

APPENDIX D

**POTENTIALLY APPLICABLE CATEGORICAL
EXCLUSIONS FROM DHS MANAGEMENT
DIRECTIVE 023-01**

The following categorical exclusions (CATEXs) from the Department of Homeland Security (DHS) Management Directive 023-01 are those most likely to be applicable to U.S. Customs and Border Protection (CBP) actions that are covered by this Programmatic Environmental Impact Statement (PEIS). (For a complete list of DHS CATEXs see Table 1 in DHS Management Directive 023-01.)

The actions marked by asterisks (*) have a higher possibility of involving extraordinary circumstances. A “Record of Environmental Consideration” (REC) will be prepared whenever a CATEX thus identified is used.

ADMINISTRATIVE CATEXs

A2—Reductions, realignments, or relocation of personnel that do not result in exceeding the infrastructure capacity or changing the use of space

A4—Information gathering, data analysis and processing, information dissemination, review, interpretation, and development of documents.

A6—Procurement of non-hazardous goods and services, and storage, recycling, and disposal of non-hazardous materials and wastes, that complies with applicable requirements and is in support of routine administrative, operational, or maintenance activities.

OPERATIONAL CATEXs

B1—Research, development, testing, and evaluation activities, or laboratory operations conducted within existing enclosed facilities consistent with previously established safety levels and in compliance with applicable Federal, tribal, state, and local requirements to protect the environment when it will result in no, or de minimus change in the use of the facility.

B2—Transportation of personnel, detainees, equipment, and evidentiary materials in wheeled vehicles over existing roads or jeep trails established by federal, tribal, state, or local governments, including access to permanent and temporary observation posts.

B3—Proposed activities and operations to be conducted in an existing structure that would be compatible with and similar in scope to its ongoing functional uses and would be consistent with previously established safety levels and in compliance with applicable Federal, tribal, state, or local requirements to protect the environment.

B7—Initial assignment or realignment of mobile assets, including vehicles, vessels and aircraft, to existing operational facilities that have the capacity to accommodate such assets or where supporting infrastructure changes will be minor in nature to perform as new homeports or for repair and overhaul.

B8*—Acquisition, installation, maintenance, operation, or evaluation of security equipment to screen for or detect dangerous or illegal individuals or materials at existing facilities and the eventual removal and disposal of that equipment in compliance with Applicable Federal, tribal, state, and local requirements to protect the environment. Examples of the equipment include, but are not limited to: (a) low-level X-ray devices, (b) cameras and biometric devices, (c) passive inspection devices, (d) detection or security systems for explosive,

biological, or chemical substances, and, (e) access controls, screening devices, and traffic management systems.

B9*—Acquisition, installation, operation, or evaluation of physical security devices, or controls to enhance the physical security of existing critical assets and the eventual removal and disposal of that equipment in compliance with applicable requirements to protect the environment. Examples include, but are not limited to: (a) motion detection systems, (b) use of temporary barriers, fences, and jersey walls on or adjacent to existing facilities or on land that has already been disturbed or built upon, (c) impact resistant doors and gates, (d) X-ray units, (e) remote video surveillance systems, (f) diver/swimmer detection systems, except sonar, (g) blast/shock impact-resistant systems for land based and waterfront facilities, (i) column and surface wraps, and (j) breakage/shatter-resistant glass.

B10—Identifications, inspections, surveys, or sampling, testing, seizures, quarantines, removals, sanitization, and monitoring of imported products that cause little or no physical alteration of the environment.

B11—Routine monitoring and surveillance activities that support law enforcement or homeland security and defense operations, such as patrols, investigations, and intelligence gathering, but not including any construction activities (construction activities are addressed in section E of these CATEXs).

REAL ESTATE ACTIVITIES

C1—Acquisition of an interest in real property that is not within or adjacent to environmentally sensitive areas, including interests less than a fee simple, by purchase, lease, assignment, easement, condemnation, or donation, which does not result in a change in the functional use of the property.

C2—Lease extensions, renewals, or succeeding leases where there is no change in the facility's use and all environmental operating permits have been acquired and are current.

REPAIR AND MAINTENANCE ACTIVITIES

D1—Minor renovations and additions to buildings, roads, airfields, grounds, equipment, and other facilities that do not result in a change in the functional use of the real property (e.g. realigning interior spaces of an existing building, adding a small storage shed to an existing building, retrofitting for energy conservation, or installing a small antenna on an already existing antenna tower that does not cause the total height to exceed 200 feet and where the FCC would not require an environmental assessment or environmental impact statement for the installation).

D2—Routine upgrade, repair, maintenance, or replacement of equipment and vehicles, such as aircraft, vessels, or airfield equipment, that does not result in a change in the functional use of the property.

D3—Repair and maintenance of Department-managed buildings, roads, airfields, grounds, equipment, and other facilities which do not result in a change in functional use or an impact on a historically significant element or setting (e.g., replacing a roof, painting a building, resurfacing a road or runway, pest control activities, restoration of trails and firebreaks, culvert

maintenance, grounds maintenance, existing security systems, and maintenance of waterfront facilities that does not require individual regulatory permits).

D4*—Reconstruction and/or repair by replacement of existing utilities or surveillance systems in an existing right-of-way or easement, upon agreement with the owner of the relevant property interest.

D5*—Maintenance dredging activities within waterways, floodplains, and wetlands where no new depths are required, applicable permits are secured, and associated debris disposal is done at an approved disposal site.

CONSTRUCTION, INSTALLATION, AND DEMOLITION ACTIVITIES

E1—Construction, installation, operation, maintenance, and removal of utility and communication systems (such as mobile antennas, data processing cable, and similar electronic equipment) that use existing rights-of-way, easements, utility distribution systems, and/or facilities. This is limited to activities with towers where the resulting total height does not exceed 200 feet and where the FCC would not require an environmental assessment or environmental impact statement for the acquisition, installation, operation or maintenance.

E2*—New construction upon or improvement of land where all of the following conditions are met: (a) The structure and proposed use are compatible with applicable Federal, tribal, state, and local planning and zoning standards and consistent with federally approved state coastal management programs, (b) The site is in a developed area and/or a previously disturbed site, (c) The proposed use will not substantially increase the number of motor vehicles at the facility or in the area, (d) The site and scale of construction or improvement are consistent with those of existing, adjacent, or nearby buildings, and, (e) The construction or improvement will not result in uses that exceed existing support infrastructure capacities (roads, sewer, water, parking, etc.).

E3*—Acquisition, installation, operation, and maintenance of equipment, devices, and/or controls necessary to mitigate effects of the Department’s missions on health and the environment, including the execution of appropriate real estate agreements. Examples include but are not limited to: (a) pollution prevention and pollution control equipment required to meet applicable Federal, tribal, state, or local requirements, (b) noise abatement measures, including construction of noise barriers, installation of noise control materials, or planting native trees and/or native vegetation for use as a noise abatement measure, and, (c) devices to protect human or animal life, such as raptor electrocution prevention devices, fencing to restrict wildlife movement on to airfields, fencing and grating to prevent accidental entry to hazardous or restricted areas, and rescue beacons to protect human life.

E4*—Removal or demolition, along with subsequent disposal of debris to permitted or authorized off-site locations, of non-historic buildings, structures, other improvements, and/or equipment in compliance with applicable environmental and safety requirements.

E6—Reconstruction of roads on Departmental facilities, where runoff, erosion, and sedimentation issues are mitigated through implementation of best management practices.

HAZARDOUS/RADIOACTIVE MATERIALS MANAGEMENT AND OPERATIONS

F1—Routine procurement, transportation, distribution, use, and storage of hazardous materials that comply with all applicable requirements, such as Occupational Safety and Health Act (OSHA) and National Fire Protection Association (NFPA).

F2—Reuse, recycling, and disposal of solid, medical, radiological, and hazardous waste generated incidental to Department activities that comply with applicable requirements such as Resource Conservation and Recovery Act (RCRA), Occupational Safety and Health Act (OSHA), and state hazardous waste management practices. Examples include but are not limited to: (a) appropriate treatment and disposal of medical waste conducted in accordance with all federal, state, local and tribal laws and regulations, (b) temporary storage and disposal solid waste, conducted in accordance with all federal, state, local and tribal laws and regulations, (c) disposal of radiological waste through manufacturer return and recycling programs, and, (c) hazardous waste minimization activities.

F3—Use (that may include the processes of installation, maintenance, non-destructive testing, and calibration), transport, and storage of hand-held, mobile or stationary instruments, containing sealed radiological and radioactive materials, to screen for or detect dangerous or illegal individuals or materials in compliance with commercial manufacturers' specifications, as well as applicable Federal requirements to protect the human environment. Examples of such instruments include but are not limited to: (a) gauging devices, tracers, and other analytical instruments, (b) instruments used in industrial radiography, (c) systems used in medical and veterinary practices and, (d) Nuclear Regulatory Commission (NRC) approved, sealed, small source radiation devices for scanning vehicles and packages where radiation exposure to employees or the public does not exceed 0.1 rem per year and where systems are maintained within the NRC license parameters at existing facilities.

TRAINING AND EXERCISES

G1—Training of homeland security personnel, including international, tribal, state, and local agency representatives using existing facilities where the training occurs in accordance with applicable permits and other requirements for the protection of the environment. This exclusion does not apply to training that involves the use of live chemical, biological, or radiological agents except when conducted at a location designed and constructed to contain the materials used for that training. Examples include but are not limited to: (a) administrative or classroom training, (b) tactical training, including but not limited to training in explosives and incendiary devices, arson investigation and firefighting, and emergency preparedness and response, (c) vehicle and small boat operation training, (d) small arms and less-than-lethal weapons training, (e) security specialties and terrorist response training, (f) crowd control training, including gas range training, (g) enforcement response, self-defense, and interdiction techniques training, and, (h) techniques for use in fingerprinting and drug analysis.

G2—Projects, grants, cooperative agreements, contracts, or activities to design, develop, and conduct national, state, local, or international exercises to test the readiness of the Nation to prevent or respond to a terrorist attack or a natural or manmade disaster and where conducted in accordance with existing facility or land use designations. This exclusion does not apply to

exercises that involve the use of chemical, biological, radiological, nuclear, or explosive agents/devices (other than small devices such as practice grenades/flash bang devices used to simulate an attack during exercise play).

UNIQUE FOR CBP

K1—Road dragging of existing roads and trails established by Federal, tribal, state, or local governments to maintain a clearly delineated right-of-way, to provide evidence of foot traffic and that will not expand the width, length, or footprint of the road or trail.

K2—Repair and maintenance of existing border fences that do not involve expansion in width or length of the project, and will not encroach on adjacent habitat.