

NORTHERN BORDER REGIONAL COMMISSION

ADOPTION OF DENALI COMMISSION CATEGORICAL EXCLUSIONS UNDER THE NATIONAL ENVIRONMENTAL POLICY ACT

A1. Routine Administrative and Management Activities

Routine administrative and management activities including, but not limited to, those activities related to budgeting, finance, personnel actions, procurement activities, compliance with applicable executive orders and procedures for sustainable or 'greened' procurement, retaining legal counsel, public affairs activities (e.g., issuing press releases, newsletters and notices of funding availability), internal and external program evaluation and monitoring (e.g., site visits), database development and maintenance, and computer systems administration.

Application of the CE will be limited to the following NBRC activities:

- Internal operations of the NBRC.
- Grants that support discrete administrative and management activities funded under the authority granted in 40 U.S.C. 15501(a), such as internal planning, budgeting, and procurement activities."

This CATEX outlines the specific activities covered and the scope of application within the NBRC's operations. It clarifies that the categorical exclusion applies to routine administrative and management tasks conducted within the organization, as well as grants supporting such activities under specific authorities.

A2. Routine Activities to Support Program Partners and Stakeholders

Routine activities that the Commission does to support its program partners and stakeholders, such as serving on task forces, ad hoc committees or representing Commission interests in other forums. Application of the CE will be limited to the following NBRC activities:

- Participation in regional forums, e.g., multi-funder forums;
- Single or multiple-agency visits to projects and potential projects;
- Participation in strategic planning initiatives of stakeholders and regional partners;
- Participation on ad hoc committees designed to elucidate community needs and economic development objectives.

A3. Grants for Administrative Overhead Support

Approving and issuing grants for administrative overhead support. Application of the CE will be limited to the following NBRC activities:

- Grants for capacity-building initiatives in the NBRC's region to address limited capacity among partners and stakeholders, grantees, and potential grantees.
- These initiatives include:
 - Adding staff and/or contractual capacity within regional economic development entities for the purpose of technical assistance to grantees.
 - Providing support for administrative overhead costs for these economic development entities.
 - Providing grants for contractual support for grantees and potential grantees to be deployed through regional economic development entities.



A4. Grants for Social Services, Education, and Training Programs

Approving and issuing grants for social services, education and training programs, including but not limited to support for Head Start, senior citizen programs, drug treatment programs, and funding internships, except for projects involving construction, renovation, or changes in land use. Application of the CE will be limited to the following NBRC activities:

- Grants for workforce development and training programs, planning initiatives, community visioning processes, and other community-based capacity-building initiatives.



A5. Grants for Facility Planning and Design

Approving and issuing grants for facility planning and design. Application of the CE will be limited to the following NBRC activities:

- Grants for discrete planning and design activities, such as climate resiliency planning, inventory assessments, and identifying local and regional sourcing of forest-based products, where such activities are independent of any actions taken to implement the resulting plans and designs.



A6. Nondestructive Data Collection, Inventory, Study, Research, and Monitoring Activities

Nondestructive data collection, inventory, study, research, and monitoring activities (e.g., field, aerial and satellite surveying, and mapping). Application of the CE will be limited to the following NBRC activities:

- Grants to support discrete non-destructive data collection, inventory, study, research, and monitoring activities funded under 40 U.S.C. 15501(a).

A7. Research, Planning, and Technical Assistance Projects

Research, planning grants, and technical assistance projects that are not reasonably expected to commit the Federal Government to a course of action, to result in legislative proposals, or to result in direct development. Application of the CE will be limited to the following NBRC activities:

- Grants to support data collection and research that furthers the NBRC's, and/or grantees', stakeholders', partners', etc. understanding of the region's needs, capacity, or funding gaps as it pertains to economic development as defined by the NBRC and expressly noted in 40 U.S.C. 15501(a).
- Approving and issuing grants to organizations to provide technical advice and grant administration assistance to organizations (e.g., community and economic development entities who provide technical and grant administration assistance to address lack of capacity at State, regional, and local levels), where such assistance is independent of any implementation actions with potential environmental effects.



A8. **Acquisition and Installation of Equipment**

Acquisition and installation of equipment including, but not limited to, EMS, emergency and non-expendable medical equipment (e.g., digital imaging devices and dental equipment), and communications equipment (e.g., computer upgrades). Application of the CE will be limited to the following NBRC activities:

- Grants to support acquisition and installation of fiber optic cable upgrades and other communications equipment within the existing footprint of a building, vehicle, existing electrical or communications infrastructure to improve broadband access;
- Grants to support acquisition and installation of medical and emergency equipment for medical facilities within the existing footprint of a building or within a vehicle;
- Grants to support acquisition and installation of equipment within the existing footprint of a building or within a vehicle to support enhanced cellular access.
- Grants to support acquisition and installation of equipment for transportation and recreational infrastructure improvements.
- Grants to support acquisition and installation of equipment for forestry management activities and production of forestry products.
- Grants to support acquisition and installation of environmental monitoring equipment, such as weather stations.



B1. **Upgrade, Repair, and Maintenance Activities**

Upgrade, repair, maintenance, replacement, or minor renovations and additions to buildings, roads, harbors, and other maritime facilities, grounds, equipment, and other facilities, including but not limited to roof replacement, foundation repair, ADA access ramp and door improvements, weatherization and energy efficiency related improvements, HVAC renovations, painting, floor system replacement, repaving parking lots, and ground maintenance, *that do not result in a change in the functional use of the real property.* Application of the CE will be limited to the following NBRC activities, all of which would occur within the existing footprint of a building or on adjacent disturbed land:

- Grants to support renovation of health facilities to bring them up to modern use standards;
- Grants to support upgrades, maintenance, and repair of existing transportation infrastructure (e.g., covered bridges) including for the purpose of resiliency to changing local climate;
- Grants to support connections to existing trails, for example, from a city street to a bike path, and renovating tourist destination hubs to ensure continued access to tourist centers in the region where

- potential impacts of connections are documented and do not substantially alter existing facilities, traffic patterns or other existing infrastructure;
- Grants to support upgrades, repair, maintenance, replacement, minor renovations, or additions to existing buildings, roads, harbors, and/or other maritime facilities to ensure continued access for purposes of economic development and/or community access, where the addition will not result in changes to the existing functional use, and where any additions occur on adjacent previously disturbed land.

B2. Engineering Studies and Investigations

Engineering studies and investigations that do not permanently change the environment. Application of the CE will be limited to the following NBRC activities:

- Grants to support improvement plans, rehabilitation planning, climate resiliency planning, and the like for projects, including new water and wastewater infrastructure, outdoor recreation trails, and transportation studies for airports and roadways, where such assistance is independent of any implementation actions with potential environmental effects and does not result in surface disturbance.



B3. Construction or Lease of New Infrastructure

Construction or lease of new infrastructure including, but not limited to, healthcare facilities, community buildings, housing, and bulk fuel storage and power generation plants, where such lease or construction:

- Is at the site of existing infrastructure and capacity is not substantially increased; or
- Is for infrastructure of less than 12,000 square feet of useable space when less than two acres of surface land area are involved at a new site.

Application of the CE will be limited to the following NBRC activities, which would occur on previously disturbed land:

- Grants for new infrastructure for healthcare facilities;
- Grants for new infrastructure for childcare facilities;
- Grants for new infrastructure for community buildings and housing;
- Grants for projects that upgrade or replace outdated power generation technology;
- Grants for water and wastewater infrastructure.

B4. Electric Power Infrastructure Construction/Modification

Construction or modification of electric power stations or interconnection facilities (including, but not limited to, switching stations and support facilities). Application of the CE will be limited to the following NBRC activities, which would occur on previously disturbed land:

- Grants to support the construction or modification of new or existing power stations and associated infrastructure in the region.

B5. Electric Powerline Construction

Construction of electric powerlines approximately ten miles in length or less, or approximately 20 miles in length or less within previously disturbed or developed powerline or pipeline rights-of-way. Application of the CE will be limited to the following NBRC activities:

- Grants to support new powerlines to communities seeking new connections or upgrades to existing infrastructure.



B6. Building Demolition and Improvement

Demolition, disposal, or improvements involving buildings or structures when done in accordance with applicable regulations, including those regulations applying to removal of asbestos, polychlorinated biphenyls (PCBs), and other hazardous materials. Application of the CE will be limited to the following NBRC activities, which would not involve the demolition of structures that are listed on or eligible for listing on the National Register of Historic Properties, or improvement activities outside the footprint of the existing structure:

- Grants to support demolition, disposal, or improvement of buildings or structures to support economic development activities as specified in 40 U.S.C. 15501(a).

ADDITIONAL PROCEDURES

III. Documentation of Categorical Exclusions (CE) and Public Notice

The NBRC will document the use of the above CEs for each project to which they are applied and will maintain this documentation in the project's records in the NBRC's online file storage system. The CEs will be documented in a "Memorandum for Record" format to stay consistent across projects. NBRC annually provides required NEPA dedicated training to our State, regional, and local partners, as well as our grantees. NBRC's NEPA process, including all templates, guidance documents, procedures, etc., are made available to the public on NBRC's NEPA-dedicated web page.

IV. Consideration of Extraordinary Circumstances

If an agency determines that a Categorical Exclusion (CE) covers a proposed action, the agency must evaluate the proposed action for extraordinary circumstances in which a normally excluded action may have a significant effect (40 CFR 1501.4(b)). NBRC does not currently have its own NEPA implementing procedures to guide its application of extraordinary circumstances. Until NBRC establishes NEPA implementing procedures, it will consider whether the proposed action has the potential to result in significant effects by evaluating factors listed in the Denali Commission's definition of extraordinary circumstances.

Extraordinary circumstances. Any action that normally would be classified as a CATEX but could involve extraordinary circumstances will require appropriate environmental review documented in a Denali Commission CATEX checklist to determine if the CATEX classification is proper or if an EA or EIS should be prepared. Extraordinary circumstances to be considered include those likely to:

- (1) Have a reasonable likelihood of significant impacts on public health, public safety, or the environment;
- (2) Have effects on the environment that are likely to be highly controversial or involve unresolved conflicts concerning alternative uses of available resources;
- (3) Have possible effects on the human environment that are highly uncertain, involve unique or unknown risks, or are scientifically controversial;
- (4) Establish a precedent for future action or represent a decision in principle about future actions with potentially significant environmental effects;
- (5) Relate to other actions with individually insignificant but cumulatively significant environmental effects;
- (6) Have a greater scope or size than is normal for the category of action;
- (7) Have the potential to degrade already existing poor environmental conditions or to initiate a degrading influence, activity, or effect in areas not already significantly modified from their natural condition;
- (8) Have a disproportionately high and adverse effect on low income or minority populations (see Executive Order 12898);
- (9) 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 (see Executive Order 13007);

(10) Threaten a violation of a federal, tribal, state or local law or requirement imposed for the protection of the environment;

(11) Have a reasonable likelihood of significant impact to subsistence activities; or

(12) Have a reasonable likelihood of significant impacts on environmentally sensitive resources, such as:

(i) Properties listed, or eligible for listing, in the National Register of Historic Places;

(ii) Species listed, or proposed to be listed, on the List of Endangered or Threatened Species, or their habitat; or

(iii) Natural resources and unique geographic characteristics such 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; special aquatic sites (defined under Section 404 of the Clean Water Act); floodplains; national monuments; and other ecologically significant or critical areas.

NBRC will analyze proposed actions for extraordinary circumstances according to the Denali Commission's NEPA implementing procedures and consistent with the CEQ NEPA regulations (45 CFR 900.204 (c)). NBRC will then assess whether an extraordinary circumstance is present and if so, whether the CE may nonetheless be applied, consistent with 40 CFR 1501.4(b) or any successor regulation.

If NBRC cannot apply a CE to a particular proposed action due to extraordinary circumstances, it will prepare an Environmental Assessment (EA) or Environmental Impact Statement (EIS), consistent with 40 CFR 1501.4(b)(2), or determine if the action is covered under an existing NEPA document. NBRC will document its consideration of extraordinary circumstances as part of the Memorandum for Record discussed in Part III above.

V. Consultation with the Denali Commission and Determination of Appropriateness

NBRC engaged in consultation with the Denali Commission starting in September 2023 to identify Denali Commission Categorical Exclusions (CEs) that could apply to NBRC proposed actions. This consultation involved discussions on whether the categories of NBRC proposed actions would be appropriately covered by the Denali Commission CEs, each agency's process for reviewing projects with respect to CEs, and the extraordinary circumstances that NBRC should consider before applying these CEs to its proposed actions. The consultation continued through early November 2023, comprising detailed email exchanges and virtual meetings with the Denali Commission's lead reviewer of NEPA-related items. At the conclusion of this process, the agencies determined that NBRC's proposed use of the CEs, as described in this notice, would be appropriate because the categories of actions for which NBRC plans to use the CEs are covered by the Denali Commission CEs.