

Testimony For Kansas Senate Hearing on SB 370

First, thank you for this hearing and letting us speak about our great concerns regarding National Heritage Area and National Trail Designations. I will be drilling down on only one aspect of the dangers these present for our farming and ranching communities, which is the National Environmental Protection Act (NEPA) manual for National Heritage Areas. This is the environmental impact study that is required for ALL federal projects such as the trails, heritage areas, national parks, and other federally designated areas. The requirements set out in these manuals interfere with farming, ranching and all other protected private property rights that come with land ownership from the smallest lot in the cities to larger farms and ranches. Farming and ranching are Kansas and we must protect them at all cost.

My greatest concern about the National Heritage Areas (NHA) is the National Environmental Protection Act manual for the National Heritage Areas. On Forward page ii the manual states that “they” are **pleased** to release this policy guide formulated specifically for the NHA’s by National Park Service (NPS) environmental coordinators and NHA program coordinators. Not one agricultural representative is mentioned even though when created, the NHA program applies to every inch of the boundary they have drawn. Once this draft planning framework is drawn it is submitted to the NPS who then determines which NEPA pathway to follow for the specific NHA that is being created.

On page 1, paragraph 1.2 the manual states: “Since NHA management plans are approved by the Sec. of the Interior, the approval is considered a Federal action and, therefore, federal environmental laws including NEPA and other laws, such as Section 106 of the National Historic Preservation Act (NHPA) and Section 7 of the Endangered Species Act (ESA), **must** be followed.” We also believe that the new Waters of The U.S. Act (WOTUS) will be pulled into this as well. The new rules were posted in September 2023 for comment. In that posting they stated that all the old rules that were taken out by the previous administration were going to be returned and that they would be enhancing the new WOTUS rules. I am still waiting to find out how you can “enhance” calling a puddle on your farm a wetland, therefore restricting your private property rights.

The specific NHA effecting Kansas is the Freedom’s Frontier NHA. Fortunately, we were able to stop the Kansas Nebraska NHA which included 26 counties in Kansas and 23 counties in Nebraska from designation by Congress. The Freedom’s Frontier NHA includes 29 counties in Kansas and 12 in Missouri. Four counties already included in the Freedom’s Frontier NHA were also proposed to be included in the Kansas Nebraska NHA. The reason given for wanting to include whole counties in such a large group is to promote tourism but if that is the real reason then why does this designation comes with its own NEPA management manual claiming a federal boundary around all counties to bring in federal jurisdiction and federal laws applicable to every square inch within that boundary? You must ask yourself that question.

The favorite laws listed by this manual are frightening and devastating to farming and ranching operations. The EPA already runs roughshod over the farmers and ranchers without a federal

boundary created around them. They have EPA rules and regulations governing the way they take care of livestock, farming methods, chemical applications and just about everything else they do on their private property. I thought that the U.S. Department of Agriculture's Department of Natural Resources and Conservation Services was supposed to assist farming and ranching practices, not try to shut them down. Creating an NHA on top of the farmers just doubles up on the same type of regulations already governed in farm programs. There is no one better at taking care of the land entrusted to them than the generational farmer/rancher. They improve the land to be able to pass it along to their children and grandchildren in better condition than when they received it.

The National Historical Preservation is specifically listed in this manual also and is claimed as a tool. While the NHA claims to help preserve historical sites within the NHA by availability of grant money it can be used as a tool to prevent private property owners from doing what they need to do with their private property. The NHA also claims to promote tourism by connecting these historical sites. However, there is no one better at promoting their city and counties than the cities and counties themselves. There are also great resources for this through state and national tourism agencies. The historical grant money that the NHA promises is also available through other sources such as the state and national historical societies.

The Endangered Species Act is especially threatening to private property rights as the government can severely restrict the use of the land affected by any endangered species that happens to be inhabiting the property. This act was used to shut down the logging industry out west because the Snowy Owl was listed as an endangered species and was inhabiting the area where logging was being performed. When we first started fighting the Kansas Nebraska NHA, I was talking to a long-time rancher in Pottawatomie County. He was very aware of the Executive Order signed by President Biden to put 30% of our land and water into conservation for "tourism" and "energy" by the year 2030. I say this because he had been down to his NRCS office to sign up for a farm program (I did not ask him which one) and 2 weeks later he received a survey in his mail asking questions about a certain bat species. They wanted to know if it was located on his ranch, what its nesting habits were, where it was located on his property and other questions. Being aware of the 30 x 30 EO, he took that survey back to his agent at the NRCS office, told his agent he had been with him for several decades, that he had trusted him and to get him out of that program. The Freedom's Frontier NHA already has an endangered species map for the entire area. All 41 counties in Kansas and Missouri are mapped out with the number of both state and federal endangered species listed in each county. This shows they are ready to go with enforcing that law on property owners located within Freedom's Frontier NHA.

The Antiquities Act of 1906 is not mentioned but by claiming federal jurisdiction within the NHA boundary it can be applied at any time. This is the law that the National Park Service used to declare monuments in the western United States. By using this law, the federal government took control of vast amounts of private property where numerous farms and ranches were located. I encourage you to contact ranchers out west who say they are happy to see the government starting on the Midwest now because it may take the pressure off them. They are tired of having to fight to defend what little private property is left.

The first three laws I just spelled out are, as I first stated are listed specifically in the NEPA Manual for NHA's so I believe they could be called the favorite applicable laws for enforcement by the NPS. These laws could very well be used by the right federal administration to shut down Kansas farms and ranches. The administrators for the NHA's did not include any agricultural input or involvement in creating the boundaries, rather they try to hide what they are doing until we exposed that fact. The requirements for submitting the application to the Sec. of Interior for creation of an NHA are supposed to include local grassroots involvement however, as we had meetings throughout these 3 states only a handful of people even knew they were included in an NHA. It was amazing how many county commissioners even knew about being included. The grassroots meetings they are required to conduct are kept low key, low advertising and specific people invited so that "support" for their creation is shown for their feasibility study. Common sense tells you these facts show an ulterior motive. Angel has also received phone calls from farmers/ ranchers who ask if being located in Freedom's Frontier NHA is the reason they are starting to see more and more regulation coming down on them. While we cannot answer this question, we can only speculate that this is the reason.

Governor Pete Ricketts has been our champion in the state of Nebraska on fighting the creation of the Kansas Nebraska NHA because of the NEPA regulations that come with that designation. I have included a copy of his letter stating that fact.

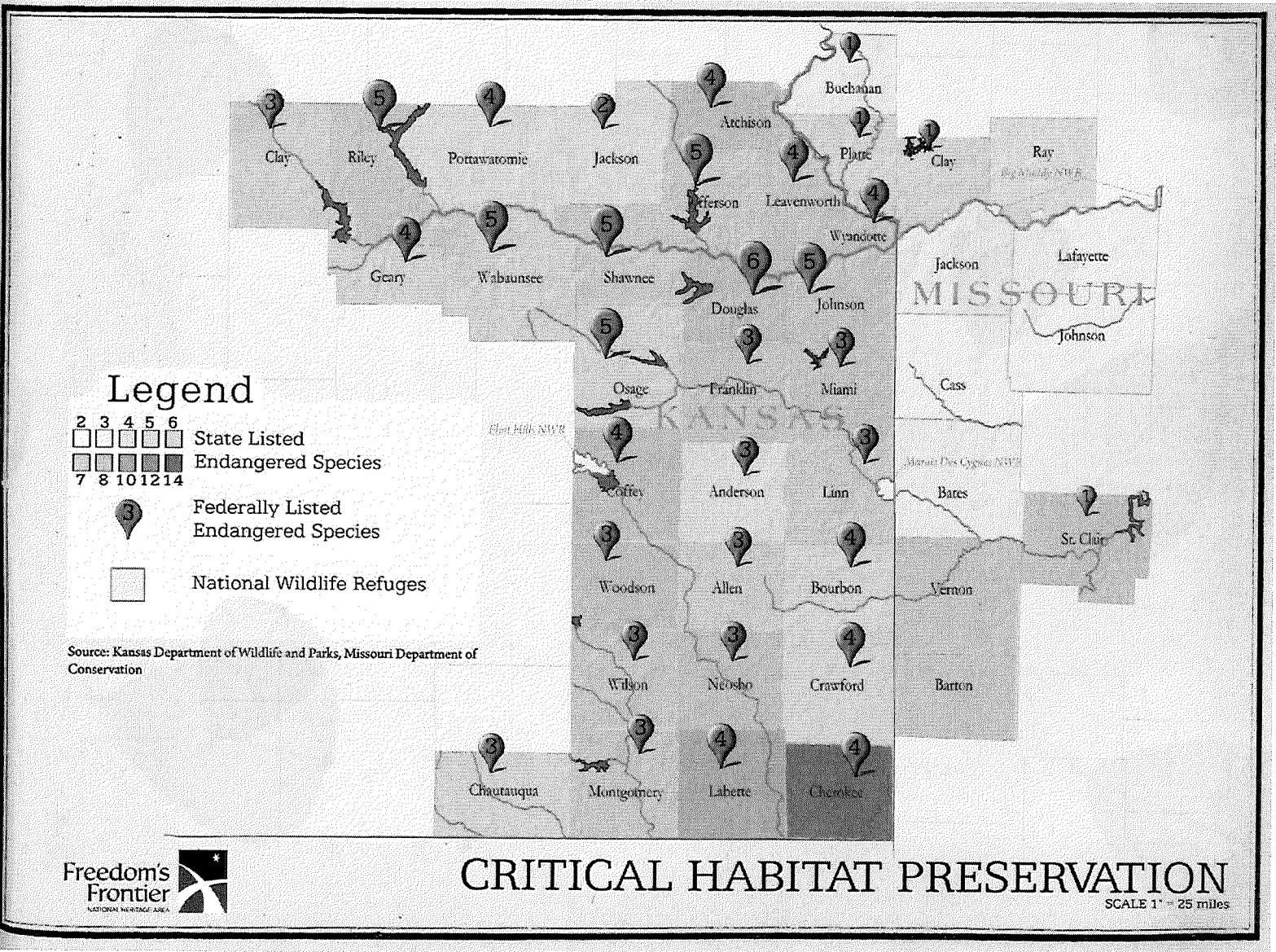
We also believe that this NEPA Manual can be used to come down on our farmers and ranchers to regulate, fine and harass them off their farms and ranches by making the regulations so strict and the fines so steep that they will not be able to make a living or will just become frustrated with the harassment. The term for this is regulatory takings. This technique has and is used out west to get the farmers and ranchers to move out. The manual also becomes a tool to fill the 30 x 30 EO plan to place 30% of all land and water into permanent no human contact "conservation" by 2030 because once you harass the farmers and ranchers out, the towns they support will completely die out and people will move thereby making it much easier for the government to implement that executive order.

These egregious regulations are only one but very important reason why we are before this committee today. We are asking you to pass legislation to restrict the federal government from creating federal boundaries and jurisdiction, thereby removing the State's right to govern private property rights within the State of Kansas. We believe that the County Commissioners should be able to vote on whether to become part of an NHA and we believe above all that the state legislature should also have that right. If we do nothing, I fear the federal government may at one point decide to place a federal designation on the whole state of Kansas as has been done to the state of Tennessee. If you combine the Freedom's Frontier NHA with what the proposed Kansas Nebraska NHA would have been, over half of the state would have been an NHA. The federal government works very slowly and incrementally so as not to let you notice what they are doing and by leaving these regulations in place over our farmers and ranchers we are leaving a big wide door open to welcome them in. Please help us close that door.

I am including the NEPA Manual for National Heritage Areas, Freedom's Frontier National Heritage Area's Endangered Species Map and Gov., now Senator Ricketts's Letter of Non-Support for the Kansas Nebraska NHA.

Thank you for letting me present this testimony before you today and taking time to have this hearing.

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THE NATIONAL HERITAGE AREAS ACT: NOW IS THE TIME

By Brenda Barrett | March 3, 2021

The first National Heritage Area (NHA) was designated almost thirty-five years ago and today that number has grown to 55 congressionally designated areas. Built on the nationally important cultural and natural resources of a region, knit together by storytelling and multiple partnerships, incentivized by the National Park Service (NPS) brand and limited grant assistance, and locally managed, it is no wonder that the idea is still extremely popular. But while evaluations undertaken by the NPS have demonstrated the idea's success and new areas are clamoring to be recognized, official acknowledgement of NHAs as part of the NPS family has not been achieved, despite years of advocacy.

I suggest that the time is right to make this quest a reality and recognize NHAs as a legislatively authorized component part of the NPS. After all these years, why is now the time? Here are just a few good reasons:

- 1. Economic Recovery** – In this pandemic time, with the country suffering a severe economic slowdown, the federal government can turn to NHAs as a cost-effective strategy. They use sustainable practices and locally created partnership to rebuild communities drawing on their heritage of cultural and natural resources. NHAs can create a new economic platform based on heritage tourism and outdoor recreation that revitalizes regional economies and instills pride of place in residents.
- 2. Diversity, Equity and Inclusion** – NHAs can advance the new administration's commitment to these values by telling nationally important stories. These stories celebrate and reflect on the complexity of our national heritage mosaic, and can, at times, be challenging to share. Most importantly, the narrative is developed by the people on the ground, the people who live on the land. Read the latest issue of *Heart & Soul*, the magazine of the Alliance of National Heritage Areas, to discover the diverse histories interpreted in NHAs.
- 3. Working at a Landscape Scale** – To address the threat of climate change and loss of biodiversity, the new administration has signed on to the ambitious conservation goal to protect 30 percent of US lands and coastal areas by 2030. Given the scope of this initiative, it cannot be achieved without engaging multiple partners and private landowners in the effort. While they do not directly undertake land conservation, NHAs have pioneered effective partnership models that provide stewardship outcomes. NHAs have also been shown to increase a regional sense of place and sense of pride as well as an understanding of the need for connectivity and a framework for landscape scale conservation.

These reasons and many more are why now is the time to make NHAs part of the National Park Service. For one thing, the political climate has never been more promising. In 2020, the House passed *The National Heritage Area Act of 2020* (H.R. 1049) although the bill failed to reach a vote in the Senate. Already, in 2021, the House passed the act again as part of the large public lands bill HR 803. The program has always had bipartisan support and the current make up the Senate's augers well for the passage of the act in this new session. The key now is making this a priority for the Department of Interior's legislative agenda.

In the past, when asked to testify on a request to designate a new individual NHA, the agency routinely stated: *"we recommend that the Committee defer action on this legislation until program legislation is enacted that establishes guidelines and a process for designation of national heritage areas."* This necessity for program legislation has been the NPS's official position since the 1990s. In 2008, the recommendation for crafting such legislation was the centerpiece of the National Park System Advisory report, *Charting a Future for National Heritage Areas* and other NPS white papers. All reports point out the benefits NHAs offer to the NPS: conserving and interpreting the landscape around park units, telling underrepresented stories in the voice of the community, and doing so with support and assistance of the people who live in the landscape. Sara Capen, the President of the Alliance of National Heritage Areas, put it this way:

"There are few federal programs that epitomize the democratic principles our nation was built on like National Heritage Areas. National Heritage Areas truly are of the people, by the people, and for the people. The National Heritage Area Act will establish a system of National Heritage Areas as an integral part of the National Park Service, ensuring uniform standards for the way NHAs are designated, managed, and assessed, and provide Congress with an enhanced ability to conduct oversight of the program."

Since the work of NHAs aligns so well with the goals of the new administration and Congressional interest is high, now is the time for the NPS, Alliance of National Heritage Areas (ANHA) and other supporters to make history and push the legislation over the finish line!



Governor Pete Ricketts

Growing Nebraska for the Next Generation

April 6, 2021

Ashley Olson, Executive Director
Willa Cather Foundation
413 North Webster
Red Cloud, NE 68970

Dear Ms. Olson:

We write to follow up on the recent briefings provided to the Governor's Office and state agencies, and to express opposition to the Willa Cather Foundation's plans to seek a National Heritage Area designation for portions of South Central and Southwestern Nebraska.

While we appreciate the important contributions of Willa Cather and her writings to that area and the State of Nebraska as a whole, this designation poses the risk of federal overreach in our communities. The designation of a National Heritage Area in our state requires federal approvals from the National Park Service and the U.S. Congress. Federal designations come with unquantifiable and unknowable risks for the future. Conditions and requirements for federal management can change at any time without vital input from the states, eroding state and local control of decision-making regarding our land and communities. A federal agency and new administration can unilaterally issue new regulations or orders governing areas with a federal designation.

Furthermore, a designation such as this would require a National Environment Policy Act (NEPA) plan. NEPA is one of the most significant bureaucratic barriers to infrastructure and other important projects in our country. Extending NEPA's reach in our state could hinder growth and development in the communities and surrounding areas.

It is also worth noting that over the past few months the State has been contacted by Nebraskans voicing their opposition to this designation. Those constituents feel as though our state can adequately promote our own regional tourism without any federal intervention, a sentiment that we share.

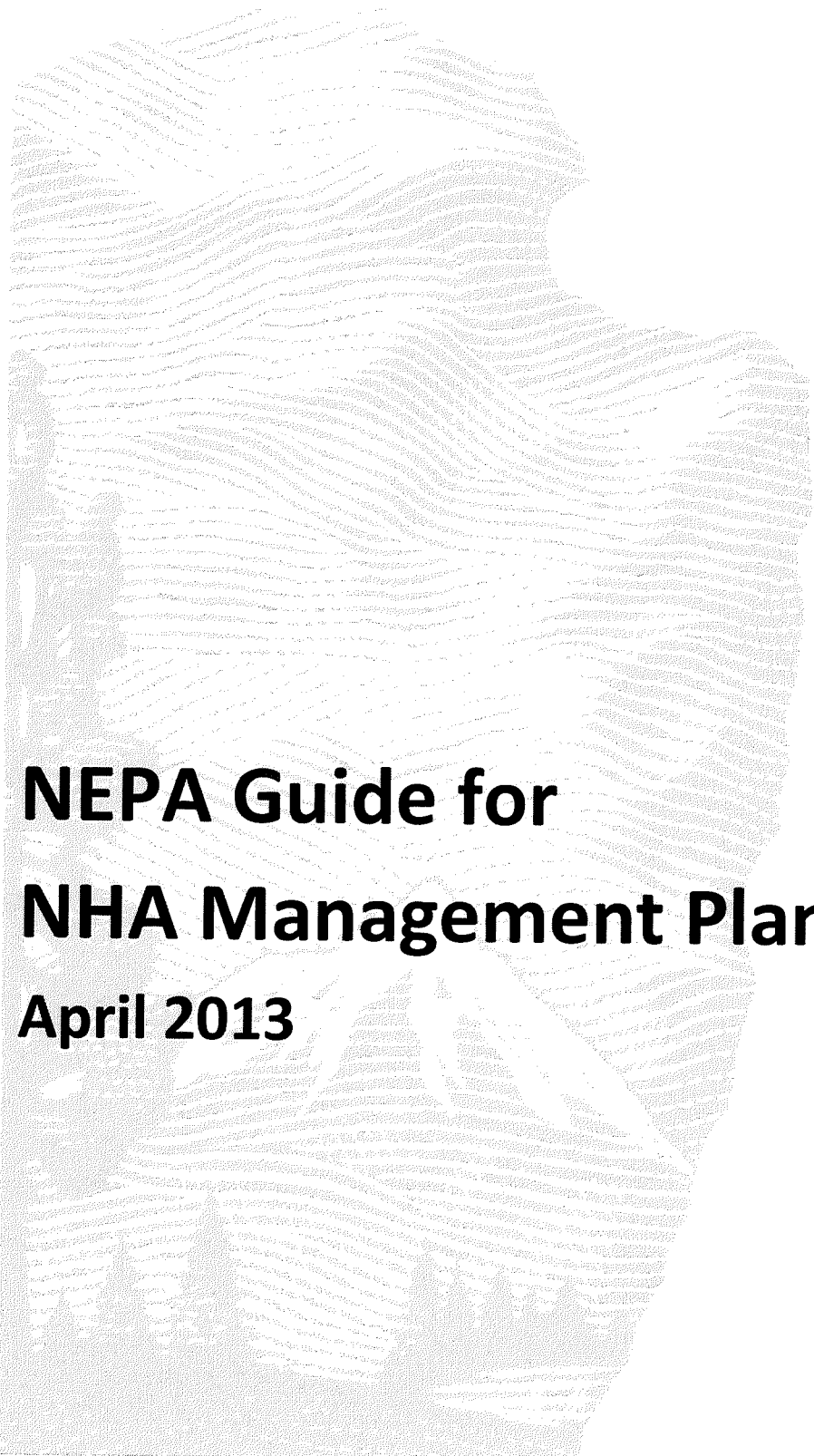
We appreciate the efforts of the Willa Cather Foundation to further Nebraska tourism and local development but strongly oppose this designation given the unintended consequences that are associated with it. We will continue to look for ways to promote Nebraska heritage and tourism while also keeping authority and control where it belongs – at the state and local level with Nebraskans.

Sincerely,

Pete Ricketts, Governor
State of Nebraska

Anthony Goins, Director
NE Dept. of Economic Development

Steve Wellman, Director
NE Dept. of Agriculture



**NEPA Guide for
NHA Management Plans
April 2013**

National Environmental Policy Act Guide
for
National Heritage Area Management Plans

April 2013

Prepared By:
National Heritage Areas Program Office
1201 I Street NW
Washington DC 20005

Acknowledgements

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- Heather Scotten, Assistant Coordinator for Heritage Areas

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Special thanks to Chick Fagan, National Park Service, Office of Policy and Mike Tiernan, Department of the Interior, Office of the Solicitor.

FORWARD

We are pleased to release the *National Environmental Policy Act Guide for National Heritage Area Management Plans*, a much needed guide for the National Park Service (NPS) National Heritage Areas (NHA) Program. The guide was developed over two years with assistance from a workgroup of NPS environmental coordinators and heritage area program coordinators, and represents one step towards developing management planning practices and guidance specific to the NHA Program.

This guide was developed specifically for national heritage area coordinating entity staff, NPS NHA program coordinators, and NPS compliance staff. NPS staff will notice that the NEPA procedures described herein differ from the procedures followed by national park units for management planning and environmental compliance. While park staff conduct management planning and environmental compliance as an integrated process, heritage area staff can conduct management planning and NEPA compliance as separate, parallel processes. For national heritage areas, a draft planning framework is developed and submitted to the NPS and then the NPS determines which NEPA pathway the plan must follow. This approach, referred to as the external applicant approach, is allowed for heritage area management plans because NHAs are not units of the National Park System, where land is owned and managed entirely by the federal government.

Following the steps, processes, and recommendations described in this guide will ensure that the heritage area management planning process proceeds smoothly. Chapter 1 provides an overview of NEPA and other applicable environmental laws and executive orders which, if applicable, should be coordinated with the NEPA process. Chapter 2 provides an overview of the planning and three-step external applicant processes and Chapter 3 details the three-step process.

The separate, parallel management planning and NEPA compliance process should provide heritage area staff with greater flexibility in developing strategic management plans that address legal requirements and partner and community needs. Each NHA is created through a unique piece of legislation, therefore management plan requirements often differ, but, in general, these plans are required to include (1) an inventory of resources that are the focus of heritage area activities; (2) a planning framework that includes a mission, vision, goals, and actions; and (3) a plan of implementation, which prioritizes projects and identifies costs, potential funding sources, and partners who will help implement the actions. For more information on heritage area management planning visit the national heritage areas program website.

The National Heritage Areas Program Office
Washington D.C.



The National Heritage Areas Program is administered by National Park Service (NPS) staff in Washington D.C. and seven regional offices - Anchorage, San Francisco, Denver, Omaha, Philadelphia and Atlanta, as well as some park units.

NPS NHA Coordinators assist heritage area coordinating entities with management planning and compliance. For NPS NHA Coordinator contact information visit the National Heritage Areas Program website.

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CHAPTER 1

INTRODUCTION

1.1 Introduction

If you are responsible for developing a national heritage area management plan, you are also responsible for ensuring that the management plan complies with the National Environmental Policy Act (NEPA) and other federal environmental protection laws. This guide presents the National Heritage Area (NHA) Program's interpretation of regulatory requirements issued by the Council on Environmental Quality (40 CFR 1500-1508) and the Department of the Interior (43 CFR Part 46) for complying with the National Environmental Policy Act (NEPA) of 1969. It supplements the National Park Service (NPS) *Director's Order 12: Conservation Planning, Environmental Impact Analysis, and Decision Making* (DO-12) and the *DO-12 Handbook*. More specifically, this guide:

- Sets forth standard operating procedures for applying NEPA to NHA management plans;
- Outlines the process for determining which NEPA pathway applies; and
- Identifies roles and responsibilities for NHA and NPS staff in the NEPA analysis and documentation process.

1.2 Environmental Compliance

Since NHA management plans are approved by the Secretary of the Interior, the approval is considered a Federal action and, therefore, federal environmental laws including NEPA and other laws, such as Section 106 of the National Historic Preservation Act (NHPA) and Section 7 of the Endangered Species Act (ESA), must be followed.

1.2.1 National Environmental Policy Act

The National Environmental Policy Act of 1969 established a national policy of encouraging productive harmony between human beings and the environment for present and future generations. To implement this policy, NEPA requires that Federal agencies prepare in-depth studies of the impacts of "major Federal actions significantly affecting the quality of the human environment" as an integral part of the decision-making process (40 CFR 1500-1508). This is true whether the action is generated by a Federal agency or an agency partner, such as an NHA coordinating entity. To comply with NEPA, the NPS and the NHA entities must consider the potential environmental impacts of proposed actions identified in NHA management plans.



Human

Environment – The Council on Environmental Quality defines the human environment as the natural and physical environment, and the relationship of people with that environment (40 CFR 1508.14)

The Council on Environmental Quality (CEQ) oversees NEPA implementation by Federal agencies. CEQ regulations (40 CFR Parts 1500-1508) instruct Federal agencies regarding implementation of

NEPA. Department of the Interior (DOI) regulations (43 CFR Part 46) provide further instruction to DOI bureaus, including the NPS, on NEPA implementation. DO-12 and the *DO-12 Handbook* serve as the NPS's source of instruction and guidance for fulfilling the requirements of NEPA and its implementing regulations. Information presented in this guide draws from the *DO-12 Handbook*, and elaborates on the specific procedures that apply to NHA management plans.

1.2.2 Other Applicable Laws

In addition to NEPA, heritage area management plans may contain actions which make it necessary to comply with Section 106 of the National Historic Preservation Act and Section 7 of the Endangered Species Act and other requirements, such as Executive Orders 11738 and 11990, Floodplain Management and Wetland Protections, and the Coastal Zone Management Act. If these laws or executive orders apply, they should be coordinated with NEPA compliance.

National Historic Preservation Act

Section 106 of the National Historic Preservation Act of 1966 (36 CFR 800), as amended, requires federal agencies and agency partners to take into account the effects of their undertakings on historic properties. As outlined in 36 CFR 800, the NPS and NHAs must identify and assess the effects of planned actions on historic properties and consult the appropriate parties regarding such potential effects. Parties to be consulted include federal, state, and local agencies, Indian tribes, Native Hawaiian organizations and other interested parties.

Section 106 consultation and NEPA are two separate, distinct processes. However, they should occur simultaneously to avoid duplication of public involvement or other requirements, and documents can be combined. For more guidance on Section 106 compliance please consult Director's Order 28: Cultural Resource Management Guidelines or the *NEPA and NHPAA Handbook for Integrating NEPA and Section 106*.

Endangered Species Act

Section 7 of the Endangered Species Act (ESA) of 1973, as amended, requires federal agencies and agency partners to ensure that their actions do not jeopardize endangered species or destroy or adversely modify critical habitat. In certain circumstances Section 7 requires consultation with the United States Fish and Wildlife Service and National Marine Fisheries Service – the federal agencies responsible for implementing the ESA.

If Section 7 is applicable, a biological assessment should be included in the NEPA documentation. For more information on Section 7 compliance visit www.fws.gov/endangered/esa-library/pdf/ESA_basics.pdf.

1.3 Overview

This guide outlines the basic steps for NEPA pathway determination and documentation. It refers back to key sections of the *DO-12 Handbook* for more detailed information on NEPA analysis and documentation (see <http://planning.nps.gov/document/do12handbook1.pdf>).

- The **NHA Management Plans and NEPA** section outlines the heritage area management planning process in relation to the external applicant process, which includes three steps: NEPA pathway determination, analysis and documentation.

- The **Three-Step Process** section outlines the three step external applicant process that must be followed to ensure that the NHA management plan is compliant with NEPA, and includes roles and responsibilities for NHA and NPS staff.
- The **Appendices** include example NEPA documents and a section for capturing notes.

Icons are used throughout the guide to highlight NEPA terms and supplementary information related to NEPA and NHA management planning.



The “Glossary” icon identifies terms and concepts for which a detailed explanation is provided in the DO-12 Handbook.



The “Information” icon expands upon key topics and identifies helpful hints for completing the management planning and NEPA processes.

CHAPTER 2

NHA MANAGEMENT PLANS & NEPA

2.1 Introduction

To comply with NEPA and other associated federal environmental laws and executive orders the NPS and NHA entities must consider the potential impacts of proposed actions identified in NHA management plans and follow any necessary consultation and public input requirements. This chapter provides an overview of the management planning process, including NPS roles and timelines for review, in relation to NEPA compliance.

2.2 Parallel Processes

NHA management planning and NEPA analysis can be conducted as separate, parallel processes that may result in separate documents: (1) a management plan and (2) NEPA documentation. NEPA analysis is informed by the policies, recommendations and proposed actions identified during the management planning process. The projects and programs proposed may, in turn, be altered in response to the NEPA analysis. This iterative process will ensure that NEPA compliance and analysis is meaningful, rather than an afterthought.

Figure 2.1 outlines the NHA management planning process in relation to the basic steps of NEPA pathway determination and documentation. As depicted, the nine-step NHA management planning process includes:

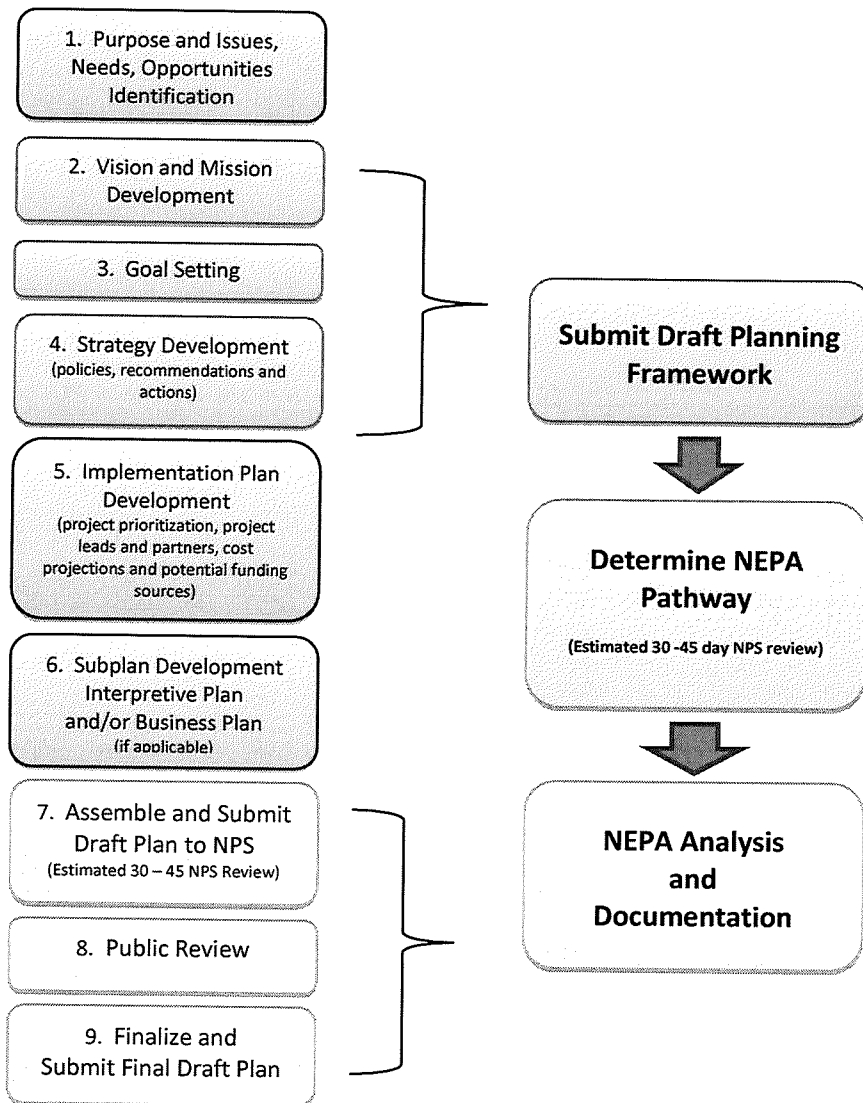
1. **Purpose and Issues, Needs, Opportunities Identification** – Identify heritage area purpose and requirements outlined in authorizing legislation. Through public involvement activities and resource inventories, identify issues, needs and opportunities for the heritage area.
2. **Vision and Mission Development** – Drawing from authorizing legislation and public input, develop a vision and mission for the heritage area.
3. **Goal Setting** – Develop goals based upon authorizing legislation and key issues, needs and opportunities for the heritage area, which identify heritage area activities for the next 10-15 years.
4. **Strategy Development** – Develop policies, recommendations, and proposed actions that address how the plan goals will be achieved.
5. **Implementation Plan** – Develop a plan to implement heritage area strategies, policies, recommendations, and/or proposed actions that provides cost estimates, identifies potential



Action – an action refers to a category of activities, such as completion of a plan or the implementation of projects or programs.

Management plan actions include the activities, projects or programs that are identified to fulfill heritage area legislation and goals.

Figure 2.1 NHA Planning Process and Parallel NEPA Steps



funding sources, assigns roles to a project lead and potential partners, and prioritizes activities.

6. **Subplan Development, Interpretive and/or Business plan** (if required) – Best practices should be followed when preparing an interpretive plan or business plan. If a business plan is required, the plan should be prepared for the coordinating entity.
7. **Assemble & Submit Draft Plan to NPS** –The draft plan including the planning framework, implementation plan, and other requirements should be assembled for NPS review. NEPA documentation will also be reviewed at this time. The review process takes an estimated 30 – 45 days.
8. **Public Review** – Once the NPS reviews the draft plan, it should be made available for public review. Public review should occur for a minimum of 30 days. Chapter 3 details the public notice or review requirements for each NEPA pathway.

9. **Finalize & Submit Final Draft Plan** – The draft plan should be refined based upon NPS and public comments. Once the finalized draft and NEPA documentation is submitted to NPS, the 180 day review process begins, which includes regional office review and approval and Washington D.C. review and approval. If for any reason the plan is returned to the coordinating entity for clarification or refinement, the review process will start again with regional office review and approval, followed by Washington D.C. office review and approval. The plan is considered final when it is approved by the Principal Deputy Assistant Secretary of Fish, Wildlife and Parks.¹

As depicted in Figure 2.1, the heritage area management planning process, particularly steps 1 – 4 and 7 – 9, should be coordinated with the NEPA process. Steps 1 - 4 contribute to the draft planning framework, which is submitted to NPS in order to determine which NEPA pathway applies. Once a NEPA pathway is selected and other associated environmental laws and executive orders are considered, NHA and NPS staff prepare the necessary documentation.

In steps 7 – 9, the management plan and NEPA documentation is presented for NPS and public review. If NHA staff is preparing the NEPA documentation, the NPS must verify the content of the analysis and documentation. NPS staff is responsible for preparing the NEPA decision documents, which are forwarded with the final draft plan to Washington D.C. (step 9). Chapter three focuses specifically on the three-step external applicant process that should be followed to ensure that the management planning process complies with NEPA: (1) Submit Draft Planning Framework to NPS, (2) Determine NEPA Pathway, and (3) NEPA Analysis and Documentation.

2.3 Management Planning Guidance and Assistance

The general management planning steps presented above will be detailed in future guidance. Until new management planning guidance is finalized, NHA staff should work with the NPS NHA coordinator in their region to develop an approach that addresses the specific content requirements outlined in their authorizing legislation. In doing this, NHA staff and NPS regional coordinators should:

- Meet prior to undertaking the planning process to identify legal requirements, NPS procedures, and technical assistance needs.
- Maintain regular contact throughout the planning processes to ensure that management plan requirements and compliance with NEPA, Section 106 of the NHPA and Section 7 of the ESA are met.

¹ Authority to approve national heritage area management plans was delegated to the Principal Deputy Assistant Secretary of Fish, Wildlife and Parks in 2008



Public Involvement

While some NEPA pathways, mainly an EA or EIS, include specific public involvement requirements, the NHA management planning process should include public involvement throughout.

Consider selecting public involvement strategies that enable you to inform, but also consult, involve and collaborate with the public. Strategies to consider include presentations, e-newsletters, stakeholder interviews, focus groups, workshops, and advisory committees.

CHAPTER 3

THREE-STEP PROCESS

3.1 Introduction

The three-step external applicant process described here is intended to clarify key parts of the NEPA process required for NHA management plans. The three-step process should be conducted in conjunction with the 9-step NHA management planning process, as shown in figure 2.1. These procedures are intended to ensure success in meeting the requirements of NEPA and other environmental laws and executive orders.

3.2 Step 1: Submit Draft Planning Framework to NPS

Through the NHA planning process, NHA staff should develop a draft planning framework that identifies the vision, mission, goals, strategies, and proposed actions for the heritage area. The draft framework must reflect authorizing legislation and data collected through public participation and resource inventories. This information will be used to help determine which NEPA pathway applies and, therefore, the appropriate level of analysis and documentation.

Once a draft planning framework for an NHA management plan has been developed, NHA staff should submit it to their NPS NHA regional coordinator to determine the appropriate NEPA pathway (step 2). The framework does not need to be an entire draft plan, but it must be clearly written and contain adequate detail about the proposed actions to determine potential environmental issues and impacts.



How Much Detail is Adequate?

Consider this Example - You propose to establish visitor centers within your heritage area. "Establishing visitor centers" could be interpreted in a number of different ways. It could mean you are proposing to construct new centers, supporting the establishment of new centers at existing locations or adapting historic buildings into visitor centers. The intent of the proposed action in this example is left up to the interpretation of the reader and, therefore, does not provide enough information to determine potential issues or impacts to resources and, ultimately, the NEPA pathway. In this example, enough detail should be included to determine whether any construction will occur and, if so, the extent of such construction.

3.3 Step 2: Determine NEPA Pathway

The NPS is responsible for determining which NEPA pathway the NHA management plan will follow. It will take NPS an estimated 30 – 45 days to review the draft planning framework and determine the NEPA pathway.

In order to determine which pathway is appropriate, the NPS must consider the proposed actions, resources affected, and potential environmental impacts associated with the implementation of the draft planning framework. This preliminary analysis is undertaken as part of an **internal scoping** and **environmental screening** process.

An important and required part of the internal scoping and environmental screening processes is the use of an environmental screening form (ESF) to assess issues and impacts to resources that may occur as a result of the implementation of management plan projects and programs. The ESF is also used to assess if there are effects to historic properties, which would trigger Section 106 compliance, and/or endangered species, which trigger Section 7 compliance. If the NPS determines that there would be no effects to historic properties and endangered species as a result of implementing the management plan, no further analysis or documentation is needed beyond the ESF. An example environmental screening form (ESF) can be found in Appendix A and a blank ESF can be found at www.nps.gov/policy/esf.pdf.



Internal

scoping is a process that agencies use to identify issues for detailed analysis and to narrow the scope of NEPA analysis by eliminating issues that do not warrant detailed discussion (40 CFR 1501.7(a)).

Within the NPS, internal scoping is undertaken by subject matter specialists, including, but not limited to, NHA staff, NPS NHA regional coordinators, environmental coordinators, and cultural resource or historic preservation specialists.

NEPA analysis and documentation for NHA management plans can follow one of three pathways:

- **Categorical Exclusion (CE):** CEs refer to a category of actions which do not individually or cumulatively have a significant effect on the human environment and, therefore, do not require detailed NEPA analysis.
- **Environmental Assessment (EA):** EAs are prepared when there is a potential for more than minimal impacts, or when impacts are unknown and additional analysis is required to determine the extent of impacts.
- **Environmental Impact Statement (EIS):** An EIS is prepared when the potential for significant impacts exist as indicated through an environmental screening process, public input, or an EA.



Environmental

screening is the process in which NPS staff in consultation with NHA staff determine if resources may be impacted by proposed heritage area projects, using an environmental screening form (ESF). The ESF lists resources to be considered, but it is not always necessary to consider every resource.

3.3.1 Categorical Exclusion

Depending on the level of impacts expected, NHA management plans may move forward using a CE for NEPA compliance, specifically CE category 3.3R. CE 3.3R applies to “the adoption or approval of surveys, studies, reports, plans and similar documents which will result in recommendations or proposed actions that would cause no or only minimal environmental

impacts.” If the NPS determines that implementation of the NHA management plan would result in **no** or **minimal environmental impacts** and no exceptions apply (see *DO 12 Handbook* section 3.5), then CE 3.3R may be used.

The CE pathway determination on the draft planning framework is preliminary. A final determination of the appropriate NEPA pathway is not made until the complete draft plan is submitted to the NPS for review. If there are changes, such as the addition of actions that would result in construction or ground disturbance, between the time the preliminary determination is made and the draft plan is submitted, the NEPA pathway determination will need to be reassessed.



Recent Categorical Exclusion Determinations

Both the Gullah Geechee National Heritage Area Management Plan and the Illinois and Michigan Canal National Heritage Corridor Management Plan were categorically excluded from detailed NEPA analysis, using CE 3.3R. Following the process described in this guide, an interdisciplinary team of NHA program coordinators and environmental coordinators reviewed the draft management plans to determine the NEPA pathway. In a few instances, the actions identified in the draft plans were not entirely clear and, therefore, NHA staff or their consultants were asked to clarify these actions. Based upon NPS review and analysis, it was then determined that no or only minimal impacts would result from the implementation of each plan.

Both plans were strategic in nature – meaning the recommendations or proposed actions identified were not site specific. In the case of the Gullah Geechee Management Plan, the coordinating entity was required by their authorizing legislation to “support the development of Coastal Heritage Centers within the heritage area” (PL 109-338). The plan proposed to identify existing facilities that could potentially serve as Coastal Heritage Centers. In this case, it was determined that using existing facilities would not result in measurable environmental impacts.

3.3.2 Environmental Assessment and Environmental Impact Statement

If the NPS determines that the proposed actions and recommendations within the draft planning framework cannot be categorically excluded under 3.3R, or that additional analysis is needed to determine whether there is a potential for **significant impacts**, an EA should be prepared.

If the NPS determines that implementation of the proposed actions could potentially cause **significant impacts** to the human environment, an EIS must be prepared. Examples of proposed actions that may require an EIS include major construction or restoration projects that could significantly affect natural or cultural resources.

3.4 Step 3: NEPA Analysis and Documentation

Each NEPA pathway varies considerably in terms of the documentation required. For example, a CE requires minimal documentation because the proposed actions or recommendations identified would result in no or minimal environmental impacts. An EIS, on the other hand, requires extensive documentation. Table 3.1 below provides an overview of the required processes for each NEPA pathway.

While it is not the purpose of this guide to outline all of the steps involved in NEPA analysis and documentation, this section provides some useful tips for developing alternatives and conducting analysis. Please refer to the *DO 12 Handbook* for information about the EA and EIS processes.



Significant Impacts –

Determining if the potential for significant impacts exist should be based on the scientific evidence. Consider the following:

Are special resources affected?

Wetlands, floodplains, or ecologically sensitive areas

Important scientific, cultural, or historic resources

Are threatened or endangered species, or their habitat affected?

Is the proposed action(s) likely to...

Be controversial due to environmental impacts?

Involve highly uncertain impacts or unique or unknown risks?

Pave the way for future actions?

Be part of a larger proposal?

Violate any law or requirement imposed to protect the environment?

If you answer yes to any of the questions above, consider an EIS rather than an EA.

Table 3.1 Comparison of NPS CEs, EAs, EISs

	CE	EA	EIS
Key Steps	<ol style="list-style-type: none"> 1. Internal Scoping and Environmental Screening 2. *Public notice of CE in combination with public review of draft plan (minimum 30 days) 3. Categorical Exclusion Form 	<ol style="list-style-type: none"> 1. Internal Scoping and Environmental Screening 2. Public Scoping (in combination with NHA public involvement activities) 3. Alternatives development and impact analysis 4. Public review of EA in combination with draft plan review (minimum 30 days) 5. Finding of No Significant Impact (FONSI) or decision to prepare EIS 	<ol style="list-style-type: none"> 1. Internal Scoping and Environmental Screening 2. Publication of notice of intent (NOI) to prepare an EIS in Federal Register 3. Public Scoping (in combination with NHA public involvement activities) 4. Alternatives development and impact analysis 5. Publication of notice of availability of Draft EIS in Federal Register 6. Public review of Draft EIS in combination with draft plan review (minimum 60 days) 7. Preparation of Final EIS 8. Publication of notice of availability of Final EIS in Federal Register 9. 30-day waiting period following release of the Final EIS 10. Record of Decision (ROD) 11. Publication of notice of availability of ROD in Federal Register
Typical Time Involved	Several weeks to several months	6 -18 months	Between two and four years depending upon complexity of issues and impacts

*This is a requirement of the NHA Program.

3.4.1 Categorical Exclusion

Documentation of the CE does not occur until the final draft management plan is reviewed by the NPS (step 9 in Figure 2.1). As described in section 3.3.1 above, if the NPS determines that a CE applies based on the draft planning framework and there are no significant changes to the final draft management plan that would require reassessment of the NEPA pathway determination, then the plan can move forward as a CE.

If CE category 3.3R applies, no further analysis is needed beyond the analysis that is conducted through the internal scoping and environmental screening processes. NHA regional coordinators, in coordination with NHA staff, must complete the following steps:

- **Notice of CE Determination with 30-Day Draft Plan Review.** The draft plan or notice of the draft plan should include a statement notifying the public that the NPS and NHA coordinating entity is proposing to use a CE for complying with NEPA. This statement may be included in the management plan and considered as part of the 30-day review period. The plan may be made available for public review on the NPS Planning, Environment and Public Comment (PEPC) website, the NHA website or other locations.
- **CE Documentation.** The NPS is responsible for preparing the CE Form. NHA staff can assist in form preparation, but NPS is ultimately responsible for the content of the form. The CE form should include an explanation of why the NPS believes that CE category 3.3R is adequate to meet the requirements of NEPA. Even though explanatory documentation is not required for CE 3.3R in the *DO 12 Handbook*, the NHA Program has determined that such documentation is an appropriate and necessary requirement for national heritage area management plans. See Appendix B for an example CE Form.

Compliance with Section 106, Section 7, and any other applicable federal requirements must be completed before a CE Form can be signed and that documentation must be included in the CE package.

The CE Form must be signed by the Regional Director or his/her designee and should include an NPS contact. The NPS contact must be someone who can answer questions about the management plan, NEPA determination and decision document.

The final approved CE Form and Environmental Screening Form are retained in the NPS regional project file. Both forms must be attached to the final draft management plan that is sent to the Principal Deputy Assistant Secretary for Fish and Wildlife and Parks for approval. The management plan is considered final when it is approved by the Principal Deputy Assistant Secretary.

3.4.2 Environmental Assessment and Environmental Impact Statement

The NPS internal scoping and environmental screening processes help determine which resource categories or impact topics should be analyzed in an EA or EIS. Both documents follow a similar process. However, an EIS is the most detailed level of NEPA compliance and, therefore, has more regulatory requirements than an EA.

The *DO-12 Handbook* provides extensive information on the format, content, analysis and decision documentation requirements for EAs and EISs (see sections 5.4 – 5.6 for EAs and sections 4.5 – 4.8 for EISs). NHA and NPS staff should follow the procedures and processes outlined in these sections. The process includes:

- **Public Scoping** - If it is determined that an EA or EIS is the correct pathway then public scoping should be coordinated with public involvement in the planning process.
- **Alternatives development** - Alternatives should be based on environmental considerations, rather than logistical solutions for structuring a heritage area coordinating entity, and must be presented in sufficient detail for readers to understand their environmental effects.
- **Impacts analysis** - Impact analysis predicts the degree to which resources will be affected. Issues and impact topics to be analyzed in an EA or EIS are identified and refined through the internal scoping, environmental screening, and public scoping processes.
- **Identification of a preferred alternative and an environmentally preferable alternative** - The preferred alternative is the preferred course of action at the time a draft EIS or a public review EA is released. The environmentally preferable alternative is the alternative that causes the least damage to the biological and physical environment and best protects, preserves, and enhances historical, cultural, and natural resources. The preferred alternative and the environmentally preferable alternative do not need to be the same.
- **Draft Plan Review and EA or EIS Review** - The draft plan and EA or EIS must be made available for public review on the NPS Planning, Environment and Public Comment (PEPC) website, the NHA website or other



Preparing an EA

or EIS? The NPS is responsible for determining the NEPA pathway and approving the final CE, EA or EIS decision documents. It is, however, the heritage area entity's responsibility to prepare an EA or EIS.

If you and your staff are not experienced in developing these documents, consider hiring an experienced consultant. Most consultants who are experienced in NEPA will also be experienced in Section 106 and Section 7 consultation.



Public Scoping

is a process used to identify environmental issues and impacts, as well as confirm the NEPA pathway, associated with a proposed action. The interested and affected public and agencies with jurisdiction or interest should be included in scoping.

Examples of public scoping methods include newsletters, press releases in local or national media, open houses, or listening sessions in which NHA residents and visitors, and other members of the public can learn about and provide input on the proposed actions.

locations. EAs must be reviewed for a minimum of 30 days and EISs for a minimum of 60 days. Public feedback will be collected on the NEPA documents.

- **Decision Documents** - The NPS is responsible for preparing decision documents. NHA staff can assist in form preparation, but NPS is ultimately responsible for the content of these forms. When an EIS has been prepared, the preferred alternative, mitigation measures, and the rationale for the decision are documented in a Record of Decision (ROD). When an EA has been prepared, a Finding of No Significant Impact (FONSI) is the required decision document. A FONSI must explain, based on the impact analysis in the EA, why implementing the selected alternative would not result in significant impacts. If the outcome of an EA indicates the proposed action has the potential to have significant impacts, then an EIS must be prepared.



Developing Alternatives

Alternatives should represent different ways to achieve the goals and strategies outlined in the NHA draft planning framework. A range of reasonable alternatives that resolve the purpose of and need for taking action must be developed during the EA or EIS process.

Alternatives should be based on environmental considerations, rather than logistical solutions, and must be presented in sufficient detail for readers to understand their environmental effects. Alternatives that could not be implemented if they were chosen, that do not resolve the need for the action or that do not fulfill the stated purpose for taking the action should be eliminated. For further information regarding alternatives development, consult the DO-12 Handbook.

A no-action alternative must be considered. The no-action alternative represents a continuation of current management and can be a baseline against which to compare the impacts of other alternatives. For NHAs, the no-action alternative describes current conditions or what would happen if the NHA management plan is not implemented.

Conducting Impact Analysis

Impact analysis predicts the degree to which resources will be affected if alternatives were implemented. Through internal scoping, environmental screening, and public scoping processes, issues and impact topics are confirmed and refined. NHA staff should consider impacts to the resource categories identified by NPS during the internal scoping and environmental screening process and confirmed during the public scoping process.

Descriptions of the resources that may experience impacts from the proposed action should be included as part of an **affected environment** section. Resources should be described in their current condition or as they occur prior to plan implementation. Data collection should focus on areas where the alternatives would change existing conditions. Therefore, a discussion of all cultural or natural resources within the NHA may not be warranted. The resource descriptions should be refined as alternatives are developed and impact analysis on a particular proposal proceeds.

An **environmental consequences** section presents your analysis of the impacts of each alternative. Analysis that is included in the environmental consequences section should focus on real environmental impacts as opposed to potential effects. The follow categories must be considered during impact analysis:

- Direct impacts, which occur at the same time and in same place as the action.
- Indirect impacts, which occur later in time or farther in distance than the action.
- Beneficial and adverse impacts, whether the action would result in a positive or negative change in the resource condition.
- Cumulative impacts, which result from the incremental impact of the action when added to the impacts of other past, present, and reasonably foreseeable future actions.

APPENDIX A

Example Environmental Screening Form



ENVIRONMENTAL SCREENING FORM (ESF)

DO-12 APPENDIX 1

Date Form Initiated: 04/05/2011

Updated May 2007 - per 2004 Departmental Manual revisions and proposed Director's Order 12 changes

A. PROJECT INFORMATION

Park Name: Southeast Regional Office
Project Title: Gullah/Geechee Cultural Heritage Corridor, NHA
PEPC Project Number: 24119
PMIS Number:
Project Type: Heritage Area Plan (HA)
Project Location:
County, State: South Carolina (Beaufort, Berkeley, Charleston, Colleton, Dorchester, Georgetown, Horry, Jasper, Marion, and Williamsburg Counties)
County, State: Georgia (Brantley, Bryan, Camden, Chatham, Effingham, Glynn, Liberty, Long, McIntosh, and Wayne Counties)
County, State: Florida (Duval, Nassau, and St. Johns Counties)
County, State: North Carolina (Brunswick, Columbus, New Hanover, and Pender Counties)
Project Leader: Andrew Coburn
Administrative Record Location:
Administrative Record Contact: Amy Wirsching
Notes: Original draft ESF completed in 2009. At that time the appropriate NEPA pathway was determined to be an EA; it has since been changed to a CE based on 3.3 code = R. Adoption or approval of surveys, studies, reports, plans, and similar documents which will result in recommendations or proposed actions which would cause no or only minimal environmental impact.

B. PROJECT DESCRIPTION

Gullah/Geechee Cultural Heritage Corridor, NHA

Target compliance completion date: Projected completion August 15, 2011

Projected advertisement/Day labor start: N/A

Construction start date: N/A

Is project a hot topic (controversial or sensitive issues that should be brought to attention of Regional Director)? No

C. RESOURCE EFFECTS TO CONSIDER:

Identify potential effects to the following physical, natural, or cultural resources	No Effect	Negligible Effects	Minor Effects	Exceeds Minor Effects	Data Needed to Determine/Notes
1. Geologic resources – soils, bedrock, streambeds, etc.	No				No development is proposed that would affect geologic resources.
2. From geohazards	No				N/A
3. Air quality	No				Any potential for increased visitation and subsequent traffic/emissions is speculative.
4. Soundscapes	No				Any potential for increased visitation and subsequent noise levels (e.g., more visitors, more voices, traffic noise, etc.) is speculative.
5. Water quality or quantity	No				Runoff from any potential increase in visitation that may affect water quality is speculative.
6. Streamflow characteristics	No				No development is proposed that would disrupt stream flow characteristics.
7. Marine or estuarine resources	No				Runoff from any potential increase in visitation that may affect marine or estuarine resources is speculative.
8. Floodplains or wetlands	No				No development is proposed, therefore there would be no floodplain or wetland modification.
9. Land use, including occupancy, income, values, ownership, type of use	No				The local coordinating entity does not own land or have any regulatory authority over land use.
10. Rare or unusual vegetation – old growth timber, riparian, alpine	No				Plan does not propose development that would adversely affect rare or unusual vegetation.

11. Species of special concern (plant or animal; state or federal listed or proposed for listing) or their habitat	No				Agency consultation complete. Any potential increase in visitation that may affect T&E species behavior and/or habitat is speculative.
12. Unique ecosystems, biosphere reserves, World Heritage Sites	No				Non-existent in the corridor.
13. Unique or important wildlife or wildlife habitat	No				Agency consultation complete. Any potential increase in visitation that may affect wildlife behavior and/or habitat is speculative.
14. Unique or important fish or fish habitat	No				Agency consultation complete. Any increase in visitation that may affect fish behavior and/or habitat is speculative.
15. Introduce or promote non-native species (plant or animal)	No				Any potential for an increase in visitation and/or promotion of existing/traditional recreational activities that could bring in non-native species is speculative.
16. Recreation resources, including supply, demand, visitation, activities, etc.	No				Any potential increase in visitation that may affect the amount of existing/traditional recreational opportunities is speculative.
17. Visitor experience, aesthetic resources	No				The Corridor provides a variety of visitor experiences and educational opportunities, events, exhibits, publications, etc.; aesthetic resources will be better protected and/or rehabilitated. Beneficial impacts.
18. Archeological resources	No				There are no proposed actions that would impact archeological resources. Any potential increase in visitation that may affect archeological resources is speculative.
19. Prehistoric/historic structure	No				Have SHPO consultation from all 4 states. The management approach does not include undertakings that would impact historic structures. Any

					potential increase in visitation that may affect prehistoric/historic structures is speculative.
20. Cultural landscapes	No				The management approach does not include undertakings that would impact cultural landscapes. Any potential increase in visitation that may affect cultural landscapes is speculative.
21. Ethnographic resources	No				Descriptive studies of this time in history will not be changed/modified in any way; these ethnographic resources would be interpreted to the public, a beneficial impact.
22. Museum collections (objects, specimens, and archival and manuscript collections)	No				The management approach would not adversely impact museum collections. Museum collections could grow as a result of the management approach, a beneficial impact.
23. Socioeconomics, including employment, occupation, income changes, tax base, infrastructure	No				Any potential for an increase in visitation that may create more jobs in the tourism/service industry is speculative. The tourism/service economy could grow as a result of the management approach, a beneficial impact.
24. Minority and low income populations, ethnography, size, migration patterns, etc.	No				No actions are proposed that would have a disproportionately high and adverse affect on minority or low income populations.
25. Energy resources	No				No actions are proposed that would affect energy resources within the Corridor.
26. Other agency or tribal land use plans or policies	No				The management approach would not impact other agency or tribal land use plans or policies.
27. Resource, including energy, conservation potential, sustainability	No				Any potential change in resource sustainability is speculative.
28. Urban quality, gateway	No				Any potential increase in visitation that might affect gateway

communities, etc.					communities is speculative; no actions are proposed that would affect urban quality.
29. Long-term management of resources or land/resource productivity	No				The Corridor does not own land or resources. Long-term management of resources would continue to be the responsibility of partners.
30. Other important environment resources (e.g. geothermal, paleontological resources)?	No				The management approach does not include actions that would impact important environmental resources.

Comments: None

D. MANDATORY CRITERIA

Mandatory Criteria: If implemented, would the proposal:	Yes	No	N/A	Comment or Data Needed to Determine
A. Have significant impacts on public health or safety?		N		
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?		N		
C. Have highly controversial environmental effects or involve unresolved conflicts concerning alternative uses of available resources (NEPA section 102(2)(E))?		N		
D. Have highly uncertain and potentially significant environmental effects or involve unique or unknown environmental risks?		N		

E. Establish a precedent for future action or represent a decision in principle about future actions with potentially significant environmental effects?		N		
F. Have a direct relationship to other actions with individually insignificant, but cumulatively significant, environmental effects?		N		
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?		N		
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?		N		
I. Violate a federal law, or a state, local, or tribal law or requirement imposed for the protection of the environment?		N		
J. Have a disproportionately high and adverse effect on low income or minority populations (Executive Order 12898)?		N		
K. Limit access to and ceremonial use of Indian sacred sites on federal lands by Indian religious practitioners or significantly adversely affect the physical integrity of such sacred sites (Executive Order 13007)?		N		
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)?		N		

For the purpose of interpreting these procedures within the NPS, any action that has the potential to violate the NPS Organic Act by impairing park resources or values would constitute an action that triggers the DOI exception for actions that threaten to violate a federal law for protection of the environment.

E. OTHER INFORMATION

1. Are personnel preparing this form familiar with the site? No
 - 1.A. Did personnel conduct a site visit? No
2. Is the project in an approved plan such as a General Management Plan or an Implementation Plan with an accompanying NEPA document? No
3. Are there any interested or affected agencies or parties? Yes
 - 3.A. Did you make a diligent effort to contact them? Yes
4. Has consultation with all affected agencies or tribes been completed? Yes
5. Are there any connected, cumulative, or similar actions as part of the proposed action? *(e.g., other development projects in area or identified in GMP, adequate/available utilities to accomplish project)* No

F. INSTRUCTIONS FOR DETERMINING APPROPRIATE NEPA PATHWAY

First, always check DO-12, section 3.2, "Process to Follow" in determining whether the action is categorically excluded from additional NEPA analyses. Other sections within DO-12, including sections 2.9 and 2.10; 3.5; 4.5(G)(4) and (G)(5), and 5.4(F), should also be consulted in determining the appropriate NEPA pathway. Complete the following tasks: conduct a site visit or ensure that staff is familiar with the site's specifics; consult with affected agencies, and/or tribes; and interested public and complete this environmental screening form.

If your action is described in DO-12 section 3.3, "CEs for Which No Formal Documentation is Necessary," follow the instructions indicated in that section.

If your action is not described in DO-12, section 3.3, and IS described in section 3.4, AND you checked YES or identified "data needed to determine" impacts in any block in section D (Mandatory Criteria), this is an indication that there is potential for significant impacts to the human environment, therefore, you must prepare an EA or EIS or supply missing information to determine context, duration, and intensity of impacts.

If your action is described in section 3.4 and NO is checked for all boxes in section D (Mandatory Criteria), AND there are either no effects or all of the potential effects identified in section C (Resource Effects to Consider) are no more than minor intensity, usually there is no potential for significant impacts and an EA or EIS is not required. If, however, during internal scoping and further investigation, resource effects still remain unknown, or are at the minor to moderate level of intensity, and the potential for significant impacts may be likely, an EA or EIS is required.

In all cases, data collected to determine the appropriate NEPA pathway must be included in the administrative record.

G. INTERDISCIPLINARY TEAM SIGNATORIES

All interdisciplinary team members sign as directed or deemed necessary by the Superintendent. By signing this form, you affirm the following: you have either completed a site visit or are familiar with the specifics of the site; you have consulted with affected agencies and tribes; and you, to the best of your knowledge, have answered the questions posed in the checklist correctly.

Field of Expertise

Project Leader

Andrew Coburn

Field of Expertise

Superintendent

NPS Liaison to the Gullah/Geechee Corridor

Other Advisor

Community Planner

Community Planner

NHPA Specialist

NEPA Specialist

Community Planner

Other Advisor

Other Advisor

Other Advisor

Other Advisor

Other Advisor

Other Advisor

Other Advisor

Technical Specialist

Timothy Stone

Michael Allen

Aaron Gagné

Andrew Coburn

Tracy Atkins

Carrie Miller

Christina Miller

Sarah Bodo

Martha Raymond

Chris Abbett

K. Lynn Berry

Patty Wissinger

Bob Dodson

Pat Kenney

Mary McVeigh

H. SUPERVISORY SIGNATORY

Based on the environmental impact information contained in the statutory compliance file and in this environmental screening form, environmental documentation for this stage of the subject project is complete.

Recommended:

Compliance Specialist:

NEPA

Christina Miller /s/ Christina Miller **Date:** July 26, 2011

NHPA

Carrie Miller Carrie Miller **Date:** July 29, 2011

APPENDIX B

Example Categorical Exclusion Form



Categorical Exclusion Form

Project: Gullah/Geechee Cultural Heritage Corridor, NHA

PEPC Project Number: 24119

Project Description:

The purpose of this project is to prepare a Management Plan for the Gullah/Geechee Cultural Heritage Corridor (GUGE) as directed by the enabling legislation (Public Law 109-338). To ensure long-term flexibility, the management plan is intended to be goal-based and provide a decision-making framework rather than identifying all potential implementation decisions. Inclusion of an interpretive plan and five-year implementation plan is mandated in the enabling legislation. The management plan would establish guidance for implementation throughout the life of the plan.

Project Locations:

Location 1

County:	Beaufort, Berkeley, Charleston, Colleton, Dorchester, Georgetown, Horry, Jasper, Marion, and Williamsburg	State:	SC
District:		Section:	
Geo. Marker:		Other:	

Location 2

County:	Brantley, Bryan, Camden, Chatham, Effingham, Glynn, Liberty, Long, McIntosh, and Wayne	State:	GA
District:		Section:	
Geo. Marker:		Other:	

Location 3

County:	Duval, Nassau, and St. Johns	State:	FL
District:		Section:	
Geo. Marker:		Other:	

Location 4

County:	Brunswick, Columbus, New Hanover, and Pender	State:	NC
District:		Section:	
Geo. Marker:		Other:	

Mitigation(s):

- No mitigations identified.

Describe the category used to exclude action from further NEPA analysis and indicate the number of the category (see Section 3-4 of DO-12):

3.3 CEs for Which No Formal Documentation is Necessary

3.3 code = R. Adoption or approval of surveys, studies, reports, plans and similar documents which will result in recommendations or proposed actions which would cause no or only minimal environmental impact.

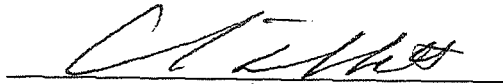
CE 3.3 R is the appropriate NEPA pathway for the Gullah/Geechee Cultural Heritage Corridor Management Plan because there would be no or almost no environmental effects and no exceptions are triggered. The management plan is a strategic planning document that identifies the local coordinating entity's vision, mission, goals, primary interpretive themes, and strategies that they would like to implement in cooperation with partners over the life of the plan. Primary efforts of the local coordinating entity are focused on education and interpretation of Gullah/Geechee history and culture. No construction is proposed and the potential for impacts resulting from increased visitation is too speculative to identify at this time because no site specific projects are known.

(See Attached Environmental Screening Form)

On the basis of the environmental impact information in the statutory compliance file, with which I am familiar, I am categorically excluding the described project from further NEPA analysis. No exceptional circumstances (e.g. all boxes in the ESF are marked "no") or conditions in Section 3-6 apply, and the action is fully described in Section 3-4 of DO-12.

**Regional Director
or designee:**

Chris Abbett



Date: 8/2/11

NPS Contact:

Andrew Coburn



Date: July 29, 2011

APPENDIX C

Notes