

Categorical Exclusion Statement
Ocala National Forest
March 27, 2020

Project Title: Ocala National Forest Recreation Sites Emergency Closure Order

Project Description: The Ocala National Forest proposes to restrict public recreational activities and opportunities including, but not limited to: hiking, fishing, OHV, bicycling, equestrian activities, picnicking, loitering, paddle-craft, motorized watercraft/airboats, swimming, and camping. Hunting (as determined by State of Florida laws, permits, and WMA access) may be allowable on a case-by-case basis with valid permits. These prohibitions are to protect the general public and agency employees' health and safety in accordance with current CDC guidelines for social distancing.

Expiration: JULY 24, 2020. **Location: All developed, non-developed, dispersed, and contracted/permitted recreation sites and facilities, including roads and trails on the Ocala National Forest in Florida.**

The U.S. Council on Environmental Quality's NEPA regulations allow agencies to identify categories of action which do not normally have significant effects and which do not need to be documented in an Environmental Impact Statement (EIS) or Environmental Assessment (EA). These categories of actions are called "categorical exclusions¹". The Secretary of Agriculture has established a list of categorical exclusions at 7 CFR part 1b.3. The Chief of the Forest Service has established a list of categorical exclusions at 36 CFR 220.6 (d) and (e). For a project to be approved under NEPA as a categorical exclusion, it must fall in one of the categories established by the Secretary or by the Chief, and there must be no extraordinary circumstances related to the proposed action (36 CFR 220.6(b)).

I have reviewed this project for compliance with the National Environmental Policy Act, and have determined that it falls under section 31.1 of the Forest Service Handbook 1905.15 chapter 30, which are Categories for which project or case files and a Decision Memo are not required.

More specifically, this project falls under (Check one)

Section 31.11

- ☐ (1) Policy development, planning and implementation which relate to routine activities, such as personnel, organizational changes, or similar administrative functions.
- ☐ (2) Activities that deal solely with the funding of programs, such as program budget proposals, disbursements, and transfer or reprogramming of funds.
- ☐ (3) Inventories, research activities, and studies, such as resource inventories, and routine data collection when such actions are clearly limited in context and intensity.
- ☐ (4) Educational and informational programs and activities.
- ☐ (5) Civil and criminal law enforcement and investigative activities.
- ☐ (6) Activities which are advisory and consultative to other agencies and public and private entities, such as legal counseling and representation.
- ☐ (7) Activities related to trade representation and market development activities abroad.

¹ "Categorical exclusion" means a category of actions which do not individually or cumulatively have a significant effect on the human environment and which have been found to have no such effect in procedures adopted by a Federal agency in implementation of these regulations (Sec. 1507.3) and for which, therefore, neither an environmental assessment nor an environmental impact statement is required. An agency may decide in its procedures or otherwise, to prepare environmental assessments for the reasons stated in Sec. 1508.9 even though it is not required to do so. Any procedures under this section shall provide for extraordinary circumstances in which a normally excluded action may have a significant environmental effect. (40 CFR 1509.4)

Section 31.12

- ☒ (1) Orders issued pursuant to 36 CFR Part 261 – Prohibitions to provide short-term resource protection or protect public health and safety. [*Pursuant sub-part B; § 261.50 (a) & (b)*]
- ☐ (2) Rules, regulations, or policies to establish Service-wide administrative procedures, or instructions.
- ☐ (3) Repair of maintenance of administrative sites.
- ☐ (4) Repair of maintenance of roads, trails, and landline boundaries.
- ☐ (5) Repair and maintenance of recreation sites and facilities.
- ☐ (6) Acquisition of land or interest in land.
- ☐ (7) Sale or exchange of land or interest in land and resources where resulting land uses remain essentially the same.
- ☐ (8) Approval, modification, or continuation of minor, short-term (one year or less) special uses of National Forest System Lands.
- ☐ (9) Issuance of a new permit for up to a maximum tenure allowable under the National Forest Ski Area Permit Act
- ☐ (10) Amendment to or replacement of an existing special use authorization that involves only administrative changes

I have determined that this project is consistent with the Revised Land and Resource Management Plan for the National Forests in Florida, June 1999.

This project was scoped internally within the Forest Service. The Ocala IDT discussed this project on 3/23/20 through 3/27/20 during daily conference calls. Implementation of this prohibition does not require sub-surface archaeological survey. A site-specific analysis indicates there are no extraordinary circumstances that warrant further analysis and documentation in an EA or an EIS. This environmental analysis consisted of:

- ☐ Archeological review completed on: Not Applicable
- ☐ Biological review completed on: Not Applicable
- ☒ Inter-disciplinary team discussion/review; Determination of NEPA Adequacy.

Since this proposed action falls in an identified categorical exclusion, there are no extraordinary circumstances, and it is consistent with the Forest Plan, I am approving the implementation of this project. Pursuant to 36 CFR 218, this decision is not subject to objections and may be implemented immediately.



KELLY RUSSELL
Forest Supervisor
National Forest in Florida

3/27/2020

Date

Enclosure: Test for Extraordinary Circumstances (2 pages)

Test for Extraordinary Circumstances / Categorical Exclusions

--- Ocala National Forest ---

PROJECT NAME:		Ocala National Forest Recreation Sites Emergency Closure Order
TEST CONDUCTED BY:		<i>Michael Papa</i>
	Team Leader	<i>Carl Bauer</i>
	Fire & Fuels	<i>Mike Drayton</i>
	Wildlife Biologist	<i>Jay Garcia</i>
	Archaeologist	<i>John Dysart</i>
	Recreation	<i>Jay Perry</i>
	Special Uses	<i>Heather Ellison</i>
	Engineering	<i>Jonathan Mickett</i>
	Aquatics	<i>Jay Garcia</i>
	Timber	<i>Gordon Horsley</i>
	Silviculture	<i>Michael Papa</i>
DATE:3/27/2020		
<i>(CE does not require a Decision Memo. Attach to Letter to the File.)</i>		

****Civil Rights Assessment on Page 2 of this document.****

An answer of "YES" to any of the below circumstances may prohibit the use of a categorical exclusion. An EA or EIS should be considered:		YES/NO
A-	Based on the biological assessment and evaluation(s) conducted for this project, will there be any adverse effects on Federally listed threatened or endangered species or designated critical habitat, species proposed for Federal listing or proposed critical habitat, or Forest Service sensitive species? Date Biological Evaluation (BE) completed: Not Applicable	NO
B-	Has the responsible official determined, based on scoping, that it is uncertain whether the proposed action may have a significant effect on any flood plains, wetlands, or municipal watersheds?	NO
C-	Has the responsible official determined, based on scoping, that it is uncertain whether the proposed action may have a significant effect on Congressionally designated areas, such as wilderness, wilderness study areas, or national recreation areas?	NO
D-	Has the responsible official determined, based on scoping, that it is uncertain whether the proposed action may have a significant effect on any Inventoried Roadless Areas?	NO
E-	Has the responsible official determined, based on scoping, that it is uncertain whether the proposed action may have a significant effect any Research Natural Areas?	NO
F-	Has the responsible official determined, based on scoping, that it is uncertain whether the proposed action may have a significant effect on any American Indians and Alaska Native religious or cultural sites? Date of SHPO concurrence: Not Applicable	NO

Test for Extraordinary Circumstances / Categorical Exclusions

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G-	Has the responsible official determined, based on scoping, that it is uncertain whether the proposed action may have a significant effect on any Archaeological sites, or historic properties or areas?	NO
H-	Has the responsible official determined, based on scoping, that it is uncertain whether the proposed action may have a significant effect on any watersheds, fish streams or need any State permits?	NO
I-	Has the responsible official determined, based on scoping, that it is uncertain whether the proposed action may have a significant effect on steep slopes or highly erosive soils?	NO
Does the Proposed Action exceed or violate any intent or specified thresholds for use of the Categorical Exclusion?		
6-	<p><u>36 CFR 220.6 (d) (1):</u> Orders issued pursuant to 36 CFR part 261— Prohibitions to provide short-term resource protection or to protect public health and safety. Examples include but are not limited to:</p> <p>(i) Closing a road to protect bighorn sheep during lambing season, and</p> <p>(ii) Closing an area during a period of extreme fire danger.</p> <p><i>Specifically: 36 CFR § 261.50 Orders:</i></p> <p><i>(a) The Chief, each Regional Forester, each Experiment Station Director, the Administrator of the Lake Tahoe Basin Management Unit and each Forest Supervisor may issue orders which close or restrict the use of described areas within the area over which he has jurisdiction. An order may close an area to entry or may restrict the use of an area by applying any or all of the prohibitions authorized in this subpart or any portion thereof.</i></p> <p><i>(b) The Chief, each Regional Forester, each Experiment Station Director, the Administrator of the Lake Tahoe Basin Management Unit and each Forest Supervisor may issue orders which close or restrict the use of any National Forest System road or trail within the area over which he has jurisdiction.</i></p>	NO
	<p><u>Justification:</u> Due to wide-spread closures of public spaces throughout the State of Florida, the Ocala NF is experiencing excessive patronage and overwhelming site capacities. This is not in accordance with current CDC guidelines and is causing damage to government property and natural resources. This closer order is required to implement/enforce sufficient protection of government property and natural resources.</p>	

Civil Rights Assessment Statement:

The Forest Service Handbook states that “routine orders are not policy actions with civil rights implications, however, documentation of the civil rights assessment and determination should be kept in the order case file” (FSH 5309.11, Ch. 32.34). In this case, an area that has been open to the public will be closed temporarily for public safety and natural resource protection. Although this closure will negatively affect use of public lands in a small area for a short time, it will not disproportionately affect minority or low income populations. Therefore, there is no evidence that a more detailed Civil Rights Impact Analysis (CRIA) is required.