

USDA FOREST SERVICE



Pike/San Isabel National Forests and Cimarron/Comanche National Grasslands ENVIRONMENTAL MANAGEMENT SYSTEM GUIDEBOOK

Document No.	Revision Date	Person Responsible for Document	Approved By	Date Approved	Page
EMS Guide	10/30/2006	EMS Management Representative	Robert Leaverton, Forest Supervisor	6/09/2006	Page 1 of 3

4.3.2 – Legal and Other Requirements

The organization shall establish, implement, and maintain a procedure

- a) *to identify and have access to the applicable legal and other requirements to which the organization subscribes related to its environmental aspects, and*
- b) *to determine how requirements apply to its environmental aspects.*

The organization shall ensure that these applicable legal requirements and other requirements, to which the organization subscribes, are taken into account in establishing, implementing and maintaining its EMS.

PURPOSE

The purpose of this procedure is to identify all laws and other requirements that pertain to PSICC operations and activities; and make the information available to PSICC employees and managers.

SCOPE

The scope of legal and other requirements to which the organization subscribes related to environmental aspects, may include, but are not limited to:

- Federal Statutes
- Departmental Regulations
- Code of Federal Regulations (CFRs), rules made by executive branch agencies to interpret laws
- State Statutes and regulations
- Executive Orders
- Forest Service Regional and local Policy (Manual Supplements)
- Agreements and Memoranda of Understanding

[EMS Guide 4.5.2 Evaluation of Compliance](#) describes PSICC procedures to evaluate and document compliance with laws and other requirements.

USDA FOREST SERVICE



Pike/San Isabel National Forests and Cimarron/Comanche National Grasslands ENVIRONMENTAL MANAGEMENT SYSTEM GUIDEBOOK

Document No.	Revision Date	Person Responsible for Document	Approved By	Date Approved	Page
EMS Guide	10/30/2006	EMS Management Representative	Robert Leaverton, Forest Supervisor	6/09/2006	Page 2 of 3

Legal requirements apply whenever the Forest Service makes a decision to implement, fund, authorize, or regulate a project or activity. While there are a myriad of factors that influence Forest Service decisions, it is assumed that a "requirement" is something that must be complied with, and that there is some mechanism to enforce compliance.

There are four circumstances where the Forest Service must make decisions regarding management of National Forest System lands:

- 1.) The Forest Service is proposing to undertake a project activity itself;
- 2.) The Forest Service is proposing to fund a project or activity that will be carried out by some other entity;
- 3.) The Forest Service is proposing to authorize another entity to carry out a project or activity; or
- 4.) The Forest Service is proposing to regulate an activity of another entity that is entitled to carry out a project or activity on National Forest System lands, but is required to comply with Forest Service terms and conditions.

The list of laws, regulations and policy requirements that relate to PSICC decisions and environmental aspects are listed on Table 4.3.2.1. The table includes a title for each law or requirement and a summary of how each requirement applies to Forest Service activities that could affect the environment. Regulations and Forest Service directives that are authorized by each law are not listed specifically, but assist in interpreting law and executive orders along with the Code of Federal Regulations. Laws relating to specific Forest Service programs are found in the Forest Service Manual under the "Authorities" sections filed under the appropriate series zero code (See "Overview of the Forest Service Directive System" <http://fsweb.wo.fs.fed.us/directives/> for more detailed information).

Forest Line Officers determine how legal and other requirements apply to its environmental aspects via the National Environmental Policy Act (NEPA) process as described in Forest Service Handbook 1909.15 (http://fsweb.wo.fs.fed.us/directives/dir_superseded/fsh/1909.15/cy_2005/) and the Directives System. Project design, including important resource impact mitigation, is accomplished as part of NEPA documentation. Directives provide interpretation of laws and guidance for practical application in each program area. Any change in law is reflected in changes within the directive system. The Directive system also provides a process for considering laws in Decision documentation resulting from meeting the requirements of NEPA. Some of the processes described in directives are mandatory and some are not. NEPA decisions, including Records of Decision (FSH 1909.15 Section 27.21), Decision Memos (FSH 1909.15 Section 32.3) and Findings of No Significant Impact (FSH 1909.15 Section 43.21) document how a project will be implemented in order to comply with applicable legal and other requirements.

USDA FOREST SERVICE



Pike/San Isabel National Forests and Cimarron/Comanche National Grasslands ENVIRONMENTAL MANAGEMENT SYSTEM GUIDEBOOK

Document No.	Revision Date	Person Responsible for Document	Approved By	Date Approved	Page
EMS Guide	10/30/2006	EMS Management Representative	Robert Leaverton, Forest Supervisor	6/09/2006	Page 3 of 3

The Regional EMS Coordinator will review changes in federal and state laws relevant to EMS and communicate those changes to the Forest EMS Management Representative.

The Forest EMS Management Representative is responsible for ensuring that federal and state laws and other requirements listed in [Table 4.3.2.1](#) and/or links are kept current and communicating relevant changes to management and employees. The EMS Management Representative will recommend necessary EMS changes to the FLT and Forest Supervisor during the annual EMS Management Review.