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Forest Service

National Environmental Policy Act Revised Policy and Procedures; Notice; Request for Comment

DEPARTMENT OF AGRICULTURE

Forest Service

RIN 0596-AB05

National Environmental Policy Act Revised Policy and Procedures

AGENCY: Forest Service, USDA.
ACTION: Notice of revised policy and procedures; request for comment.

SUMMARY: The Forest Service gives notice of and requests comment on proposed revisions to its policy and procedures for implementing the National Environmental Policy Act and the regulations of the Council on Environmental Quality. Upon adoption, this direction would replace current policy and procedures issued through the agency directives system as Forest Service Manual (FSM) chapter 1950, Environmental Policy and Procedures, and Forest Service Handbook (FSH) 1909.15, Environmental Policy and Procedures Handbook. These revisions are needed to address new regulations, case law, experience gained with existing procedures, and public and internal comments on the current policy and procedures.

DATES: Comments must be received in writing by June 28, 1991.

ADDRESSES: Send written comments to F. Dale Robertson, Chief (1950), Forest Service, USDA, P.O. Box 96090, Washington, DC 20090-6090.

FOR FURTHER INFORMATION CONTACT: Stephen E. Stine, Environmental Coordination Specialist, (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 procedures for implementing the National Environmental Policy Act (NEPA) in compliance with the Council on Environmental Quality (CEQ) regulations (40 CFR parts 1500-1508). The current directives were adopted after notice and comment on June 24, 1985 (50 FR 26078, part II).

In this proposed revision, both FSM 1950 and FSH 1909.15 have been reorganized, revised, and edited for a more concise, logical presentation and for ease of understanding by both Forest Service employees and other persons using these guidelines. In addition, relevant portions of the CEQ regulations at 40 CFR parts 1500-1508 have been incorporated into the text of the Handbook for ease of understanding and reference.

The Forest Service Manual sets forth the broad authorities, objectives, policies and responsibilities needed primarily by agency decision makers. Procedural and detailed direction for carrying out the broad policy in the Manual is set forth in separate handbooks. 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 the judgment of field level professionals, and to permit discretion in achieving on-the-ground results, given the diverse nature of the biologic, geographic, and socio-economic conditions under which the Forest Service operates. The direction in FSH 1909.15 is intended to include all information and procedures needed to conduct and document environmental analyses and to prepare and distribute both decision and environmental documents.

Several important changes are being proposed. The proposed Handbook contains new and expanded direction on providing notice to the public of upcoming proposals (Zero Code Chapter), on analyzing new information related to environmental concerns or changed circumstances after a decision has been made (chapter 10), and on excluding certain categories of actions from documentation in an environmental assessment or environmental impact statement (chapter 30). Also, changes are proposed to the content requirements for decision documents. A discussion of the specific changes follows.

Revisions FSM 1950

No substantive changes in policy are proposed in FSM 1950 with the exception of limiting the content of supplements to FSM 1950 and FSH 1909.15 by units other than the Washington Office. Process-related direction on scoping, environmental analysis, documentation, related documents, categorical exclusions, and emergency and classified actions is being removed from FSM 1950 and incorporated with other procedural direction in the Handbook.

Revisions to FSH 1909.15

Zero Code Chapter. In the Forest Service directive codification scheme, direction in a "zero code" chapter at the beginning of a handbook sets forth the broad legal authority, policies, responsibilities, and other direction that govern or apply to all subsequent direction.

Specific changes planned in this chapter of the Handbook include: clarification of the purpose of FSH 1909.15 regarding the integration of environmental analysis into the work of all Forest Service programs, including implementation of the National Forest Management Act (36 CFR part 219); and inclusion of direction on emergency and classified actions currently in FSM 1950. An Authority section provides a synopsis of the enabling legislation, regulations, and Departmental policies and procedures concerning environmental analyses. The Definitions section now incorporates selected terms and definitions directly from the CEQ Regulations (40 CFR part 1500-1508). The definition of decision document is expanded to include a decision memo, a new type of document established by the agency when it adopted new administrative appeal procedures for National Forest System Land and Resource Management plan and project decisions (36 CFR part 217; 54 FR 3358, January 23, 1989).

This chapter would also establish new requirements for public notice of upcoming proposals. This proposed direction would require that each Forest Supervisor, Station Director, and the Area Director prepare and distribute a calendar of proposed actions that may undergo environmental analysis. This calendar is not intended to be a substitute for appropriate scoping at the time environmental analysis begins. Rather, the purpose of the calendar is to give early, informal notice of proposals so that the public can become aware of Forest Service activities, indicate their interest in specific proposals, and become involved early in the process. The direction calls for the calendar to be distributed to interested and affected agencies, organizations, and individuals. As a minimum, the calendar would be distributed twice a year. Direction for the calendar of proposed actions is found in section 07 of the Zero Code chapter.

Chapter 10—Environmental Analysis. Direction on scoping would be placed in this chapter rather than in a chapter by itself. The purpose of this reorganization is to emphasize that scoping is a part of environmental analysis. The scoping section emphasizes the importance of involving the public early in the planning and decisionmaking process. A new section 11.6 on determining if a proposal can be categorically excluded would be added to better guide Forest Service employees. Section 13, Collecting and Interpreting Data, has been expanded to include the requirements for addressing incomplete or unavailable information when evaluating adverse impacts.

A new section 18 would provide direction on analysis of new information after a decision has been made. A responsible official may learn of new

information relating to the environmental effects of a proposed action after a decision has been made, but prior to completion of the project or activity. New information may result from monitoring, research, further intensive inventory, or changed circumstances, for example, as a result of fire, flood, or windstorm. Direction for reviewing the new information and documenting the results is provided in section 18 of the Handbook. The revision would provide for the preparation of a supplement to an environmental assessment and the determination of whether to prepare a new finding of no significant impact (FONSI). New direction also clarifies what decision documents would be required based on the nature of the new information or changed circumstances.

Chapter 20—Environmental Impact Statements and Related Documents. This chapter would replace existing chapter 40 of the same title. Highlights of new or revised direction in this chapter follow.

1. *Actions Requiring EIS's.* A section would be added concerning classes of actions requiring environmental impact statements (EISs), previously addressed in FSM 1952.1. Two new classes of actions requiring EIS's would be added:

a. Proposals to carry out or to approve the operational aerial application of chemical pesticides, and

b. Proposals that would substantially alter the undeveloped character of an inventoried roadless area of 5,000 acres or more.

2. *Notice of Intent.* The required content of a notice of intent to prepare an EIS has been expanded to give the public more information concerning proposed actions. The CEQ regulations require that a notice of intent to prepare an environmental impact statement contain four elements—the proposed action, possible alternatives, the proposed scoping process, and the name and address of an agency contact person. The Forest Service has additional content requirements. The agency's experience is that the more information the public is given during scoping, the more precise or specific the public can be in providing comments on the proposed action and the potential environmental effects. Therefore, in addition to the four elements required by the CEQ regulations, direction would be added to require that notices of intent must describe or identify the nature and scope of the proposed action and the decision to be made, the preliminary issues, any permits and licenses required to implement the proposed action, the responsible official, and the estimated schedule for completing the analysis. Guidance for preparing a notice of intent is contained in section 21 of the Handbook.

3. *Record of Decision.* Guidelines for the content requirements of the Record of Decision would be expanded to include the following: identification of the issues and inclusion of a brief summary of public participation efforts; identification of factors other than environmental consequences in making the decision; a statement of the findings required by other laws; and designation of a contact person. Additional direction also would be given for the notice and distribution of the record of decision, in addition to the State Single Point of Contact.

The National Forest Management Act of 1976 (NFMA) requires that subject to valid existing rights, decisions implemented on National Forest lands after approval of a Forest Land and Resource Management Plan, be consistent with the Forest Plan. NFMA also requires certain findings related to vegetation manipulation to be made prior to making a decision. Other laws not directly related to National Forest management place responsibility on the Forest Service to make sure certain conditions exist prior to taking an action. For example, the Federal Land Policy and Management Act requires the Forest Service to determine that a proposed use is in the public interest prior to issuing a land use occupancy permit. The Endangered Species Act also requires that the Forest Service find that certain conditions be met prior to taking an action if the habitat for an endangered or threatened species may be affected. Therefore, the agency's procedures would be amended to require that all decisions documented in a Record of Decision must contain the findings required by other laws and regulations which relate to implementation of the decision being made.

Chapter 30—Categorical Exclusions. In April 1987 the Western Natural Resource Law Clinic, on behalf of the Oregon Natural Resources Council and The Wilderness Society, petitioned the Forest Service for rulemaking regarding the use of categorical exclusions. They asked the Forest Service to:

1. Amend Forest Service Manual (FSM) section 1952.2 so that it describes specific and objectively identifiable categories of actions to be excluded from environmental documentation.

2. Prohibit the categorical exclusion of timber sales involving more than 25 thousand board feet or more than one acre.

3. Immediately stay the application of FSM 1952.2 to timber sales of more than 25 thousand board feet or more than one acre until final agency action on this petition.

This proposed revision is designed to respond to the first two proposals. In this proposed revision of agency procedure, the categories are now more specific and objectively identifiable. In addition, any proposed action to be excluded must fit within one of the specific categories and involve no extraordinary circumstances.

The request to prohibit the categorical exclusion of timber sales involving more than 25 thousand board feet or more than one acre is unreasonably conservative and has not been included in this proposed revision. Instead, the proposed revision of FSH 1909.15 would categorically exclude any proposal to harvest or salvage timber which remove one million board feet or less of merchantable wood products; require one mile or less of new road construction, assure regeneration of harvested or salvaged areas, where required; and are consistent with Forest land and resource Management Plans. These activities have little potential for soil movement, loss of soil productivity, water and air degradation or impact on sensitive resource values. The Forest Service has prepared environmental assessments on hundreds of timber sales which have these characteristics and has always found them to have no significant environmental effects. This category is fully consistent with the Council on Environmental Quality's advice which encourages agencies to consider broadly defined criteria which characterize types of actions that, based on the agency's experience, do not cause significant environmental effects (46 FR 41131, August 14, 1981 and 48 FR 34263–34268, July 28, 1983).

In response to petitioner's request to stay categorical exclusions of timber sales of more 25,000 board feet or more than one acre, the Forest Service issued Interim Directive Number 2 to FSH 1909.15 (54 FR 9073–9075, March 3, 1989) which limited categorical exclusion of salvage, thinning, and harvest cuts to those less than 100 thousand board feet or less than 10 acres. Subsequently, Interim Directive Number 17 to Forest Service Manual 1950, which was issued on March 22, 1989, and published in the Federal Register on August 21, 1989 (54 FR 34533), provides broad guidance for determining if an action may be categorically excluded. Upon expiration, both interim directives were reissued as Interim Directive Number 3 (January 31, 1990) and Interim Directive Number 18 (April 6, 1990) respectively.

In this proposed revision, detailed directions on categorical exclusions would be removed from FSM 1950 and placed in FSH 1909.15 for ease of reference and use. The Forest Service has followed the advice of the Council on Environmental Quality in considering which types of action, based on the agency's experience, do not cause significant environmental effects (48 FR 34263–34268, July 28, 1983). Experience in applying agency NEPA procedures and project monitoring has resulted in identifying 20 categories of actions which may be categorically excluded from documentation in an environmental impact statement (EIS) or environmental assessment (EA). The addition of new categories and expansion of existing ones is necessary to prevent needless paperwork, to clarify definitions of categories, and to expand examples to facilitate understanding and interpretation, thereby ensuring proper use.

In addition, the Secretary of Agriculture's seven categories of action that are excluded from documentation (7 CFR 1b.3) have been incorporated into the text of the handbook.

Other major proposed revisions to Chapter 30 of the Handbook address decision documentation and record keeping. A summary of these follows:

1. *Decision Memo.* When the Forest Service's administrative appeal regulations (36 CFR part 217) were adopted in 1989 (54 FR 3342, January 23, 1989), decisions to proceed with some proposed actions which are categorically excluded from documentation in an environmental impact statement or environmental assessment were made subject to administrative review. To implement this provision a new type of document—the decision memo—was developed to disclose the decision to be implemented, the reasons for categorically excluding the proposed action, and the findings required by other laws and regulations. The format and content requirements were issued as Interim Directives Numbers 2 and 17, effective February 28, 1989, and March 22, 1989, respectively. These interim requirements would be incorporated as continuing direction in section 32 of the proposed Handbook revision. Additionally, section 33 would provide direction for giving public notice of a decision to proceed with a proposed action which has been categorically excluded and for distributing a decision memo to interested and affected individuals, groups, organizations, and agencies.

2. *Categories for which a Project File and Decision Memo are not Required.* The Chief of the Forest Service has established six categories for which a project or case file and decision memo are not required. Of these six categories two are new. The new categories include: (a) Proposals to issue or issuance of rules, regulations, policy, or procedures which in and of themselves result in little or no environmental effects. Agency experience indicates that most codified rules and policies issued by the agency do not have direct or indirect environmental effects. Generally, such rules are highly procedural and establish broad policy and process to govern program managers. (b) Proposals to issue, reissue, or adjust land use authorization which is consistent with an existing Forest Land and Resource Management Plan where the proposed activity or continuation of the activity will have little potential for soil movement, loss of soil productivity, water and air quality degradation, or impact on sensitive resources. Substantial agency experience indicates activities in this category have temporary or nonexistent environmental effects.

Two other categories are new to this section. These are: (1) Proposals to acquire land or interest in land involving only transfer of title to the United States which include purchase, donation, tripartite land-for-timber exchanges, or acquisition of replacement land in Sisk Act cases; and (2) Proposals to carry out small-scale pest management activities that have little adverse impact on non-target species, soil productivity, water quality, or sensitive resources—are new to this section. Currently, decisions to categorically exclude these actions require a decision memo. However, because these types of actions have rarely been appealed in the past, the agency concludes that decision memos and project or case files are no longer needed.

The category of proposals to issue orders pursuant to 36 CFR Part 261 to provide short-term protection for sensitive resource values and which, in and of themselves, result in little or no environmental effects has been modified to reflect the short-term nature of the action.

The category covering proposals to perform routine repair, maintenance, and administrative activities which cause little surface disturbance includes more specific examples for enhanced clarity and understanding.

3. *Categories of Actions Requiring a Project File or Case File and Decision Memo.* The Chief of the Forest Service has also identified fourteen categories for which a project or case file and decision memo are required. Nine of these fourteen categories are new. One of the nine new categories concerns proposals to conduct research activities and administrative studies which do not involve genetically engineered organisms and that have little potential for soil movement, loss of soil productivity, water and air quality degradation, or impact on sensitive resource values. In the absence of extraordinary circumstances, activities in this category have been shown not to have significant effects and, therefore, are appropriate to exclude from documentation in an environmental assessment or environmental impact statement.

Another new category concerns proposals to issue or reissue a term permit for the continuing operation of existing facilities that have little potential for soil movement, water and air quality degradation, or impact on sensitive resource values and that are consistent with the existing Forest land and resource management plan. This type of use is excluded from documentation, because it continues an existing use without allowing new construction or ground-disturbing activities.

The third new category, amendments to forest land and resource plans which do not change decisions made in forest plans, is categorically excluded when the amendments in and of themselves have little potential for environmental effects. Examples include minor management area boundary changes and text changes made to management direction for clarification or updating of information.

Other new categories include—(1) Proposals or issuance of authorizations to construct, reconstruct, or upgrade trails and low-standard roads (service level D as defined in FSH 7709.56) where the activity will have little potential for soil movement, loss of soil productivity, water and air degradation or impact on sensitive resource values and (2) Proposals or issuance of authorizations to construct, reconstruct, or upgrade facilities or utilities on approved sites that have little potential for soil movement, loss of soil productivity, water quality degradation, or impact on sensitive resource values were previously contained in one category and did not require a project file or decision memo. In order to be more precise and clarify the definition and because of anticipated interest by various publics, a project file and decision memo would now be required.

Previously, an existing category of low impact silvicultural activities included a variety of actions such as harvest, salvage, thinning, planting and

site preparation. In order to provide precise, clearly understood categories of proposed actions, this category was expanded and would now be divided into four separate categories. They include: (1) Proposals to harvest or salvage timber which remove one million board feet or less of merchantable wood products; require one mile or less of new road construction; assure regeneration of harvested or salvaged areas, where required; (2) Proposals to thin merchantable timber from over-stocked stands which require one mile or less of new road construction; (3) Proposals to artificially regenerate areas to native tree species, including needed site preparation not involving the use of pesticides; and (4) Proposals to improve vegetation or timber conditions using approved silvicultural or habitat management techniques, not including the use of herbicides. Each of the categories includes an expanded definition wherein the activity will have little potential for soil movement, loss of soil productivity, water and air degradation or impact on sensitive resource values and is consistent with Forest land and resource management plans. The parameters for the harvesting activities have been increased because of the number of environmental assessments and findings of no significant impact found in every case over the last 10 years in timber sales of this size.

Lastly, a new category is proposed—proposals to reissue a grazing permit which newly incorporates forest plan management direction when there is little potential for soil movement, loss of soil productivity, water quality degradation, or impact on sensitive resource values. Examples include reissuing a term permit as a result of permit expiration or issuing a grazing permit as a result of the sale of permitted livestock or base property. The remaining categories have not changed.

Chapter 40—Environmental Assessment and Reloted Documents. This chapter would replace existing Chapter 30 and provide direction for completing a finding of no significant impact; preparing decision notices; and informing the public of the decision. Most of the direction in this chapter would remain unchanged from that in the current Handbook. However, direction on preparing a decision notice would be expanded to include: additional guidance in regard to actions when the Chief or Secretary is the responsible official; expanded information required to identify the location of the proposed action; and requirements for a summary of how the public was involved and the name of a contact person. In addition, the decision notice would include the findings required by other laws as described in proposed chapter 20.

Chapter 50—Implementation and Monitoring. Direction would be provided for the required conditions under which implementation of activities in inventoried roadless areas or "further planning areas" can occur.

Chapter 60—References. This chapter contains reference material needed to assist in conducting analyses, preparing documents, and giving notices of decisions. Because of the chapter's length and because the information contained in this chapter is generally available to the public, only the table of contents of chapter 60 is published in this notice. It is included in the Handbook to ensure that employees have ready access to these materials.

Environmental Impact

Based on experience and environmental analysis, the implementation of the revised Forest Service environmental policy and procedures will not significantly affect the quality of the human environment, individually or cumulatively. Therefore, this action is categorically excluded from documentation in an environmental impact statement or an environmental assessment (FSM 1952.2 and 40 CFR 1508.4).

Controlling Paperwork Burdens on the Public

These policies and procedures do not contain any recordkeeping or reporting requirements or other information collection requirements as defined in 5 CFR part 1320 and, therefore, impose no paperwork burden on the public.

Impact

This proposed policy has been reviewed under USDA procedures and Executive Order 12291. It has been determined that this proposed policy is not a major rule. The policy will not have an effect of $100 million or more on the economy; substantially increase prices or costs for consumers, industry, or State or local governments; nor adversely affect competition, employment, investment, productivity, innovation, or the ability of United States-based enterprises to compete in foreign markets. In short, little or no effect on the National economy will result from this policy as it consists primarily of minor changes in agency procedures and it does not increase costs to the Government or users of the National Forests.

Moreover, this policy has been considered in light of the Regulatory Flexibility Act (5 U.S.C. 601 et seq.), and it has been determined that this action will not have a significant economic impact on a substantial number of small entities.

The full text of FSM 1950 and FSH 1909.15 is set out at the end of this notice. Comments are invited and will be considered prior to adoption of the final policy and procedures.

Dated: March 15, 1991.

George M. Leonard,

Associate Chief.

Title 1900—Planning

Chapter 1950—Environmental Policy and Procedures

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This chapter sets forth Forest Service objectives, policy, and responsibilities for meeting the requirements of the National Environmental Policy Act (NEPA).

1950.1 Authority

1. *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 directs the use of 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. The regulations implement the "action-forcing" section 102(2) of the National Environmental Policy Act; ensure environmental information is available to public officials and the public including emphasis on significant issues; and provide direction to assist public officials in making decisions based on an understanding of environmental consequences.

3. *U.S. Department of Agriculture NEPA Policies and Procedures* (7 CFR part 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 texts of these authorities and supplementary Council on Environmental Quality guidance are printed in chapter 60 of the Forest Service Environmental Policy and Procedures Handbook (FSH 1909.15). Additionally, the authorities are included, in part, in bold type in relevant portions of FSH 1909.15.

1950.2 Objectives

In meeting the requirements of the National Environmental Policy Act, the Forest Service seeks to:

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

2. Fully consider the environmental impacts of Forest Service proposed actions.

3. Involve interested and affected agencies, organizations, and persons in planning and decisionmaking.

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

5. Allow line officers to carry out the direction in FSH 1909.15, the Environmental Policy and Procedures Handbook.

1950.3 Policy

It is Forest Service policy to:

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

2. Involve the public in scoping and environmental analysis of a proposed action.

3. Give timely notice to interested and affected parties of the availability of environmental and decision documents and make those documents available to the public free of charge to the extent practicable.

4. Apply the concepts of tiering, adoption, and incorporation by reference to both environmental impact statements and environmental assessments.

1950.4 Responsibility

1950.41 Authority to act as Responsible Official

1950.41a Chief

The Chief reserves the discretion to be the responsible official (sec. 1950.5) for environmental analyses, documentation, and decisions relating to proposed actions of national importance. In accordance with the delegations of general authority at FSM 1235, the Associate Chief may act as responsible official on any matter reserved by the Chief, unless the Chief directs otherwise.

In cases of proposed legislation where the Secretary of Agriculture is the responsible official, the Chief is responsible for providing support for the analysis and documentation.

1950.41b Deputy Chiefs and Associate Deputy Chiefs

In accordance with delegations at FSM 1235, the Deputy Chiefs and Associate Deputy Chiefs may serve and sign as the responsible official on any environmental matter of national importance within their areas of jurisdiction, reserved to the Chief, unless the Chief specifically directs otherwise.

1950.41c Regional Foresters, Station Directors, and Area Director

As provided in FSM 1235, Regional Foresters, Station Directors, and the Area Director are delegated responsibility for conducting environmental analyses, preparing environmental documents, and making decisions related to proposed actions under their jurisdiction.

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

Regional Foresters, Station Directors, and the Area Director may redelegate responsibility for conducting environmental analyses, preparing the necessary documentation, filing environmental impact statements, and making decisions on proposed actions to Forest Supervisors, Assistant Station Directors, Research project leaders, and State and Private Forestry field representatives.

1950.41d Forest Supervisors

Forest Supervisors have authority and responsibility for conducting environmental analyses, preparing the necessary documentation, and making decisions on proposed actions under their jurisdiction (FSM 1235). This authority may be redelegated to District Rangers by supplement to this chapter or on a case-by-case basis to District Rangers.

1950.42 Issuance of Directives

1950.42a Deputy Chief for Programs and Legislation

The authority to issue new or revised National Environmental Policy Act procedures is reserved to the Deputy Chief except as noted in section 1950.43.

1950.42b Field Line Officers

Notwithstanding the delegation of authority in FSM 1104 to issue supplements to the Forest Service Manual and the Handbooks, Regional Foresters, Station Directors, Area Director, and Forest Supervisors may issue supplements to FSM 1950 and FSH 1909.15 only as follows:

1. Supplements to FSM 1950 may be issued only to delegate authority or responsibility.

2. Supplements to FSH, 1909.15 may be issued only for the purposes of issuing internal procedures for preparing and processing environmental documents and records, assigning responsibilities, or adding reference materials.

1950.43 Director of Environmental Coordination

The Director is the staff official responsible for developing and recommending national policy, procedures, coordination measures, technical administration, and training necessary to implement the National Environmental Policy Act (NEPA) for the Forest Service. The Director is also responsible for policy, procedures, and training for conducting social impact

analysis (FSM 1973 and FSH 1909.17, ch. 30).

The Director is responsible for liaison with the Council on Environmental Quality and consults with the Council on possible referrals (40 CFR part 1504) and emergencies (40 CFR 1506.11). The Director also provides liaison with the Environmental Protection Agency and, as needed, requests changes in the prescribed time periods for preparation and processing of environmental impact statements (40 CFR 1506.10).

When the Chief or the Secretary is the responsible official for a proposed action, the Director advises and assists the appropriate field unit or Washington Office (WO) staff in preparation of the necessary documents. The Director coordinates, reviews, and processes documents for actions for which the Chief or the Secretary is the responsible official.

The Director's signing authority includes:

(a) Correspondence with the Council on Environmental Quality, Environmental Protection Agency, and other departments and agencies, and on Forest Service legislation, projects, and programs which relate to the National Environmental Policy Act of 1969.

(b) General correspondence regarding environmental and decision documents and environmental quality matters.

(c) Routine correspondence (FSM 1237) to Members of Congress and routine referrals from the President and Secretary.

1950.5 Definitions

Responsible Official. The responsible official is the agency employee who has the line or delegated authority to make a decision on a proposed action.

Note: When issued in the Forest Service directive system, certain text of this Handbook will be set out in boldface type, however, **Federal Register** printing specifications do not permit that material to be set out in boldface here.

Environmental Policy and Procedures Handbook

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This Handbook provides procedural guidance for implementing the National Environmental Policy Act (NEPA), the Council on Environmental Quality (CEQ) regulations (40 CFR 1500–1508), USDA NEPA Policies and Procedures (7 CFR part 1b), and Forest Service Manual 1950 in Forest Service activities.

This Handbook provides direction and guidance for analyzing and documenting the environmental consequences of proposed actions. Chapter 10 sets forth guidelines on scoping and environmental analysis. Chapters 20, 30, and 40 contain the documentation and process requirements for environmental impact statements, categorical exclusions, and environmental assessments. Chapter 50 addresses implementing and monitoring requirements. Chapter 60 includes the text of pertinent laws, regulations, memoranda, and other reference materials which may be useful to carry out the procedures in this Handbook.

Compliance with NEPA is fundamental to managing all Forest Service resource, research, and cooperative forestry programs and must be integrated into the management processes for these programs. Therefore, the procedures in this handbook must be used in conjunction with other direction found throughout the Forest Service Manual and Handbooks. Specifically, use this Handbook in conjunction with FSM 1950, Environmental Policy and Procedures, which sets forth the broad Forest Service objectives, policy, and responsibilities for meeting the requirements of the National Environmental Policy Act. Also, integrate the requirements in this Handbook with the procedures set forth in FSM 1920 and FSH 1909.12 and the regulations implementing the National Forest Management Act (36 CFR part 219).

For ease of reference and use, the text of the CEQ regulations governing implementation of NEPA are incorporated throughout this Handbook. The CEQ regulations are set out in boldface to distinguish them from Forest Service direction.

01 Authority

1. *The National Environmental Policy Act of 1969 (NEPA),* as amended (42 U.S.C. 4321–4346). NEPA declares a national policy which encourages "productive and enjoyable harmony between man and his environment." NEPA requires Federal agencies to: (a) use a systematic interdisciplinary approach in planning and decisionmaking which may have an impact on man s environment, (b) consider the environmental impact of proposed actions, (c) identify adverse environmental effects which cannot be avoided should the proposal be implemented, (d) consider alternatives to the proposed action, (e) consider the relationship between local short-term uses of man's environment and the maintenance and enhancement of long-term productivity, and (f) identify any irreversible and irretrievable commitments of resources which would be involved in the proposed action should it be implemented.

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

3. *U.S. Department of Agriculture NEPA Policies and Procedures* (7 CFR part 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 preparation of environmental assessments or environmental impact statements.

The full text of these authorities is printed in chapter 60 of this Handbook.

02 Objectives

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

2. To conduct and document environmental analyses and the related decisions associated with national forest resource management, cooperative forestry, and research activities in a consistent manner.

04 Responsibility.

Line officers are responsible for ensuring that the procedures in this Handbook are understood and followed.

05 Definitions.

The definitions in boldface are those taken directly from the CEQ regulations (40 CFR part 1506). The remaining terms and definitions are those devised by the Forest Service and used throughout this handbook.

1. *Act*—* * * the National Environmental Policy Act, as amended (42 U.S.C. 4321, et seq.) which is also referred to as NEPA." (40 CFR 1508.2)

2. *Categorical Exclusion*—* * * a category of actions which do not individually or cumulatively have a

significant effect on the human environment and which have been found to have no such effect in procedures adopted by a Federal agency in implementation of these regulations ({(1507.3) and for which, therefore, neither an environmental assessment nor an environmental impact statement is required. (40 CFR 1508.4)

3. *Connected Actions.* Actions are connected if they:

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

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

(iii) Are interdependent parts of a larger action and depend on the larger action for their justification. (40 CFR 1508.25)

4. *Cooperating Agency*—* * * any Federal agency other than a lead agency which has jurisdiction by law or special expertise with respect to any environmental impact involved in a proposal (or a reasonable alternative) for legislation or other major Federal action significantly affecting the quality of the human environment. The selection and responsibilities of a cooperating agency are described in {1501.6. A State or local agency of similar qualifications or, when the effects are on a reservation, an Indian Tribe, may by agreement with the lead agency become a cooperating agency. (40 CFR 1508.5)

5. *Council*—* * * the Council on Environmental Quality established by title II of the Act. (40 CFR 1508.6)

6. *Cumulative Action*—* * * actions, which when viewed with other proposed actions have cumulatively significant impacts and should therefore be discussed in the same impact statement. (40 CFR 1508.25)

7. *Cumulative Impact*—* * * the impact on the environment which results from the incremental impact of the action when added to other past, present, and reasonably foreseeable future actions regardless of what agency (Federal or non-Federal) or person undertakes such other actions. Cumulative impacts can result from individually minor but collectively significant actions taking place over a period of time. (40 CFR 1506.7)

8. *Decision Document.* A decision memo, decision notice, or record of decision.

9. *Decision Memo.* A concise written record of the responsible official's decision to implement an action that has been categorically excluded from documentation in an environmental impact statement or environmental assessment (sec. 30.5).

10. *Decision Notice.* A concise written record of the responsible official's decision when an environmental assessment and finding of no significant impact are prepared (sec. 43.2).

11. *Effects.* These include:

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

(b) Indirect effects, which are caused by the action and are later in time or farther removed in distance, but are still reasonably foreseeable. Indirect effects may Include growth inducing effects and other effects related to induced changes in the pattern of land use, population density or growth rate, and related effects on air and water and other natural systems, including ecosystems. Effects and impacts as used in these regulations are synonymous. Effects includes ecological (such as the effects on natural resources and on the components, structures, and functioning of affected ecosystems), aesthetic, historic, cultural, economic, social, or health, whether direct, indirect, or cumulative. Effects may also include those resulting from actions which may have both beneficial and detrimental effects, even if on balance the agency believes that the effect will be beneficial. (40 CFR 1508.8)

See also, cumulative impact.

12. *Environmental Analysis.* An investigation of a proposed action and alternatives to that action and their direct, indirect, and cumulative environmental impacts. This process provides the necessary information for reaching an informed decision. It also provides the information needed for determining whether a proposed action may have significant environmental effects and for preparing environmental documents (Ch. 10).

13. *Environmental Assessment*—

(a) * * * a concise public document for which a Federal agency is responsible that serves to:

(1) Briefly provide sufficient evidence and analysis for determining whether to prepare an environmental impact statement or a finding of no significant impact.

(2) Aid an agency's compliance with the Act when no environmental impact statement is necessary.

(3) Facilitate preparation of a statement when one is necessary.

(b) Shall include brief discussions of the need for the proposal, of alternatives as required by section 102(2)(E), of the environmental impacts of the proposed action and alternatives, and a listing of agencies and persons consulted. (40 CFR 1508.9)

14. *Environmental Document*—* * * includes the documents specified in § 1508.9 (environmental assessment), § 1508.11 (environmental impact statement), § 1508.13 (finding of no significant impact), and § 1508.22 (notice of intent). (40 CFR 1508.10)

15. *Environmental Impact Statement*—* * * a detailed written statement as required by section 102(2)(C) of the Act. (40 CFR 1508.11)

16. *Environmentally Preferable Alternative.* An alternative that best meets the goals of section 101 of the National Environmental Policy Act and required by 40 CFR 1505.2(b) to be identified in a record of decision. Ordinarily, this is the alternative that causes the least damage to the biological and physical environment and best protects, preserves, and enhances historical, cultural, and natural resources. In some situations, there may be more than one environmentally preferable alternative.

17. *Federal Agency*—* * * all agencies of the Federal Government. It does not mean the Congress, the Judiciary, or the President, including the performance of staff functions for the President in his Executive Office. (40 CFR 1508.12)

18. *Finding of No Significant Impact (FONSI)*—* * * a document by a Federal agency briefly presenting the reasons why an action, not otherwise excluded (§ 1508.4), will not have a significant effect on the human environment and for which an environmental impact statement therefore will not be prepared. It shall include the environmental assessment or a summary of it and shall note any other environmental documents related to it (§ 1501.7(a)(5)). (40 CFR 1508.13)

19. *Floodplains.* As defined by E.O. 11988, as amended, 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 one percent or greater chance of flooding in any given year (sec. 66.3).

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

21. *Jurisdiction by Law*— * * * agency authority to approve, veto, or finance all or part of the proposal. (40 CFR 1508.15)

22. *Lead Agency*—* * * the agency or agencies preparing or having taken primary responsibility for preparing the environmental impact statement (40 CFR 1508.16)

This also applies to environmental assessments.

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

24. *Major Federal Action*— * * * includes actions with effects that may be major and which are potentially subject to Federal control and responsibility. Major reinforces but does not have a meaning independent of significantly (§ 1508.27). Actions include the circumstance where the responsible officials fail to act and that failure to act is reviewable by courts or administrative tribunals under the Administrative Procedure Act or other applicable law as agency action.

(a) Actions include new and continuing activities, including projects and programs entirely or partly financed, assisted, conducted, regulated, or approved by federal agencies; new or revised agency rules, regulations, plans, policies, or procedures; and legislative proposals (§ 1506.8, 1508.17). Actions do not include funding assistance solely in the form of general revenue sharing funds, distributed under the State and Local Fiscal Assistance Act of 1972, 31 U.S.C. 1221 et seq., with no Federal agency control over the subsequent use of such funds. Actions do not include bringing judicial or administrative civil or criminal enforcement actions.

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

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

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

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

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

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

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

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

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

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

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

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

27. *NEPA Process*—* * * all measures necessary for compliance with the requirements of section 2 and Title I of NEPA. (40 CFR 1508.21)

28. *Notice of Intent*—* * * a notice that an enivornmental impact statement will be prepared and considered. (40 CFR 1508.22)

29. *Preferred Alternative.* The alternative(s) which the agency believes would best fulfill its statutory mission and responsibilities, giving consideration to environmental, social, economic, and other factors and disclosed in an environmental impact statement.

30. *Prime Farmland, Rangeland, and Forest Land.* (See Departmental Regulation 9500-3 in § 85.21 for a detailed definition.)

31. *Proposed Action.* A proposal made by the Forest Service to authorize, recommend, or implement an action to meet a specific purpose and need (see section 32).

32. *Proposal*—* * * exists at that stage in the development of an action when an agency subject to the Act has a goal and is actively preparing to make a decision on one or more alternative means of accomplishing that goal and the effects can be meaningfully evaluated * * * A proposal may exist in fact as well as by agency declaration that one exists. (40 CFR 1508.23)

33. *Record of Decision*—* * * shall:

(a) State what the decision was.

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

(c) State whether all practicable means to avoid or minimize environmental harm from the alternative selected have been adopted, and if not, why they were not. A monitoring and enforcement program shall be adopted and summarized where applicable for any mitigation. (40 CFR 1505.2)

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

35. *Similar Action*—(3) * * * when viewed with other reasonably foreseeable or proposed agency actions, have similarities that provide a basis for evaluating their environmental consequences together, such as common timing or geography. (40 CFR 1508.25)

36. *Scope*—* * * the range of actions, alternatives, and impacts to be considered in an environmental impact statement. (40 CFR 1508.25)

37. *Scoping.* The procedure by which the Forest Service identifies important issues and determines the extent of analysis necessary for an informed decision on a proposed action. Scoping is an integral part of environmental analysis.

38. *Significance.* Includes both context and intensity: (a) Context. This means

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

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

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

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

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

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

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

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

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

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

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

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

39. *Special Expertise*—* * * statutory responsibility, agency mission, or related program experience. (40 CFR 1508.26)

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

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

(b) From an environmental impact statement on a specific action at an early stage (such as need and site selection) to a supplement (which is preferred) or a subsequent statement or analysis at a later stage (such as environmental mitigation). Tiering in such cases is appropriate when it helps the lead agency to focus on the issues which are ripe for decision and exclude from consideration issues already decided or not yet ripe. (40 CFR 1508.28)

41. *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 vegetation or aquatic life that requires saturated or seasonally saturated soil conditions for growth and reproduction (sec. 66.4).

06 Overview of Process

Exhibit 1 illustrates the full National Environmental Policy Act process and indicates the normal sequence of actions.

07 Public Notice of Upcoming Proposals

07.04 Responsibility

Each Forest Supervisor, the Area Director, and each Station Director is responsible for ensuring the preparation and distribution of a calendar of proposed actions in accordance with this section.

07.1 Calendar of Proposed Actions

Provide notice of upcoming proposals which may undergo environmental analysis and documentation to interested and affected agencies, organizations, and persons through the use of a calendar of proposed actions. The purpose of the calendar of proposed actions is to give early informal notice of proposals so the public can become aware of Forest Service activities and indicate their interest in specific proposals.

1. *Frequency of Distribution.* Prepare and distribute the calendar of proposed actions at least every six months to interested and affected agencies, organizations, and individuals. For those proposed actions which are proposed and undergo analysis after publication of the calendar, notice of the status of the action shall show in the subsequent calendar.

2. *Format and Content.* Any format may be used, however as a minimum the calendar of proposed actions shall contain the following information:

(a) Name of the administrative unit and time period covered by the calendar.

(b) Description of the upcoming proposed action(s) (upcoming projects and/or activities) which are expected to undergo environmental analysis in the time period specified.

(c) Location of the proposed action including the State, county, and where appropriate, the Ranger District, and the legal land description.

(d) The estimated date when scoping may begin.

(e) The estimated date of the decision.

(f) A name, address, and telephone number of the person to contact.

(g) Status of the analysis including dates of any Federal Register or other legal notices and dates of decision documents, and the estimated implementation date(s).

08—Emergency and Classified Actions

1. *Emergency Actions.* Where emergency circumstances make it necessary to take an action with significant environmental impact without observing the provisions of these regulations, the Federal agency taking the action should consult with the Council about alternative arrangements. Agencies and the Council will limit such arrangements to actions necessary to control the immediate impacts of the emergency. Other actions remain subject to NEPA review. (40 CFR 1506.11)

For emergencies other than fire suppression, contact the Washington Office Director of Environmental Coordination regarding consultation with the Council on Environmental Quality (FSM 1950.41b and 1950.42).

2. *Classified Actions.* (a) Agency procedures may include specific criteria for providing limited exceptions to the provisions of these regulations for classified proposals. They are proposed actions which are specifically authorized under criteria established by an Executive Order or statute to be kept secret in the interest of national defense or foreign policy and are in fact properly classified pursuant to such Executive Order or statute. Environmental assessments and environmental impact statements which address classified proposals may be safeguarded and restricted from public dissemination in accordance wtih agencies' own regulations applicable to classified information. These documents may be organized so that classified portions can be included as annexes, in order that the unclassified portions can be made available to the public. (40 CFR 1507.3(c))

Among its exemptions to public disclosure requirements, the Freedom of Information Act contains an exemption for law enforcement purposes to the extent that production of investigatory records would "(A) interfere with enforcement proceedings, * * * (E) disclose investigative techniques and personnel." (5 U.S.C. 552(b)(7) (1977).) Cannabis eradication falls within the scope of this exemption. For this reason environmental and decision documents which address cannabis eradication should be withheld from public disclosure until the cannabis has been eradicated from the site or until law enforcement needs no longer require that they be withheld.

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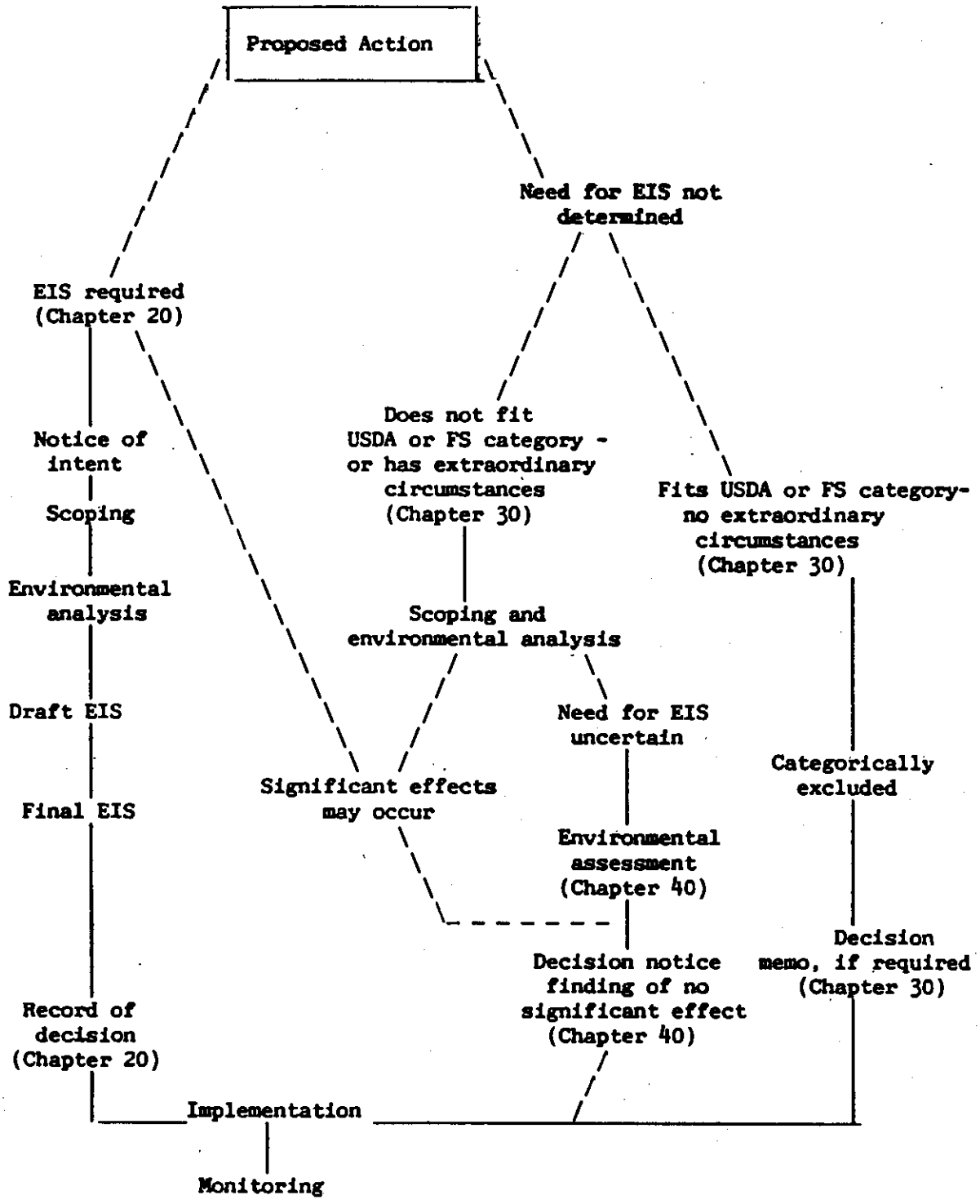
Exhibit 1 - Sec. 06 NEPA PROCESS OVERVIEW



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Chapter 10—Environmental Analysis

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Environmental analysis assesses the nature and importance of the physical, biological, social, and economic effects of a proposed action and its reasonable alternatives. Exhibit 1 in sec. 06, Chapter Zero Code, shows how environmental analysis relates to other procedures required under the National Environmental Policy Act and its implementing regulations.

For ease of reference and use, the text of the relevant CEQ regulations is set out in boldface type throughout this chapter.

10.2 Objectives.

1. Conduct environmental analyses to assess the nature, characteristics, and significance of the effects of a proposed action and its alternatives on the human environment.

2. Conduct scoping to:

a. Determine the nature and complexity of the proposed action.

b. Identify environmental issues related to the proposed action.

c. Determine the disciplines required and guide environmental analysis and documentation.

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

10.3 Policy.

1. Investigate the nature and characteristics of a proposed action and determine how much analysis is necessary through scoping. The use of scoping applies to all proposed actions which are analyzed using the National Environmental Policy Act process, except those which may be categorically excluded from documentation (FSH 1909.15, Ch 30); it is not confined to the preparation of an environmental impact statement.

2. Conduct the scoping actions set forth in this chapter commensurate with the nature and complexity of the proposed action.

3. Keep the public informed of the progress of environmental analyses and decisionmaking.

10.4 Responsibility.

The official who is responsible for a decision on a proposed action (FSM 1950.4) also has the responsibility to:

1. Ensure that an appropriate level of scoping and environmental analysis 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).

4. Ensure that the public is kept informed of the results of scoping and the progress of the environmental analysis commensurate with the public interest in the proposed action.

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

11 Conduct Scoping

Although the Council on Environmental Quality (CEQ) Regulations require scoping only for environmental impact statement preparation, the Forest Service has broadened the concept to apply to all proposed actions without regard to the type of documentation required, except those which may be categorically excluded.

Scoping is an integral part of environmental analysis. Scoping includes refining the proposed action, determining the responsible official and lead and cooperating agencies, identifying preliminary issues, and identifying interested and affected persons. The results of scoping are used to identify public involvement methods, refine issues, select an interdisciplinary team, establish analysis criteria, explore possible alternatives and their probable environmental effects.

Because the nature and complexity of a proposed action determine the scope and intensity of the required analysis, no single technique is required or prescribed. Except where required by statute or regulations, the responsible official may adjust or combine the various steps of the process outlined in this chapter to aid in the understanding of the proposed action and identifying issues. The CEQ Regulations provide the following direction on scoping:

There shall be an early and open process for determining the scope of issues to be addressed and for identifying the significant issues related to a proposed action. This process shall be termed scoping.

(a) As part of the scoping process the lead agency shall:

(1) Invite the participation of affected Federal, State, and local agencies, any affected Indian tribe, the proponent of the action, and other interested persons (including those who might not be in accord with the action on environmental grounds), unless there is a limited exception under § 1507.3(c). An agency may give notice in accordance with § 1506.6.

(2) Determine the scope (§ 1508.25) and the significant issues to be analyzed in depth in the environmental impact statement.

(3) Identify and eliminate from detailed study the issues which are not significant or which have been covered by prior environmental review (§ 1506.3), narrowing the discussion of these issues in the statement to a brief presentation of why they will not have a significant effect on the

human environment or providing a reference to their coverage elsewhere.

(4) Allocate assignments for preparation of the environmental impact statement among the lead and cooperating agencies, with the lead agency retaining responsibility for the statement.

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

(6) Identify other environmental review and consultation requirements so the lead and cooperating agencies may prepare other required analyses and studies concurrently with, and integrated with, the environmental impact statement as provided in § 1502.25.

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

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 responsible official may choose to establish an interdisciplinary (ID) team and designate a team leader to conduct scoping and environmental analysis. However, the decision not to establish an ID team does not relieve the Forest Service of the responsibility to take an interdisciplinary approach to the analysis of the proposed action. Responsible officials shall be guided by the direction on interdisciplinary analysis in sec. 12 of this chapter.

The responsible official determines the scoping needed based on the nature and complexity of the proposed action and the decision to be made. Guidance on conducting public meetings and information gathering activities is found in FSH 1609.B, FSH 1609.13 Public Participation Handbook.

11.2 Identify the Characteristics of the Proposed Action and Nature of the Decision to be Made

The most important element of the scoping process is to correctly identify and define the proposed action. Identification of the proposed action should consider the nature, characteristics, and scope of the proposed action, the purpose and need for the proposed action, and the decision to be made.

The CEQ Regulations provide the following direction relevant to scoping associated with major Federal actions requiring the preparation on an environmental impact statement; however, the concepts apply to gathering preliminary information for all proposals which may undergo environmental analyses and documentation.

(a) Agencies shall make sure the proposal which is the subject of an environmental impact statement is properly defined. Agencies shall use the criteria for scope (§ 1508.25) to determine which proposal(s) shall be the subject of a particular statement. Proposals or parts of proposals which are related to each other closely enough to be, in effect, a single course of action shall be evaluated in a single impact statement.

(b) Environmental impact statements may be prepared, and are sometimes required, for broad Federal actions such as the adoption of new agency programs or regulations (§ 1508.18). Agencies shall prepare statements on broad actions so that they are relevant to policy and are timed to coincide with meaningful points in agency planning and decisionmaking.

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

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

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

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

(d) Agencies shall as appropriate employ scoping (§ 1501.7), tiering (§ 1502.20), and other methods listed in §§ 1500.4 and 1500.5 to relate broad and narrow actions and to avoid duplication and delay. (40 CFR 1502.4)

11.3 Identify Responsible Official(s) and Agencies Involved

The responsible official for implementing a proposed action usually is the agency employee who has the delegated authority to make the required decision(s) (FSM 1230; 1950). When an action is proposed, the responsible official must identify and contact other Federal, State, or local agencies with an interest in the action.

11.31 Determine Lead and Cooperating Agencies

Refer to definitions of lead and cooperating agency in Chapter Zero Code, Section 05.

11.31a Lead Agency

When the proposed action is on the National Forest System, the Forest Service is usually the lead agency.

The CEQ regulations address the determination and role of the lead agency as follows:

(a) A lead agency shall supervise the preparation of an environmental impact statement if more than one Federal agency either:

(1) Proposes or is involved in the same action; or

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

(b) Federal, State, or local agencies, including at least one Federal agency, may act as joint lead agencies to prepare an environmental impact statement (1506.2).

(c) If an action falls within the provisions of paragraph (a) of this section the potential lead agencies shall determine by letter or memorandum which agency shall be the lead agency and which shall be cooperating agencies. The agencies shall resolve the lead agency question so as not to cause delay. If there is disagreement among the agencies, the following factors (which are listed in order of descending importance) shall determine lead agency designation:

(1) Magnitude of agency's involvement.

(2) Project approval/disapproval authority.

(3) Expertise concerning the action's environmental effects.

(4) Duration of agency's involvement.

(5) Sequence of agency's involvement.

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

(e) If Federal agencies are unable to agree on which agency will be the lead agency or if the procedure described in paragraph (c) of this section has not resulted within 45 days in a lead agency designation, any of the agencies or persons concerned may file a request with the council asking it to determine which Federal agency shall be the lead agency. A copy of the request shall be transmitted to each potential lead agency. The request shall consist of:

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

(2) A detailed statement of why each potential lead agency should or should not be the lead agency under the criteria specified in paragraph (c) of this section.

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

If a responsible Forest Service official wishes to ask the Council on Environmental Quality to determine

which Federal agency shall be the lead agency, send the request to the Director of Environmental Coordination in Washington, DC, for processing.

11.31b Cooperating With Other Agencies

Where National Forest System lands are involved, the Forest Service shall play 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 (sec. 05) become cooperating agencies.

The CEQ regulations address the role of the lead and cooperating agencies' responsibilities as follows:

The purpose of this section is to emphasize agency cooperation early in the NEPA process. Upon request of the lead agency, any other Federal agency which bas jurisdiction by law shall be a cooperating agency. In addition any other Federal agency which has special expertise with respect to any environmentel issue, which should be addressed in the statement may be a cooperating agency upon request of the lead agency. An agency may request the lead agency to designate it a cooperating agency.

(a) The lead agency shall:

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

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

(3) Meet with a cooperating agency at the latter's request.

(b) Each cooperating agency shall:

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

(2) Participate in the scoping process (described below in (1501.7).

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

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

(5) Normally use its own funds. The lead agency shall, to the extent available funds permit. fund those major activities or analyses it requests from cooperating agencies. Potential lead agencies shall include such funding requirements in their budget requests. (c) A cooperating agency may in response to a lead agency's request for assistance in preparing the environmental impact statement (described in paragraph (b) (3), (4), or (5) of this section) reply that other program commitments preclude any involvement or the degree of involvement requested in the action that is the subject of the environmental impact statement. A copy of this reply shall be submitted to the Council. (40 CFR 1501.6.)

When National Forest System lands are involved and the Forest Service is not the lead agency, the responsible Forest Service official shall request participation as a cooperating agency in scoping, environmental analysis, and documentation. The Forest Service may also be a lead or cooperating 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 responsibile official shall consult with the Director of Environmental Coordination in Washington, DC. prior to preparing a reply to this effect to the requesting agency. Send two copies of this reply to the Director of Environmental Coordination in Washington, DC. for transmittal to the Council on Environmental Quality.

11.4 Determine if Existing Documents Address the Proposed Action

During scoping, determine which existing documents are pertinent to the environmental analysis. Existing environmental documents, higher level plans such as Regional Guides, Land and Resource Management Plans or Regional Vegetation Management Plans, and other pertinent documents or data sources may provide useful information to:

1. Help define the proposed action.
2. Narrow the scope of analysis.
3. Estimate potential environmental effects.
4. Reduce the bulk of the documentation.

In such cases, all or parts of these existing documents may be tiered to, adopted, or incorporated by reference (secs. 05, 25.1, 25.2, and 22.32).

11.5 Look for Preliminary Issues, Identify Public Participation Needs

11.51 Identify Preliminary Issues

Based on reviews of similar actions, knowledge of the area or areas involved, discussions with interested and affected persons, community leaders, organizations, and/or consultations with experts and other agencies familiar with such actions and their direct, indirect, and cumulative effects, prepare and evaluate preliminary issues for possible significance. This review provides an early look at potential issues and sharpens the focus of the environmental analysis and provides a means for:

(d) Identifying at an early stege the significant environmental issues deserving of study and deemphasizing insignificant issues, narrowing the scope of the environmental impact statement accordingly. (40 CFR 1501.1(d))

11.52 Identify Public Participation Needs

Review and consider comments and suggestions offered by interested and affected agencies, organizations, and individuals in response to the entry on the calendar of proposed actions (sec. 11.1). Consider options for involving potentially interested and affected agencies, organizations, and persons in the analysis process. (See FSH 1609.13, Public Participation Handbook, for information on techniques to involve the public in Forest Service planning and decisionmaking).

The CEQ regulations provide the following direction on public notice and participation:

Agencies shall: * * *

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

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

(2) In the case of an action with effects of national concern notice shall include publication in the **Federal Register** and notice by mail to national organizations reasonably expected to be interested in the matter * * * An agency engaged in rulemaking may provide notice by mail to national organizations who have requested that notice regularly be provided. Agencies shall maintain a list of such organizations.

(3) In the case of an action with effects primarily of local concern the notice may include:

(i) Notice to State and areawide clearinghouses * * *

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

(iii) Following the affected State's public notice procedures for comparable actions.

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

(v) Notice through other local media.

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

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

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

(ix) Posting of notice on and off site in the area where the action is to be located.

(c) Hold or sponsor public hearings or public meetings whenever appropriate or in accordance with statutory requirements applicable to the agency. Criteria shall include whether there is:

(1) Substantial environmental controversy concerning the proposed action or substantial interest in holding the hearing.

(2) A request for a hearing by another agency with jurisdiction over the action supported by reasons why a hearing will be helpful. If a draft environmental impact

statement is to be considered at a public hearing, the agency should make the statement available to the public at least 15 days in advance (unless the purpose of the hearing is to provide information for the draft environmental impact statement).

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

11.6 Determine If Proposal Can Be Categorically Excluded from Documentation in an Environmental Impact Statement or an Environmental Assessment

After determining the nature of the proposed action; identifying the interested and affected agencies, organizations, and individuals; and the extent of existing documentation, the responsible official should have sufficient data to determine if the proposed action can be categorically excluded from documentation in an environmental impact statement or an environmental assessment or if an environmental impact statement should be prepared.

If the proposed action falls within one of the categories in the Department of Agriculture policies and procedures (7 CFR 1b.3(a)) or one of the categories listed in section 32 and if the proposed action does not involve any extraordinary circumstances (sec. 31), the action may be categorically excluded from documentation in an EIS or EA.

If required by Chapter 30, record a decision to categorically exclude a proposed action from documentation in a decision memo.

At this point it may be possible to determine if an environmental impact statement should be prepared. If the proposed action falls within one of the classes of actions which require preparation of an environmental impact statement in section 20.6, or if preliminary analysis indicates that there may be significant effects on the environment, prepare a notice of intent to prepare an environmental impact statement for publication in the Federal Register.

11.7 Inform Participants and the Public of Results of Scoping and the Progress of the Analysis

Consistent with the importance of the proposed action, keep the public informed of the progress of the environmental analysis through appropriate means. This may include personal contacts with individuals, organizations, and local government officials; use of local media sources; and Forest or Regional newsletters.

Enter the status of the environmental analysis, the decision memo, or the notice of intent to prepare an environmental impact statement on the calendar of proposed actions. Monitor and consider the concerns of interested and affected agencies, organizations, and persons, and respond to individual requests for information.

12 Use Interdisciplinary Analysis

Section 102(2)(A) of the National Environmental Policy Act requires all agencies to use an interdisciplinary approach to analysis which will ensure the integrated use of the natural and social sciences and the environmental design arts in planning and decisionmaking which may have an impact on the human environment. The CEQ regulations require that:

The disciplines of the preparers shall be appropriate to the scope and issues identified in the scoping process (1501.7). (40 CFR 1502.6).

Use interdisciplinary teams to analyze proposed actions with the potential for significant environmental effects, especially if an environmental impact statement may be needed.

Proposals for less complex actions may not require the selection of an interdisciplinary team. A knowledgeable 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.

12.1 Interdisciplinary Team Selection

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

The disciplines and skills of this group must be appropriate to the scope of the action and the issues identified. The team may consist of whatever combination of Forest Service staff and other Federal Government personnel is necessary to provide the necessary analytical skills. 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 (sec. 05, definition 31). Limit the team to a manageable number of persons.

12.1a 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 and the interrelationship with the National Forest Management Act and other applicable laws and regulations.

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

3. Ability to organize, analyze, and interpret information.

4. Past performance in meeting assigned deadlines.

12.1b Other 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 or speciality that a member represents.

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

5. Ability to conceptualize and solve problems.

12.2 Selection of Interdisciplinary Analyst(s)

The responsible official may select one or more persons to conduct the required interdisciplinary analysis. The analyst(s) must have a working knowledge of the National Environmental Policy Act process and its relationship to forest planning, other applicable statutes and regulations, and natural resource interactions.

12.3 Role of the Interdisciplinary Team or Analyst(s)

The team or assigned analyst is responsible for identifying the issues to be analyzed in detail in the subsequent environmental analysis 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. The role of the ID team or analyst(s) includes, but is not limited to:

12.3a Expand Public Involvement os Appropriate

Depending on the nature and complexity of the environmental analysis required for a proposed action, a diligent effort may be necessary to involve the public in the planning, analysis, and decisionmaking processes. This effort may include:

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

2. *Determining the methods of public participation.* 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 involvement 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 interested and affected Federal, State, and local agencies; Indian tribes; interested individuals and groups; and others who may be affected by the proposed action or its alternatives.

12.3b Formulate Anolysis and Evaluation Criteria

Development of criteria or standards may be necessary to guide the analysis process. Analysis and evaluation criteria or standards may be needed to:

1. Identify and select data sources, analysis methods, and set standards of accuracy.
2. Determine the depth or detail of the analysis.
3. Develop a suitable range of alternatives.
4. Evaluate alternatives.
5. Estimate the significance of environmental effects (sec. 05, definition 36).

When formulating analysis and evaluation criteria or standards, be sure to consider Forest Service objectives identified in legislation, policies, plans, and by the public. Refine these criteria and standards, as necessary, during the course of the analysis.

12.3c Finalizing Issues

Decide on the significant issues which will be considered, taking interested and affected agency, organization, and public comments into account. Adjust and refine these issues as necessary as new insights and information emerge during analysis.

12.3d Explaring Alternatives

Consider a full range of reasonable alternatives to the proposed action that are responsive to the significant issues.

During scoping and the subsequent public participation activities, discuss the feasibility and possible effects of these alternatives with potentially interested and affected agencies, organizations, and persons. The ID team and the responsible official decide which alternatives merit further study and which do not require detailed analysis.

13 Collect and Interpret Dota

The type and amount of data to collect depend on the nature of the action, agency objectives, issues, and the scope, context, and intensity of anticipated effects. Focus data collection on the current and expected physical, biological, economic, and social conditions affecting or affected by the proposed action. When appropriate, document the assumptions, methods, and data sources.

Section 22.34 sets forth the requirements for addressing incomplete or unavailable information within an environmental impact statement. If, when evaluating significant adverse effects on the human environment, and information that is essential to a reasoned choice among alternatives is either missing or incomplete, CEQ requires the agency to obtain the data if it is essential to a reasoned choice among alternatives. However, the agency is not required to obtain missing information at an exorbitant price or when there is no known means to obtain it.

In such a case, the responsible official must:

1. Determine the relevance of the missing information to evaluating reasonably foreseeable significant adverse impacts on the human environment;
2. Be able to cite existing credible scientific evidence relevant to evaluating those adverse impacts; and
3. Evaluate those impacts based upon either theoretical approaches or research methods generally accepted in the scientific community.

As used in the CEQ regulations, "reasonably foreseeable" includes:

> * * * impacts which have catsstrophic consequences, even if their probability of occurrence is low, provided that the analysis of the impacts is supported by credible scientific evidence, is not based on pure conjecture, and is within the rule of reason. (40 CFR 1502.22)

When evaluating reasonably foreseeable adverse impacts for which essential information is incomplete or unavailable, consider a range of possible scenarios. These should include a scenario that would most likely occur and ones that would be less likely but have the most severe impacts you could reasonably expect. When possible, include a discussion of relative probabilities of occurrence for each scenario.

14 Develop Alternatives

Based on the results of scoping and the determination of issues to be analyzed in detail, develop and consider all reasonable alternatives to the proposed action. The phrase "all reasonable alternatives" established in case law interpreting the National Environmental Policy Act has not been interpreted to require that an infinite or unreasonable number of alternatives be analyzed.

14.1 No-Action Alternatives

Consider the no-action alternative in detail 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 proposed action being evaluated. The first interpretation involves an action such as the initial approval or updating of a land and resource management plan where ongoing programs initiated under the existing plan continue, even as new plans are being developed. In these cases the no-action alternative means no change from current management direction. 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.

The nature and scope of the proposed action will aid the responsible official in determining which interpretation is appropriate to the analysis.

14.2 Other Alternatives

Develop other alternatives fully and impartially. Ensure that the range of alternatives does not foreclose prematurely options that might protect, restore, and enhance the environment. Consider reasonable alternatives even if outside the jurisdiction of the Forest Service. 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.

14.3 Alternatives Not Considered in Detail

Describe the alternatives not considered in detail, briefly discuss the reasons for their being eliminated, and include this information in the project

file. If an environmental impact statement is required, this information must be disclosed in the chapter on alternatives. (sec. 22.3, 5).

15 Estimate Effects of Each Alternative

For each alternative, estimate the direct, indirect, and cumulative environmental effects including the effectiveness of the mitigation measures, that would result from implementing each of the alternatives, including the no-action alternative. Also identify any additional mitigation measures that may be required, such as measures common to all alternatives.

Express the effects in terms of changes that would occur in the physical (land, water, air), biological (plants and animals), economic (money passing through society), and social (the way people live) components of the human environment. Consider the magnitude, duration, and significance of the changes. See section 61 for a more specific list of environmental factors.

When analysis and disclosure of social and/or economic impacts are important to a reasoned decision, follow the direction in FSM 1970 and FSH 1909.17. Also consider unquantifiable environmental amenities and values.

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

1. Consumers, civil rights, minority groups, and women (FSM 1730).
2. Prime farmland, rangeland, and forest land (Departmental Regulation 9500–3, sec. 65.21).
3. Wetlands and flood plains (sec. 05, definition 41).
4. Threatened and endangered species (FSM 2670).
5. Cultural resources (FSM 2360).

15.1 Cumulative Effects (sec. 05, definition 7)

Individual actions when considered alone may not have a significant impact on the quality of the human environment. Groups of actions, when added together, may have collective, or cumulative, impacts which are significant. Cumulative effects can occur without regard to land ownership boundaries. Consideration must be given to the incremental effects of past, present, and reasonably foreseeable related future actions of the Forest Service, as well as those of other agencies and individuals.

16 Evaluate Alternatives and Identify Preferred Alternative(s)

Compare alternatives on the basis of their effects on the human environment. Althougb the ID Team may make a recommendation based on the results of the interdisciplinary analysis, the responsible official identifies the preferred alternative(s).

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

17 Determine Type of Environmental Document Needed

The significance of environmental effects of a proposed action determines whether an environmental impact statement must be prepared (sec. 05, definition 38).

If the proposed action may have significant environmental effects, prepare an environmental impact statement (ch. 20). "Significance" is discussed in section 05. Otherwise, prepare an environmental assessment (ch. 40).

Ther CEQ regulations provide the following direction on whether to prepare an environmental impact statement:

In determining whether to prepare an environmental impact statement the Federal agency shall:

(a) Determine under its procedures supplementing these regulations * * * whether the proposal is one which:

(1) Normally requires an environmental impact statement, or

(2) Normally does not require either an environmental impact statement or an environmental assessment (categorical exclusion).

(b) If the proposed action is not covered by paragraph (a) of this section prepare an environmental assessment (§ 1508.9). The agency shall involve environmental agencies, applicants, and the public, to the extent practicable, in preparing assessments required by § 1508.9(a)(1).

(c) Based on the environmental assessment make its determination whether to prepare an environmental impact statement.

(d) Commence the scoping process (§ 1501.7), if the agency will prepare an environmental impact statement. (40 CFR 1501.4)

18 Review of New Information on Impacts Received After a Decision Has Been Made

If new information or changed circumstances relating to the environmental impacts of a proposed action come to the attention of the responsible official after a decision has been made and prior to completion, he or she must review the information carefully to determine the importance of the information.

If the responsible official considers the new information within the context of the overall proposal and determines that a supplement or change to an environmental document is not necessary and a new decision is not required, continue implementation. Document the results of the interdisciplinary review process in the planning record or in the case file.

18.1 Decisions Based on an Environmental Impact Statement

CEQ regulations require:

(c) Agencies:

(1) Shall prepare supplements to either draft or final environmental impact statements if:

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

(ii) There are significant new circumstances or information relevant to environmental concerns and bearing on the proposed action or its impacts.

* * * * *

(4) Shall prepare, circulate, and file a supplement to a stetement in the same fashion (exclusive of scoping) as a draft and final statement * * *. (40 CFR 1502.9(c))

If the responsible official determines, based on the above, that a supplement to an environmental impact statement is appropriate, issue a notice of intent to prepare an environmental impact statement. Also issue a record of decision based on the supplement. Follow the instructions in Chapter 20.

18.2 Decisions Based on an Environmental Assessment and Finding of No Significant Impact

Prepare a supplement to an environmental assessment if:

(a) The analysis of the new information or changed circumstances indicates changes in the proposed action may be needed to address environmental concerns; or

(b) the new information or circumstances are relevant to environmental concerns and bear on the proposed action or its impacts.

Prepare a new finding of no significant impact which considers the impacts disclosed in both the environmental assessment and the supplement. If the decision is changed, issue a new decision notice. If the decision is unchanged, do not issue a new decision notice. Follow the instructions in Chapter 40.

If, based on the environmental assessment and the supplement, a finding of no significant impact cannot be prepared, issue a notice of intent to prepare an environmental impact

statement. Follow the instructions in Chapter 20.

18.3 Decisions for Which a Case File and Decision Memo Have Been Prepared

Take no further action if review of the new information shows that the proposed action still fits within the identified category in 31.2 and no extraordinary circumstances exist. Issue a new decision memo if the new information or changed circumstances require a new or changed decision. Follow the instructions in Chapter 30.

If the new information indicates that extraordinary circumstances are now present and the proposed action may have a significant impact on the human environment, file a notice of intent to prepare an environmental impact statement. Follow the instructions in Chapter 20.

If the new information indicates that extraordinary circumstances are now present but the significance of the impacts on the human environment are uncertain, prepare an environmental assessment. Follow the instructions in Chapter 40.

18.4 Decisions Which Have Been Categorically Excluded from Documentation and for Which a Case File and Decision Memo Have Not Been Prepared

Implement the proposed action if an interdisciplinary review of the new information or extraordinary circumstances shows that the proposed action still fits within the identified category in Section 31.1 and no extraordinary circumstances exist.

If the new information indicates that extraordinary circumstances are now present and the proposed action may have a significant impact on the human environment, file a notice of intent to prepare an environmental impact statement. Follow the instructions in Chapter 20.

If the new information indicates that extraordinary circumstances are now present but the significance of the impacts on the human environment are uncertain, prepare an environmental assessment. Follow the instructions in Chapter 40.

Prepare a case file and decision memo if the proposed action fits within a category in § 31.2. Follow the instructions in Chapter 30.

Chapter 20—Environmental Impact Statements and Related Documents

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20.6 Classes of Actions Requiring Environmental Impact Statements

Classes of actions that require preparation of environmental impact statements are listed below. Examples of actions are included.

The requirements for classes 2, 3, and 4 may be met by the appropriate use of program environmental impact statements and tiered site-specific environmental documents or by the preparation of site-specific environmental impact statements.

1. *Proposed actions for which an environmental impact statement is required by law or regulation.* Examples include:

a. Preparing or revising a land and resource management plan required by the National Forest Management Act (36 CFR 219.10).

b. Proposing that Congress enact legislation to designate a wilderness or a wild and scenic river (40 CFR 1506.8).

2. *Proposals to carry out or to approve the operational aerial application of chemical pesticides.* Examples include:

a. Applying chemical insecticides by helicopter on an area infested with spruce budworm to prevent serious resource loss.

b. Authorizing the application of herbicides by helicopter on a major utility corridor to control unwanted vegetation.

c. Applying herbicides by fixed-wing aircraft on an area to release trees from competing vegetation.

3. *Proposals that would substantially alter the undeveloped character of an inventoried roadless area (FSH 1909.12) of 5,000 acres or more.* Examples include:

a. Proposed road construction and associated timber harvesting in a 56,000-acre inventoried roadless area where the proposed road and harvest units impact 3,000 acres in only one part of the roadless area.

b. Construction or reconstruction of water reservoir facilities in a 5,000-acre unroaded area where flow regimens may be substantially altered.

c. Issuance of a special use permit in an unroaded area of more than 5,000 acres that would involve substantial surface disturbing activities such as approval of an operations plan for a mine or approval of a permit to develop a ski resort.

4. *Proposals to take major Federal actions that may significantly effect the quality of the human environment.*

21 Notices of Intent

21.1 Preporation and Distribution of Notices of Intent

Prepare and publish a notice of intent in the **Federal Register** as soon as practicable after deciding that an environmental impact statement (EIS) will be prepared. The purpose of a notice of intent to prepare an environmental impact statement is to begin the scoping process for the EIS.

CEQ regulations require that

* * * The notice shall briefly:

(a) Describe the proposed action and possible alternatives.

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

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

In addition, the notice of intent must include the following information:

a. Name and address of the responsible official(s);

b. A description of the nature and scope of the proposed action and the decision to be made;

c. Tentative or preliminary issues and alternatives which have been identified;

d. Identification of permits or licenses required to implement the proposed action and the issuing authority;

e. The lead, joint lead, or cooperating agencies (sec. 05, definitions).

f. The estimated dates (month and year) for filing the draft and final EIS;

g. An address to which comments may be mailed;

h. The reviewer's obligation to comment during the review period rather than after completion of the final environmental impact statement. Use the following standard paragraphs:

The comment period on the draft environmental impact statement will be [enter correct time period (45-day minimum)] from the date the Environmental Protection Agency publishes the notice of availability in the Federal Register.

The Forest Service believes, at this early stage, it is important to give reviewers notice of several court rulings related to public participation in the environmental review process. First, reviewers of draft environmental impact statements must structure their participation in the environmental review of the proposal so that it is meaningful and alerts an agency to the reviewer's position and contentions. *Vermont Yankee Nuclear Power Corp. v. NRDC, 435 U.S. 519, 553 (1978).* Also, environmental objections that could be raised at the draft environmental impact statement stage but that are not raised until after completion of the final environmental impact statement may be waived or dismissed by the courts. *City of Angoon v. Hodel,* 803 F.2d 1016, 1022 (9th Cir. 1986) and *Wisconsin Heritages, Inc. v. Harris,* 490 F. Supp. 1334, 1338 (E.D. Wis. 1980). Because of these court rulings, it is very important that those interested in this proposed action participate by the close of the [enter correct time period] comment period so that substantive comments and objections are made available to the Forest Service at a time when it can meaningfully consider them and respond to them in the final environmental impact statement.

To assist the Forest Service in identifying and considering issues and concerns on the proposed action, comments on the draft environmental impact statement should be as specific as possible. It is also helpful if comments refer to specific pages or chapters of the draft statement. Comments may also address the adequacy of the draft environmental impact statement or the merits of the alternatives formulated and discussed in the statement. (Reviewers may wish to refer to the Council on Environmental Quality Regulations for implementing the procedural provisions of the National Environmental Policy Act at 40 CFR 1503.3 in addressing these points.)

Follow the Federal Register document preparation requirements and mailing instructions in section 67. Send one copy of the signed notice of intent to the Washington Officer Director of Environmental Coordination (hard copy: Chief (1950); DG address: EC:w01c). When the Chief or the Secretary is the responsible official, the appropriate field unit or WO staff shall prepare the notice of intent and send it to the WO Environmental Coordination Staff for review, processing, and submission to the Office of the Federal Register.

Once the title of the EIS under preparation has been identified in the notice of intent, use the same title on the cover of the draft and final environmental impact statement.

21.2 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 there is a major change in the information shown in the notice of intent. Major changes may require publishing a revised notice of intent in the Federal Register (sec. 21.1).

Examples of major changes can require a revised notice of intent are:

1. A delay of more than six months in filing either the draft or final EIS;

2. A change in the proposed action or the decision to be made; or

3. A change in the responsible official.

A revised notice of intent shall reference the date and page number of all prior notices relevant to the proposed action which were published in the Federal Register. Prepare and distribute a revised notice of intent in the same manner as the original (sec. 21.1).

21.3 Cancellation of a Notice of Intent

Publish a cancellation notice in the Federal Register to terminate the environmental analysis process if, after publication of a notice of intent or distribution of a draft EIS, a decision on a proposed action is no longer necessary. A cancellation notice must refer to the date(s) and page number(s) of previously published notice(s) of intent or the notice of availablility of an EIS which were published in the Federal Register. Prepare and distribute a cancellation notice in the same manner as the notice of intent (sec. 21.1). In addition, send a copy of the cancellation notice to the Environmental Protection Agency's Office of Federal Activities (sec. 22.4).

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

22 Environmental Impact Statements—Uniform Requirements (Section 05, definitions)

The CEQ regulations identify the following requirements for EISs:

As required by sec. 102(2)(C) of NEPA environmental impact statements (§ 1508.11) are to be included in every recommendation or report.

On proposals (§ 1508.23).

For legislation and (§ 1508.17).

Other major Federal actions (§ 1508.18).

Significantly (§ 1508.27).

Affecting (§ 1508.3, 1508.8).

The quality of the human environment (§ 1508.14). (40 CFR 1502.3)

22.1 Page Limits

The text of final environmental impact statements * * * shall normally be less than 150 pages and for proposals of unusual scope or complexity shall normally be less than 300 pages. (40 CFR 1502.7)

22.2 Writing

Environmental impact statements shall be written in plain language and may use appropriate graphics so that decisionmakers and the public can readily understand them. (40 CFR 1502.8)

22.3 Content and Format

An environmental impact statement must contain the following:

Agencies shall use a format for environmental impact statements which will encourage good analysis and clear presentation of the alternatives including the proposed action. The following standard format for environmental impact statements should be followed unless the agency determines that there is a compelling reason to do otherwise:

(a) Cover sheet.
(b) Summary.
(c) Table of contents.
(d) Purpose of and need for action.
(e) Alternatives including proposed action (sections 102(2)(C)(iii) and 102(2)(E) of the Act).
(f) Affected environment.
(g) Environmental consequences (especially sections 102(2)(C) (i), (ii), (iv), and (v) of the Act).
(h) List of preparers.
(i) List of Agencies, Organizations, and persons to whom copies of the statement are sent.
(j) Index.
(k) Appendices (if any).

If a different format is used, it shall include paragraphs (a), (b), (c), (h), (i), and (j), of this section and shall include the substance of paragraphs (d), (e), (f), (g), and (k) of this section, * * * (40 CFR 1502.10)

1. *Cover Sheet.* The cover sheet shall not exceed one page. It shall include:

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

(b) The title of the proposed action that is the subject of the statement (and if appropriate the titles of related cooperating agency actions), together with the State(s) and county(ies) (or other jurisdiction if applicable) where the action is located.

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

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

(e) A one paragraph abstract of the statement. (40 CFR 1502.11)

Also include the name, title, and address of the responsible official.

The abstract of the EIS should include the alternatives considered and identification of the preferred alternative(s) if one or more exists.

If the EIS is a draft, the cover sheet must also include the date by which comments must be received. The cover sheet for a draft environmental impact statement should contain the following statement about the reviewer's obligation to comment during the review period. It may be necessary to reduce the type size to accommodate this information.

Reviewers should provide the Forest Service with their comments during the review period of the draft environmental impact statement. This will enable the Forest Service to analyze and respond to the comments at one time and to use information acquired in the preparation of the final environmental impact statement, thus avoiding undue delay in the decisionmaking process. Reviewers have an obligation to structure their participation in the National Environmental Policy Act process so that it is meaningful and alerts the agency to the reviewers' position and contentions. *Vermont Yankee Nuclear Power Corp.* v. *NRDC*, 435 U.S. 519, 553 (1978). Environmental objections that could have been raised at the draft stage may be waived if not raised until after completion of the final environmental impact statement. *City of Angoon* v. *Hodel* (9th Circuit, 1986) and *Wisconsin Heritages, Inc.* v. *Harris*, 490 F. Supp. 1334, 1338 (E.D. Wis. 1980). Comments on the draft environmental impact statement should be specific and should address the adequacy of the statement and the merits of the alternatives discussed (40 CFR 1503.3).

2. *Summary.*

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

3. *Table of Contents.* List the major sections as well as a list of tables and exhibits.

4. *Purpose and Need.* The statement shall briefly specify the underlying purpose and need to which the agency is responding in proposing the alternatives including the proposed action. (40 CFR 1502.13)

5. *Alternatives Including the Proposed Action.* This section is the heart of the environmental impact statement. Based on the information and analysis presented in the sections on the Affected Environment (§ 1502.15) and the Environmantal Consequences (§ 1502.16), it should present the environmental impacts of the proposal and the alternatives in comparative form, thus sharply defining the issues and providing a clear basis for choice among options by the decisionmaker and the public. In this section agencies shall:

(a) Rigorously explore and objectivaly evaluate all reasonable alternatives, and for alternatives which were eliminated from detailed study, briefly discuss the reasons for their having been eliminated.

(b) Devote substantial treatment to each alternative considered in detail including the proposed action so thet reviewers may evaluate their comparative merits.

(c) Include reasonable alternatives not within the jurisdiction of the lead agency.

(d) Include the alternative of no action.

(e) Identify the agency's preferred alternative or alternatives, if one or more exists, in the draft statement and identify such alternative in the final statement unless another law prohibits the expression of such a preference.

(f) Include appropriate mitigation measures not already included in the proposed action or alternatives. (40 CFR 1502.14)

Additionally, for proposed actions on National Forest System lands, the description of each alternative should state whether or not it is consistent with the Forest Land and Resource Management Plan (36 CFR 219.10(c)).

6. *Affected Environment.* The environmental impact statement shall succinctly describe the environment of the area(s) to be affected or created by the alternatives under consideration. The descriptions shall be no longer than is necessary to understand the effects of the alternatives. Data analyses in a statement shall be commensurate with the importance of the impact, with less important material summarized, consolidated, or simply referenced.

Agencies shall avoid useless bulk in statements and shall concentrate effort and attention on important issues. Verbose descriptions of the affected environment are themselves no measure of the adequacy of an environmental impact statement. (40 CFR 1502.15)

7. *Environmental Consequences.* This section forms the scientific and analytic basis for the comparisons under § 1502.14. It shall consolidate the discussions of those elements required by sections 102(2)(C) (i), (ii), (iv), and (v) of NEPA which are within the scope of the statement and as much of section 102(2)(C)(iii) as is necessary to support the comparisons. The discussion will include the environmental impacts of the alternatives including the proposed action, any adverse environmental effects which cannot be avoided should the proposal be implemented, the relationship between short-term uses of man's environment and the maintanance and enhancement of long-term productivity, and any irreversible or irretrievable commitments of resources

which would be involved in the proposal should it be implemented. This section should not duplicate discussions in § 1502.14. It shall include discussions of:

(a) Direct effects and their significance (§ 1508.8).

(b) Indirect effects and their significance (§ 1508.8).

(c) Possible conflicts between the proposed action and the objectives of Federal, regional, State, and local (and in the case of a reservation, Indian tribe) land use plans, policies and controls for the area concerned. (See § 1506.2(d).)

(d) The environmental effects of alternatives including the proposed action. The comparisons under § 1502.14 will be based on this discussion.

(e) Energy requirements and conservation potential of various alternatives and mitigation measures.

(f) Natural or depletable resource requirements and conservation potential of various alternatives and mitigation measures.

(g) Urban quality, historic and cultural resources, and the design of the built environment, including the reuse and conservation potential of various alternatives and mitigation measures.

(h) Means to mitigate adverse environmental impacts (if not fully covered under (1502.14(f)). (40 CFR 1502.16)

8. *List of Preparers.* The environmental impact statement shall list the names, together with their qualifications (expertise, experience, professional disciplines), of the persons who were primarily responsible for preparing the environmental impact statement or significant background papers, including basic components of the statement (§§ 1502.6 and 1502.8). Where possible the persons who are responsible for a particular analysis, including analyses in background papers, shall be identified * * * (40 CFR 1502.17)

9. *List of Agencies, Organizations, and Persons to Whom Copies of the Statement Are Sent.* The list should include names only and not addresses.

10. *Index.* All environmental impact statements (EISs) 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.* If an agency prepares an appendix to an environmental impact statement the appendix shall:

(a) Consist of material prepared in connection with an environmental impact statement (as distinct from material which is not so prepared and which is incorporated by reference (§ 1502.21)).

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

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

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

22.31 Tiering

Agencies are encouraged to tier their environmental impact statements to eliminata repetitive discussions of the same issues and to focus on the actual issues ripe for decision at each level of environmental review (§ 1508.28). Whenever a broad environmental impact statement has been prepared (such as a program or policy statement) and a subsequent statement or environmental assessment is then prepared on an action included within the entire program or policy (such as a site specific action) the subsequent statement or environmental assessment need only summarize the issues discussed in the broader statement and incorporate discussions from the broader statement by reference and shall concentrate on the issues specific to the subsequent action. The subsequent document shall state where the earlier document is available. Tiering may also be appropriate for different stages of actions. (40 CFR 1502.20)

The environmental impact statement which accompanies a land and resource management plan is an example of a "broad" EIS prepared for a program or policy statement.

22.32 Adoption

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

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

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

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

22.33 Incorporation by Reference

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

22.34 Incomplete or Unavailable Information

Refer to section 13 of this handbook. Systematically respond to all of the following:

When an agency is evaluating reasonably foreseeable significant adverse effects on the human environment in an environmental impact statement and there is incomplete or unavailable information, the agency shall always make clear that such information is lacking.

(a) If the incomplete information relevant to reasonably foreseeable significant adverse impacts is essential to a reasoned choice among alternatives and the overall costs of obtaining it are not exorbitant, the agency shall include the information in the environmental impact statements.

(b) If the information relevant to reasonably foreseeable significant adverse impacts cannot be obtained because the overall costs of obtaining it are exorbitant or the means to obtain it are not known, the agency shall include within the environmental impact statements:

(1) A statement that such information is incomplete or unavailable; (2) a statement of the relevance of the incomplete or unavailable information to evaluating reasonably foreseeable significant adverse impacts on the human environment; (3) a summary of existing credible scientific evidence which is relevant to evaluating the reasonably foreseeable significant adverse impacts on the human environment, and (4) the agency's

evaluation of such impacts based upon theoretical approaches or research methods generally accepted in the scientific community. For the purposes of this section, "reasonably foreseeable" includes impacts which have catastrophic consequences, even if their probability of occurrence is low, provided that the analysis of the impacts is supported by credible scientific evidence, is not based on pure conjecture, and is within the rule or reasons. (40 CFR 1502.22)

22.35 Documentation of Cost-Benefit Anolysis

If a cost-benefit analysis relevant to the choice among environmentally different alternatives is being considered for the proposed action, it shall be incorporated by reference or appended to the statement as an aid in evaluating the environmental consequences. To assess the adequacy of compliance with section 102(2)(B) of the Act the statement shall, when a cost-benefit analysis is prepared, discuss the relationship between that analysis and any analyses of unquantified environmental impacts, values, and amenities. For purposes of complying with the Act, the weighing of the merits and drawbacks of the various alternatives need not be displayed in a monetary cost-benefit analysis and should not be wben there are important qualitative considerations. In any event, an environmental impact statements should at least indicate those considerations, including factors not related to environmental quality, which are likely to be relevant and important to a decision. (40 CFR 1502.23)

22.36 Identification of Methodology and Scientific Accuracy

Agencies shall insure the professional integrity, including scientific integrity, of the discussions and analyses in environmental impact statements. They shall identify any methodologies used and shall make explicit reference by footnote to the scientific and other sources relied upon for conclusions in the statement. An agency may place discussion of methodology in an appendix. (40 CFR 1502.24)

22.4 Filing, Circulation, and Availability of Environmental Impact Statements

Environmental impact statements together with comments and responses shall be filed with the Environmental Protection Agency, attention Office of Federal Activities (A–104), 401 M Street SW., Washington, DC 20460. Statements shall be filed with EPA no earlier than they are also transmitted to commenting agencies and made available to the public. (40 CFR 1506.9)

* * * * *

Agencies shall circulate the entire draft and final environmental impact statements except for certain appendices as provided in § 1502.18(d) and unchanged statements as provided in § 1503.4(c). However, if the statement is unusually long, the agency may circulate the summary instead, except that the entire statement shall be furnished to:

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

(b) The applicant, if any.

(c) Any person, organization, or agency requesting the entire environmental impact statement.

(d) In the case of a final environmental impact statament any person, organization, or agency which submitted substantive comments on the draft.

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

A summary of this EIS distributad as a separate document must:

a. State how other agencies, organizations, and persons can obtain or review the complete EIS.

b. Have a cover sheet attached.

23 Requirements Specific to Draft Environmentol Impact Statements

23.1 Identification in Draft Environmental Impact Statements of Permits Necessary to Implement Proposal

(b) The draft environmental impact statement shall list all Federal permits, licenses, and other entitlements which must be obtained in implementing the proposal. If it is uncertain whether a Federal permit, license, or other entitlement is necessary, the draft environmental impact statement shall so indicate. (40 CFR 1502.25(b))

23.2 Circulating ond Filing a Draft Environmental Impact Statement

1. 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, DC. If the statement is unusually long, a summary may be circulated instead (40 CFR 1502.19). However, the responsible unit must file the entire document with EPA and furnish it to other agencies which have jurisdiction by law or special expertise. The entire EIS must also be furnished to the project proponent and other individuals and groups who have requested it.

2. File five copies of a draft EIS with the Environmental Protection Agency at the following address: Management Information Unit, Office of Federal Activities (A–104), Environmental Protection Agency, Room 2119 Mail, 401 M Street, SW., Washington, DC 20460.

EPA will then publish the Notice of Availability in the **Federal Register.**

3. The following are the mandatory mailings for all EISs prepared by the Forest Service.

ENVIRONMENTAL PROTECTION AGENCY REGIONAL OFFICE

[Regions, addresses, and number of copies are listed in Chapter 60]

	DEIS	FEIS
Director, Environmental Coordination (Chief, 1950), Forest Service—USDA, Box 96090, Washington, DC 20090–6090	5	5
Office of Environmental Affairs, Department of the Interior, MS 2340, Washington, DC 20240		
Projects east of the Mississippi River	12	7
Projects west of the Mississippi River	18	12

Always send copies of EISs to these agencies by expeditious methods of delivery. These methods also may be desirable for other key recipients. Base any other distribution to Federal agencies on agency expertise and legal jurisdiction as indicated in section 63. The addresses and number of copies required by each agency are shown in section 63.1.

3. Calculate the review period from the date after EPA's notice of availability appears in the **Federal Register.**

(a) The Environmental Protection Agency shall publish a notice in the **Federal Register** each week of the environmental impact statements filed during the preceding week. The minimum time periods set forth in this section shall be calculated from the date of publication of this notice.

* * * * *

(d) The lead agency may extend prescribed periods. The Environmental Protection Agency may upon a showing by the lead agency of compelling reasons of national policy reduce the prescribed periods and may upon a

showing by any other Federal agency of compelling reasons of national policy also extend prescribed periods, but only after consultation with the lead agency * * * Failure to file timely comments shall not be a sufficient reason for extending a period. If the lead agency does not concur with the extension of time, EPA may not extend it for more than 30 days. * * * (40 CFR 1506.10)

23.3 Solicit Comments on a DEIS

Inviting comments.

(a) After preparing a draft environmental impact statement and before preparing a final environmental impact statement the agency shall:

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

(2) Request the comments of:

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

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

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

(3) Request comments from the applicant, if any.

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

Conduct public participation sessions, if appropriate. See FSH 1609.13 for suggestions on methods to involve the public in Forest Service planning and decisionmaking activities.

23.4 Extending the Comment Period on a DEIS

If the responsible official determines that an extension of the review period on the draft EIS is appropriate, notify interested and affected agencies, organizations, or persons in an appropriate manner (ch. 10). Forward one copy of the notice to EPA and one copy to the Washington Office Director of Environmental Coordination. EPA will publish the notice of the extension of the comment period in the **Federal Register** on the Friday following the week the notice is received.

24 Requirements Specific to a Final Environmental Impact Statement

24.1 Use of Comments on a Draft Environmental Impact Statement in a Final Environmental Impact Statement

1. Review, analyze, evaluate, and respond to substantive comments on the draft EIS.

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

(1) Modify alternatives including the proposed action.

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

(3) Supplement, improve, or modify its analyses.

(4) Make factual corrections.

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

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

(c) If changes in response to comments are minor and are confined to the responses described in paragraphs (a) (4) and (5) of this section, agencies may write them on errata sheets and attach them to the statement instead of rewriting the draft statement. In such cases only the comments, the responses, and the changes and not the final statement need be circulated ((1502.19). The entire document with a new cover sheet shall be filed as the final statement (§ 1506.9). (40 CFR 1503.4)

2. 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. Avoid a general summary.

3. As a minimum, include in an appendix of a final EIS copies of all comments received on the draft EIS from Federal, State, and local agencies and elected officials.

24.2 Filing and Distributing a Final Environmental Impact Statement

1. File a final environmental EIS with the Environmental Protection Agency (EPA) as shown in 23.2, along with all substantive comments or a summary of the comments on the draft EIS. The official filing date is the date that the EPA receives the EIS, not the date that EPA's notice of availability appears in the **Federal Register**. The Washington Office Director of Environmental Coordination files with EPA the statements for which the Chief or the Secretary is the responsible official.

2. Distribute a final EIS to other agencies and to the public prior to or at the same time it is filed with EPA (40 CFR 1506.9). If the statement is unusually long, a summary may be circulated instead (40 CFR 1502.19). However, the responsible unit must file the entire document with EPA and furnish it to other persons or agencies specified in sections 23.2.

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 EIS (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.

4. Calculate the implementation date from the date the legal notice of the decision is published as required by 36 CFR part 217.

24.3 Environmental Impact Statements Involving Inventoried Roadless Areas

If an EIS involves plans that allocate an inventoried roadless area or a RARE II "further planning" area(s) to nonwilderness uses, the responsible official distributes the final EIS to the public and files the final EIS with EPA in the same manner as other EISs (sec. 51).

Additionally, the responsible official must send four additional copies of the final EIS and the record of decision to the Washington Office Director of Environmental Coordination who will coordinate the transmittal to congressional committees. The implementation date begins the day the responsible official receives notice from the Director of Environmental Coordination that there has been no objection to the decision by Congress.

24.4 Corrections, Supplements, and Revisions

24.4a Corrections

Use errata sheets to make simple corrections.

24.4b Supplements

(c) Agencies:

(1) Shall prepare supplements to either draft or final environmental impact statements if:

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

(ii) There are significant new circumstances or information relevant to environmental concerns and bearing on the proposed action or its impacts.

(2) May also prepare supplements when the agency determines that the purposes of the Act will be furthered by doing so.

(3) Shall adopt procedures for introducing a supplement into its formal administrative record, if such a record exists.

(4) Shall prepare, circulate, and file a supplement to a statement in the same fashion (exclusive of scoping) as a draft and final statement unless alternative procedures are approved by the Council. (40 CFR 1502.9(c))

24.4c Revisions

(a) * * * If a draft statement is so inadequate as to preclude meaningful analysis, the agency shall prepare and circulate a revised draft of the appropriate portion * * * (40 CFR 1509(a))

Review environmental impact statements that have not been implemented or those for ongoing programs at least every 5 years to determine if they should be supplemented or revised. Distribute any corrections, supplements, and revisions to all holders of the environmental impact statement involved.

24.5 Review of Other Agency Environmentol Impact Statements

Because of special agency expertise or jurisdiction by law, the Forest Service may be asked to review and comment on environmental impact statements (EISs) prepared by other agencies.

Duty to comment.

Federel agencies with jurisdiction by law or special expertise with respect to any environmental impact involved and agencies which are authorized to develop and enforce environmental standards shall comment on statements within their jurisdiction, expertise, or authority. Agencies shall comment within the time period specified for comment in (1506.10. A Federal agency may reply that it has no comment. If a cooperating agency is satisfied that its views are adequately reflected in the environmental impact statement, it should reply that it has no comment. (40 CFR 1503.2)

Specificity of comments.

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

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

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

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

Unless otherwise assigned by the Chief, officials in the Washington Office shall review and comment on EISs prepared on legislative proposals, Service-wide policies and regulations, or national program proposals. The Director of Environmental Coordination coordinates these reviews and responses.

24.51 Referrals to Council on Environmental Quality

(a) This part establishes procedures for referring to the Council Federal interegency disagraements concerning proposed major Federal actions that might cause unsatisfactory environmental effects. It provides means for early resolution of such disagreements.

(b) Under section 309 of the Clean Air Act (42 U.S.C. 7609), the Administrator of the Environmental Protection Agency is directed to review and comment publicly on the environmental impacts of Federal activities, including actions for which environmental impact statements are prepared. If after this review the Administrator determines that the matter is "unsatisfactory from the standpoint of public health or welfare or environmental quality," section 309 directs that the matter be referred to the Council (hereafter "environmental referrals").

(c) Under section 102(2)(C) of the Act other Federal agencies may make similar review of environmental impact statements, including judgments on the acceptability of anticipated environmental impacts. These reviews must be made available to the President, the Council and the public. (40 CFR 1504.1)

When Forest Service review of another agency's draft EIS concludes that the proposed action is environmentally unacceptable, the affected field unit shall immediately contact the WO Director of Environmental Coordination who will coordinate the referral procedure.

The 25-day time period allowed for review is extremely short; therefore, begin referral immediately after determining that the proposal is environmentally unacceptable.

25 Other Planning and Preparation Requirements for Environmental Impact Statements

25.1 Consultation Requirements

Refer to FSM 2360 for consultation requirements on archaeological and cultural resources and FSM 2670 for consultation requirements with the Fish and Wildlife Service on threatened and endangered species.

Environmental review and consultation requirements.

(a) To the fullest extent possible, agencies shall prepare draft environmental impact statements concurrently with and integrated with environmentel impact analyses and related surveys and studies required by the Fish and Wildlife Coordination Act (16 U.S.C. 661 et seq.), the National Historic Preservation Act of 1966 (16 U.S.C. 470 et seq.), the Endangered Species Act of 1973 (16 U.S.C. 1531 et seq.), and other environmental review laws and executive orders. (40 CFR 1502.25(a))

25.2 Elimination of Duplication With State and Local Procedures

(a) Agencies authorized by law to cooperate with State agencies of statewide jurisdiction pursuant to section 102(2)(D) of the Act may do so.

(b) Agencies shall cooperate with State and local agencies to the fullest extent possible to reduce duplication between NEPA and State and local requirements, unless the agencies are specifically barred from doing so by some other law. Except for ceses covered by paragraph (a) of this section, such cooperation shall to the fullest extent possible include:

(1) Joint planning processes.

(2) Joint environmental research and studies.

(3) Joint public hearings (except where otherwise provided by statute).

(4) Joint environmental assessments.

(c) Agencies shall cooperate with State and local agencies to the fullest extent possible to reduce duplication

between NEPA and comparable State and local requirements, unless the agencies are specifically barred from doing so by some other law. Except for cases covered by paragraph (a) of this section, such cooperation shall to the fullest extent possible include joint environmental impact statements. In such cases one or more Federal agencies and one or more State or local agencies shall be joint lead agencies. Where State laws or local ordinances have environmental impact statement requirements in addition to but not in conflict with those in NEPA, Federal agencies shall cooperate in fulfilling these requirements as well as those of Federal laws so that one document will comply with all applicable laws.

(d) To better integrate environmental impact statements into State or local planning processes, statements shall discuss any inconsistency of a proposed action with any approved State or local plan and laws (whether or not federally sanctioned). Where an inconsistency exists, the statement should describe the extent to which the agency would reconcile its proposed action with the plan or law. (40 CFR 1506.2)

25.3 Combining Documents

Any environmental document in compliance with NEPA may be combined with any other agency document to reduce duplication and paperwork. (40 CFR 1506.4)

Examples include Wilderness Study Reports and Wild and Scenic River Study Reports which may be combined with a supporting EIS.

25.4 Federal Agencies With Legal Jurisdiction or Special Expertise

See section 63 for the Council on Environmental Quality's list of agencies with jurisdiction by law or special expertise. See § 63.1 for addresses and recommended document distribution.

26 Responsibilities When Applicants and Contractors Are Involved

The responsible official may require project proponents to conduct studies and provide data and documentation for consideration and use in preparing an EIS. However, the Forest Service does not have authority to require a proponent to prepare or fund an environmental impact statement.

Agency responsibility.

(a) Information. If an agency requires an applicant to submit environmental information for possible use by the agency in preparing an environmental impact statement, then the agency should assist the applicant by outlining the types of information required. The agency shall independently evaluate the information submitted and shall be responsible for its accuracy. If the agency chooses to use the information submitted by the applicant in the environmental impact statement, either directly or by reference, then the names of the persons responsible for the independent evaluation shall be included in the list of preparers § 1502.17. It is the intent of this paragraph that acceptable work not be redone, but that it be verified by the agency.

* * * * *

(c) Environmental impact statements. Except as provided in §§ 1506.2 and 1506.3 any environmental impact statement prepared pursuant to the requirements of NEPA shall be prepared directly by a contractor selected by the lead agency or where appropriate under § 1501.6(b), a cooperating agency. It is the intent of these regulations that the contractor be chosen solely by the lead agency, or by the lead agency in cooperation with cooperating agencies, or where appropriate by a cooperating agency to avoid any conflict of interest. Contractors shall execute a disclosure statement prepared by the lead agency, or where appropriate the cooperating agency, specifying that they have no financial or other interest in the outcome of the project. If the document is prepared by contract, the responsible Federal official shall furnish guidance and participate in the preparation and shall independently evaluate the statement prior to its approval and take responsibility for its scope and contents * * * (40 CFR 1506.5 (a) and (c)).

27 Documentation of Decisions

27.1 Timing of a Decision.

The following time limits apply to decisions supported by an environmental impact statement:

Timing of agency action.

(a) The Environmental Protection Agency shall publish a notice in the Federal Register each week of the environmental impact statements filed during the preceding week. The minimum time periods set forth in this section shall be calculated from the date of publication of this notice.

(b) No decision on the proposed action shall be made or recorded under § 1505.2 by a Federal agency until the later of the following dates:

(1) Ninety (90) days after publication of the notice described above in paragraph (a) of this section for a draft environmental impact statement.

(2) Thirty (30) days after publication of the notice described above in paragraph (a) of this section for a final environmental impact statement. (40 CFR 1506.10)

27.2 Record of Decision.

If an environmental impact statement has been prepared, document the decision in a record of decision. Prior to signing the record of decision, the responsible official shall read and understand the environmental impact statement.

At the time of its decision (§ 1506.10) or, if appropriate, its recommendation to Congress, each agency shall prepare a concise public record of decision. The record, which may be integrated into any other record prepared by the agency, * * *, shall:

(a) State what the decision was.

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

(c) State whether all practicable means to avoid or minimize environmental harm from the alternative selected have been adopted, and if not, why they were not. A monitoring and enforcement program shall be adopted and summarized where applicable for any mitigation. (40 CFR 1505.2)

The record of decision must also include consistency and conformance findings which are required by laws and regulations relevant to the decision being made.

27.21 Format and Content.

Records of decision should generally conform to the following format and must meet the following content requirements. Sections of the format may be combined or rearranged in the interest of clarity and brevity. Records of decision should reflect the analysis documented in the environmental impact statement and contain the following elements.

1. *Heading.* The heading must identify:

(a) Agency.

(b) Type of decision document, i.e., Record of Decision.

(c) The title of the proposed action.

(d) The location of the proposed action, including administrative unit, county, and state.

2. *Decision.* Describe the decision being made, including the permits, licenses, grants, or authorizations needed to implement the decision. Identify the specific location of the alternative selected, including the legal land subdivision if pertinent. Refer to or include any mitigation and monitoring program related to the decision.

3. *Public involvement conducted.* Identify the issues which determined the scope of the analysis. Provide a brief summary of the public participation that relates to the decision. Agencies, organizations, or persons raising issues or asserting opposing viewpoints may be identified and their positions discussed.

4. *Alternatives considered.* All alternatives considered (including the no-action) should be briefly discussed with specific references to the environmental impact statement. Mitigation measures, management requirements, and monitoring provisions that are pertinent to environmental concerns should be discussed with specific citations to pages of the environmental impact statement.

5. *Reasons for the decision.* This section identifies:

(a) Applicable laws, regulations, and policies.

(b) How environmental issues were considered and addressed.

(c) Factors other than environmental consequences considered in making the decision.

(d) Identification of environmental document(s) read and considered in making the decision.

6. *Findings required by other laws.* Include any findings required by any other laws. For example, findings of consistency with the forest plan, suitability, and vegetation management required by the National Forest Management Act.

7. *Identify the Environmentally Preferable Alternative.* Based on the definition in section 05, definition 16, state which alternative(s) is environmentally preferable.

8. *Implementation dote.* Identify the date when the responsible official intends to implement the decision (sec. 51).

9. *Administrative review or appeal opportunities.* Clearly state whether the decision is subject to review or appeal (citing the applicable regulations), and identify when and where to file a request for review or appeal.

10. *Contact Person.* Identify the name, address, and phone number of a contact person who can supply further information.

11. *Signature and Date.* The responsible official must sign and date the record of decision on the date the decision is made.

(a) For decisions subject to review under the Forest Service appeal regulations (36 CFR 217), the responsible official may 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.

(b) For decisions not subject to review, the responsible official must sign and date the record of decision no sooner than 30 days after EPA's notice of availability of the final environmental impact statement is published in the Federal Register (sec. 27.1).

(c) For legislative proposals the record of decision may be signed up to 30 days prior to filing and distributing the legislative environmental impact statement.

When an environmental impact statement identifies joint lead agencies (sec. 11.31a) or cooperating agencies with jurisdiction by law, the responsible official from each agency shall sign and date a record of decision for those actions within the authority of each.

When the Chief or Secretary is the responsible official, the appropriate field unit or WO staff prepares the record of decision with assistance from the WO Environmental Coordination Staff. The WO Environmental Coordination Staff coordinates the review and signing of the record of decision, involving the appropriate WO staff(s), Deputy Chief, Chief, or Secretary, as necessary. The signed original is then filed in WO Environmental Coordination Staff office files and the WO Environmental Coordination Staff forwards a copy to the appropriate field unit or WO staff for necessary distribution.

28 Notice and Distribution of the Record of Decision

Distribute the record of decision as soon as it is signed to agencies, organizations, and persons interested in or affected by the proposed action.

1. The responsible official shall promptly mail the record of decision to those who have requested it in writing, and to those who are known to have participated in the decisionmaking process.

2. For decisions subject to appeal under 36 CFR 217, in addition to the notice required by paragraph 1, the responsible official shall publish a notice of the availability of the record of decision in the legal section of a newspaper(s) of record with general circulation in the area where the proposed action will take place as required by 36 CFR 217. The responsible official may also elect to publish a summary of the decision or the complete text of the record of decision.

3. The responsible official will provide other forms of notice appropriate to the importance of the decision.

4. The responsible official shall enter the date of the record of decision on the calendar of proposed actions in the "status/comments" column.

When required by E.O. 12372, send copies to the State Single Point of Contact or, in cases where a State has elected not to establish a Single Point of Contact, the State official(s) involved.

Chapter 30—Categorical exclusion from Documentation

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30.3 Policy.

1. A proposed action may only be categorically excluded from documentation in a environmental impact statement or environmental assessment if the proposed action:

a. Falls within one of the categories in the Department of Agriculture (USDA) policies and procedures in 7 CFR Part 1b;

b. Falls within one of the categories listed in sec. 31.1b and 31.2; and

c. Does not involve any extraordinary circumstances.

Extraordinary circumstances may include, but are not limited to, the presence of threatened and endangered species or their critical habitat; flood plains; wetlands; municipal watersheds; Congressionally designated areas, such as wilderness, wilderness study areas, or National Recreation Areas; inventoried roadless areas; Research Natural Areas; Native American religious or cultural sites; archaeological sites; or historic properties or areas.

If extraordinary circumstances are present and the proposed action may have a significant environmental effect, prepare an environmental impact statement (Ch. 20). If the need for an

environmental impact statement is uncertain, prepare an environmental assessment (Ch. 40).

If an activity has already been sufficiently analyzed in an existing environmental assessment or environmental impact statement and identified in the appropriate decision document, it can be implemented without considering the categories in this chapter 30.

If an activity has been sufficiently analyzed in an existing environmental assessment or environmental impact statement, but not identified in an appropriate decision document, issue a decision document based on the analysis without considering the categories in chapter 30.

30.5 Definitions.

1. *Categorical exclusion*—* * * a category of actions which do not individually or cumulatively have a significant effect on the human environment and which have been found to have no such effect in procedures adopted by a Federal agency in implemenation of these regulations (1507.3) and for which, therefore, neither an environmental assessment nor an environmental impact statement is required. (40 CFR 1508.4)

2. *Decision Memo.* A concise memorandum signed by the responsible official recording a decision to take or implement an action that has been categorically excluded from documentation in either an environmental impact statement or environmental assessment.

31 Categories of Actions Excluded from Documentation.

31.1 Categories for Which a Project or Case File and Decision Memo Are Not Required.

At the discretion of the responsible official, a project or case file and a decision memo are not required but may be prepared for the categories of actions set forth in section 31.1a and 31.1b.

31.1a Categories Established by the Secretary.

The rules at 7 CFR 1b.3 exclude from documentation in an environmental impact statement or an environmental assessment the following categories:

(a) * * *

(1) Policy development, planning and implementation which relate to routine activities, such as personnel, organizational changes, or similar administrative functions;

(2) Activities which deal solely with the funding of programs, such as program budget proposals, disbursements, and transfer or reprogramming of funds;

(3) Inventories, research activities, and studies, such as resource inventories and routine data collection which such actions are clearly limited in context and intensity;

(4) Educational and informational programs and activities;

(5) Civil and criminal law enforcement and investigative activities;

(6) Activities which are advisory and consultative to other agencies and public and private entities, such as legal counseling and representation;

(7) Activities related to trade representation and market development activities abroad. (7 CFR 1b(3))

31.1b Categories Established by the Chief.

The following categories of routine administrative and maintenance actions normally do not individually or cumulatively have a significant effect (sec. 05) on the quality of the human environment and, therefore, may be categorically excluded from documentation in an environmental impact statement or environmental assessment:

1. *Proposals to issue or issuing orders pursuant to 36 CFR part 261 to provide short-term protection for sensitive resource values.* Examples include but are not limited to:

a. Issuing an order to close a road to protect bighorn sheep during lambing season.

b. Issuing an order to close an area during a period of extreme fire danger.

2. *Proposals to issue or issuance of rules, regulations, policy, or procedures which in and of themselves result in little or no environmental effects.* Examples include but are not limited to:

a. Proposing a rule to adjust special use fees.

b. Proposing to use a technical or scientific methodology or procedure for screening effects of emissions on air quality related values in Class I wildernesses.

c. Proposing a policy to defer payments on certain permits or contracts to reduce the risk of default.

d. Proposing to establish a Service-wide process for responding to offers to exchange land and agreeing on land values.

e. Proposing to establish a process for developing, adopting, and revising land and resource management plans.

f. Proposing to establish a generic definition and description of old-growth forests on national forest lands.

3. *Proposals to perform routine repair and maintenance activities which have little potential for soil movement, loss of soil productivity, water quality degradation, or impact on sensitive resources values.*

Examples include but are not limited to:

a. Mowing vegetation along a National Forest System road.

b. Reroofing and painting a building.

c. Pruning vegetation and cleaning culverts along a trail and grooming the surface of the trail.

d. Grading a road and clearing the roadsides of brush without the use of herbicides.

e. Resurfacing an existing road.

f. Posting land line boundary signs.

4. *Proposals to acquire land or interest in land involving only transfer of title to the United States which include purchase, donation, tripartite land-for-timber exchanges, or acquisition of replacement land in Sisk Act cases.*

Examples include but are not limited to:

a. Donation of lands or interest in land to the National Forest System.

b. Purchase of a conservation easement or other interests in lands.

5. *Proposals to issue, reissue, or adjust a land use authorization which are consistent with an existing Forest Land and Resource Management Plan where the proposed activity or continuation of the activity will have little potential for soil movement, loss of soil productivity, water and air quality degradation, or impact on sensitive resource values.*

Examples include but are not limited to:

a. Issuing, reissuing, or adjusting an outfitter and guide permit.

b. Renewing a special use authorization to operate a communication site.

c. Renewing a special use permit to operate and maintain a domestic waterline and spring box.

d. Issuing a road use permit to haul commodities over National Forest System roads.

e. Issuing a road maintenance agreement authorizing a use to perform grading, culvert cleaning, and resurfacing operations on an existing Forest Service road.

f. Issuing a grazing permit where the existing AMP is consistent with the Forest Land and Resource Plan.

6. *Proposals to carry out small-scale pest management activities that have little adverse impact on non-target species, soil productivity, water quality or sensitive resources.*

Examples include but are not limited to:

a. Applying registered herbicides to control poison ivy on infested sites in a campground.

b. Applying biological agents on freshly cut stumps to prevent annosus root-rot.

c. Applying registered incesticides by compressed air sprayer to control insects at a recreation site complex.

d. Removing small infestations of noxious weeds by hand grubbing and pulling.

31.2—Categories of Actions for Which a Project or Case File and Decision Memo Are Required.

Maintain a project or case file and prepare a decision memo on the following categories of proposed actions. As a minimum, the file should include any records prepared, such as: (1) A list of the names of interested and affected people, groups, and agencies contacted during scoping; (2) the determination that no extraordinary circumstances exist; (3) a copy of the decision memo (sec. 30.5(2); (4) a list of the people notified of the decision, (5) a copy of the legal notice required by 36 CFR Part 217 and any other notice used to inform interested and affected persons of the decision to proceed with or to implement an action that has been categorically excluded. A proposed action that falls within any of the following categories and does not involve any extraordinary circumstances may be excluded from documentation in an EIS or EA; however, the decision to proceed must be documented in a decision memo (sec. 32).

1. *Proposols or issuance of authorizations to construct, reconstruct, or upgrade trails and low-standard roads (service level D os defined in FSH 7709.56) where the octivity will have little potential for soil movement, loss of soil productivity, water and air degradation or impact on sensitive resource values.*

Examples include but are not limited to:

a. Constructing or upgrading a trail to a scenic overlook.

b. Reconstruct a low-standard road (service level D as defined in FSH 7709.56) in a previously roaded area with gentle slopes, non-erosive soils, and no sensitive resource values.

2. *Proposals or issuonce of authorizations to construct, reconstruct, or upgrade facilities or utilities on approved sites that have little potential for soil movement, loss of soil productivity, water and air quality degradation, or impact on sensitive resource values.*

Examples include but not limited to:

a. Improve a water system in an existing Forest Service campground or administrative site.

b. Issuing a special use authorization permitting the construction of an additional telephone or utility line in an approved right-of-way corridor.

3. *Proposals to carry out fish and wildlife hobitat management activities where there is little potential for displocement of exposed soil, changes in vegetation species composition, or new sources of water pollution.*

Examples include but are not limited to:

a. Installing a fish ladder on an existing dam.

b. Using explosive charges to remove the tops of a number of widely spaced trees to create snags for cavity nesting birds.

4. *Proposols to transfer lands or interests in land where loss of Federal jurisdiction will have little potential for soil, water and air quality degradation or impact on sensitive resources.*

Examples include but not limited to:

a. Selling or exchanging land pursuant to the Small Tracts Act.

b. Exchanging National Forest System lands or interests with a State agency, local government, or other non-Federal party (individual or organization), with similar resource management objectives and practices.

c. Exchanges of lands or interest in lands with similar resource values and characteristics.

d. Exchanges of administrative sites involving other than National Forest resource lands.

5. *Proposals to conduct research activities and odministrative studies which do not involve genetically engineered organisms and which have little potential for soil movement, loss of soil productivity, water and oir quality degradation or impact on sensitive resources.*

Examples include but are not limited to:

a. Conducting a field experiment on a previously logged area to determine the effects of several methods of site preparation on tree seedling survival and early growth.

b. Conducting an administrative study to evaluate the effectiveness of different fire retardants in reducing the rate of spread of fires burning under controlled conditions.

c. Conducting a field experiment to determine the effectiveness of aerial application of gypsy moth virus in preventing defoliation.

6. *Proposals to harvest or salvage timber which remove one million board feet or less of merchantable wood products; require one mile or less of new road construction; assure regeneration of harvested or salvaged areas, where required; and are consistent with Forest land and resource management plans. Activities have little potential for soil movement, loss of soil productivity, water and air quality degradation or impact on sensitive resource values.*

Examples include but are not limited to:

a. Harvesting (FSM 2470.1 and 2470.2) 600,000 board feet of merchantable timber from 100 acres, including the construction of one-half mile of additional roads from an area that has moderately steep slopes, stable but somewhat erosive soils, no sensitive resource values, and where soil type and moisture conditions are favorable for prompt regeneration.

b. Salvaging (FSM 2470.3) an estimated volume of 975,000 board feet of merchantable timber from dead or dying trees, including the construction of one mile of access road, from an area that is generally flat with good drainage and no sensitive resource values.

7. *Proposals to thin merchantable timber from over-stocked stands which require one mile or less of new road construction and ore consistent with Forest lands and resource management plans. Activities have little potential for soil movement, water and air quality degradation, or impact on sensitive resource values.*

Examples include but are not limited to:

a. Thinning (FSM 2476.4) an estimated 850,000 board feet of merchantable timber from over-stocked timber stands, including the construction of one-quarter mile of additional access road, from an area that has moderate slopes, stable but somewhat erosive soils.

8. *Proposols to artificially regenerate oreos to native treee species, including needed site preparation not involving the use of herbicides, which have little potential for soil movement, loss of soil productivity, water ond air quolity degradation, or impact on sensitive resource values and are consistent with Forest land and resource manogement plans.*

Examples include but are not limited to:

a. Planting seedlings of superior trees in a progeny test site to evaluate genetic worth.

b. Planting trees or mechanical seed dispersal of adapted tree species following a fire, flood, or landslide.

9. *Proposals to improve vegetotion or timber conditions using approved silvicultural or habitat monagement techniques, not including the use of herbicides, which have little potential*

for soil movement, loss of soil productivity, water and air quality degradation or impact on sensitive resource values and are consistent with Forest land and resource management plans.

Examples include but are not limited to:

a. Performing precommercial thinning or brush control, not involving the use of herbicides, including the opening of an existing road to a dense timber stand on a site with steep slopes, moderately unstable and erodible soils, and no sensitive resource values.

b. Girdling to kill less desirable species.

c. Conducting a prescribed burn to control understory hardwoods in stands of southern pines.

d. Conducting a prescribed burn to reduce natural fuel build-up and improve plant vigor for forage species.

10. *Proposals to approve minerol and energy activities where there is little potential for soil movement, lass of soil productivity, water and air quality degradation or impacts to sensitive resource values.*

Examples include but are not limited to:

a. Approving a plan of operations which authorizes the repair of an existing road and/or the construction of temporary roads; the clearing of vegetation from a small area with moderate slopes, stable and non-erosive soils for trenches, drill pads or support facilities; and drilling of several core boles in the area to determine the extent of a mineral deposit.

b. Issuing a permit for geophysical operations which authorized the use and repair of existing roads and/or construction of temporary roads.

c. Authorizing the disposal of mineral materials through permit or sale from an existing community pit or common-use area.

d. Consent to the Bureau of Land Management to issue leases on producing wells when mineral rights revert to the United States from private ownership.

11. *Proposals to reissue a grazing permit which newly incorporates forest plan management direction which have little potential for soil movement, loss of sail productivity, water quality degradation, or impact on sensitive resource values.*

Examples include but are not limited to:

a. Issuance of a grazing permit to a new permittee as a result of the purchase of permitted livestock or base property and waiver of the outstanding permit to the United States in favor of the purchaser.

b. Re-issuance of a term grazing permit as a result of permit expiration.

12. *Proposals to modify a grazing management activity where no adequate allotment management plan is in effect and the proposed activity will have little potential for soil movement, loss of soil productivity, water quality degradation or impact an sensitive resource values.*

Examples include but are not limited to:

a. Reconstruct a fence to improve animal distribution.

b. Adding a stock watering facility to an existing water line.

c. Spot seeding native species of grass or applying lime to maintain rangeland condition.

13. *Proposals to issue or reissue a term permit for the continuing operation of existing facilities that have little potential for soil movement, water and air quality degradation, or impact on sensitive resource values and are consistent with the existing Forest Land and Resource Management Plan.*

Examples include but are not limited to:

a. Proposals to issue or reissue a term permit for a resort or marina as long as the permit does not provide for construction of new facilities.

b. Proposals to issue or reissue a term permit for an organizational camp as long as the permit does not provide for construction of new facilities.

14. *Amendments to Forest Land and Resource Management Plans which do not change decisions mode in Forest Plans.*

Examples include but are not limited to:

a. Minor management area boundary changes.

b. Text changes made to management direction for clarification or updating of information.

c. Changes resulting from budget adjustments which do not affect the range of outputs identified in the Forest plan.

d. Additions or deletions to Forest plan schedules that do not change the objectives of the Plan (36 CFR 219.3).

e. Establishing management direction for research natural areas subsequent to designation.

32 Documentation of Decislons

32.1 Decision Memo Not Required

If a proposed action has been categorically excluded from documentation in an environmental impact statement or an environmental assessment under USDA categories (7 CFR 1b.3(a)) or the categories listed in section 31.1b, a Decision Memo is not required; however, interested and affected persons must be informed in an appropriate manner of the decision to proceed with the proposed action (sec. 11.5).

32.2 Decision Memo Required

If the proposed action has been categorically excluded from documentation in an environmental impact statement or environmental assessment under the categories listed in section 31.2, document the decision to proceed with the proposed action in a decision memo. Section 32.3 sets forth the format and content of a decision memo.

When the Chief or Secretary is the responsible official, the appropriate field unit prepares the decision memo with assistance from the Washington Office (WO) Environmental Coordination Staff. The WO Environmental Coordination Staff coordinates the review and signing of the decision memo, involving the appropriate WO staff(s), Deputy Chief, Chief, or Secretary, as necessary. The signed original will be filed in WO Environmental Coordination Staff office files. The WO Environmental Coordination Staff will forward a copy to the appropriate field unit or WO staff for necessary distribution.

32.3 Format and Content of a Decision Memo

The format of a decision memo is not intended to replicate the format of a correspondence memorandum (FSH 6209.17). Generally, decision memos should conform to the following format and content although sections may be combined or rearranged in the interest of clarity and brevity.

1. *Heading.* The heading will identify:

(a) Agency.

(b) The title of the proposed action.

(c) The location of the proposed action (including administrative unit, county, and state). If appropriate, include the legal land description.

2. *Decisian.* Describe the decision to be implemented and the reasons for categorically excluding the proposal. Include (a) the category (7 CFR 1b.(3) and sec. 31 into which the proposed action falls (b) a finding that no extraordinary circumstances exist (sec. 30.3, 1.c).

3. *Public Involvement.* List any interested and affected agencies, organizations, and persons contacted.

4. *Findings required by other laws.* Include any findings required by any other laws. For example, findings of consistency with the Forest Land and Resource Management Plan as required by the National Forest Management Act (FSM 1922.41 and FSH 1909.12, sec. 31.1b(5); or a public interest

determination (36 CFR 254.3(c) and FSM 5430.3).

5. *Implementation date.* Include the date when the responsible official intends to implement the decision (sec. 51), and identify any conditions related to implementation.

6. *Administrative review or appeal opportunities.* State whether the decision is subject to review or appeal, cite the applicable regulations, and identify when and where to file a request for review or appeal.

7. *Contact Person.* Include the name, address, and phone number of a contact person who can supply further information about the decision.

8. *Signature and Date.* The responsible official must sign and date the decision memo on the date the decision is made.

33 Notice and Distribution of Decision Memo

Distribute a decision memo as soon as it is signed to agencies, organizations, and persons interested in or affected by the proposed action.

1. The responsible official shall promptly mail the decision memo to those who requested it.

2. As a minimum, for a decision subject to appeal under 36 CFR part 217, in addition to the notica required by paragraph 1, the responsible official shall publish a notice of the availability of the decision memo and a summary of the decision as required by 36 CFR part 217. The responsible official may elect to publish the complete text of the decision memo.

3. The responsible official may provide other forms of notice appropriate to the importance of the decision.

4. The responsible official shall enter the date of the decision memo on the Calendar of Proposed Actions in the "Status/Comments" column. (Sec. 07)

5. When required by E.O. 12372, send copies to the State Single Point 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 Assessments and Related Documents

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41 Environmental Assessments

Prepare environmental assessments to document the results of environmental analyses and to disclose the environmental consequences for proposed actions that are not categorically excluded from documentation and for which the need for an environmental impact statement has not been determined.

The CEQ Regulations provide that an environmental assessment is not necessary if the agency has decided to prepare an environmental impact statement (40 CFR 1501.3(a)). Therefore, if prior to completion of the environmental assessment the responsible official determines an environmental impact statement should be prepared, discontinue the environmental assessment documentation, prepare a notice of intent (sec. 21), and proceed with the preparation of an environmental impact statement (ch. 20).

41.1 Purpose of Environmental Assessments

The purpose of an environmental assessment is to:

(1) Briefly provide sufficient evidence and analysis for determining whether to prepare an environmental impact statement or a finding of no significant impact.

(2) Aid an agency's compliance with the Act when no environmental impact statement is necessary.

(3) Facilitate preparation of a statement when one is necessary. (40 CFR 1508.9)(a)]

41.2 Content

An environmental assessment may be prepared in any format useful to facilitate planning, decisionmaking, and public disclosure as long as the requirements of this chapter are met. The length and detail of an environmental assessment may vary according to the complexity of the issues involved in the analysis. An environmental assessment:

(b) Shall include brief discussions of the need for the proposal, of alternatives as required by section 102(2)(E), of the environmental impacts of the proposed action and alternatives, and a listing of agencies and persons consulted. (40 CFR 1508.9(b))

42 Other Considerations in Preparing Environmental Assessments

42.1 Tiering

Tier environmental assessments to other environmental documents of broader scope to eliminate repetitive discussions of the same issues and to focus on the actual issues ripe for decision. See sections 06, 22.31, and 25.1 for additional information about tiering.

42.2 Adoption

Adopt other agency existing environmental assessments or portions thereof to eliminate duplication and reduce excessive paperwork if the document meets Forest Service standards and requirements. Section 25.2 contains additional guidance on adoption.

42.3 Incorporation by Reference

Incorporate material into environmental assessments by reference when the result will be to cut down on bulk without impeding agency and public review of the proposed action and alternatives. Include a brief summary of the material being incorporated by reference. Consult Section 22.33 for additional guidance on incorporation by reference.

43 Documentation of Decisions

43.1 Finding of No Significant Impact (FONSI)

When an environmental assessment has been prepared, the responsible official shall review the document and determine whether the proposed action may have a significant effect on the quality of the human environment. The CEQ Regulations define a finding of no significant impact (FONSI) as:

> . . . a document by a Federal agency briefly presenting the reasons why an action, not otherwise excluded (§ 1508.4), will not have a significant effect on the human environment and for which an environmental impact statement therefore will not be prepared. It shall include the environmental assessment or a summary of it and shall note any other environmental documents related to it (§ 1501.7(a)(5)). If the assessment is included, the finding need not repeat any of the discussion in the assessment but may incorporate it by reference. (40 CFR 1508.13)

If the responsible official determines that the proposed action may have a significant effect on the quality of the human environment, publish a notice of intent to prepare an environmental impact statement (ch. 20) in the Federal Register. Otherwise, prepare FONSI. A FONSI may be a separate document or included as part of a decision notice (sec. 43.2).

Use the criteria in the definition for "significantly," section 05, for determining whether the action will have a significant effect on the human environment.

43.2 Decision Notice

If an environmental assessment and a FONSI have been prepared, document the decision to proceed with an action or activity in a decision notice. The responsible official shall read and concur in the environmental assessment and finding of no significant impact prior to signing a decision notice.

A FONSI may be a separate document or combined with a decision notice.

If a FONSI cannot be prepared because the proposed action may have a significant effect on the environment, a decision notice is not required. If this is the case, prepare and issue a notice of intent to prepare an environmental impact statement. Note the status of the environmental analysis on the calendar of proposed actions (sec. 07).

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

The WO Environmental Coordination Staff will forward a copy to the appropriate field unit or WO staff for necessary distribution.

43.21 Format and Contents

Decision notices should reflect the conclusions drawn and the decision(s) made from the analysis documented in the environmental assessment. Generally, they should conform to the following format and content suggestions. Sections may be combined or rearranged in the interest of clarity and brevity.

1. *Heading.* The heading will identify:

(a) Agency.

(b) The title of the proposed action.

(c) The location of the proposed action, including administrative unit, county, State. In some cases, it may be appropriate to include the legal land description.

2. *Decision and Reasons for the Decision.* The selected alternative and the nature of the decision are described. In addition, this section identifies:

(a) Applicable laws, regulations, and policies.

(b) How issues were considered.

(c) Factors other than environmental effects considered in making the decision.

(d) Identification of environmental document(s) read and considered in making the decision.

(e) How (a)–(d) were weighed and balanced in arriving at the decision.

3. *Alternatives considered.* All alternatives considered, including the no-action alternative, should be briefly discussed with specific references to relevant information in the environmental assessment.

Relevant mitigation measures, management requirements, and monitoring provisions should be discussed with specific citations to pages of the environmental assessment.

4. *Public involvement.* Provide a brief summary of how the public was involved in the analysis.

Persons or groups raising issues or asserting opposing viewpoints may be identified and their views discussed in light of the decision.

5. *Finding of no significant impact (FONSI).* The decision notice will either contain or refer to a finding of no significant impact (section 41.3). The FONSI will identify the reasons why an action will not have a significant effect on the quality of the human environment giving consideration to the criteria for determining significance set forth in section 05. (40 CFR 1508.27)

6. *Findings required by other laws and regulations.* Include any findings required by any other laws which apply to the decision being made. For example, findings regarding consistency with the forest plan, suitability for timber production, and vegetation management criteria required by the National Forest Management Act (FSM 1922.41 and FSH 1909.12 sec. 05.3).

7. *Implementation date.* Identify the date when the responsible official intends to implement the decision (sec. 51).

8. *Administrative review or appeal opportunities.* State whether the decision is subject to administrative review or appeal, cite the applicable regulations, and indicate when and where to file a request for review or appeal.

9. *Contact person.* Identify the name, address, and phone number of a contact person who can supply additional information.

10. *Signature and Date.* The responsible official must sign and date the decision notice on the date the decision is made.

44 Notice and Distribution of FONSI and Decision Notice

Distribute environmental assessments, decision notices, and FONSIs to agencies, organizations, and persons interested in or affected by the proposed action.

When unusual circumstances are involved, the responsible official may want to issue a FONSI and decision notice separately. The FONSI will be issued first. In these cases, the CEQ Regulations provide that:

> . . . the agency shall make the finding of no significant impact available for public review (including State and areawide clearinghouses) for 30 days before the agency makes its final determination whether to prepare an environmental impact statement and before the action may begin. The circumstances are:
>
> (i) The proposed action is, or is closely similar to, one which normally requires the preparation of an environmental impact statement under the procedures adopted by the agency pursuant to 1507.3, or
>
> (ii) The nature of the proposed action is one without precedent. (40 CFR 1501.4(e)(2))

1. The responsible official shall promptly mail the FONSI and decision notice to those who, in writing, have requested it, and to those who are known to have participated in the decisionmaking process.

2. As a minimum, for decisions subject to appeal under 36 CFR part 217, in addition to the notice required by paragraph 1, the responsible official shall promptly publish a notice of the availability of the decision notice in the legal section of a newspaper(s) of record as required by 36 CFR part 217. The responsible official may elect to publish a summary of the decision or the complete text of the decision notice.

3. The responsible official may provide other forms of notice appropriate to the nature and scope of the decision.

4. The responsible official shall enter the date of the FONSI and the decision notice on the calendar of proposed actions in the "status" column (sec. 07).

5. When required by E.O. 12372, send copies to the State Single Point of Contact or, in cases where a State has elected not to establish a Single Point of Contact, the State official(s) involved.

Chapter 50—Implementation and Monitoring

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51 Implementing Decisions Based on Environmental Impact Statements

A decision documented in a record of decision can be implemented no sooner than 30 days following the date the Environmental Protection Agency publishes the Notice of Availability of the related final environmental impact statement in the **Federal Register** (40 CFR 1506.10).

Commitments for mitigation efforts or monitoring activities included in the final EIS and record of decision must be met.

In addition, if an environmental impact statement allocates an inventoried roadless area or a RARE II "further planning" area(s) to nonwilderness uses, do not implement any activity that would alter the roadless character of the area(s) until a letter is received from the Washington Office Environmental Coordination Staff indicating implementation may take place. (sec. 24.3)

52 Implementing Decisions Based on Environmental Assessments

52.1 Limitations on Implementotion

When a proposed action is similar to one that normally requires an environmental impact statement 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 (40 CFR 1501.4(e)(2)). In addition, as required by E.O. 12372, send copies to the State Single Point 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.

52.11 Actions Involving Flood Plains and Wetlands

For actions involving flood plains 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, as amended, and Executive Order 11990.

53 Monitoring

Agencies may provide for monitoring to assure that their decisions are carried out and should do so in important cases. Mitigation (1505.2(c)) and other conditions established in the environmental impact statement or during its review and committed as part of the decision shall be implemented by the lead agency or other appropriate consenting agency. The lead agency shall:

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

(b) Condition funding of actions on mitigation.

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

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

In addition to complying with the monitoring requirements of an existing Forest Land and Resource Management Plan (FSH 1909.12, Ch. 6), monitor actions to ensure that:

1. Mitigation measures and terms and conditions of permits or other land use authorizations are met.

2. Anticipated results are achieved.

3. Necessary adjustments are made to achieve desired results.

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