



US Department
of Transportation
**Maritime
Administration**

MANUAL OF ORDERS

MARITIME ADMINISTRATIVE ORDER

REVOKES

MAO 600-1 dtd.
1-15-75

NO.

600-1

EFFECTIVE DATE

July 23, 1985

SUBJECT

PROCEDURES FOR CONSIDERING ENVIRONMENTAL IMPACTS

Section 1. Purpose:

This order prescribes the policies and procedures for consideration of environmental impacts in decisionmaking on proposed Maritime Administration actions. This order supplements Department of Transportation Order DOT 5610.1C, "Procedures for Considering Environmental Impacts," which is the basic reference document.

Section 2. Background:

2.01 The National Environmental Policy Act (NEPA) established certain policies and goals concerning the environment and requires that, to the fullest extent possible, the policies, regulations, and public laws of the United States shall be interpreted and administered in accordance with those policies and goals. Section 102 of NEPA is designed to insure that environmental considerations are given careful attention and appropriate weight in all decisions of the Federal Government.

2.02 The Council on Environmental Quality (CEQ) has issued regulations for implementation of the procedural provisions of NEPA (40 CFR Parts 1500-1508). These regulations apply uniformly to and are binding upon all Federal agencies, and direct each agency to adopt implementing procedures which relate the CEQ regulations to the specific needs of that agency's programs and operating procedures.

2.03 This order implements within the Maritime Administration the mandate of NEPA, as defined and elaborated upon by CEQ's regulations, and by DOT 5610.1C. These directives provide that information on environmental impacts of proposed actions will be made available to public officials and citizens through environmental documents (namely, environmental assessments, findings of no significant impact, and environmental impact statements).

Section 3. Responsibilities:

3.01 The Associate Administrator for Shipbuilding, Operations, and Research is the Coordinator of Environmental Activities for the Maritime Administration (Coordinator); and as such, shall direct the functions required of the Maritime Administration to implement the provisions of NEPA, CEQ regulations, and DOT 5610.1C. This includes serving as a focal point where interested persons can get information or status reports on environmental documents and other elements of the NEPA process.

3.02 The Chief Counsel shall:

- 1 Act as legal advisor to the Coordinator with respect to all environmental matters;

- 2 Upon request, review and comment upon any tentative determination by the Coordinator that a proposed action by the Maritime Administration requires the initiation of an environmental assessment or environmental impact statement; and,
- 3 Perform a legal review of all proposed final environmental assessments, draft and final environmental impact statements, and final findings of no significant impact.

3.03 Associate Administrators, Independent Office Directors, and Other Officials shall, at the earliest possible time, inform the Coordinator through proper channels of all proposed actions (including actions proposed by nonfederal applicants) under their jurisdiction which may have an impact on the environment. They shall assist the Coordinator in the review of such actions and in the preparation of environmental documents, as applicable, and shall assure implementation of mitigation measures identified in these documents.

3.04 All Maritime Administration personnel engaged in programs and projects which may have an environmental impact shall become thoroughly familiar and comply with this order, DOT 5610.1C, and the CEQ regulations.

Section 4. Procedures - Maritime Administration Actions:

4.01 The Coordinator, or designated representative, shall conduct a preliminary analysis of any proposed action received pursuant to this order to determine whether the preparation of an environmental document (see section 2.03, above) is required.

- 1 If preparation of an environmental document is not required on the part of the Maritime Administration, i.e., the proposed action is a categorical exclusion (see section 4.05, below), the Coordinator shall so notify the referring official.
- 2 If the preparation of an environmental document is required on the part of the Maritime Administration, the Coordinator shall direct the preparation of either an environmental assessment or an environmental impact statement (if it is obvious that an impact statement is required), obtaining the assistance and clearance of cognizant officials as necessary.
- 3 Based on the results of the environmental assessment, the Coordinator shall direct preparation of either an environmental impact statement or a finding of no significant impact.

4.02 In preparing and processing draft and final environmental assessments, findings of no significant impact, and environmental impact statements, the Coordinator and all other officials involved shall comply with the applicable procedures set forth in DOT 5610.1C and this order.

4.03 When programmatic and legal clearances have been obtained for a final environmental assessment, draft or final finding of no significant impact, or draft environmental impact statement, the Coordinator may approve the document(s). The Coordinator shall submit all final environmental impact statements to the Maritime Administrator for approval.

4.04 An environmental impact statement shall be prepared for any proposed Maritime Administration action which could significantly affect the environment. Environmental impact statements have been prepared for such major Maritime Administration programs as: (1) Tanker Construction Program, (2) Tank Vessels Engaged in Domestic Trade, (3) Bulk Chemical Carrier Program, (4) Vessels Engaged in Offshore Oil and Gas Drilling Operations, and (5) Chemical Waste Incinerator Ship Program.

4.05 Categorical exclusions are Maritime Administration actions or groups of actions that do not have a significant effect on the quality of the human environment, individually or cumulatively. Categorical exclusions do not require preparation of environmental documents. Appendix 1 of this order describes the Maritime Administration's categorical exclusions. Appendix 2 provides a means for determining whether specific circumstances exist in exceptional cases which render the exclusion in Appendix 1 inoperative. The Coordinator's determination that an action qualifies under a categorical exclusion shall be final.

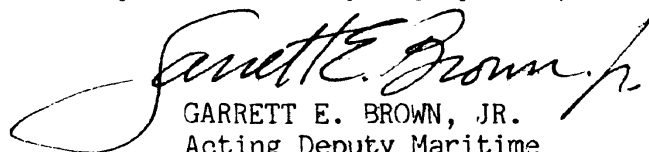
Section 5. Procedures - Requests for Comments Relative to Actions of Other Agencies:

5.01 The Coordinator shall be the Maritime Administration's receiving official for all requests from the Department for comments on environmental assessments and environmental impact statements of other agencies both within and outside the Department. Such requests are normally received from the Environmental Division, Office of Transportation Regulatory Affairs (OST). If a Maritime Administration official receives a request for comments from other than the Coordinator, the request shall be forwarded promptly to the Coordinator. All requests shall be reviewed by the Coordinator to determine whether the Maritime Administration can provide useful and constructive comments concerning the action involved. This review and comment process shall be coordinated with Associate Administrators and other officials, as required. All Associate Administrators and other cognizant officials shall cooperate with the Coordinator in providing comments on a timely basis so that the Coordinator may respond to the Department or requesting agency in a similar manner (see paragraph 9., DOT 5610.1C).

5.02 The Coordinator shall assess the comments received from Associate Administrators and other officials and prepare a coordinated Maritime Administration response to the request. When considered appropriate, such response shall be forwarded to the Chief Counsel and to Associate Administrators and other officials involved for concurrence prior to its being forwarded to the Department. If the response is direct to the requesting agency, the Coordinator shall provide a copy of the response to the Assistant Secretary for Policy and International Affairs (OST).

Section 6. International Actions:

Due to the international character of merchant shipping, program officials should take special note of the provisions of paragraph 16., DOT 5610.1C.


 GARRETT E. BROWN, JR.
 Acting Deputy Maritime
 Administrator

MARITIME ADMINISTRATION ACTIONS WHICH ARE NOT NORMALLY
MAJOR ACTIONS SIGNIFICANTLY AFFECTING THE ENVIRONMENT
(i.e., Categorical Exclusions)

Actions that do not individually or cumulatively have a significant effect on the environment are categorically excluded and thus do not require an environmental assessment or an environmental impact statement. The below listed actions are categorical exclusions for the Maritime Administration, except actions having an effect on properties on or eligible for listing on the National Register of Historic Places and in specific cases where there is or may be a significant environmental impact. In such exceptional cases, appendix 2 should be used to determine if preparation of an environmental assessment or impact statement is required.

1. Administrative procurements (e.g., general supplies), contracts for personal services, personnel actions, project amendments which do not significantly alter the environmental impact of an action; and operating or maintenance subsidies, ship financing guarantees, deferred tax programs, etc., not resulting in a change in the effect on the environment.
2. Research studies and activities, including those at the Computer-Aided Operations Research Facility, which do not involve the direct construction of facilities.
3. Internal orders and procedures not required to be published in the Federal Register; promulgation of rules, regulations, directives, and amendments thereto which do not require a regulatory impact analysis under section 3 of Executive Order 12291 or do not have a potential to cause a significant effect on the environment; routine enforcement of statutes, rules, and safety and environmental standards and requirements, e.g., enforcement of statutes and rules regarding transfer of certain U.S.-flag vessels to any person not a citizen of the United States (sections 9, 37 when operative, and 41, Shipping Act, 1916, as amended) and enforcement of requirements for admission to the United States Merchant Marine Academy (section 1303, Merchant Marine Act, 1936, as amended and 46 CFR Part 310, Subpart C); and hearings, meetings, and public affairs activities.
4. Reconstruction, modification, modernization, replacement, repair, and maintenance (including emergency replacement, repair, or maintenance) of equipment, facilities, or structures which do not change substantially the existing character of the equipment/facility/structure.
5. Purchase, installation, or replacement of operating or maintenance equipment to be located within a Maritime Administration facility and with no significant physical impacts off the site.
6. Acquisition of land in which the property will not be modified, its use will not be changed, and displacements will not occur.
7. Project or program actions for which applicable environmental documentation has been prepared previously and environmental circumstances have not subsequently changed.

8. Excessing and disposing of Maritime Administration personal or real property to the General Services Administration or otherwise; use of space in Maritime Administration-owned buildings or buildings which are constructed for or controlled by the General Services Administration; lease of existing buildings; lease of space for a term of one year or less; and renewal of existing leases that do not involve significant changes in use of the property.
9. Demolition and removal of buildings and other structures; water, sewage, electrical, gas, or other utility extensions of temporary duration; new gardening or landscaping, or the maintenance of existing landscape; filling of earth into previously excavated land with material compatible with the natural features of the site; minor trenching and backfilling where the surface is restored and excavated material is protected against wash and runoffs; grading on land with a slope of less than 10 percent; removal of obstructions on Maritime Administration property; and erosion control actions with no off-Maritime Administration property impact.
10. Construction on Maritime Administration installations of small (30,000 square feet or less) structures such as storage buildings, garages, small parking areas, foot or bicycle paths; installation of signs, fences, and security lighting; minor expansion of facilities which require no additional land; and where expansion is due to remodeling of space in current quarters or existing buildings.

CATEGORICAL EXCLUSION CHECKLIST

Project(s):

Date:

Nature of Action(s):

Exclusion Category: No. _____ Topic _____

Instructions: For the above action(s) under the subject project or group of homogeneous projects, check the appropriate answer to each of the questions below. If all the answers on this list are checked "No," then the action(s) meet the criteria for categorical exclusion. If any answer is checked "Yes" or "Uncertain," then an environmental assessment will be prepared unless there is no doubt that an environmental impact statement is required.

1. This action would have significant adverse effects on public health or safety. No _____ Uncertain _____ Yes _____
2. This action would have significant effect on wildlife resources or would affect unique geographical features such as: wetlands, wild or scenic rivers, refuges, floodplains, etc., or lands protected by section 4(f) of the DOT Act. No _____ Uncertain _____ Yes _____
3. This action will have highly controversial environmental effects. No _____ Uncertain _____ Yes _____
4. This action will have highly uncertain environmental effects or involve unique or unknown environmental risk. No _____ Uncertain _____ Yes _____
5. This action will establish a precedent for future actions. No _____ Uncertain _____ Yes _____
6. This action is related to other actions with individually insignificant but cumulatively significant effects. No _____ Uncertain _____ Yes _____

7. This action will affect properties listed or eligible for listing in the National Register of Historic Places, or otherwise protected by section 106 of the National Historic Preservation Act. No _____ Uncertain _____ Yes _____
8. This action will affect a species listed or proposed to be listed as Endangered or Threatened. No _____ Uncertain _____ Yes _____
9. This action is inconsistent with Federal, State, local or tribal law or requirements imposed for protection of the environment. No _____ Uncertain _____ Yes _____
10. This action or group of actions would involve unresolved conflicts concerning alternative uses of available resources. No _____ Uncertain _____ Yes _____

Conclusion:

NEPA Action-Categorical Exclusion _____
EA Required _____
EIS Required _____
Explanation and/or Remarks: _____

Preparer's Name and Title:

Concur: _____ Date: _____
(Signature, Name, and Title of Program Official)

Concur: _____ Date: _____
(Signature, Name, and Title of Environmental Activities Coordinator)