



## Gulf Coast Ecosystem Restoration Council Categorical Exclusion Determination Form

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

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**Proposed Action Title:**

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

**Proposed Action Description:**

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**Categorical Exclusion(s) Applied:**

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## **Council Use of Member Categorical Exclusion(s)**

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

### **Member with Categorical Exclusion(s)**

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

Yes                  No

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### **Segmentation**

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

Yes                  No

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### **Extraordinary Circumstances**

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

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

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

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

### **Supplemental Information**

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

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

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

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

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

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

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

**Additional Information Attached:**      Yes      No

If “Yes”, indicate the subject:

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**Determination by Responsible Official**

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

**Responsible Official (Name)**

Justin R. Ehrenwerth

**Responsible Official (Signature)****Date**

Dec 10, 2015

# **Decision Memo**

## **Restore Act Land Acquisition**

**USDA Forest Service  
National Forests in Mississippi**

### **Background**

A broad coalition of federal, state, and municipal government agencies and private conservation organizations have developed a strategy to restore and conserve habitat and water quality while providing economic opportunity in the Mississippi coastal plain. Restoring the health and resiliency of ecosystems within the coastal plain will help rehabilitate coastal wetlands and estuaries affected by the Deepwater Horizon oil spill. These projects complement those included in the state of Mississippi's comprehensive plan for restoration. The state has recognized the value of previous ecosystem restoration efforts, which have included habitat conservation, restoration, and enhancement in addition to projects focused on coastal freshwater input and hydrology.

The Strategic Land Protection, Conservation, and Enhancement of Priority Gulf Coast Landscapes in MS is a collection of regionally scalable projects that; 1) plan and prioritize restoration opportunities, 2) implement restoration projects on public and private lands, and 3) create a foundation for future restoration and conservation projects. Planning and prioritization will be accomplished through development of an ecosystem modeling application. Restoration projects will be implemented throughout the Mississippi coastal plain and will include longleaf pine, coastal savanna, pitcher plant bog, bottomland hardwood forest, and mesic slope forest restoration. These forested ecosystems provide habitat for numerous threatened and endangered plants and animals.

This proposal represents one of the first phase projects of a multi-phase landscape scale ecosystem restoration strategy for the Mississippi coastal plain.

The National Forests in Mississippi encompasses almost 1.2 million acres, but the makeup of the national forests is a series of widely separated ranger districts scattered across the state. Even within districts, national forest boundaries are not contiguous. Land ownership is generally a fragmented pattern of small isolated parcels of private lands interspersed with National Forest System lands. Although the areas around the National Forests in Mississippi still retain a rural character, changes are expected as the population in the state continues to grow and urban development spreads into rural areas. In recent years, there have been increasing numbers of people moving in closer proximity to National Forest System lands, especially from expanding developments along the gulf coast and near urban centers such as Memphis, Tennessee and Jackson, Mississippi. Due to the effects of Hurricane Katrina, rebuilding efforts in many locations moved inland from the gulf coast, placing future homes and business construction closer to national forest boundaries, particularly along the De Soto National Forest.

This pattern of noncontiguous land holdings plus mixed ownership and growing wildland-urban interface presents problems in conducting effective vegetation management programs. Control of

invasive species, insects, and diseases is more difficult if untreated properties adjacent to the Forests provide continued opportunities for reinfestation. Prescribed burning to reduce fuel hazards and restore desired ecosystems creates smoke that can be minimized but not eliminated from impacting nearby roadways and homes. Restoration of ecosystems for wildlife and uncommon species often requires large blocks of appropriate habitat that are buffered from conflicting land uses. Protection and improvement of water quality, soil erosion, and sedimentation on the National Forests in Mississippi may be undone by upstream activities and offsite sources. In parts of the Forests where inholdings are common, there is also an increased potential for boundary line conflicts, easement and access issues, encroachment, and the need for more special use permits.

By creating a larger consolidated land base, the National Forests in Mississippi can not only enhance resource protection and management operations but also reduce boundary conflicts and access issues.

The Desired Condition for Lands identified in the National Forests in Mississippi 2014 Land and Resource Management Plan states:

National Forest System lands within the boundaries of the National Forests in Mississippi are more consolidated, with key parcels of land added to the National Forest System as opportunities arise. The land base of the National Forests in Mississippi is sufficient to protect native ecosystems, provide critical habitat, support diverse species, provide a variety of recreation experiences, and preserve a natural-appearing setting. Isolated tracts with special resource values are also part of the land base. Private landowners have appropriate access to their property, and the public has appropriate access to National Forest System lands. Boundaries are clearly marked so that national forest land ownership is easily recognized along property lines with adjoining tracts.

This proposal includes acquisition of the following tracts of land within or adjacent to the National Forests in Mississippi. The total acres are approximately 3,150. The lands in question are all within the De Soto National Forest Priority Land Acquisition area (see attached map):

Many of the priority acquisition tracts on the De Soto Ranger District are within the Coastal Streams Basin, which covers an area of about 1,650 square miles. Unlike most of the other basins in Mississippi, the streams and creeks do not all flow into a single main stream within the basin. Instead, most of the streams discharge directly into the Gulf of Mexico. The De Soto Ranger District is an important part of this system, containing the headwaters of the Biloxi River, Tchoutacabouffa River, and Tuxachanie Creek. The basin represents one of the most biologically diverse regions in North America and is home to a large number of threatened and endangered species. Both the endangered gulf sturgeon and Mississippi gopher frog occupy habitat within the De Soto Ranger District in this basin. Good water quality and protection of habitat are essential to support these species.

## **Decision**

I hereby advise the Gulf Coast Ecosystem Restoration Council that the categorical exclusion referenced below is appropriate for the actions described in this decision document.

I have decided to implement the proposed land acquisitions as described in this proposal.

This action is categorically excluded from documentation in an environmental impact statement or an environmental assessment. Based upon the information provided above, including internal scoping and previous experience with purchases, the proposed acquisition falls under the category described in 36 CFR 220.6(d)(6); “Acquisition of land or interest in land.”.

Based on a review of the Extraordinary Circumstances, no issues have been identified that would preclude the use of a CE for this project for TES, sensitive species, floodplains, wetlands, municipal watersheds, congressionally designated areas, IRAs, RNAs, American Indian and Alaska

No extraordinary circumstances described in 36 CFR 220.6 would be affected by the proposed land acquisitions .

If funded, this proposed acquisition will undergo additional internal and external scoping through the processing of the proposed acquisition. Resource analyses will also be completed by Forest Specialists. Based on the findings to date, the proposed acquisition would have no significant and adverse effects on these resource conditions. The purchase also involves a scenic byway and crucial big game habitat. The proposed acquisition is intended to maintain the integrity of all of these resources through management in compliance with law, regulation, policy and the Mississippi National Forests Land and Resource Management Plan. Therefore, the purchase is not anticipated to have any adverse impact on these resources. The acquisition meets the conditions for categorical exclusion as set forth in 36 CFR 220.6(d) (6) for which a project or case file and decision memo are not required. This proposed action is categorically excluded from further analysis and documentation in an EA or EIS.

## **Public Involvement**

The RESTORE ACT was signed into law October 5, 2010 as Executive Order 13554 and published in the Federal Register.

In accordance with the law, The RESTORE ACT Council manages a public involvement process in order to generate input from local stakeholders, communities, public officials, and other members of the public throughout the gulf region. Widespread efforts have been made to ensure that these members of the public have had ample opportunity to share their views. The Council has hosted many public meetings and also established an internet presence to accept public comments.

## **Findings Required by Other Laws**

This decision is consistent with the 2014 Revised Land and Resource Management Plan for the National Forests in Mississippi as required by the National Forest Management Act. This project is consistent with the Desired Condition improve consolidation of lands with the boundaries of the National Forests in Mississippi. In addition, the project will comply with Forest-wide guideline 4.2.7-5 on page 96 of the Forest Plan which states: "When compatible, manage new land acquisitions according to the adjacent or surrounding Management Prescription Area(s). The determination of the suitability of the acquired lands for the various resource uses, including timber production, will follow the plan direction for the applicable Management Prescription Area(s). When not compatible, conduct an environmental analysis and prepare the appropriate decision document to amend the Forest Plan."

**Authority:** The authority for purchase of the land is the USDA Organic Act of August 3, 1956 (70 Stat. 1032; 7 U.S.C. 428a, Sec. 11; P.L. 84-979); the Revived Economy of the Gulf Coast Act of 2011 (or the "RESTORE the Gulf Coast Act"), 33 U.S.C. 1321; and an accompanying appropriations act when funding is received.

## **Implementation Date**

This project may be implemented immediately.

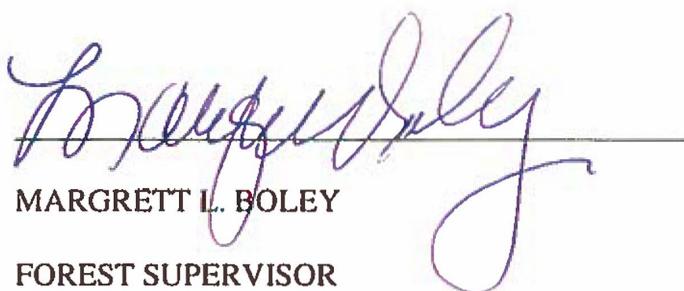
## **Administrative Review Opportunities**

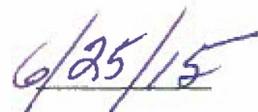
This decision is not subject to administrative review.

## **Contact Person**

For additional information concerning this decision or the Forest Service appeal process, contact

Marc Weathersby, Environmental Coordinator/Planner  
USFS, 200 S. Lamar St, Suite 500-N  
Jackson, MS 39201  
601-965-1629

  
MARGRETT L. BOLEY  
FOREST SUPERVISOR



Date

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**De Soto National Forest  
De Soto Ranger District  
Priority Land Acquisition Area**

**Location Map**

0 1 2 3 4 5 mi.

GIS CER  
08/04/15

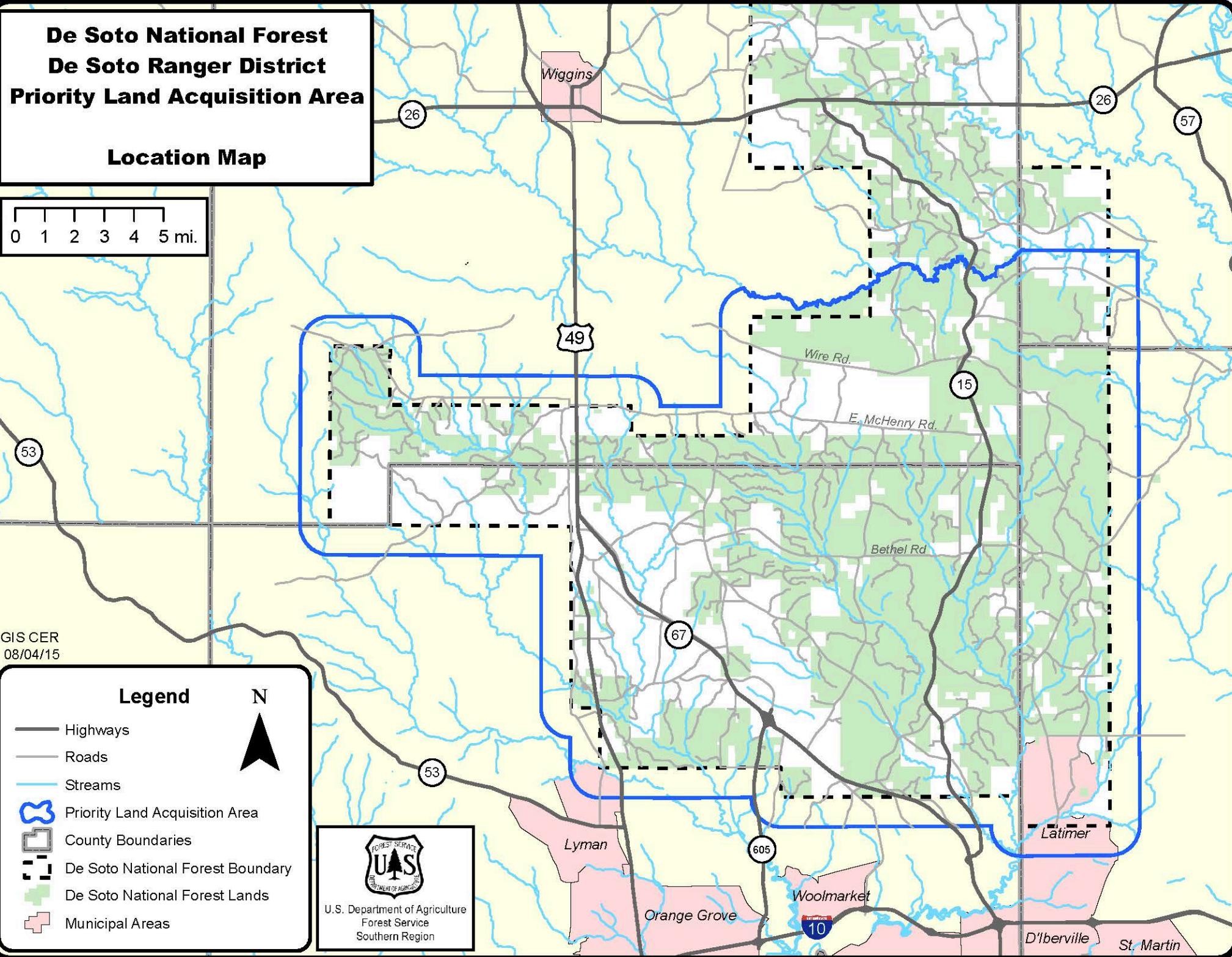
**Legend**



- Highways
- Roads
- Streams
- Priority Land Acquisition Area
- County Boundaries
- De Soto National Forest Boundary
- De Soto National Forest Lands
- Municipal Areas

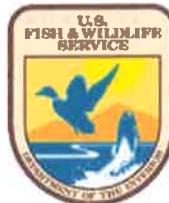


U.S. Department of Agriculture  
Forest Service  
Southern Region





# United States Department of the Interior



## FISH AND WILDLIFE SERVICE

Mississippi Field Office  
6578 Dogwood View Parkway, Suite A  
Jackson, Mississippi 39213

July 30, 2015

IN REPLY REFER TO:  
2015-I-707

Mr. John Ettinger  
Gulf Coast Ecosystem Restoration Council  
500 Poydras Street, Suite 1117  
New Orleans, Louisiana 70130

Dear Mr. Ettinger:

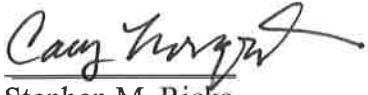
The Fish and Wildlife Service (Service) has reviewed the Restore Act funding proposal titled “Strategic Land Protection, Conservation, and Enhancement of Priority Gulf Coast Landscapes in Mississippi”. Our comments are in reference to compliance with the Endangered Species Act (87 Stat. 884, as amended; 16 U.S.C. 1531 et seq.).

The proposed project includes the acquisition of priority parcels of land within the State of Mississippi that will provide direct and indirect ecological benefits to Mississippi’s Gulf coastal landscape, expand conservation areas, and increase connectivity of protected areas. Priority areas for land acquisition include private inholdings to the National Forests of Mississippi (DeSoto National Forest) in Harrison, Jackson, and Stone Counties, Mississippi. The Forest Service determined that this action is categorically excluded from documentation in an environmental impact statement or an environmental assessment.

Numerous federally listed species and one species proposed for listing (black pinesnake) can be found within Harrison, Jackson and Stone Counties and potentially within areas proposed for land acquisition. Listed species include: Alabama red-bellied turtle, dusky gopher frog, gopher tortoise, gulf sturgeon, Louisiana black bear, Louisiana quillwort, Mississippi sandhill crane, red-cockaded woodpecker, yellow-blotched map turtle, and wood stork. However, the acquisition of private lands within the National Forests of Mississippi will result in the permanent protection of potential habitat for these species, and with proper management, will result in new or improved suitable habitat for many species including the red-cockaded woodpecker, gopher tortoise, and black pinesnake. Therefore, the proposed acquisition of priority lands within or adjacent to the National Forests of Mississippi “may affect, but is not likely to adversely affect” listed species and the black pinesnake, a species proposed for listing (50 C.F.R. § 402.14(b)(1)(2015)). We anticipate the effects of this action on these species to be completely beneficial.

If you have any questions, please contact David Felder in this office, telephone (601) 321-1131.

Sincerely,

  
for Stephen M. Ricks  
Field Supervisor  
MS Field Office