



**National Telecommunications and Information Administration**

# **Categorical Exclusions and Administrative Record**

**April 2024**



## Categorical Exclusions and Administrative Record

### Overview

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The following categorical exclusions (CEs) include actions that may be implemented either directly by the National Telecommunications and Information Administration (NTIA) or by the recipient of a financial assistance award. NTIA evaluated the activities contemplated in the CEs and found that the actions normally do not have individual or cumulative significant impacts on the human environment, whether implemented by a grantee through a financial assistance award or directly implemented by NTIA. Many of the CEs contain representative actions covered by the CE to provide further clarity and transparency regarding the types of actions covered by the CE. These examples are intended to be illustrative, but not exhaustive. Generally, NTIA would use a Memorandum for Record to document project-level CE decisions and a Memorandum to File to document programmatic CE decisions; furthermore, NTIA would use discretion when determining whether to document those CEs with the lowest potential for environmental impact and extraordinary circumstances, such as Categorical Exclusion A-1.

### Comparable Categorical Exclusions used by Other Federal Agencies

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These CEs are supported by long-standing CEs and administrative records that have been developed by other Federal agencies through processes consistent with National Environmental Policy Act (NEPA) regulatory requirements and CEQ guidance on the establishment of CEs. In particular, NTIA identified existing CEs established by other Federal agencies that are sufficiently described in supporting administrative records to demonstrate to NTIA that those actions covered by these existing CEs are similar in nature, scope, and impact on the human environment to actions performed by NTIA. NTIA also reviewed and analyzed past NTIA actions, including their supporting NEPA documentation, to develop these CEs to demonstrate that the NTIA actions eligible for the CEs normally do not individually or cumulatively have a significant effect on the human environment. These past actions included the application of those CEs developed for the Broadband Technology Opportunities Program (BTOP), an American Recovery and Reinvestment Act (ARRA) program that provided more than \$7 billion in grants to expand broadband infrastructure and service. The BTOP CEs were designed to apply only to the BTOP program, a reflection of the high priority and urgency with which ARRA funds were deployed; however, they provided a substantive demonstration of the suitable application of the CEs and became the basis for both the eventual Department of Commerce CEs, as well as those for the FirstNet Authority. In addition, NTIA recognized that all Federal agencies, with very few limitations, must comply with the same laws and Executive Orders that contain requirements to protect the environment. Further, NTIA concluded that the CEs encompassed activities that normally do not have a significant individual or cumulative impact on the environment.

### Administrative Actions

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#### Categorical Exclusion A-1.

Personnel, fiscal, management, and administrative activities, including recruiting, processing, paying, recordkeeping, budgeting, personnel actions, contract administration, and travel.



## Categorical Exclusions and Administrative Record

**Analysis:** NTIA developed this CE based on the benchmark CEs listed below. NTIA anticipates that its actions are similar to those actions contemplated by these agencies and would apply these CEs in a manner consistent with these agencies. This CE could be applied to either direct or grant-funded actions that are the typical administrative activities, for example, carried out by NTIA grantees as a part of their grant management responsibilities but do not include activities that would impact the environment.

### Legacy and Comparable Agency Categorical Exclusions

#### U.S. Department of Agriculture, Rural Utilities Services

**Reference:** [7 CFR 1970.53\(h\)](#)

(h) Administrative actions. Agency procurement activities for goods and services; routine facility operations; personnel actions, including but not limited to, reduction in force or employee transfers resulting from workload adjustments, and reduced personnel or funding levels; and other such management actions related to the operation of the Agency.

#### U.S. Department of Homeland Security

**Reference:** [Instruction Manual 023-01-001-01, Revision 01, Implementation of the National Environmental Policy Act \(NEPA\), Appendix A](#)

A1. Personnel, fiscal, management, and administrative activities, such as recruiting, processing, paying, recordkeeping, resource management, budgeting, personnel actions, and travel.

#### U.S. Department of Defense, Department of the Air Force

**Reference:** [32 CFR 989, Appendix B – Categorical Exclusions](#)

A2.3.4. 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).

#### U.S. Department of Defense, Department of the Army

**Reference:** [32 CFR part 651, Appendix B, Section II](#)

(b) Administration/operation activities:

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

#### U.S. Department of the Interior

**Reference:** [43 CFR 46.210](#)

(a) Personnel actions and investigations and personnel services contracts.

(c) Routine financial transactions including such things as salaries and expenses, procurement contracts (*e.g.*, in accordance with applicable procedures and Executive Orders for sustainable or green procurement), guarantees, financial assistance, income transfers, audits, fees, bonds, and royalties.

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



## Categorical Exclusions and Administrative Record

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

### **Federal Bureau of Investigation**

**Reference:** [28 CFR part 61, Appendix F](#)

5.(c)(NR2) Personnel, fiscal, management, and administrative activities, including recruiting, processing, paying, contract administration, recordkeeping, budgeting, personnel actions, and travel.

### **U.S. Environmental Protection Agency**

**Reference:** [40 CFR 6.204](#)

(a)(2)(i) Procedural, ministerial, administrative, financial, personnel, and management actions necessary to support the normal conduct of EPA business.

## **Categorical Exclusion A-2.**

Preparation, modification, and issuance of policy directives, rules, regulations, procedures, guidelines, guidance documents, bulletins, and informational publications that are of an administrative, financial, legal, technical, or procedural nature, for which the environmental effects are too broad, speculative, or conjectural to lend themselves to meaningful analysis and will be, in whole or part, subject later to the NEPA process, either collectively or on a case-by-case basis.

**Analysis:** NTIA developed this CE based on the benchmark CEs listed below. NTIA anticipates that its actions are similar to those actions contemplated by these agencies. With respect to the last clause regarding environmental effects that are too broad, speculative, or conjectural, as an example, NTIA could apply this CE for the issuance or preparation of a broadband policy directive affecting grant implementation that may result in a potential impact to environmental resources that NTIA could not meaningfully analyze at a programmatic level but would be subject to later NEPA analysis at the actual implementation stage of the policy.

## **Legacy and Comparable Agency Categorical Exclusions**

### **U.S. Department of Commerce, National Oceanic and Atmospheric Administration**

**Reference:** [National Oceanic and Atmospheric Administration, Policy and Procedures for Compliance with the National Environmental Policy Act and Related Authorities \(2017\), Appendix E](#)

G7. Preparation of policy directives, rules, regulations, and guidelines of an administrative, financial, legal, technical, or procedural nature, or for which the environmental effects are too broad, speculative, or conjectural to lend themselves to meaningful analysis and will be subject later to the NEPA process, either collectively or on a case-by-case basis.

### **National Aeronautics and Space Administration**

**Reference:** [14 CFR 1216.304](#)



## Categorical Exclusions and Administrative Record

(d)(1)(ii) Issuance of procedural rules, manuals, directives, and requirements.

### U.S. Department of Homeland Security

**Reference:** [Instruction Manual 023-01-001-01, Revision 01, Implementation of the National Environmental Policy Act \(NEPA\), Appendix A](#)

A3. Promulgation of rules, issuance of rulings or interpretations, and the development and publication of policies, orders, directives, notices, procedures, manuals, advisory circulars, and other guidance documents of the following nature:

- (a) Those of a strictly administrative or procedural nature;
- (b) Those that implement, without substantive change, statutory or regulatory requirements;
- (c) Those that implement, without substantive change, procedures, manuals, and other guidance documents;
- (d) Those that interpret or amend an existing regulation without changing its environmental effect;
- (e) Technical guidance on safety and security matters; or
- (f) Guidance for the preparation of security plans.

### U.S. Department of Transportation, Federal Aviation Administration

**Reference:** [FAA Order 1050.1F, Environmental Impacts: Policies and Procedures](#)

Section 5-6.6.d. Issuance of regulatory documents (*e.g.*, Notices of Proposed Rulemaking and issuance of Final Rules) covering administrative or procedural requirements. (Does not include air traffic procedures; specific air traffic procedures that are categorically excluded are identified under Paragraph 5-6.5 of this Order).

### U.S. Department of the Treasury

**Reference:** [U.S. Department of the Treasury, Department of the Treasury National Environmental Policy Act \(NEPA\) Program, \(Treasury Directive 75-02\), Appendix 1](#)

A3. Promulgation of rules, issuance of rulings or interpretations, and the development and publication of policies, orders, directives, notices, procedures, manuals, and other guidance documents of the following nature:

- (a) Those of a strictly administrative or procedural nature;
- (b) Those that adopt, without substantive change, statutory or regulatory requirements;
- (c) Those that implement, without substantive change, procedures, manuals, and other guidance documents;
- (d) Those that interpret or amend an existing regulation without changing its environmental effect;
- (e) Technical guidance on safety and security matters; or
- (f) Guidance for the preparation of security plans.

## Categorical Exclusion A-3.

Studies and engineering undertaken to define proposed actions or alternatives sufficiently so that environmental effects can be assessed.

**Analysis:** NTIA developed this CE based on the benchmark CEs listed below. NTIA anticipates that its actions are similar to those actions contemplated by these agencies. The actions contemplated in this CE could be applied to either direct NTIA activities or grant-funded actions for activities



## Categorical Exclusions and Administrative Record

such as broadband network design and engineering, route planning for fiber optic cable, and site surveys, monitoring, testing, and design for communications towers, and would be undertaken with the intent of developing a proposed action eventually ripe for NEPA analysis, at which point the fully developed proposed action would undergo NEPA compliance.

## Legacy and Comparable Agency Categorical Exclusions

### U.S. Department of Agriculture, Rural Utilities Services

**Reference:** [7 CFR 1970.53\(b\)\(1\)\(iii\)](#)

Document preparation such as strategic plans; conceptual designs; management, economic, planning, or feasibility studies; energy audits or assessments; environmental analyses; and survey and analyses of accounts and business practices.

### U.S. Department of Energy

**Reference:** [10 CFR part 1021, Subpart D, Appendix B](#)

B.3.1 Site characterization and environmental monitoring (including, but not limited to, siting, construction, modification, operation, and dismantlement and removal or otherwise proper closure (such as of a well) of characterization and monitoring devices, and siting, construction, and associated operation of a small-scale laboratory building or renovation of a room in an existing building for sample analysis). Such activities would be designed in conformance with applicable requirements and use best management practices to limit the potential effects of any resultant ground disturbance. Covered activities include, but are not limited to, site characterization and environmental monitoring under CERCLA and RCRA. (This class of actions excludes activities in aquatic environments. See B3.16 of this appendix for such activities.) Specific activities include, but are not limited to:

- (a) Geological, geophysical (such as gravity, magnetic, electrical, seismic, radar, and temperature gradient), geochemical, and engineering surveys and mapping, and the establishment of survey marks. Seismic techniques would not include large-scale reflection or refraction testing;
- (b) Installation and operation of field instruments (such as stream-gauging stations or flow-measuring devices, telemetry systems, geochemical monitoring tools, and geophysical exploration tools);
- (c) Drilling of wells for sampling or monitoring of groundwater or the vadose (unsaturated) zone, well logging, and installation of water-level recording devices in wells;
- (d) Aquifer and underground reservoir response testing;
- (e) Installation and operation of ambient air monitoring equipment;
- (f) Sampling and characterization of water, soil, rock, or contaminants (such as drilling using truck- or mobile-scale equipment, and modification, use, and plugging of boreholes);
- (g) Sampling and characterization of water effluents, air emissions, or solid waste streams;
- (h) Installation and operation of meteorological towers and associated activities (such as assessment of potential wind energy resources);
- (i) Sampling of flora or fauna; and
- (j) Archeological, historic, and cultural resource identification in compliance with [36 CFR part 800](#) and [43 CFR part 7](#).



## Categorical Exclusions and Administrative Record

### Categorical Exclusion A-4.

Planning, educational, informational, or advisory activities provided to other agencies, public and private entities, visitors, individuals, or the public, including training exercises and simulations conducted under appropriately controlled conditions and in accordance with all applicable laws, regulations, and requirements.

**Analysis:** NTIA developed this CE based on the analysis and benchmark CEs listed below. NTIA anticipates that its actions are similar to those actions contemplated by these agencies. While some of the training exercises listed as examples are unique to the agency's mission requirements (e.g., DOE), the essential activity contemplated by the CEs, those of training exercises and simulations, are the same. NTIA might engage in these activities in multiple ways, including public safety communications training and exercises at Table Mountain, table top exercises associated with interoperable communications, testing of communications equipment such as radios, repeaters, and other devices, and grant-funded activities such as training for fiber installation, digital literacy, and use of mobile and portable equipment.

### Prior NEPA Analyses of Comparable Actions

#### U.S. Department of Commerce, National Telecommunications and Information Administration

**Reference:** [Public Safety Interoperable Communications Grant Program, Programmatic Environmental Assessment, February 2009. Final Finding of No Significant Impact, April 2009.](#)

The NTIA developed a Programmatic Environmental Assessment (PEA) to evaluate the potential impacts of the Public Safety Interoperable Communications (PSIC) Grant Program. The PEA analyzed the potential impacts of the Proposed Action, which included a wide range of construction, installation, and procurement activities designed to improve interoperable communications among public safety agencies. Among the activities analyzed, the PEA evaluated the impacts of planning, training, and exercises on a range of natural and cultural resources as well as the built environment. The analysis determined that internal modifications, renovations, or additions would not significantly impact any of the resource areas analyzed. A Finding of No Significant Impact was issued for the project.

**Analysis:** This action resulted in a Finding of No Significant Impact that determined the Preferred Alternative, which included analyzing the impacts of planning, training, and exercises on a range of resource areas, would not significantly impact the environment.

### Legacy and Comparable Agency Categorical Exclusions

#### National Aeronautics and Space Administration

**Reference:** [14 CFR 1216.304](#)

(d)(1)(vi) Preparation and dissemination of information, including document mailings, publications, classroom materials, conferences, speaking engagements, Web sites, and other educational/informational activities.



## Categorical Exclusions and Administrative Record

### U.S. Department of Commerce, National Oceanic and Atmospheric Administration

**Reference:** [National Oceanic and Atmospheric Administration, Policy and Procedures for Compliance with the National Environmental Policy Act and Related Authorities \(2017\), Appendix E](#)

G8. Activities that are educational, informational, or advisory to other agencies, public and private entities, visitors, individuals, or the general public, including training exercises and simulations.

Examples:

- a) On-site personnel providing support (*e.g.*, data, modeling, interpretation, and administrative) to the National Response Framework of National Oil and Hazardous Substances Pollution Contingency Plan;
- b) Formal or informal education and scholarship programs (*e.g.*, NOAA's Bay Watershed Education and Training Program, National Marine Sanctuary Foundation and associated programs, Nancy Foster Scholarships, The Jason Project, Science on a Sphere, Cooperative Program for Earth System Education);
- c) Outreach events to provide training, education, and environmental literacy;
- d) Experiential learning activities that take place in the environment (*e.g.*, field trips to terrestrial, coastal, and marine/aquatic habitats for educational purposes, such as Nature's Classroom); and
- e) Marine debris public education and outreach.

### U.S. Agency for International Development

**Reference:** [22 CFR 216.2](#)

(c)(2)(i) Education, technical assistance, or training programs except to the extent such programs include activities directly affecting the environment (such as construction of facilities, etc.).

### U.S. Department of Agriculture

**Reference:** [7 CFR 1b.3\(a\)](#)

(4) Educational and informational programs and activities.

(6) Activities which are advisory and consultative to other agencies and public and private entities, such as legal counseling and representation.

### U.S. Department of Energy

**Reference:** [10 CFR part 1021, Subpart D, Appendix B](#)

B.1.2 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.

## Categorical Exclusion A-5.

Software development, data analysis, or testing that does not involve ground disturbing activities.

**Analysis:** NTIA developed this CE based on the benchmark CEs listed below. NTIA anticipates that its actions are similar to those actions contemplated by these agencies. NTIA contemplates applying this CE to testing and research activities, including antenna development, radar testing,





## Categorical Exclusions and Administrative Record

radio noise measurements, NOAA weather radio testing, public safety communications research 700 MHz broadband demonstration network, in addition to similar grant-funded actions. NTIA's activities could include all of the activities enumerated in the cited CEs and would be undertaken within facilities that are operated under strict operating requirements designed to protect the quality of the human environment.

## Legacy and Comparable Agency Categorical Exclusions

### U.S. Department of Commerce

**Reference:** [74 FR 33204 \(July 10, 2009\)](#)

A.3. Software development, data analysis, or testing, including but not limited to computer modeling in existing facilities.

### U.S. Department of the Interior

**Reference:** [43 CFR 46.210](#)

(e) Nondestructive data collection, inventory (including field, aerial, and satellite surveying and mapping), study, research, and monitoring activities.

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

### U.S. Department of Energy

**Reference:** [10 CFR part 1021, Subpart D, Appendix A](#)

A9. Information gathering (including, but not limited to, literature surveys, inventories, site visits, audits), data analysis (including, but not limited to, computer modeling), document preparation (including, but not limited to, conceptual design, feasibility studies, and analytical energy supply and demand studies), and information dissemination (including, but not limited to, document publication and distribution, and classroom training and informational programs), but not including site characterization or environmental monitoring.

### U.S. Department of Agriculture

**Reference:** [7 CFR 1b.3\(a\)](#)

(3) Inventories, research activities, and studies, such as resource inventories and routine data collection when such actions are clearly limited in context and intensity.

(6) Activities which are advisory and consultative to other agencies and public and private entities, such as legal counseling and representation.

## Categorical Exclusion A-6.

Preparation and dissemination of scientific results, studies, surveys, audits, reports, plans, papers, recommendations, and technical advice.

**Analysis:** NTIA developed this CE based on the benchmark CEs listed below. NTIA anticipates that its actions are similar to those actions contemplated by these agencies. NTIA's activities could include all of the activities enumerated in the cited CEs and could be applied to either direct or



## Categorical Exclusions and Administrative Record

grant-funded actions.

### Legacy and Comparable Agency Categorical Exclusions

#### U.S. Department of Energy

**Reference:** [10 CFR part 1021, Subpart D, Appendix A](#)

A9. Information gathering (including, but not limited to, literature surveys, inventories, site visits, audits), data analysis (including, but not limited to, computer modeling), document preparation (including, but not limited to, conceptual design, feasibility studies, and analytical energy supply and demand studies), and information dissemination (including, but not limited to, document publication and distribution, and classroom training and informational programs), but not including site characterization or environmental monitoring.

#### National Aeronautics and Space Administration

**Reference:** [14 CFR 1216.304](#)

(d)(1)(iv) Preparation of documents, including design and feasibility studies, analytical supply and demand studies, reports and recommendations, master and strategic plans, and other advisory documents.

#### U.S. Department of Homeland Security

**Reference:** [Instruction Manual 023-01-001-01, Revision 01, Implementation of the National Environmental Policy Act \(NEPA\), Appendix A](#)

CATEX A4. Information gathering, data analysis and processing, information dissemination, review, interpretation, and development of documents. If any of these activities result in proposals for further action, those proposals must be covered by an appropriate CATEX. Examples include but are not limited to:

- (a) Document mailings, publication and distribution, training and information programs, historical and cultural demonstrations, and public affairs actions.
- (b) Studies, reports, proposals, analyses, literature reviews; computer modeling; and non-intrusive intelligence gathering activities.

#### U.S. Department of the Interior

**Reference:** [43 CFR 46.210](#)

(e) Nondestructive data collection, inventory (including field, aerial, and satellite surveying, and mapping), study, research, and monitoring activities.

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

#### U.S. Department of the Treasury

**Reference:** [U.S. Department of the Treasury, Department of the Treasury National Environmental Policy Act \(NEPA\) Program, \(Treasury Directive 75-02\), Appendix 1](#)

A4. Information gathering, data analysis and processing, information dissemination, review, interpretation, and development of documents. If any of these activities result in proposals for further action, those proposals must be covered by an appropriate CE. Examples include but are not



## Categorical Exclusions and Administrative Record

limited to:

- (a) Document mailings, publication and distribution, training and information programs, historical and cultural demonstrations, and public affairs actions.
- (b) Studies, reports, proposals, analyses, literature reviews; computer modeling; and non-intrusive information gathering activities.

### Categorical Exclusion A-7.

Technical assistance to other Federal, Tribal, State, and local agencies or the public.

**Analysis:** NTIA developed this CE based on the benchmark CEs listed below. NTIA anticipates that its actions are similar to those actions contemplated by these agencies. Although the non-exhaustive examples listed below are unique to agency missions, the essential activity contemplated, that of providing subject matter expertise to non-NTIA entities, is the same. NTIA could apply this CE to either direct or grant-funded actions.

## Legacy and Comparable Agency Categorical Exclusions

### U.S. Department of the Interior, National Park Service

**Reference:** [National Park Service, NEPA Handbook, Chapter 3 – National Park Service \(2015\)](#)

Section 3.2, L. Technical assistance to other Federal, State, and local agencies or the general public.

### U.S. Department of Energy

**Reference:** [10 CFR part 1021, Subpart D, Appendix A](#)

A11 Technical advice and planning assistance to international, national, state, and local organizations.

### U.S. Department of Homeland Security

**Reference:** [Instruction Manual 023-01-001-01, Revision 01, Implementation of the National Environmental Policy Act \(NEPA\), Appendix A](#)

M1(a). Review of information, provision of technical assistance, and classification for individual communities under the Community Rating System (CRS).

### Categorical Exclusion A-8.

Routine procurement, use, storage, transportation, and disposal of non-hazardous goods and services in support of administrative, operational, or maintenance activities in accordance with Executive Orders and Federal procurement guidelines. Examples include office supplies and furniture; equipment; mobile assets (*i.e.*, vehicles, vessels, aircraft); utility services; and deployable emergency response supplies and equipment.

**Analysis:** NTIA developed this CE based on the benchmark CEs listed below. NTIA anticipates that its actions are similar to those actions contemplated by these agencies. This CE is not intended to cover large-scale purchases or replacements of mobile assets and could be applied to items either directly purchased by NTIA or through NTIA grant-funded actions.



## Legacy and Comparable Agency Categorical Exclusions

### Federal Bureau of Investigation

Reference: [28 CFR part 61, Appendix F](#)

5.(c)(NR10) Routine procurement, use, storage, and disposal of non-hazardous goods and services in support of administrative, operational, or maintenance activities in accordance with executive orders and Federal procurement guidelines. Examples include:

- (i) Office supplies and furniture;
- (ii) Equipment;
- (iii) Mobile assets (*i.e.*, vehicles, vessels, aircraft);
- (iv) Utility services; and
- (v) Deployable emergency response supplies and equipment.

### U.S. Department of Defense, Department of the Navy

Reference: [32 CFR part 775.6](#)

(f)(7) Routine procurement of goods and services conducted in accordance with applicable procurement regulations, executive orders, and policies.

### U.S. Department of Defense, Department of the Air Force

Reference: [32 CFR part 989, Appendix B](#)

A2.3.1. Routine procurement of goods and services.

### U.S. Department of Commerce, National Oceanic and Atmospheric Administration

Reference: [National Oceanic and Atmospheric Administration, Policy and Procedures for Compliance with the National Environmental Policy Act and Related Authorities, Appendix E \(2017\)](#)

H1. Procurement of labor, equipment, materials, data, and software needed to execute mission requirements in accordance with applicable procurement regulations, executive orders, and policies. This includes, but is not limited to, procurement of mobile and portable equipment that is stored in existing structures or facilities.

### Categorical Exclusion A-9.

Purchase of deployable mobile and portable telecommunications equipment (*e.g.*, radios, Cell on Wheels, Cell on Light Truck, System on Wheels) that will be housed in existing facilities when not deployed.

**Analysis:** NTIA developed this CE based on the prior NEPA analysis and benchmark CEs listed below. NTIA anticipates that its actions are similar to those actions contemplated by these agencies. NTIA's activities could include all of the activities enumerated in the prior NEPA analyses and CEs and could be applied to either direct or grant-funded actions.

### Prior NEPA Analyses of Comparable Actions



## Categorical Exclusions and Administrative Record

### **U.S. Department of Commerce, National Telecommunications and Information Administration**

**Reference:** [Public Safety Interoperable Communications Grant Program Programmatic Environmental Assessment](#)

The purpose of this Programmatic Environmental Assessment (PEA) is to evaluate the project types proposed and the potential environmental effects of the nationwide public safety grant program. The analyzed projects involve acquiring, storing, and deploying subscriber units and similar equipment, including but not limited to, mobile and handheld radios and satellite phones, laptops, and other mobile devices, radio caches and battery packs are evaluated. The evaluated projects involve acquiring, storing, and deploying non-fixed infrastructure equipment and incident command equipment associated with transmit/receive communications, including but not limited to, mobile command vehicles and trailers, cell-on-wheels (COWs), cell-on-light trucks (COLTs), and site on wheels (SOWs) equipment, portable towers and antennae, and mobile gateways, mobile data terminals, and very small aperture terminals. Activities analyzed included operating and parking vehicles including COWs, COLTs, and SOWs on a non-permanent basis to enhance on-site communications capabilities as well as using hand-held radios, laptops, and cell phones. The PEA analyzed the potential impacts of mobile and portable equipment (as described above) on a range of resource areas, including biological resources, water resources, cultural resources, and infrastructure.

**Analysis:** The analysis found there would be no significant impact to any resource area evaluated as a result of purchasing, storing, and deploying mobile and portable equipment. This action resulted in a Finding of No Significant Impact.

### **U.S. Department of Commerce, First Responder Network Authority**

**Reference:** [Regional Programmatic Environmental Impact Statements](#)

The five regional Programmatic Environmental Impact Statements (PEISs) evaluated the impacts of a proposed nationwide public safety broadband communications network (NPSBN) on a range of natural, cultural, and built environment resource areas for all 56 states, territories, and the District of Columbia. The Preferred Alternative included evaluation of the impacts of purchasing, storing, and deploying wired, wireless, and mobile, portable, and deployable technologies, including Cell on Wheels, Cell on Light Truck, and System on Wheels technologies. These actions were evaluated programmatically and included evaluating the impacts of operating and parking vehicles, including COWs, COLTs, SOWs, and drones on a nonpermanent basis, as well as deploying hand-held radios for field use. NTIA was a Cooperating Agency for this analysis.

**Analysis:** The analysis found no significant impact to any resource area evaluated as a result of purchasing, storing, and deploying mobile and portable equipment. This action resulted in a Record of Decision that determined the Preferred Alternative would not significantly impact the environment.

## **Legacy and Comparable Agency Categorical Exclusions**



## Categorical Exclusions and Administrative Record

### U.S. Department of Commerce

**Reference:** [74 FR 33204 \(July 10, 2009\)](#)

A-9. Purchase of mobile and portable equipment and infrastructure which is stored in previously existing structures or facilities.

### U.S. Department of Homeland Security

**Reference:** [Instruction Manual 023-01-001-01, Revision 01, Implementation of the National Environmental Policy Act \(NEPA\), Appendix A](#)

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. Storage activities must occur on previously disturbed land or in existing facilities. Examples include but are not limited to:

- (a) Office supplies;
- (b) Equipment;
- (c) Mobile assets;
- (d) Utility services;
- (e) Chemicals and low-level radio nuclides for laboratory use;
- (f) Deployable emergency response supplies and equipment; and
- (g) Waste disposal and contracts for waste disposal in established permitted landfills and facilities.

### Categorical Exclusion A-10.

Routine use of hazardous materials (including procurement, transportation, distribution, and storage of such materials) and reuse, recycling, and disposal of solid, medical, radiological, or hazardous waste in a manner that is consistent with all applicable laws, regulations, and requirements. Examples include use of chemicals for laboratory applications; refueling of storage tanks; temporary storage and disposal of solid waste; disposal of waste through manufacturer return and recycling programs; and hazardous waste minimization activities, including source reduction activities and recycling.

**Analysis:** NTIA developed this CE based on the benchmark CEs listed below. NTIA anticipates that its actions are similar to those actions contemplated by these agencies. NTIA's activities could include all of the activities enumerated in the cited CEs, either conducted directly by NTIA or through grant-funded actions under current or future contemplated grant programs.

## Legacy and Comparable Agency Categorical Exclusions

### U.S. Department of Homeland Security

**Reference:** [Instruction Manual 023-01-001-01, Revision 01, Implementation of the National Environmental Policy Act \(NEPA\), Appendix A](#)

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).



## Categorical Exclusions and Administrative Record

### National Aeronautics and Space Administration

**Reference:** [14 CFR 1216.304](#)

(d)(2)(v). Routine packaging, labeling, storage, and transportation of hazardous materials and wastes, in accordance with applicable Federal, federally recognized Indian tribe, State, and/or local law or requirements.

### U.S. Environmental Protection Agency

**Reference:** [40 CFR 6.204](#)

(a)(2)(iv). Actions relating to or conducted completely within a permanent, existing contained facility, such as a laboratory, or other enclosed building, provided that reliable and scientifically-sound methods are used to appropriately dispose of wastes and safeguards exist to prevent hazardous, toxic, and radioactive materials in excess of allowable limits from entering the environment. Where such activities are conducted at laboratories, the Lab Director or other appropriate official must certify in writing that the laboratory follows good laboratory practices and adheres to all applicable federal, state, local, and federally-recognized Indian tribal laws and regulations. This category does not include activities related to construction and/or demolition within the facility (see paragraph (a)(1)(i) of this section).

### U.S. Department of Defense, Department of the Navy

**Reference:** [32 CFR part 775.6](#)

(f)(15). Routine movement, handling, and distribution of materials, including hazardous materials/wastes that are moved, handled, or distributed in accordance with applicable regulations.

### Proposed Categorical Exclusion A-11.

Reductions, realignments, or relocation of personnel, equipment, or mobile assets that do not result in changing the use of NTIA facilities or space in such a way that could cause a change to existing environmental effects or exceed the infrastructure capacity outside of NTIA-managed property. An example of exceeding the infrastructure capacity would be an increase in vehicular traffic beyond the capacity of the supporting road network to accommodate such an increase.

**Analysis:** NTIA developed this CE based on the benchmark CEs listed below. NTIA anticipates that its actions are similar to those actions contemplated by these agencies. NTIA's activities could include all of the activities enumerated in the cited CEs.

## Legacy and Comparable Agency Categorical Exclusions

### Federal Bureau of Investigation

**Reference:** [28 CFR part 61, Appendix F](#)

5.(c). (NR1) Reductions, realignments, or relocation of personnel, equipment, or mobile assets that do not result in changing the use of the space in such a way that could cause environmental effects or exceed the infrastructure capacity outside of FBI-managed property. An example of exceeding the infrastructure capacity would be an increase in vehicular traffic beyond the capacity of the supporting road network to accommodate such an increase.



## Categorical Exclusions and Administrative Record

### General Services Administration

**Reference:** [U.S. General Services Administration, NEPA Desk Guide \(1999\)](#)

5.3 (c) Relocation of employees into existing Federally controlled space, that does not involve a substantial change in the number of employees or motor vehicles.

### U.S. Department of the Treasury

**Reference:** [U.S. Department of the Treasury, Department of the Treasury National Environmental Policy Act \(NEPA\) Program, \(Treasury Directive 75-02\), Appendix 1](#)

A2. Reductions, realignments, or relocation of personnel that do not result in exceeding the infrastructure capacity or change the use of space. An example of a substantial change in use of the supporting infrastructure would be an increase in vehicular traffic beyond the capacity of the supporting road network to accommodate such an increase.

### U.S. Department of Homeland Security

**Reference:** [Instruction Manual 023-01-001-01, Revision 01, Implementation of the National Environmental Policy Act \(NEPA\), Appendix A](#)

A2. Reductions, realignments, or relocation of personnel that do not result in exceeding the infrastructure capacity or change the use of space. An example of a substantial change in use of the supporting infrastructure would be an increase in vehicular traffic beyond the capacity of the supporting road network to accommodate such an increase.

### Proposed Categorical Exclusion A-12.

Federal assistance, grants, and external funding for activities that do not concern environmental matters or where the environmental effects are negligible. Examples of relevant activities could include, but are not limited to, planning, studies, or programs such as the Digital TV transition, which provided rebates to consumers to subsidize the purchase of digital antennas, that have no potential to impact the environment. If analysis determined that such activities had the potential to impact the environment, the CE could not be applied.

**Analysis:** NTIA developed this CE based on the benchmark CEs listed below. NTIA anticipates that its actions, inclusive of the full range of activities required to award, monitor, and close out grants, are similar to those actions contemplated by these agencies. NTIA's activities could include all of the activities enumerated in the cited CEs, including financial assistance for planning for broadband expansion, training on telehealth participation, and gap analyses for broadband network planning. However, if NTIA is not able to determine that environmental effects are negligible, this CE could not be applied. This CE could be applied to either direct or grant-funded actions.

## Legacy and Comparable Agency Categorical Exclusions

### U.S. Department of the Interior, Fish and Wildlife Service

**Reference:** [U.S. Fish and Wildlife Service, Managing the NEPA Process – U.S. Fish and Wildlife Service \(516 DM 8\) \(2020\)](#)





## Categorical Exclusions and Administrative Record

8.5(E)(1) State, local, or private financial assistance (grants and/or cooperative agreements), including State planning grants and private land restorations, where the environmental effects are minor or negligible.

### **U.S. Department of Commerce, National Oceanic and Atmospheric Administration**

**Reference:** [National Oceanic and Atmospheric Administration, Policy and Procedures for Compliance with the National Environmental Policy Act and Related Authorities \(2017\), Appendix E](#)

D2. Provision of a grant, a contract or other financial assistance to a State, Fishery Management Council or Marine Fisheries Commission under 16 U.S.C. 1881a(d).

### **U.S. Environmental Protection Agency**

**Reference:** [40 CFR 6.204](#).

(a)(1)(v) Actions for award of grants authorized by Congress under EPA's annual Appropriations Act that are solely for reimbursement of the costs of a project that was completed prior to the date the appropriation was enacted.

### **U.S. Department of Homeland Security**

**Reference:** [Instruction Manual 023-01-001-01, Revision 01, Implementation of the National Environmental Policy Act \(NEPA\), Appendix A](#)

N1. Administrative Actions Associated with Grants Management. Actions related to grant administration performed at any stage during the grants lifecycle, such as the development and issuance of grant guidance; announcements of availability of funds; project reviews for program eligibility; provision of technical assistance; conducting inspections, financial audits, and monitoring activities; development of information technology systems for grants management; grant close-out activities; and actions taken in situations where a grantee or subgrantee is in non-conformance with grant program requirements, such as disallowances, recoupment of funds, and debarment.

## **Proposed Categorical Exclusion A-13.**

Contracts, collaborative research agreements, cooperative research and development agreements, interagency agreements, and other agreements that do not concern environmental matters or where the environmental effects are negligible.

**Analysis:** NTIA developed this CE based on the benchmark CEs listed below. NTIA anticipates that its actions are similar to those actions contemplated by these agencies. Although specific activities listed below are linked to respective agency missions that differ from that of NTIA, the essential activity contemplated, that of entering into collaborative research agreements for testing and development of communications technology, procurement contracts for goods and services, interagency agreements to augment subject matter expertise in various technical areas, memoranda of understanding (MOU) with other agencies or international partners for cooperation for policy development and information sharing activities, and other agreements, is the same. If NTIA is not able to determine that environmental effects of drafting and executing these contracts and agreements and the actions resulting from these contracts and agreements are negligible, this CE



## Categorical Exclusions and Administrative Record

could not be applied.

## Legacy and Comparable Agency Categorical Exclusions

### National Institutes of Health

**Reference:** [National Institutes of Health, Establishment by the National Institutes of Health of Categorical Exclusions Under the National Environmental Policy Act, 65 FR 2977 \(Jan. 19, 2000\)](#) Section II, Part B, 18. The awarding, renewal, suspension, termination, or discontinuance of: Collaborative research agreements, including Cooperative Research and Development Agreements (CRADA) established under the Stevenson-Wydler Technology Innovation Act of 1980, as amended, 15 U.S.C. 3701 et seq.; contracts; cooperative agreements; grants; and interagency agreements entered into by the NIH pursuant to the Economy Act, 31 U.S.C. 1535. For those contracts, cooperative agreements, grants, and interagency agreements that involve construction of more than 12,000 square feet of occupiable space, recipients of NIH funds must certify that they are in compliance with all Federal, State, and local environmental laws and must, as prescribed by NIH, perform all environmental reviews required by NEPA, including preparing environmental assessments and, if necessary, environmental impact statements, and submit these documents to the NIH for review, approval and adoption.

### U.S. Fish and Wildlife Service

**Reference:** [U.S. Fish and Wildlife Service, Managing the NEPA Process – U.S. Fish and Wildlife Service \(516 DM 8\) \(2020\)](#) 8.5(E)(1) State, local, or private financial assistance (grants and/or cooperative agreements), including State planning grants and private land restorations, where the environmental effects are minor or negligible.

## Real Property/Facility Actions

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### Proposed Categorical Exclusion B-1.

Maintenance of facilities, equipment, and grounds. Examples include interior utility work, road maintenance, window washing, lawn mowing, landscaping, weed management/maintenance, trash collecting, facility cleaning, and snow removal.

**Analysis:** NTIA developed this CE based on the benchmark CEs listed below. NTIA anticipates that its actions are similar to those actions contemplated by these agencies. NTIA would most likely apply this CE to direct actions at NTIA facilities, although it could also be applied to grant-funded actions.

## Legacy and Comparable Agency Categorical Exclusions

### Federal Bureau of Investigation

**Reference:** [28 CFR part 61, Appendix F](#)



## Categorical Exclusions and Administrative Record

5.(c)(NR13) Maintenance of facilities, equipment, and grounds. Examples include interior utility work, road maintenance, window washing, lawn mowing, trash collecting, facility cleaning, and snow removal.

### **National Institutes of Health**

**Reference:** [National Institutes of Health, Establishment by the National Institutes of Health of Categorical Exclusions Under the National Environmental Policy Act, 65 FR 2977 \(Jan. 19, 2000\)](#)

Section II, Part B. 2. Maintenance, including repairs necessary to ensure the operation of existing facilities, grounds maintenance, and the decontamination of laboratory or other space and equipment.

### **U.S. Environmental Protection Agency**

**Reference:** [40 CFR 6.204](#)

(a)(1)(i) Actions at EPA owned or operated facilities involving routine facility maintenance, repair, and grounds-keeping; minor rehabilitation, restoration, renovation, or revitalization of existing facilities; functional replacement of equipment; acquisition and installation of equipment; or construction of new minor ancillary facilities adjacent to or on the same property as existing facilities.

### **Department of the Navy**

**Reference:** [32 CFR part 775.6](#)

(f)(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).

## **Proposed Categorical Exclusion B-2.**

Internal modifications, renovations, or additions (*e.g.*, computer facilities, relocating interior walls) to structures or buildings that do not result in a change in the functional use of the property.

**Analysis:** NTIA developed this CE based on the analysis and benchmark CEs listed below. NTIA anticipates that its actions are similar to those actions contemplated by these agencies. This would be applied to both direct actions at NTIA facilities and grant-funded actions.

## **Prior NEPA Analyses of Comparable Actions**

### **U.S. Department of Commerce, National Telecommunications and Information Administration**

**Reference:** [Public Safety Interoperable Communications Grant Program, Programmatic Environmental Assessment, February 2009. Final Finding of No Significant Impact, April 2009.](#)

The NTIA developed a Programmatic Environmental Assessment (PEA) to evaluate the potential impacts of the Public Safety Interoperable Communications (PSIC) Grant Program. The PEA analyzed the potential impacts of the Proposed Action, which included a wide range of construction, installation, and procurement activities designed to improve interoperable communications among



## Categorical Exclusions and Administrative Record

public safety agencies. Among the activities analyzed, the PEA evaluated the impacts of construction, remodeling, or retrofitting existing facilities on a range of natural and cultural resources as well as the built environment. The analysis determined that internal modifications, renovations, or additions would not significantly impact any of the resource areas analyzed. A Finding of No Significant Impact was issued for the project.

**Analysis:** This action resulted in a Finding of No Significant Impact that determined the Preferred Alternative, which included analyzing the impacts of internal modifications, renovations, and additions on a range of resource areas, would not significantly impact the environment.

## Legacy and Comparable Agency Categorical Exclusions

### U.S. Department of Commerce

**Reference:** [74 FR 33204 \(July 10, 2009\)](#)

A-1. Minor renovations and additions to buildings, roads, airfields, grounds, equipment, and other facilities that do not result in 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). This CE does not apply in instances where the project must be submitted to the National Capital Planning Commission (NCPC) for review and NCPC determines that it does not have an applicable Categorical Exclusion.

### U.S. Department of Homeland Security

**Reference:** [Instruction Manual 023-01-001-01, Revision 01, Implementation of the National Environmental Policy Act \(NEPA\), Appendix A](#)

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 EA or EIS for the installation).

### U.S. Fish and Wildlife Service

**Reference:** [U.S. Fish and Wildlife Service, Managing the NEPA Process – U.S. Fish and Wildlife Service \(516 DM 8\) \(2020\)](#)

8.5 B. (2) The operation, maintenance, and management of existing facilities and routine recurring management activities and improvements, including renovations and replacements which result in no or only minor changes in the use, and have no or negligible environmental effects on-site or in the vicinity of the site.

### U.S. Department of Transportation, Federal Aviation Administration

**Reference:** [FAA Order 1050.1F, Environmental Impacts: Policies and Procedures](#)



## Categorical Exclusions and Administrative Record

5-6.4.f. Federal financial assistance, licensing, Airport Layout Plan (ALP) approval, or FAA construction of limited expansion of accessory on-site structures, including storage buildings, garages, hangars, t-hangars, small parking areas, signs, fences, and other essentially similar minor development items.

5-6.4.aa. Upgrading of building electrical systems or maintenance of existing facilities, such as painting, replacement of siding, roof rehabilitation, resurfacing, or reconstruction of paved areas, and replacement of underground facilities.

### U.S. Department of Defense, Department of the Air Force

**Reference:** [32 CFR 989, Appendix B](#)

A2.3.8. Performing interior and exterior construction within the 5-foot line of a building without changing the land use of the existing building.

### Proposed Categorical Exclusion B-3.

Exterior renovation, addition, repair, alteration, and demolition projects affecting buildings, roads, grounds, equipment, and other facilities, including subsequent disposal of debris, which may be contaminated with hazardous materials, lead, or asbestos. Hazardous materials must be disposed of at approved sites in accordance with all applicable laws, regulations, and requirements. Examples include the following:

- (i) Painting, roofing, siding, or alterations to an existing building;
- (ii) Adding a small storage shed to an existing building;
- (iii) Retrofitting for energy conservation, including weatherization, installation of timers on hot water heaters, installation of energy efficient lighting, and installation of low-flow plumbing fixtures; or
- (iv) Closing and demolishing a building not eligible for listing under the National Register for Historic Places.

**Analysis:** NTIA developed this CE based on the benchmark CEs listed below. NTIA anticipates that its actions are similar to those actions contemplated by these agencies. This CE is intended to address renovation actions where hazardous materials are not known at the outset but may be encountered. This CE could be applied to direct actions at NTIA facilities as well as grant-funded actions.

## Legacy and Comparable Agency Categorical Exclusions

### Federal Bureau of Investigation

**Reference:** [28 CFR part 61, Appendix F](#)

5.(d)(R5) Renovation, addition, repair, alteration, and demolition projects affecting buildings, roads, airfields, grounds, equipment, and other facilities, including subsequent disposal of debris, which may be contaminated with hazardous materials such as polychlorinated biphenyls (PCBs), lead, or asbestos. Hazardous materials must be disposed of at approved sites in accordance with Federal, state, and local regulations. Examples include the following:



## Categorical Exclusions and Administrative Record

- (i) Realigning interior spaces of an existing building;
- (ii) Adding a small storage shed to an existing building;
- (iii) Retrofitting for energy conservation, including weatherization, installation of timers on hot water heaters, installation of energy efficient lighting, installation of low-flow plumbing fixtures, and installation of drip-irrigation systems;
- (iv) 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's NEPA procedures allow for application of a CATEX; or
- (v) Closing and demolishing a building not eligible for listing under the National Register of Historic Places.

### U.S. Department of Defense, Department of the Air Force

**Reference:** [32 CFR part 989, Appendix B](#)

A2.3.8. Performing interior and exterior construction within the 5-foot line of a building without changing the land use of the existing building.

### U.S. Department of Homeland Security

**Reference:** [Instruction Manual 023-01-001-01, Revision 01, Implementation of the National Environmental Policy Act \(NEPA\), Appendix A](#)

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 EA or EIS for the installation).

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).

### Proposed Categorical Exclusion B-4.

Abatement of hazardous materials from existing facilities, including asbestos and lead-based paint, conducted in compliance with all applicable laws, regulations, and requirements established for the protection of human health and the environment. Examples include containment, removal, and disposal of lead-based paint or asbestos tiles and asbestos-containing materials from existing facilities, remediation of hazardous materials in accordance with all applicable laws, regulations, and requirements as part of facility and space management activities.

**Analysis:** NTIA developed this CE based on the benchmark CEs listed below. NTIA anticipates that its actions are similar to those actions contemplated by these agencies. This CE refers to hazardous material abatement procedures for projects where no capital improvements or other renovations/modifications, etc. are contemplated, however it is known or discovered that hazardous



## Categorical Exclusions and Administrative Record

materials (e.g., lead-based paint) exist. This CE could be applied to direct actions at NTIA facilities as well as grant-funded actions.

## Legacy and Comparable Agency Categorical Exclusions

### U.S. Department of Energy

**Reference:** [10 CFR part 1021, Subpart D, Appendix B](#)

B1.16. Removal of asbestos-containing materials from buildings in accordance with applicable requirements (such as 40 CFR part 61, “National Emission Standards for Hazardous Air Pollutants”; 40 CFR part 763, “Asbestos”; 29 CFR part 1910, subpart I, “Personal Protective Equipment”; and 29 CFR part 1926, “Safety and Health Regulations for Construction”; and appropriate state and local requirements, including certification of removal contractors and technicians).

B1.17. Removal of polychlorinated biphenyl (PCB)-containing items (including, but not limited to, transformers and capacitors), PCB-containing oils flushed from transformers, PCB-flushing solutions, and PCB-containing spill materials from buildings or other aboveground locations in accordance with applicable requirements (such as 40 CFR part 761).

B1.34. Containment, removal, and disposal of lead-based paint in accordance with applicable requirements (such as provisions relating to the certification of removal contractors and technicians at 40 CFR part 745, “Lead Based Paint Poisoning Prevention in Certain Residential Structures”).

### U.S. Department of Defense, Department of the Air Force

**Reference:** [32 CFR part 989, Appendix B](#)

A2.3.26. 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.

### U.S. Department of Defense, Department of the Army

**Reference:** [32 CFR part 651, Appendix B, Section II](#)

(g) Repair and maintenance activities.

(1) Routine repair and maintenance of buildings, airfields, grounds, equipment, and other facilities. Examples include but are not limited to: 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 or work on historic structures).

## Categorical Exclusion B-5.

Proposed new activities and operations conducted in an existing structure that would be consistent with previously established safety levels and would not result in a change in use of the facility.



## Categorical Exclusions and Administrative Record

Examples include new types of research, development, testing, and evaluation activities, and laboratory operations conducted within existing enclosed facilities designed to support research and development activities.

**Analysis:** NTIA developed this CE based on the benchmark CEs listed below. NTIA anticipates that its actions are similar to those actions contemplated by these agencies. This CE could be applied to new actions proposed in existing facilities such as testing of new communication technologies and testing of new equipment to improve communication signal strength or penetration, such as direct actions at NTIA facilities (*i.e.*, Table Mountain) or grant-funded actions. If NTIA is not able to determine that environmental effects are negligible, this CE could not be applied.

## Legacy and Comparable Agency Categorical Exclusions

### Federal Bureau of Investigation

**Reference:** [28 CFR part 61, Appendix F](#)

5.(c)(NR8) Proposed new activities and operations to be conducted in an existing structure that would be consistent with previously established safety levels and would not result in a change in use of the facility. Examples include new types of research, development, testing, and evaluation activities, and laboratory operations conducted within existing enclosed facilities designed to support research and development activities.

### U.S. Department of Defense, Department of the Navy

**Reference:** [32 CFR part 775.6](#)

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

### U.S. Department of Homeland Security

**Reference:** [Instruction Manual 023-01-001-01, Revision 01, Implementation of the National Environmental Policy Act \(NEPA\), Appendix A](#)

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. If the operation will substantially increase the extent of potential environmental impacts or is controversial, an EA (and possibly an EIS) is required.

## Categorical Exclusion B-6.

Acquisition or use of existing facilities or portions thereof by purchase, lease, or use agreement where use or operation will remain unchanged. Examples include acquiring office space through lease, purchase, or use agreement, and acquisition of laboratory space through lease, purchase, or use agreement.





## Categorical Exclusions and Administrative Record

**Analysis:** NTIA developed this CE based on the benchmark CEs listed below. NTIA's activities could include all of the activities enumerated in the cited CEs and could be applied to either direct or grant-funded actions.

### Legacy and Comparable Agency Categorical Exclusions

#### Federal Bureau of Investigation

**Reference:** [28 CFR part 61, Appendix F](#)

5.(d)(R2) Acquisition or use of space within an existing structure, by purchase, lease, or use agreement. This includes structures that are in the process of construction or were recently constructed, regardless of whether the existing structure was built to satisfy an FBI requirement and the proposed FBI use would not exceed the carrying capacity of the utilities and infrastructure for the use and access to the space. This also includes associated relocation of personnel, equipment, or assets into the acquired space.

#### U.S. General Services Administration

**Reference:** [U.S. General Services Administration, NEPA Desk Guide \(1999\)](#)

5.3(b) Acquisition of space within an existing structure, either by purchase or lease, where no change in the general type of use and only minimal change from previous occupancy level is proposed (previous occupant need not have been a Federal tenant).

#### U.S. Department of Homeland Security

**Reference:** [Instruction Manual 023-01-001-01, Revision 01, Implementation of the National Environmental Policy Act \(NEPA\), Appendix A](#)

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.

#### Categorical Exclusion B-7.

Transfer of administrative control over real property, including related personal property, between another Federal agency and NTIA that does not result in a change in the functional use of the property. Examples include transfer of facilities for use by NTIA, transfers of computer equipment, office equipment, and personal property, including laptops and cell phones.

**Analysis:** NTIA developed this CE based on the benchmark CEs listed below. NTIA's activities could include all of the activities enumerated in the cited CEs and would be applied to direct actions relating to NTIA personal and real property, or facilities.

### Legacy and Comparable Agency Categorical Exclusions

#### Federal Bureau of Investigation

**Reference:** [28 CFR part 61, Appendix F](#)



## Categorical Exclusions and Administrative Record

5.(d)(R3) Transfer of administrative control over real property, including related personal property, between another Federal agency and the FBI that does not result in a change in the functional use of the property.

### U.S. Department of Homeland Security

**Reference:** [Instruction Manual 023-01-001-01, Revision 01, Implementation of the National Environmental Policy Act \(NEPA\), Appendix A](#)

L16 Transfer of administrative control over real property from the Coast Guard to another DHS component or another Federal agency (title to the property remains with the United States) that results in no immediate change in use of the property.

### Categorical Exclusion B-8.

Decisions and actions to close facilities, decommission equipment, or temporarily discontinue use of facilities or equipment, where the facility or equipment, including office equipment, telecommunications equipment, and computer equipment, is not used to prevent or control environmental impacts.

**Analysis:** NTIA developed this CE based on the benchmark CEs listed below. NTIA's activities could include all of the activities enumerated in the cited CEs and would be applied to direct actions relating to NTIA personal and real property, or facilities.

## Legacy and Comparable Agency Categorical Exclusions

### General Services Administration

**Reference:** [U.S. General Services Administration, NEPA Desk Guide \(1999\)](#)

5.4(j) Disposal of properties where the size, area, topography, and zoning are similar to existing surrounding properties and/or where current and reasonable anticipated uses are or would be similar to current surrounding uses (*e.g.*, commercial store in a commercial strip, warehouse in an urban complex, office building in downtown area, row house or vacant lot in an urban area).

### U.S. Department of Commerce, National Oceanic and Atmospheric Administration

**Reference:** [National Oceanic and Atmospheric Administration, Policy and Procedures for Compliance with the National Environmental Policy Act and Related Authorities \(2017\), Appendix E](#)

H7. Transferring real property to a non-Federal entity, an agency other than GSA, as well as to States, local agencies, and Indian Tribes, including return of public domain lands to the Department of the Interior.

### U.S. Department of Defense, Department of the Air Force

**Reference:** [32 CFR part 989, Appendix B](#)

A2.3.18. 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.



## Categorical Exclusions and Administrative Record

### U.S. Environmental Protection Agency

**Reference:** [40 CFR 6.204](#)

(a)(2)(vi) Actions involving the acquisition, transfer, lease, disposition, or closure of existing permanent structures, land, equipment, materials or personal property provided that the property: Is either vacant or has been used solely for office functions; has never been used for laboratory purposes by any party; does not require site remediation; and will be used in essentially the same manner such that the type and magnitude of the impacts will not change substantially. This category does not include activities related to construction and/or demolition of structures on the property (see paragraph (a)(1)(i) of this section).

### U.S. Department of Energy

**Reference:** [10 CFR part 1021, Subpart D, Appendix B](#)

B1.24. Transfer, lease, disposition, or acquisition of interests in personal property (including, but not limited to, equipment and materials) or real property (including, but not limited to, permanent structures and land), provided that under reasonably foreseeable uses (1) there would be no potential for release of substances at a level, or in a form, that could pose a threat to public health or the environment and (2) the covered actions would not have the potential to cause a significant change in impacts from before the transfer, lease, disposition, or acquisition of interests.

### Categorical Exclusion B-9.

The determination and disposal of real property, such as excess office space, or personal property, including laptops and cell phones, that is excess to the needs of NTIA, when the real property or personal property is excessed in conformity with applicable General Services Administration procedures or is statutorily authorized to be excessed.

**Analysis:** NTIA developed this CE based on the benchmark CEs listed below. NTIA's activities could include all of the activities enumerated in the cited CEs and would be applied to direct actions relating to NTIA personal and real property, or facilities.

## Legacy and Comparable Agency Categorical Exclusions

### U.S. Department of Commerce, National Oceanic and Atmospheric Administration

**Reference:** [National Oceanic and Atmospheric Administration, Policy and Procedures for Compliance with the National Environmental Policy Act and Related Authorities \(2017\). Appendix E](#)

F6. The determination that real property is excess to the needs of the Agency when the real property is excessed in conformity with General Services Administration procedures or is legislatively authorized to be excessed.

### U.S. Department of Energy

**Reference:** [10 CFR part 1021, Subpart D, Appendix B](#)

B1.36. Determinations that real property is excess to the needs of DOE and, in the case of acquired real property, the subsequent reporting of such determinations to the General Services



## Categorical Exclusions and Administrative Record

Administration or, in the case of lands withdrawn or otherwise reserved from the public domain, the subsequent filing of a notice of intent to relinquish with the Bureau of Land Management, Department of the Interior. Covered actions would not include disposal of real property.

### National Aeronautics and Space Administration

**Reference:** [14 CFR 1216.304](#)

(d)(4)(iv) Transfer of real property administrative control to another Federal agency, including the return of public domain lands to the Department of the Interior (DOI) or other Federal agencies, and reporting of property as excess and surplus to the General Services Administration (GSA) for disposal, when the agency receiving administrative control (or GSA, following receipt of a report of excess) will complete any necessary NEPA review prior to any change in land use (REC required).

## Operational Actions

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### Categorical Exclusion C-1.

Research activities conducted in laboratories and facilities where research practices and safeguards prevent environmental impacts. Examples include types of research, development, testing, and evaluation activities, and laboratory operations conducted within existing enclosed facilities designed to support research and development activities.

**Analysis:** NTIA developed this CE based on the benchmark CEs listed below. NTIA anticipates that its actions are similar to those actions contemplated by these agencies. NTIA could apply this CE to research activities conducted at NTIA facilities and may potentially fund research and innovation under grant programs. As part of the CE applicability analysis, proposed best practices and safeguards would be evaluated for reasonableness and efficacy. If NTIA were not able to confirm and verify the reasonableness and efficacy of such measures, the CE could not be applied.

## Legacy and Comparable Agency Categorical Exclusions

### U.S. Department of Commerce, National Oceanic and Atmospheric Administration

**Reference:** [National Oceanic and Atmospheric Administration, Policy and Procedures for Compliance with the National Environmental Policy Act and Related Authorities \(2017\), Appendix E](#)

E1. Activities conducted in laboratories and facilities where research practices and safeguards prevent environmental impacts. Examples include:

- Research, development, testing, and evaluation studies, including but not limited to analysis of previously collected samples or data;
- Development and use of mathematical models and computer simulations;
- Synthesis of previously collected data or information;
- Database development or maintenance;
- Software development and testing; fabricating or enhancing prototype or bench-scale



## Categorical Exclusions and Administrative Record

research equipment or instrumentation and equipment calibration;

- Processing methods to include, but are not limited to filtration, fluorimeters, high performance liquid chromatography, and mass spectrometers; and
- Research and development or pilot projects conducted to verify a concept before demonstration actions (e.g., testbeds and proving grounds such as the Space Weather Prediction Testbed, Hazardous Weather Testbed, Climate Testbed that facilitate transition of research capabilities to operational implementation including pre-deployment testing and operational readiness/suitability evaluations.

### National Aeronautics and Space Administration

**Reference:** [14 CFR 1216.304](#)

(d)(3)(i) Research, development, and testing in compliance with all applicable Federal, federally recognized Indian tribe, State, and/or local law or requirements and Executive orders.

### U.S. Department of Defense, Department of the Air Force

**Reference:** [32 CFR part 989, Appendix B](#)

A2.3.27. 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.

### U.S. Department of Energy

**Reference:** [10 CFR part 1021, Subpart D, Appendix B](#)

B3.6 *Small-scale research and development, laboratory operations, and pilot projects.* Siting, construction, modification, operation, and decommissioning of facilities for small-scale research and development projects; conventional laboratory operations (such as preparation of chemical standards and sample analysis); and small-scale pilot projects (generally less than 2 years) frequently conducted to verify a concept before demonstration actions, provided that construction or modification would be within or contiguous to a previously disturbed or developed area (where active utilities and currently used roads are readily accessible). Not included in this category are demonstration actions, meaning actions that are undertaken at a scale to show whether a technology would be viable on a larger scale and suitable for commercial deployment.

### Federal Bureau of Investigation

**Reference:** [28 CFR part 61, Appendix F](#)

5.(c)(NR8) Proposed new activities and operations to be conducted in an existing structure that would be consistent with previously established safety levels and would not result in a change in use of the facility. Examples include new types of research, development, testing, and evaluation activities, and laboratory operations conducted within existing enclosed facilities designed to support research and development activities.

### U.S. Department of Defense, Department of the Navy

**Reference:** [32 CFR 775.6](#)

(f)(16) New activities conducted at established laboratories and plants (including contractor-operated laboratories and plants) where all airborne emissions, waterborne effluent, external ionizing and non-ionizing radiation levels, outdoor noise, and solid and bulk waste disposal



## Categorical Exclusions and Administrative Record

practices are in compliance with existing applicable Federal, state, and local laws and regulations.

### Categorical Exclusion C-2.

Outdoor research activities conducted in compliance with all applicable laws, regulations, and requirements. Examples include types of research, development, testing, and evaluation activities conducted outdoors where no new ground disturbance occurs and no sensitive resources (*e.g.*, threatened or endangered species, archaeological sites, Tribal resources, wetlands, and waterbodies) are present, such as radar testing, radio noise measurements, and public safety communications research.

**Analysis:** NTIA developed this CE based on the benchmark CEs listed below. NTIA anticipates that its actions are similar to those actions contemplated by these agencies. NTIA could apply this CE to research activities conducted at NTIA facilities and may potentially fund research and innovation under grant programs.

## Legacy and Comparable Agency Categorical Exclusions

### National Aeronautics and Space Administration

**Reference:** [14 CFR 1216.304](#)

(d)(3)(i) Research, development, and testing in compliance with all applicable Federal, federally recognized Indian tribe, State, and/or local law or requirements and Executive orders.

### U.S. Department of Commerce, National Oceanic and Atmospheric Administration

**Reference:** [National Oceanic and Atmospheric Administration, Policy and Procedures for Compliance with the National Environmental Policy Act and Related Authorities \(2017\), Appendix E](#)

E3. Activities to collect aquatic, terrestrial, and atmospheric data in a non-destructive manner.

### U.S. Department of Energy

**Reference:** [10 CFR part 1021, Subpart D, Appendix B](#)

#### B3.1. Site characterization and environmental monitoring

Site characterization and environmental monitoring (including, but not limited to, siting, construction, modification, operation, and dismantlement and removal or otherwise proper closure (such as of a well) of characterization and monitoring devices, and siting, construction, and associated operation of a small- scale laboratory building or renovation of a room in an existing building for sample analysis). Such activities would be designed in conformance with applicable requirements and use best management practices to limit the potential effects of any resultant ground disturbance. Covered activities include, but are not limited to, site characterization and environmental monitoring under CERCLA and RCRA. (This class of actions excludes activities in aquatic environments. See B3.16 of this appendix for such activities.) Specific activities include, but are not limited to:

(a) Geological, geophysical (such as gravity, magnetic, electrical, seismic, radar, and temperature gradient), geochemical, and engineering surveys and mapping, and the establishment of survey



## Categorical Exclusions and Administrative Record

- marks. Seismic techniques would not include large-scale reflection or refraction testing;
- (b) Installation and operation of field instruments (such as stream-gauging stations or flow-measuring devices, telemetry systems, geochemical monitoring tools, and geophysical exploration tools);
  - (c) Drilling of wells for sampling or monitoring of groundwater or the vadose (unsaturated) zone, well logging, and installation of water-level recording devices in wells;
  - (d) Aquifer and underground reservoir response testing;
  - (e) Installation and operation of ambient air monitoring equipment;
  - (f) Sampling and characterization of water, soil, rock, or contaminants (such as drilling using truck- or mobile-scale equipment, and modification, use, and plugging of boreholes);
  - (g) Sampling and characterization of water effluents, air emissions, or solid waste streams;
  - (h) Installation and operation of meteorological towers and associated activities (such as assessment of potential wind energy resources);
  - (i) Sampling of flora or fauna; and
  - (j) Archeological, historic, and cultural resource identification in compliance with 36 CFR part 800 and 43 CFR part 7.

B3.3. Field and laboratory research, inventory, and information collection activities that are directly related to the conservation of fish and wildlife resources or to the protection of cultural resources, provided that such activities would not have the potential to cause significant impacts on fish and wildlife habitat or populations or to cultural resources.

B3.8 Outdoor terrestrial ecological and environmental research. Outdoor terrestrial ecological and environmental research in a small area (generally less than 5 acres), including, but not limited to, siting, construction, and operation of a small-scale laboratory building or renovation of a room in an existing building for associated analysis. Such activities would be designed in conformance with applicable requirements and use best management practices to limit the potential effects of any resultant ground disturbance.

B3.11 Outdoor tests and experiments on materials and equipment components. Outdoor tests and experiments for the development, quality assurance, or reliability of materials and equipment (including, but not limited to, weapon system components) under controlled conditions. Covered actions include, but are not limited to, burn tests (such as tests of electric cable fire resistance or the combustion characteristics of fuels), impact tests (such as pneumatic ejector tests using earthen embankments or concrete slabs designated and routinely used for that purpose), or drop, puncture, water-immersion, or thermal tests. Covered actions would not involve source, special nuclear, or byproduct materials, except encapsulated sources manufactured to applicable standards that contain source, special nuclear, or byproduct materials may be used for nondestructive actions such as detector/sensor development and testing and first responder field training.

B3.16 Small-scale, temporary surveying, site characterization, and research activities in aquatic environments, limited to:

- (a) Acquisition of rights-of-way, easements, and temporary use permits;
- (b) Installation, operation, and removal of passive scientific measurement devices, including, but



## Categorical Exclusions and Administrative Record

not limited to, antennae, tide gauges, flow testing equipment for existing wells, weighted hydrophones, salinity measurement devices, and water quality measurement devices;

(c) Natural resource inventories, data and sample collection, environmental monitoring, and basic and applied research, excluding (1) large-scale vibratory coring techniques and (2) seismic activities other than passive techniques; and

(d) Surveying and mapping.

These activities would be conducted in accordance with, where applicable, an approved spill prevention, control, and response plan and would incorporate appropriate control technologies and best management practices. None of the activities listed above would occur within the boundary of an established marine sanctuary or wildlife refuge, a governmentally proposed marine sanctuary or wildlife refuge, or a governmentally recognized area of high biological sensitivity, unless authorized by the agency responsible for such refuge, sanctuary, or area (or after consultation with the responsible agency, if no authorization is required). If the proposed activities would occur outside such refuge, sanctuary, or area and if the activities would have the potential to cause impacts within such refuge, sanctuary, or area, then the responsible agency shall be consulted in order to determine whether authorization is required and whether such activities would have the potential to cause significant impacts on such refuge, sanctuary, or area. Areas of high biological sensitivity include, but are not limited to, areas of known ecological importance, whale and marine mammal mating and calving/pupping areas, and fish and invertebrate spawning and nursery areas recognized as being limited or unique and vulnerable to perturbation; these areas can occur in bays, estuaries, near shore, and far offshore, and may vary seasonally. No permanent facilities or devices would be constructed or installed. Covered actions do not include drilling of resource exploration or extraction wells.

### U.S. Fish and Wildlife Service

**Reference:** [U.S. Fish and Wildlife Service, Managing the NEPA Process – U.S. Fish and Wildlife Service \(516 DM 8\) \(2020\)](#)

8.5, B (1) Research, inventory, and information collection activities directly related to the conservation of fish and wildlife resources which involve negligible animal mortality or habitat destruction, no introduction of contaminants, or no introduction of organisms not indigenous to the affected ecosystem.

### Categorical Exclusion C-3.

Periodic flight activities for training, and research and development, that are routine and comply with all applicable laws, Federal Aviation Administration regulations, and other requirements.

**Analysis:** NTIA developed this CE based on the analysis and benchmark CEs listed below. NTIA anticipates that its actions are similar to those actions contemplated by these agencies. NTIA could apply this CE to research activities conducted at NTIA facilities and may potentially fund research and innovation under grant programs. A recent example includes periodic flight activities at Table Mountain Field Site related to the Project TORUS – or Targeted Observation by Radars and UAS of Supercells. This is a partnership between the University of Colorado Boulder (CU Boulder), the University of Nebraska-Lincoln, Texas Tech University, the University of Oklahoma, and the





## Categorical Exclusions and Administrative Record

National Severe Storms Laboratory. Funding for the project came from the National Science Foundation and the National Oceanic and Atmospheric Administration. As part of the project researchers from CU Boulder flew drones into storms to investigate the relationships between severe thunderstorms and tornado formation.

### Prior NEPA Analyses of Comparable Actions

#### U.S. Department of Commerce, First Responder Network Authority

**Reference:** [Regional Programmatic Environmental Impact Statements](#)

The five regional PEISs evaluated the impacts of a proposed NPSBN. The Preferred Alternative included an evaluation of the impacts associated with construction and installation of wired and wireless communication technologies and support structures including, but not limited to, fiber optic cable, transmission poles, equipment sheds, utility huts, and deployable technologies such as COWs, COLTs, SOWs, and Deployable Aerial Communications Architecture (DACA). Specific activities evaluated included installation of buried and aerial fiber optic cable, collocations on existing towers, structures, and buildings, new construction of towers and related support structures, and deployment of ground-based and aerial communications infrastructure. The impacts of these actions were analyzed as part of the Preferred Alternative against a range of resource areas including, but not limited to, biological resources, including threatened and endangered species, cultural resources, tribal resources, wetlands, and infrastructure. NTIA was a Cooperating Agency for this analysis.

**Analysis:** The analysis developed determined that these activities would have no significant impact to the resources mentioned above, and that BMPs and mitigation measures could be used to avoid or minimize any impacts that did occur. This action resulted in a Record of Decision that determined the Preferred Alternative would not significantly impact the environment.

### Legacy and Comparable Agency Categorical Exclusions

#### National Aeronautics and Space Administration

**Reference:** [14 CFR 1216.304](#)

(d)(5)(i) Periodic aircraft flight activities, including training and research and development, which are routine and comply with applicable Federal, federally recognized Indian tribe, State, and/or local law or requirements, and Executive orders.

#### U.S. Department of Defense, Department of the Air Force

**Reference:** [32 CFR part 989, Appendix B](#)

A2.3.33. 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.

#### U.S. Department of Energy

**Reference:** [10 CFR part 1021, Subpart D, Appendix B](#)



## Categorical Exclusions and Administrative Record

*B3.2 Aviation Activities.* Aviation activities for survey, monitoring, or security purposes that comply with Federal Aviation Administration regulations.

### Categorical Exclusion C-4.

New construction or improvement of land, operations, or support facilities, switching stations, maintenance facilities, and other non-tower structures supporting wired or wireless communications systems in a developed area and/or on previously disturbed ground, with no more than 1 acre (0.4 hectare) of ground disturbance, where the proposed facility use is generally compatible with the surrounding land use and applicable zoning standards, and will not require additional support infrastructure.

**Analysis:** NTIA developed this CE based on the analysis and benchmark CEs listed below. NTIA proposes the 1-acre ground disturbance threshold because it is a trigger for other regulatory requirements (*e.g.*, NPDES permits). NTIA made minor modifications to the public review draft to ensure consistency with the Department's existing CEs and to clarify applicability to both wired and wireless systems. In applying this CE, NTIA would document that the action is compatible with surrounding land use and applicable zoning standards, for example, using local master plans. Additional support infrastructure could include utilities, for example. Activities that would require more than a connection to existing services (power, water, etc.) likely would not qualify for application of this CE. NTIA could apply this CE to either direct or grant-funded actions.

## Prior NEPA Analyses of Comparable Actions

### U.S. Department of Commerce, First Responder Network Authority

**Reference:** [Regional Programmatic Environmental Impact Statements](#)

The five regional PEISs evaluated the impacts of a proposed NPSBN. The Preferred Alternative included an evaluation of the impacts associated with construction and installation of wired and wireless communication technologies and support structures including, but not limited to, fiber optic cable, transmission poles, equipment sheds, and utility huts. Specific activities evaluated included installation of buried and aerial fiber optic cable, collocations on existing towers, structures, and buildings, and new construction of towers and related support structures. The impacts of these actions were analyzed as part of the Preferred Alternative against a range of resource areas including, but not limited to, biological resources, including threatened and endangered species, cultural resources, tribal resources, wetlands, and infrastructure. NTIA was a Cooperating Agency for this analysis.

**Analysis:** The analysis developed determined that these activities would have no significant impact to the resources mentioned above, and that BMPs and mitigation measures could be used to avoid or minimize any impacts that did occur. This action resulted in a Record of Decision that determined the Preferred Alternative would not significantly impact the environment.

### U.S. Department of Commerce, National Telecommunications and Information Administration



## Categorical Exclusions and Administrative Record

**Reference:** [Public Safety Interoperable Communications Grant Program, Programmatic Environmental Assessment, February 2009. Final Finding of No Significant Impact, April 2009.](#)

The National Telecommunications and Information Administration (NTIA) developed a Programmatic Environmental Assessment (PEA) to evaluate the potential impacts of the Public Safety Interoperable Communications (PSIC) Grant Program. The PEA analyzed the potential impacts of the Proposed Action, which included a wide range of construction, installation, and procurement activities designed to improve interoperable communications among public safety agencies. Among the activities analyzed, the PEA evaluated the impacts of construction, upgrading, and retrofitting communications facilities, including towers less than 200 feet in height and associated structures, as well as operations and response centers. A Finding of No Significant Impact was issued for the project.

**Analysis:** This action resulted in a Finding of No Significant Impact that determined the Preferred Alternative would not significantly impact the environment.

## Legacy and Comparable Agency Categorical Exclusions

### Federal Bureau of Investigation

**Reference:** [28 CFR part 61, Appendix F](#)

5.(d)(R4) New construction (*e.g.*, facilities, roads, parking areas, trails, solar panels, and wind turbines) or improvement of land where all of the following conditions are met:

- (i) The site is in a developed or a previously disturbed area;
- (ii) The proposed use will not substantially increase the number of motor vehicles at the facility or in the area;
- (iii) The construction or improvement will not result in exceeding the infrastructure capacity outside of FBI-managed property (*e.g.*, roads, sewer, water, and parking);
- (iv) The site and scale of construction or improvement are consistent with those of existing, adjacent, or nearby buildings; and
- (v) 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.

### U.S. Department of Homeland Security

**Reference:** [Instruction Manual 023-01-001-01, Revision 01, Implementation of the National Environmental Policy Act \(NEPA\), Appendix A](#)

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



## Categorical Exclusions and Administrative Record

e) The construction or improvement will not result in uses that exceed existing support infrastructure capacities (roads, sewer, water, parking, etc.).

### U.S. Department of Commerce

**Reference:** [74 FR 33204 \(July 10, 2009\)](#)

A-2. New construction upon or improvement of land where all of the following conditions are met: a) The site is in a developed area and/or a previously disturbed site, b) 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, 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.). This CE does not apply where the project must be submitted to the National Capital Planning Commission (NCPC) for review and NCPC determines that it does not have an applicable Categorical Exclusion.

### U.S. Department of Defense, Department of the Navy

**Reference:** [32 CFR part 775.6](#)

(f)(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/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.

### Categorical Exclusion C-5.

Installing, operating, maintaining, retrofitting, upgrading, repairing, removing, and/or replacement of existing microwave or radio communication towers, instruments, structures, or buildings that do not require ground disturbance outside of the original footprint, including installing or collocating equipment, such as antennas, microwave dishes, or power units. For communication towers at or below 199 feet, renovations and equipment additions must not cause the total height of the tower to exceed 199 feet. Existing structures must not be eligible for listing under the National Register of Historic Places.

**Analysis:** NTIA developed this CE based on the analysis and benchmark CEs listed below. The threshold of 199 feet is based on the US Fish and Wildlife Service's Recommended Best Practices for Communication Tower Design, Siting, Construction, Operation, Maintenance, and Decommissioning that recommend tower heights not exceed 199 feet to minimize impacts to migratory birds. NTIA could apply this CE either to direct or grant-funded actions.

## Prior NEPA Analyses of Comparable Actions

### U.S. Department of Commerce, First Responder Network Authority



## Categorical Exclusions and Administrative Record

### **Reference:** [Regional Programmatic Environmental Impact Statements](#)

The five regional PEISs evaluated the impacts of a proposed NPSBN. The Preferred Alternative included an evaluation of the impacts associated with construction and installation of wired and wireless communication technologies and support structures including, but not limited to, fiber optic cable, transmission poles, equipment sheds, and utility huts. The impacts of these actions were analyzed as part of the Preferred Alternative against a range of resource areas including, but not limited to, biological resources, including threatened and endangered species, cultural resources, tribal resources, wetlands, and infrastructure. NTIA was a Cooperating Agency for this analysis.

**Analysis:** The analysis developed determined that these activities would have no significant impact to the resources mentioned above, and that BMPs and mitigation measures could be used to avoid or minimize any impacts that did occur. This action resulted in a Record of Decision that determined the Preferred Alternative would not significantly impact the environment.

### **U.S. Department of Commerce, National Telecommunications and Information Administration**

#### **Reference:** [Public Safety Interoperable Communications Grant Program, Programmatic Environmental Assessment, February 2009. Final Finding of No Significant Impact, April 2009.](#)

The National Telecommunications and Information Administration (NTIA) developed a Programmatic Environmental Assessment (PEA) to evaluate the potential impacts of the Public Safety Interoperable Communications (PSIC) Grant Program. The PEA analyzed the potential impacts of the Proposed Action, which included a wide range of construction, installation, and procurement activities designed to improve interoperable communications among public safety agencies. Among the activities analyzed, the PEA evaluated the impacts of construction, upgrading, and retrofitting communications facilities, including towers less than 200 feet in height and associated structures, as well as operations and response centers. A Finding of No Significant Impact was issued for the project.

**Analysis:** This action resulted in a Finding of No Significant Impact that determined the Preferred Alternative would not significantly impact the environment.

## Legacy and Comparable Agency Categorical Exclusions

### **U.S. Department of Energy**

#### **Reference:** [10 CFR 1021, Subpart D, Appendix B](#)

B1.19 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.

### **U.S. Department of Commerce, National Oceanic and Atmospheric Administration**

#### **Reference:** [Policy and Procedures for Compliance with the National Environmental Policy Act and Related Authorities \(2017\) Appendix E](#)

F5. Installation, operation, maintenance, improvements, repair, upgrade, removal, and/or



## Categorical Exclusions and Administrative Record

replacement of instruments or instrument systems in or on:

- an existing structure or object (*e.g.*, tower, antenna, building, pier, buoy, terrestrial vehicle, or bridge);
- on previously disturbed (*e.g.*, filled, paved, or cleared) ground; or
- on undisturbed ground, if the equipment installation, operation, and removal will require no or minimal ground disturbance.

Microwave/radio communications towers and antennas must be limited to 200 feet in height without guy wires.

### U.S. Department of Commerce

**Reference:** [74 FR 33204 \(July 10, 2009\)](#)

A-4 Siting/construction/operation of microwave/radio communication towers less than 200 feet in height without guy wires on previously disturbed ground.

A-5. Retrofit/upgrade existing microwave/radio communication towers that do not require ground disturbance.

### U.S. Department of Energy

**Reference:** [10 CFR 1021, Subpart D, Appendix B](#)

B1.31. Installation or relocation and operation of machinery and equipment (including, but not limited to, laboratory equipment, electronic hardware, manufacturing machinery, maintenance equipment, and health and safety equipment), provided that uses of the installed or relocated items are consistent with the general missions of the receiving structure. Covered actions include modifications to an existing building, within or contiguous to a previously disturbed or developed area, are necessary for equipment installation and relocation. Such modifications would not appreciably increase the footprint or height of the existing building or have the potential to cause significant changes to the type and magnitude of environmental impacts.

B2.2. Installation of, or improvements to building and equipment instrumentation (including, but not limited to, remote control panels, remote monitoring capability, alarm and surveillance systems, control systems to provide automatic shutdown, fire detection and protection systems, water consumption monitors and flow control systems, announcement and emergency warning systems, criticality and radiation monitors and alarms, and safeguards and security equipment.)

B2.5. Safety and environmental improvements of a facility (including, but not limited to, replacement and upgrade of facility components) that do not result in a significant change in the expected useful life, design capacity, or function of the facility and during which operations may be suspended and then resumed. Improvements include, but are not limited to, replacement/upgrade of control valves, in-core monitoring devices, facility air filtration systems, or substation transformers or capacitors; addition of structural bracing to meet earthquake standards and/or sustain high wind loading; and replacement of aboveground or belowground tanks and related piping, provided there is no evidence of leakage, based on testing in accordance with applicable requirements (such as 40 CFR part 265, "Interim Status Standards for Owners and Operators of Hazardous Waste Treatment, Storage, and Disposal Facilities" and 40 CFR part 280, "Technical Standards and Corrective Action



## Categorical Exclusions and Administrative Record

Requirements for Owners and Operators of Underground Storage Tanks”). These actions do not include rebuilding or modifying substantial portions of a facility (such as replacing a reactor vessel).

### **U.S. Department of Homeland Security**

**Reference:** [Instruction Manual 023-01-001-01, Revision 01, Implementation of the National Environmental Policy Act, Appendix A](#)

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 EA or EIS for the acquisition, installation, operation, or maintenance.

### **U.S. Department of Transportation, Federal Aviation Administration**

**Reference:** [FAA Order 1050.1F, Environmental Impacts: Policies and Procedures](#)

5-6.3(e). Federal financial assistance for, Airport Layout Plan (ALP) approval of, or FAA installation, repair, relocation, replacement removal, or upgrade of minor miscellaneous items such as Low-Level Wind Shear Alert System (LLWAS), wind indicators, wind measuring devices, landing directional equipment, segmented circles (visual indicators providing traffic pattern information at airports without airport traffic control towers (ATCTs), mobile ATCTs, Mobile Emergency Radar Facilities (MERF), and associated fencing and calibration equipment.

5-6.3(f). Installation or replacement of engine generators used in emergencies.

5-6.3(g). Replacement or upgrade of power and control cable for existing facilities and equipment, such as airfield or approach lighting systems (ALS), commercial space launch site launching systems, visual approach aids, beacons, and electrical distribution systems as described in FAA Order 6850.2, Visual Guidance Lighting Systems, or airport surveillance radar (ASR), commercial space launch site surveillance radar, Instrument Landing Systems (ILS), and Runway Visual Range (RVR).

5-6.4(n). Minor expansion of facilities, including the addition of equipment such as telecommunications equipment, on an existing facility where no additional land is required, or when expansion is due to remodeling of space in current quarters or existing buildings. Additions may include antennas, concrete pad, and minor trenching for cable.

### **National Aeronautics and Space Administration**

**Reference:** [14 CFR 1216.304](#)

(d)(2)(ii) Installation or removal of equipment, including component parts, at existing Government or private facilities.

### **U.S. Department of Defense, Department of the Air Force**

**Reference:** [32 CFR part 989, Appendix B](#)

A2.3.12. 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.

A2.3.13. Installing or modifying airfield operational equipment (such as runway visual range equipment, visual glide path systems, and remote transmitter or receiver facilities) on airfield



## Categorical Exclusions and Administrative Record

property and usually accessible only to maintenance personnel.

A2.3.14. 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.

### Categorical Exclusion C-6.

New construction or improvement of temporary buildings or experimental equipment (*e.g.*, trailers, prefabricated buildings, and test slabs) on previously disturbed ground, with no more than 1 acre (0.4 hectare) of ground disturbance, where the proposed facility use is generally compatible with the surrounding land use and applicable zoning standards and will not require additional support infrastructure.

**Analysis:** This CE would apply to any previously disturbed ground because the entity conducting the ground disturbance would not change the impact that has already occurred. NTIA proposes the 1-acre ground disturbance threshold because it is a trigger for other regulatory requirements (*e.g.*, NPDES permits). In applying this CE, NTIA would document that the action is compatible with surrounding land use and applicable zoning standards, for example, using local master plans. NTIA could apply this CE to either direct or grant-funded actions.

## Legacy and Comparable Agency Categorical Exclusions

### U.S. Department of Commerce

**Reference:** [74 FR 33204 \(July 10, 2009\)](#)

A-10. Siting, construction (or modification), and operation of support buildings and support structures (including, but not limited to, trailers and prefabricated buildings) within or contiguous to an already developed area (where active utilities and currently used roads are readily accessible). This CE does not apply where the project must be submitted to the National Capital Planning Commission (NCPC) for review and NCPC determines that it does not have an applicable Categorical Exclusion.

### U.S. Department of Commerce, National Oceanic and Atmospheric Administration

**Reference:** [National Oceanic and Atmospheric Administration, Policy and Procedures for Compliance with the National Environmental Policy Act and Related Authorities \(2017\), Appendix E](#)

F-1 Siting, construction (or modification), and operation of support buildings and support structures (including, but not limited to, trailers and prefabricated buildings) within or contiguous to an already developed area (where active utilities and currently used roads are readily accessible).

### U.S. Department of Energy

**Reference:** [10 CFR part 1021, Subpart D, Appendix B](#)

B1.15. Siting, construction or modification, and operation of support buildings and support structures (including, but not limited to, trailers and prefabricated and modular buildings) within or contiguous to an already developed area (where active utilities and currently used roads are readily





## Categorical Exclusions and Administrative Record

accessible). Covered support buildings and structures include, but are not limited to, those for office purposes; parking; cafeteria services; education and training; visitor reception; computer and data processing services; health services or recreation activities; routine maintenance activities; storage of supplies and equipment for administrative services and routine maintenance activities; security (such as security posts); fire protection; small-scale fabrication (such as machine shop activities), assembly, and testing of non-nuclear equipment or components; and similar support purposes, but exclude facilities for nuclear weapons activities and waste storage activities such as activities covered in B1.10, B1.29, B1.35, B2.6, B6.2, B6.4, B6.5, B6.6, and B6.10 of this appendix.

### Categorical Exclusion C-7.

New construction of self-supporting (e.g., monopole or lattice) wireless communication towers at or below 199 feet with no guy wires that require less than 1 acre (0.4 hectare) of ground disturbance, and where another Federal agency would not require an EA or EIS for its acquisition, installation, operations, or maintenance.

**Analysis:** NTIA developed this CE based on the analysis and benchmark CEs listed below. NTIA proposes the 1-acre ground disturbance threshold because it is a trigger for other regulatory requirements (e.g., NPDES permits). The threshold of 199 feet is based on the US Fish and Wildlife Service's [\*Recommended Best Practices for Communication Tower Design, Siting, Construction, Operation, Maintenance, and Decommissioning\*](#) that recommend tower heights not exceed 199 feet to minimize impacts to migratory birds. In applying this CE, NTIA would document that the action is compatible with surrounding land use and applicable zoning standards, for example, using local master plans. NTIA did not include other limitations, such as proximity to National Parks or great visual value, because NTIA evaluates all such actions for extraordinary circumstances and documents that analysis and decision. That analysis would consider proximity to sensitive resources such as National Parks or areas of great visual value. NTIA could apply this CE to either direct or grant-funded actions.

## Prior NEPA Analyses of Comparable Actions

### U.S. Department of Commerce, First Responder Network Authority

**Reference:** [Regional Programmatic Environmental Impact Statements](#)

The five regional PEISs evaluated the impacts of a proposed NPSBN. The Preferred Alternative included an evaluation of the impacts associated with construction and installation of wired and wireless communication technologies and support structures including, but not limited to, fiber optic cable, transmission poles, equipment sheds, and utility huts. Specifically, the PEISs evaluated the impacts of the deployment and operation of new construction communication towers. The impacts of these actions were analyzed as part of the Preferred Alternative against a range of resource areas including, but not limited to, biological resources, including threatened and endangered species, cultural resources, tribal resources, wetlands, and infrastructure. NTIA was a Cooperating Agency for this analysis.

**Analysis:** The analysis developed determined that these activities would have no significant impact



## Categorical Exclusions and Administrative Record

to the resources mentioned above, and that BMPs and mitigation measures could be used to avoid or minimize any impacts that did occur. This action resulted in a Record of Decision that determined the Preferred Alternative would not significantly impact the environment.

### **U.S. Department of Commerce, National Telecommunications and Information Administration**

**Reference:** [Public Safety Interoperable Communications Grant Program, Programmatic Environmental Assessment, February 2009. Final Finding of No Significant Impact, April 2009.](#)

The National Telecommunications and Information Administration (NTIA) developed a Programmatic Environmental Assessment (PEA) to evaluate the potential impacts of the Public Safety Interoperable Communications (PSIC) Grant Program. The PEA analyzed the potential impacts of the Proposed Action, which included a wide range of construction, installation, and procurement activities designed to improve interoperable communications among public safety agencies. Among the activities analyzed, the PEA evaluated the impacts of construction, upgrading, and retrofitting communications facilities, including towers less than 200 feet in height and associated structures, as well as operations and response centers. A Finding of No Significant Impact was issued for the project.

**Analysis:** This action resulted in a Finding of No Significant Impact that determined the Preferred Alternative would not significantly impact the environment.

## Legacy and Comparable Agency Categorical Exclusions

### **U.S. Department of Homeland Security**

**Reference:** [Instruction Manual 023-01-001-01, Revision 01, Implementation of the National Environmental Policy Act, Appendix A](#)

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 EA or EIS for the acquisition, installation, operation, or maintenance.

### **U.S. Department of Energy**

**Reference:** [10 CFR part 1021, Subpart D, Appendix B](#)

B1.19 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.

### **Categorical Exclusion C-8.**

Acquisition, installation, reconstruction, repair by replacement, and operation of aerial or buried utility (e.g., water, sewer, electrical), communication (e.g., fiber optic cable, data processing cable and similar electronic equipment), and security systems that use existing rights-of-way, easements, grants of license, distribution systems, facilities, or similar arrangements.



## Categorical Exclusions and Administrative Record

**Analysis:** NTIA developed this CE based on the analysis and benchmark CEs listed below. NTIA anticipates that its actions are similar to those actions contemplated by the analysis conducted and these agency CEs. NTIA could apply this CE to either direct or grant-funded actions for such activities as fiber installation through trenching, vibratory plowing, or directional boring, installation of fiber or cable into existing conduit, and aerial fiber or cable deployment. The final text of CE C-8 specifies its applicability to aerial and buried infrastructure, consistent with the analyses and benchmark CEs listed below. If NTIA is not able to determine that environmental effects are negligible, this CE could not be applied.

### Prior NEPA Analyses of Comparable Actions

#### **U.S. Department of Commerce, First Responder Network Authority**

**Reference:** [Regional Programmatic Environmental Impact Statements](#)

The five regional PEISs evaluated the impacts of a proposed NPSBN. The Preferred Alternative included an evaluation of the impacts associated with construction and installation of wired and wireless communication technologies and support structures including, but not limited to, buried and aerial fiber optic cable, transmission poles, equipment sheds, and utility huts. Potential impacts of replacement of existing equipment with similar technology and operation of these technologies were included in the analysis. The impacts of these actions were analyzed as part of the Preferred Alternative against a range of resource areas including, but not limited to, biological resources, including threatened and endangered species, cultural resources, tribal resources, wetlands, and infrastructure. NTIA was a Cooperating Agency for this analysis.

**Analysis:** The analysis developed determined that these activities would have no significant impact to the resources mentioned above, and that BMPs and mitigation measures could be used to avoid or minimize any impacts that did occur. This action resulted in a Record of Decision that determined the Preferred Alternative would not significantly impact the environment.

#### **U.S. Department of Commerce, National Telecommunications and Information Administration**

**Reference:** [Public Safety Interoperable Communications Grant Program, Programmatic Environmental Assessment, February 2009. Final Finding of No Significant Impact, April 2009.](#)

The National Telecommunications and Information Administration (NTIA) developed a Programmatic Environmental Assessment (PEA) to evaluate the potential impacts of the Public Safety Interoperable Communications (PSIC) Grant Program. The PEA analyzed the potential impacts of the Proposed Action, which included a wide range of construction, installation, and procurement activities designed to improve interoperable communications among public safety agencies. Among the activities analyzed, the PEA evaluated the impacts of construction, upgrading, and retrofitting communications facilities, including aerial and buried fiber optic cable and associated structures. This analysis also included an evaluation of replacement and operation of equipment. The impacts of these actions were analyzed as part of the Proposed Action against a range of resource areas including, but not limited to, biological resources, including threatened and endangered species, cultural resources, tribal resources, wetlands, and infrastructure. A Finding of



## Categorical Exclusions and Administrative Record

No Significant Impact was issued for the project.

**Analysis:** The analysis determined that these activities would not have any significant impact on the resource areas evaluated. This action resulted in a Finding of No Significant Impact that determined the Preferred Alternative would not significantly impact the environment.

## Legacy and Comparable Agency Categorical Exclusions

### U.S. Department of Commerce

**Reference:** [74 FR 33204 \(July 10, 2009\)](#)

A-7 Acquisition, installation, operation, and removal of communications systems, data processing equipment, and similar electronic equipment.

### U.S. Department of Homeland Security

**Reference:** [Instruction Manual 023-01-001-01, Revision 01, Implementation of the National Environmental Policy Act, Appendix A](#)

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 EA or EIS for the acquisition, installation, operation, or maintenance.

### U.S. Department of Energy

**Reference:** [10 CFR part 1021, Subpart D, Appendix B](#)

B1.7 Acquisition, installation, operation, modification, and removal of electricity transmission control and monitoring devices for grid demand and response, communication systems, data processing equipment, and similar electronic equipment.

### U.S. Department of Defense, Department of the Navy

**Reference:** [32 CFR part 775.6](#)

(f)(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/or facilities.