

Categorical Exclusions: Decision and Formats / Exercise 3

RICHARD: There are no public notification requirements for a CX, but you may choose to provide public review prior to reaching your decision. You may also choose to post notices regarding CXs on your NEPA register.

While use of a CX is not subject to protest and appeal, the decision on the action may be subject to protest and appeal. Completion of the CX documentation form is not itself a decision. If your program requires a decision document, you must prepare separate decision documentation following the program-specific requirements.

Examples of some kinds of actions that typically require decisions include sale and removal of hazard trees under forest management regulations, withdrawal extensions or modifications, or approval of notices of intent to conduct geophysical exploration for oil, gas, or geothermal.

MEAGAN: So we have discussed when you may need to document the use of a categorical exclusion. Let's go through how to actually fill out the CX documentation form. This documentation is found in your participant guide as well as Appendix 6 of the NEPA Handbook.

Section A of the form gives some general background information. You will need to provide the name of your office, any sort of case file or lease number, and detail your proposed action. This is maybe the most important aspect, and this is where you need to include the who, what, how, when, and where.

Moving on, you need to document your land use plan conformance. You must explain clearly how the action is specifically provided for in the plan. If your action is not specifically mentioned, be sure to explain how the action is clearly consistent with terms, conditions, and decisions of the land use plan. I find it helpful to provide a direct citation to your RMP in this section.

Identify which categorical exclusion applies to your action. Write out the entire CX and provide a citation.

In Part C of the form, there's a statement that no extraordinary circumstances apply. It may be valuable to include an explanation of how you reached the conclusion that no extraordinary circumstances apply in this situation.

The form also has a place to include any resource protection measures or project design features that you may be incorporating into the action.

Remember that the authorizing official must sign the categorical exclusion, and that you should provide a contact person with his or her contact information.

CATHY: So now that Meagan went through how to document your categorical exclusion, you have learned about the form. She stepped through the different sections. Now it's your turn to practice.

Categorical Exclusions: Decision and Formats / Exercise 3

Open your participant guide. We're going to do Exercise 3. Take out one of the categorical exclusions that you brought to this class. We want you to compare the CX form that we included in Exercise 3 with your CX. We included a completed categorical exclusion form. You can compare that with yours.

Answer the following questions and then jot down your findings. Are all the sections there? Is there extra sections? Are they filled out properly? For example, does your description of the proposed action include the who, what, how, when, where?

Does the land use plan conformance section include the decisions that specifically provide for the action or the decisions that the action is consistent with? It seems like that section usually needs the most improvement. People just say it's consistent, but they don't say how or they don't specify the decisions.

Now, compare your CX with the sample that we provided. Jot down any additional notes that you want to use for your next CX or for how you want to improve this current one if it is not finished yet. And then if you have any questions or if you have any epiphanies, talk it over with a colleague or a NEPA expert.

Now that you've got the instructions for this exercise, pause the video and complete the exercise. When you are done, hit play and you will finish the course.