



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](#).

Action Title:

Develop Ecological Flow Decision-Support for Mobile River and Perdido River Basins

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

Alabama, Mississippi, Florida

Action Description:

The Council has approved \$3.4M in planning and implementation funds as FPL Category 1 for the Develop Ecological Flow Decision-Support for Mobile River and Perdido River Basins project. The project will be implemented over the course of 4 years, focusing on the Mobile and Perdido River basins. The U.S. Department of the Interior, through the U.S. Geological Survey, is the sponsor of this project. This project will create a decision-support model to provide information on freshwater inflows to streams, bays, and wetlands of the Mobile and Perdido River Basins. The Operational Analysis and Simulation of Integrated Systems (OASIS) model will be used to simulate the routing of water through watersheds in the river basins. This will allow resource managers to evaluate questions of concern, such as the influence of water resource alteration on restoring and conserving habitat, water quality, and living coastal resources. New gaging stations will be installed to fill critical freshwater inflow data gaps and support data needs for future monitoring assessments.

Categorical Exclusion(s) Applied:

USGS Categorical Exclusion (CE) - from DOI DM 516 Chapter 9, Section 9.5 A-P

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) DOI

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

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

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.)
N/A			

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:

USGS Categorical Exclusion form and associated USGS determinations
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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 Categorical Excluded from further NEPA review.

Responsible Official (*Name*)

Mary S. Walker, Executive Director

Responsible Official (*Signature*)

MARY WALKER

Digitally signed by MARY WALKER
Date: 2021.04.28 16:26:35 -04'00'

Date

April 28, 2021



NEPA Categorical Exclusion (CE) Review and Decision Record

Close

Project Name	Mobile-Tombigbee River and Perdido Bay Basins Watershed Study
Science Center	LOWER MISSISSIPPI GULF WATER SCIENCE CTR
Business Entity (BE)	
Project Location (Address)	Five selected sites in Alabama and Florida within the Mobile and Perdido River Basins.
Project Location (State/Territory)	Alabama
USGS Region	Southeast
Project Evaluator/Principal Investigator	<input checked="" type="checkbox"/> Rodgers, Kirk D
Center Director or other Responsible Official (RO)	Warner, Kelly L
Environmental Protection Specialist (EPS)	<input checked="" type="checkbox"/> Bryson, Eva J
Project Description (and attachments)	<p>The USGS will be installing five new streamgages on existing bridge infrastructure with a non-contact radar installed in a small box on a bridge railing that uploads water level information via satellite. The purpose is to create a more robust streamgage network and help to minimize flow alteration predictions in future analyses. If bridge installation is not suitable, a small box will be installed near an existing road crossing on a post or small platform. If site conditions limit standard streamgage installations that require minimal disturbance to the site location, further assessment will be made to ensure installation would result in no significant impacts. If necessary, another location will be selected for the streamgage installation that would result in no significant impact. Part 1 of the Study includes documentation from the U.S. Fish and Wildlife Service dated August 20, 2015, (2015-I-0762) and the Gulf Coast Ecosystem Restoration Council under the Restore Act (EPA_RESTORE_004_000_Cat1).</p> <p>E. Operate/const/install/remove+restoration of sites to pre-structure cond. or equiv. of surrounding envt. of hydrological/water qual. mon. structures/equip. including but not ltd. to weirs, cableways, gaging stat., grndwtr. wells,+meterologic structures</p>
USGS Categorical Exclusion (CE) - from DOI DM 516 Chapter 9, Section 9.5 A-P	
DOI Categorical Exclusion (in lieu of USGS CE)	Not applicable
CE Extraordinary Circumstances Review: To qualify for a CE, you must determine if any extraordinary circumstances are applicalbe. Answer questions 1-12 to begin this process:	2020-04-20T07:00:00Z
1. Will the project result in significant impacts on public health or safety?	No
2. Will the project have significant impacts on such natural resources and unique geographical characteristics as (check all that apply):	Not applicable
3. Will project have highly controversial environmental effects or involve unresolved conflicts concerning alternative uses of available resources?	No
4. Will project have highly uncertain and potentially significant environmental effects or involve unique or unknown environmental risks?	No
5. Will project establish a precedent for future action or represent a decision in principle about future actions with potentially significant environmental effects?	No

effects:

6. Will project have a direct relation to other actions with individually insignificant but cumulatively significant enviornmental effects?

No

7. Will the project have significant impacts on properties listed, or eligible for listing, on the National Register of Historic Places as determined by the bureau?

No

8. Will project have significant impacts on species listed, proposed to be listed, on list of Endangered or Threatened Species or have significant impacts on designated Critical Habitat for these species?

No

9. Will project violate a Federal Law, or a State, local, or tribal law or requirement imposed for the protection of the environment?

No

10. Will the project have a disproportionately high and adverse effect on low income or minority populations?

No

11. Will the project 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?

No

12. Will project continue 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?

No

Project Evaluator/Principal Investigator (e-signature) Decision Record

☒ Rodgers, Kirk D

Center Director or other Responsible Official RO (e-signature) Decision Record

☒ Warner, Kelly L

Center Director or other Responsible Official RO Decision

Approve

Enter names of staff that you want notified of form completion

☒ Rodgers, Kirk D

☒ Steyer, Gregory D

☒ Knight, Rodney R

EPS Action

Reviewed for Categorical Exclusion

EPS Comments

EPS (e-signature)

☒ Bryson, Eva J

Attachments

11 Native American-Part 2 River Basin Study.docx

7 Historic-Part 2 River Basin Study.docx

8 Species-Part 2 River Basin Study.docx

Baseline Flow - Implementation - CE-read-only.pdf

FWS Mobile River Basin.pdf

FWS Official Species List-River Basin Study 1.pdf

FWS Official Species List-River Basin Study 2.pdf

FWS Official Species List-River Basin Study 3.pdf

IPaC_ Resources.pdf

OASIS Study Area.png

Version: 37.0

Created at 4/20/2020 2:37 PM by 4263

Last modified at 4/22/2020 11:03 AM by Workflow on behalf of ☐ Bryson, Eva J

Close

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Environmental Management Branch-Denver
Internal Memorandum

To: File

From: Eva Bryson, Environmental Manager

Date: April 20, 2020

Subject: Lower Mississippi Gulf Water Science Center
Mobile-Tombigbee River and Perdido Bay Basins Watershed Study - Part 2
Mississippi, Alabama, Florida
Categorical Exclusion Question #8

Question #8. Will the project have a significant Impact on species listed, or proposed to be listed, on the Federal list of Endangered or Threatened Species or have significant impacts on the designated critical habitat for these species? (43 CFR Part 46.21 5(h)) Note: Not all areas will have endangered and threatened species. With the Department of the Interior's Guidance, the evaluator (if the evaluator has the expertise to make this determination) may not need to consult with the US Fish and Wildlife Service (FWS). However, if the evaluator does not have the expertise or recent documentation with the endangered and threatened species determination, a consultation with the FWS must take place. All consultations will be performed by your respective Environmental Specialist.

No. Based on the Official Species List from the Fish and Wildlife Service dated April 20, 2020, the USGS has concluded that the proposed project will have no effect on any species that may be in the project area. According to the Fish and Wildlife Service's website for threatened and endangered species, including candidate species, there are 42 critical habitats in or near the project area. This project overlaps several critical habitats, but the exact location of the stream gage will be on bridges or bridge abutments. Therefore, critical habitats will not be impacted by this project. See the Official Species List from the Fish and Wildlife Service attached to the NEPA form.

No wetlands or floodplains will be impacted by the proposed project area.

There are 26 migratory species that could potentially be within the range of the project. No migratory birds will be impacted since the project will take place outside the general bird nesting season. Birds species of concern do not nest on bridges or bridge abutments.

There are three refuge lands or fish hatcheries are within the project area. However, the stream gages will be placed on state-owned bridges or bridge abutments.



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Mobile-Tombigbee River and Perdido Bay Basins Watershed Study - Part 2
Mississippi, Alabama, Florida
Categorical Exclusion Question #7

7. Will the project have significant impacts on properties listed, or eligible for listing, on the National Register of Historic Places as determined by the bureau? (43 CFR Park 46.215(g))

No. There are no properties listed or eligible for listing on existing bridges in these states. The presence of properties was evaluated by the states during the initial bridge development and it was determined that no properties, historical or otherwise, were within the project area. If bridge installation is not suitable, a small box will be installed near an existing road crossing on a post or small platform. Such properties are in previously disturbed areas and were evaluated by the appropriate state agency.



Environmental Management Branch-Denver
Internal Memorandum

To: File

From: Eva Bryson, Environmental Manager

Date: April 20, 2020

Subject: Lower Mississippi Gulf Water Science Center
Mobile-Tombigbee River and Perdido Bay Basins Watershed Study - Part 2
Mississippi, Alabama, Florida
Categorical Exclusion Question #11

11. Will the project limit access to and ceremonial use of Native American sacred sites on Federal lands by Native American religious practitioners or significantly adversely affect the physical integrity of such sacred sites? (43 CFR Part 46.215(k)).

No. Access to the project area will be from existing roads and the project area will be on existing state bridges or bridge abutments. The physical integrity of any sacred sites in the project area were evaluated by the states during the initial bridge development and it was determined that no tribal sites are within the project area.