

**Forest Service Handbook
National Headquarters (WO)
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Forest Service Handbook 1909.15 – National Environmental Policy Act Handbook

Chapter 40 - Environmental Assessments and Related Documents

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Approved by: Gloria Manning, Associate Deputy Chief, NFS

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Responsible Staff:

Explanation of changes: Following is an explanation of the changes throughout the directive by section.

42.1: Adds guidance concerning tiering an environmental assessment (EA) to an EA of broader scope.

44: Revises the caption to be consistent with regulation that requires notification of the availability of an EA, finding of no significant impact, and decision notice.

Table of Contents

41 - Environmental Assessments and Decision Notice	3
41.1 - Purpose of Environmental Assessments.....	3
41.2 - Content.....	3
41.21 - Need for the Proposal.....	4
41.22 - Proposed Action and Alternatives	4
41.23 - Environmental Impacts of the Proposed Action and Alternative(s)	5
41.24 - Agencies and Persons Consulted	6
42 - Other Considerations in Preparing Environmental Assessments	6
42.1 - Tiering.....	6
42.2 - Incorporation by Reference	6
43 - Documentation of Decisions	7
43.1 - Finding of No Significant Impact (FONSI).....	7
43.2 - Decision Notice	7
43.21 - Format and Content.....	8
44 - Notice or Distribution of FONSI and Decision Notice.....	9

This chapter is focused on documentation requirements for an environmental assessment (EA). Guidance for conducting an environmental analysis is found in chapter 10; definitions are in the zero code.

For ease of reference, [Council on Environmental Quality \(CEQ\) regulations](#) for implementing requirements of the [National Environmental Policy Act](#) (NEPA) are set out in **boldface type** and block-indented and [Forest Service regulations](#), that supplement the CEQ regulations, are in **boldface type, italicized**, and block-indented.

41 - Environmental Assessments and Decision Notice

An environmental assessment (EA) shall be prepared for proposals as described in § 220.4(a) that are not categorically excluded from documentation (§ 220.6) and for which the need of an EIS has not been determined (§220.5).
(36 CFR 220.7(a))

The CEQ regulations provide that an EA is not necessary if the Agency has decided to prepare an environmental impact statement (EIS) ([40 CFR 1501.3\(a\)](#)). Therefore, if, prior to completion of the EA, the responsible official determines an EIS should be prepared, discontinue the EA documentation, prepare a notice of intent, and proceed with the preparation of an EIS (ch. 20).

41.1 - Purpose of Environmental Assessments

The purpose of an EA 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

"Environmental Assessment" means a concise public document...
(40 CFR 1508.9(a))

An EA may be prepared in any format useful to facilitate planning, decisionmaking, and public disclosure as long as the requirements of paragraph (b) are met. (36 CFR 220.7(a))

The requirements of [36 CFR 220.7\(a\)](#) are discussed in the following sections. The length and detail of an EA may vary; however, CEQ advises agencies that they should be concise and normally not exceed 15 pages. See "[NEPA's 40 Most Asked Questions](#)", #36.

41.21 - Need for the Proposal

An EA:

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))

An EA must include the following:

(1) Need for the proposal. The EA must briefly describe the need for the project. (36 CFR 220.7(b)(1))

The need for action discusses the relationship between the desired condition and the existing condition in order to answer the question, “Why consider taking any action?” The breadth or narrowness of the need for action has a substantial influence in the scope of the subsequent analysis.

41.22 - Proposed Action and Alternatives

An EA must include the following:

Proposed action and alternative(s). The EA shall briefly describe the proposed action and alternative(s) that meet the need for action. No specific number of alternatives is required or prescribed. (36 CFR 220.7(b)(2))

When there are no unresolved conflicts concerning alternative uses of available resources (NEPA, section 102(2)(E)), the EA need only analyze the proposed action and proceed without consideration of additional alternatives. (36 CFR 220.7(b)(2)(i))

See section 14 for guidance on alternative development.

The EA may document consideration of a no-action alternative through the effects analysis by contrasting the impacts of the proposed action and any alternative(s) with the current condition and expected future condition if the proposed action were not implemented. (36 CFR 220.7(b)(2)(ii))

A stand-alone no-action alternative is not required. However, the effect of taking no action should correlate closely with the purpose and need. In other words, the effects of not taking action should provide a compelling reason for taking action and, therefore, should be consistent with the purpose and need for action.

The description of the proposal and alternative(s) may include a brief description of modifications and incremental design features developed through the analysis process to develop the range of alternatives considered. (36 CFR 220.7(b)(2)(iii))

If applicable, summarize how a proposal or alternative was changed through collaboration and analysis. Incorporate by reference any existing documents regarding alternative development.

The proposed action and one or more alternatives to the proposed action may include adaptive management. An adaptive management proposal or alternative must clearly identify the adjustment(s) that may be made when monitoring during project implementation indicates that the action is not having its intended effect, or is causing unintended and undesirable effects. The EA must disclose not only the effect of the proposed action or alternative but also the effect of the adjustment. Such proposal or alternative must also describe the monitoring that would take place to inform the responsible official whether the action is having its intended effect. (36 CFR 220.7(b)(2)(iv))

Adaptive management strategies should include an estimate of the conditions that would cause a change in agency actions.

41.23 - Environmental Impacts of the Proposed Action and Alternative(s)

An EA must include the following:

(3) Environmental Impacts of the Proposed Action and Alternative(s). The EA:

(i) Shall briefly provide sufficient evidence and analysis, including the environmental impacts of the proposed action and alternative(s), to determine whether to prepare either an EIS or a finding of no significant impact (FONSI). (40 CFR 1508.9);

(ii) Shall disclose the environmental effects of any adaptive management strategy. (36 CFR 220.7(b))

The effects discussion for an alternative with an adaptive management strategy includes not only the effects of implementing the alternative without adjustments, but also includes the effects of making any of the identified adjustments.

The EA:

Shall describe the impacts of the proposed action and any alternatives in terms of context and intensity as described in the definition of “significantly” at 40 CFR 1508.27. (36 CFR 220.7(b)(3)(iii))

See the definition of “significantly” in section 05, for a description of context and intensity, and in section 15.

The EA:

May discuss the impact(s) (direct, indirect, and cumulative) of alternatives together in a comparative description or describe the impacts of each alternative separately. (36 CFR 220.7(b)(3)(iv))

If certain predicted effects of several alternatives are the same (for example, the effects on soils are the same for every alternative), the effects discussion could describe those effects as being the same and then focus on describing where the resources effects differ.

41.24 - Agencies and Persons Consulted

An EA must include the following:

(4) Agencies and Persons Consulted. (36 CFR 220.7(b))

This should be a list of Federal, State, and local agencies, Tribes, and non-Forest Service individuals with whom the Agency engaged in discussions as part of the EA. For example, the list could include structured consultation with such agencies as a State Historic Preservation Office or the US Fish and Wildlife Service and less formal consultation with a permittee or a county manager. In addition, the EA may note the total number of individuals and groups that were notified on the availability of the EA in a library, World-Wide Web, or other locations.

42 - Other Considerations in Preparing Environmental Assessments

42.1 - Tiering

EAs may be tiered to EISs or EAs of broader scope to eliminate repetitive discussions (sec. 11.41). While the CEQ regulations discuss tiering to programmatic EISs, CEQ also acknowledges that preparing a programmatic EA is appropriate to determine whether a broad proposed action requires an EIS. In such a case, subsequent EAs may tier to the broader, programmatic EA.

42.2 - Incorporation by Reference

The EA may incorporate by reference information that is reasonably available to the public. (36 CFR 220.7(a))

Incorporate material into EAs by reference to cut down on bulk without impeding agency and public review of the EA. Include a brief summary of the material being incorporated by reference. The EA:

May incorporate by reference data, inventories, other information and analyses. (36 CFR 220.7(b)(3)(v))

See also section 11.43, on incorporation by reference and section 11.42, on adoption of other agency NEPA documents.

43 - Documentation of Decisions

43.1 - Finding of No Significant Impact (FONSI)

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 EIS (ch. 20) in the *Federal Register*. Otherwise, prepare a 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", zero code, section 05, for determining whether the action will have a significant effect on the human environment. The conclusions of a FONSI should be supported by references to the relevant sections of the EA.

In some situations, a FONSI must be available for a minimum of 30 days before a decision to implement a proposed action can be made (sec. 44).

For additional guidance on FONSI, see questions 37a, 37b, 38, 39, and 40 in “NEPA’s [40 Most Asked Questions](#)”.

43.2 - Decision Notice

If an EA and FONSI have been prepared, the responsible official must document a decision to proceed with an action in a decision notice unless law or regulation requires another form of decision documentation (40 CFR 1508.13). (36 CFR 220.7(c))

The interdisciplinary team (IDT) leader should brief the responsible official and provide the responsible official with a copy of the EA and FONSI for review. The responsible official’s signature on the decision notice constitutes concurrence with the EA and FONSI.

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 the responsible official chooses to proceed with preparation of an EIS, see section 21, for guidance on the notice of intent to prepare an environmental impact statement. The change in status of the environmental analysis should be noted in the Planning, Appeals, and Litigation System (PALS).

43.21 - Format and Content

A decision notice must document the conclusions drawn and the decision(s) made based on the supporting record, including the EA and FONSI. A decision notice must include:

(1) A heading, which identifies:

(i) Title of document,

(ii) Agency and administrative unit,

(iii) Title of the project, and

(iv) Location of the action, including county, and State; (36 CFR 220.7(c))

In some cases, it may be appropriate to include the legal land description.

A decision notice must include:

(2) Decision and rationale (36 CFR 220.7(c))

This section should describe the selected alternative and the nature of the decision. Specifically, this section should discuss:

1. How comments were considered.
2. Factors other than environmental effects considered in making the decision.
3. Environmental document(s), by title, considered in making the decision.
4. How the preceding considerations were weighed and balanced in arriving at the decision.

Any alternatives considered, should be briefly discussed with specific citations to relevant information in the EA. Relevant mitigation measures, management requirements, and monitoring provisions should be discussed with specific citations to the EA.

A decision notice must include:

(3) Brief summary of public involvement (36 CFR 220.7(c))

Provide a brief summary of how the public was involved in the analysis. Persons or groups raising issues or asserting viewpoints may be identified and their views discussed

in light of the decision. This can be an opportunity to explain how comments received during scoping and the formal comment period were considered and used in the environmental analysis.

A decision notice must include:

(4) A statement incorporating by reference the EA and FONSI if not combined with the decision notice;

(5) Findings required by other laws and regulations applicable to the decision at the time of decision;

(6) Expected implementation date;

(7) Administrative review or appeal opportunities and, when such opportunities exist, a citation to the applicable regulations, and directions on when and where to file a request for review or an appeal;

(8) Contact information, including the name, address, and phone number of a contact person who can supply additional information; and

(9) Responsible Official's signature and the date the notice is signed. (36 CFR 220.7(c))

44 - Notice or Distribution of FONSI and Decision Notice

Distribute EAs, decision notices, and FONSIs to agencies, organizations, and persons interested in or affected by the proposed action or notify them of the availability of these documents.

The responsible official shall notify interested and affected parties of the availability of the EA, FONSI and decision notice, as soon as practicable after the decision notice is signed. (36 CFR 220.7(d))

Certain circumstances might require issuance of a FONSI in advance of a decision notice.

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))

In such cases, the FONSI must be issued first in accord with the following CEQ rule:

. . . the agency shall make the finding of no significant impact available for public review (including State and area wide clearinghouses) for 30 days before the agency makes its final determination whether to prepare an environmental impact statement and before the action may begin.
(40 CFR 1501.4(e)(2))

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

Remember to enter the date of the FONSI and the decision notice in the planning, appeals, and litigation system (PALS). In addition to the decision itself, the ability of the decision to be implemented is also tracked in the PALS. The conclusion to withdraw a decision voluntarily, the reversal of a decision in appeal, or a court case directing constraint of a decision, all require notation (action) in PALS.