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FSM 1900 – PLANNING

CHAPTER 1950 – ENVIRONMENTAL POLICY AND PROCEDURES

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New Document	1950	9 Pages
Superseded Document(s) by Issuance Number and Effective Date	1950 (Amendment 1900-2008-1, 07/24/2008)	8 Pages

Digest:

1950 - Adds policy and responsibilities for oversight of the National Environmental Policy Act (NEPA) compliance activities.

1950.41c - Establishes code and recodes to this section previously set out in 1950.43.

1950.43 - Establishes caption and sets forth direction for “NEPA Compliance Oversight and Quality Assurance”.

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

1950.1 - Authority

1. The National Environmental Policy Act of 1969 (NEPA), as amended (42 U.S.C. 4321-4346). NEPA declares a national policy that encourages a “productive and enjoyable harmony” between humans and their environment. NEPA requires Federal agencies to:
 - a. Use a systematic interdisciplinary approach in planning and decision-making;
 - b. Consider the environmental impact of proposed actions;
 - c. Identify adverse environmental effects that 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 the human environment and the maintenance and enhancement of long-term productivity; and
 - f. Identify any irreversible and irretrievable commitments of resources that would be involved in the proposed action should it be implemented.
2. Council on Environmental Quality (CEQ) Regulations. The regulations at Title 40, Code of Federal Regulations, parts 1500-1508 (40 CFR 1500-1508) set forth specific requirements for implementing NEPA. The regulations establish procedures and rules governing environmental analysis and documentation; ensure that environmental information is available to public officials and the public, including identification of 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 Regulations. The regulations at Title 7, Code of Federal Regulations, part 1b (7 CFR 1b) supplement the CEQ regulations and 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, civil and criminal law enforcement, and investigation activities.
4. Forest Service NEPA Regulations. The regulations at Title 36 CFR, Code of Federal Regulations, part 220 (36 CFR 220) supplement the CEQ regulations.

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1950.2 - Objectives

In meeting the requirements of NEPA, the Forest Service seeks to:

1. Fully integrate NEPA requirements into agency planning and decision-making (36 CFR 220.4(c)(2));
2. Use a systematic, interdisciplinary approach to fully consider the impacts of Forest Service proposed actions on the physical, biological, social, and economic aspects of the human environment (40 CFR 1507.2(a), 40 CFR 1508.14);
3. Involve interested and affected agencies, State and local governments, tribes, Alaska Native corporations, organizations, and individuals in planning and decision-making (40 CFR 1500.1(b), 40 CFR 1500.2(b) and (d), 40 CFR 1501.7, 40 CFR 1503.1, 40 CFR 1506.6); and
4. Conduct and document environmental analyses and subsequent decisions appropriately, efficiently, and cost effectively.

1950.3 - Policy

Compliance with NEPA is fundamental to managing all Forest Service resource, research, and cooperative forestry programs and must be integrated into the management processes of those programs.

1. Procedures apply to the fullest extent practicable to analyses and documentation of Forest Service actions. However, work completed under previous policy and guidelines need not be revised.
2. It is Forest Service policy to:
 - a. Give early notice of upcoming proposals to interested and affected persons (40 CFR 1501.7 and 36 CFR 220.4(e));
 - b. Give timely notice to interested and affected persons, Federal agencies, State and local governments, and organizations of the availability of environmental and accompanying decision documents (36 CFR 220.5(h), 36 CFR 220.6(f), and 36 CFR 220.7(d));
 - c. Make documents available to the public free of charge to the extent practicable (40 CFR 1506.6(f));
 - d. Apply the concepts of tiering, adoption, and incorporation by reference to environmental documents (40 CFR 1502.20, 40 CFR 1506.3, 40 CFR 1502.21, 36 CFR 220.4(g), 36 CFR 220.5(e)(1), 36 CFR 220.7(a));

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- e. Implement mitigation measures and other conditions committed to as part of the decision (40 CFR 1505.3); and
 - f. Establish, implement, and maintain NEPA program assessments and quality assurance plans within all branches and levels of the Agency that assure agency compliance with NEPA and meets Forest Service NEPA objectives.(40 CFR 1507.2, 36 CFR 220).
3. Line and primary staff officers are to refer to FSH 1909.15, which provides guidance to comply with NEPA and associated regulations for environmental analysis and documentation, including the preparation and use of oversight and quality assurance assessments and plans.
 4. Matters that require consultation with CEQ must be referred to the Washington Office, Director of Ecosystem Management Coordination.

1950.4 - Responsibilities

The responsible official for NEPA compliance is the Agency employee who has the delegated authority to make and implement a decision on a proposed action (36 CFR 220.3).

1950.41 - Authority to Act as Responsible Official to Comply With NEPA

For each Forest Service proposal, the responsible official shall coordinate and integrate NEPA review and relevant environmental documents with agency decision-making as follows:

1. Establish the scope of the environmental analysis, including the scope of the actions, alternatives, and effects (40 CFR 1508.25);
2. Ensure that an appropriate level of scoping occurs (36 CFR 220.4(e));
3. Identify a systematic, interdisciplinary approach, with a team, team leader, and formal plan of work, as needed (40 CFR 1501.2(a) and 40 CFR 1502.6);
4. Ensure that the public is kept informed of the progress of the environmental analysis commensurate with the public interest in the proposed action and through the Schedule of Proposed Actions (36 CFR 220.4(d));
5. Identify the issues to be analyzed in depth (40 CFR 1501.7);
6. Identify the preferred alternative in an environmental impact statement (EIS) (40 CFR 1502.14);

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7. Ensure that the effects analyses address all legal and regulatory requirements and ensure that the levels of accuracy and precision are consistent with the methods and technology used (40 CFR 1502.16 and 40 CFR 1502.24);
8. Complete the environmental document review before making a decision on the proposal (36 CFR 220.4(c));
9. Consider environmental documents, public and agency comments (if any) on those documents, and agency responses to those comments (36 CFR 220.4(c));
10. Include environmental documents, comments, and responses in the administrative record (36 CFR 220.4(c));
11. Consider the alternatives analyzed in environmental document(s) before rendering a decision on the proposal (36 CFR 220.4(c));
12. Make a decision encompassed within the range of alternatives analyzed in the environmental documents (36 CFR 220.4(c)); and
13. Provide for monitoring to assure that decisions are carried out in important cases and make sure mitigation measures are implemented (40 CFR 1505.3).

1950.41a - Chief

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

The Chief may grant emergency alternative arrangements for NEPA compliance for categorical exclusions, environmental assessments, and findings of no significant impact under 36 CFR 220.4(b)(2). In accordance with the general delegations of authority at the Forest Service, (see FSM 1235) the Associate Chief may grant emergency alternative arrangements under 36 CFR 220.4(b)(2).

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, (see 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, unless the Chief specifically directs otherwise.

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1950.41c - Director of Ecosystem Management Coordination, Washington Office

The director is the staff official responsible for developing and recommending national policy, procedures, coordination measures, technical administration, oversight of NEPA compliance, and training necessary to implement NEPA within the Forest Service. The director is also responsible for developing policy, procedures, and training for conducting social impact analysis (see FSM 1973 and FSH 1909.17, chapter 30).

The director is responsible for liaison with the CEQ and consults on possible referrals (40 CFR 1504), and emergencies (40 CFR 1506.11, 36 CFR 220.4(b)). The director also provides liaison with the Environmental Protection Agency (EPA), and as needed, requests changes in the prescribed time periods for preparation and processing of Environmental Impact Statements (EIS) (40 CFR 1506.10).

When the Secretary of Agriculture or the Chief is the responsible official for a proposed action, it is the responsibility of the director to:

1. Advise and assist the appropriate Washington Office staff or field unit in preparing the necessary documents to coordinate, review, and process the relevant documents.
2. Participate in scoping and subsequent analysis, including identification of the preferred alternative(s), with the appropriate field or other Washington Office staffs.
3. Involve the appropriate deputy chief, the Chief, or the Assistant Secretary, as necessary.

The director's signing authority includes:

1. Correspondence with CEQ, EPA, and other departments and agencies; interpretations or implementation of NEPA; CEQ regulations and guidance; or Forest Service NEPA compliance policy and procedures regarding NEPA.
2. Correspondence regarding environmental and decision documents and environmental quality matters.
3. Correspondence (FSM 1235.5) to members of Congress and routine referrals from the President and Secretary of Agriculture on environmental analysis and documentation matters.

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1950.42 - Limitations on Issuance of Directives

1950.42a - Field Line Officers

Notwithstanding, the delegation of authority in FSM 1104 to issue supplements to the Manuals and Handbooks, regional foresters, station directors, the Area Director, and forest supervisors shall 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 - NEPA Compliance Oversight and Quality Assurance

NEPA requires agencies “to utilize a systematic, interdisciplinary approach which will ensure the integrated use of the natural and social sciences, the environmental design arts in planning, and in decision making that may have an impact on” the human environment (42 USC Sec. 4332), and that “each agency must be capable (in terms of personnel and other resources) of complying with” regulatory requirements (40 CFR 1507.2).

1. To meet NEPA requirements and objectives (sec.1950.2), each unit line officer shall ensure their unit is capable of complying with regulatory requirements both efficiently and effectively. All Forest Service organizational elements (36 CFR 220.2 and FSH 1909.15, ch. 60) are accountable for establishing, using, and maintaining an oversight and quality assurance assessment, plan for the scope of their NEPA decisionmaking and oversight authorities, using FSH 1909.15, chapter 70 as their guidance. Oversight and quality assurance assessments and plans may cover more than one administrative unit and or program.
2. At all levels of the Agency, line officers shall ensure integration and consistency between NEPA compliance and other program requirements via the elements of the assessment and quality assurance plan. Program staff directors are responsible for integrating requirements of their resource regulations with unit NEPA objectives and policies.
3. Every line officer shall identify a position on their staff responsible for coordinating their NEPA program, including oversight, quality assurance and problem resolution related to the NEPA process. Positions may be responsible for more than one administrative unit.

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4. Line officers will ensure close coordination with other units with shared resources such as, experimental areas and Job Corps Centers, when prioritizing annual NEPA workloads, assessing their joint NEPA compliance, and developing and monitoring the associated quality assurance plans.
5. Assessments and quality assurance plans will be reviewed to ensure corrective actions are implemented and are updated as needed.