

Applying the Determination of NEPA Adequacy

September 16, 2021

Introduction and Background

- This document accompanies the U.S. Forest Service's Determination of NEPA Adequacy (DNA) template. The DNA template serves to document the Responsible Official and specialists' review of whether an existing NEPA analysis can satisfy NEPA's requirements for a new proposed action. Instructions for completing the DNA template are included in the template in the form of comments.
- *Levels of NEPA Analysis:* DNAs are expected to be used most frequently for proposed actions that would otherwise require an environmental assessment (EA). The DNA evaluation process will likely require a similar level of staff work as completing a categorical exclusion decision memo. The DNA process also requires a new decision document. Therefore, using a DNA to rely on a previously completed categorical exclusion decision memo is expected to be the exception rather than the norm.
- *Supplemental Information Reports (SIRs):* The Forest Service's SIR process is unaffected by the addition of the DNA provision to Agency NEPA procedures. The Agency will continue to use SIRs to assess whether new information and changed circumstances require supplementation (see FSH 1909.15, sec. 18).

DNA Process Requirements

- Proposed actions undergoing a DNA evaluation require scoping and shall be included on the Schedule of Proposed Actions. The DNA review form and NEPA analysis being relied on should be made publicly available during the scoping process.
- The proposed action is subject to the same administrative review procedures as that of the original NEPA document. For example, if a proposed action would be subject to the objections process at 36 CFR 218 Subpart B in the absence of using the DNA, it remains subject to those provisions. In this example, the responsible official must provide a new legal notice and opportunity to comment.
- A new decision document is required for a proposed action relying on a DNA (e.g., decision memo, decision notice, or record of decision). The DNA template includes a decision notice and decision memo option. Delete whichever one you aren't using.

Compliance with Other Laws

- A DNA functions to demonstrate compliance with NEPA's requirements only and not those of other laws or regulations. Documentation demonstrating compliance with other applicable laws should be included in the project record. Findings required by other laws shall be included in the decision memo, decision notice, or record of decision (as required by Forest Service NEPA regulations).
- New consultation is necessary when using a DNA if the proposed action triggers the consultation requirements of Section 7 of the Endangered Species Act, unless the Forest Service unit is operating under a programmatic biological opinion that applies to the proposed action.
- This is also the case with the consultation required by Section 106 of the National Historic Preservation Act, unless a state or regional programmatic agreement applies to the proposed action.