



**Gulf Coast Ecosystem Restoration Council
Categorical Exclusion Determination Form**

This form is to be completed before the Gulf Coast Ecosystem Restoration Council (Council) uses one or more Categorical Exclusions (CEs) to comply with the National Environmental Policy Act (NEPA) for a specific action or group of actions, as appropriate. More information on the Council's NEPA compliance and use of CEs can be found in the Council's [NEPA Procedures](#).

Proposed Action Title:

Proposed Action Location: *(State, County/Parish)*

Proposed Action Description:

Categorical Exclusion(s) Applied:

Council Use of Member Categorical Exclusion(s)

If the Categorical Exclusion(s) was established by a Federal agency Council member, complete the following. If not, leave this section blank and proceed to the segmentation section.

Member with Categorical Exclusion(s)

Has the member with CE(s) advised the Council in writing that use of the CE(s) would be appropriate for the specific action under consideration by the Council, including consideration of segmentation and extraordinary circumstances (as described below)?

Yes No

Segmentation

Has the proposed action been segmented to meet the definition of a Categorical Exclusion? (In making this determination, the Council should consider whether the action has independent utility.)

Yes No

Extraordinary Circumstances

In considering whether to use a Categorical Exclusion for a given action, agencies must review whether there may be extraordinary circumstances in which a normally excluded action may have a significant environmental effect and, therefore, warrant further review pursuant to NEPA. Guidance on the review of potential extraordinary circumstances can be found in Section 4(e) of the Council's NEPA Procedures. The potential extraordinary circumstances listed below are set forth in the Council's NEPA Procedures.

The Council, in cooperation with the sponsor of the activity, has considered the following potential extraordinary circumstances, where applicable, and has made the following determinations. (By checking the "No" box, the Council is indicating that the activity under review would not result in the corresponding potential extraordinary circumstance.)

- | | | |
|-----|----|---|
| Yes | No | 1. Is there a reasonable likelihood of substantial scientific controversy regarding the potential environmental impacts of the proposed action? |
| Yes | No | 2. Are there Tribal concerns with actions that impact Tribal lands or resources that are sufficient to constitute an extraordinary circumstance? |
| Yes | No | 3. Is there a reasonable likelihood of adversely affecting environmentally sensitive resources? Environmentally sensitive resources include but are not limited to: |

- a. Species that are federally listed or proposed for listing as threatened or endangered, or their proposed or designated critical habitats; and
- b. Properties listed or eligible for listing on the National Register of Historic Places.

- Yes No 4. Is there a reasonable likelihood of impacts that are highly uncertain or involve unknown risks or is there a substantial scientific controversy over the effects?
- Yes No 5. Is there a reasonable likelihood of air pollution at levels of concern or otherwise requiring a formal conformity determination under the Clean Air Act?
- Yes No 6. Is there a reasonable likelihood of a disproportionately high and adverse effect on low income or minority populations (see Executive Order 12898)?
- Yes No 7. Is there a reasonable likelihood of contributing to the introduction or spread of noxious weeds or non-native invasive species or actions that may promote the introduction, or spread of such species (see Federal Noxious Weed Control Act and Executive Order 13112)?
- Yes No 8. Is there a reasonable likelihood of a release of petroleum, oils, or lubricants (except from a properly functioning engine or vehicle) or reportable releases of hazardous or toxic substances as specified in 40 CFR part 302 (Designation, Reportable Quantities, and Notification); or where the proposed action results in the requirement to develop or amend a Spill Prevention, Control, or Countermeasures Plan in accordance with the Oil Pollution Prevention regulation?

Supplemental Information

Where appropriate, the following table should be used to provide additional information regarding the review of potential extraordinary circumstances and compliance with other applicable laws. The purpose of this table is to ensure that there is adequate information for specific findings regarding potential extraordinary circumstances.

Supplemental information and documentation is not needed for each individual finding regarding the potential extraordinary circumstances listed above. Specifically, the nature of an activity under review may be such that a reasonable person could conclude that there is a very low potential for a particular type of extraordinary circumstance to exist. For example, it would be reasonable to conclude that the simple act of acquiring land for conservation purposes (where

there are no other associated actions) does not present a reasonable likelihood of a release of petroleum, oils, lubricants, or hazardous or toxic substances.

For some types of activities, no supplemental information may be needed to support a finding that there are no extraordinary circumstances. For example, where the activity under review is solely planning (with no associated implementation activity), it may be reasonable to conclude that none of the extraordinary circumstances listed above would apply. In such cases, the table below would be left blank.

In other cases, it may be appropriate to include supplemental information to ensure that there is an adequate basis for a finding regarding a particular extraordinary circumstance. For example, it might be appropriate in some cases to document coordination and/or consultation with the appropriate agency regarding compliance with a potentially applicable law (such as the Endangered Species Act). In those cases, the table below should be used to provide the supplemental information.

Agency or Authority Consulted	Agency or Authority Representative: Name, Office & Phone	Date of Consultation	Notes: Topic discussed, relevant details, and conclusions. (This can include reference to other information on file and/or attached for the given action.)

Additional supplemental information may be attached, as appropriate. Indicate below whether additional supplemental information is attached.

Additional Information Attached: Yes No

If “Yes”, indicate the subject:

Determination by Responsible Official

Based on my review of the proposed action, I have determined that the proposed action fits within the specified Categorical Exclusion(s), the other regulatory requirements set forth above are met, and the proposed action is hereby Categorically Excluded from further NEPA review.

Responsible Official (*Name*)

Responsible Official (*Signature*)

Date



Categorical Exclusion Documentation Form (CE Form)

Project: Programmatic Routine Trail and Day Use Area Maintenance - FY 2023 - FY 2027

PEPC Project Number: 115806

Description of Action (Project Description):

This project would perform cyclic maintenance on trails and trail head DUA (Day Use Areas) at the following locations - Confluence and Boat Ramp DUA, Four Oaks DUA, McQueen's Landing and boat ramp DUA, Kirby Nature Trail & DUA, Sandhill Loop, Turkey Creek Trail North & South, Picture Plant DUA, Sundew Trail DUA, Beechwoods Trail & DUA, Beaver Slide Trail, Big Sandy Trail & DUA, Woodlands Trail & DUA, Holly Grove, and Bird Watchers Trail. The cyclic maintenance would include trimming trees, vines and shrubs that block, hinder, and prevent safe passage of the trail systems and DUAs. Mitigate trip hazards to as minimal extent possible. Replace culverts as needed with in-kind size and length new culvert. Replace water boards or installing new waterboards to mitigate trail erosion. Replace boardwalks and bridges with "in-kind" size and lengths as necessary. Add additional gravel to parking lot areas to replenish eroding, potholes and wash board surfaces that create trip hazards.

Equipment: Small trail tractors, UTV's with mini trailers, chainsaws, trimmers, pole saws, shovels, rakes, and other non-motorized landscaping hand tools. Motorized/battery powered hand carpentry tools, small generator, bucket loader/backhoe, dump truck and mixers.

Time Length: This project is a continuous on-going work that normally has some work being completed on an annual basis.

Mitigation: Should any new ground disturbance be needed; prior approval would be requested before commencement of work on location begins. Any nesting birds or wildlife habitat in the immediate area of work location would not be disturbed until resource management has opportunity to assess the area and make recommendations. Separate compliance will be conducted if project work is needed outside of the existing footprint.

PMIS Numbers: FY23 - 195407; FY24 - 206389; FY26 - 195400

Project Locations:

Location 1

County: Hardin **State:** TX

Location 2

County: Jasper **State:** TX

Location 3

County: Jefferson **State:** TX

Location 4

County: Liberty **State:** TX

Location 5

County: Orange **State:** TX

Location 6

County: Polk **State:** TX

Location 7

County: San Jacinto **State:** TX

Location 8

County: Tyler **State:** TX

There are no required mitigations identified.

CE Citation: 3.3.C.3 Routine maintenance and repairs to non-historic structures, facilities, utilities, grounds and trails.

CE Justification:

All work will be regular routine maintenance within the existing footprint of the trails and day use areas. Any project work needed outside of the existing footprint will have separate compliance/ impact analysis completed.

Decision: I find that the action fits within the categorical exclusion above. Therefore, I am categorically excluding the described project from further NEPA analysis. No extraordinary circumstances apply.

Signature

Superintendent: _____ **Date:** _____

Albert Prokopetz

Extraordinary Circumstances:

If implemented, would the proposal...	Yes/No	Explanation
A. Have significant impacts on public health or safety?	No	
B. Have significant impacts on such natural resources and unique geographic characteristics as historic or cultural resources; park, recreation, or refuge lands; wilderness areas; wild or scenic rivers; national natural landmarks; sole or principal drinking water aquifers; prime farmlands; wetlands (Executive Order 11990); floodplains (Executive Order 11988); national monuments; migratory birds; and other ecologically significant or critical areas?	No	
C. Have highly controversial environmental effects or involve unresolved conflicts concerning alternative uses of available resources (NEPA section 102(2)(E))?	No	
D. Have highly uncertain and potentially significant environmental effects or involve unique or unknown environmental risks?	No	
E. Establish a precedent for future action or represent a decision in principle about future actions with potentially significant environmental effects?	No	
F. Have a direct relationship to other actions with individually insignificant, but cumulatively significant, environmental effects?	No	
G. Have significant impacts on properties listed or eligible for listing on the National Register of Historic Places, as determined by either the bureau or office?	No	
H. Have significant impacts on species listed or proposed to be listed on the List of Endangered or Threatened Species, or have significant impacts on designated Critical Habitat for these species?	No	
I. Violate a federal, state, local or tribal law or requirement imposed for the protection of the environment?	No	
J. Have a disproportionately high and adverse effect on low income or minority populations (EO 12898)?	No	
K. Limit access to and ceremonial use of Indian sacred sites on federal lands by Indian religious practitioners or adversely affect the physical integrity of such sacred sites (EO 130007)?	No	
L. Contribute to the introduction, continued existence, or spread of noxious weeds or non-native invasive species known to occur in the area or actions that may promote the introduction, growth, or expansion of the range of such species (Federal Noxious Weed Control Act and Executive Order 13112)?	No	

