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Part II

Department of Agriculture

Forest Service

National Environmental Policy Act; Revised Implementing Procedures

[This reprint incorporates a correction published in the Federal Register of Monday, July 1, 1985.]

DEPARTMENT OF AGRICULTURE

Forest Service

National Environmental Policy Act; Revised Implementing Procedures

AGENCY: Forest Service, USDA.

ACTION: Notice of adoption of final policy.

SUMMARY: The Forest Service hereby gives notice that it is adopting revised policy and procedures for implementing the National Environmental Policy Act (NEPA) and Council on Environmental Quality (CEQ) regulations. These guidelines replace policy and procedures published in the **Federal Register** on November 19, 1981 (46 FR 56998, Part 3), and will be issued through the agency directives system as Chapter 1950 of the Forest Service Manual and as Forest Service Handbook 1909.15, Environmental Policy and Procedures Handbook.

DATE: These procedures are effective upon issuance to Forest Service personnel in the Forest Service directive system. It is estimated that Forest Service personnel will have received this guidance on or about July 1, 1985. These procedures apply to the fullest extent practicable to analyses and documents started before that date. However, work done under previous guidelines need not be revised.

FOR FURTHER INFORMATION CONTACT: David E. Ketcham, Director of Environmental Coordination, Forest Service, USDA, P.O. Box 2417, Washington, DC 20013. Telephone (202) 447-4708.

SUPPLEMENTARY INFORMATION: Chapter 1950 of the Forest Service Manual (FSM) and Forest Service Handbook (FSH) 1909.15 contain Forest Service policy and procedural guidelines to implement the National Environmental Policy Act (NEPA) in compliance with the Council on Environmental Quality (CEQ) regulations (40 CFR Parts 1500-1508).

Consistent with agency directives policy, FSM 1950 has been revised to specify desired results, to minimize procedural detail, to rely as much as practicable on judgment of field professionals, and to permit discretion in achieving on-the-ground results appropriate to local situations and conditions. FSM 1950 as revised contains only that direction needed by line and primary staff officers. More detailed procedures for environmental analyses and documentation needed by line and staff officers and resource specialists and set forth in the handbook, FSH 1909.15.

The major changes in FSM 1950 are: Clarification of the Chief's and Secretary's NEPA responsibilities in situations where they have retained decision authority; clarification and broadening of direction on categorical exclusions; and expansion of the use of scoping to apply to analysis of all proposed actions.

The Council on Environmental Quality's regulations and supplementary guidance emphasize that competent scoping is the key to successful environmental analysis and appropriate documentation. Scoping is the analytical stage at which to examine the characteristics of a proposed action and to identify potentially affected and interested agencies and publics, important issues, and a range of reasonable alternatives. For this reason, the Forest Service is applying appropriate scoping procedures to all proposed actions under NEPA, not just to those requiring environmental impact statements. This broader application of scoping sets the stage for efficient, defensible analysis with relevant, concise documentation.

The revised policy on categorical exclusions clarifies and broadens current direction by allowing responsible officials to exclude from preparation of environmental assessments and environmental impact statements proposed actions not having a significant effect on the human environment. It also expands the listing of typical classes of actions which might be excluded. This will permit agency officials to concentrate valuable time and other resources on proposed actions which will or might have significant effects.

In addition to changes to FSM 1950, portions of the handbook have been reorganized and edited for a more concise, logically ordered presentation and minor changes were made to keep the handbook consistent with FSM 1950 manual revisions.

Response to Comments

Draft guidelines were published for public review in the **Federal Register** on September 21, 1984 (49 FR 37306). Comments were received from 19 private organizations, 6 Federal and State agencies, 27 Forest Service units, and private citizens. We fully considered each comment and made a number of substantive as well as editorial changes, in response to these comments. A summary of major comments received and the agency response to them follows.

General Comments. Reviewers tended to support the proposed changes. Many offered valuable suggestions for improving the wording of specific passages to ensure desired results. Almost all who commented on scoping supported its early and expanded use to identify issues and to focus on the environmental analysis and subsequent documentation, if needed.

Several reviewers noted missing exhibits. When no changes were proposed, exhibits were merely referenced and intentionally omitted to save printing costs. All exhibits are included in this final revision.

Specific Comments on FSM Chapter

1. *FSM 1950.3—Policy.* Some respondents expressed concern that interested publics might not be informed of decisions to proceed with actions which have been categorically excluded from documentation. In response, we have revised the policy statement to provide that interested and affected publics be notified of the decision to proceed with an action that is categorically excluded from documentation.

2. *FSM 1950.41b—Director of Environmental Coordination.* One respondent said social analysis should be better defined. The paragraph has been revised to state that the Director of Environmental Coordination is responsible for social impact analysis policy and procedures, which are set forth in FSM 1973 and FSH 1909.17, chapter 30.

3. *FSM 1950.43—Forest Supervisors, Project Leaders, and State and Private Forestry Field Representatives.* Reviewers asked whether Station Directors and the Area Director could redelegate responsibility for environmental procedures to Forest Supervisors, Project Leaders, and State and Private Forestry Field Representatives. The paragraph has been eliminated; and the delegation of authority is included under FSM 1950.42, Regional Foresters, Station Directors, and Area Director.

4. *FSM 1951—Scoping and Environmental Analysis.* Several reviewers requested further clarification of the relationship between scoping and environmental analysis. Accordingly, we have added a statement explaining that scoping is an integral part of environmental analysis and that scoping includes issue identification and orderly planning. We have also revised the second paragraph to explain that environmental analysis continues after scoping until needed information is obtained. Environmental analysis includes information necessary to assess the effects of a proposed action and the type of documentation needed,

if the action is not categoricallly excluded from documentation.

5. *1952.2—Categorical exclusion from documentation.* The largest volume of comment was generated by proposed changes designed to increase the number of actions categorically excluded from documentation. Some reviewers were concerned that excluding additional actions might result in reduced public involvement, in decisions with insufficient environmental analysis and documentation to support them, or in misinterpretation of the purpose of the list of typical classes of actions that might be excluded from documentation.

The agency does not believe that the revisions of categorical exclusion direction will have these results. Under the revised policy, scoping is necessary for all proposed actions, including those which may be categorically excluded from documentation. Interested and affected publics must be kept informed and have an opportunity to contribute to an environmental analysis (FSH 1909.15, secs. 11.6, 11.8, 12, and 21). Moreover, actions may be categorically excluded from documentation *only* if both past experience and environmental analysis demonstrate that no significant effects on the human environment will result, individually or cumulatively (FSM 1952.2).

Finally, the list of typical classes of actions that might be excluded is merely illustrative. In some instances, environmental analysis will reveal that significant effects could occur and an environmental assessment or environmental impact statement must be prepared. The guiding principal is that the depth and breadth of the environmental analysis, the extent of public involvement, and the type of documentation for a proposed action must be commensurate with the scale and intensity of the anticipated effects.

Several of those commenting emphasized that some of the typical classes of actions which might be excluded from documentation are at times quite impactive and that these exceptions need to be evaluated and documented in an environmental assessment or impact statement. Road building, pesticide use, and timber sales were most often cited as examples. We believe our revision of this section responds to these concerns. As previously noted, this section now emphasizes that an action may not be categorically excluded unless both past experience and environmental analysis indicate that the action will not have a significant effect on the human environment, individually or cumulatively.

Other reviewers endorsed the list of typical classes of actions that might be excluded from documentation; and some cited additional, potentially excludable actions. For example, two respondents asked that field and laboratory research be added to the list of typical classes of actions for categorical exclusion. This suggestion was not accepted because low-impact research activities are already excluded from documentation under USDA regulations (7 CFR 1b.3).

Some reviewers supported the use of the list of typical classes but called for better definition of certain items. For example, they felt the Forest Service should specify what is meant by a low-impact road, mineral activity, or timber sale. In response, the definitions of several of the typical classes of actions which normally can be categorically excluded were revised to better express our intent. The purpose for listing typical classes which normally can be categorically excluded is also clarified. The number of examples of actions which are given for each typical class was also reduced to emphasize that (1) the specific actions mentioned were only representative of those included in a particular class; (2) it is not possible to specify all of the conditions that will or will not produce significant impacts; and (3) conditions vary in each locality; therefore, field personnel must evaluate each proposed action for potentially significant effects as defined by the Council on Environmental Quality regulations (40 CFR 1508.14 and 1508.27).

Several reviewers thought the categorical exclusion option could or would be misused as deliberate avoidance tactics, such as breaking a larger action into smaller parts for categorical exclusion, intentionally constructing substandard roads when a standard road is needed, and justifying all types of pesticide projects that do not involve aerial application. This is not the Forest Service intent in expanding the use of categorical exclusions. The Forest Service routinely conducts management reviews at the Regional, Forest, and District levels to ensure compliance with policies and procedures and takes corrective action where reviews indicate such action is necessary.

Some reviewers stated that decisions to categorically exclude an action from documentation should always be documented and filed for future reference. This suggestion was not accepted since this would be an unnecessary and very costly task for the Forest Service to document all actions involving the environment. However, when there is reason to believe that specific information about such an analysis and decision will be needed later, documentation is advisable.

Several respondents stressed that final decisions to proceed with an action that has been categorically excluded should not be made until interested parties have been informed of the proposed action. This section has been changed to require that interested and affected people be informed of the decision to proceed with an action that has been categorically excluded from documentation.

6. *FSM 1952.3—Environmental Assessments.* Two reviewers said that if an action "may significantly affect" the human environment, an EIS is required (NEPA, sec. 102(2)(A)). We agree that the use of "may" is misleading in this section. The phrasing has been changed to direct that environmental assessments be prepared when an action is not categorically excluded from documentation and it is not determined that an environmental impact statement is necessary.

Specific Comments on Forest Service Handbook—FSH 1909.15

Public and agency comments resulted in editorial and organizational changes to increase the clarity and precision of the handbook. This includes several changes needed to make the handbook consistent with the above manual revisions and also rewording of several definitions. The definition of *environmentally preferable alternative* has been revised to better convey the meaning of Section 101 of NEPA. This definition of *proposed action* has been added to provide the basis for initiating an environmental analysis.

Chapter 10 has been revised to describe scoping as an integral part of environmetal analysis that also includes determining whether a plan of work is needed. The requirement to produce a work plan has been deleted to avoid the impression that a formal plan of work is always required. Section 11.2 has been reworded to clarify the kind of information needed about impending decisions. The statement of whether or not a categorical exclusion is appropriate has been deleted to avoid the false impression that environmental analysis is unnecessary if an action is categorically excluded from documentation. A new item has been added to recognize the existence of higher plans and commitments. In section 11.5, provisions for consulting have been revised to specifically include other agencies. The first sentence in section 12 on informing participants of results of scoping has been changed and moved to section 11.7-Interdisciplinary

Analysis to ensure that the interdisciplinary approach is used in all environmental analyses, not just those leading to environmental impact statements.

In chapter 20, section 21 is revised to emphasize that scoping is the first phase of environmental analysis. Section 22 is amended to address situations in which information about significant adverse effects on the human environment, which is necessary for a reasoned choice among alternatives, is incomplete or uncertain. In section 23, we have used only the term "issues" and omitted "concerns" and "opportunities" since these terms are not used in the Council on Environmental Quality regulations. Section 23.1 is amended to provide that the no-action alternative must be considered in detail in each environmental analysis.

In chapter 30, section 33.4—Distribution of Decision Documents is amended to apply to wetlands as well as floodplains. **Federal Register** document requirements have been removed from chapter 40 and placed in chapter 60, section 67, as reference material. Section 42.22 is amended to address situations in which information about significant adverse effects on the human environment, which is necessary for a reasoned choice among alternatives, is incomplete or uncertain. Sections 42.31 and 42.32 now define the official filing date for environmental impact statements sent to the Environmental Protection Agency. Section 42.32 has also been amended to provide additional information about circulating final environmental impact statements. Section 53 has been amended to ensure that anticipated results are achieved by monitoring.

The full text of FSM 1950 and chapter 10 thru 50 of FSH 1909.15 are set out in full as Appendices I and II to this document. To save printing costs, only the Table of Contents to chapter 60 is printed. Chapter 60 contains reference material such as the National Environmental Policy Act, the Council on Environmental Quality Regulations, **Federal Register** Document Requirements, etc. These policies and procedures will be effective upon distribution through the agency's directive system. Forest Service personnel should receive these directives on or before July 1, 1985.

Dated: June 17, 1985.

F. Dale Robertson,

Associate Chief.

APPENDIX I

TITLE 1900—PLANNING

CHAPTER 1950—ENVIRONMENTAL POLICY AND PROCEDURES

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TITLE 1900—PLANNING

CHAPTER 1950—ENVIRONMENTAL POLICY AND PROCEDURES

This chapter sets forth Forest Service policies and requirements governing environmental analysis and documentation that are in addition to those required by statute and regulation. The minimum legal requirements are shown in cross references, throughout the chapter.

1950.1—Authority

1. *The National Environmental Policy Act of 1969 (NEPA)*, as amended (42 U.S.C. 4321–4346). NEPA encourages the Forest Service to carry out its programs in ways that will create and maintain conditions under which people and nature can exist in productive harmony and can fulfill social, economic, and other requirements of present and future generations.

The act requires the agency to study, develop, and describe appropriate alternatives to recommended courses of action in any proposal that involves unresolved conflicts concerning alternative uses of available resources.

NEPA also requires a systematic, interdisciplinary approach in planning and decisionmaking for actions that may affect the human environment. The act also requires detailed statements on proposals for legislation and on other major Federal actions that significantly affect the quality of the human environment

2. *Council on Environmental Quality Regulations* (40 CFR 1500–1508). These regulations set forth specific requirements for implementing the National Environmental Policy Act.

3. *U.S. Department of Agriculture NEPA Policies and Procedures* (7 CFR 1b). These regulations direct Department of Agriculture agencies to develop and to implement procedures for compliance with NEPA. The regulations exclude seven categories of activities from documentation such as program funding, educational and informational activities, and civil and criminal law enforcement and investigation activities.

The full text of these authorities and supplementary Council on Environmental Quality guidance are printed in full in chapter 60 of the Forest Service Environmental Policy and Procedures Handbook (FSH 1909.15).

1950.2—Objectives. In meeting the requirements of the National Environmental Policy Act, the Forest Service also seeks to:

1. Consider carefully the environmental consequences of agency planning and decisionmaking.

2. Conduct and document environmental analyses and subsequent decisions appropriately, efficiently, and cost effectively.

1950.3—Policy. It is Forest Service policy to:

1. Fully integrate National Environmental Policy Act requirements into agency planning and decisionmaking.

2. Use scoping to determine the depth and breadth of environmental analysis required for proposed actions.

3. Notify interested and affected publics, in a manner appropriate to the situation, of the availability of environmental documents (40 CFR 1506.6(b)), records of decision, and decision notices and of decisions to proceed with actions that have been categorically excluded from documentation in an environmental assessment or environmental impact statement.

4. Make environmental documents, decision notices, and records of decision available to the public, free of charge, to the extent practicable (40 CFR 1506.6(f)).

5. Apply the concepts of tiering and adoption to both environmental impact statements and environmental assessments (40 CFR 1502.20 and 1506.3).

1950.4—Responsibility

1950.41—Washington Office

1950.41a—Chief. The Chief is responsible for environmental analysis, documentation, and decisions relating to legislation and national policies, plans, programs, projects, and other actions of national importance where the Chief has retained authority.

1950.41b—Director of Environmental Coordination. The Director is the staff official responsible for establishing the national standards, procedures, and coordination measures necessary to implement the National Environmental Policy Act for the Forest Service. This includes policies and procedures for conducting social impact analysis (FSM 1973 and FSH 1909.17, ch. 30).

The Director also provides liaison with the Council on Environmental Quality and consults with the council on possible referrals (40 CFR 1504) and emergencies (40 CFR 1506.11).

1950.42—Regional Foresters, Station Directors, and Area Director. Regional Foresters, Station Directors, and the Area Director are delegated responsibility for proposed actions. They are also responsible for related environmental analyses, including scoping and documentation (FSM 1220 and 1230).

Regional Foresters, Station Directors, and the Area Director may file environmental impact statements directly with the Environmental Protection Agency for actions within their authority. Refer matters requiring consultation with the Council on Environmental Quality to the Washington Office Director on Environmental Coordination.

Regional Foresters, Station Directors, and the Area Director may redelegate responsibility for environmental analyses, documentation, filing of environmental impact statements, and related requirements on proposed actions to Forest Supervisors, project leaders, and State and Private Forestry field representatives.

1950.6—Further Guidance. See FSH 1909.15, Environmental Policy and Procedures Handbook, for detailed instructions for conducting and documenting environmental analyses and for implementing and monitoring proposed actions.

1951—SCOPING AND ENVIRONMENTAL ANALYSIS. Scoping is an integral part of environmental analysis. Use scoping to investigate and identify relevant issues and to determine the extent of environmental analysis required for all proposed actions. Scoping varies depending on the complexity and nature of the action. Only brief consideration of a few pertinent factors may be necessary for a proposed action which may be categorically excluded from documentation in an environmental assessment or environmental impact statement. Preparation of an environmental impact statement requires compliance with the Council on Environmental Quality scoping regulations (40 CFR 1501.7).

After scoping, continue environmental analysis by estimating the physical, biological, social, and economic effects of proposed agency actions on the quality of the human environment. Then, determine what types of environmental documents are needed if the action is not categorically excluded.

1952—DOCUMENTATION

1952.1—Environmental Impact Statements. Prepare environmental impact statements to document the results of analysis of major Federal actions that will significantly affect the human environment (40 CFR 1502.3). These documents must meet the requirements of 40 CFR 1502. Actions that require environmental impact statements include:

1. Proposals for legislation recommended by the Forest Service when significant effects on the human environment would result.

2. Regional guides and forest land and resource management plans.

3. Other major actions that would produce significant effects on the human environment.

1952.2—Categorical Exclusion From Documentation. (40 CFR 1508.4). In addition to the seven categories of actions excluded from documentation in 7 CFR 1(b)(3), exclude from documentation in environmental assessments or environmental impact statements other actions that, based on both past experience and environmental analysis, will have no significant effect on the human environment, individually or cumulatively. The guide for exclusion is the significance of the effects of the proposed action, considering both context and intensity (40 CFR 1508.27). In unusual circumstances, an action that normally could be categorically excluded may have a significant environmental effect. Unusual circumstances might include areas involving threatened and endangered species; critical habitat; floodplains; wetlands; and specially designated areas, such as wilderness, wilderness study areas, or roadless areas designated for further planning.

Inform, in an appropriate manner, interested and affected people of a decision to proceed with an action that has been categorically excluded from documentation in an environmental assessment or environmental impact statement.

Generally, the nature of a proposed action determines whether or not to document the decision to categorically exclude an action. In those situations where environmental assessments have historically been prepared for actions that now may be categorically excluded, a simple note or memorandum documenting the exclusion of one or more projects should be adequate. In other situations, no documentation is necessary.

Typically, classes and representative examples of actions that might be categorically excluded are listed below. Past experience and environmental analysis indicate that these actions and classes usually do not significantly affect the human environment, individually or cumulatively.

1. Administrative actions, such as road and area closures; restrictions on travel or use, such as camping, boating, or hunting; and posting signs and markers.

2. Construction of low-impact facilities or improvements, such as auxiliary support buildings or other structures; picnic areas and campgrounds; temporary and other low-standard roads such as traffic service level "D" roads (FSH 7709.56); and trails.

3. Repair and maintenance activities, such as on buildings, grounds, trails, rights-of-way, and range improvements.

4. Low-impact silvicultural activities that are limited in size and duration and that primarily use existing roads and facilities, such as firewood sales; salvage, thinning, and small harvest cuts; site preparation; and planting and seeding.

5. Low-impact range management activities, such as fencing, seeding, and installing water facilities.

6. Issuance or modification of authorization or agreements for such uses of lands or facilities as road maintenance and additional use of existing roads, rights-of-way, and easements.

7. Low-impact pest management activities, such as suppressing nuisance insects and poisonous plants in campgrounds and picnic areas; controlling cone and seed insects in seed orchards; and fumigating to control weeds in nurseries.

8. Mineral and energy activities of limited size, duration, and degree of disturbance, such as preliminary exploration and removal of small mineral samples.

9. Fish and wildlife management activities, such as improving habitat, installing fish ladders, and stocking native or established species.

10. Transfer of interests in land, such as sales, exchanges, or interchanges pursuant to the Small Tracts Act, purchases and gifts, and small transfers and trades with other Federal agencies.

1952.3—Environmental Assessments. Prepare environmental assessments to document the analysis of actions that are not categorically excluded and for which the need for an environmental impact statement has not been determined (40 CFR 1501.3 and 1501.4(b)).

Environmental assessments must meet the purpose and content requirements of 40 CFR 1508.9.

1953—RELATED DOCUMENTS

1953.1—Notice of Intent. (40 CFR 1508.22). Publish a notice of intent in the Federal Register as soon as practicable after making a decision to prepare an environmental impact statement.

1953.2—Finding of No Significant Impact. (40 CFR 1501.4(e) and 1508.13).

1953.3—Decision Notice. In cases where an environmental assessment has been prepared, the responsible official shall prepare a decision notice. A decision notice states what the decision is, the reasons for the decision, and whether the decision is subject to administrative appeal pursuant to 36 CFR 211.18. The responsible official must sign and date a decision notice on the date the decision is made.

1953.4—Record of Decision. (40 CFR 1505.2). In cases where an environmental impact statement has been prepared, the responsible official shall prepare a record of decision. For actions subject to administrative appeal pursuant to 36 CFR 211.18, the responsible official should sign and date the record of decision on the date that it is transmitted with the final environmental impact statement to the Environmental Protection Agency and made available to the public.

For actions not subject to administrative appeal, the responsible official signs and dates the record of decision no sooner than 30 days after the notice of availability of the final environmental impact statement is published in the Federal Register (40 CFR 1506.10(b)).

1954—EMERGENCY ACTIONS. (40 CFR 1506.11). Emergencies may require immediate action, without adequate environmental analysis and documentation, to prevent or to reduce risk to public health or safety or to serious resource loss. Contact the Washington Office Director of Environmental Coordination regarding consultation with the Council on Environmental Quality (FSM 1950.41b; 1950.42).

Appendix II

UNITED STATES DEPARTMENT OF AGRICULTURE FOREST SERVICE

ENVIRONMENTAL POLICY AND PROCEDURES HANDBOOK

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ENVIRONMENTAL POLICY AND PROCEDURES HANDBOOK ZERO CODE

This Handbook provides procedural guidance for implementing the National Environmental Policy Act and the Council on Environmental Quality regulations (40 CFR 1500–1508) in Forest Service activities.

The Handbook distinguishes clearly between analyzing the effects of proposed actions and documenting the results of such analysis. Chapter 10 sets forth guidelines on the scoping process. Chapter 20 addresses the actual analysis process. Chapters 30 and 40 contain the documentation requirements for environmental assessments and environmental impact statements. Chapter 50 addresses implementing and monitoring requirements. Chapter 60 includes the text of pertinent laws, regulations, memoranda, and other reference materials needed to carry out the procedures in this Handbook.

Use this Handbook in conjunction with the broad direction set forth in FSM 1950, Environmental Policy and Procedures.

02—OBJECTIVES

1. To incorporate environmental considerations into Forest Service planning and decisionmaking in a systematic and cost-effective manner.

2. To provide uniform guidelines and direction for conducting environmental analyses associated with preparing Regional guides and forest land and resource management activities.

04—RESPONSIBILITY. Line officers are responsible for ensuring that planning and decisionmaking follow the procedural direction in this Handbook.

05—DEFINITIONS

1. *Categorical Exclusion.* (40 CFR 1508.4).

2. *Cooperating Agency.* (40 CFR 1508.5).

3. *Cumulative Impact.* (40 CFR 1508.7).

4. *Decision Notice.* A concise public record of the responsible official's decision when an environmental assessment is prepared.

5. *Effects.* (40 CFR 1508.8).

6. *Environmental Analysis.* An investigation of alternative actions and their predictable environmental effects, including physical, biological, economic, and social consequences and their interactions; short- and long-term effects; and direct, indirect, and cumulative effects. This process provides the information needed for identifying actions that may be categorically excluded, for preparing environmental documents, and for determining whether an environmental impact statement is required.

7. *Environmental Assessment.* (40 CFR 1508.9).

8. *Environmental Design Arts.* Disciplines that directly influence the biological and physical environment as a result of the design of projects of all kinds.

9. *Environmental Document.* (40 CFR 1508.10).

10. *Environmental Impact Statement.* (40 CFR 1508.11).

11. *Environmentally Preferable Alternative.* An alternative that best meets the goals of section 101 of the National Environmental Policy Act. Ordinarily, this means an alternative that causes the least damage to the biological and physical environment. It also means the alternative that best protects, preserves, and enhances historical, cultural, and natural resources. In some situations, there may be more than one environmentally preferable alternative.

12. *Finding of No Significant Impact.* (40 CFR 1508.13).

13. *Floodplains.* As defined by E.O. 11988, lowland and relatively flat areas adjoining inland and coastal waters including floodprone areas of offshore islands, including at a minimum, that area subject to a 1 percent or greater chance of flooding in any given year.

14. *Human Environment.* (40 CFR 1508.14).

15. *Irreversible.* A term that describes the loss of future options. Applies primarily to the effects of use of nonrenewable resources, such as minerals or cultural resources, or to those factors, such as soil productivity that are renewable only over long periods of time.

16. *Irretrievable.* A term that applies to the loss of production, harvest, or use

of natural resources. For example, some or all of the timber production from an area is lost irretrievably while an area is serving as a winter sports site. The production lost is irretrievable, but the action is not irreversible. If the use changes, it is possible to resume timber production.

17. *Issue.* A point of discussion, debate, or dispute.

18. *Jurisdiction by Law.* (40 CFR 1508.15).

19. *Lead Agency.* (40 CFR 1508.16).

20. *Legislation.* (40 CFR 1508.17).

21. *Major Federal Action.* (40 CFR 1508.18).

22. *Matter.* (40 CFR 1508.19).

23. *Mitigation.* (40 CFR 1508.20).

24. *NEPA Process.* (40 CFR 1508.21).

25. *Notice of Intent.* (40 CFR 1508.22).

26. *Proposal.* (40 CFR 1508.23).

27. *Proposed Action.* A proposal by the Forest Service to authorize, recommend, or implement an action.

28. *Record of Decision.* (40 CFR 1505.2).

29. *Referring Agency.* (40 CFR 1508.24).

30. *Scope.* (40 CFR 1508.25).

31. *Scoping.* The procedure by which the Forest Service determines the extent of analysis necessary for an informed decision on a proposed action. Scoping is an integral part of environmental analysis. Depending on the complexity and nature of the action, scoping varies from a brief consideration of a few pertinent factors in a proposed action that may be categorically excluded to compliance with the Council on Environmental Quality direction for a proposed action that must be documented in an environmental impact statement.

32. *Special Expertise.* (40 CFR 1508.26).

33. *Significantly.* (40 CFR 1508.27).

34. *Substantive Comment.* A comment that provides factual information, professional opinion, or informed judgment germane to the action being proposed.

35. *Tiering.* (40 CFR 1508.28).

36. *Wetlands.* As defined by E.O. 11990, areas that are inundated by surface or ground water with a frequency sufficient to support and that under normal circumstances do or would support a prevalence of vegetative or aquatic life that requires saturated or seasonally saturated soil conditions for growth or reproduction.

06—OVERVIEW OF PROCESS. Exhibits 1 and 2 illustrate the full National Environmental Policy Act process and indicate the normal sequence of actions that occur under various alternatives. Exhibit 3 identifies the responsibility of participants in the process.

Exhibit 1—Sec. 06

Overview of the NEPA Process

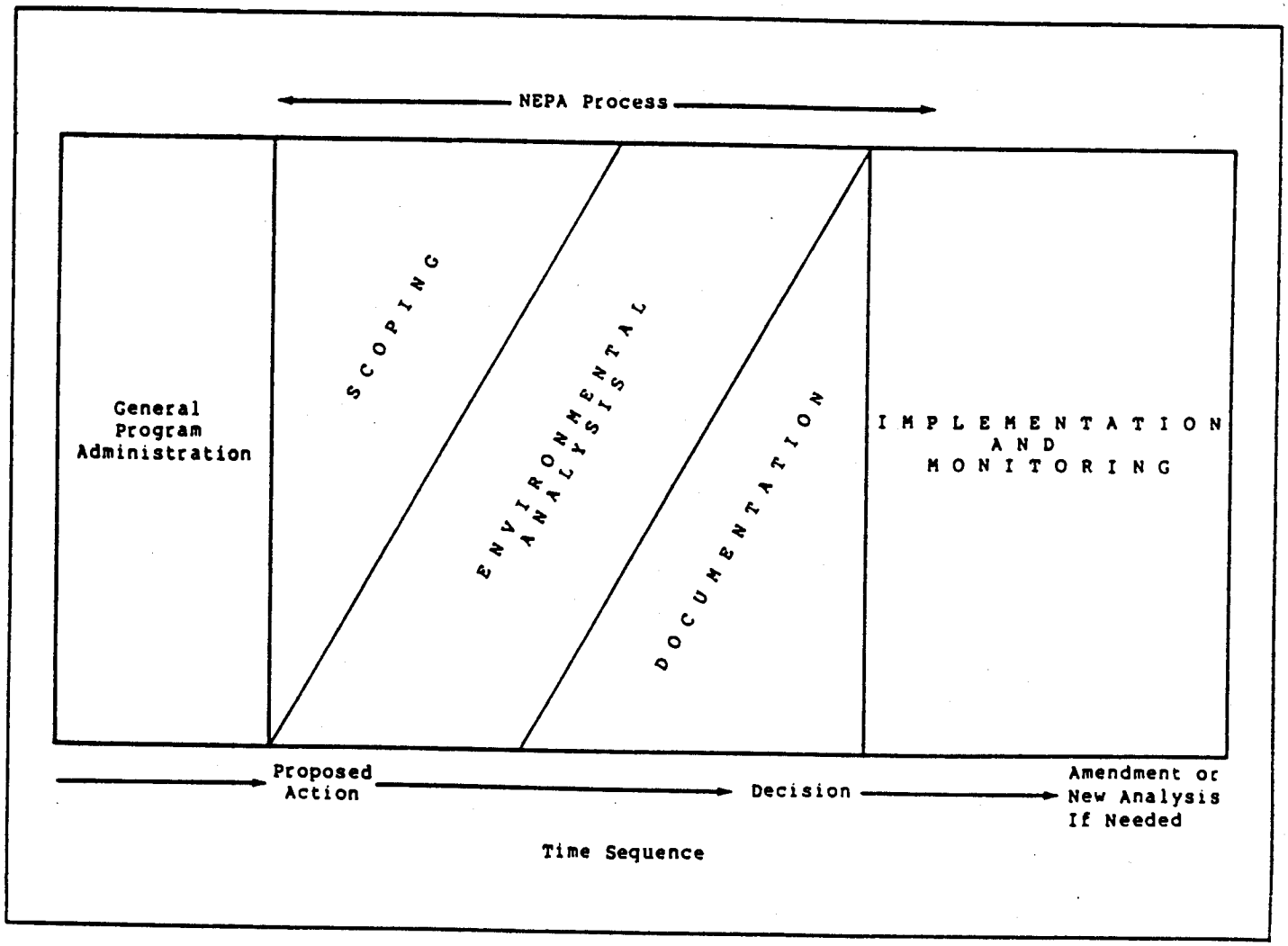

Exhibit 2—Sec. 06

Environmental Analysis, Documentation, and Implementation Overview

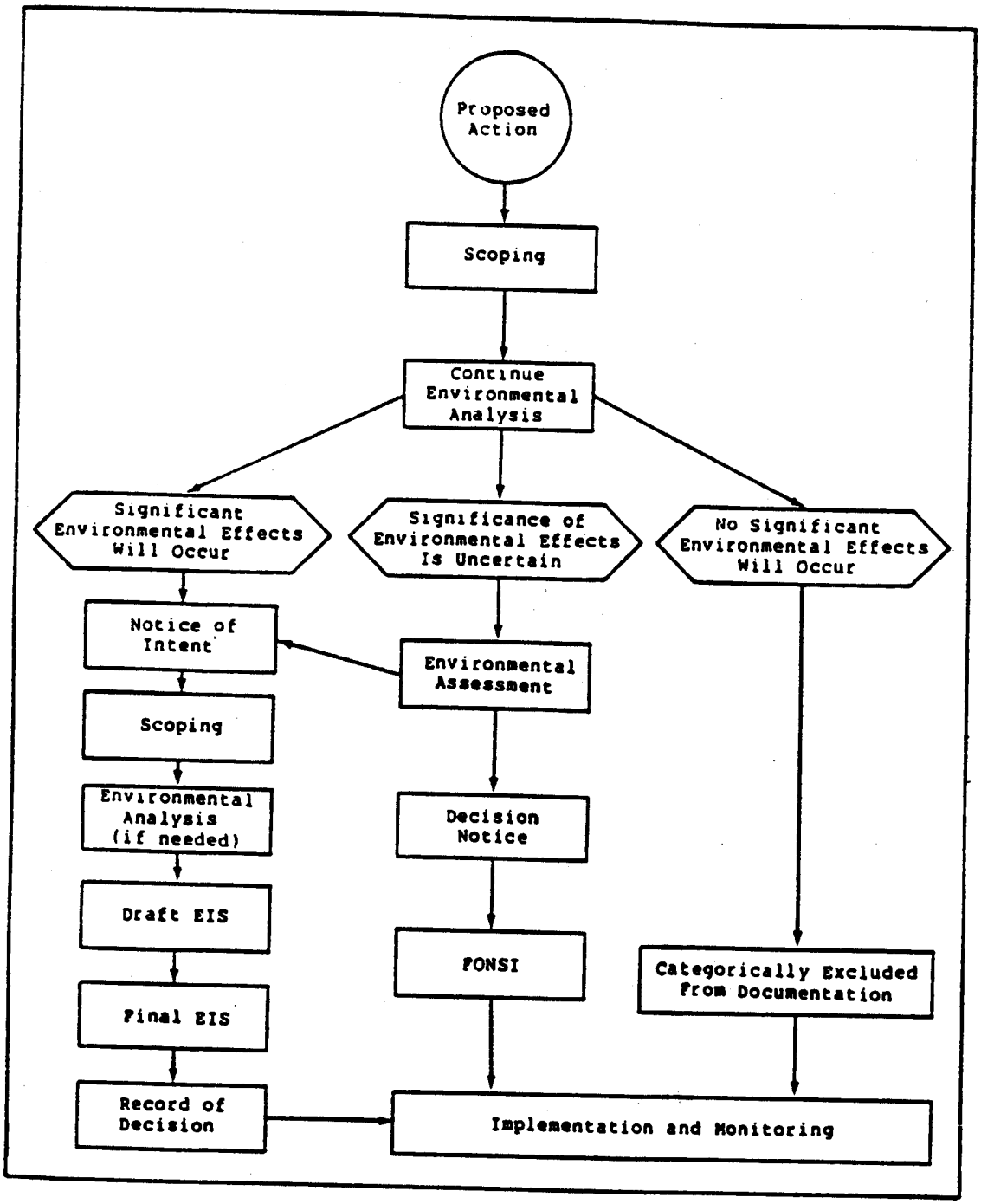

Exhibit 3—Sec. 06

Responsibility of Participants in the NEPA Process

NEPA Process Activity	Responsible Official	Staff, Specialist, or Interdisciplinary Team	Other Agencies, Organizations, and Individuals
1. Environmental analysis actions[1]			
a. Scoping	Approve	Conduct	Provide information and suggestions
(1) Characterize the proposed action, including the nature of the decision			
(2) Identify agencies involved and the responsible official			
(3) Look for relevant issues			
(4) Explore possible effects and existing direction			
(5) Assess public participation needs and make initial contacts			
(6) Identify skills needed in the analysis			
(7) Convene interdisciplinary team, identify cooperators, and assign tasks			
(8) Expand public involvement as appropriate			
(9) Plan for an orderly analysis			
(a) Formulate analysis criteria			
(b) Formalize issues			
(c) Explore agency alternatives			
(d) Determine other analysis needs			
(e) Continue public involvement as needed			
b. Collect data	Review	Conduct	Provide information and suggestions
c. Interpret data	•	•	
d. Develop alternatives	•	•	
e. Estimate effects	•	•	
f. Evaluate alternatives	•	•	
g. Identify the preferred alternative(s)	Approve	Recommend	Recommend
2. Documentation	Review	Prepare	Review
3. Decision	Decide	Recommend	Review
4. Implementation and Monitoring	Execute	Conduct	Assist

[1] Analysis actions may be omitted or combined as appropriate to the situation.

BILLING CODE 3410-11-C

CHAPTER 10—SCOPING

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CHAPTER 10—SCOPING

Scoping is an integral part of environmental analysis. Scoping requires examining a proposed action and its possible effects: establishing the depth of environmental analysis needed: and determining analysis procedures, data needs, and task assignments. Scoping varies from a brief consideration of a few pertinent factors for a proposed action that may be categorically excluded to compliance with the Council on Environmental Quality direction for a proposed action that must be documented in an environmental impact statement. Elements of scoping may include exploring the nature of the action, determining the responsible official and cooperating agencies, initiating public involvement, identifying issues, selecting an interdisciplinary team, establishing analysis criteria, exploring possible alternatives and their environmental effects, and making task assignments.

10.2—Objectives. The Forest Service conducts scoping to:

1. Determine the depth of analysis required for a proposed action.

2. Guide environmental analysis and documentation, and to assign tasks.

3. Achieve effective use of time and money in conducting environmental analysis.

10.3—Policy

1. Use scoping to investigate the nature of proposed actions and to determine how much analysis is necessary. The use of scoping is not confined to the preparation of environmental impact statements.

2. Conduct the scoping actions set forth in this chapter commensurate with the complexity of the proposed action. Not all scoping activities are required for each proposed action.

10.4—Responsibility. The official who is responsible for a decision on a proposed action shall:

1. Ensure that an appropriate level of scoping occurs.

2. Determine whether an interdisciplinary (ID) team of specialists and a formal plan of work are needed.

3. Select the ID team and leader and keep abreast of their work (sec. 11.7).

For actions where the Chief or the Secretary is the responsible official, the Washington Office (WO) Environmental Coordination Staff participates with the appropriate field or other WO staffs and involves the appropriate Deputy Chief, the Chief, or the Assistant Secretary, as necessary (FSM 1950.41).

11—CONDUCT SCOPING

11.1—Organize Scoping Effort. The National Environmental Policy Act (NEPA) requires a systematic, interdisciplinary approach to ensure integrated application of the natural and social sciences and the environmental design arts in any planning and decisionmaking that affects the human environment (NEPA sec. 102(2)(A)). The interdisciplinary approach used in scoping varies according to the judgment of the responsible official.

Where it is necessary to resolve which agency shall be the lead agency for scoping and analysis, follow the direction in section 46.1.

11.11—Use Flexible Procedures. Because the nature and complexity of a proposed action determine the scope and intensity of the required analysis, there is no single required or prescribed technique. The responsible official may expand, omit, or combine the various steps of the process outlined in this handbook to aid in the understanding of the proposed action and in responding to the issues identified. In each analysis, use previously documented information to avoid duplication of effort. If there is no longer a need to complete an analysis (because a project application is withdrawn or for other reasons), stop the analysis and inform the interested parties.

11.2—Determine the Characteristics of the Proposed Action and Nature of the Decision. Important details include:

1. Sponsorship: Who wants the action, and why.

2. Technical details: Phases of activity, equipment used, number and types of employees needed.

3. Time schedules: When the action would begin and end, the duration of major phases.

4. Preliminary estimates of possible environmental effects.

5. Preliminary estimates of public interest in the action and the likelihood of controversy.

6. Type of decison: scope and nature of decision, such as implement, permit, or consent.

7. Recognition of higher level plans and commitments.

11.3—Identify Agencies Involved and Responsible Officials. The responsible official for proposed actions usually is the agency employee who has the delegated authority to make the required decision(s). When an action is proposed, the responsible official must identify other Federal, State, or local agencies with an interest in the action and must estimate the extent of analysis required for an informed decision. The official may base this estimate on existing documentation, personal experience, and consultation with knowledgeable people. At this point, decide whether an interdisciplinary team is necessary to carry out the remainder of the analysis process or whether a much less formal interdisciplinary approach would suffice (sec. 11.7).

11.4—Determine If Existing Documents Address the Proposed Action. Sometimes a responsible official may determine that an existing environmental document adequately addresses a proposed action. For such actions, the official may adopt the existing document. See 40 CFR 1506.3 for procedural requirements.

Case histories of similar actions may be reviewed for additional information on:

1. Geographic areas and resources that the action is likely to affect.

2. The size, duration, and intensity of possible effects.

3. Applicable Federal and State laws and regulations.

4. Pertinent documents and other data sources.

Such information should help define the situation and should narrow the scope of the environmental analysis. The environmental documents prepared for the proposed action may incorporate these sources by reference. (Sec. 32.2., Tiering; sec. 32.3, Adoption; and sec. 32.4, Incorporation by Reference).

11.5—Look for Relevant Issues. Based on reviews of similar actions, knowledge of the area or areas involved, discussions with community leaders, and/or consultations with experts and other agencies familiar with such actions and their effects, prepare and evaluate a preliminary list of issues. This list provides an early look at potential issues and sharpens the focus of the environmental analysis (40 CFR 1501.1(d)).

11.6—Assess Public Involvement Needs and Initiate Public Participation. Review the need for public participation in scoping. Identify options for involving potentially interested and affected individuals, organizations, and governments in the analysis process (40 CFR 1506.6).

Early in the analysis of proposed actions that may have important or controversial effects:

1. Provide adequate information to the public about the proposed action.

2. Analyze public reactions; that is, who expects to be affected and how.

3. Consider suggestions offered by those affected.

11.7—Use Interdisciplinary Analysis. Use of interdisciplinary approach that will ensure the integrated use of the natural and social sciences and environmental design arts in environmental analysis (40 CFR 1502.6).

Proposals for some actions, especially those that can be tiered from an existing environmental document (40 CFR 1508.28), may not require the selection of an interdisciplinary team (secs. 11.3 and 11.72). A qualified individual may perform the analysis, which must consider all of the physical, biological, social, and economic factors pertinent to the decision.

Interdisciplinary review of the analysis also may satisfy the requirement for use of the interdisciplinary approach. Complex actions normally require a team of specialists representing the necessary disciplines.

11.71—Use of Interdisciplinary Teams. Use interdisciplinary teams to analyze proposed actions with a potential for substantial enviromental effects, especially if an environmental impact statement may be needed.

11.72—Team Selection and Management. The responsible official must select the leader and other members of the interdisciplinary team, define their tasks, and keep abreast of their work.

The team is responsible for additional scoping, for subsequent environmental analyses, and for preparation of environmental documents. A team integrates its collective knowledge of the physical, biological, economic, and social sciences and the environmental design arts into the analysis process. Interaction among team members often provides insight that otherwise would not be apparent.

11.73—Team Qualifications. The disciplines and skills of this group must be appropriate to the scope of the action and the issues identified (40) CFR 1502.6). The team must have the expertise to identify and to evaluate the potential direct, indirect, and cumulative social, economic, physical, and biological effects of the proposed action and its alternatives (40 CFR 1507.2; 1508.25).

11.73a—Team Leader. To ensure selection of an effective team leader, the responsible official should consider such factors as the individual's:

1. Degree of working knowledge of the National Environmental Policy Act process.

2. Ability to communicate effectively with team members and the responsible official.

3. Ability to facilitate interaction among team members.

4. Ability to organize and interpret information.

5. Past performance in meeting assigned deadlines.

11.73b—Team Members. In selecting other team members, consider such factors as:

1. Variety of disciplines needed.

2. Ability to work as part of a team.

3. Ability to communicate to others information about the field that a member represents.

4. Knowledge of and degree of experience in the environmental analysis process.

5. Ability to conceptualize and solve problems.

11.74—Team Size. Limit the team to a manageable number of persons with a good mix of needed skills and expertise.

11.75—Convene Team and Assign Tasks. The interdisciplinary team continues the scoping at a more specialized level, revising as necessary the:

1. Estimates of the type, distribution, and intensity of effects.

2. Public and agency issues.

3. Public participation procedures.

11.8—Expand Public Involvement as Appropriate. The Council on Environmental Quality regulations require a diligent effort to involve the public in the National Environmental Policy Act process (40 CFR 1506.6), including:

1. *Analyzing target groups.* Identify potentially affected groups and the nature of their concerns (FSH 1609.13). Maintain and use mailing lists as appropriate.

2. *Developing and implementing a public participation plan.* Establish the level of needed public participation. Ensure that the level of effort to inform and to involve the public is consistent with the scale and importance of the proposed action and the degree of public interest.

When extensive public involement is necessary, prepare a formal public participation plan (FSM 1626).

The Public Participation Handbook, FSH 1609.13, provides guidance in identifying and involving the public, preparing public involvement plans, and using public responses in the analysis process. Invite participation from potentially affected Federal, State, and local agencies; Indian tribes, interested individuals and groups; and others who might be affected by the action or its alternatives.

11.9—Plan for Orderly Analysis. Scoping can substantially improve the efficiency and effectivenêss of the analysis by focusing on important issues.

11.91—Formulate Analysis Criteria. Criteria and standards may be necessary to guide the process. Be sure to consider Forest Service objectives identified in legislation, policies, and plans. Refine these criteria, as necessary, during the course of the analysis.

Frequently, it is necessary to formulate analysis criteria for:

1. Selecting data, sources, and standards of accuracy.
2. Determining depth or detail of the analysis.
3. Developing a suitable range of alternatives
4. Evaluating alternatives.
5. Estimating the significance of effects (40 CFR 1508.27).

11.92—Formalize Issues and Criteria. Formalize the lists of important issues and the analysis criteria, taking public and agency comments into account. These lists define the goals, priorities, and standards for the remainder of the analysis. Adjust these lists as necessary as new insights emerge.

11.93—Explore Alternatives. For the proposed action, consider possible alternatives that are responsive to the issues.

Discuss the feasibility and possible effects of these alternatives with potentially affected agencies and public parties. Decide which merit further study and which do not belong in the analysis.

11.94—Determine Other Analysis Needs. During scoping, anticipate later analysis needs, and make arrangements for meeting them. These might include:

1. Data needed and their availability.
2. Time and support services available. Time and page limits may be set (40 CFR 1501.7(b)).
3. Other agency needs that the analysis can meet.
4. How other agencies might contribute to the analysis.
5. Responsibility for each task not yet assigned.
6. Additional staff support and travel funds needed.
7. The possibility of publishing a notice of intent to prepare an environmental impact statement.

11.95—Continue Scoping. Scoping is required following the decision to prepare an EIS, including situations in which the proposed action was scoped earlier for a different purpose. Use scoping to determine the public issues at this time. Even though the public may have already been involved in the environmental analysis, an additional opportunity to provide input is required (40 CFR 1501.7 and sec. 11).

12—INFORM PARTICIPANTS OF RESULTS OF SCOPING. After scoping, provide participants with prompt feedback in an appropriate manner, summarizing both the scope and the important issues that the environmental analysis will consider in depth.

CHAPTER 20—ENVIRONMENTAL ANALYSIS

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CHAPTER 20—ENVIRONMENTAL ANALYSIS

Environmental analysis assesses the nature and significance of the physical, biological, social, and economic effects of a proposed action and its reasonable alternatives. Scoping is an integral and initial component of environmental analysis. For detailed guidance on scoping, see chapter 10. This chapter addresses the requirements for conducting the more detailed environmental analysis that follows the scoping process. Exhibit 2 in section 06 of zero code shows how environmental analysis relates to other procedures required under the National Environmental Policy Act and its implementing regulations.

21—KEEP THE PUBLIC INFORMED. Consistent with the importance of the action, keep the public informed of the progress of the environmental analysis. For major actions, this includes notifying the public that the action is under consideration and providing feedback on the results of scoping and subsequent stages of the analysis. Monitor and consider the interests and concerns of affected publics, and respond to individual requests for information.

22—COLLECT AND INTERPRET DATA. The type and amount of data to collect depend on the nature of the action, agency objectives, public concerns, opportunities, and the scope of anticipated effects. Focus data collection on the present and expected physical, biological, economic, and social conditions affecting or affected by the decision. When appropriate, document the assumptions, methods, and data sources.

When evaluating significant adverse effects on the human environment, if information that is essential to a reasoned choice among alternatives, is either missing or incomplete, follow the procedures at 40 CFR 1502.22 and chapter 40, section 42.22.

23—DEVELOP ALTERNATIVES. The final alternatives must provide different responses to important issues identified with the proposed action. Consider all reasonable alternatives (40 CFR 1502.14). The phrase "all reasonable alternatives" is firmly established in case-law interpreting the National Environmental Policy Act. The phrase has not been interpreted to require that an infinite or unreasonable number of alternatives be analyzed (sec. 65.11, ex. 1, 43 FR 55983). The objectives of legislation or of higher order Forest Service plans, programs, and policies guide, but do not limit, the range of alternatives that are considered in detail in each environmental analysis.

23.1—No Action Alternatives. Consider in detail the no action alternative in each environmental analysis. The no action alternative provides a baseline for estimating the effects of other alternatives.

Two distinct interpretations of no action are often possible, depending on the nature of the proposal being evaluated. The first interpretation involves an action such as the updating of a land management plan where ongoing programs initiated under existing legislation, regulations, and budget allocations continue, even as new plans are developed. In these cases, no action is no change from current management direction or from the level of management intensity. Consequently, the responsible official would compare the projected impacts of alternative management schemes to those impacts projected for the existing plans. The second interpretation of no action is that no action or activity would take place, such as when proposals for projects are denied.

23.2—Other Alternatives. Develop other alternatives fully and impartially.

Ensure that the range of alternatives does not foreclose prematurely any option that might protect, restore, and enhance the environment. Consider reasonable alternatives outside the jurisdiction of the Forest Service (40 CFR 1502.14(c)). In the alternatives section of an environmental impact statement, explain the reasons for eliminating from detailed study any alternative originally considered. (40 CFR 1502.14(a)). Modify alternatives or develop new alternatives as necessary as the analysis proceeds. Alternatives must specify any activities that may produce important environmental changes, and they must address management requirements, mitigation measures, and monitoring of environmental effects.

24—ESTIMATE EFFECTS OF EACH ALTERNATIVE. (40 CFR 1502.16, 1508.8, and 1508.25(a)(2) and (c)). Estimate the effects of implementing each alternative. Consider direct, indirect, and cumulative effects. For each alternative, effects may be expressed in terms of changes in the physical, biological, economic, and social components of the human environment. Analyze these changes in terms of differences from the no action alternative. Consider the magnitude, duration, and significance of the changes. See section 61 for a list of environmental factors that 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. Consider in detail only those effects important to the issues identified during scoping.

If indicators of economic efficiency are appropriate, develop them at this point. Also consider unquantified environmental amenities and values.

For all alternatives, be sure to consider the effects on the following:

1. Consumers, civil rights, minority groups, and women (FSM 1730).
2. Prime farmland, rangeland, and forest land.
3. Wetlands and floodplains.
4. Threatened and endangered species.
5. Cultural resources.

If the need for an environmental impact statement (EIS) has not been established already (FSM 1952.1), consider the significance of effects in terms of context and intensity in order to determine whether an EIS is necessary. See the definition of "Significantly," at 40 CFR 1508.27, for definitions of "context" and "intensity."

25—EVALUATE ALTERNATIVES AND IDENTIFY PREFERRED ALTERNATIVE(S). Compare alternatives on the basis of their effects on the human environment. This evaluation, along with other relevant considerations, provides a basis for identifying the preferred alternative(s).

When the Chief or the Secretary is the responsible official, the Washington Office (WO) Environmental Coordination Staff Unit participates with appropriate field or other WO staff unit(s) and with the appropriate Deputy Chief, Chief, or Assistant Secretary to identify the preferred alternative(s).

CHAPTER 30—ENVIRONMENTAL ASSESSMENTS AND RELATED DOCUMENTS

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CHAPTER 30—ENVIRONMENTAL ASSESSMENTS AND RELATED DOCUMENTS

30.4—Responsibility

1. When the Chief or Secretary is the responsible official, the appropriate field unit prepares documents with assistance from the Washington Office Environmental Coordination Staff and other appropriate Washington Office staff units. The Environmental Coordination Staff arranges for processing of documents and involves other appropriate staff units.

2. The responsible official may require applicants or contractors to conduct studies to determine the impact of a proposed action on the human environment and to provide data and documentation (40 CFR 1506.5 (b) and (c)). When applicants or contractors prepare an environmental assessment, limit their activities to those shown in section 06, exhibit 1, for staff, specialists, and interdisciplinary teams participating in the National Environmental Policy Act process.

32—DOCUMENTATION OF ANALYSIS. (FSM 1952). Document the results of analysis in an environmental assessment when the analysis indicates that the pfoposed action is not categorically excluded and the decision to prepare an environmental impact statement (EIS) has not been made (40 CFR 1501.3, 1501.4, and 1508.9). The length and detail of documentation in an environmental assessment may vary according to the complexity of the issues involved in the analysis. Environmental analysis or a resulting environmental assessment may reveal that a proposed action significantly affects the quality of the human environment. If so, publish a notice of intent in the **Federal Register** and prepare an EIS (ch. 40).

31.1—*Conteht.* (40 CFR 1508.9). An environmental assessment may be prepared in any format useful to facilitate planning and decisionmaking as long as the requirements of 40 CFR 1508.9 are met. An assessment must include brief discussions of:

1. The need for the proposal.
2. Alternatives as required by section 102(2)(e) of the National Environmental Policy Act.
3. Environmental impacts of the proposed action and alternatives.
4. A listing of agencies and persons consulted.

32—OTHER CONSIDERATIONS IN PREPARING ENVIRONMENTAL ASSESSMENTS

32.1—Public Involvement. (40 CFR 1506.6).

32.2—Tiering. (40 CFR 1502.20 and 1508.28). Tiering is appropriate for environmental assessments. See section 45.1 for additional information about tiering.

32.3—Adoption. (40 CFR 1506.3). Adoption is appropriate for environmental assessments, as well as for environmental impact statements.

32.4—Incorporation by Reference. (40 CFR 1502.21).

Incorporation by reference is appropriate for environmental assessments, as well as for environmental impact statements.

32.5—Supplements, Corrections, and Revisions. Supplement, correct, or revise enviornmental assessments, as needed (sec. 42.4).

33—DOCUMENTATION OF DECISIONS

33.1—Decision Notice. A decision notice may be a separate document or combined with a finding of no significant impact. Exhibit 1 displays a document that combines a decision notice and a finding of no significant impact.

A decision notice also may be an integral part of brief environmental assessments.

When the Chief or the Secretary is the responsible official, the appropriate field unit prepares the decision notice with

assistance from the Washington Office (WO) Environmental Coordination Staff, as necessary. The Environmental Coordination Staff coordinates the review and signing of the decision notice, involving other appropriate WO staff units, Deputy Chiefs, the Chief, and the Secretary, as necessary.

Exhibit 1—Sec. 33.1

Decision Notice and Finding of No Significant Impact

DECISION NOTICE
and
FINDING OF NO SIGNIFICANT IMPACT

BROWN BUG TIMBER SALE

Siskiyou County, California
Klamath National Forest
Happy Camp Ranger District

The Brown Bug Timber Sale Environmental Assessment documents the analysis of 3 timber harvest alternatives for the Coon Creek and Douglas Compartments. The southwest corner of the Coon Creek Compartment is an inventoried roadless area that was contested in the California Rare II suit. The environmental assessment is enclosed.[1]

Based on the analysis documented in the environmental assessment and the current status of roadless areas, it is my decision to adopt Alternative 1 with the following modifications. Delete units 41, 42, 43, 44, 45, and 50, and roads 15N28 and 15N28C. This will defer any proposed activity within the roadless area. The modified alternative harvests an estimated 6.3 million board feet of timber primarily by clearcutting 316 acres of understocked partial cut and old growth timber stands. It also constructs 1.95 miles of new road. After harvest, 181 acres of clearcuts will require broadcast burning and 135 acres tractor piling to control vegetation and reduce slash. All clearcuts will be planted with Douglas-fir. The modified Alternative 1 is selected because it provides for:

1. No timber harvest activity in the contested roadless area.

[1]The FONSI shall include the environmental assessment or a summary of it and shall note any other environmental documents related to it (1501.7(a)(5)). (40 CFR 1508.13).

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Exhibit 1--Continued

2. Timber management in conformance with Multiple-Use and Timber Management Plan direction.

3. Maintenance of acceptable water quality.

4. Protection of private property.

5. Improvement of deer winter range.

6. Protection of the Pick-a-Wish Ceremony.

7. Harvest of high silvicultural priority stands.[2]

Alternatives considered were:

Alternative 1. Harvest 9.5 MMBF of timber by regenerating both poorly stocked old growth and partial cut stands.

Alternative 2. No action. Defer harvest activity until a later date.

Alternative 3. Harvest 6.1 MMBF of timber by regenerating only those poorly stocked old growth and partial cut stands that are not adjacent to private property, in domestic watersheds, or on sensitive terrain.

Alternative 1, as proposed in the environmental assessment, was not selected because it proposed harvest within a roadless area. Alternative 2 was not selected because it did not conform with Multiple-Use and Timber Management Plan direction and it did not harvest high silvicultural priority stands. Alternative 3 was not selected because it also proposed harvest in a roadless area and did not harvest as many high silvicultural priority stands.

I have determined through the environmental assessment that this is not a major Federal action that would significantly affect the quality of the human environment; therefore, an environmental impact statement is not needed. This determination is based on the following factors:

[2]Decision and reason for the decision.

Exhibit 1--Continued

1. There are minimal irreversible resource commitments and irretrievable loss of timber production.

2. There are no significant cumulative effects.

3. The physical and biological effects are limited to the area of planned activity.

4. No known threatened or endangered wildlife are affected.

5. No activity is proposed within a roadless area.

6. This project is within the scope of the Environmental Statement for Forest Re-establishment on National Forests in California, USDA, 1974, and the Environmental Statement for the Klamath National Forest Timber Management Plan, USDA, 1974.[3]

Implementation of this decision may occur after the sale has been awarded to a successful bidder.

This decision is subject to appeal pursuant to 36 CFR 211.18.

THOMAS SMITH
Forest Supervisor

DATE

[3]List relevant factors that were considered in determining that an environmental impact statement (EIS) was not required (finding of no significant impact).

BILLING CODE 3410-11-C

33.2—Finding of No Significant Impact. (40 CFR 1508.13). A finding of no significant impact may be included as an integral part of the decision notice or prepared as a separate document.

33.3—Publication of Decision Documents on Actions of National Concern. If the responsible official determines that an environmental impact statement is not necessary, but that the effects of the action are of national concern, publish the decision notice and a finding of no significant impact in the **Federal Register**. Follow the **Federal Register** document requirements in section 67. In addition, to be in compliance with E.O. 12372 and the National Environmental Policy Act process, send copies to the State Single Points of Contact or, in cases where a State has elected not to establish a Single Point of Contact, the State official(s) involved (40 CFR 1506.6(b)(2)).

33.4—Distribution of Decision Documents. (40 CFR 1506.6(b)). In addition to the requirements of sections 33.3 and 51.21, distribute environmental assessments, decision notices, and findings of no significant impact in a manner designed to inform parties interested in or affected by the proposed action.

For an action similar to one that normally requires an evnironmental impact statement, for an action without precedent, or for an action involving floodplains or wetlands, make the decision notice and finding of no significant impact available for public review for 30 days before implementation. In addition, send copies to the State Single Points of Contact or, in cases where a State has elected not to establish a Single Point of Contact, the State Official(s) involved.

CHAPTER 40—ENVIRONMENTAL IMPACT STATEMENTS AND RELATED DOCUMENTS

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CHAPTER 40—ENVIRONMENTAL IMPACT STATEMENTS AND RELATED DOCUMENTS

40.4—Responsibility

1. When the Chief or the Secretary is the responsible official for an action requiring an environmental impact statement, the appropriate field unit prepares the necessary documents with assistance from the Washington Office Environmental Coordination Staff and other Washington Office staffs.

2. The Washington Office Environmental Coordination Staff coordinates, reviews, and processes documents for actions for which the Chief or the Secretary is the responsible official.

41—NOTICES OF INTENT

41.1—Preparation and Circulation of Notices of Intent. (40 CFR 1501.7 and 1508.22). Prepare and publish the notice of intent in the **Federal Register** as soon as practicable after determining that an environmental impact statement (EIS) is necessary, except in cases where a lengthy period of time may exist between the determination of need and the actual preparation of the EIS (40 CFR 1501.7 and 1507.3(e)). The notice of intent must meet the requirements of 40 CFR 1508.22 and must include the identity of the responsible official(s) and the estimated dates for filing the draft and final EIS. Follow the **Federal Register** document requirements in section 67.

In addition to sending notices of intent to the Office of the Federal Register, send one copy to the Washington Office (WO) Director of Environmental Coordination. The WO Staff uses notices of intent to prepare reports of EIS's under preparation.

When the Chief or the Secretary is the responsible official, the appropriate field unit prepares the notice of intent as soon as practicable after the decision to prepare an EIS (40 CFR 1507.3(e) and FSM 1953.1). Send the notice of intent to the WO Environmental Coordination Staff for review, processing, and submission to the Office of the **Federal Register**. Exhibit 1 illustrates a notice of intent.

BILLING CODE 3410-11-M

Exhibit 1—Sec. 41.1

Notice of Intent

[3410-11][1]

DEPARTMENT OF AGRICULTURE

Forest Service

CLOUD TOP MOUNTAIN ALPINE WINTER SPORTS SITE

Star Mountain National Forest

Summit County, Colorado

Notice of Intent To Prepare an Environmental Impact Statement

The Department of Agriculture, Forest Service will prepare an environmental impact statement for a proposal to permit the development of Cloud Top Mountain Alpine Winter Sports Site on the Galaxy Ranger District.

[1]This Forest Service billing code is shown on all Federal Register documents.

Exhibit 1--Continued

The Star Mountain National Forest Land and Resource Management Plan has been prepared. One of the management decisions in the Plan was to study further the development of an Alpine Winter Sports Site on Cloud Top Mountain.

[2]A range of alternatives for this site will be considered. One of these will be nondevelopment of the site. Other alternatives will consider development designs with capacities ranging from 4,000 to 10,000 persons at one time. Alternative locations for uphill facilities, ski runs, and support facilities will be considered.

Federal, State, and local agencies; potential developers; and other individuals or organizations who may be interested in or affected by the decision will be invited to participate in the scoping process. This process will include:

1. Identification of potential issues.
2. Identification of issues to be analyzed in depth.
3. Elimination of insignificant issues or those which have been covered by a previous environmental review.

[2]Note that the document has only two lines between paragraphs, not three lines, and each paragraph is indented five spaces.

Exhibit 1--Continued

4. Determination of potential cooperating agencies and assignment of responsibilities.

The Fish and Wildlife Service, Department of the Interior, will be invited to participate as a cooperating agency to evaluate potential impacts on threatened and endangered species habitat if any such species are found to exist in the potential winter sports site.

The Forest Supervisor will hold public meetings in his office at the Star Mountain National Forest, Central, Colorado, at 1 p.m., Saturday, November 3, 1984.

William Watson, Regional Forester, Rocky Mountain Region, Denver, Colorado, is the responsible official.

The analysis is expected to take about 10 months. The draft environmental impact statement should be available for public review by (month/year). The final environmental impact statement is scheduled to be completed by (month/year).

Written comments and suggestions concerning the analysis should be sent to William Hill, Forest Supervisor, Star Mountain National Forest, Central, Colorado 80000, by December 15, 1984.

Exhibit 1--Continued

Questions about the proposed action and environmental impact statement should be directed to Phil Graham, Recreation Staff Officer, Star Mountain National Forest, phone 303-234-3800.

WILLIAM WATSON
Regional Forester

Date

BILLING CODE 3410-11-C

41.2—Revision of Notices of Intent. The official responsible for preparation of an environmental impact statement (EIS) must notify the appropriate Regional, Station, or Area Environmental Coordinator and the Washington Office Director of Environmental Coordination whenever information shown in the notice of intent changes. Significant changes may require publishing a revised notice of intent in the **Federal Register** (40 CFR 1501.7 and 1507.3(e)). A revised notice of intent shall reference any previously published document relevant to the action being proposed, including the filing of an EIS.

41.3—Cancellation Notice. Publish a cancellation notice (exhibit 1) in the **Federal Register** to terminate the process, if, after publication of a notice of intent or distribution of a draft EIS, the project application is withdrawn or, for some other reason, a decision is not longer necessary. A cancellation notice must refer to any previously published notice of intent or notice of availability of an EIS. Prepare and distribute a cancellation notice in the same manner as the notice of intent (sec. 41.1).

When the Chief or the Secretary is the responsible official, the appropriate field unit prepares the cancellation notice as soon as there is a decision to terminate the process and sends the notice to the Washington Office Environmental Coordination for review, processing, and submission to the Office of the Federal Register.

Exhibit 1—Sec. 41.3

Cancellation Notice

[3410-11][1]

DEPARTMENT OF AGRICULTURE
Forest Service

LOMEX PROSPECTING

Los Padres National Forest
San Luis Obispo County, California

Environmental Impact Statement
Cancellation Notice

Lomex Corporation, now the Caithness Corporation of New York, has withdrawn its proposal for mineral exploration for uranium and other minerals in the Navajo area of San Luis Obispo County.

The Notice of Intent, published in the Federal Register of August 15, 1980, is hereby rescinded (45 FR 54386).

For further information contact: Christine A. Rose, Environmental Coordinator, Los Padres National Forest, 45 Aero Camino, Goleta, CA 93117; telephone 805-968-1578 or 8-960-7578.

JOE SMITH
Forest Supervisor

DATE

[1]This billing code must appear on all Forest Service Federal Register documents.

42—ENVIRONMENTAL IMPACT STATEMENTS

42.1—General Preparation Standards

42.11—Preparation. (FSM 1952.1).

42.12—Page Limits. (40 CFR 1502.7).

42.13—Writing. (40 CFR 1502.8).

42.14—Legislative Proposals. (40 CFR 1506.8 and FSM 1952.1).

41.2—Content Standards and Recommended Format. (40 CFR 1502.10). An environmental impact statement must contain the following:

1. *Cover Sheet.* (40 CFR 1502.11). In addition to the Council on Environmental Quality requirements, the cover sheet must include the name and title of the responsible official. The abstract of the statement should include the alternatives considered and identification of the preferred alternative. See exhibit 1 for a cover sheet.

2. *Summary.* (40 CFR 1502.12).

3. *Table of Contents*

4. *Statement of Purpose and Need.* (40 CFR 1502.13).

5. *Description and Comparison of Alternatives, Including the Proposed Action.* (40 CFR 1502.14).

6. *Description of the Affected Environment.* (40 CFR 1502.15).

7. *Statement of the Environmental Consequences of the Actions.* (40 CFR 1502.16 and 1502.22). The environmental impact statement discusses physical, biological, economic, and social consequences of a proposed action and its alternatives. Effects are expressed as quantified or relative changes in components of the affected environment. In addition, it is appropriate to discuss the expected outputs—in terms of goods, services, and uses—that will result from implementing each alternative. In presenting outputs, use the standard Service-wide terminology set forth in FSH 1309.11, Management Information Handbook, and in FSM 1905. Use the Resource Planning Act program planning time periods where appropriate.

8. *List of Preparers.* (40 CFR 1502.17).

9. *List of Agencies, Organizations, and Persons to Whom Copies of the Statement Are Sent*

10. *Index.* (40 CFR 1502.10(j)). All environmental impact statements (EIS's) must include indexes. The purpose of an index is to make the information in the EIS fully available to the reader without delay. See section 62 for preparation of indexes.

11. *Appendix.* (Sec. 42.51b and 40 CFR 1502.18 and 1503.4).

Exhibit 1—Sec. 42.2

Cover Sheet

DRAFT ENVIRONMENTAL IMPACT STATEMENT

Star Mountain National Forest Land and Resource Management Plan

Summit, Comet, and Garfield Counties, Colorado

Lead Agency:	USDA - Forest Service
Cooperating Agencies:	USDI - Bureau of Land Management 321 No. Fern Street Central, Colorado 80000 Colorado Fish and Game Department 1700 Alder Street Garfield, Colorado 80017
Responsible Officia :	William Watson, Regional Forester Rocky Mountain Region (for NFS lands)
For Further Information Contact:	Ms. Ruth Gibson Forest Planner Star Mountain National Forest 123 So. Fern Street Central, Colorado 80000 (303-555-1515)

Abstract: The draft environmental impact statement documents the analysis of five alternatives which were developed for possible management of the 2,500,000-acre Star Mountain National Forest. The alternatives are: (A) moderate increase in commodity production; (B) a continuation of present management direction with no change in the level of outputs or activities; (C) dispersed recreation emphasis; (D) commodity emphasis; and (E) amenity emphasis. Alternative A is the Forest Service preferred alternative. The selected alternative will become the forest plan and will guide management of the Forest for the decade 1985-1994.

Comments must be received by September 15, 1985.

42.21—*Incorporation by Reference.* (40 CFR 1502.21).

42.22—*Incomplete or Unavailable Information.* (40 CFR 1502.22). When estimating "overall costs," consider total program costs, including the cost of delaying the proposed action, as well as the costs of research or other activities required to obtain the essential information.

42.23—*Documentation of Cost-Benefit Analysis.* (40 CFR 1502.23).

42.24—*Identification of Methodology and Scientific Accuracy.* (40 CFR 1502.24).

42.25—*Identification in Draft Environmental Impact Statements of Permits Necessary to Implement Proposal.* (40 CFR 1502.25).

42.3—*Filing, Circulation, and Availability of Environmental Impact Statements*

42.31—*Draft Environmental Impact Statements*

1. File a draft environmental impact statement (EIS) with the Environmental Protection Agency (40 CFR 1506.9). The official filing date is the date that the Environmental Protection Agency receives the EIS, not the date that the notice of availability appears in the **Federal Register.**

2. Circulate a draft EIS to agencies and to the public prior to or at the same time it is transmitted to the Environmental Protection Agency (EPA) in Washington, D.C. (40 CFR 1502.19). (See mailing address at 42.34(b).)

3. Conduct public participation sessions, if appropriate.

4. Review, analyze, evaluate, and respond to substantive comments on the draft EIS. Make copies of all comments available for public and in-service review in the office of the responsible official and administrative unit affected by the policy, plan, program, or project (40 CFR 1503.4).

42.32—Final Environmental Impact Statements

1. File a final environmental impact statement (EIS) with the Environmental Protection Agency (EPA), along with all substantive comments or summaries (40 CFR 1503.4(b)) on the draft EIS. The official filing date is the date that the EPA receives the EIS, not the date that the notice of availability appears in the **Federal Register.** The Washington Office files with EPA the statements for which the Chief or the Secretary is the responsible official. Other levels of the Forest Service may assist with the preparation of these documents.

2. Circulate a final EIS to other agencies and to the public prior to or at the same time it is transmitted to EPA (40 CFR 1506.10). If the statement is unusually long, a summary may be circulated instead (40 CFR 1500.4(h)). However, the responsible unit must file the entire document with EPA and furnish it to other persons specified by (40 CFR 1502.19).

A summary distributed as a separate document must:

a. State how other agencies and the public can obtain or review the complete EIS.

b. Have a cover sheet attached.

If changes resulting from comments to a draft EIS are minor, they may be written on an errata sheet and attached to the draft EIS. In this case only the comments, the responses, and the changes need to be circulated. File the entire document with a new cover sheet as the final statement (40 CFR 1503.4(c)).

3. After filing the EIS with the EPA, ensure that a reasonable number of copies of the statement are available free of charge (40 CFR 1506.6(f) and FSM 1950.3(4)).

42.33—Environmental Impact Statements on RARE II "Further Planning" Areas. If an environmental impact statement (EIS) deals with plans or projects that allocate RARE II "further planning" roadless areas to nonwilderness uses, the responsible official may make public distribution of the final EIS and may file the final EIS with EPA in the same manner as other EIS's. The responsible official should then send five additional copies of the final EIS to the Washington Office Director of Environmental Coordination for transmittal to congressional committees (sec. 42.34).

42.34—Distribution of Environmental Impact Statements

42.34a—Draft and Final Environmental Impact Statements

1. *When the Responsible Official Is a Field Officer.* When the responsible official is the Regional Forester, Station Director, Area Director, or other field officer having the delegated authority to file EIS's, send:

a. Five copies to the Environmental Protection Agency (EPA) in Washington, D.C., for filing purposes. Include a transmittal letter. See exhibit 1 for a sample transmittal letter.

b. Five copies to the Washington Office, Director of Environmental Coordination.

c. Two copies of the letter transmitting the EIS to EPA to the Washington Office, Director of Environmental Coordination.

2. *When the Chief is the Responsible Official.* When the responsible official is the Chief, send:

a. Ten copies to the Washington Office. (The Washington Office files five copies with EPA). (Thirty-five copies of a draft EIS and twenty-five copies of a final EIS are needed by WO-Land Management Planning for wild and scenic river studies.)

b. One original and two copies of the transmittal letter for transmittal to EPA to the Washington Office for signature.

Exhibit 1—Sec. 42.34a

Transmittal Letter to EPA

Return Address[1]

1950[2]
August 4, 1984

Management Information Unit
Office of Federal Activities (A-104)
Environmental Protection Agency
Room 2119 Mall
401 M Street, SW
Washington, DC 20460

Dear Sir:

Five copies of the Draft Environmental Impact Statement for the proposal to permit Snow Top Mountain Ski Area development, Star Mountain National Forest, Summit, Comet, and Garfield Counties, Colorado, are enclosed.

The responsible official is Regional Forester William Watson, Rocky Mountain Region, Denver, Colorado.

Sincerely,

/s/ William Watson
WILLIAM WATSON
Regional Forester

Enclosures

[1]When the Chief is the responsible official, use WO return address: P.O. Box 2417, Washington, DC 20013.
[2]Use 1950 file designation to ensure proper distribution of EIS's in the Forest Service.

42.34b—*Lists.* Responsible officials shall maintain lists of individuals, groups, organizations, and government agencies interested in reviewing Forest Service environmental impact statements (EIS's). Regions shall develop specific distribution lists. Include on the distribution list the State Single Points of Contact or, in cases where a State has elected not to establish a Single Point of Contact, the State official(s) involved.

1. *State and Local Agencies.* Regions, Stations, and the Area Office shall develop and maintain lists of State and local agencies as supplements to this section.

2. *Organizations.* Regions, Stations, and the Area Office shall develop and maintain lists of organizations as supplements to this section.

3. *Individuals.* Regions, Stations, and the Area Office shall develop and maintain, as supplements to this section, lists of individuals who have expressed an interest in receiving Forest Service EIS's.

4. *Federal Agencies.* Following is the mandatory distribution list for all EIS's prepared by the Forest Service:

a. Management Information Unit, Office of Federal Activities (A-104), Environmental Protection Agency, Room 2119 Mall, 401 M Street, SW., Washington, DC 20460
b. Environmental Protection Agency, Appropriate Regional Offices.
c. Director, Office of Environmental Project Review, Office of the Secretary, Department of the Interior, Room 4256, Washington, DC 20240

Always send copies of EIS's to these Agencies by methods of delivery that require verified receipts. These methods also may be desirable for tother key recipients. Base any other distribution to Federal agencies on agency expertise and legal jurisdiction. When the Forest Service requests review and comments from any of the above agencies, the addresses, phone numbers, and recommeded number of copies to be sent are shown in section 63.1.

42.4—Corrections, Revisions, or Supplements. The standards at 40 CFR 1502.9 govern revision of draft environmental impact statements (EIS's) or supplementation of drafts and finals. Use errata sheets to make any necessary corrections to EIS's. Draft EIS's may be revised. Use supplements to modify EIS's, if necessary. Prepare, circulate, and file supplements and revisions in the same manner as the document being modified.

42.5—Environmental Impact Statement Review and Comment Procedures

42.51—Comments on Forest Service Environmental Impact Statements

42.51a—Draft Environmental Impact Statement. (40 CFR 1503.1(a)). The responsible officer may receive comments on a draft environmental impact statement (EIS) after the end of the review period and before filing the final EIS. If it is too late to incorporate the comments in the final EIS, the responsible official may respond to them on an individual basis.

42.51b—Final Environmental Impact Statement. (40 CFR 1502.9(b) and 1503.4). When the responsible official determines that a summary of responses is appropriate, the summary must reflect accurately all substantive comments received on the draft EIS. Comments that are pertinent to the same subject may be aggregated by categories, but the summary must identify the comment specifically. Avoid a general summary.

As a minimum, include in the appendix of a final EIS copies of all comments received on the draft ESI from Federal, State, and local agencies and elected officials. See exhibit 1 for one example of a summary of substantive comments.

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Exhibit 1—Sec. 42.51b

Summary of Substantive Comments

PUBLIC COMMENTS AND RESPONSES ON DEIS

Public comments received by the U.S. Forest Service on the Draft Environmental Impact Statement (DEIS) totaled 1,125 letters by the January 29, 1985, deadline. All were considered during preparation of this Final Environmental Impact Statement (FEIS).

Due to the large volume of comments received, only those from government agencies and other public officials are reproduced at the end of this chapter. Other substantive comments have been excerpted from letters to represent a composite of comments on a particular subject. Responses to these comments are either to rewrite the text or to offer a brief explanation. Many comments noted typographic, computational, grammatical, or minor technical errors. These have been corrected in the FEIS without specific identification in this chapter.

1. Impacts of diverting the river, as suggested in Section 4.2.1.3, have not been analyzed.

Response
Diversion or mechanical adjustment of the Keta River from the existing channel was suggested as a possible mitigating measure. However, due to the narrow dimension of the bulk sample/access road, it will not encroach upon the main river channel. Therefore, this type of mitigating action is not required. See Encroachment Analysis and floodplain, Section 4.3.1.3.

2. The DEIS, Section 3.4.2, infers that heavy metal concentrations will result in detrimental effects. Is this a valid concern?

Response
As demonstrated in the table in Section 4.2.1.4, Water Quality, significant changes in water quality are not anticipated. After mixing and diluting with surface waters, concentrations of copper, lead, and zinc are about 1/10th of the EPA recommended upper limit for toxicity. The diluted concentration for arsenic is about 1/2 the recommended upper limit. Thus, heavy metal concentrations are not a concern at this time.

BILLING CODE 3410-11-C

Exhibit 1--Continued

3. Are the flow discharges of the Wilson/Blossom Rivers and the Keta River large enough to clean themselves of the construction-induced sediments identified in the DEIS?

Response
As stated in the concluding paragraph of Appendix H, the Keta River, with its steep channel gradient, should flush the construction-induced sediments through its system and into the delta area of the fjord within 12 months. The Blossom/Wilson Rivers have flatter gradients and the Blossom has numerous deep pools. It could take as long as 24 months to move this sediment load through the system. Also see Appendix I.

4. Many comments expressed concern about the change in designation of the responsible official for this environmental statement.

Response
The reason for the change in responsible offical from Forest Supervisor to Chief of the Forest Service has to do with a conflict between provisions of ANILCA and the regulations governing appeals of Forest Service decisions.

5. A number of comments received were critical of the lack of discussion of the Interdisciplinary Team's (IDT) role in the preparation of the DEIS. They were especially concerned that the IDT recommendation was not followed.

Response
The IDT's role is to disclose the environmental effects of various alternative actions to the public and the responsible official. It is not a decision-making body nor is it required to recommend a preferred alternative. This IDT made a recommendation (Appendix F) to the Forest Supervisor. Eleven team members preferred the Keta alternative, five team members preferred the Blossom alternative, and three members expressed no preference.

42.52—Review of Other Agency Environmental Impact Statements. (40 CFR 1503.2 and 1503.3). Because of special agency expertise or jurisdiction by law, the Forest Service may be asked to review and comment on environmental impact statements (EIS's) prepared by other agencies. Unless otherwise assigned by the Chief, officials in the Washington Office shall review and comment on EIS's prepared on legislative proposals, Service-wide policies, regulations, or national program proposals. The Regional Forester or Area Director in whose Region or Area a proposal is located shall review all other draft and final EIS's prepared by other agencies. When an EIS affects both Regional and Area program responsibilities, the Regional Forester and the Area Director shall determine who assumes the lead for responding.

The responsible field unit shall submit comments on other agency EIS's directly to the appropriate agency. Send one copy of the comments to the Washington Office Director of Environmental Coordination. When another agency's EIS involves more than one Region, the Washington Office Director of Environmental Coordination coordinates the responses.

42.52a—Referrals to Council on Environmental Quality. (40 CFR 1504). When Forest Service review of another agency's draft EIS concludes that the proposed action is environmentally unacceptable, follow the procedures set forth in 40 CFR 1504.3(a).

If after receipt of the final EIS, the other agency has not remedied the situation or reached an agreement with the Forest Service, follow the procedures set forth in 40 CFR 1504.3(b). Send the referral to the Washington Office Director of Environmental Coordination for processing. The Director submits the referral to the Council on Environmental Quality.

The 25-day time period is extremely short: therefore, begin referral documentation immediately after determination that the proposal is environmentally unacceptable.

In addition to the requirements of 40 CFR 1504.3(c), the responsible official shall include a letter to the Council on Environmental Quality requesting the referral for signature by the Chief.

43—OTHER PLANNING AND PREPARATION REQUIREMENTS FOR ENVIRONMENTAL IMPACT STATEMENTS

43.1—Interdisciplinary Approach. See section 102(2)(A) of the National Environmental Policy Act, as amended; 40 CFR 1502.6; and section 11.7 of this Handbook.

43.2—Public Involvement. (40 CFR 1501.7, and 1506.6).

43.3—Consultation Requirements. (40 CFR 1502.25).

T343.4—Elimination of Duplication With State and Local Procedures. (40 CFR 1506.2).

T343.5—Federal and Federal-State Agencies With Legal Jurisdiction or Special Expertise. (40 CFR 1503.1). See section 63 for the Council on Environmental Quality's list of agencies with jurisdiction by law or special expertise. See section 63.1 for addresses and recommended document distribution.

43.6—Limitations on Actions During the Environmental Analysis and Documentation Process. (40 CFR 1506.1).

44—RESPONSIBILITIES WHEN APPLICANTS AND CONTRACTORS ARE INVOLVED. (40 CFR 1506.5).

The responsible official may require project proponents to provide data and documentation for consideration and use in preparing an environmental impact statement (EIS). When a contractor is to prepare an EIS, limit the contractor's activities to those of the interdisciplinary team (sec. 06, ex. 3) participating in the National Environmental Policy Act process. Applicants or contractors may be required to conduct studies to determine the impact of the proposed action on the human environment. (Sec. 65.14).

45—TIERING AND ADOPTING OTHER ENVIRONMENTAL IMPACT STATEMENTS

45.1—Tiering. (40 CFR 1502.20). Tiered documents may refer to the evaluation of the no action alternative in a broad program document. However, a decision on site-specific actions must consider the no action alternative appropriate to that decision.

45.2—Adoption. Use adoption procedures, when applicable, to avoid duplication of effort (40 CFR 1506.3).

46—DETERMINING LEAD AND COOPERATING AGENCIES

46.1—Lead Agency. (40 CFR 1501.5, 1501.6, 1501.7, 1503.1, and 1508.16). If the Forest Service requests the Council on Environmental Quality to determine which Federal agency shall be the lead agency, send this request to the Director of Environmental Coordination in Washington, D.C., for processing. Where National Forest System lands are involved, the Forest Service shall exert a strong role in the preparation of environmental documents. If the Forest Service is the lead agency, promptly request, in writing, that all other Federal agencies with jurisdiction by law or special expertise become cooperating agencies.

46.2—Cooperating With Other Agencies. (40 CFR 1501.6, 1503.2, 1503.3, and 1508.5). When National Forest System lands are involved and the Forest Service is not the lead agency, the responsible official shall request that the Forest Service be a cooperating agency in scoping, environmental analysis, and documentation. The Forest Service may also be a cooperating or lead agency when State and private forest lands are involved.

If the Forest Service is asked to be a cooperating agency and other program commitments preclude being able to become involved, the responsible official shall prepare a reply to this effect. Send two copies of this reply to the Director of Environmental Coordination in Washington, D.C., for transmittal to the Council on Environmental Quality.

47—DOCUMENTATION OF DECISIONS

47.1—Decision. Follow the instructions in exhibit 1 on timing of a decision with other conditions that must be met for environmental impact statements.

EXHIBIT 1—SEC. 47.1

[Conditions for Decision [1]]

If an EIS is required for:	These conditions must be met prior to a decision:
I. Land and Resource Management Plans for units of the National Forest System (36 CFR 219).	
A. That *do not* involve RARE II *Further Planning* areas	1. 90 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.
B. That *do* involve RARE II *Further Planning* areas	1. 90 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.
II. Plans (other than land management plans), adversely affecting the existing wilderness character of RARE II *Further Planning* areas	1. 60 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
III. Land management or other plans, programs, or projects affecting areas involved in pending legislation for wilderness designation in which either the House or Senate has passed a bill to designate all or any portion of an inventoried roadless area for wilderness or for wilderness study	1. 60 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.

EXHIBIT 1—SEC. 47.1—Continued

[Conditions for Decision [1]]

If an EIS is required for:	These conditions must be met prior to a decision:
IV. Other plans, programs or projects subject to appeal (for example, 36 CFR 211.18)	1. 60 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.
V. Actions not subject to appeal, for example, State and Private Forestry and Research programs, etc	1. 90 days have elapsed since the notice of availability of the draft EIS was published in the FEDERAL REGISTER by EPA [2]. 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 by EPA [2].

[1] For conditions that must be met prior to implementation of a decision, see exhibit 1, section 52.
[2] The 90-day period and the 30-day period may run concurrently.

47.11—Record of Decision. A record of decision is a separate, concise document stating the decision of the responsible official. It must include the official's name, location, administrative unit, and a statement indicating whether or not the decision is subject to appeal. It must also meet the requirements of the Council on Environmental Quality regulations at 40 CFR 1502.2.

The responsible official signs and dates the record of decision. For decisions subject to appeal, the date of decision is usually the date that the official transmits the record of decision and the final environmental impact statement (EIS) to the Environmental Protection Agency and makes it available to the public.

For decisions not subject to appeal, the responsible official must sign, date, and distribute the record of decision no sooner than 30 days after the notice of availability of the final EIS is published in the **Federal Register**. Follow the **Federal Register** requirements in section 67. Distribute the record of decision in the same manner as the final EIS.

When an EIS identifies joint lead agencies, the responsible official from each agency shall sign and date the record of decision for those actions within the authority of each. Each responsible official may prepare separate records of decision. See exhibit 1 for a record of decision.

When the Chief or Secretary is the responsible official, the appropriate field unit prepares the record of decision with assistance from the Washington Office Environmental Coordination Staff. The Washington Office Environmental Coordination staff coordinates the review and signing of the record of decision, involving the appropriate Washington Office staff unit(s), Deputy Chief, Chief, or Secretary, as necessary.

Exhibit 1—Sec. 47.11

Record of Decision

RECORD OF DECISION

USDA Forest Service

Road Access and Bulk Sampling at the U.S. Borax Quartz Hill Molybdenum Claims

Tongass National Forest, Alaska

Final Environmental Impact Statement

Based on the analysis in the Final Environmental Impact Statement for road access and bulk sampling at the U.S. Borax Quartz Hill molybdenum claims, it is my decision to adopt an alternative which is a modification of several alternatives under consideration. The selected alternative will allow bulk sampling and surface access via the Blossom River Route with the following stipulations: (1) Trailings disposal will not be authorized in Wilson Arm/Smeaton Bay. (2) A continuous surface access road from the mine to Boca de Quadra will not be permitted. However, a combination tunnel-pipeline may be permitted for tailings disposal purposes. A detailed discussion on tailings disposal and associated impacts will be included in the mine development EIS. (3) The bulk sample access road must be constructed substantially within the design prism for the future mine development road to reduce overall impacts of a bulk sampling access road and a potential mine development road. Minor deviations may be permitted by the Forest Supervisor. Drainage or other structures, except temporary bridges, shall be designed and constructed in a way to permit their incorporation in a mine development road. The Forest Supervisor may require that sections of the bulk sampling road be constructed initially to design specifications suitable for a mine development road. Appropriate means will be taken to avoid or minimize environmental harm and to assure, to the maximum extent feasible, compatibility with the Misty Fjords National Monument.

This alternative envisions the removal of approximately 1,000 tons of material by helicopter for further tests, such as grindability. Approximately 5,000 tons of bulk sample will be mined and removed.

The alternatives considered included: (1) no action, (2) bulk sampling with surface access via the proposed Blossom River routes, (3) bulk sampling with surface access via the alternative Keta River route, (4) bulk sampling and surface access via the Blossom River route with a stipulation that tailings will not be authorized in Wilson Arm/Smeaton Bay, (5) bulk sampling with surface access via the Blossom River route with removal of some or all of the bulk sample by helicopter if the Company desires, (6) bulk sampling with surface access via the Keta River route with removal of some or all of the bulk sample by helicopter if the Company desires, and (7) removal of the bulk sample by helicopter with no surface access road permitted.

Section 503 of the Alaskan National Interest Lands Conservation Act requires an evaluation of the likelihood of each alternative being used as a mine development road. Construction of an access road for bulk sampling along the Keta alignment would less likely be used for mine development. It is a prime concern expressed in the legislation that the bulk sample access road be one that can be utilized in the eventual mine development phase. Therefore, it is my desire to select a single surface access route which is most likely to be suitable for both bulk sampling and potential long-term mine development. A single surface access road will significantly reduce overall, long-term impact. Based on the Mining Development Concepts Analysis Document and the analysis in the EIS, the selected alternative is considered more suitable for use as a mine development access route primarily because of (1) more favorable safety factors (snow avalanches and air and water transportation); (2) more options for town sites, which is an important factor for employees and family morale; (3) a shorter and more protected marine transportation to both Ketchikan and points south; (4) more efficient arrangement of mine site facilities including mill site and material handling; (5) long-term economic advantages from mine development with a roadway in Blossom River drainage as compared to Keta River roadway.

Furthermore, I have determined that implementation of the selected alternative will not cause an unreasonable risk of significant irreparable damage to the habitats of the viable populations of fish management indicator species and the continued productivity of such habitats. The alternative selected provides adequate mitigation to avoid environmental harm. A monitoring program is described in the Final Environmental Impact Statement.

The Final Environmental Impact Statement also incorporates by references and discussion the environmental assessment approved by

the Forest Supervisor on April 17, 1981, for 1980–83 operating plan amendments.

Alternatives 1 and 7 are environmentally preferable.

The decision will be implemented no sooner than August 23, 1985.

This decision is subject to appeal in accordance with the provisions of 36 CFR 211.18.

Date

R. Max Peterson,
Chief.

47.12—Distribution of Records of Decision. Distribute the record of decision to those who have asked for it and to those who are sent a final environmental impact statement (EIS). In addition, the public may be notified as indicated in 40 CFR 1506.6.

CHAPTER 50—IMPLEMENTATION AND MONITORING

Contents

51 IMPLEMENTING DECISIONS BASED ON ENVIRONMENTAL ASSESSMENTS
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51.2 Limitations on Implementation
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CHAPTER 50—IMPLEMENTATION AND MONITORING

51—IMPLEMENTING DECISIONS BASED ON ENVIRONMENTAL ASSESSMENTS

51.1—Implementation. Implementation of decisions that do not have effects of national concern (sec. 33.3) or involve floodplains and wetlands (sec. 51.22) may take place immediately after signing and dating of the decision notice. Implementation includes responding to requirements for mitigation or monitoring in the environmental assessment or decision notice.

51.2—Limitations on Implementation

51.21—Unprecedented Actions or Actions Similar to Those That Normally Require an Environmental Impact Statement (40 CFR 1501.4(e)(2)). When a proposed action is similar to one that normally requires an environmental impact statement (EIS) or when the nature of a proposed action is without precedent, do not implement the decision until after the decision notice and a finding of no significant impact have been available for public review for 30 days.

In addition, to be in compliance with E.O. 12372 and the NEPA process, send copies to the State Single Points of Contact or, in cases where a State has elected not to establish a Single Point of Contact, to the State official(s) involved.

At the end of the 30-day period, consider public comment and implement the decision, or publish a notice of intent to prepare an EIS.

51.22—Actions Involving Floodplains and Wetlands. For actions involving floodplains and wetlands, do not implement decisions until 30 days after the decision notice has been signed and dated. This delay allows a reasonable period of public review as required by Executive Order 11988 and Executive Order 11990.

52—IMPLEMENTING DECISIONS BASED ON ENVIRONMENTAL IMPACT STATEMENTS. Be sure that the conditions listed in exhibit 1 are met before implementation of the decision if an environmental impact statement (EIS) is prepared. Commitments for mitigation efforts or monitoring activities included in the final EIS and record of decision also must be met.

EXHIBIT 1—SEC. 52

[Conditions for Decision and Implementation [1]]

If an EIS is required for:	These conditions must be met prior to implementation:
I. Land and Resource Management Plans for units of the National Forest System (36 CFR 219).	
A. That *do not* involve RARE II *Further Planning* areas.	1. 30 days have elapsed since the date of publication of the notice of availability of the final EIS in the FEDERAL REGISTER by EPA. (The record of decision normally accompanies the final EIS.)
B. That *do* involve RARE II *Further Planning* areas.	1. 30 days have elapsed since the date of publication of the notice of availability of the final EIS in the FEDERAL REGISTER by EPA. 2. 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. 3. An extension of time has not been requested by the appropriate congressional committee chairman. 4. The WO has notified the responsible official that condition 3 above has been met.

EXHIBIT 1—SEC. 52—Continued

[Conditions for Decision and Implementation [1]]

If an EIS is required for:	These conditions must be met prior to implementation:
II. Plans (other than land management plans), adversely affecting the existing wilderness character of RARE II *Further Planning* areas.	1. 30 days have elapsed since the date of publication of the notice of availability of the final EIS in the FEDERAL REGISTER by EPA. 2. 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. 3. An extension of time has not been requested by the appropriate congressional committee chairman. 4. The WO has notified the responsible official that condition 3 above has been met.
III. Land management or other plans, programs, or projects affecting areas involved in pending legislation for wilderness designation in which either the House or Senate has passed a bill to designate all or any portion of an inventoried roadless area for wilderness or for wilderness study.	1. 30 days have elapsed since the date of publication of the notice of availability of the final EIS in the FEDERAL REGISTER by EPA
IV. Other plans, programs or projects subject to appeal (for example, 36 CFR 211.18).	1. 30 days have elapsed since the date of publication of the notice of availability of the final EIS in the FEDERAL REGISTER by EPA.
V. Actions not subject to appeal, for example, State and Private Forestry and Research programs, etc.	

[1] For conditions that must be met prior to making a decision, see exhibit 1, section 47.1.

53—MONITORING. (40 CFR 1505.3). Monitor actions to ensure that:

1. Environmental safeguards are executed according to plan.

2. Necessary adjustments are made to achieve desired results.

3. Anticipated results are achieved.

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