

Classes of EDA Actions

I. Introduction.

All EDA actions shall receive appropriate environmental review. The extent of the environmental review will depend upon the conditions present in each case. All reviews shall consider, in addition to the primary impacts resulting from a proposed action, secondary and cumulative impacts. The classes of EDA actions (Sections 2 through 4) and indicators of significance (Section 5) are listed below. The indicators shall be used as a part of the review process to help determine the level of review that is necessary. Except for those actions that are categorically excluded from the requirement to prepare an EIS or EA (paragraph 2) the range of appropriate review runs from completion of an Environmental Checklist to preparation of a final EIS and record of decision.

2. Class I, Actions That Normally Do Not Require Either an Environmental Impact Statement (EIS) or an Environmental Assessment (EA).

The actions in subparagraphs a through l below are categorically excluded from the requirement to prepare an EIS or an EA under normal circumstances. During the application review process the REO shall document the file to reflect the fact that the action qualifies for the exclusion and shall be alert to unusual conditions that would require an EIS or an EA. A project categorically excluded from compliance with NEPA under this section may still require full compliance with EDA Directive 17.04. The following economic assistance actions are categorically excluded because Agency experience has shown that they do not significantly affect the quality of the human environment.

- a. Loans or loan guarantees for working capital (the purpose of which is to provide for the continuation of existing operations).
- b. Interest subsidy for existing loans and/or actions covered in this exclusion.
- c. Loans and loan guarantees to restructure debt.
- d. Acquisition of machinery and equipment (M&E) unless these require applications for or amendments to existing air, water or solid waste permits.
- e. Additional funds to cover cost overruns for previously EDA-funded and environmentally-assessed activity.
- f. Weatherization of nonhistoric activity.
- g. Repairs to plant and equipment, or replacement-in-kind of utilities and infrastructure on facilities currently operating under permit compliance.
- h. Environmental monitoring.
- i. Research, planning grants and technical assistance projects that are not reasonably expected to commit the Federal Government to a course of action, or to result in legislative proposals, or to result in direct development.
- j. Title IX Revolving Loan Fund grants with no identified loan recipients, SSED and LTED strategies.

- k. EDA administrative actions in support of maintaining normal day-to-day operations such as personnel actions, travel, procurement of supplies, etc.
- l. Procurement contracts for EISs, EAs, office space, supplies, etc.

3. Class II, Actions That Normally Require EAs.

An EA shall normally be prepared for these actions to determine if an EIS is necessary:

- a. Any action located in or potentially affecting the values and functions of a floodplain or wetland;
- b. Any action affecting cultural resources either listed on or eligible for the National Register of Historic Places, unless excluded by this Directive or a programmatic Memorandum of Agreement with the ACHP;
- c. New infrastructure such as roads, waterlines, or sewer lines;
- d. Actions that may affect prime farmlands;
- e. Actions that result in changes in land use;
- f. Activities related to development of tourism or recreational facilities;
- g. Any action which involves the generation, development, manufacture, transportation, storage, disposal, procurement, reprocessing, recycling, or use of toxic or hazardous materials;
- h. Feasibility studies for the development of energy facilities or depletable natural resources; or
- i. All other Agency program actions not otherwise excluded (Class I) or normally requiring an EIS (Class III).

4. Class III, Actions That Normally Require an EIS.

The actions in a through c, normally require the preparation of an EIS because they either meet the indicators of significance, they are required by other Agency Directives, or experience has shown that significant impacts are normally associated with such actions.

- a. Construction of a critical action within the boundaries of a critical action floodplain, as defined by EDA Directive I7.04.
- b. Construction of nonfunctionally dependent activities located in wetlands (a functionally-dependent use is one which cannot perform its intended purpose unless it is located or carried out in close proximity to water).
- c. Regional or multicounty water or sewer systems.

5. Indicators of Significance.

Classes I and III were established in part on the indicators of significance. The determination of whether Class II actions require an EIS or a lesser form of environmental review shall be made based on the following indicators and be consistent with the definition of significant as promulgated in Section 1508.27, Council on Environmental Quality's Regulations for Implementing the Procedural Provisions of NEPA. This Directive does not arbitrarily establish the number of indicators of significance that must be exceeded before an EIS is required on an action, because each proposed action must be evaluated on a

case-by-case basis. However, normally if two or more of the indicators are exceeded, an EIS is required. It is possible that exceeding any one of the following single indicators may trigger the necessity for an EIS.

- a. Traffic generated by the action would represent a ten (10) percent increase in average daily traffic volume on the access roads to the site or the major arteries in the affected area, and peak-hour congestion occurs daily on the access road to the site or on the major arteries in the affected area.
- b. The action may lead to a violation of Federal, state or local law or requirements imposed for the protection of the environment; for example, if air quality standards have been violated within the past year and the project is expected to increase emissions, or construction traffic or project noise will definitely be in violation of noise standards and one or more types of sensitive receptors would definitely be at risk.
- c. The proposed project, its contractors, or final solid waste disposal site(s) will not be in compliance with the EPA's "Solid Waste Management Guidelines" for thermal processing and land disposal, storage and collection, source separation, and resource recovery facilities; or with any other Federal, state, or local regulations, standards, or health codes or the final disposal site(s) will not have adequate capacity for the solid waste from the proposed project.
- d. Public utilities which do not have and will not have in the near future sufficient capacity to provide reliable service to the project and cannot ensure delivery of required flow for average and peak periods.
- e. The action is located on or near an active geological fault or unique geological features.
- f. Wastewater generated by the applicant's facility will represent more than three (3) percent of the unused capacity (considering pending applications) of the available treatment facilities and the level of treatment does not meet the Clean Water Act compliance schedule.
- g. The proposed project will not be compatible with the present land use character of the specific site or affected area.
- h. The proposed action may adversely affect an endangered or threatened species or its habitat.
- i. The proposed action may adversely affect or be located in parklands, floodplains, wetlands, wild and scenic rivers, or other ecologically critical areas.
- j. The proposed action will result in the handling of a significant amount of toxic, hazardous, or radioactive materials.
- k. Archeological or cultural resources on or potentially eligible for listing on the National Register will be adversely affected by the proposed action.
- l. Local community service agencies indicate that one or more community services will be inadequate to serve the project.
- m. The proposed project will permanently alter or severely affect an area that has been formally recommended for protection by Federal, state, regional, or local government agencies as part of a land use or development plan.

- n. The proposed project lies on or adjacent to groundwater recharge areas, significant groundwater aquifers, domestic wells or well fields, or watersheds of significant surface water supplies.
- o. The proposed project has generated an environmental controversy on a local, state, or national level, whether due to factors mentioned in a through n above, or for other reasons of an environmental nature.
- p. The proposed project will be located on or adjacent to an active or abandoned toxic, hazardous or radioactive site or waste disposal facility.
- q. The proposed action will result in the displacement or relocation of numerous businesses, residences, or farm operations.