

# ARS NEPA Review Determination Form

**Form Instructions:** The National Environmental Policy Act, or NEPA, requires federal agencies to consider the potential impacts of their actions on the human environment. To comply with NEPA, ARS must determine the appropriate level of NEPA review for project activities at each **ARS Location** to properly consider whether project activities are complying with USDA ARS’s NEPA requirements. An **ARS Location** includes all physical locations, including facilities, laboratories, and work sites, at ARS and non-ARS properties under the supervision of the project proponent.

**Form Contents:**

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**Role of the USDA ARS NEPA Practitioner:** Upon receiving the *NEPA Information Collection Form* from an **ARS Location**, fill out this form in its entirety. Include a technical recommendation regarding the appropriate level(s) of NEPA Review for all project activities outlined in the *NEPA Information Collection Form*. Once the *NEPA Review Determination Form* is complete, sign the form and submit it to the Realty Specialist for Section 106 Review. The USDA ARS NEPA Practitioner role will be fulfilled by an Environmental Protection Specialist, a Safety and Occupational Health Specialist, or a Facility Safety/Real Property Manager in the **ARS Location’s** area. Upon completion, this form will be provided to the ARS Area Director to maintain on file for recordkeeping purposes.

*Additional instructions are provided throughout this form to help facilitate its completion.*

## Section 1 – ARS Location Information

<b>ARS Location Name:</b>
<p><b>Has the project proponent completed the <i>ARS NEPA Information Collection Form</i>?</b>  <input type="checkbox"/> Yes <input type="checkbox"/> No</p> <p>If <b>Yes</b>, please attached the completed <i>ARS NEPA Information Collection Form</i> to this submittal.</p> <p>If <b>No</b>, please do not move forward with NEPA level of review analysis until receiving the <i>ARS NEPA Information Collection Form</i>.</p>
<p><b>Project Proponent Contact Information</b></p> <p><b>Project Proponent Name:</b> _____</p> <p><b>Email:</b> _____</p> <p><b>Phone number:</b> _____</p>

## Section 2 – Resource Checklist

Complete the **Resource Checklist** below for project activities at the **ARS Location**, as a supplement to the **ARS NEPA Information Collection Form** data that were provided by the project proponent. If the resource question is not applicable to any project activities, you may check “N/A.” For example, a location only performing laboratory research, with no possibility to impact floodplains or wetlands, could have an “N/A” response for Question 1. Projects with complex resource concerns may refer to the ARS EA Scoping guide for a more comprehensive guide of resources to consider.

Resource Checklist	
<b>Water</b>	
<b>1. Would any project activities take place in or adjacent to a floodplain or wetland?</b> <i>See the <a href="#">USFWS “Wetland Mapper”</a> online map and <a href="#">FEMA National Flood Hazard Maps</a>.</i>	<input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> N/A
<b>2. Would any project activities affect the physical, chemical, or aesthetic properties of either ground or surface waters?</b> <i>See “<a href="#">The National Map Viewer</a>” online map.</i>	<input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> N/A
<b>Land and Vegetation</b>	
<b>3. Would any project activities have the potential to be incompatible with existing land use (industrial, commercial, agricultural, recreational, residential), or to be noncompliant with state or local land use plans or federal land management plans?</b>	<input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> N/A
<b>4. Would any project activities affect undisturbed natural areas?</b>	<input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> N/A
<b>5. Would any project activities cause or contribute to soil erosion by wind or water, or affect soil stability?</b>	<input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> N/A
<b>6. Would the project involve any ground disturbing activities?</b> <i>If yes, describe the extent of ground disturbing activities (area and depth) at the end of Section 2. In addition, state the current land use of the area to be disturbed, and whether the area has undergone previous disturbance.</i>	<input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> N/A
<b>Fish and Wildlife</b>	
<b>7. Are there federally protected species, or important wildlife habitat (breeding, nesting, calving areas) either in or near any project activities?</b> <i>See the <a href="#">USFWS’s Information for Planning and Consultation tool</a>.</i>	<input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> N/A

Resource Checklist	
8. Would any project activities affect game animals or fish or their taking?	<input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> N/A
<b>Air Quality and Noise</b>	
9. Would any project activities occur near a noise sensitive area such as residential homes, schools, hospitals, libraries or other potentially noise sensitive locations?	<input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> N/A
10. Would any project activities take place in a National Ambient Air Quality Standards (NAAQS) nonattainment or maintenance area, or have potential to cause or contribute to a NAAQS violation? <i>See the <a href="#">EPA's Current Nonattainment Counties for All Criteria Pollutants list</a>.</i>	<input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> N/A
<b>Environmental Justice and Climate Change</b>	
11. Would any project activities have a disproportionately high and adverse effect on an environmental justice population, or a community whose annual median household income is equal to or less than 65% of the statewide median, or whose population is at least 25% minority, foreign born, or lacking English language proficiency? <i>See <a href="#">US Census data</a> and the <a href="#">EPA's EJSCREEN tool</a>.</i>	<input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> N/A
12. Would any project activities have the potential for adverse effects on public health or safety?	<input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> N/A
13. Would any project activities have the potential to be impacted by a changing climate that would adversely alter the overall environmental implications of the action over the lifetime of those effects?	<input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> N/A
<b>Other Considerations</b>	
14. Would any project activities require permitting or approvals from other agencies? <i>If yes, list the agency, type of permit, and current status of any permit/approvals.</i>	<input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> N/A
15. Are there any project activities of a significantly greater scope or size than normally experienced at the ARS Location?	<input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> N/A
16. Are there any project activities with highly uncertain effects, including potential unique or unknown risks on the human environment?	<input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> N/A

<b>Resource Checklist</b>	
<b>17. Would any project activities include activities or practices that establish a potential precedent for future actions with significant environmental impacts?</b>	<input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> N/A
<b>18. Would any project activities have the potential to violate federal, state, tribal, or local environmental law or requirements?</b>	<input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> N/A
<b>19. Do any project activities have known significant public controversy about a potential environmental impact?</b>	<input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> N/A
<p><b>Resource Screening Questions Explanation</b>            For any resource screening questions where “yes” was selected, please provide addition details below. <u>Please attach additional pages if more space is required.</u></p>	

### Section 3 – Section 106 Screening Questions

Complete the **Section 106 Screening Questions** below for all structures utilized as part of project activities at the **ARS Location**. Upon completion, send both the **ARS NEPA Review Determination Form** and the **ARS NEPA Information Collection Form** to the ARS Realty Specialist. The ARS Realty Specialist will review the information provided and consult with the ARS Historic Resource Specialist as needed to ensure Section 106 compliance.

Structure Name/ Asset ID	Corresponding Project Site	Year of Original Construction	Listed on/eligible for the National Register of Historic Places (Yes / No / Unsure)	Address and/or GPS coordinates
Does the project involve real estate activities and/or construction, renovation, or maintenance activities?				<input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> Unsure
Would the project affect a known or potential cultural, historical, or archeological site, district, or area? <i>If yes, list below</i>				<input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> Unsure
Does the project involve demolition activities? <i>If yes, list the Asset ID #(s) proposed for demolition below</i>				<input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> Unsure
<b>Section 106 Determination (to be completed by the ARS Realty Specialist):</b>				
<input type="checkbox"/> One or more historic properties could be adversely affected by project activities. <input type="checkbox"/> Historic properties will not be adversely affected by project activities.				

## Section 4 – NEPA Technical Recommendation

Based on the information in Sections 2 and 3, as well as the *ARS NEPA Information Collection Form*, please recommend the appropriate level of NEPA review for all project activities at the **ARS Location**. If this form is being used for multiple projects, indicate the technical recommendation for each project.

**Categorical Exclusion (CATEX):** Indicate if any ARS CATEXs apply to project activities at the **ARS Location**. Refer to the *Application of Categorical Exclusions for ARS Activities* memorandum to understand the scope of each CATEX and factors for extraordinary circumstances.

ARS Categorical Exclusions (7 CFR § 520.5(b))	Yes/No	Project Activities
§ 520.5(b)(1): Repair, replacement of structural components or equipment, or other routine maintenance of facilities controlled in whole or in part by ARS.	<input type="checkbox"/> Yes <input type="checkbox"/> No	
§ 520.5(b)(2)(i): Resource operations conducted within any laboratory, greenhouse, or other contained facility where research practices and safeguards prevent environment impacts such as the release of hazardous materials into the environment.	<input type="checkbox"/> Yes <input type="checkbox"/> No	
§ 520.5(b)(2)(ii): Inventories, studies, or other such activities that have limited context and minimal intensity in terms of changes in the environment.	<input type="checkbox"/> Yes <input type="checkbox"/> No	
§ 520.5(b)(2)(iii): Testing outside of the laboratory, such as in small isolated field plots, which does not involve the use of control agents requiring containment or a special license or a permit from a regulatory agency.	<input type="checkbox"/> Yes <input type="checkbox"/> No	

**Environmental Assessment (EA):** Indicate if any project activities will require an EA. Refer to 7 CFR § 520.6(a) for a full list of ARS actions that typically require an EA.

Project Activities requiring an EA

**Environmental Impact Statement (EIS)s:** Indicate if any project activities will require an EIS. Refer to 7 CFR § 520.7(a) for a full list of ARS actions that typically require an EIS.

Project Activities requiring an EIS

## Section 5 – Signatures and Approval

The ARS NEPA Practitioner and ARS Realty Specialist must sign and date this form. Once all signatures have been obtained, send copies of this form to the ARS Area Director and the ARS NEPA Practitioner to keep on file.

### ARS NEPA Practitioner Signature and Contact Information:

<p><b><u>ARS NEPA Practitioner (Print Name):</u></b> _____</p> <p><b><u>ARS NEPA Practitioner (Signature):</u></b> _____</p> <p><b><u>Email:</u></b> _____ <b><u>Phone number:</u></b> _____</p> <p><b><u>Date:</u></b> _____</p>
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### ARS Realty Specialist Signature and Contact Information (for projects involving real property):

<p><b><u>ARS Realty Specialist (Print Name):</u></b> _____</p> <p><b><u>ARS Realty Specialist (Signature):</u></b> _____</p> <p><b><u>Email:</u></b> _____ <b><u>Phone number:</u></b> _____</p> <p><b><u>Date:</u></b> _____</p>
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