

CRIA WAIVER¹

TO: Robert Day

Director

Office of Civil Rights

FROM: Kathleen M. Gause

Director, Civil Rights, USDA Forest Service

SUBJECT: Request for CRIA Waiver

Purpose: The Forest Service proposes to issue a new National Environmental Policy Act (NEPA) categorical exclusion for oil and gas exploration and development activities to the Forest Service Directives System, specifically to Forest Service Handbook 1909.15 - Environmental Policy and Procedures. A categorical exclusion under the NEPA procedures allows certain categories of actions to be categorically excluded from documentation in an Environmental Assessment (EA) or an Environmental Impact Statement (EIS) when the conditions of the category are met and there are no extraordinary circumstances (as defined in agency procedures). The actual text of the proposed directive change is attached. Forest Service NEPA procedures can be found at: <http://www.fs.fed.us/emc/nepa/includes/fsh1909links.doc>

Benefits

The primary economic benefits of the proposed Categorical Exclusion (CE) for oil and gas leases are changes in costs of conducting environmental analysis and preparing NEPA documents. The proposed categorical exclusion would reduce agency costs by reducing the documentation requirements for certain oil and gas exploration and development on National Forest system land under existing federal leases.

Effects on local economies and small business entities are expected to be nearly the same using either an Environmental Assessment (EA) or CE for oil and gas exploration and development activities.

Beneficiaries How They Will Benefit

The primary beneficiaries are the Forest Service and the oil and gas industry. The Forest Service will save environmental documentation costs and time and the industry will benefit through quicker approvals of surface use plan of operations for minor oil and natural gas exploration and development.

Justification

This waiver is being requested because this is a regulatory action that deals with a technical nature that does not have civil rights implications.

CR Action: A copy of the final/advance copy is attached. Please indicate below whether or not you concur with our request for a waiver:

Concur: Kathleen M. Gause (Signature) Date: 9/20/05

Noncur: _____ (Signature) Date: _____

Comments (If any):

¹ Based DR 4300-1 May 30, 2003

Contact: If additional information is needed, please contact Larry Sandoval at 202-205-0601.

Attachment The final draft/advance copy of the (check one): rule x notice other action is attached. (If "other action," please describe below):

Proposed: Forest Service Handbook 1909.15 (underlined portion)

31.2 - Categories of Actions for Which a Project or Case File and Decision Memo Are Required

Routine, proposed actions within any of the following categories may be excluded from documentation in an EIS or an EA; however, a project or case file is required and the decision to proceed must be documented in a decision memo (sec. 32). As a minimum, the project or case file should include any records prepared, such as: the names of interested and affected people, groups, and agencies contacted; the determination that no extraordinary circumstances exist; a copy of the decision memo (sec. 05); and a list of the people notified of the decision. Maintain a project or case file and prepare a decision memo for routine, proposed actions within any of the following categories:

* * * (full existing text at <http://www.fs.fed.us/emc/nepa/includes/fsh1909links.doc>)

16. [Reserved]

17. Approval of Surface Use Plan of Operations for oil and natural gas exploration or development activities, so long as the approval will not authorize activities in excess of any of the following totals within an oil or gas field:

- a. One mile of new road construction.
- b. One mile of road reconstruction.
- c. Three miles of pipeline installation.
- d. Four drill sites.