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Forest Service Handbook 1909.15 – National Environmental Policy Act Handbook

Chapter 10 – Environmental Analysis

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

Chapter 10: Updates to 508 compliant format.

Section 11.44: Establishes a new section to incorporate provisions on 36 CFR 220.4(j), Determination of NEPA Adequacy (DNA).

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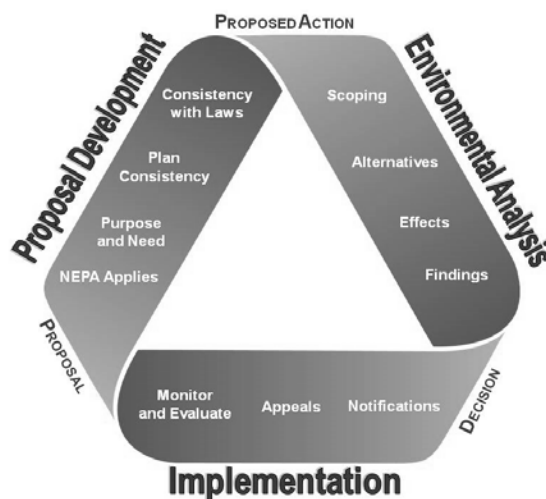
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This chapter is organized by the sequence of events that typically occur in the environmental analysis process, from conducting scoping (sec. 11) to using an interdisciplinary analysis (sec. 12) to developing alternatives (sec. 14) and estimating effects (sec. 15). Once the analysis is underway, the type of environmental documentation can be determined (sec. 17). After a decision is made, changes or new information may be handled as described in section 18. Exhibit 01 in section 11.6 describes the environmental analysis process.

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.

Under the [National Environmental Policy Act \(NEPA\)](#), the Agency conducts environmental analyses to assess the nature and importance of the physical, biological, social, and economic effects of a proposed action and its reasonable alternatives. Conclusions are reached about the significance of the effects on the human environment. These conclusions about the significance of effects determine the levels of analysis and documentation.

Forest Service Planning Model



11 – Conduct Scoping

Although the [Council on Environmental Quality \(CEQ\) regulations](#) require scoping only for environmental impact statement (EIS) preparation, the Forest Service has broadened the concept to apply to all proposed actions.

Scoping is required for all Forest Service proposed actions, including those that would appear to be categorically excluded from further analysis and documentation in an EA or an EIS (§220.6).

(36 CFR 220.4(e)(1))

The process of 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. Effective scoping depends on all of the above as well as presenting a coherent proposal. The results of scoping are used to clarify public involvement methods, refine issues, select an interdisciplinary team, establish analysis criteria, and explore possible alternatives and their probable environmental effects.

The methods and degree of the scoping effort undertaken for a given project vary depending on scope and complexity of the project (see the [CEQ scoping guidance](#)).

Scoping shall be carried out in accordance with the requirements of 40 CFR 1501.7. Because the nature and complexity of a proposed action determine the scope and intensity of analysis, no single scoping technique is required or prescribed.

(36 CFR 220.4(e)(2))

Selection of scoping techniques should consider appropriate methods to reach interested and affected parties. For example, a project with potential localized effects to a small community might consider posting fliers at locations where they are likely to be seen.

Part of scoping includes other requirements such as putting a notice of intent to prepare an EIS in the Federal Register (see ch. 20).

For projects subject to legal notice of proposed actions, consult an appeal or objections coordinator and applicable appeal or objections regulations for current direction and clarification (see also FSH 1509.12). Just complying with these notice requirements may not be adequate scoping.

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 identified issues.

The following direction on scoping from the CEQ regulations applies to the preparation of an EIS. The Forest Service applies the concept of scoping to all proposals without regard to whether or not the results of the analysis are to be documented in an EIS, an environmental assessment (EA), or categorically excluded (CE) from these documents.

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 decision making schedule.

(40 CFR 1501.7)

For additional direction on scoping, see CEQ's [Memorandum for General Counsels, NEPA Liaisons and Participants in Scoping](#).

11.1 – Organize Scoping Effort

The 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 decision making that affects the human environment ([42 U.S.C. 4332\(2\)\(A\)](#)).

The responsible official may choose whether or not to establish an interdisciplinary (ID) team and designate a team leader to conduct scoping. 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 scoping of the proposed action. In ensuring an interdisciplinary approach to the scoping process, responsible officials shall be guided by the direction on interdisciplinary analysis in section 12 of this chapter.

11.2 – Proposed Action, Purpose and Need, and Decision Framework

A proposed action is a proposal by the Forest Service to authorize, recommend, or implement an action to meet a specific purpose and need. All proposed actions have five parts that comprise their whole: who, what, how, where, and when.

WHO is proposing the action?
WHAT is the action being proposed?
HOW will the action be accomplished?
WHERE is the action being proposed?
WHEN is the action being proposed?

The “who” is the Forest Service, even in the case of external projects. When the Forest Service accepts an external proponent’s proposal (like a powerline or ski resort) it becomes an Agency proposal to authorize the action. The “who” may also be the title of the responsible official, such as “The Quemado District Ranger proposes to...”

The “what” refers to the proposed activity or activities and all their parts. Note that the “what” is almost always plural. In stating the “what” of the proposed action, focus as specifically as practicable on describing the activities. Connected actions (sec. 05) are included as part of the proposed action. Consider carefully the inclusion of similar actions (sec. 05) which may be included as part of the proposed action. Only those similar actions that are closely related to the proposal and have similar purposes and effects should be included.

The “how” is an integral part of the “what.” If a fuels reduction project is proposed, describe how it will be done: thinning, burning, or both; mechanical means or by hand?

The “where” refers to the geographic location of the project. In stating the “where,” describe the location as specifically as possible. A map is often the best way to illustrate the “where” instead of trying to describe it solely in a narrative format. Several scales of maps might be needed (whole district and project units).

The “when” refers to the timeframe in which the project will be implemented and completed. If a project has several identified phases, the duration of each phase should be documented.

11.21 – Purpose and Need

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 on the scope of the subsequent analysis. A well-defined “need” or “purpose and need” statement narrows the range of alternatives that may need to be considered. For example, a statement like “there is a need for more developed recreation” would lead to a very broad analysis and consideration of many different types of recreation. However, a statement like “there is a need for more developed campsites along Clear Creek” would result in a more focused analysis with consideration of a much narrower range of alternatives.

“Purpose” and “need” may be discussed separately, but normally they are discussed as one because the purpose of an action will be to respond to the stated need.

It is critical that the responsible official and interdisciplinary team members all understand and agree on the need for action. An informed decision can only be made when everyone is working together to solve the same problem.

11.22 – Decision Framework

To fully describe the decision to be made, a decision framework may be identified. This is to ensure the scope is fully described and helps assure the purpose and need, proposed action, and alternatives are relevant to each other. The decision framework may be described in terms of whether or not to implement the action as proposed or an alternative way to achieve the desired outcome. Often a well-described proposed action (who, what, when, where) makes the decision clear. Situations that may need extra clarification include when:

1. Other agencies are involved and have their own decisions or authorizations to make.
2. Laws or previous decisions constrain the decision space.
3. More decisions will be made at a later date.

Remember to include any forest plan amendments that might be part of a decision.

11.23 – Review of Existing Decisions

It is important to establish whether or not a valid decision already exists. If a decision has already been made to authorize an action in a specific area, such as livestock grazing or a special use, a new decision may not be necessary. Review the environmental analysis documentation and assess whether there is sufficient new information, technology, or changed conditions to warrant a new analysis and decision. If the previous analysis and decision are still valid, document this finding and continue to implement the decision.

11.3 – Identify Responsible Official(s) and Agencies Involved

The Agency employee who has the authority to make and implement a decision on a proposed action ([36 CFR 220.3](#)) is the responsible official for NEPA compliance. When an action is proposed, the responsible official shall identify and contact other Federal, State, or local agencies with an interest in the action.

11.31 – Lead and 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 has jurisdiction by law shall be a cooperating agency. In addition, any other Federal agency which has special expertise with respect to any environmental 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)

Refer to the definitions of lead and cooperating agency in section 05 of this handbook. For additional guidance on lead and cooperating agencies, see [“NEPA’s 40 Most Asked Questions,”](#) questions 14a, 14b, 14c, 14d, and 30.

11.31a – Lead Agency

When the proposed action will occur on National Forest System lands, the Forest Service is usually the lead agency. The Forest Service may also be a lead or cooperating agency when State and private forest lands are involved.

As soon as practical after the responsible official identifies a cooperating agency, enter the information into the Planning, Appeals, and Litigation System (PALS). (sec. 06).

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 CEQ to determine which Federal agency will be the lead agency, send the request through the appropriate regional office to the Washington Office Director of Ecosystem Management Coordination for processing.

11.31b – Cooperating With Other Agencies

The lead agency has the responsibility to solicit cooperation from other Federal, Tribal, State or local agencies with jurisdiction by law or special expertise on environmental issues that should be addressed in the environmental analysis. (see [“NEPA’s 40 Most Asked Questions,”](#) #14) (40 CFR 1508.5)

Whenever invited Federal, State, Tribal and local agencies elect not to become cooperating agencies, they should still be considered for inclusion in interdisciplinary teams engaged in the NEPA process and on distribution lists for review and comment on NEPA documents. ([CEQ Memorandum for Heads of Federal Agencies](#), 1/30/2002).

Agencies are encouraged to document the cooperating agency agreements. Identify specific expectations, roles and responsibilities, and include issues such as preparation of analysis, schedules, availability of pre-decisional information and other issues. Cooperating agencies are normally expected to fund their activities, but to the extent possible the lead agency should fund major activities or analyses ([40 CFR 1501.6\(b\)\(5\)](#)). Consider CEQ’s guidance for determining whether to invite, decline, or end cooperating agency status ([CEQ Memorandum](#), 1/30/2002, Attachment 1). Additional resources, including memorandum of understanding and interagency agreement templates, can be found in the [Partnership Resource Center](#).

When National Forest System lands are involved and the Forest Service is not the lead agency, the responsible Forest Service official shall make a written request to participate as a cooperating agency in scoping, environmental analysis, and documentation ([40 CFR 1501.6](#)).

If the Forest Service is asked to be a cooperating agency and other program commitments preclude being able to become involved, the responsible official shall consult with the Washington Office Director of Ecosystem Management Coordination through the appropriate regional office prior to preparing a reply to this effect to the requesting agency. Send the reply to the Washington Office Director of Ecosystem Management Coordination, for transmittal to CEQ ([40 CFR 1501.6\(c\)](#)).

11.32 – Elimination of Duplication With State and Local Procedures

Other provisions of NEPA require cooperating with State and local agencies to the fullest extent possible to reduce duplication.

- (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 cases 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)

11.32a – Combining Documents to Eliminate Duplication

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.

11.33 – Federal Agencies With Legal Jurisdiction or Special Expertise

See the CEQ's list of agencies with jurisdiction by law or special expertise, from the 1984 [Appendix II of CEQ's NEPA Implementation Procedures](#).

11.34 – Review of Other Agency Environmental Documents

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

Duty to comment.

Federal 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)

11.35 – Referrals to Council on Environmental Quality

CEQ regulations provide the following:

- (a) This part establishes procedures for referring to the Council Federal interagency disagreements 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 field review of another agency's draft EIS concludes that the proposed action is environmentally unacceptable, the affected field unit, through the appropriate regional office, contacts the Washington Office Director of Ecosystem Management Coordination, to coordinate the referral procedure (FSM 1950.43).

11.36 – Review of Forest Service Legislative or Service-Wide Environmental Documents

Unless otherwise assigned by the Chief, officials in the Washington Office shall review and comment on draft environmental documents prepared on Forest Service legislative proposals, service wide policies and regulations, or national program proposals. The Director of Ecosystem Management Coordination coordinates these reviews and responses (FSM 1950.43).

11.4 – Determine if Existing Documents Address Proposed Action

During scoping, determine if there are existing documents pertinent to the environmental analysis. Existing environmental documents, higher level plans; such as, resource management plans, and other pertinent documents, including State and local land use plans 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 in documenting the site-specific environmental analysis.

11.41 – Tiering

Agencies are encouraged to tier their environmental impact statements to eliminate 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)

11.42 – 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 re-circulate it except as a final statement. Otherwise the adopting agency shall treat the statement as a draft and re-circulate it (except as provided in paragraph (c) of this section.**
- (c) A cooperating agency may adopt without re-circulating 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)

Agencies shall reduce delay by:

... Eliminating duplication with State and local procedures by providing for joint preparation (sec. 1506.2) and with other Federal procedures by providing that an agency may adopt appropriate environmental documents prepared by another agency (sec. 1506.3).

(40 CFR 1500.5(h))

11.43 – Incorporation by Reference

Both the CEQ and Forest Service regulations encourage material be incorporated by reference. Both regulations also require the content to be briefly described in the environmental or decision document. Include all referenced materials not otherwise reasonably available to the public in the project record.

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)

Material may be incorporated by reference into any environmental or decision document. This material must be reasonably available to the public and its contents briefly described in the environmental or decision document (40 CFR 1502.21).

(36 CFR 220.4(h))

11.44 – Determination of NEPA Adequacy (DNA)

(j) Determination of NEPA Adequacy (DNA)

(1) An existing environmental analysis prepared pursuant to NEPA and the Council on Environmental Quality regulations may be used in its entirety for a new proposed action if the Responsible Official determines that the existing NEPA analysis adequately assesses the environmental effects of the proposed action and reasonable alternatives. The responsible official must determine and document that each of the following elements is met:

(i) The new proposed action is substantially the same as a previously analyzed proposed action or alternative analyzed in detail in the existing NEPA analysis.

(ii) The range of alternatives analyzed in the existing NEPA document(s) is appropriate with respect to the new proposed action.

(iii) Any new information or circumstances relevant to environmental concerns would not substantially change the analysis in an existing NEPA document(s).

(iv) The environmental effects that would result from implementation of the new proposed action are similar to those analyzed in the existing NEPA document(s).

(2) A DNA for a new proposed action shall be included in the project record for the new proposed action. Proposed actions undergoing a DNA review shall:

(i) Be included on the SOPA;

(ii) Be subject to scoping;

(iii) Be subject to pre-decisional administrative review, if applicable; and

(iv) Include issuance of a new decision document (decision memo, decision notice, or record of decision) when approved.

(36 CFR 220.4(j))

11.5 – Look for Preliminary Issues and Identify Public Participation Needs

11.51 – Identify Preliminary Issues

Identify and evaluate preliminary issues based on review of similar actions, knowledge of the area or areas involved, discussions with interested and affected persons, community leaders, organizations, resource professionals within the Agency, and State and local governments, and/or consultations with experts and other agencies familiar with such actions and their direct, indirect, and cumulative effects. This review provides an early look at potential issues and sharpens the focus of the environmental analysis. See discussion of issues in section 12.4.

11.52 – Identify Public Participation Needs

Public involvement should occur throughout the analysis process. Continue to keep the public informed of the progress of the environmental analysis.

1. Identify potentially affected and interested parties and the nature of their concerns.
2. Establish, maintain, and use mailing lists as appropriate.
3. Determine public involvement objectives for various steps in the NEPA process.
4. Determine the methods of public involvement to meet the objectives. 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 strategy (FSM 1626). Partnership and collaboration resources, including memorandum of understanding templates, can be found in the [Partnership Resource Center](#).

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 area wide 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 papers).**
 - (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)

When soliciting comments from the public, the following paragraph should be included:

Comments received in response to this solicitation, including names and addresses of those who comment, will be part of the public record for this proposed action. Comments submitted anonymously will be accepted and considered; however,

anonymous comments will not provide the Agency with the ability to provide the respondent with subsequent environmental documents.

11.6 – Determine If Proposal Can Be Categorically Excluded From Documentation in Environmental Impact Statement or Environmental Assessment

After determining the nature of the proposed action, identifying preliminary issues, identifying the interested and affected agencies, organizations, 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 EIS or an EA or, alternatively, to determine the type of document that should be prepared.

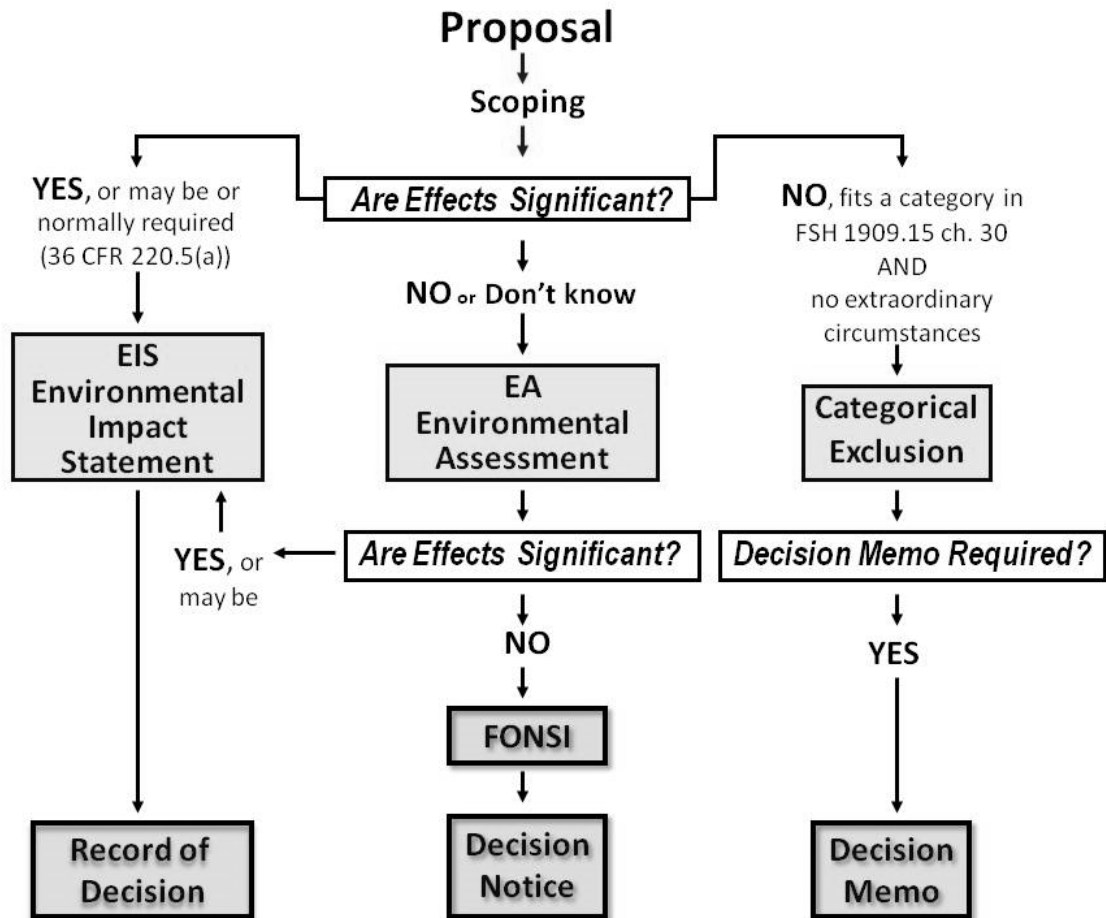
The significance of environmental effects of a proposed action determines whether an EIS (zero code, section 05) must be prepared. If the proposed action falls within one of the classes of actions in section 21.2 that normally require preparation of an EIS, or if preliminary analysis indicates that there may be significant effects on the environment, publish a notice of intent to prepare an EIS in the Federal Register. There might be situations where a proposed action normally requiring an EIS is not expected to have significant impacts (see 21.1 and 21.2).

If the proposed action is within one of the categories in the Department of Agriculture policies and procedures (7 CFR 1b.3) listed in section 32.11 or one of the categories established by the Chief listed in sections 32.12 or 32.2, and if the proposed action does not involve any extraordinary circumstances (sec. 31.2), the action may be categorically excluded from documentation in an EIS or EA. See chapter 30 for documentation requirements.

If the proposed action is not within a listed category, and it is uncertain whether the proposed action may have a significant effect on the environment, prepare an EA chapter 40.

An overview of the paths that NEPA documentation can take is shown in exhibit 01. Note that notice, comment and appeal provisions are not included in the exhibit.

11.6 – Exhibit 01 – NEPA Documentation Overview



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

Consistent with the nature and complexity of the proposed action, inform participants of the results of scoping. Keep the public informed of the progress of the environmental analysis through appropriate means. This may include, but is not limited to: personal contacts with individuals, organizations, and State, local government and Tribal officials; use of local media; and newsletters.

The status of environmental analyses for documented Forest Service decisions must be entered in PALS (section 06).

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 decision-making which may have an impact on the human environment (42 U.S.C. 4332(2)(A)). The CEQ regulations at [40 CFR 1502.6](#) require that:

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

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

Proposals for less complex actions may not require the selection of an interdisciplinary team. In such cases, a knowledgeable individual may perform the analysis that 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 – Project Initiation

When documentation in an EIS or EA is required, the responsible official should provide direction to the interdisciplinary team in a project initiation letter (PIL).

The PIL should reflect the responsible official's project direction and expectations of the interdisciplinary team. The PIL can aid the responsible official in redeeming responsibilities under FSM 1950.41. The letter, often drafted by the team leader (negotiated with and signed by the responsible official) usually includes the following, depending on when it is written:

1. The purpose and need initiating the analysis and proposing the project.
2. The proposed action and some possible connected actions, including mitigation associated with the proposed action.

3. The decision framework, including any sideboards and expectations of the team.
4. Known or anticipated issues.
5. Resource areas that should be included in the analysis.
6. Scoping direction, including the responsible official's role and expectations.
7. Potential alternatives for consideration, if known.
8. An initial cross-check for forest plan consistency, such as if project is consistent or not with the forest plan.
9. Need for possible forest plan amendment(s).
10. Role assignments and responsibilities: team leader, members, consultants, including how any disputes within the team will be resolved.
11. The time frame and checkpoints for analysis.

12.2 – Interdisciplinary Team Selection

The disciplines and skills of the interdisciplinary team are appropriate to the scope of the action, the issues and potential effects identified, and applicable laws and regulations. Limit the team to a manageable number of persons.

Others may aid or support the ID team as determined to be necessary by the responsible official. This participation must be consistent with the Federal Advisory Committee Act of 1972 as amended (5 U.S.C. App.) and [USDA Departmental Regulation \(DR\) 1041-001](#).

The team also has 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.

12.21 – 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 NEPA process and its interrelationship with other applicable laws and regulations.
2. Knowledge of activities identified within the proposed action.
3. Ability to lead others, including the ability to communicate effectively with team members and the responsible official and to facilitate interaction among team members.
4. Ability to organize, analyze, and interpret information.

5. Past performance in meeting assigned deadlines.
6. Ability to communicate orally and in writing to others information about the field or specialty that a member represents.

The team leader's responsibilities include:

1. Communicating with the responsible official on a regular basis to facilitate their meeting responsibilities in FSM 1950.41 and to ensure the process is meeting timelines and needs.
2. Leading the team to conduct scoping and identifying preliminary issues.
3. Coordinating and sometimes leading public involvement activities.
4. Recommending data needs.
5. Leading the interdisciplinary team in developing a range of alternatives that meets the purpose and need, and addresses the issues.
6. Framing or outlining the NEPA document and providing instructions and assignments for completing sections. Ensuring interdisciplinary creation of the NEPA document.
7. Tracking the progress, including making assignments to team members to assure timely completion.
8. Reviewing the NEPA document and specialist reports. Coordinate any higher level reviews, as needed.
9. Finalizing the NEPA document and assuring a complete project record.

12.22 – Other Team Members

In selecting other team members, consider the variety of disciplines needed, based on issues, and resources affected, as well as such factors as an individual's:

1. Ability to participate fully and helpfully as part of a team.
2. Ability to communicate orally and in writing to others information about the field or specialty that a member represents.
3. Knowledge of and degree of experience in the subject discipline and the environmental analysis process.
4. Ability to conceptualize and solve problems.
5. Ability to distinguish between professional duties and personal opinions.

It is the responsibility of the team or assigned analyst(s) to:

1. Identify the environmental issues related to the proposed action and make recommendations to the responsible official for significant issues;
2. Develop a range of alternatives for responsible official approval, where appropriate to be analyzed in the subsequent environmental analysis; and
3. Prepare 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.

Individual team member's responsibilities may include:

1. Participation in developing a range of alternatives that address the issues and are consistent with land management plan direction, or identification of a forest plan amendment, if needed.
2. Conducting effects analysis. Documenting the direct, indirect, and cumulative effects. Interpreting and comparing the effects of the alternatives.
3. Reviewing the NEPA document.

Interaction among team members often provides insight that otherwise would not be apparent.

12.23 – Selection of Interdisciplinary Analyst(s) in Lieu of a Team

The responsible official may select one or more persons rather than a full team to conduct the required interdisciplinary analysis. This approach is normally used for projects that are of limited scope and complexity. The analyst(s) should have a working knowledge of the NEPA process, applicable statutes and regulations, and natural resource interactions.

12.24 – Responsibilities When Applicants and Contractors are Involved

Applicants. The responsible official shall make policies or staff available to advise potential applicants of studies or other information foreseeably required for acceptance of their applications. Upon acceptance of an application as provided by 36 CFR 251.54(g) the responsible official shall initiate the NEPA process.

(36 CFR 220.4(i))

The responsible official may require project proponents to conduct studies and provide data and documentation for consideration and use in preparing an EIS.

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.
- (b) Environmental assessments.** If an agency permits an applicant to prepare an environmental assessment, the agency, besides fulfilling the requirements of paragraph (a) of this section, shall make its own evaluation of the environmental issues and take responsibility for the scope and content of the environmental assessment.
- (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)

The “[NEPA’s 40 Most Asked Questions](#)” provide additional guidance when applicants and contractors are involved (#16 & #17).

12.3 – Develop a Framework for Analysis

1. Identify and select data sources, analysis methods, and set standards of accuracy. This may include defining:
 - a. What data are currently available (in resource databases, other analyses, and so on), and
 - b. What data may need to be collected (from field investigation, other databases, and so on).
2. Define what type of analysis will be conducted and why it is appropriate. For example, the analysis may include the use of a model or qualitative discussion of key characteristics based on professional expertise.
3. Define measurement indicators and effects analysis boundaries, both spatially and temporally. Measurement indicators are used in the analysis to measure change from existing condition for each of the alternatives. Examples of indicators for different types of actions and resources include “fuel loading in tons per acre” or “percent of streambanks in project area in stable or vegetated condition”.
4. Define the standards of accuracy commensurate to the acceptable level of risk and to the availability of qualitative and quantitative data. Describe the relationship between risk and accuracy. For example:
 - a. The number of helicopter flights is the only data available to estimate effects of noise on wildlife.
 - b. A walk-through cruise will obtain 80% accuracy and is acceptable risk.
5. Determine the depth or detail of the analysis. The depth or detail of analysis will depend on the important management and resource issues, and should be commensurate to the magnitude of the effect.
6. Develop a framework to assure a range of reasonable alternatives will be analyzed. This may include methods to ensure a variety of alternatives that depict the tradeoffs of resolving environmental issues, or a simple tracking table that shows all issues are addressed to some degree by at least one alternative.
7. Develop a strategy to estimate the significance of environmental effects using the context and intensity definitions in zero code, section 05.
8. Consider how alternatives will be evaluated. This may include a framework for comparison of alternatives and the function of measurement indicators.

9. Consider how to ensure compliance with the forest's land management plan, policy, laws and regulations. This may include defining the regulatory framework to which analysis and actions are subject.

When formulating analysis, be sure to consider Agency objectives identified in legislation, policies, and plans, as well as issues raised by the public in the scoping process. Refine these frameworks, as necessary, during the course of the analyses.

12.4 – Identify Issues

Issues serve to highlight effects or unintended consequences that may occur from the proposed action and alternatives, giving opportunities during the analysis to reduce adverse effects and compare trade-offs for the decisionmaker and public to understand. Issues are best identified during scoping early in the process to help set the scope of the actions, alternatives, and effects to consider; but, due to the iterative nature of the NEPA process, additional issues may come to light at any time.

An issue should be phrased as a cause-effect statement relating actions under consideration to effects. An issue statement should describe a specific action and the environmental effect(s) expected to result from that action. Cause-effect statements provide a way to understand and focus on the issues relevant to a particular decision.

There is no set of standard issues applicable to every proposal, so it is important for the responsible official to consider a variety of laws, regulations, executive orders and input, with the help of the interdisciplinary team. The responsible official approves the issues to be analyzed in depth by the interdisciplinary team in the environmental analysis (FSM 1950.41). It is often helpful to organize and group similar issues by common resource, cause-effect relationships, same or common geographical area, or those linked to the same action.

12.41 – Considering Issues in Preparation of Environmental Impact Statements

The CEQ regulations refer to issues as they relate to environmental impact statements. For example see 40 CFR 1500.4:

Agencies shall reduce excessive paperwork by: ...

Discussing only briefly issues other than significant ones ...

(40 CFR 1500.4(c))

Using the scoping process not only to identify significant environmental issues deserving of study, but also to deemphasize insignificant issues, narrowing the scope of the environmental impact statement process accordingly ...

(40 CFR 1500.4(g))

For example see 40 CFR 1501.7:

As part of the scoping process the lead agency shall: ...

Determine the scope ... and the significant issues to be analyzed in depth in the environmental impact statement. ...

(40 CFR 1501.7(a)(2))

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.

(40 CFR 1501.7(a)(3))

Note the references to “significant issues” in relation to EISs. Use the term “significant issues” only when referring to “significant environmental effects”. This is a different interpretation of the term “significant issue” than what the Forest Service previously used. Past Forest Service guidance, training, and practice used the term “significant issues” in relation to both EAs and EISs. The present interpretation is more closely aligned with the CEQ regulations.

In summary, issues are statements of cause and effect, linking environmental effects to actions. Only use the term “significant issues” when there may be a cause-effect relationship between a proposed action and a significant effect and the disclosure of that effect is documented in an EIS. The term “significant issue” should not be used outside of the EIS context.

12.42 – Considering Issues in Preparation of Environmental Assessments

Since issues are phrased as cause-effect relationships, the concept of describing a specific action and the environmental effect(s) expected to result from that action applies whether one is using an EA or an EIS. Issues (cause-effect relationships) serve to highlight effects or unintended consequences that may occur from the proposed action, providing opportunities during the analysis to explore alternative ways to meet the purpose and need for the proposal while reducing adverse effects. Since the CEQ regulations use the term “significant issues” in relation to significant effects, avoid confusion by not using the term “significant issue” in an EA.

12.5 – Measures

Identify units of measure for or indicators of effects. Specify measures that will be useful in judging differences among actions. To be useful in predicting and characterizing consequences, measures should be:

Understandable – Decisionmakers and stakeholders should be able to understand what the measure is and how it characterizes the attribute.

Quantifiable – Measures should be capable of being quantified or classified into categories, with levels, values, or other units of measure to the extent practicable. A scale of measure can be natural (temperature), proxy (status of an ecological indicator species) or constructed (fire danger index). A constructed scale may combine many measures into a single series of classes or levels. A common example is the "heart risk factor index" that uses genetic and lifestyle factors to evaluate the relative healthiness of the human cardiovascular system.

Sensitive – Responsive enough to environmental influences and management activities to show changes in the attribute.

Measures should be considered in terms of the following dimensions:

1. **Magnitude** – value per unit of time or space.
2. **Extent** – span of influence in terms of geographic area, structural characteristic, functional process, or some other scale.
3. **Duration** – length of time the value (magnitude, extent, and so forth) will continue.
4. **Likelihood** – the probability of a value becoming a reality.
5. **Speed** – the time to reach a value.

For example, one measure may be the acreage of a lake (extent) over which a chemical will achieve some minimum concentration (intensity) for a certain period (duration) with 95% likelihood (likelihood) in 3 years (speed). In this example, the acreage (extent) is the measure to be predicted while the values of the other measures are assumed constant.

Another example would be the years (speed) for streams in a certain watershed (extent) to achieve a distribution of channel stability classes (intensity) for 100 years (duration) with 90% likelihood. The prediction would be limited to the speed of attainment.

12.6 – Documenting Public Involvement

Comments and other input received during scoping should be managed and documented. Documentation should include contact information like electronic and postal mailing information.

A variety of tools, including databases, are available to assist with comment tracking and management, as well as maintaining mailing lists. Information associated with public involvement, including comments received during scoping, is part of the public record.

12.61 – Expand Public Involvement as Appropriate

Review comments and suggestions offered by interested and affected agencies, Tribes, organizations, and individuals in response to scoping and the listing of the action in the schedule of proposed actions (sec. 06). Consider options for expanding public involvement to keep people informed and involved as the analysis progresses.

13 – Collect and Interpret Data

The type and amount of data to collect depend on the nature of the action, agency objectives, issues, and anticipated effects. Focus data collection on the current and expected physical, biological, economic, and social conditions affecting or affected by the proposed action. Document the assumptions, analysis, methods, and data sources. See section 15.2 about setting boundaries for the effects analysis.

If, when evaluating significant or potentially significant adverse effects on the human environment, information essential to a reasoned choice among alternatives is either missing or incomplete, the CEQ regulations provide the following guidance:

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 reasonable 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 statement.

(b) If the information relevant to reasonable 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 statement:

(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 of reason.

(40 CFR 1502.22)

14 – Develop Alternatives

Under the CEQ regulations, the Agency is required to:

Study, develop, and describe appropriate alternatives to recommended courses of action in any proposal which involves unresolved conflicts concerning alternative uses of available resources as provided by section 102(2)(E) of the Act.

(40 CFR 1501.2(c))

No specific number of alternatives is required or prescribed. Develop other reasonable alternatives fully and impartially. Ensure that the range of alternatives does not prematurely foreclose options that might protect, restore, and enhance the environment.

Reasonable alternatives to the proposed action should fulfill the purpose and need and address unresolved conflicts related to the proposed action. Be alert for alternatives suggested by participants in scoping and public involvement activities. Consider alternatives, even if outside the jurisdiction of the Agency.

Descriptions of the alternatives should include relevant mitigation measures that could reduce the impacts of the project, even if those measures are outside the jurisdiction of the Agency. Examples include; project design features to avoid or minimize impacts, forest plan requirements, Best Management Practices, and statutory and regulatory requirements related to Federal, State, and local laws and regulations.

As established in case law interpreting the NEPA, the phrase "all reasonable alternatives" has not been interpreted to require that an infinite or unreasonable number of alternatives be analyzed, but does require a range of reasonable alternatives be analyzed whether or not they are within Agency jurisdiction to implement (40 CFR 1502.14(c)). For further guidance, see questions 1, 2, and 3 of the "[NEPA's 40 Most Asked Questions](#)" and in section 65.12.

For EISs:

The EIS shall document the examination of reasonable alternatives to the proposed action. An alternative should meet the purpose and need and address one or more significant issues related to the proposed action. Since an alternative may be developed to address more than one significant issue, no specific number of alternatives is required or prescribed.

(36 CFR 220.5(e))

Develop and consider alternatives that would reduce significant impacts.

(1) The responsible official may modify the proposed action and alternative(s) under consideration prior to issuing a draft EIS. In such cases, the responsible official may consider the incremental changes as alternatives considered. The documentation of these incremental changes to a proposed action or alternatives shall be included or incorporated by reference in accord with 40 CFR 1502.21.

(36 CFR 220.5(e))

The intent of the regulation is to encourage collaboration throughout the analysis and decision-making process. Ongoing collaboration may often result in modification of a proposed action or alternative(s), resulting in a better proposal and ultimately a better decision. Such changes may not necessarily require the development of a new alternative if they can be accommodated through modification of an existing alternative. Incremental modifications that occur as a result of collaboration should be clearly described and documented in the analysis record, so that interested parties have a clear understanding of the nature of and reasons for the incremental changes.

For EAs:

The EA shall briefly describe the proposed action and alternative(s) that meet the need for action. No specific number of alternates is required or prescribed.

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))

Develop and consider alternatives that would resolve conflicts about the proposal. When scoping indicates an agreement about the proposed action, there is no need to develop additional alternatives. In this case, document that fact in the EA so the reader knows why other alternatives were not considered.

14.1 – Adaptive Management Strategy

Alternatives may include an adaptive management strategy allowing for adjustment of the action during implementation. As stated in the Forest Service NEPA Procedures:

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 EIS [or EA] must disclose not only the effects 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 during implementation whether the action is having its intended effect.

(36 CFR 220.5(e)(2) and §220.7(b)(2)(iv))

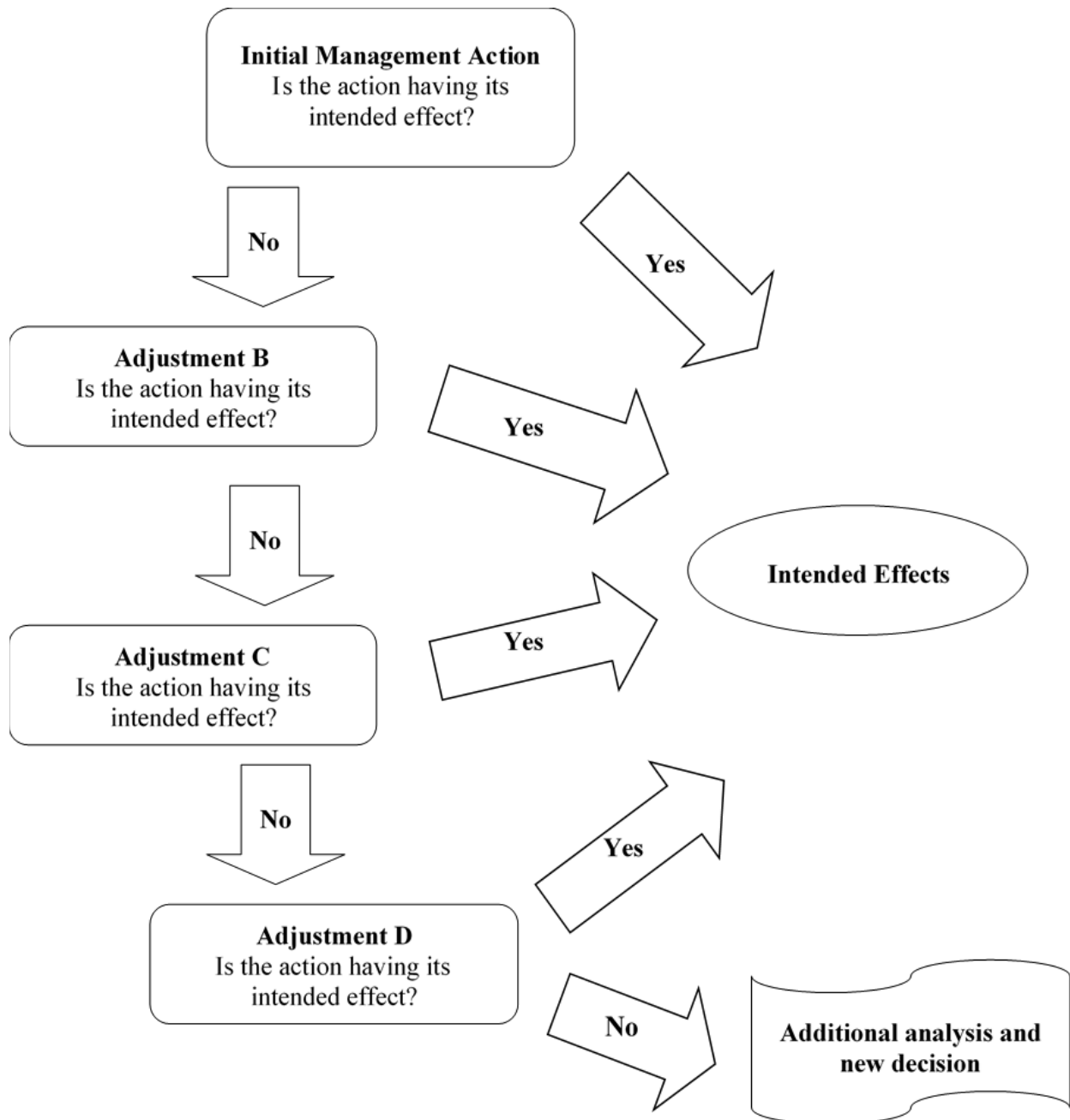
Adaptive management provides an implementation tool that goes beyond the “predict-mitigate-implement” model and incorporates an “implement-monitor-adapt” strategy that provides flexibility to account for inaccurate initial assumptions, to adapt to changes in environmental conditions or to respond to subsequent monitoring information that indicates that desired conditions are not being met. ([The NEPA Task Force Report to the Council on Environmental Quality: Modernizing NEPA Implementation, September 2003](#))

When using adaptive management, display the proposed action as an initial management action and a collection of possible adjustments or acceptable tools to be used to modify the initial action to achieve the intended effects. Disclose the site-specific effects of all of these actions, adjustments, or use of acceptable tools in the analysis along with the monitoring methods to be used to determine the effectiveness of each. If monitoring demonstrates that the intended effects are not being achieved through the initial management action, the action can be modified using one or more of the identified adaptive management actions in a way that better achieves the intended effects.

So long as monitoring indicates that the environmental effects of each action do not exceed the bounds of those anticipated in the original decision and the actions serve to move the project

toward the intended effects, implementation continues using the “implement-monitor-adapt” cycle without the need for new or supplemental NEPA review. A schematic displaying a scenario with three adjustments to an initial management action in a single alternative is shown in exhibit 01.

14.1 – Exhibit 01 – Adaptive Management Strategy



Not all actions lend themselves to an adaptive management strategy and this guidance should not be construed to require its use. The ability to accomplish necessary monitoring and to fully analyze the effects of the range of additional adaptive management actions needs to be carefully considered before using an adaptive management approach.

14.2 – No-Action Alternative

The no-action alternative provides a baseline for estimating the effects of other alternatives; therefore, include the effects of taking no-action in each environmental analysis.

A no action alternative is required in an EIS ([40 CFR 1502.14\(c\)](#)). There is no requirement to include a no action alternative in an EA. In an EA, the effects of a no-action alternative may be documented as follows:

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

(36 CFR 220.7(b)(2)(ii))

Two interpretations of no-action are possible. The first interpretation involves an action such as the amendment or revision of a land management plan where ongoing programs described within 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 or actions.

The second interpretation of no-action is that a proposed action or activity, such as a proposal to construct a road or authorize special uses of National Forest System lands, would not take place. The nature and scope of the proposed action will aid the responsible official in determining which interpretation is appropriate to the analysis.

Occasionally, to address an issue (sec. 12.4) an analysis could include both interpretations. For example, to update a range allotment plan, the no action alternative is no grazing, as specified in the Grazing Permit Administration Handbook (FSH 2209.13, sec. 92.31). Another alternative could be to continue under the current allotment plan management direction, if it meets the stated purpose and need. Current management could also be the proposed action if it is determined to be consistent with the land and resource management plan and has been shown to be effective in meeting resource objectives through monitoring over time.

For further guidance, see question 3 of [“NEPA’s 40 Most Asked Questions.”](#)

14.3 – Alternative Documentation Options

The proposed action and alternatives may be modified as analysis proceeds:

For an EIS:

The responsible official may modify the proposed action and alternative(s) under consideration prior to issuing a draft EIS. In such cases, the responsible official may consider the incremental changes as alternatives considered. The documentation of these incremental changes to a proposed action or alternatives shall be included or incorporated by reference in accord with 40 CFR 1502.21.

(36 CFR 220.5(e)(1))

For an EA:

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 alternatives considered. The documentation of these incremental changes to a proposed action or alternatives may be incorporated by reference in accord with 40 CFR 1502.21.

(36 CFR 220.7(b)(2)(iii))

Modifications and incremental changes to the alternatives may be considered as part of the range of alternatives. Documentation of these incremental changes must be available in the record. Incorporation by reference in accord with [40 CFR 1502.21](#) may be used to avoid duplicating the description and analysis in an EIS. In an EA, documentation may include a brief description of modifications and other incremental changes to the proposed action and alternative(s).

14.4 – Alternatives Not Considered in Detail

The range of alternatives considered by the responsible official includes all reasonable alternatives to the proposed action that are analyzed in the document, as well as other alternatives eliminated from detailed study. Alternatives not considered in detail may include, but are not limited to, those that fail to meet the purpose and need, are technologically infeasible or illegal, or would result in unreasonable environmental harm.

Note that a potential conflict with local or federal law does not automatically render an alternative unreasonable, although such conflicts must be considered. See the “[NEPA’s 40 Most Asked Questions](#),” #2b.

Because alternatives eliminated from detailed study are considered part of the range of alternatives, the project or case file should contain descriptions of the alternatives and the reasons for their elimination from detailed study. If an EIS is required, this information must be disclosed in the chapter on alternatives (sec. 22.3, para. 5(a)).

15 – Estimate Effects of Each Alternative

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(b))

For each alternative considered in detail, analyze and document the environmental effects, including the effectiveness of the mitigation measures that would result from implementing each alternative, including the no-action alternative. See section 12.5 for a discussion of measures.

Adaptive management is appropriate for any proposal when the effects of the possible adjustments identified are included in the estimated effects. (sec. 14.1)

When social 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. Consider expressing the effects in terms of changes that would occur in the following components of the human environment.

Physical (land, water, air),
Biological (plants and animals),
Economic (money passing through society), and
Social (the way people live).

Consider the magnitude, duration, and significance of the changes.

Reaching a conclusion about the significance of the effects is critical for the analysis summarized in the EA to support a finding of no significant impact (FONSI). Conclusions from the effects analysis in an EIS are also useful to the decisionmaker and public in understanding the consequences and trade-offs. For all alternatives, be sure to consider the environmental effects in terms of their 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)

15.1 – Cumulative Effects

For the definition of “cumulative effects” and other terms (see zero code, section 05). Individual actions when considered alone may not have a significant impact on the quality of the human environment. Groups of actions may have collective or cumulative impacts that are significant. Cumulative effects must be considered and analyzed without regard to land ownership boundaries or who proposes the actions. Consideration must be given to the incremental effects of the action when added to the past, present, and reasonably foreseeable related future actions of the Forest Service, as well as those of other agencies and individuals, that may have a measurable and meaningful impact on particular resources. The following regulation applies to analysis of cumulative effects of past actions:

Cumulative Effects Considerations of Past Actions (40 CFR 1508.7). Cumulative effects analysis shall be carried out in accordance with 40 CFR 1508.7 and in accordance with The Council on Environmental Quality Guidance Memorandum on Consideration of Past Actions in Cumulative Effects Analysis dated June 24, 2005:

The analysis of cumulative effects begins with consideration of the direct and indirect effects on the environment that are expected or likely to result from the alternative proposals for agency action. Agencies then look for present effects of past actions that are, in the judgment of the agency, relevant and useful because they have a significant cause-and-effect relationship with the direct and indirect effects of the proposal for agency action and its alternatives. CEQ regulations do not require the consideration of the individual effects of all past actions to determine the present effects of past actions. Once the agency has identified those present effects of past actions that warrant consideration, the agency assesses the extent that the effects of the proposal for agency action or its alternatives will add to, modify, or mitigate those effects. The final analysis documents an agency assessment of the cumulative effects of the actions considered

(including past, present, and reasonable foreseeable future actions) on the affected environment.

With respect to past actions, during the scoping process and subsequent preparation of the analysis, the agency must determine what information regarding past actions is useful and relevant to the required analysis of cumulative effects. Cataloging past actions and specific information about the direct and indirect effects of their design and implementation could in some contexts be useful to predict the cumulative effects of the proposal. The CEQ regulations, however, do not require agencies to catalogue or exhaustively list and analyze all individual past actions. Simply because information about past actions may be available or obtained with reasonable effort does not mean that it is relevant and necessary to inform decisionmaking.

(36 CFR 220.4 (f))

15.2 – Bounding Effects

Spatial and temporal boundaries are the two critical elements to consider when deciding which actions to include in a cumulative effects analysis. Spatial and temporal boundaries set the limits for selecting those actions that are most likely to contribute to a cumulative effect. The effects of those actions must overlap in space and time for there to be potential cumulative effects.

15.2a – Spatial Boundaries

Spatial boundaries define the affected area for each resource indicator. The affected area is the area in which a specific resource may be affected by management actions; whether they are past, present, or future. Affected areas can vary in size by resource and by the type of effect that may occur.

For example, the affected area for soils in a timber thinning operation would typically be the harvest units where soils are directly disturbed. However, the affected area for elk habitat may be an elk management unit that takes in several watersheds.

Because affected areas are resource dependent, they generally have boundaries that are physical or biological rather than political. Water quality in a river may be affected by actions on National Forest System, Bureau of Land Management, State, and private lands within the same watershed.

15.2b – Temporal Boundaries

In addition to identifying the affected area for each resource, it is important to also understand how the proposed action may interact with other past, present and future actions across time

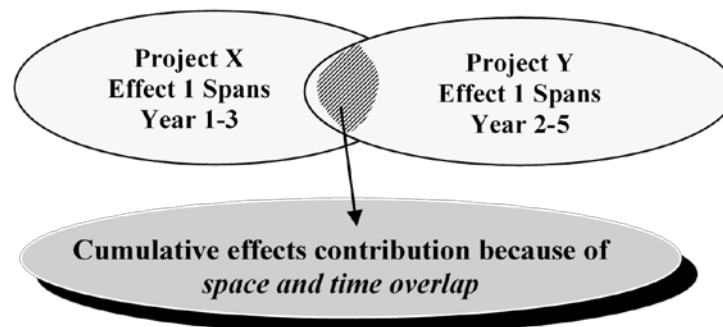
to produce cumulative effects. The time frames used depend on the duration of effects that the actions produce on the affected resource. For example, a fence can be constructed in a matter of days, but the effects from that fence on cattle or big game movement may last 20 years or more.

Past actions and events also need to be analyzed to determine how the present situation has been affected by history, and to identify trends or patterns that may exist. The objective of doing this is to establish a baseline for assessing future events. The no-action alternative can be an effective benchmark if it incorporates cumulative effects of past activities and accurately depicts the condition of the environment.

It is important to explain why discernible cumulative effects are not expected beyond the spatial and temporal boundaries of the affected area. Exhibit 01 shows how space and time boundaries of effects must overlap to be considered in the cumulative effects analysis.

15.2b - Exhibit 01 – Cumulative Effects Space and Time Overlap

In order to have cumulative effects, the effects must overlap in space *and* time



15.3 – Cumulative Effects Framework

When appropriate, the following framework should assist in the development of a meaningful cumulative effects analysis for project proposals.

1. Define the affected spatial area for each resource where effects (direct and indirect) may be caused by the proposed activities.
2. Define the temporal boundaries for each resource from the proposed activities (How long will the effects last?).
3. Document the rationale and sources for the spatial and temporal boundaries of the affected area for each resource.
4. Describe the effects that overlap in time and space for past, present, and reasonably foreseeable future actions (activities), regardless of ownership, that may combine with effects of the proposed activities and result in cumulative effects. Note that cumulative effects can be additive or synergistic to the point of being greater than the sum of the parts.
5. Briefly describe any key assumptions made in the analysis and any information gaps that may exist. Cite pertinent references, monitoring results, and so on.

16 – Evaluate Alternatives and Identify Preferred Alternative(s)

The CEQ regulations provide the following guidance on evaluating alternatives in an EIS:

...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 decision maker and the public.

(40 CFR 1502.14)

Use the scientific analysis of the effects of the alternatives described in section 15 as the analytic basis for the evaluation. Comparative evaluation of alternatives should include concise summaries of impacts considered during any incremental alternative development process and the environmental effects of any adaptive management strategy. While a comparative evaluation should be presented in an EIS, there is no such requirement for an EA.

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.

(40 CFR 1502.14(e))

Identification of a “preferred alternative” in the environmental document informs the public of the Agency’s current preferred course of action. The preferred alternative is the alternative that the responsible official believes would fulfill the Agency’s statutory mission and responsibilities, giving consideration to economic, environmental, technical, and other factors. More than one alternative may be identified as preferred. A preferred alternative need not be identified in a draft EIS if the responsible official does not have one at that stage. The preferred alternative must, however, be identified in a final EIS.

There is no requirement to identify a preferred alternative in an EA.

For further guidance, see questions 4a, 4b, 4c, and 5a of the [“NEPA’s 40 Most Asked Questions.”](#)

17 – Determine Type of Environmental Document Needed

The significance of environmental effects of a proposed action determines whether an EIS (sec. 05) must be prepared. If the proposed action may have significant environmental effects, prepare an EIS in accord with direction in chapter 20.

The CEQ regulations provide the following direction on whether to prepare an EIS:

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

- (a) Determine under its procedures supplementing these regulations (described in §1507.3) 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)

17.1 – Other Planning and Preparation Requirements for Environmental Documents

17.1a – Consultation Requirements

Environmental review and consultation requirements.

- (a) To the fullest extent possible, agencies shall prepare draft environmental impact statements concurrently with and integrated with environmental 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))

Compliance with NEPA, therefore, includes a demonstration of compliance during project planning and execution with other measures for the protection of environmental values.

Conduct biological assessments as a part of the environmental analysis process. Informal consultation with the Fish and Wildlife Service or National Oceanic and Atmospheric Administration Fisheries in the early project planning stages provides the best opportunity for the formulation of project or program alternatives that will not have an adverse effect on listed or proposed species or their habitat (FSM 2671.44).

Until formal consultation is concluded, make no irreversible or irretrievable commitment of resources that has the effect of jeopardizing the continued existence of any listed or proposed species or adversely modifying its critical habitat (FSM 2671.45c). Refer to FSM 2360 for consultation requirements on heritage resources.

18 – Correction, Supplementation, or Revision of Environmental Documents and Reconsideration of Decisions to Take Action

Be alert for new information and changed circumstances that might affect decisions for actions that are awaiting implementation and for ongoing programs or projects to determine if the environmental analysis and documentation needs to be corrected, supplemented, or revised.

After a decision to implement a proposed action has been made and when the consideration of new information leads to the supplementation or revision of environmental documents, a new decision based on the supplemented or revised environmental documents must be consistent with the scope of the new environmental analysis.

18.1 – Review and Documentation of New Information Received After 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 of the approved program or project, the responsible official should review the information carefully to determine its importance. Consideration should be given to whether or not the new information or changed circumstances are within the scope and range of effects considered in the original analysis.

If, after an interdisciplinary review and consideration of new information within the context of the overall program or project, the responsible official determines that a correction, supplement, or revision to an environmental document is not necessary, implementation should continue.

Document the results of the interdisciplinary review in the appropriate program or project file. This documentation is sometimes called a supplemental information report (SIR) and should conclude with whether or not a correction, supplement, or revision is needed, and if not, the reasons why.

A SIR is not a NEPA document and therefore cannot be used to fulfill the requirements for a revised or supplemental EA or EIS. A SIR cannot repair deficiencies in the original environmental analysis or documentation, nor can it change a decision.

If the responsible official determines that a correction, supplement, or revision to an environmental document is necessary, follow the relevant direction in sections 18.2 - 18.4.

18.2 – Reconsideration of Decisions Based on an Environmental Impact Statement

1. **Correction.** Use errata sheets to make simple corrections.

2. **Supplement.**

- (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))

3. Revision.

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 1502.9(a))

If the responsible official determines, based on evaluations described in section 18.1, that a supplement to or revision of an EIS is appropriate, issue a notice of intent to supplement or revise an EIS.

Distribute any corrections, supplements, and revisions to all holders of the subject EIS. If there is good reason to believe the holder of the EIS will have a copy of the draft or final EIS, only the supplement needs to be circulated. However, if there is reason to believe the holder will not have the entire EIS, both the supplement and the EIS itself should be circulated.

After completion of the final supplement or final EIS, issue a new record of decision consistent with the scope of the supplement or revision. Follow the instructions in chapter 20.

18.3 – Reconsideration of Decisions Categorically Excluded From Environmental Documentation

Take no further action if an interdisciplinary review of the new information shows that the proposed action still fits within the identified category in section 31, and no extraordinary circumstances exist. For decisions for which a project or case file and decision memo have been prepared, document the review in the project or case file. For decisions for which a decision memo was not prepared, no documentation of the review is necessary.

If the new information or changed circumstances require a new or changed decision that can be categorically excluded from documentation, 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 EIS. 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 EA. Follow the instructions in chapter 40.

18.4 – Reconsideration of Decisions Based on Environmental Assessment and Finding of No Significant Impact

Use errata sheets to make simple corrections.

Supplement or revise an EA if the interdisciplinary review of new information or changed circumstances indicates that changes in the EA are needed to address environmental concerns that have a bearing on the action or its impacts.

Upon completion of the supplemented or revised EA, prepare a new finding of no significant impact (FONSI) which addresses the effects of the action. Reconsider the original decision; and, based upon the EA and FONSI, issue a new decision notice or document that the original decision is to remain in effect and unchanged. A new decision notice may address all or a portion of the original decision. Follow the instructions in chapter 40.

If, based on the supplemented or revised EA, the proposed action may have a significant effect, issue a notice of intent to prepare an EIS. Follow the instructions in chapter 20.