

## DHS Record of Environmental Consideration (REC) for Categorically Excluded Actions under NEPA

INTRODUCTION
<p>The purpose of this Record of Environmental Consideration (REC) is to provide a record that the potential for impacts to the quality of the human environment has been considered in the decision to implement the Proposed Action described below, in accordance with the National Environmental Policy Act of 1969 (NEPA) and DHS Directive 023-01 and Instruction Manual 023-01-001-01 on implementation of NEPA. DHS integrates the NEPA process with review and compliance requirements under other Federal laws, regulations, Executive Orders, and other requirements for the stewardship and protection of the human environment, as reflected in Section II (8) of this REC. Signature of the DHS Proponent on this REC demonstrates that they have considered the potential for impacts to the human environment in their decision to implement the Proposed Action as required by NEPA, and are committing to any conditions listed in Section IV of this REC that may be required for implementation of the project. When completed, the form is to be signed by the Preparer, the Environmental Approver, and the Action Proponent. The completed REC becomes a part of the administrative record for the Proposed Action.</p>
SECTION I - Description of Proposed Action
<p>1. Name of Component Authorizing the Proposed Action: U.S. Coast Guard USCG Civil Engineering Unit – Cleveland Oh</p>
<p>2. Title of Proposed Action: Regulated Navigation Area; Hampton Roads, VA</p>
<p>3. Identifying Number of Proposed Action: DSS-USCG-2022-15957</p>
<p>4. Estimated Start Date and Useful Life of Proposed Action: Start Date: 03/31/2023 - End Date: On-Going</p>
<p>5. Location of Proposed Action: State-/Territory-Wide: Virginia</p>
<p>6. Description of Proposed Action:  The Coast Guard is proposing to amend the Chesapeake Bay entrance and Hampton Roads, VA and adjacent waters—Regulated Navigation Area. Officially codified in 2003, only administratively amended in 2007 and 2020, the need for this review and update of the Regulated Navigation Area has been prompted by changes in the organizational structure, responsibilities and shipboard requirements over the last 14 years. At this time, the Coast Guard is proposing to remove outdated or redundant language and requirements, including those related to port security. This action will provide administrative changes and amend vessel reporting requirements operating within the RNA during Maritime Security (MARSEC) Level 1.</p>
SECTION II - Analysis of Extraordinary Circumstances
<p>7. <input checked="" type="checkbox"/> Proposed Action is not a piece of a larger action  <input type="checkbox"/> Proposed Action is a piece of a larger action  Remarks:</p>
<p>8. For A through K, check the appropriate box and provide an explanation when appropriate. Include a summary of any coordination or consultation that occurred with a resource or regulatory agency, if relevant.</p>

<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	<p>A. Will the Proposed Action have a potentially significant effect on public health or safety?</p> <p>Remarks:</p>
<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	<p>B. Will the Proposed Action have a potentially significant effect on species or habitats protected by the Endangered Species Act, Marine Mammal Protection Act, Migratory Bird Treaty Act, Bald and Golden Eagle Protection Act, or Magnuson-Stevens Fishery Conservation and Management Act?</p> <p>Remarks:</p>
<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	<p>C. Will the Proposed Action have a potentially significant effect on a district, highway, structure, or object that is listed or eligible for listing on the National Register of Historic Places (NRHP)? Will the Proposed Action have a potentially significant effect on a historic or cultural resource, traditional or sacred site, or result in the destruction of a significant scientific, cultural, or historic resource?</p> <p>Remarks:</p>
<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	<p>D. Will the Proposed Action have a potentially significant effect on an environmentally sensitive area?</p> <p>Remarks:</p>
<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	<p>E. Will the Proposed Action result in the potential violation of a Federal, State, or local law or requirement imposed to protect the environment?</p> <p>Remarks:</p>
<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	<p>F. Will the Proposed Action have an effect on the quality of the human environment that is likely to be highly controversial in terms of scientific validity, likely to be highly uncertain, or likely to involve unique or unknown environmental risks?</p> <p>Remarks:</p>
<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	<p>G. Will the Proposed Action employ new or unproven technology that is likely to involve unique or unknown environmental risks, where the effect on the human environment is likely to be highly uncertain, or where the effect on the human environment is likely to be highly controversial in terms of scientific validity?</p> <p>Remarks:</p>
<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	<p>H. Will the Proposed Action establish a precedent for future actions that have significant effects?</p> <p>Remarks:</p>
<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	<p>I. Is the Proposed Action significantly greater in scope or size than normally experienced for its particular category of action?</p> <p>Remarks:</p>
<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	<p>J. Does the Proposed Action have the potential to result in significant degradation of existing poor environmental conditions? Will the Proposed Action initiate a potentially significant environmentally degrading influence, activity, or effect in areas not significantly modified from their natural condition?</p> <p>Remarks:</p>

Yes  No K. Is the Proposed Action related to other actions with individually insignificant but cumulatively significant impacts?

Remarks:

**SECTION III - Categorical Exclusion (CATEX) Determination**

9. This action is not expected to result in any significant adverse environmental impacts as described in the National Environmental Policy Act of 1969 (NEPA). The proposed action has been thoroughly reviewed by the U.S. Coast Guard and it has been determined, by the undersigned, that this action is categorically excluded under current DHS CATEX **L60(a)\*** from further environmental documentation, in accordance with Section 3 of DHS Directive 023-01, Environmental Planning Program since implementation of this action:

I. Clearly fits within one or more of the categories of excludable actions listed in Appendix A of DHS Instruction 023-01-001-01;

II. Is not a piece of a larger action which has been segmented into smaller parts in order to avoid a more extensive evaluation of the potential for significant environmental impacts;

III. Does not involve any extraordinary circumstances, as defined in DHS Instruction 023-01-001-01, Section V(B)(2), that would create the potential for a normally excluded action to have a significant environmental effect.

**SECTION IV - Conditions**

10. The following conditions are required to implement the Proposed Action:

Any change to the Proposed Action that may cause a physical interaction with the human environment will require re-evaluation for compliance with NEPA and other EP&HP requirements before the action can proceed.

This review addresses NEPA and other EP&HP requirements as described in DHS Directive 023-01. This review may identify the need for additional federal, state, and/or local permits, approvals, etc. required for the Proposed Action. However, this review may not satisfy those requirements and the Proponent is responsible for ensuring that all other appropriate federal, state, and/or local permits, approvals, etc. have been obtained.

**SECTION V - Signatures**

11a. Preparer of this REC

Name: Carmel McAndrews	Digitally signed by Carmel McAndrews at 02/01/2023 10:02 AM  Carmel McAndrews	Date: 02/01/2023
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11b. Environmental Approver of this REC

Name: Thomas OBrien (Level I)	Digitally signed by Thomas OBrien (Level I) at 04/18/2023 1:23 PM  Thomas OBrien (Level I)	Date: 04/18/2023
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11c. Action Proponent

Record of Environmental Consideration (Unclassified)

Name: Shannon Gilreath	Digitally signed by Shannon Gilreath at 05/17/2023 10:56 AM  Shannon Gilreath	Date: 05/17/2023
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