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National Environmental Policy Act Process; Final Implementation Procedures

DEPARTMENT OF AGRICULTURE

Forest Service

Forest Service NEPA Process, Final Implementation Procedures

1. Purpose and Background

These final guidelines establish Forest Service policy for implementing the procedural provisions of the National Environmental Policy Act (NEPA) as required by the Council on Environmental Quality's (CEQ) regulations (40 CFR Parts 1500–1508). The guidelines will be published as Forest Service Manual (FSM) Chapter 1950. These procedures become effective July 30, 1979. The provisions apply to the fullest extent practicable to analyses and documents started before July 30, 1979, but they do not require redoing or revising completed work.

This manual chapter provides one policy document for use by Forest Service personnel. It incorporates appropriate CEQ regulations by direct quotation and expands, where necessary, to further define Forest Service procedures. Forest Service procedures conform with proposed Department of Agriculture regulations for the implementation of NEPA.

Forest Service Manual Chapter 1950 follows the sequence of the decision process. It provides the same outline for environmental assessments and environmental impact statements, and focuses upon the total decisionmaking process rather than the environmental documents. To strengthen the integration of NEPA and the decisionmaking process, it provides for filing the record of decision with the final environmental impact statement where the National Forest System is involved and the provision for administrative review is applicable (36 CFR 211.19).

The revised manual incorporates applicable laws, regulations and Executive Orders of the President. The Executive Orders are referenced periodically, and copies are available at the Office of the Chief or the Offices of the Regional Foresters throughout the country. Other referenced material—such as the Inform and Involve Handbook, Secretary of Agriculture's memoranda and other sections of the Forest Service Manual—is either available upon request or may be reviewed in the Office of the Environmental Coordinator. An index is provided at the end of the manual text to assist users.

The Forest Service published the draft procedures in the **Federal Register**, April 23, 1979, and requested comments by May 31, 1979. Response was not voluminous. The comments we did receive aided us in preparing the final procedures. We received eleven letters of comment from outside the Forest Service. The Forest Service staff read and analyzed each comment and considered them in preparing our final procedures. When, after discussion and review, we determined that the comments raised valid concerns, we changed the procedures accordingly. When we decided that reasons supporting the procedures were stronger than those suggesting changes, we left the procedures unchanged. In addition to comments from organizations and individuals, there were several comments from units within the Forest Service. Part 2 of this preamble describes, section by section, the major comments received and the Forest Service response. In addition to changes made in response to comments, numerous editorial and organizational changes were made in the text.

2. Comments and the Forest Service Response

1950.1—Authorities and 1951.7—Estimate Effects. A reviewer commented that these sections contain such single-gender references as "man and nature" and "man's environment," and should be changed to "human race" and "human environment." We did not make these changes because the wording in sections 1950.1 and 1951.7 was used in order to be consistent with NEPA and the Council's regulations. The phrase referred to in 1951.7 is a direct quote from CEQ regulations and could not be changed.

1950.3—Policies. More than one reviewer pointed out that the relationship between environmental analysis and decision process was confusing. They also suggested that our policies could be stated in more direct terms. We agreed with these comments and made appropriate changes in wording.

1950.5—Definitions. One reviewer commented that the definition of "evaluation criteria" was too limiting. We agree and changed the definition as they suggested.

The same reviewer questioned the need for defining the terms "irretrievable" and "irreversible" in this section. We believe that definitions are necessary because of the use of these words in NEPA and the Council's regulations.

Several reviewers were confused by our use of the terms "environmental analysis" and "environmental assessment." We reworded the definitions of the two terms to make it clear that "environmental analysis" is a process and "environmental assessment" is a document.

Another reviewer suggested substituting "several" for "two or more" areas of knowledge in the definition of interdisciplinary approach. No change was made. The existing definition was established in the Wildland Planning Glossary (Pacific Southwest Forest and Range Experiment Station General Technical Report PSW–13/1976).

One reviewer wanted us to define "scoping," and another to define "record of decision." We provided definitions for both terms.

One reviewer suggested we use all appropriate definitions from the Council's regulations. We accepted this suggestion.

1950.7—Elimination of Duplication with State and Local Procedures. One reviewer suggested that simply "initiating contact with appropriate State and local officials to determine if cooperative analysis and documentation is desirable" was not in conformance with CEQ regulations. We agreed and corrected this section as suggested, by adding a quotation from the regulations.

1951.7—Public Participation. One reviewer suggested that notices and publications related to NEPA be prepared in other languages in addition to English and that hearings and meetings be made accessible to the handicapped. We feel that this suggestion is not unique to NEPA and have referred it to the staff group that has responsibilities for public participation in the Forest Service.

A reviewer suggested that the various means of public notification of actions with effects primarily of local concern be made mandatory. In many cases, some form of public notice is desirable. However, because of the wide range of Forest Service actions for which an environmental assessment is prepared, the means of public notification should be left to the discretion of the responsible official.

One reviewer expressed a major concern that FSM 1951.1 indicates that environmental documents other than EIS's would be made available for public review only when requested. Our quotation of 40 CFR 1506(b)(3) makes clear that this is not the intent. The last paragraph of 1951.1 is a provision to require that a person in the named Forest Service office be designated as a point of contact for the public.

1951.2—Identify Issues, Concerns and Opportunities. A reviewer pointed out that the Council's regulations require setting time limits if an applicant for the proposed action requests them. We agree and have incorporated a quotation from the regulations.

1951.31—Evaluation Criteria. Several reviewers commented on this section. One suggested that criteria developed from the listed sources would be limiting and could circumvent the purposes of NEPA. We have decided that including this material in the manual is inappropriate, and that it would be better treated as handbook contents. Accordingly, 1951.31 was deleted and will be reserved for use by Regions, Areas and Stations in FSH 1909.15, The NEPA Process Handbook.

1951.5—Situation Assessment. A major concern of one reviewer was the definition of the "no action" alternative and its use as a baseline for analysis of alternatives. This concern relates to FSM sections 1951.5, 1951.6, 1951.7, and 1952.4(8)(c). We believe that this concern is valid, and appropriate changes were made. Section 1951.5 was changed by deleting the reference to estimating future conditions based on current management direction, and emphasis was added to define assessment of current and future conditions more clearly.

1951.6—Formulate Alternatives. Two reviewers were concerned with the limitation on developing alternatives implied by the phrase "consistent with goals and objectives from legislation or higher order Forest Service plans, programs, and policies." We agree. This sentence was rewritten to make clear that these are guides and do not limit the range of alternatives.

This section was modified to delete the parenthetical definition of the "no action" alternative. The Council's regulations do not define "no action," and we believe that there are two distinct interpretations that should be considered depending on the nature of the proposal to be evaluated. The first situation is land and resource management planning where ongoing and historical programs initiated under existing legislation and regulations will continue even as new plans are intitiated. In these cases "no change" from current management direction and associated output is a means of assessing environmental effects. To construct an alternative that was based on no management or use of the National Forest would be academic. The second situation applies to new actions or projects, and particularly those actions that are discretionary on the part of the Forest Service. "No action," in this case, would mean the proposed activity would not take place, and the resulting environmental effects can be evaluated against the effects of alternatives that would permit the activity.

1951.7—Estimate Effects. A reviewer recommended that section 1951.4 include a reference to "worst-case analysis." The suggestion was adopted by a direct quotation from the Council's regulations that was placed in FSM section 1951.7.

This section was modified to delete the reference to the expected future condition associated with the "no action" alternative.

It was suggested that the estimated mitigation and monitoring costs associated with each alternative should be included. We agree that mitigation could be included and this provision was added. Monitoring takes many diverse forms, such as the management review system on one side, and physical monitoring (such as water quality sampling) on another. The costs would be very difficult to estimate for many actions, so monitoring was not included. It may be appropriate for site-specific projects and for specific monitoring activity, and in those cases would be included.

1951.9—Identification of the Forest Service Preferred Alternative. A reviewer pointed out that the effects on unquantified environmental values discussed in 1951.7 were vague and that more direction was needed. We agree and have added a direct quotation from the Council's regulations.

Two reviewers suggested that a preferred alternative always be identified in a draft environmental impact statement, and one of them recommended that if the provision is retained as written, a supplement to the draft EIS identifying the preferred alternative should be circulated for 60 days public review prior to preparing the final EIS. The other reviewer said that the procedure was not in compliance with NEPA. The procedures conform to the Council's regulations, 1502.14(e) and, therefore, are judged to comply with NEPA. However, we have added an optional provision that circulation of a supplement that identifies a preferred alternative may be desirable at the discretion of the responsible official. There have been very few statements where a preferred alternative was not identified, and we would expect it to be an infrequent occurrence in the future. However, there may be cases where there is no preferred alternative, and a decision cannot be made without further public involvement and comment. We feel it is not always necessary to recirculate a draft for additional review before preparing a final environmental impact statement, although recirculation may sometimes be needed. The Forest Service policy is to delay implementation for 45 days after the final EIS is transmitted to EPA and circulated to the public, for actions subject to the administrative review process. While comments are not requested, there is ample opportunity for public review and reaction to the decision.

We have deleted the requirement for Chief's approval for circulation of draft EIS's which do not identify a preferred alternative because we feel it is unnecessary and merely causes further delay.

1952.1—Categorical Exclusions. One reviewer wanted to further emphasize the exclusion of one class of actions. We did not make this change as we believe that this emphasis was not needed. We did clarify that the use of herbicides for routine improvement maintenance is not categorically excluded.

1952.21—Environmental Assessment (EA). One reviewer suggested that a finding of no significant impact be made a part of the decision notice. We adopted this suggestion and modified this section accordingly.

1952.22—Environmentally Impact Statement (EIS). In response to a review comment, this section was modified to show more clearly that an EIS shall be prepared for Regional and National Forest land and resource management plans.

1952.22a—Legislative Environmental Impact Statements. A reviewer suggested that legislative EIS's be transmitted to the Congress at the same time the legislative proposal is made. This suggestion was not adopted. We prefer to retain the option as shown in the Council's regulations for the same reasons stated by the Council.

1952.24—Finding of No Significant Impact (FONSI). In response to a suggestion, this section was modified to make the FONSI a part of the decision notice instead of the environmental assessment.

1952.4—Contents. A reviewer pointed out the difficulty of obtaining some reference material, particularly in rural western areas. We recognize that this is a problem. A partial solution to the problem would be for reviewers to request assistance in obtaining copies of reference materials from the informational contact shown on the EIS cover sheet.

In response to a suggestion, the discussion of the affected environment contents was expanded to include other considerations—specifically those not within the control of the FS.

1952.54a—Filing. This section was modified to emphasize that scheduled distribution of EIS's must be done either before the EIS is filed with EPA, or simultaneously with transmittal to EPA.

1952.6—Corrections, Supplements, or Revisions. This section was modified in response to a comment discussed above to suggest that a supplement to a draft EIS may be desirable when the draft is circulated without identification of a preferred alternative. A reviewer pointed out that in this section "revision" and "supplement" were used synonomously which is not consistent with the Council's regulations. We agree and have clarified the meaning of "revision" of draft EIS's.

1953.1—Record of Decision. The requirement that the record of decision explain the timing and public right of administrative review was added.

A reviewer pointed out that there is a need to differentiate between actions that are subject to administrative review and those that are not. Actions involving the National Forest System, other than land and resource management plans as provided for in proposed regulations published in the **Federal Register** (Vol. 44, No. 88, May 4, 1979, pp. 26583–26599), are subject to administrative review. The record of decision for these actions must be attached to the final EIS at the time it is transmitted to EPA and the public. For decisions not subject to administrative review, such as land and resource management under the proposed regulations, the Council's regulations require that a decision not be made until 30 days after the notice of availability of the final EIS is published in the **Federal Register**. Section 1953, Exhibit 1, and other manual references have been modified to reflect this situation. Two new sections, 1953.11 and 1953.12, provide direction.

A reviewer pointed out that the 90-day period between the notice of availability of a draft EIS and the decision was not consistent with the 60-day period shown in Exhibit 1. 1953.1 was changed to agree with Exhibit 1.

1953.2—Decision Notice. This section was changed to include the FONSI as a part of the decision notice.

Exhibit 1

Typographical errors in Decision Condition No. 2 were corrected to show that a final EIS must have been completed before a decision.

Exhibit No. 1 was modified further to show which conditions are required before decision and implementation for actions not subject to administrative review procedures.

3. Conclusion

The Forest Serve NEPA procedures will change to meet changing conditions in the future. FSM chapter 1950 will be amended as necessary to reflect these changes. When significant changes are proposed in this manual chapter, we will provide adquate public notice of the proposed changes.

We appreciate the comments and help we have received in developing these procedures. The text of FSM 1950 is printed below.

R. Max Peterson,

Chief.

July 25, 1979.

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Chapter 1950—The Forest Service NEPA Process

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"The National Environmental Policy Act (NEPA) is our basic national charter for protection of the environment. It establishes policy, sets goals (section 101), and provides means (section 102) for carrying out the policy. Section 102(2)(C) contains 'action-forcing' provisions to make sure that Federal agencies act according to the letter and spirit of the Act * * *.

"* * * it is not better documents, but better decisions that count. NEPA's purpose is not to generate paperwork * * * but to foster excellent action. The NEPA process is intended to help public officials make decisions that are based on understanding of environmental consequences, and take actions that protect, restore and enhance the environment." (40 CFR 1500.1)[1]

"All policies and programs of the various USDA agencies shall be planned, developed and implemented so as to achieve the policies declared by NEPA in order to assure responsible sterwardship of the environment for present and future generations." (7 CFR 3100.21)[1]

The Forest Service NEPA process includes measures necessary for compliance with Section 2 and Title I of the National Environmental Policy Act of 1969 (Pub. L. 91–190 NEPA). The process recognizes that environmental analysis is an integral part of Forest Service planning and decisionmaking, and it is used to insure that decisions

[1] See Section 720, FSH 1909.15, the NEPA Process Handbook for the Council's Regulations 40 CFR 1500–1508.28 and U.S. Department of Agriculture Regulations 7 CFR 3100.21.

conform to other applicable laws under which the Forest Service operates.

This chapter constitutes Forest Service procedures for implementing the National Environmental Policy Act, Department of Agriculture and Council on Environmental Quality regulations. It incorporates as quotations those portions of the Council's regulations of primary concern to the Forest Service.

1950.1—Authorities. The Forest Service is authorized and directed by the NEPA to carry out its programs in ways that will create and maintain conditions under which man and nature can exist in productive harmony, and fulfill social and economic needs of present and future generations of Americans.

Several laws require a systematic interdisciplinary approach to planning and decisionmaking. These include the National Environmental Policy Act, the Forest and Rangeland Renewable Resources Planning Act, as amended by the National Forest Management Act. The NEPA also requires detailed statements on proposed major Federal actions significantly affecting the quality of the human environment (Section 102(2)(C)).

1950.2—Objectives. The objectives of the Forest Service NEPA Process with its accompanying documents are to:

1. Integrate the requirements of NEPA with other planning and decisionmaking procedures required by law or by Forest Service practice so that all such procedures run concurrently rather than consecutively.

2. Provide careful and appropriate consideration of physical, biological, social and economic concerns in planning and decisionmaking.

3. Provide for early and continuing participation of other agencies, organizations, and individuals having appropriate responsibilities, expertise, or interest.

4. Determine if there is a need for an environmental impact statement.

5. Assure that planning and decisionmaking is open and available for public review.

6. Emphasize decisionmaking rather than the environmental documents.

7. "* * * make the NEPA process more useful to decisionmakers and the public; to reduce paperwork and the accumulation of extraneous background data; and to emphasize real environmental issues and alternatives. * * *" (40 CFR 1500.2(b)).

8. "Use the NEPA process to identify and assess the reasonable alternatives to proposed actions that will avoid or minimize adverse effects of these actions upon the quality of the human environment." (40 CFR 1500.2(e)).

9. "Use all practicable means, consistent with the requirements of the Act and other essential considerations of national policy, to restore and enhance the quality of the human environment and avoid or minimize any possible adverse effects of their actions upon the quality of the human environment." (40 CFR 1500.2(f)).

10. Identify a preferred alternative when considering alternative policies, plans, programs, or projects.

11. Document the rationale of the decisionmaker.

12. Provide a basis for determining management requirements, mitigation measures, and contract provisions or stipulations.

1950.3—Policies. 1. An environmental analysis shall be made for all policies, plans, programs, and projects affecting resources, other land uses, or the quality of the physical, biological, economic, and social environment.

Environmental analysis is the decision process used to determine the significance of environmental impacts. This, in turn, determines which and when environmental documents are appropriate.

2. Environmental analyses should be documented in either an environmental assessment (EA) or an environmental impact statement (EIS) (See FSM 1952). The length and detail of analyses and the degree of documentation varies according to the type of decisions being made, and is determined by the official responsible for the decision(s). This determination is made through consideration of the importance of the effects of the decision(s) (FSM 1951.7). Documents must present a brief explanation of the purpose and need for the action; the criteria for evaluating alternatives; the alternatives considered; the anticipated effects of implementing the alternatives; and, in most cases, the Forest Service preferred alternative. Environmental assessments or impact statements are not required for those classes of actions identified as "categorical exclusions" (FSM 1952.1).

3. Environmental documents such as EA's, EIS's, Notices of Intent, and Findings of No Significant Impact replace, and should not duplicate, other reports previously used to serve similar purposes. This is intended to reduce paperwork and delay.

4. Analyses must be conducted as early as possible and be used for decisions and recommendations. EA's and EIS's document the analysis, and identify the line officer responsible for the decision.

5. Responsible officials shall "* * * encourage and facilitate public involvement in decisions which affect the quality of the human environment" (40 CFR 1500.2(d)). Agencies, organizations, and individuals having responsibilities, expertise, or expressed interest shall be consulted as appropriate at the beginning of the analysis activity. The A-95 project notification process shall be used, when appropriate, to notify State and local agencies. Consultations must be documented.

6. Analyses will impartially consider reasonable alternatives and the anticipated effects associated with each alternative.

7. Environmental assessments and environmental impact statements "* * * shall be prepared using an interdisciplinary approach which will insure the integrated use of the natural and social sciences and the environmental design arts (Section 102(2)(a) of the Act). The disciplines of the preparers shall be appropriate to the scope and issues identified in the scoping process." (40 CFR 1502.6).

8. Costs of environmental analyses and documents for *In-Service* originated programs are a part of the regular budgetary process for the plan, program or project. Costs are borne by the *benefitting activity(ies)* unless special provision is made at the Washington Office level. For *Out-Service* originated activities, see FSM 1950.4.

9. Responsible officials "shall not commit resources prejudicing selection of alternatives before making a final decision." (40 CFR 1502.2(f)). This applies both to actions for which an EA or EIS is required.

10. Any plan, program, or project: (a) Located in or that may affect flood plains or wetlands must be responsive to E.O. 11988 and 11990 (see FSM 2527 and 2528), or (b) that may affect significant cultural resources must be responsive to E.O. 11593 (see FSM 2361).

11. The Chief, Regional Foresters, Area and Station Directors and Forest Supervisors shall designate a person in their office to serve as Environmental Coordinator who shall be responsible for providing information on status of EIS's and other elements of the NEPA process.

12. Responsible officials shall conduct environmental analyses "concurrently with and integrated with environmental impact analyses and related surveys and studies required by the Fish and Wildlife Coordination Act (16 U.S.C. Sec. 661 et seq.), the National Historic Preservation Act of 1966 (16 U.S.C. Sec. 470 et seq.), the Endangered Species Act

of 1973 (16 U.S.C. sec. 1531 et seq.), and other environmental review laws and executive orders." (40 CFR 1502.25).

13. Information about Forest Service policies, and the NEPA process requirements, shall be provided upon request, to agencies, organizations and individuals so that they are aware of studies and information that may be required before Forest Service action on their application.

14. Responsible officials shall contact Federal, State, and local agencies to determine if cooperative analyses and documentation are desirable.

1950.4—Responsibilities. The Chief is responsible for environmental analysis and documentation relating to legislation and national policies, plans, programs, and projects including but not limited to plans, programs, or projects affecting areas involved in pending legislation for wilderness designation or study. The Forest Service Environmental Coordinator shall be responsible for overall review of Forest Service NEPA compliance. Delegations of authority are specified in FSM 1230. Officials delegated responsibility for proposed actions are responsible for environmental analyses and documentation. (Also see FSM 1952.54a). Project proponents by be required to provide data and documentation, subject to the following requirements:

"Information. If an agency requires an applicant to submit environmental information for possible use by the agency in preparing an environmental impact statement, then the agency should assist the applicant by outlining the types of information required. The agency shall independently evaluate the information submitted and shall be responsible for its accuracy. If the agency chooses to use the information submitted by the applicant in the environmental impact statement, either directly or by reference, then the names of the persons responsible for the independent evaluation shall be included in the list of preparers. It is the intent of this subpargaph that acceptable work not be redone, but that it be verified by the agency." (40 CFR 1506.5a).

"Environmental assessments. If an agency permits an applicant to prepare an environmental assessment, the agency, besides fulfilling the requirements of paragraph (a) of this section, shall make its own evaluation of the environmental issues and take responsibility for the scope and content of the environmental assessment." (40 CFR 1506.5b).

"Environmental impact statements * * * any environmental impact statement prepared pursuant to the requirements of NEPA shall be prepared either directly, by a contractor selected by the lead agency or, where appropriate, by a cooperating agency. It is the intent of these regulations that the contractor be chosen solely by the lead agency, or by the lead agency in cooperation with cooperating agencies, or where appropriate, by a cooperating agency to avoid any conflict of interest. Contractors shall execute a disclosure statement prepared by the lead agency, or where appropriate, the cooperating agency, specifying that they have no financial or other interest in the outcome of the project. If the document is prepared by contract, the responsible Federal official shall furnish guidance and participate in the preparation and shall independently evaluate the statement prior to its approval and take responsibility for its scope and contents. Nothing in this section is intended to prohibit any agency from requesting any person to submit information to it or to prohibit any person from submitting information to any agency." (40 CFR 1506.5c).

When an applicant is permitted to prepare an environmental assessment, or a contractor is employed to prepare an environmental impact statement, their activities shall be limited to those shown as the usual roles of the interdisciplinary team, (see FSM 1951). Applicants or contractors must comply with requirements of FSM 1950.

1950.41—Lead Agency. "A lead agency shall supervise the preparation of an environmental impact statement if more than one Federal agency either:

1. Proposes or is involved in the same action; or

2. Is involved in a group of actions directly related to each other because of their functional interdependence or geographical proximity (40 CFR 1501.5a).

"Federal, State, or local agencies, including at least one Federal agency, may act as joint lead agencies to prepare an environmental impact statement* * *."(40 CFR 1501.5b).

"* * *the potential lead agencies shall determine by letter or memorandum which agency shall be the lead agency and which shall be cooperating agencies. The agencies shall resolve the lead agency question so as not to cause delay. If there is disagreement among the agencies, the following factors (which are listed in order of descending importance) shall determine lead agency designation:

1. Magnitude of agency's involvement.

2. Project approval/disapproval authority.

3. Expertise concerning the action's environmental effects.

4. Duration of agency's involvement.

5. Sequence of agency's involvement."(40 CFR 1501.5c)

"Any Federal agency, or any State or local agency or private person substantially affected by the absence of lead agency designation may make a written request to the potential lead agencies that a lead agency is designated." (40 CFR 1501.5d).

"If Federal agencies are unable to agree on which agency will be the lead agency* * * any of the agencies or persons concerned may file a request with the Council asking it to determine which Federal agency shall be the lead agency.

"A copy of the request shall be transmitted to each potential lead agency. The request shall consist of:

1. A precise description of the nature and extent of the proposed action.

2. A detailed statement of why each potential lead agency should or should not be the lead agency under the criteria specified above * * *" (40 CFR 1501.5e)

"A response may be filed by a potential lead agency concerned within 20 days after a request is filed with the Council. The Council shall determine as soon as possible but not later than 20 days after receiving the request and all responses to it which Federal agency shall be the lead agency and which other Federal agencies shall be cooperating agencies." (40 CFR 1501.5f).

A Forest Service request that the Council determine which Federal Agency shall be the lead agency shall be sent to the Forest Service Environmental Coordinator in Washington, D.C., for processing. Where National Forest System lands are involved, the Forest Service should exert a strong role in environmental analysis.

1950.42—Cooperating Agencies. "Upon request of the lead agency, any other Federal agency which has jurisdiction by law shall be a cooperating agency. In addition, any other Federal agency which has special expertise with respect to any environmental issue, which should be addressed in the statement may be a cooperating agency upon request of the lead agency. An agency may request the lead agency to designate it a cooperating agency.

"The lead agency shall:

(1) Request the participation of each cooperating agency in the NEPA process at the earliest possible time.

(2) Use the environmental analysis and proposals of cooperating agencies with jurisdiction by law or special expertise, to the maximum extent possible consistent with its responsibility as lead agency."

(3) Meet with a cooperating agency at the latter's request." (40 CFR 1501.6a).

"Each cooperating agency shall:

(1) Participate in the NEPA process at the earliest possible time.

(2) Participate in the scoping process.

(3) Assume on request of the lead agency responsibility for developing information and preparing environmental analyses including portions of the environmental impact statement concerning which the cooperating agency has special expertise.

(4) Make available staff support at the lead agency's request to enhance the latter's interdisciplinary capability.

(5) Normally use its own funds. The lead agency shall, to the extent available funds permit, fund those major activities or analyses it requests from cooperating agencies. Potential lead agencies shall include such funding requirements in their budget requests." (40 CFR 1501.6b)

"A cooperating agency may in response to a lead agency's request for assistance in preparing the environmental impact statement * * * reply that other program commitments preclude any involvement or the degree of involvement requested in the action that is the subject of the environmental impact statement. A copy of this reply shall be submitted to the Council." (40 CFR 1501.6c).

When National Forest System lands are involved, and the Forest Service is not the lead agency, the Regional Forester shall request that the Forest Service be a cooperating agency.

If the Forest Service is requested to be a cooperating agency and other program commitments preclude the requested involvement, a reply to this effect shall be prepared by the Regional Forester, Area or Station Director. A copy of the reply must be sent to the Forest Service Environmental Coordinator in Washington, D.C., within 10 working days of the date that the letter is transmitted.

1950.5—Definitions. In addition to the definitions in this section, also see FSM 1905—Definitions.

Act: "The National Environmental Policy Act, as amended (42 U.S.C. 4321, et seq.) which is also referred to as 'NEPA'." (40 CFR 1508.2).

Affecting: "Means will or may have an effect on." (40 CFR 1508.3)

Categorical Exclusivion: "Means a category of actions which do not individually or cumulatively have a significant effect on the human environment and for which, therefore, neither an environmental assessment nor an environmental impact statement is required." (40 CFR 1508.4)

Cooperating Agency: "Means any Federal agency other than a lead agency which has jurisdiction by law or special expertise with respect to any environmental impact involved in a proposal (or a reasonable alternative) for legislation or other major Federal action significantly affecting the quality of the human environment. A State or local agency of similar qualifications or, when the effects are on a reservation, an Indian Tribe, may by agreement with the lead agency become a cooperating agency." (40 CFR 1508.5)

Cumulative Impact: "Is the impact on the environment which results from the incremental impact of the action when added to other past, present, and reasonably foreseeable future actions regardless of what agency (Federal or non-Federal) or person undertakes such other actions. Cumulative impacts can result from individually minor but collectively significant actions taking place over a period of time." (40 CFR 1508.7)

Decision Notice: A concise public record of the responsible official's decision, including the finding of no significant impact, on actions for which an environmental assessment was prepared.

Effects: Include:

"(a) Direct effects, which are caused by the action and occur at the same time and place.

"(b) Indirect effects, which are caused by the action and are later in time or farther removed in distance, but are still reasonably foreseeable. Indirect effects may include growth inducing effects and other effects related to induced changes in the pattern of land use, population density or growth rate, and related effects on air and water and other natural systems, including ecosystems."

"Effects and impacts as used in * * * (this title) are synonymous. Effects includes ecological (such as the effects on natural resources and on the components, structures, and functioning of affected ecosystems), aesthetic, historic, cultural, economic, social, or health, whether direct, indirect, or cumulative. Effects may also include those resulting from actions which may have both beneficial and detrimental effects, even if on balance the agency believes that the effect will be beneficial." (40 CFR 1508.8)

Environment: "The aggregate of physical, biological, economic, and social factors affecting organisms in an area. (See also human environment)." (40 CFR 1508.14)

Environmental Analysis: An analysis of alternative actions and their predictable short- and long-term environmental effects, which include physical, biological, economic and social factors and their interactions.

Environmental Assessment: * * * concise public document that serves to (1) briefly provide sufficient evidence and analysis for determining whether to prepare an environmental impact statement or finding of no significant impact (2) aid an agency's compliance with the (NEPA) Act when no environmental impact statement is necessary * * *." (40 CFR 1508.9a)

Environmental Design Arts: Those disciplines such as architecture, civil and environmental engineering, and landscape architecture which directly influence the physical environment as a result of the design of projects of all kinds.

Environmental Documents: A set of concise documents to include, as applicable, the environmental assessment, environmental impact statement, finding of no significant impact, and notice of intent.

Environmental Impact Statement: "Means a detailed written statement as required by Sec. 102(2)(C) of the Act. (40 CFR 1508.11)

Evaluation Criteria: Standards developed for appraising alternatives.

Finding Of No Significant Impact: "Means a document briefly presenting the reasons why an action, not otherwise excluded, will not have a significant effect on the human environment and for which an environmental impact statement therefore will not be prepared. It shall include the environmental assessment or a summary of it and shall note any other environmental documents related to it. If the assessment is included, the finding need not repeat any of the discussion in the assessment but may incorporate it by reference." (40 CFR 1508.13)

Flood Plains: "Lowland and relatively flat areas adjoining inland and coastal water including as a minimum, that area subject to a one percent or greater chance of flooding in any given year. Floodprone wetlands and sinkholes, and sheet flow or shallow flooding areas such as debris cones or alluvial fans built up by material carried by mountain streams, are special flood plain areas." (E.O. 11988)

Human Environment: "Shall be interpreted comprehensively to include the natural and physical environment and the relationship of people with that environment. (See the definition of 'effects.') This means that economic or social effects are not intended by themselves to require preparation of environmental impact statement. When an environmental impact statement is prepared and economic or social and natural or physical environmental effects are interrelated, then the environmental impact statement will discuss all of these effects on the human environment." (40 CFR 1508.14).

Implementation: Those activities necessary to *respond* to the decision.

Interdisciplinary Approach: The utilization of individuals representing two or more areas of knowledge and skills focusing on the same subject. The participants develop solutions through frequent interaction so that each discipline may provide insights to any state of the problems, and disciplines may combine to provide new solutions. This is different from a multidisciplinary team where each specialist is assigned a portion of the problem and their partial solutions are linked together at the end to provide the final solution.

Irreversible: Applies primarily to the use of nonrenewable resources, such as minerals or cultural resources or to those factors which are renewable only over long time spans, such as soil productivity. "Irreversible" also includes loss of future options.

Irretrievable: Applies to losses of production, harvest or use of renewable natural resources. For example, some or all of the timber production form an area is irretrievably lost while an area is used as a winter sports site. If the use is changed, timber production can be resumed. The production lost is "irretrievable," but the action is not irreversible.

Issue: A point, matter, or question to be resolved.

Jurisdiction by Law: "Means agency authority to approve, veto, or finance all or part of the proposal." (40 CFR 1508.15)

Lead Agency: "Means the agency or agencies preparing or having taken primary responsibility for preparing the environmental impact statement." (40 CFR 1508.16)

Legislation: "Includes a bill or legislative proposal to Congress developed by or with the significant cooperation and support of a Federal agency, but does not include requests for appropriations. The test for significant cooperation is whether the proposal is in fact predominantly that of the agency rather than another source. Drafting does not by itself constitute significant cooperation. Proposals for legislation include requests for ratification of treaties. Only the agency which has primary responsibility for the subject matter involved will prepare a legislative environmental impact statement." (40 CFR 1508.17)

Major Federal Action: "Includes actions with effects that may be major and which are potentially subject to Federal control and responsibility. Major reinforces but does not

have a meaning independent of significantly. Actions include the circumstance where the responsible officials fail to act and that failure to act is reviewable by courts or administrative tribunals under the Administrative Procedure Act or other applicable law as agency action.

(a) Actions include new and continuing activities, including projects and programs entirely or partly financed, assisted, conducted, regulated, or approved by federal agencies; new or revised agency rules, regulations, plans policies, or procedures; and legislative proposals. Actions do not include funding assistance solely in the form of general revenue sharing funds, distributed under the State and Local Fiscal Assistance Act of 1972, 31 I.S.C. 1221 et seq., with no Federal agency control over the subsequent use of such funds. Actions do not include bringing judicial or administrative civil or criminal enforcement actions.

(b) Federal actions tend to fall within one of the following categories:

(1) Adoption of officical policy, such as rules, regulations, and interpretations adopted pursuant to the Administrative Procedure Act, 5 U.S.C. 551 et seq.; treaties and international conventions or agreements; formal documents establishing an agency's policies which will result in or substantially alter agency programs.

(2) Adoption of formal plans, such as official documents prepared or approved by federal agencies which guide or prescribe alternative uses of federal resources, upon which future agency actions will be based.

(3) Adoption of programs, such as a group of concerted actions to implement a specific policy or plan; systematic and connected agency decisions allocating agency resources to implement a specific statutory program or executive directive.

(4) Approval of specific projects, such as construction or management activities located in a defined geographic area. Projects include actions approved by permit or other regulatory decision as well as federal and federally assisted activities." (40 CFR 1508.18)

Matter: Includes for purposes of pre-decision referral:

"(a) With respect to the Environmental Protection Agency, any proposed legislation, project, action or regulation as those terms are used in Section 309(a) of the Clean Air Act (42 U.S.C. 7609).

(b) With respect to all other agencies, any proposed major federal action to which section 102(2)(C) of NEPA applies." (40 CFR 1508.19)

Mitigation: "Includes:

(a) Avoiding the impact altogether by not taking a certain action or parts of an action.

(b) Minimizing impacts by limiting the degree or magnitude of the action and its implementation.

(c) Rectifying the impact by repairing, rehabilitating, or restoring the affected environment.

(d) Reducing or eliminating the impact over time by preservation and maintenance operations during the life of the action.

(e) Compensating for the impact by replacing or providing substitute resources or environmentals." (40 CFR 1508.20)

NEPA Process: "Means all measures necessary for compliance with the requirements of Section 2 and Title I of NEPA." (40 CFR 1508.21)

Notice of Intent: "Means a notice that an environmental impact statement will be prepared and considered. The notice shall briefly:

(a) Describe the proposed action and possible alternatives.

(b) Describe the proposed scoping process including whether, when and where any scoping meeting will be held.

(c) State the name and address of a person who can answer questions about the proposed action and the environmental impact statement." (40 CFR 1508.22)

Proposal: "Exists at that stage in the development of an action when (the Forest Service) has a goal and is actively preparing to make a decision on one or more alternative means of accomplishing that goal and the effects can be meaningfully evaluated." (40 CFR 1508.23)

Record of Decision: A concise public record of the responsible official's decision on actions for which an environmental impact statement was prepared.

Referring Agency: "Means the Federal agency which has referred any matter to the Council after a determination that the matter is unsatisfactory from the standpoint of public health or welfare or environmental quality." (40 CFR 1508.24)

Responsible Official: The Forest Service line officer who has been delegated the authority to approve or adopt policies, plans, programs, or projects.

Scope: "Consists of the range of actions, alternatives, and impacts to be considered in an environmental impact statement. The scope of an individual statement may depend on its relationships to other statements * * *. To determine the scope of environmental impact statements, agencies shall consider 3 types of actions, 3 types of alternatives, and 3 types of impacts. They include:

(a) Actions (other than unconnected single actions) which may be:

(1) Connected actions, which means that they are closely related and therefore should be discussed in the same impact statement. Actions are connected if they:

(i) Automatically trigger other actions which may require environmental impact statements.

(ii) Cannot or will not proceed unless other actions are taken previously or simultaneously.

(iii) Are interdependent parts of a larger action and depend on the larger action for their justification.

(2) Cumulative actions, which when viewed with other proposed actions have cumulatively significant impacts and should therefore be discussed in the same impact statement.

(3) Similar actions, which when viewed with other reasonably foreseeable or proposed agency actions, have similarities that provide a basis for evaluating their environmental consequencies together, such as common timing or geography. An agency may wish to analyze these actions in the same impact statement. It should do so when the best way to assess adequately the combined impacts of similar actions or reasonable alternatives to such actions is to treat them in a single impact statement.

(b) Alternatives, which include: (1) No action alternative. (2) Other reasonable courses of actions. (3) Mitigation measures (not in the proposed action).

(c) Impacts, which may be: (1) Direct. (2) Indirect. (3) Cumulative." (40 CFR 1508.25).

Scoping: ". . . and early and open process for determining the scope of issues to be addressed and for identifying the significant issues related to a proposed action." (40 CFR 1501.7).

Special expertise: "Means statutory responsibility, agency mission, or related program experience." (40 CFR 1508.26).

Significantly: "As used in NEPA requires considerations of both context and intensity:

(a) Context. This means that the significance of an action must be analyzed in several contexts such as society as a whole (human, national), the affected region, the affected interests, and the locality. Significance varies with the setting of the proposed action. For instance, in the case of a site-specific action, significance would usually depend upon the effects in the local rather than in the world as a whole. Both short- and long-term effects are relevant.

(b) Intensity. This refers to the severity of impact. Responsible officials must bear in mind that more than one agency may make decisions about partial aspects of a major action. The following should be considered in evaluating intensity:

(1) Impacts that may be both beneficial and adverse. A significant effect may exist even if the Federal agency believes that on balance the effect will be beneficial.

(2) The degree to which the proposed action affects public health or safety.

(3) Unique characteristics of the geographic area such as proximity to historic or cultural resources, park lands, prime farmlands, wetlands, wild and scenic rivers, or ecologically critical areas.

(4) The degree to which the effects on the quality of the human environment are likely to be highly controversial.

(5) The degree to which the possible effects on the human environment are highly uncertain or involve unique or unknown risks.

(6) The degree to which the action may establish a precedent for future actions with significant effects or represents a decision in principle about a future consideration.

(7) Whether the action is related to other actions with individually insignificant but cumulatively significant impacts. Significance exists if it is reasonable to anticipate a cumulatively significant impact on the environment. Significance cannot be avoided by terming an action temporary or by breaking it down into small component parts.

(8) The degree to which the action may adversely affect districts, sites, highways, structures, or objects listed in or eligible for listing in the National Register of Historic Places or may cause loss or destruction of significant scientific, cultural, or historical resources.

(9) The degree to which the action may adversely affect an endangered or threatened species or its habitat that has been determined to be critical under the Endangered Species Act of 1973.

(10) Whether the action threatens a violation of Federal, State, or local law or requirements imposed for the protection of the environment." (40 CFR 1508.27).

Substantive Comment: A comment which provides factual information, professional opinion, or informed judgment which is germane to the decision being considered.

Tiering: "Refers to the coverage of general matters in broader environmental impact statements (such as national program or policy statements) with subsequent narrower statements or environmental analyses (such as regional or basinwide program statements or ultimately site-specific statements) incorporated by reference the general discussions and concentrating solely on the issues specific to the statement subsequently prepared. Tiering is appropriate when the sequence of statements or analyses is:

(a) From a program, plan, or policy environmental impact statement to a program, plan, or policy statement or analysis of lesser scope or to a site-specific or analysis.

(b) From an environmental impact statement on a specific action at an early stage (such as need a site selection) to a supplement (which is preferred) or a subsequent statement or analysis at a later stage (such as environmental mitigation). Tiering in such cases is appropriate when it helps to focus on the issues already decided or not yet ripe.

Wetlands: "Areas that are inundated by surface or ground water with a frequency sufficient to support and under normal circumstances does or would support a prevalence of vegetative or aquatic life that requires saturated or seasonally saturated soil conditions for growth and reproduction." (E.O. 11990)

1950.6—Limitations On Actions After It Has Been Determined That An Environmental Impact Statement Will Be Prepared. After a notice of intent has been established and "until an agency issues a record of decision, no action concerning the proposal shall be taken which would:

(1) Have an adverse environmental impact; or

(2) Limit the choice of reasonable alternatives." (40 CFR 1506.1a).

'If any agency is considering an application from a non-Federal entity, and is aware that the applicant is about to take an action within the agency's jurisdiction that would meet either one of the criteria shown above, then the agency shall promptly notify the applicant that the agency will take appropriate action to insure that the objectives and procedures of NEPA are achieved." (40 CFR 1506.1b).

The requirement applies to applications for use of National Forest System lands where the environmental analysis indicatses or the determination by the responsible official requires the preparation of an EIS. On-going plans or programs, initiated and conducted under law, regulation, and Forest Service policy, are properly authorized and may continue during preparation of an EIS that addresses the particular plan or program.

"While work on a required program environmental impact statement is in progress and the action is not covered by an existing program statement, agencies shall not undertake in the interim any major Federal action covered by the program which may significantly affect the quality of the human environment unless such action:

(1) Is justified independently of the program;

(2) Is itself accompanied by an adequate environmental impact statement; and

(3) Will not prejudice the ultimate decision on the program. Interim action prejudices the ultimate decision on the program when it tends to determine subsequent development or limit alternatives." (40 CFR 1506.1c)

"This section does not preclude development by applicants of plans or designs or performance of other work necessary to support an application for Federal, State or local permits or assistance * * *." (40 CFR 1506.1d). "Required," as used in this section means required by law as opposed to a voluntary or discretionary EIS.

1950.7—Elimination Of Duplication With State And Local Procedures.

The Forest Service "* * * shall cooperate with State and local agencies to the fullest extent possible to reduce duplication between NEPA and comparable State and local requirements * * * such cooperation shall, to the fullest extent possible, include joint environmental impact statements. In such cases, one or more Federal agencies and one or more State and local agencies shall be joint lead agencies. Where State laws or local ordinances have environmental impact statement requirements in addition to, but not in conflict with those in NEPA, the (Forest Service) shall cooperate in fulfilling these requirements as well as those of Federal laws so that one document will comply with all applicable laws * * *." (40 CFR 1506.2).

1951—ENVIRONMENTAL ANALYSIS (See FSM 1950.3). An analysis must be conducted systematically to help insure that required information is considered in a logical manner which leads to identification of a perferred alternative. The analysis may be carried out in separate, but interrelated steps. The analysis steps may be combined or expanded depending on the situation.

A systematic, interdisciplinary approach is required. The diciplines involved in an analysis "shall be appropriate to the scope and the issues identified in the scoping process. (40 CFR 1502.6). In each analysis, use should be made of earlier documented analysis information to avoid duplication of previous effort and to maximize use of available information.

"Whenever a broad environmental impact statement (or environmental assessment) has been prepared (such as a program or policy statement) and a subsequent statement or environmental assessment is then prepared on an action included within the entire program or policy (such as a site-specific action) the subsequent statement or environment assessment need only summarize the issue discussed in the broader statement and incorporate discussions from the broader statement by reference and shall concentrate on the issue specific to the subsequent action. The subsequent document shall state where the earlier document is available * * * " (40 CFR 1502.20).

Normally, environmental analyses are completed and doucmented in an EA or EIS. If the need to complete the analysis and/or documentation is eliminated (i.e., the project application is withdrawn, or for other reasons) the analysis and/or documentation should be terminated and the interested parties informed.

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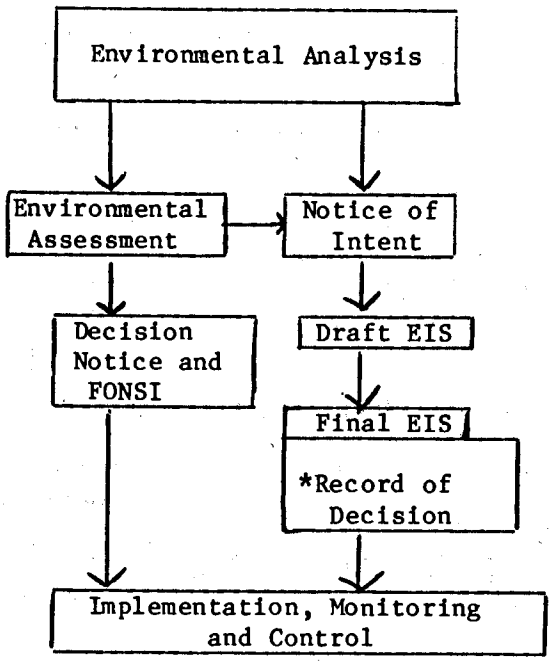
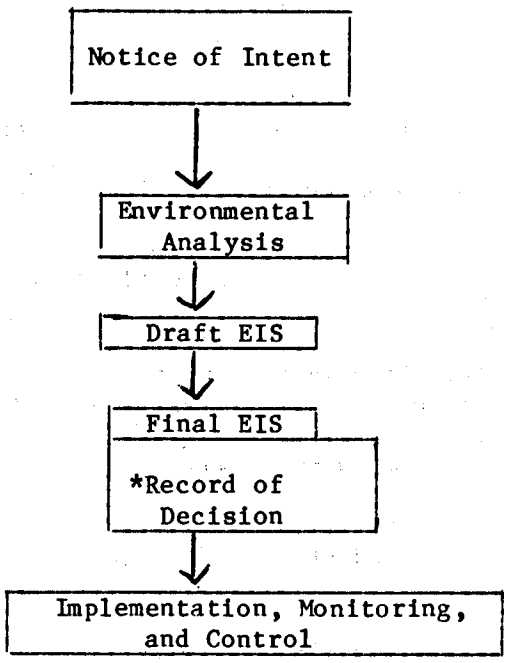
The usual relationships between the environmental analysis, the environmental documents and implementation are shown in diagrams below:

If the need for an EIS has not been determined:



If the need for an EIS has been determined (FSM 1952.22):



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*If the action is not subject to administrative review (36 CFR 211.19), the record of decision should not be signed and dated until at least 30 days after the notice of availability of the final EIS has been published in the Federal Register.

The usual roles of participants in the major steps of the NEPA process are shown in the chart below:

USUAL ROLE OF PARTICIPANTS

The NEPA Process (the decision process)	The Responsible Official	Interdisciplinary Team	Agencies, Organizations, and Individuals
1. Environmental analysis:			
A. Identify issues, concerns, and opportunities	Approval	Responsible	Recommend
B. Development of criteria	Approval	Responsible	Recommend
C. Data collection	Review	Responsible	Provide information
D. Analyze the situation	Review	Responsible	Provide information
E. Formulate alternatives	Review	Responsible	Recommend
F. Estimate effects	Review	Responsible	Provide information
G. Evaluate alternatives	Review	Responsible	Provide information
H. Identify the FS preferred alternative	Responsible	Recommend	Recommend
2. Documentation	Review	Responsible	Review
3. Decision	Responsible	Recommend	Review
4. Implementation, monitoring and control	Responsible	Assist	Assist

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1951.1—Public Participation. Public participation is an integral part of the Forest Service NEPA Process. Public participation may be involved in each step of the analysis. See FSM 1626 and Inform and Involve Handbook and Secretary of Agriculture Memo No. 1695, Supp. No. 5. See Section 111 of FSH 1909.15, The NEPA Process Handbook for a list of agencies with legal jurisdiction or expertise.

Responsible officials shall:

1. Make diligent efforts to involve the public in implementing the Forest Service NEPA procedures; and

2. "Provide public notice of NEPA-related hearings, public meetings, and the availability of environmental documents so as to inform those persons and agencies who may be interested or affected.

* * * In all cases the agency shall mail notice to those who have requested it on an individual action.

* * * In the case of an action with effects of national concern, notice shall include publication in the **Federal Register** and notice by mail to national organizations reasonably expected to be interested in the matter and may include listing in the 102 Monitor.

* * * In the case of an action with effects primarily of local concern the notice may include:

(i) Notice to State and areawide clearinghouses pursuant to OMB Circular A-95 (Revised).

(ii) Notice to Indian tribes when effects may occur on reservations.

(iii) Following the affected State's public notice.

(iv) Publication in local newspapapers (in papers of general circulation rather than legal papers).

(v) Notice through other local media.

(vi) Notice to potentially interested community organizations including small business associations.

(vii) Publication in newsletters that may be expected to reach potentially interested persons.

(viii) Direct mailing to owners and occupants of nearby or affected property.

(ix) Posting of notice on-and off-site in the area where the action is to be located." (40 CFR 1506.6b)

3. "Hold or sponsor public hearings or public meetings whenever appropriate or in accordance with statutory requirements applicable to the agency. Cirteria shall include whether there is:

* * * Substantial environmental controversy concerning the proposed action or substantial interest in holding the hearing.

* * * A request of a hearing by another agency with jurisdiction over the action supported by reasons why a hearing will be helpful. If a draft environmental impact statement is to be considered at a public hearing, the agency should make the statement available to the public at least 15 days in advance (unless the purpose of the hearing is to provide information for the draft environmental impact statement)." (40 CFR 1506.6c).

4. "Solicit appropriate information from the public." (40 CFR 1506.6d).

5. "Explain * * * where interested persons can get information or status reports on environmental impact statements and other elements of the NEPA process." (40 CFR 1506.6e).

6. "Make environmental impact statements, the comments received and any underlying documents available to the public pursuant to the provisions of the Freedom of Information Act (5 U.S.C. 552), without regard to the exclusion for interagency memoranda where such memoranda transmit comments of Federal agencies on the environmental impact of the proposed action. Materials to be made available to the public shall be provided to the public without charge to the extent practicable, or at a fee which is not more than the actual cost of reproducing copies required to be sent to other Federal agencies, including the Council." (40 CFR 1506.6f).

The composite list of environmental impact statements under preparation (FSM 1952.23) identifies the person to contact for further information about environmental impact statements. Information about other environmental analyses and their documentation shall be furnished to the public by designated Environmental Coordinators in the Washington Office, Regional Offices, Forest Supervisor's Offices, Research Stations and S&PF Area Offices when requested. Other personnel may make documents available as appropriate.

Where flood plains or wetlands are involved, there must be sufficient public participation to satisfy the requirements for early public review as shown in Section 2.A(4) of E.O. 11988, and Section 2(B) of E.O. 11990. (See FSM 2527 and 2528).

1951.2—Identify Issues, Concerns, and Opportunities. (Scoping).

The environmental analysis begins by identifying the major issues, concerns or opportunities and the need for a decision.

"There shall be an early and open process for determining the scope of issues to be addressed and for identifying the significant issues related to a proposed action. This process shall be termed scoping * * *" (40 CFR 1501.7).

See section 141 of FSH 1909.15, The NEPA Process Handbook, for a list of environmental factors that might be involved.

When the action is such that an environmental impact statement is required (FSM 1952.22), or is highly probable, the responsible official shall:

"* * * Invite the participation of affected Federal, State, and local agencies, any affected Indian tribe, the proponent of the action, and other interested persons (including those who might not be in accord with the action on environmental grounds).

"Determine the scope and the significant issues to be analyzed in depth in the environmental impact statement.

"Identify and eliminate from detailed study the issues which are not significant or which have been covered by prior environmental review, narrowing the discussion of these issues in the statement to a brief presentation of why they will not have a significant effect on the human environment or providing a reference to their coverage elsewhere.

"Allocate assignements for preparation of the environmental impact statement among the lead and cooperating agencies with the lead agency retaining responisbility for the statement.

"Indicate any public environmental assessments and other environmental impact statements which are being or will be prepared that are related to but are not part of the scope of the impact statement under consideration.

"Identify other environmental review and consultation requirements so the lead and cooperating agencies may prepare other required analyses and studies concurrently with, and integrated with, the environmental impact statement.

"Indicate the relationship between the timing of the preparation of environmental analyses and the agency's tentative planning and decisionmaking schedule * * *." (40 CFR 1501.7).

During the public involvement the responsible official may set time limits on environmental analyses and page limits on environmental documents. The Forest Service "shall set time limits if an applicant for the proposed action requests them. State or local agencies or members of the public may request the * * * (Forest Service) to set time limits." (40 CFR 1501.8). Setting of time limits is mandatory only if requested by applicants. The responsible official may set overall time limits or time limits for each constituent part of the NEPA process.

The scoping process described above is not mandatory for the preparation of a legislative environmental impact statement. (See FSM 1952.22a).

1951.3—Development of Criteria. Criteria or standards must be agreed upon early in the analysis process, as they guide subsequent steps of the process. As used here, standards and criteria do not refer to the policy type of standards, criteria and guidelines discussed in section 14 of RPA, as amended (Sec. 11 of NFMA).

The major issues and concerns to be addressed in detail during the analysis determine the criteria for the subsequent steps in the analysis.

Criteria are frequently needed in regard to the following items:

1. Information collection standards such as: the kind, amount, intensity and accuracy desired.

2. Alternative formulation standards such as: the kinds of alternatives the responsible official considers to be included in the reasonable range of alternatives and monitoring requirements.

3. Analysis standards such as: time periods to be covered by the analysis, techniques to be used and discount rates to be applied.

4. Evaluation standards such as: goals of management, program objectives and tests of feasibility that will be used to compare alternatives.

5. Criteria for identifying the preferred alternative.

6. Documentation standards that will be used in the writing and processing of the EA or EIS.

1951.4—Data Collection. After the issues, concerns and opportunities are identified, appropriate data must be collected. The type and amount of data depends on the situation, the issues, concerns, opportunities and the scope of anticipated effects. Data collection should focus on the present and expected future conditions of those physical, biological, economic and social factors affecting and affected by the decision. Sources of data should be documented. See FSM 1951.7 for worst-case analysis procedures in the event that essential information is not available.

1951.5—Situation Assessment. Situation assessment is a means of translating collected data and information into an understanding of the current and expected future conditions related to the issues and concerns. This may include assessment of supply and demand relationships and other relevant physical, biological, economic and social factors. Assumptions and other methods used in the analysis should be recorded for subsequent use in the EA or EIS.

1951.6—Formulate Alternatives. A reasonable range of alternatives is developed to provide different ways to address major issues, concerns and opportunities. Consistency with goals and objectives from legislation or higher-order FS plans, programs and policies guides, but does not necessarily limit, the range of alternatives. The range of alternatives must be broad enough to respond to major issues, concerns and opportunities. All reasonable alternatives must be considered in the process of developing the reasonable range.

"The phrase 'all reasonable alternatives' is firmly established in the case law interpreting the NEPA. The phrase has not been interpreted to require that an infinite or unreasonable number of alternatives be analyzed" (Supplementary infomation for the Council's Regulations, **Federal Register**, Vol. 43, No. 230, Nov. 29, 1978, p. 55983). Alternatives should be fully and impartially developed.

Care should be taken to insure that the range of alternatives does not prematurely foreclose options which might enhance environmental quality or have fewer detrimental effects. The alternative of taking no action must always be included. Public involvement is important in formulating alternatives. The extent of involvement depends on the issues, concerns, opportunities involved and the kind and magnitude of the decision. Alternatives are often modified and new alternatives developed as the analysis proceeds.

Alternatives should be formulated to include management requirements, mitigation measures and monitoring needed to avoid adverse environmental effects and conform to all other applicable laws relating to Forest Service activities. In the development of mitigation measures, it may be desirable to contact other Federal, State, or local agencies regarding specific environmental values.

If the plan, program or project is located in, or may affect, flood plains or wetlands, alternatives must be responsive to E.O. 11988 and 11990. (See FSM 2527 and 2528).

1951.7–Estimate Effects. The appropriate effects of implementing each alternative must be estimated. Direct, indirect and cumulative effects should all be considered. Effects are expressed in terms of future outputs, expenditures, costs (including costs of mitigation) and changes in the physical, biological, economic and social components of the environment for each alternative. The changes should be those associated with implementation of the alternative, and expressed, when possible, in terms of differences from the present condition. Changes are usually described in terms of their magnitude, duration and significance. See Section 141 of FSH 1909.15. The NEPA Process Handbook, for a list of environmental factors which may change as a result of implementation of the various alternatives. It is not always necessary to deal with all factors and components of the environment. The effects considered in analysis should be only those of significance to the issue, concerns, opportunities and the evaluation criteria.

Unquantified environmental amenitites and values must be given appropriate consideration.

"If (1) the information relevant to adverse impacts is essential to a reasoned choice among alternatives and is not known and the overall costs of obtaining it are exorbitant, or (2) the information relevant to adverse impacts is important to the decision and the means to obtain it are not known * * * the agency shall weigh the need for the action against the risks and severity of possible adverse impacts were the action to proceed in the fact of uncertainty. If the agency proceeds, it shall include a worst-case analysis and an indication of probability or improbability of its occurrence (in the EA or EIS)" (40 CFR 1502.22b).

If indicators of economic efficiency are appropriate to the issues or concerns, they are developed in this step. When this is done, the relationship of economic efficiency and any analysis of unquantified environmental impacts, values and amenities should be identified.

Although separate analysis is not necessary, the following effects must be considered for all alternatives:

1. "* * * the relationship between local, short-term uses of man's environment and maintenance and enhancement of long-term productivity * * *

2. "* * * any adverse environmental effects which cannot be avoided * * *

3. "* * * any irreversible or irretrievable commitments of resources * * * (40 CFR 1502.16).

4. Effects upon minority groups, women, and civil rights. (Secretary's memorandum 1662, Supplemental 8 and OMB Circular A-19). (See also FSM 1730).

5. Effects upon prime farmland, range and forest lands.

6. Effects upon wetlands and flood plains.

7. "* * * direct effects and their significance * * * "* * * indirect effects and their significance * * *

8. "Possible conflicts between the proposed action and the objectives of Federal, Regional, State, and local (and in the case of a reservation, Indian tribe) land use plans, policies and controls for the area concerned * * *

9. "Energy requirements and conservation potential of various alternatives and mitigation measures.

10. "Natural or depletable resource requirements and conservation potential of various alternatives and mitigation measures.

11. "Urban quality, historic and cultural resources and the design of the built environment, including the re-use and conservation potential of various alternatives and mitigation measures * * *." (40 CFR 1502.16).

12. Effects upon threatened and endangered species.

1951.8—Evaluate Alternatives. Alternatives are evaluated by comparing current and future outputs, costs and physical, biological, economic and social changes for each alternative with evaluation criteria. This evaluation provides a basis for identifying (a) the environmentally preferable alternative, (b) the Forest Service preferred

alternative and (c) the need for an EIS—if not otherwise required.

The evaluation should identify possible conflicts between alternatives "* * * and the objectives of Federal, regional, State, and local (and in the case of a reservation, Indian tribe) land use plans, policies and controls for the area concerned." (40 CFR 1502.16(c)).

When the need for an EIS has not already been established (FSM 1952.22), the significance of effects should be considered in terms of context and intensity in evaluating the need for an EIS:

"Context * * * means that the significance of an action must be analyized in several contexts such as society as a whole (human, national), the affected region, the affected interests, and the locality. Significance varies with the setting of the proposed action. For instance, in the case of a site-specific action, significance would usually depend upon the effects in the locale rather than in the world as a whole. Both short- and long-term effects are relevant.

"Intensity * * * refers to the severity of impact. Responsible officials must bear in mind that more than one agency may make decisions about partial aspects of a major action. The following should be considered in evaluating intensity:

(1) Impacts that may be both beneficial and adverse. A significant effect exists even if the Federal agency believes that on balance the effect will be beneficial.

(2) The degree to which the proposed action affects public health or safety.

(3) Unique characteristics of the geographic area such as proximity to historic or cultural resources, park lands, prime farmlands, wetlands, wild and scenic rivers, or ecologically critical area.

(4) The degree to which the effects on the quality of the human environment are likely to be highly controversial.

(5) The degree to which the possible effects on the human environment are highly uncertain or involve unique or unknown risks.

(6) The degree to which the action may establish a precedent for future actions with significant effects or represents a decision in principle about a future consideration.

(7) Whether the action is related to other actions with individually insignificant but cumulatively significant impacts. Significance exists if it is reasonable to anticipate a cumulatively significant impact on the environment. Significance cannot be avoided by terming an action temporary or by breaking it down into small component parts.

(8) The degree to which the action may adversely affect districts, sites, highways, structures, or objects listed in or eligible for listing in the National Register of Historic Places or may cause loss or destruction of significant scientific, cultural, or historical resources.

(9) The degree to which the action may adversely affect an endangered or threatened species or its habitat that has been determined to be critical under the Endangered Species Act of 1973.

(10) Whether the action threatens a violation of Federal, State, or local law or requirements imposed for the protection of the environment." (40 CFR 1508.27).

1951.9—Identification Of The Forest Service Preferred Alternative. Based on evaluation of the alternatives, the responsible official identifies a preferred alternative.

The rationale used in identification of the preferred alternative must be documented in the EA or EIS. In some situations, it may not be desirable to identify a preferred alternative until the draft EIS has been circulated. In these situations, the action of identifying the preferred alternative is not taken.

"To assess the adequacy of compliance with Sec. 102(2)(B) of the Act, the statement (or assessment) shall, when a cost-benefit analysis is prepared, discuss the relationship between that analysis and any analyses of unquantified environmental impacts, values, and amenities. For purposes of complying with the Act, the weighing of the merits and drawbacks of the various alternatives need not be displayed in a monetary cost-benefit analysis and should not be when there are important qualitative considerations. In any event, an environmental impact statement (or assessment) should a least indicate those considerations, including factors not related to environmental quality which are likely to be relevant and important to a decision." (40 CFR 1502.23).

1952—Documentation. This section discusses environmental assessments, environmental impact statements, notices of intent and findings of no significant impact. These documents describe the results of the environmental analysis and are most often prepared from interim records developed during the various steps of the analysis. Environmental assessments are prepared to document the environmental analysis for those actions when an EIS is not required. They may be supplemented or revised as necessary.

Environmental impact statements are prepared first in draft form and are filed with the EPA and circulated for public review and comment.

Following the review period, a final environmental impact statement is prepared. Both draft and final environmental impact statements may be supplemented or revised.

"An agency may adopt a Federal draft or final environmental impact statement or portion thereof provided that the statement or portion thereof meets the standards for an adequate statement under these regulations." (40 CFR 1506.3a).

"If the actions covered by the original environmental impact statement and the proposed actions are substantially the same, the agency adopting another agency's statement is not required to recirculate it except as a final statement. Otherwise the adopting agency shall treat the statement as a draft and recirculate it (except as provided in paragraph (c) of this section)." (40 CFR 1506.3b).

"A cooperating agency may adopt without recirculating the environmental impact statement of a lead agency when, after an independent review of the statement, the cooperating agency concludes that its comments and suggestions have been satisfied." (40 CFR 1506.3c).

"When an agency adopts a statement which is not final within the agency that prepared it, or when the action it assesses is the subject of a referral under 40 CFR part 1504, or when the statement's adequacy is the subject of a judicial action which is not final, the agency shall so specify." (40 CFR 1506.3d).

"Responsible officials shall make sure the proposal which is the subject of an environmental impact statement (or assessment) is properly defined. Proposals or parts of proposals which are related to each other closely enough to be, in effect, a single course of action shall be evaluated in a single impact statement." (40 CFR 1502.4a).

"Environmental impact statements (or assessments) may be prepared, and are sometimes required, for broad Federal actions such as the adoption of new agency programs or regulations. Agencies shall prepare statements on broad actions so that they are relevant to policy and are timed to coincide with meaningful points in agency planning and decisionmaking." (40 CFR 1502.4b).

"When preparing statements or assessmens on broad actions, including proposals by more than one agency, agencies may find it useful to evaluate the proposal(s) in one of the following ways:

"(1) Geographically, including actions occurring in the same general location, such as a body of water, region, or metropolitan area.

"(2) Generically, including actions which have relevant similarities, such as common timing, impacts, alternatives, methods of implementation, media, or subject matter.

"(3) By stage of technological development including Federal or federally-assisted research, development or demonstration programs for new technologies which, if applied, could significantly affect the quality of the human environment. Statements shall be prepared on such programs and shall be available before the program has reached a stage of investment or commitment to implementation likely to determine subsequent development or restrict later alternatives." (40 CFR 1502.4c).

"Statements (and assessments) shall be concise, clear, and to the point, and shall be supported by evidence that the agency has made the necessary environmental analyses." (40 CFR 1502.1)

When an environmental analysis deals with the establishment of standards, criteria and guidelines as discussed in section 14 of RPA, as amended (section 11 of NFMA), the documentation step will record the

determinations made and accompanying rationale, regarding the degree of public participation.

1952.1—Categorical Exclusions. The following classes of actions do not require an environmental assessment or an environmental impact statement:

1. Internal organizational changes, personnel actions and other similar internal, operational administrative decisions.

2. Funding or scheduling of projects—budget proposals and allocations at all administrative levels of the Forest Service. (This does not relieve officials of the responsibility to prepare environmental documents when otherwise required for the projects involved in the program).

3. Unanticipated emergency situations that require immediate action to prevent or reduce risks to public health or safety or serious resource losses—including, but not limited to, fire suppression, search and rescue and reduction of flood losses.

4. Routine, generally repetitive, operation and/or maintenance to established standards of transportation, transmission, administrative, fire management or resource improvements unless herbicides are involved.

5. Inventories, studies or research activities that have limited context and no or minimal intensity in terms of changes in the physical, biological, economic or social components of the environment.

Categories not listed herein require documentation of the analysis. The responsible official should recognize, however, that there may be circumstances when the environmental analysis will indicate that an action listed above should be documented.

1952.2—Actions Requiring Documentation.

1952.21—Environmental Assessment (EA). An environmental assessment is prepared to document an environmental analysis for which an EIS is not necessary.

1952.22—Environmental Impact Statement (EIS). An environmental impact statement shall be an integral part of the national program required by the Forest and Rangeland Renewable Resources Planning Act (Pub. L. 93–378). Environmental impact statements shall be prepared for:

1. Legislation recommended by the Forest Service.

2. Regional and National Forest land and resource management plans as required by regulations issued pursuant to redesignated section 6 of the Forest and Rangeland Renewable Resources Planning Act of 1974 as amended (Pub. L. 88–476).

3. Programs, projects or other discretionary actions adversely affecting the existing wilderness characteristics of areas identified as "further planning" in the RARE II process.

4. Other major Federal actions significantly affecting the quality of the human environment that have not been adversely addressed in another environmental impact statement.

"Major" actions and "significant" effects are difficult to define precisely and uniformly because of the great variation in social, economic, physical and biological conditions.

The responsible official must determine through an environmental analysis when environmental impact statements are appropriate. (See FSM 1950.3(2) and FSM 1951.8.)

1952.22a—Legislative Environmental Impact Statements.

"(a) The NEPA process for proposals for legislation significantly affecting the quality of the human environment shall be integrated with the legislative process of the Congress. A legislative environmental impact statement is the detailed statement required by law to be included in a recomendation or report on a legislative proposal to Congress. A legislative environmental impact statement shall be considered part of the formal transmittal of a legislative proposal to Congress; however, it may be transmitted to Congress up to 30 days later in order to allow time for completion of an accurate statement which can serve as the basis for public and Congressional debate. The statement must be available in time for Congressional hearings and deliberations.

"Preparation of a legislative environmental impact statement shall conform to the requirements of these regulations except as follows:

"(1) There need not be a scoping process.

"(2) The legislative statement shall be prepared in the same manner as a draft statement, but shall be considered the 'detailed statement' required by statute, provided, that when any of the following conditions exist both the draft and final environmental impact statement on the legislative proposal shall be prepared and circulated as provided by 40 CFR 1503.1 and 1506.10:

"(i) A Congressional committee with jurisdiction over the proposal has a rule requiring both draft and final environmental impact statements.

"(ii) The proposal results from a study process required by statute (such as those required by the Wild and Scenic Rivers Act (116 U.S.C. 1271 et seq.) and the Wilderness Act (16 U.S.C. 1131 et seq.)).

"(iii) Legislative approval is sought for Federal or federally-assisted construction or other projects which the agency recommends be located at specific geographic locations.

"(iv) The agency decides to prepare draft and final statements" (40 CFR 1506.8b).

"Comments on the legislative statement shall be given to the lead agency which shall forward them along with its own reponses to the Congressional committees with jurisdiction" (40 CFR 1506.8c).

1952.23—Notice Of Intent (NOI). When it is determined that an EIS is needed, the responsible official will prepare a notice of intent. The notice shall briefly:

"(a) Describe the proposed action and possible alternatives.

"(b) Describe the agency's proposed scoping process including whether, when, and where any scoping meeting will be held.

"(c) State the name and address of a person within the agency who can answer questions about the proposed action and the environmental impact statement." (40 CFR 1508.22).

"(d) The estimated dates for filing the draft and final environmental impact statements."

Notices of intent are used to develop lists of environmental impact statements under preparation. Environmental Coordinators in the Washington, Regional, Station and Area offices shall maintain composite lists of EIS's under preparation. (See section 210, The NEPA Process Handbook.) These composite lists may be distributed to other agencies, organizations, and individuals.

The responsible official for preparation of the EIS shall notify the appropriate Washington, Regional, Station or Area Environmental Coordinators whenever information shown in the notice of intent changes. Significant changes may require publication of a revised notice of intent. If a notice of intent has been distributed and the project application is withdrawn or for some other reason it is no longer necessary to make the decision, the process can be terminated (at any time prior to the record of decision) by preparation of a notice and distributing it in the same manner as the notice of intent.

The notice of intent documents the decision to prepare an EIS. This decision is based on the responsible official's analysis of the need for an EIS pursuant to FSM 1951.8.

1952.24—Finding of No Significant Impact (FONSI).

"Finding of No Significant Impact means a document by a Federal agency briefly presenting the reasons why an action, not otherwise excluded, will not have a significant effect on the human environment and for which an environmental impact statement therefor will not be prepared. It shall include the environmental assessment or a summary of it and shall note any other environmental documents related to it. If the assessment is included, the finding need not repeat any of the discussion in the assessment, but may incorporate it by

reference." (40 CFR 1508.13). (See Section 213 of FSH 1909.15, The NEPA Process Handbook.)

The FONSI shall be included as an integral part of the decision notice.

Responsible officials "* * * shall make the finding of no significant impact available for public review (including State and areawide clearinghouses) for 30 days before the agency makes its final determination whether to prepare an environmental impact statement and before the action may begin when:

"(i) The proposed action is, or is closely similar to, one which normally requires the preparation of an environmental impact statement.

"(ii) The nature of the proposed action is one without precedent." (40 CFR 1501.4).

In these two situations, the decision notice, and its integral FONSI, shall be made available for a 30-day public review period prior to implementation of the plan, policy, program or project.

1952.3—Format. Environmental assessments and environmental impact statements should generally conform to the following outline. The outline follows the sequence of steps in the environmental analysis (FSM 1951). Sections of the outline may be combined or rearranged in the interest of clarity and brevity.

EA or EIS Outline

1. Cover Sheet. (optional for EA).
2. Summary. (optional for EA).
3. Table of Contents. (optional for EA).
4. Introduction.
5. Affected Environment.
6. Evaluation Criteria.
7. Alternatives Considered.
8. Effects of Implementation.
9. Evaluation of Alternatives.
10. Identification of the Forest Service Preferred Alternative.
11. Consultation With Others.
12. Index. (optional for EA).
13. Appendix. (optional for EA).

(a) list of preparers.

(b) list of Federal, State and local agencies to whom the the EIS or EA is being sent.

(c) substantive review comments or summaries (final EIS only).

1952.4—Contents. Writers of environmental assessments or environmental impact statements should be concerned with content, clarity and brevity.

Writers "* * * shall incorporate material into an environmental impact statement (or environmental assessment) by reference when the effect will be to cut down on bulk without impeding agency and public review of the action. The incorporated material shall be cited in the statement (or assessment) and its content briefly described. No material may be incorporated by reference unless it is reasonably available for inspection by potentially interested persons within the time allowed for comment. Material based on proprietary data which is itself not available for review and comment shall not be incorporated by reference." (40 CFR 1502.21).

Material incorporated by reference is considered reasonably available when:

(a) It is an environmental impact statement that has been filed with the Council or EPA, or

(b) It is a book or other publication generally available in technical libraries, or

(c) It may be obtained (at the usual cost of furnishing such information) from the person listed on the cover sheet as the source of further information.

In final environmental impact statements, the material listed in items 4 through 10 in FSM 1952.3 shall normally not exceed 150 pages (and preferably shorter) or 300 pages for proposals of unusual scope or complexity.

Responsible officials "* * * shall insure the professional integrity, including scientific integrity, of the discussions and analyses in environmental impact statements (and environmental assessments). They shall identify and methodologies used and shall make explicit reference by footnote to the scientific and other sources relied upon for conclusions in the statement (or assessment)." (40 CFR 1502.24).

"The draft statement must fulfill and satisfy to the fullest extent possible the requirements established for final statements." (40 CFR 1502.9).

1. *Cover sheet.* (optional for EA). See section 231, FSH 1909.15, The NEPA Process Handbook, for a sample cover sheet. The cover sheet shall not exceed one page. It shall include:

"(a) A list of the responsible agencies including the lead agency and any cooperating agencies.

"(b) The title of the proposed action that is the subject of the statement, together with the State(s) and County(ies) (or other jurisdiction if applicable) where the action is located.

"(c) The name, address, and telephone number of the person at the agency who can supply further information.

"(d) A designation of the statement as a draft, final, or draft or final supplement.

"(e) A one-paragraph abstract of the statement.

"(f) The date by which comments must be received." (40 CFR 1502.11). (Draft EIS only).

"(g) The name of the responsible official."

2. *Summary.* (Optional for EA). The responsible official will determine the need for an environmental assessment summary. It is desirable for lengthy and detailed environmental assessments.

"Each environmental impact statement contain a summary which adequately and accurately summarizes the statement. The summary shall stress the major conclusions, areas of controversy (including issues raised by agencies and the public), and the issues to be resolved (including the choice among alternatives). The summary will normally not exceed 15 pages. (40 CFR 1502.12).

If a summary is distributed as a separate document, it must:

(a) State how the complete EIS or EA can be obtained or reviewed.

(b) Have a cover sheet attached.

3. *Table of contents.* (Optional for EA). Self-explanatory.

4. *Introduction.* (Purpose of and need for action). The introduction briefly describes the nature of the decision to be made. A map showing the general location of the plan or project should be included. Major issues and concerns identified as a result of "scoping" and other essential background information are presented only if important to understanding the decision.

"The statement (or assessment) shall briefly specify the underlying purpose and need to which the agency is responding in proposing the alternatives the proposed action." (40 CFR 1502.15).

Statements must (and assessments may) "* * * list all Federal permits, licenses, and other entitlements which must be obtained in implementing the proposal. If it is uncertain whether a Federal permit, license, or other entitlement is necessary, the draft environmental impact statement shall and (assessment may) so indicate * * *"

5. *Affected environment.* This section is based on the situation analysis and "* * * shall succinctly describe the environment of the area(s) to be affected or created by the alternatives under consideration. The descriptions shall be no longer than is necessary to understand the effects of the alternatives. Data and analyses in a statement shall be commensurate with the importance of the impact, with less important material summarized, consolidated, or simply referenced. Agencies shall avoid useless bulk in statements and shall concentrate effort and attention on important issues. Verbose descriptions of the affected environment are themselves no measure of the adequacy of an environmental impact statement." (40 CFR 1502.15).

This description should include major factors affecting and affected by the decision—not just those which are within the control of the Forest Service.

6. *Evaluation criteria.* This section describes the evaluation criteria which were used to evaluate alternatives. The sources of these criteria should be shown. (Also see FSM 1951.3)

7. *Alternatives considered.* This section is usually in two parts: The first briefly describeds the process used in formulating the alternatives; and the second describes each alternative—including mitigation measures, management and monitoring requirements, as appropriate.

The alternatives described must include:

(a) "* * * alternatives which were eliminated from detailed study and a brief discussion of the reasons for their having been eliminated.

(b) "* * * reasonable alternatives not within the jurisdiction of the lead agency.

(c) "* * * the alternative of no action * * *." (40 CFR 1502.14).

The detail of description should be similar for all alternatives.

8. *Effects of implementation.* This section describes consequences of implementing each alternative in term of outputs, costs and environmental changes. Objectivity is important. Significant differences of opinion about the kind, amount or duration of effects should be discussed. (See FSM 1951.6).

The description should (commensurate with the importance of the issue):

(a) Identify the assumptions used in estimating the effects of implementation.

(b) Make use of appropriate analyses, data and information. Cite sources used instead of including lengthy analyses in EA's or EIS's.

(c) Express expected environmental changes in quantitative or qualitative terms as applicable, and as necessary to indicate relative differences between the alternative in terms of significance, duration and magnitude of the changes.

(d) Indicate the expected outputs, in terms of goods, services and uses that will result from implementing each alternative. Express the outputs in Service-wide standard terminology. See FSH 1309.11, Management Information Handbook. Use RPA program planning time periods.

(e) Indicate estimated Forest Service expenditures for implementing each alternative. Other public and private expenditures may be shown, as appropriate.

(f) Discuss significant changes (effects) in physical, biological, economic and social components of the environment associated with implementation of each alternative. This includes direct, indirect, cumulative and unavoidable effects, long- and short-term relationships and irreversible and irretrievable resource commitments. It is not mandatory to use separate headings for these items.

"The agency shall make every effort to disclose and discuss at appropriate points in the draft statement all major points of view on the environmental impacts of the alternatives including the proposed action." (40 CFR 1502.9a)

If analyses of economic efficiency (benefit/cost, etc.) have been made, show the results of the analyses here.

"When an agency is evaluating significant adverse effects on the human evnivronment in an environmental impact statement (or assessment) and there are gaps in relevant information or scientific uncertainty, the agency shall always make clear that such information is lacking or that uncertainty exists.

"If the information relevant to adverse impacts is essential to a reasoned choice among alternatives and is not known and the overall costs of obtaining it are not exorbitant, the agency shall include the information in the environmental impact statement (or assessment)." (40 CFR 1502.22).

"If (1) the information relevant to adverse impacts is essential to a reasoned choice among alternatives and is not known and the overall costs of obtaining it are exorbitant or (2) the information relevant to adverse impacts is important to the decision and the means to obtain it are not known (e.g., the means for obtaining it are beyond the state of the art) the agency shall weigh the need for the action against the risk and severity of possible adverse impacts were the action to proceed in the face of uncertainty. If the agency proceeds, it shall include a worst-case analysis and an indication of the probability or improbability of its occurrence." (40 CFR 1502.22b).

9. *Evaluation of alternatives.* This section discusses how the alternatives compare with each other in terms of the evaluation criteria. This provides the basis for identification of a preferred alternative. (Also see FSM 1951.8.)

"Statements shall discuss any inconsistency of a proposed action with any approved State or local plan and laws (whether or not federally sanctioned)." (40 CFR 1506.2d).

10. *Identification of the Forest Service preferred alternative.* This section identifies the preferred alternative and the rationale for preference. If the preferred alternative has not been identified, this should be clearly stated. (Also see FSM 1951.8).

"When a cost-benefit analysis is prepared, discuss the relationship between that analysis and any analyses of unquantified environmental impacts, values, and amenities. For purposes of complying with the Act, the weighing of the merits and drawbacks of the various alternatives need not be displayed in a monetary cost-benefit analysis and should not be when there are important qualitative considerations. In any event, an environmental impact statement should at least indicate those considerations, including factors not related to environmental quality, which are likely to be relevant and important to a decision." (40 CFR 1502.23).

. *Consultation with others.* Document the methods used to obtain public participation and list the agencies and groups consulted during scoping and other steps in the analysis. Individuals may be listed when appropriate. This discussion should relate to substantive information received and used and not be directed solely to responses and rebuttals.

"Final environmental impact statements shall respond to comments. The agency shall discuss at appropriate points in the final statement any responsible opposing view which was not adequately discussed in the draft statement and shall indicate the agency's response to the issues raised." (40 CFR 1502.9).

This section of a final EIS should describe how the substantive information contained in the review comments (that are included in the appendix) was used, or not used, in the preparation of the final EIS.

Final environmental impact statements should identify changes in the draft EIS content as a result of substantive review comments. Possible changes are to modify the proposed action; formulate, analyze and evaluate alternatives not previously considered; supplement, improve, or modify analyses, or make factual corrections. In addition, it may be desirable to explain why some comments did not warrant changes in the draft EIS content.

12. *Index (optional in EA).* Environmental impact statements must include an index. The purpose of an index is to make the information in the EIS or EA fully available to the reader without delay. See Chapter 500, FSH 1909.15, The NEPA Process Handbook.

13. *Appendix.* "The appendix shall:

"(a) Consist of material prepared in connection with an Environmental Impact Statement (or assessment) (as distinct from material which is not so prepared and which is incorporated by reference).

"(b) Normally consist of material which substantiates any analysis fundamental to the impact statement (or assessment).

"(c) Normally be analytic and relevant to the decision to be made.

"(d) Be circulated with the environmental impact statement (or assessment) or be readily available on request." (40 CFR 1502.18).

"(e) The EIS appendix shall, and the EA appendix may, "list the names, together with their qualifications (expertise, experience, professional disciplines), of the persons who were primarily responsible for preparing the environmental impact statement or significant background papers, including basic components of the statement. Where possible the persons who are responsible for a particular analysis, including analyses in background papers, shall be identified. Normally the list will not exceed two pages." (40 CFR 1502.17).

Copies of all substantive comments received on a draft EIS should be included in the appendix of the final EIS. If response has been exceptionally voluminous, it may be summarized. Copies, or summaries of all substantive comments should be included in the

appendix, regardless of whether or not the comments are thought to merit individual attention in the text of the EIS.

The appendix shall contain the list of Federal, State and local agencies to whom copies of the statement are sent.

1952.5—Processing.

1952.51—Environmental Assessments. Regional Foresters, Area and Station Directors shall develop procedures as necessary for processing environmental assessments.

1952.52—Finding Of No Significant Impact. See FSM 1952.24 and Sections 240 and 320 of FSH 1909.15, The NEPA Process Handbook, regarding processing of the finding of no significant impact. In the case of an action with effects of national concern, the finding shall be published in the **Federal Register** and be sent to State and areawide clearinghouses, the Washington Office Environmental Coordinator, national organizations reasonably expected to be interested and to those who have requested it. For actions of local concern, see FSM 1951.1 for circulation requirements.

1952.53—Notice of Intent. See FSM 1952.23 and Section 210 of FSH 1909.15, The NEPA Process Handbook. The notice of intent should be published in the **Federal Register** and a newspaper of general circulation in the area affected by the decision. The appropriate State or areawide clearinghouses should be notified. Copies of the notice may also be distributed to agencies, organizations and individuals as the responsible official feels is appropriate. One copy of the notice of intent must be sent to the Washington Office Environmental Coordinator for use in reporting to the Department.

1952.54—Environmental Impact Statement. The following steps are to be taken after a draft EIS has been prepared:

1. File the draft EIS with the EPA and circulate it to agencies and the public.
2. Conduct public participation sessions if appropriate.
3. Review, analyze, evaluate and respond to substantive comments on the draft EIS.
4. Prepare a final EIS.
5. For actions subject to administrative review, (36 CFR 211) file the final EIS, record of decision, (FSM 1953.11) and copies of all substantive comments or summaries thereof on the draft EIS with EPA. Circulate the final EIS and record of decision to other agencies and the public.
6. For actions not subject to administrative review, file the final EIS with EPA and wait 30 days after EPA's notice of availability is published in the **Federal Register** before signing and dating the record of decision (FSM 1953.12). File the record of decision with EPA and circulate it the same as the final EIS.

1952.54a—Filing. Regional Foresters, Station Directors and Area Directors are authorized to file statements directly with the EPA for actions within their authority.

"Environmental impact statements shall be filed with EPA no earlier than they are also transmitted to commenting agencies and made available to the public." (40 CFR 1506.9). This means that the scheduled distribution must be completed before the EIS is filed with the EPA.

Regional Foresters and Station Directors may redelegate as appropriate the authority to file Statements directly with the EPA.

Statements involving legislation, regulations, multi-agency actions at the national level, and Service-wide policy will be filed with the EPA by the Chief's Office.

If the Chief is the responsible official, other levels of the Forest Service may assist with the analysis and preparation of documents. However, each step of the analysis process must be coordinated with the Chief or designated acting.

If the final EIS deals with plans, or projects which make allocations to non-wilderness uses in RARE II "further planning areas," the responsible official shall file the final EIS with the EPA and make public distribution the same as for other EIS's. Three copies of the final EIS and record of decision must be sent to the Washington Office (Office of the Environmental Coordinator) on the day that the record of decision is signed for transmittal to Congressional committees.

See Chapter 400 of FSH 1909.15, The NEPA Process Handbook, for instructions regarding filing procedures.

1952.54b—Circulation. Responsible officials shall circulate the entire draft and final environmental impact statements. However, if the statement is unusually long, a summary may be circulated instead, except that the entire statement shall be furnished to:

"Any Federal agency which has jurisdiction by law or special expertise with respect to any environmental impact involved and any appropriate Federal, State or local agency authorized to develop and enforce environmental standards.

"The applicant, if any.

"Any person, organization, or agency requesting the entire environmental impact statement.

"In the case of a final environmental impact statement any person, organization, or agency which submitted substantive comments on the draft.

"If the agency circulates the summary and thereafter receives a timely request for the entire statement and for additional time to comment, the time for that requestor only shall be extended by at least 15 days beyond the minimum period." (40 CFR 1502.19).

When the EIS is filed with the EPA, the responsible official shall insure that a reasonable number of copies of the statement is available free of charge.

When a summary of an EIS is circulated as a separate document, it must contain a cover sheet as per FSM 1952.4(1).

Copies of all review comments should be available for public and In-Service review in the office of the responsible official or administrative unit affected by the policy, plan, program or project.

Responsible officials should insure that lists of individuals, groups, organizations and governmental agencies which may be interested in reviewing Forest Service environmental impact statements are maintained. Regions are encouraged to develop specific distribution lists. State and areawide clearinghouses should be used, by mutual agreement, for securing reviews of the draft EIS. The responsible official may also deal directly with appropriate State or local officials or agencies if clearinghouses are unwilling or unable to handle this phase of the process. However, clearinghouses should always receive copies of environmental impact statements.

1952.6—Corrections, Supplements or Revisions. Environmental assessments and environmental impact statements may be corrected through use of errata sheets or modified by supplements. Draft environmental impact statements may be revised (See FSM 1952.62). Supplements or revisions are prepared, circulated, filed and reviewed the same as the document being modified.

1952.61—Environmental Assessments. Additional information may emerge after an EA has been prepared. If the new information involves minor changes, such as typographical corrections, that would not affect public response or the decision, the corrections should be noted in the file copy of the EA.

If the new information may change the decision, the EA should be supplemented or revised.

1952.62—Draft Environmental Impact Statement. Errata sheets should be used when minor corrections are necessary that will not materially change the public response or the decision. Typical

items include terminology and typographical corrections.

Responsible officials shall insure preparation of "* * * supplements to either draft or final enviromental impact statements if:

(i) The agency makes substantial changes in the proposed action that are relevant to environmental concerns, or

(ii) There are significant new circumstances, or information relevant to environmental concerns and bearing on the propsed action or its impacts * * *" (40 CFR 1502.9).

Supplements to the draft EIS are used when new or more accurate information may significantly change the public response or the decision.

A supplement to the draft EIS may be desirable whenever a draft was circulated without identification of a preferred alternative.

A revision to a draft EIS is necessary when, in the judgment of the responsible official, comments on the draft clearly indicate that meaningful analysis was not possible.

When a supplement or revision is circulated the transmittal letter should establish a review period of at least 60 days from the date of transmittal of the supplement or revision.

1952.63—Final Environmental Impact Statements. Additional information may emerge after a final EIS has been prepared and circulated. If the new information involves minor changes that would not affect public reaction or the decision, the corrections should be noted in the file copy of the final EIS.

If the responsible official determines that the new information might change the decision and require additional public comment, a supplement to the final EIS should be prepared, filed and circulated in the same manner as the original document. When the supplement is circulated in draft form, the transmittal letter shall establish a review period of at least 60 days from the date of transmittal of the supplement, and notify reviewers that a final supplement and a record of decision will be prepard, filed and circulated.

1952.7—COMMENTING

1952.71—Forest Service Environmental Impact Statements.

1952.71a—Draft Environmental Impact Statements.

"After preparing a draft environmental impact statement and before preparing a final environmental impact statement, the agency shall:

"Obtain the comments of any Federal agency which has jurisdiction by law or special expertise with respect to any environmental impact involved or which is authorized to develop and enforce environmental standards.

"Request the comments of:

(i) Appropriate State and local agencies which are authorized to develop and enforce environmental standards;

(ii) Indian tribes, when the effects may be on a reservation; and,

(iii) Any agency which has requested that it receive statements on actions of the kind proposed.

"Request comments from the applicant, if any.

"Request comments from the public, affirmatively soliciting comments from those persons or organizations who may be interested or affected." (40 CFR 1503.1(a)).

A period of at least 60 days from the date of transmittal to the Environmental Protection Agency, and the public will be allowed for comment. The responsible official may extend the comment period. Comments on the draft EIS may be received after the review period is closed and before the final EIS is filed. They should be used, if possible to do so without major difficulty. If it is too late to incorporate them in the final EIS, they should be made available to the responsible official for consideration prior to making the decision.

1952.71b—Final Environmental Impact Statements. For decisions subject to the administrative review process, a period of not less than 30 days from the date of publication in the **Federal Register** of EPA's notice of availability of the FEIS, will be allowed before decisions are implemented.

For decisions not subject to the administrative review process, the record of decision will be filed 30 days after EPA has published the notice of availability in the **Federal Register** and implementation may take place immediately. Comments received after the final EIS is filed should be answered on an individual basis.

"(a) An agency preparing a final environmental impact statement shall assess and consider comments both individually and collectively, and shall respond by one or more of the means listed below, stating its response in the final statement. Possible responses are to:

(1) Modify alternatives including the proposed action.

(2) Develop and evaluate alternatives not previously given serious consideration by the agency.

(3) Supplement, improve or modify its analyses.

(4) Make factual corrections.

(5) Explain why the comments do not warrant further agency response, citing the sources, authorities or reasons which support the agency's position and, if appropriate, indicate those circumstances which would trigger agency reappraisal or further response.

"(b) All substantive comments received on the draft statement (or summaries thereof where the response has been exceptionally voluminous) should be attached to the final statement whether or not the comment is thought to merit individual discussion by the agency in the text of the statement.

"(c) If changes in response to comments are minor and are confined to the responses described in paragraphs (a) (4) and (5) of this section, agencies may write them on errata sheets and attach them to the statement instead of rewriting the draft statement. In such cases only the comments, the responses, and the changes and not the final statement need to be circulated. The entire document with a new cover sheet shall be filed as the final statement." (40 CFR 1503.4).

1952.72—Review of Other Agency Environmental Impact Statements. When requested to do so, the Forest Service must review and comment on environmental impact statements prepared by other agencies because of special expertise. When another agency proposal involves or affects National Forest System lands, or prime timber lands, the Forest Service shall review the environmental impact statement.

Unless otherwise assigned by the Chief, review and comment on legislative or other major policies, regulations or national program proposals will be made by the Washington Office. The Regional Forester or Area Director in whose region or area a proposal is located will review other environmental impact statements and submit comments directly to the appropriate agency. Where appropriate, statements should be sent to Station Directors or other Forest Service officials for comment. When another agency's environmental impact statement involves more than one Region, the responses shall be coordinated with the Washington Office Environmental Coordinator.

When reviewing other agency's statements, responsible officials shall insure "* * * comment within the time period specified for comment." (40 CFR 1503.2). If appropriate, a no-comment response can be made. If the Forest Service is a cooperating agency and "* * * is satisfied that its views are adequately reflected in the environmental impact statement, it should reply that it has no comment." (40 CFR 1503.2).

"Comments on an environmental impact statement or on a proposed action shall be as specific as possible and may address either the adequacy of the statement or the merits of the alternatives discussed or both.

"When a commenting agency criticizes a lead agency's predictive methodology, the commenting agency should describe the alternative methodology which it prefers and why.

"A cooperative agency shall specify in its comments whether it needs additional information to fulfill other applicable environmental reviews or consultation rquirements and what information it needs. In particular, it shall specify any additional information it needs to comment adequately on the draft statement's analysis of significant site-specific effects associated with the granting or approving by that cooperating agency of necessary Federal permits, licenses, or entitlements.

"When a cooperating agency with jurisdiction by law objects to or expresses reservations about the proposal on grounds of environmental impacts, the agency expressing the objection or reservation shall specify the mitigation measures it considers necessary to allow the agency to grant or approve applicable permit, license, or related requirements of concurrences." (40 CFR 1503.3).

One copy of Forest Service comments on other agency environmental impact statements should be sent to the Washington Office Environmental Coordinator. If comments are made on final environmental impact statements, one copy should also be sent to EPA.

1952.72a—Referrals. When it has been determined, after review of another agency's environmental impact statement, that the proposal would be environmentally unsatisfactory, the matter will be referred to the Council by the Secretary's Office. Referrals should reflect a careful determination that the proposed action raises significant environmental issues of national importance. However, referrals will only be made to Council after concerted, timely, but unsuccessful attempts to resolve the differences with the proposing agency.

If an agreement cannot be reached, the lead agency shall be advised at the earliest possible time (in a letter signed by the Secretary of Agriculture) of the Department's intent to refer a proposal to the Council. Such advice shall be included in Forest Service comments on the lead agency's draft EIS unless the draft EIS contains insufficient information to permit an assessment of the proposal's environmental acceptability. (Where such needed information is not contained in the draft EIS, the Forest Service shall identify the needed information and request that it be made available by the lead agency at the earliest possible time).

The referral package shall be sent to the Chief's Office and shall consist of: A draft letter to be signed by the Secretary informing the lead agency of the referral, the reasons for it and requesting that the lead agency take no action to implement the proposal until the referral is acted upon by the Council. The letter shall include a statement supported by evidence as to the specific facts, or controverted facts, leading to the conclusion that the proposal is unsatisfactory from the standpoint of public health or welfare or environmental quality. The statement shall:

1. Identify any material facts in controversy as well as incorporate (by reference if appropriate) agreed upon facts.

2. Identify any existing environmental laws or policies which would be violated by the proposal.

3. Present the reasons the Forest Service believes the proposal is environmentally unsatisfactory.

4. Contain a finding as to whether the issue raised is one of national importance because of the threat to national environmental resources or policies for some other reason.

5. Review the steps taken by the Forest Service to bring our concerns to the attention of the lead agency at the earliest possible time, and

6. Give Forest Service recommendations as to what mitigation, alternatives, further study or other course of action (including abandonment of the proposal) are necessary to remedy the situation.

The referral shall be delivered by the Secretary's Office to the Council not later than 25 days after the final EIS is made available to the EPA, commenting agencies and the public, except where an extension has been granted by the lead agency. The 25-day time period is extremely short; therefore, referral documentation must begin when another agency draft EIS proposes an environmentally unacceptable action. Usually such situations will only occur when National Forest System lands are involved. The Forest Service official responsible for commenting on the statement should notify the originating agency that a referral will be recommended to the Secretary if the condition is not remedied in the final EIS. Upon receipt of the final EIS, if the condition is not remedied, documentation and request for referral should be sent immediately to the Chief for handling.

1953—DECISION

1953.1—Record of Decision. A record of decision is a separate document which records the decision of the responsible official. The record of decision shall:

1. "* * * state what the decision was.

2. "* * * identify all alternatives considered by the agency in reaching its decision, specifying the alternative or alternatives which were considered to be environmentally preferable. An agency may discuss preferences among alternatives based on relevant factors including economic and technical considerations and agency statutory missions. An agency shall identify and discuss all such factors including any essential considerations of national policy which were balanced by the agency in making its decision and state how those considerations entered into its decision.

3. "* * * state whether all practicable means to avoid or minimize environmental harm from the alternative selected have been adopted, and if not, why they were not. A monitoring and enforcement program shall be adopted and summarized where applicable for any mitigation." (40 CFR 1502.2)

4. Explain the timing and public right of administrative review when approprite.

See Exhibit 1 for a listing of conditions that must be met prior to a decision.

The record of decision should be sent to:

1. Individuals, organizations or agencies affected by the decision.

2. Others who have requested such notice in writing.

3. The Washington Office Environmental Coordinator for use in Departmental reporting.

In addition, the public may be notified by publishing the record of decision in a newspaper of general circulation in the area affected by the decision. See section 810 of FSH 1909.15, The NEPA Process Handbook for a sample record of decision. When joint lead agencies are identified in an EIS, the responsible official from each agency shall sign and date the record of decision for those actions within their authority. Separate records of decision may be prepared by each responsible official.

1953.11—Record Of Decision For Actions Subject To Administrative Review. (36 CFR 211.19). The record of decision establishes the date of decision and must be dated on the date that it and the final EIS are transmitted to the EPA and made available to the public. The 45-day period for administrative reviews (appeals) (36 CFR 211.19d) therefore starts with the date on the record of decision. Records of decision must not be predated nor postdated. Records of decision shall not be signed and dated until at least 60 days after the EPA publishes the notice of availability of the draft EIS in the **Federal Register**, unless the EPA has reduced or extended the standard period for comment.

If a separate summary of the final EIS is distributed, the record of decision should also be attached to each summary before distribution.

The record of decision for actions subject to administrative review should

state that implementation will not take place until at least 45 days from the date that the record is transmitted to the EPA and made available to the public.

1953.12—Record of Decision For Actions Not Subject To Administrative Review (36 CFR 211.19). Land and resource management plans prepared under the National Forest Management Act, section 6 regulations, are exluded from administrative review in proposed regulations issued May 4, 1979, if the selected harvest schedule is not the base timber harvest schedule for the designated forest planning area (36 CFR 219.12).

Forest Service actions that do not involve the National Forest System are also excluded.

The record of decision shall not be signed and dated until 30 days after the notice of availability of the final EIS is published by EPA in the **Federal Register.**

1953.2—Decision Notice. A decision notice is normally a separate document which is attached to environmental assessments. It may be an integral part of simple EA's, rather than a separate document. (See section 320 of FSH 1909.15, The NEPA Process Handbook, sample 2).

The responsible official should insure that the public is notified of the decision, as appropriate. (FSM 1951.1 and 1952.52). The decision notice shall be dated on the date that it and the EA are made available to the public. Decision notices must not be predated nor postdated. The 45-day period for administrative review (appeals) (36 CFR 211.19c) starts with the date of the decision, which is the date on the decision notice.

The decision notice should clearly identify (a) the decision, (b) the rationale used, (c) the environmental consideration used in the decisionmaking and (d) the finding of no significant impact.

1953.21—Decision Notice For Unprecedented Actions Or Actions Similar To Those Which Normally Require An EIS. The decision notice shall not be signed and dated until after the finding of no significant impact has been available for public review for a 30-day period (including State and areawide clearinghouses) when:

(1) The proposed action is, or is closely similar to one which normally requires preparation of an EIS, or

(2) The nature of the proposed action is without precedent.

In these cases, the decision notice constitutes the final determination that an EIS is not needed. This should be stated in the decision notice.

1953.22—Decision Notice For Actions Involving Flood Plains Or Wetlands. The decision notice shall be signed and dated as specified in FSM 1953.2, and shall state that implementation will not take place until 30 days have elapsed to allow a reasonable period of public review as required by E.O. 11988 and E.O. 11990.

Exhibit 1

If an EIS is required for	These conditions must be met prior to a decision	These conditions must be met prior to implementation
Plans, programs or projects *other than* (a) land management plans, (b) decisions affecting the existing wilderness character of RARE II "further planning" areas or (c) areas involved in pending legislation for wilderness designation.	1. 45 days have elapsed since the notice of availability of the draft EIS was published in the FEDERAL REGISTER by EPA. 2. A final EIS that responds to comments on the draft EIS has been prepared.	1. 45 days have elapsed since the record of decision was signed and dated. 2. 30 days have elapsed since the date of publication of the notice of the final EIS in the FEDERAL REGISTER by EPA.
Plans (other than land management plans), programs or projects adversely affecting the existing wilderness character of RARE II "further planning" areas.	1. 45 days have elapsed since the notice of availability of the draft EIS was published in the FEDERAL REGISTER by EPA. 2. A final EIS that responds to comments on the draft EIS has been prepared.	1. 45 days have elapsed since the record of decision was signed and dated. 2. 30 days have elapsed since the date of publication of the notice of the final EIS in the FEDERAL REGISTER by EPA. 3. 90 days while Congress is in session have elapsed since the date of publication of the notice of availability of the final EIS in the FEDERAL REGISTER. 4. An extension of time has not been requested by the appropriate Congressional committee chairman. 5. The Washington Office has notified the responsible official that *condition* 4 above has been met.
Land management or other plans, programs or projects affecting areas involved in pending legislation for wilderness designation.	1. 45 days have elapsed since the notice of availability of the draft EIS was published in the FEDERAL REGISTER by EPA. 2. A final EIS that responds to comments on the draft EIS has been prepared. 3. Approval has been received from the Chief.	1. 45 days have elapsed since the record of decision was signed and dated. 2. 30 days have elapsed since the date of publication of the notice of availability of the final EIS in the FEDERAL REGISTER by EPA. 3. The W.O. has notified the responsible official that the Department has no objections.
Land management plans[1]	1. 90 days or 3 months, whichever is longer, have elapsed since the notice of availability of the draft EIS was published in the FEDERAL REGISTER. 2. A final EIS that responds to comments on the draft EIS has been prepared. 3. 30 days have elapsed since the notice of availability of the final EIS was published in the FEDERAL REGISTER.	1. A record of decision has been signed and dated. 2. The W.O. has notified the responsible official that the Department has no objections. 3. An extension of time has not been requested by the appropriate Congressional committee chairman. 4. The W.O. has notified the responsible official that *condition 3* above has been met.
Actions not concerning the National Forest System (i.e., not subject to administrative review) (36 CFR 211.19).	1. 90 days have elapsed since the notice of availability of the draft EIS was published in the FEDERAL REGISTER.[2] 2. 30 days have elapsed since the notice of availability of the final EIS was published in the FEDERAL REGISTER.	1. A record of decision has been signed and dated.

[1] Implementation conditions 2, 3, and 4 apply only to those plans that allocate RARE II "further planning" areas to wilderness or nonwilderness uses.
[2] This 90-day period and the 30-day period may run concurrently provided a 45-day period for comment is provided.

1954—IMPLEMENTATION, MONITORING, AND CONTROL.

1954.1—Implementation. Conditions listed in Exhibit 1 must be met prior to implementation of the decision, if an EIS is required. Implementation of actions documented in an environmental assessment not involving flood plains and wetlands may take place immediately after the decision notice is signed and dated.

Implementation specifically includes responding to any commitments for mitigation or monitoring included in the EA, final EIS, record of decision or decision notice.

1954.2—Monitoring. Actions will be implemented and monitored to insure that (1) environmental safeguards are executed according to plan, (2) necessary adjustments are made to achieve desired environmental effects and (3) anticipated results and projections are reviewed.

Responsible officials "may provide for monitoring to assure that their decisions are carried out and should do so in important cases. Mitigation . . . and other conditions established in the environmental impact statement or during its review and committed as part of the decision shall be implemented by the lead agency or other appropriate consenting agency. The lead agency shall:

(a) Include appropriate conditions in grants, permits, or other approvals.

(b) Condition funding of actions on mitigation.

(c) Upon request, inform cooperating or commenting agencies on progress in carrying out mitigation measures which they have proposed and which were adopted by the agency making the decision.

(d) Upon request, make available to the public the results of relevant monitoring." (40 CFR 1505.3).

1954.3—Control. Management reviewers (FSM 1410) will discuss the results and environmental effects of plans, projects and programs as part of activity, program and general management reviews at all organizational levels. Such a review should compare the actual on-the-ground results with anticipated effects described in the EA or final EIS.

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