as long as the above information is included. To reduce paperwork, a REC can reference such documents as real estate Environmental Baseline Studies (EBSs) and other documents, as long as they are readily available for review. While a REC may document compliance with the requirements of NEPA, it does not fulfill the requirements of other environmental laws and regulations. Figure 1 illustrates a possible format for the REC as follows:

Record of Environmental Consideration (REC)

To: (Environmental Officer)
From: (Proponent)
Project title:
Breif description:

Anticipated date and/or duration of proposed action: (Month/year)
Reason for using record of environmental consideration (choose one):
a. Adequantely covered in an (EA, EIS) entitled _____, dated _____,

The EA/EIS may be reviewed at _____, (location)
OR,
b. Is categorically excluded under the provisions of CX _____, AR 200-2, appendix A, (and no extraordinary circumstances exist as defined in paragraph 4-3), because

_____

_____

_____

Date Project Proponent

_____

Date Installation Environmental Coordinator

Variation from this format is acceptable provided basic information and approvals are included in any modified document.

Figure 1: Suggested format for Record of Environmental Consideration

TAB B: Department of the Air Force Form 813

REQUEST FOR ENVIRONMENTAL IMPACT ANALYSIS

INSTRUCTIONS: *Section I to be completed by Proponent; Sections II and III to be completed by Environmental Planning Function. Section IV available as continuation space. Add separate sheets as necessary and reference appropriate item number(s).*

SECTION I. PROPONENT INFORMATION

1. TO *(Environmental Planning Function)*	2. FROM *(Proponent organization and functional address symbol)*	2a. TELEPHONE NO.

3. TITLE OF PROPOSED ACTION

4. PURPOSE AND NEED FOR ACTION *(Problem Statement: Define the problem that needs a solution & outline goals that meet the solution.)*

a. Identify the Proposed Action *(Break out into concise discussion).*

b. State the purpose of this action.

c. State the need for this action.

5. DESCRIPTION OF PROPOSED ACTION AND ALTERNATIVES (DOPAA) *(Provide sufficient details for evaluation of the total action. Example questions to consider: What other alternatives have been considered (include the no action alternative)? What alternatives were eliminated from consideration and why? Within this scope of the proposal, is there a construction action and what is its timing? What is the project location (Attach map(s)/diagrams(s)) showing project area)? What are additional project requirements, for example, construction and site preparation (include approx. area of ground to be disturbed); laydown yard or storage area resulting in groundwork required; soil borings/sampling/potholing during the design phase (separate dig permit will be required); detailed operational activities; and equipment/material list. Will the project require utilities and if so, how will those utilities be provided to the facility? Any additional details related to the Description of the Proposed Action and Alternatives.*

6. PROPONENT APPROVAL *(Name and Grade)*	6a. SIGNATURE	6b. DATE

AF FORM 813, APR 25, CONTINUATION SHEET				
SECTION II - PRELIMINARY ENVIRONMENTAL SURVEY *(Check appropriate box and describe potential environmental affects including cumulative effects) (+=positive effect; 0=no effect; - =adverse effect; U=unknown effect)*	+	O	-	U
1. AIR INSTALLATION COMPATIBLE USE ZONE/LAND USE *(Noise, accident potential, encroachment, etc.)*	☐	☐	☐	☐
2. AIR QUALITY *(Emissions, attainment status, state implementation plan, etc.)*	☐	☐	☐	☐
3. WATER RESOURCES *(Quality, quantity, source, etc.)*	☐	☐	☐	☐
4. SAFETY AND OCCUPATION HEALTH *(Asbestos/radiation/chemical exposure, explosives safety quantity distance, bird/wildlife aircraft hazard, etc.)*	☐	☐	☐	☐
5. HAZARDOUS MATERIALS/WASTE *(Use/storage/generation,solid waste,etc.)*	☐	☐	☐	☐
6. BIOLOGICAL RESOURCES *(Wetlands/floodplains,threatened or endangered species, etc.)*	☐	☐	☐	☐
7. CULTURAL RESOURCES *(Native American burial site, archaeological, historical, etc.)*	☐	☐	☐	☐
8. GEOLOGY AND SOILS *(Topography, minerals, geothermal, seismicity, etc.)*	☐	☐	☐	☐
9. SOCIOECONOMIC *(Employment/population projections, school and local fiscal impacts, etc.)*	☐	☐	☐	☐
10. INSTALLATION RESTORATION PROGRAM (Per- and Polyfluoroalkyl Substances & other contaminants *in soil and groundwater)*	☐	☐	☐	☐
11. OTHER *(Potential impacts not addressed above)*	☐	☐	☐	☐

SECTION III - ENVIRONMENTAL ANALYSIS DETERMINATION

1. ☐ PROPOSED ACTION QUALIFIES FOR CATEGORICAL EXCLUSION (CATEX) # ; OR

☐ PROPOSED ACTION DOES NOT QUALIFY FOR A CATEX: FURTHER ENVIRONMENTAL ANALYSIS IS REQUIRED.

2. REMARKS

3. ENVIRONMENTAL PLANNING FUNCTION CERTIFICATION *(Name and Grade)*	3a. SIGNATURE	3b. DATE

SECTION IV - CONTINUATION OF SPECIFIC TOPICS *(Continue discussion from Sections I& II)*

SECTION IV - CONTINUED

TAB C: Defense Logistics Agency Form 1664

Clear

RECORD OF DETERMINATION
ENVIRONMENTAL EVALUATION

REPORT CONTROL SYMBOL
DD-M(AR)1327

TITLE OR DESCRIPTION OF PROPOSED ACTION *(Brief statement on proposed action)*

DATE OF PROPOSED ACTION *(Month and Year)*

BASED ON ANALYSIS, IT HAS BEEN DETERMINED THAT THE ACTION *(Select one of the following)*:

☐ 1a. Is covered in an existing EA or EIS, or is essentially identical to a previous action covered by an EA or EIS which revealed no significant environmental impact, and needs no further environmental analysis.

TITLE OF EA OR EIS _____

DATE _____

☐ 1b. Is partially covered in an existing EA or EIS and required preparation of a supplement.

TITLE OF EA OR EIS _____

DATE _____

☐ 2a. Is a categorically excluded action (CX), and there are no special circumstances that require further evaluation.

DLA CX NUMBER _____ *(See Attachment 1)*

☐ 2b. Has special circumstances associated with the action that disqualifies it as a CX. Consequently, an EA (EIS) is required.

REMARKS

TYPED NAME OF ENVIRONMENTAL STAFF OFFICER	SIGNATURE	DATE

TAB D: Missile Defense Agency Record of Environmental Consideration

MDA REC
Tracking Number:

APPENDIX C

MISSILE DEFENSE AGENCY
RECORD OF ENVIRONMENTAL CONSIDERATION

INSTRUCTIONS: *Top section to be completed by Proponent; continue on separate sheets as necessary.*

Title of Proposed Action:

Purpose and Need for Action (*identify decision to be made)*:

Description of Proposed Action and Alternative *(provide sufficient detail for evaluation of the total action, including total acreage, clearing requirements, etc.)*:

Anticipated Start Date:

Duration of the Proposed Action:

Signature: _____ Date: _____
Proposed Action Proponent

To Be Completed by MDA Environmental Management

Environmental Analysis Determination. MDA has determined the proposed action:

1. ☐ Qualifies for a Categorical Exclusion (CATEX) – See Attachment 1, MDA Environmental "Screening Checklist
   CATEX #:

2. ☐ Does not qualify for a CATEX: Further Environmental Analysis is required

List Applicable NEPA Documents:

Remarks:

Signature: _____ Date: _____
MDA Environmental Officer

Attachment 1
MDA Environmental Screening

A CATEX excludes a proposed action from further NEPA analysis. Do not use a CATEX if any of the following conditions are YES or UNKNOWN:

YES	NO	UNKNOWN	Description of the Reasonable Likelihood of the Proposed Action's Effect
☐	☐	☐	1. Significant impact on public health or safety?
☐	☐	☐	2. Imposes uncertain, unique, or unknown environmental risks, or is scientifically controversial?
☐	☐	☐	3. Establishes precedents or makes decisions in principle for future actions that have the potential for significant impacts?
☐	☐	☐	4. Threatens a violation of Federal, state, or local environmental laws?
			5. Involves an action that, as determined in coordination with the appropriate resource agency, may:
☐	☐	☐	a) Have an adverse effect on Federally listed endangered/ threatened species or marine mammals or their designated critical habitat?
☐	☐	☐	b) Have an adverse effect on coral reefs or Federally designated wilderness areas, wildlife refuges, marine sanctuaries, or parklands?
☐	☐	☐	c) Adversely affect the size, function, or biological value of wetlands and is not covered by a nationwide or regional permit?
☐	☐	☐	d) Have an adverse effect on archaeological resources or resources (including but not limited to ships, aircraft, vessels, and equipment) listed or determined eligible for listing on the National Register of Historic Places?
☐	☐	☐	e) Result in an uncontrolled or unpermitted release of hazardous substances or require a conformity determination under standards of the Clean Air Act General Conformity Rule?
☐	☐	☐	f) Have an adverse effect on water resources such as quality, quantity, floodplains, buffer zones, surface water, or ground water?
☐	☐	☐	6. Impacts other resources not addressed above (i.e., Installation Resource Program, soils, geology, hazardous material/waste, or land use)?
☐	☐	☐	7. Causes an increase in transportation congestion that will exceed capacity of the supporting infrastructure?

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TAB E: Department of War National Environmental Policy Act Implementing Procedures Change Log

Department of War National Environmental Policy Act Implementing Procedures Change Log

Version	Section	Original	Change Implemented	Date Implemented
Version 1.2	Global Change	Uses Department of Defense (DoD) and "DoD Components," applying enterprise-wide to Military Departments and USACE Civil Works.	Uses "Department of War (DoW)" and "DoW Components," applying enterprise-wide to Military Departments and USACE Civil Works.	April 30, 2026
Version 1.2	Appendix A	Appendix A. IX. Categorical Exclusions Established through Adoption	Categorical Exclusions Established through Adoption moved to Appendix B	April 30, 2026
Version 1.2	TAB B	Outdated Department of the Air Force Form 813	Updated Department of the Air Force Form 813 from 2025	April 30, 2026
Version 1.3	Appendix C	N/A	Department of War Guidance for Categorical Exclusions Under the National Environmental Policy Act included as Appendix C	September 3, 2026
Version 1.3	Appendix B	Appendix B Department of War Categorical Exclusions Established Through Adoption	Updated Appendix B to include Categorical Exclusions adopted by DoW in Quarter 4 of Fiscal Year 2026. New Categorical Exclusion DoW B19-18 included in Appendix B.	October 8, 2026
Version 1.3	Appendix A	Duplicate DTRA CATEX included in the list of Categorical Exclusions	Removed the duplicate CATEX and updated numbering for CATEXs in Appendix A	October 20, 2026