

**UNITED STATES DEPARTMENT OF AGRICULTURE
Rural Utilities Service**

**BULLETIN 1794A-601
(REVISED)**

**SUBJECT: Guide for Preparing an Environmental Report for
Electric Projects Requiring an Environmental Assessment**

TO: All Electric Program Applicants

EFFECTIVE DATE: Date of Approval

EXPIRATION DATE: Seven years from effective date

OFFICE OF PRIMARY INTEREST: Engineering and Environmental Staff

PREVIOUS INSTRUCTIONS: This is a revised bulletin which superseded RUS Bulletin 1794A-601, April 1995.

FILING INSTRUCTIONS: This bulletin is available on RUSNET.

PURPOSE: The purpose of this bulletin is to provide guidance and assistance in the preparation of an Environmental Report for Environmental Assessment projects that do not normally require Scoping. Such projects are listed in Section 1794.23(c) of 7 CFR Part 1794, Environmental Policies and Procedures. In specific instances, RUS may need to obtain additional or different types of information in carrying out its responsibilities as defined in 7 CFR Part 1794. In addition, it is not RUS' intent that any language contained in this bulletin be construed as imposing new requirements on Electric Program applicants. Where words of a "mandatory" nature are used, they are meant to reflect environmental requirements created by existing laws and regulations.

/s/ Alex M. Cockey, Jr.
Acting Assistant Administrator-Electric

December 9, 1998
Date

**RUS BULLETIN 1794A-601
(REVISED)**

**GUIDE FOR PREPARING
THE ENVIRONMENTAL REPORT
FOR ELECTRIC PROJECTS
REQUIRING AN ENVIRONMENTAL ASSESSMENT**

**ENGINEERING AND ENVIRONMENTAL STAFF
RURAL UTILITIES SERVICE
U.S. DEPARTMENT OF AGRICULTURE**

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ABBREVIATIONS & ACRONYMS

BACT	Best Available Control Technology
BIA	Bureau of Indian Affairs
BLM	Bureau of Land Management
CBRS	Coastal Barrier Resources System
CEQ	Council on Environmental Quality
CFR	Code of Federal Regulations
COE	U.S. Army Corps of Engineers
CZMA	Coastal Zone Management Act of 1972, as amended
DNR	Department of Natural Resources (State)
EA	Environmental Assessment
EES	Engineering and Environmental Staff
EIS	Environmental Impact Statement
ER	Environmental Report
EMF	Electric and Magnetic Fields
E.O.	Executive Order
EPA	U.S. Environmental Protection Agency
ESA	Endangered Species Act of 1973, as amended
<i>et seq.</i>	<i>et sequential</i> (and following)
EVAL	Environmental Analysis
FEMA	Federal Emergency Management Agency
FONSI	Finding of No Significant Impact
FPPA	Farmland Protection Policy Act, as amended
FR	Federal Register
kV	kilovolt
MW	megawatt
NEPA	National Environmental Policy Act of 1969, as amended
NHPA	National Historic Preservation Act of 1966, as amended
NMFS	National Marine Fisheries Service
NPS	National Park Service
NPDES	National Pollutant Discharge Elimination System
NRCS	Natural Resources Conservation Service
ROW	right-of-way
RUS	Rural Utilities Service
§	Section
SHPO	State Historic Preservation Officer
SIP	State Implementation Plan
THPO	Tribal Historic Preservation Officer
U.S.C.	United States Code
USDA	U.S. Department of Agriculture

ABBREVIATIONS & ACRONYMS (CONTINUED)

USFS	U.S. Forest Service
USFWS	U.S. Fish and Wildlife Service
USGS	U.S. Geological Survey
WWW	World Wide Web

1.0 INTRODUCTION

The Rural Utilities Service (RUS) Bulletin 1794A-601 has been revised in accordance with the revised Environmental Policies and Procedures, 7 Code of Federal Regulations (CFR) Part 1794.

Projects listed in Sections (§§) 1794.22(a) and 1794.23(c) require the preparation and submittal of an Environmental Report (ER) for RUS review. This document provides guidance to RUS applicants and their consultants in the preparation of ERs for projects specifically listed under §1794.23(c) as normally requiring the preparation of an Environmental Assessment (EA) without Scoping. A list of the projects within this category is contained in Exhibit A. Exhibit E provides an explanation of the procedure that is normally followed by the applicant and RUS for a project in this category.

Formal public scoping as described in §§1794.51 and 1794.52 is normally not required for projects in this category. However, at its discretion, RUS may schedule scoping meetings for any project. Applicants are encouraged to hold information meetings when they believe such meetings will be beneficial to the public's understanding of the proposed action.

An adequate ER will enable RUS to evaluate the environmental effects of a proposed project. It will also enable RUS to fulfill its requirements under the National Environmental Policy Act of 1969 (NEPA), as amended (42 U.S.C. § 4321 *et seq.*) and other environmental mandates. **RUS IS SOLELY RESPONSIBLE FOR DETERMINING THE ADEQUACY OF THE ER AND THE PROPOSED PROJECT'S ENVIRONMENTAL IMPACTS.**

An acceptable ER for projects listed in Exhibit A must be sufficiently detailed to enable RUS to:

- a. Assess the need for the project;
- b. Determine if all practicable alternatives have been considered;
- c. Evaluate the environmental effects of the project and alternatives;
- d. Assess the significance of those effects;
- e. Specify mitigation measures when necessary;

- f. Conclude that interested agencies and the public were given adequate opportunity to review and comment on the project; and
- g. Prepare an EA or adopt the ER as its EA.*

The significance of the impacts identified in the EA will determine whether RUS can make a finding of no significant impact (FONSI) or whether the preparation of an Environmental Impact Statement (EIS) will be necessary. Regardless of whether an EIS is ultimately required, the information provided must allow RUS to determine that its Federal action will not conflict with other environmental statutes, regulations, Executive Orders (E.O.), policies, and procedures that may be applicable to the project.

- Descriptions and discussions should be clear and complete enough so that a person with little previous knowledge of the proposed project can make an independent environmental review.
- WHERE CONCLUSIONS ARE MADE THEY SHOULD BE SUPPORTED. ANY ENVIRONMENTAL CONCERNS THAT ARE RAISED BY AN AGENCY OR THE PUBLIC SHOULD BE ADDRESSED AS COMPLETELY AS POSSIBLE.
- Environmental documents submitted to Federal, state, or local agencies should be referenced in the ER and can be included therein if they augment its overall clarity. These documents may act as the ER or a part thereof, as long as the document contains information that would normally be included in the ER.
- Another agency's decision can not be substituted for the environmental decision by RUS. RUS must still make its own independent decision and when applicable so inform the public.

Throughout this guide various World Wide Web (WWW) addresses, or web sites, are given for sources of information via the Internet. These web sites often provide some very useful and current information such as regulatory requirements, guidance suggestions, resource listings, and contact addresses and telephone numbers for information and assistance. Often these web sites

provide links to other web sites that can also be helpful in preparing an environmental report. You are encouraged you take advantage of these excellent resources. RUS maintains a list of useful web sites on its web page.

*In accordance with §1794.41, the ER may serve as RUS' EA if RUS makes an independent evaluation of the environmental issues and concurs in the ER's scope and content.

If, during the preparation of an ER, a question arises concerning what is needed, the RUS environmental staff should be contacted for advice. Similarly, the applicant should consult with RUS immediately when it appears that a proposed project may have a major environmental problem or raise significant public controversy.

2.0 FORMAT OF ER

General:

- a. Project description;
- b. Need for the project;
- c. Alternatives to the project as proposed;
- d. Affected environment;
- e. Environmental impacts;
- f. Mitigation and monitoring measures;
- g. Correspondence and other project coordination; and
- h. Newspaper advertisement and legal notices.

2.1 Project Description

The ER should present a detailed narrative statement describing the proposed project, including a description of the clearing and construction process. The reviewer should be provided with sufficient detail to understand the nature of the project. The proposed location of the project should be identified on a map as discussed in Section 2.4. Photographs of the site and the area surrounding the site are especially useful in documenting existing land use and should be provided upon request. Copies of current aerial photographs of the site or right-of-way (ROW), if available, are also helpful in identifying vegetation, land use, existing structures, and natural features within or near the area of project construction.

The following information, as appropriate, should be provided in the ER and also in letters to agencies requesting environmental information:

- a. U.S. Geological Survey (USGS) or similar maps or photocopies thereof, clearly showing the location of the proposed project and alternatives;
- b. Line length and ROW width or the area to be cleared for the facility site;
- c. Structure type, height, and number per mile;
- d. Description of site development (substation, headquarters, or generation facilities);
- e. Location of any new access roads;
- f. Brief description of construction, clearing, and maintenance methods;
- g. Use of existing structures or ROW;
- h. New or existing ROW (with associated width); and
- i. Existence of parallel and adjacent existing roads, ROW, utilities, etc.

2.2 Need for the Project

The purpose of and need for the project should be provided in sufficient detail for RUS to independently evaluate the need for the project. Briefly explain how future plans may relate to the proposed action.

2.3 Alternatives to the Proposed Project

Because proposals requiring the preparation of an EA by RUS normally are large in size, scope, and complexity than proposals classified as categorical exclusions, there tend to be more distinct viable alternatives. All reasonable alternatives including the consequences of "no action" should be evaluated. Specific alternatives that normally should be discussed, when appropriate, include but are not necessarily limited to:

- a. Alternative corridors, routes, or locations (sites);
- b. Other methods to provide service;
- c. Alternative construction methods and materials;
- d. Alternative designs;
- e. Load management and energy conservation;
- f. Alternative generation technologies; and
- g. Combinations of the above alternatives.

The descriptions should be in sufficient detail to permit an independent review.

Applicants should consider, when appropriate, the use of corridors rather than centerline descriptions for transmission line projects. The corridor approach (*e.g.*, a 0.5-mile wide route within which the centerline would be located) aggregates a number of reasonable approaches, and provides the flexibility to avoid areas of environmental sensitivity. The ER should briefly discuss all alternatives considered during the planning process, in addition to the applicant's proposed and most reasonable alternatives. Reasonable route or site locations (*e.g.* substation) alternatives should be indicated on the maps as discussed in Section 2.4.

2.4 Affected Environment

This portion of the ER should describe the environment of the area to be affected by the proposed project as well as the area to be impacted by reasonable alternatives. The description should include all resources of significant concern that could be affected. Maps of sufficient detail to

identify important geographic features are an invaluable tool in presenting the nature of the existing environment. Superimposing the proposed project and reasonable site or route alternatives on maps, greatly facilitates review and comment.

Generally, USGS 7 1/2 or 15 minute maps* will best convey the information needed by RUS, Federal, State, and local agencies and the public. Since USGS maps provide topographic and other data (*e.g.*, roads, communities, streams, and marsh locations) pertinent to environmental concerns as well as landmarks, they are normally superior to other maps and pictorial representations. These maps or distinct photocopies (or relevant portions thereof) should be made a part of the ER and submitted to RUS. Road maps and applicant utility system maps (key maps) are unacceptable as a replacement for the USGS maps.

Where development or other land use changes have substantially altered the character of the area shown on the USGS map, such information should be provided either on the maps or by a narrative keyed to the map.

Environmental review can be expedited when major features that influence routing or site selection are added to or highlighted on the maps. It is also helpful to indicate or mark the boundaries of sensitive environmental areas (*e.g.*, important farmland and critical habitat) on the maps.

2.5 Environmental Impacts

Environmental issues that need to be discussed under NEPA and those environmental factors singled out for special attention under other applicable Federal laws, regulations, and E.O. should be discussed for the proposed project and reasonable alternatives. Section 3 provides more detailed guidance on many of the factors that should be included in the discussion of environmental impacts.

*Topographical maps may be obtained from the Distribution Branch, U.S. Geological Survey, P.O. Box 25286, Federal Center, Denver, Colorado 80225.

2.6 Mitigation and Monitoring

Mitigation measures and monitoring commitments which will be implemented to avoid or minimize the impacts of the proposed project or which are required pursuant to Federal, State, or local permits or approvals (see 40 CFR §1505.3). To facilitate the review process, mitigation measures, and monitoring programs to be used during project construction should be separated from those to be implemented during operation and maintenance of the facility. When possible, the applicant's mitigation and monitoring commitments should be specific (*e.g.*, avoidance of herbicides within 100 feet of a stream).

It is the applicant's responsibility to ensure that the personnel who are constructing, operating, and maintaining the project are aware of the mitigative measures included in the ER, and subsequently in the EA. When a contractor performs work, the applicant should ensure that the contract clearly explains these mitigation and monitoring commitments and should oversee the contract work to make sure these mitigation and monitoring commitments are met. If available, include samples of contractor obligations that will be part of specifications or contracts. The actual mitigative measures and monitoring plans should be tailored to the nature of each specific project and surrounding circumstances and should take into account the requests and recommendations of reviewing agencies and the public. Examples of typical mitigation and monitoring commitments that may be appropriate are provided in Appendix D.

2.7 Correspondence and Other Project Coordination

The ER should include all pertinent correspondence (outgoing and incoming) concerning environmental matters related to the proposed project and reasonable alternatives. Discussions on environmental matters, including telephone calls and meetings, pertinent to the proposed project and alternatives should:

- a. Be documented;
- b. Reflect the concerns raised and recommendations made from an environmental standpoint; and
- c. Be included in the ER.

WHERE A FEDERAL, STATE, OR LOCAL GOVERNMENTAL BODY OR AGENCY, OR THE GENERAL PUBLIC VOICES ENVIRONMENTAL CONCERNS, THE ER SHOULD ADDRESS THOSE CONCERNS. If the ER contains no applicant position on those concerns, normally RUS will consider the comments as undisputed environmental effects of the proposal.

Correspondence and discussions with Federal, State, and local agencies are especially important. The significance of such contacts arises from an agency's specialized expertise and/or jurisdiction by law. A detailed discussion of agency contacts is contained in Section 4.0.

When an applicant conducts or participates in public meetings not involving RUS, the applicant should provide RUS with a written summary, which includes the purpose of the meeting, its outcome, and comments, or concerns presented by interested parties.

2.8 Newspaper Advertisements and Legal Notices

Applicants are required to publish BOTH a legal notice and an advertisement for those projects that require an EA without scoping. Information should also be included in the notices when the project is located in and may affect floodplains, wetlands, or other important land resources. Copies of the advertisements and legal notices resulting from the announcement of EA availability, should be submitted to RUS as soon as practicable and, in any event, must be received by RUS before an agency finding can be made. The draft EA availability notices must include a statement that all comments be submitted directly to RUS. However, it is possible that written or verbal comments may also be directed to the applicant. Upon the expiration of the 30-day comment period on the EA, any comments received by the applicant should be sent to RUS. Conversely, RUS should also be notified in writing if no comments were received. Copies of the advertisements and legal notices resulting from the announcement of RUS' FONSI determination, should also be submitted to RUS as soon as possible after publication.

If the applicant is aware of any newspaper articles or other media commentary related to its proposed project, copies of the article or other written commentary and summaries of oral commentary should be included in the ER. A more detailed discussion on newspaper notices is presented in Section 5.

3.0 ENVIRONMENTAL INFORMATION

This section lists environmental issues that commonly need to be discussed in an ER, the basis for the environmental concerns, the type of information that should be provided in the ER, and potential sources of that information. The provisions of certain Federal statutes, regulations, and E.O. may be applicable to proposed actions for which the ER is being prepared. A list of such statutes, regulations, and E.O. has been included in Exhibit G. The listing for each item includes the title and citation. RUS will supplement this list when appropriate. An updated list will be maintained on the RUS Engineering and Environmental Staff (EES) home page, which is www.usda.gov/rus/water/ees. The home page for the Council on Environmental Quality is www.whitehouse.gov/CEQ/index.

Normally, some of the best sources for information are Federal, State, and local agencies. Documents transmitting this information or a record of conversations or meetings with such agencies should be included in the ER. In reviewing an ER, RUS will place considerable emphasis on whether the applicant has contacted appropriate agencies, and the nature of their comments. More detailed information on agency contacts is presented in Section 4.

The above discussion is not meant to imply that the applicant must always contact listed agencies before RUS will consider an ER to be acceptable for environmental review purposes. In certain instances, a specific environmental law clearly does not apply because of the project's geographic location or topographic setting (*e.g.*, the Coastal Zone Management Act (CZMA) does not apply in Idaho). Previous environmental contacts with an agency may have established that the type of construction in question has no recognizable environmental impact in its view. Thus, an applicant need not request comment and input from all of the agencies listed under each issue for every project.

When available, equivalent credible sources of information may be used. Similarly, if the applicant has gained current, accurate information on an issue (*e.g.*, floodplains) from one agency, normally there is no need to consult with other agencies of equivalent expertise. The amount of environmental detail on specific issues should be tailored to emphasize those factors most likely to be affected and raise concerns given the nature of the project and surrounding circumstances.

Regardless of the source of information, the ER SHOULD INDICATE THE BASIS FOR DATA PRESENTED AND SUPPORT THE CONCLUSIONS REACHED. For example, a statement that "no floodplains will be crossed by the project" with no additional background information

normally will be considered inadequate for RUS' purposes. If the applicant developed the above floodplain information by examining floodplain maps rather than agency contacts, the ER should briefly explain how the information was developed. For the floodplain example, it would be sufficient to say: "we examined FEMA maps X and Y which cover the project area and found that the project will not cross any 100-year floodplain."

For purposes of environmental review, RUS needs to distinguish among three types of environmental effects or impacts:

- a. Direct effects;
- b. Indirect effects; and
- c. Cumulative effects.

Direct effects are caused by the action and occur at the same time and place. Indirect or secondary effects are those caused by the action and are later in time or further removed in distance, but are still reasonably foreseeable. Cumulative effects result from the incremental impact of the action when added to other past, present, and future actions regardless of who undertakes such other actions. Applicants need to be cognizant of these three categories when discussing the effects or impacts of their proposal in relation to the list of environmental issues that follow.

3.1 Land Use

The compatibility of the proposed project and alternatives with existing land uses should be discussed, as well as, possible land use changes that may result from the proposed project. The three types of information for the project area which should be provided where applicable includes:

- a. General land use;
- b. Important farmland, prime forest land, and prime rangeland; and
- c. Formally classified lands.

3.1.1 General Land Use

The land use information which should be provided for all new construction (by narrative description and maps) includes:

- a. Existing zoning ordinance and land use plans;
- b. Total land area required or being purchased and the amount of land that will be disturbed by construction;
- c. Affected land area classified by type of current land use such as cropland, rangeland, forest land, residential, commercial, etc;
- d. An estimate of the number of homes and businesses in close proximity to a proposed transmission line ROW and generation or substation site. Similar information for alternatives evaluated should be provided; and
- e. A commitment to follow the recommendations of the District Conservationist to minimize soil erosion. This commitment may appear in the ER section on monitoring and mitigation.

3.1.2 Important Farmland, Prime Forest Land, and Prime Rangeland

The Farmland Protection Policy Act (FPPA) and USDA Departmental Regulation No. 9500-3, Land Use Policy, provide protection for important farmland, prime forestland, and prime rangeland. The USDA regulation 7 CFR Part 658, implements the FPPA. To provide for compliance with the above requirements, the applicant should identify:

- a. Areas of important farmland, prime forestland, and prime rangeland impacted by the project and the amount of area to be disturbed;
- b. Where adverse impacts or conversion of such lands will occur as a result of the project, include a discussion concerning such conversion or adverse effect and whether alternatives are available that will avoid the conversion or adverse effect. Measures to reduce such impacts should be presented in the section on monitoring and mitigation; and
- c. When appropriate, a copy of Form AD-1006 or SCS-CPA-106 containing the required input from the Natural Resources Conservation Service (NRCS) and the local site assessment agency (if any).

3.1.3 Formally Classified Lands

There are certain properties that are either administered by Federal, State, or local agencies or have been accorded special protection through formal designation. Agencies with permitting authority may have additional environmental review requirements. Such formally classified lands that may be encountered include, but are not necessarily limited to: national parks and monuments; national natural landmarks; national battlefields; wilderness areas; wild, scenic and recreational rivers; wildlife refuges; national seashores, lake shores and trails; state parks; Bureau of Land Management (BLM) administered lands; national forests and grasslands; Native American owned lands; and leases administered by the Bureau of Indian Affairs (BIA). The applicant should present:

- a. The amount of each type of such lands that will be crossed or utilized by the proposed project and alternatives;
- b. The direct or indirect impact to any formally classified lands if the proposed project occurs in close proximity to these lands;
- c. The views of the agencies and/or Indian tribes administering the potentially impacted properties identified in (a) and (b) above; and
- d. Correspondence received from all agencies contacted.

3.1.4 Potential Sources

- a. Recent USGS maps;
- b. NRCS Soil Survey maps (available for an increasing number of areas) -- general land use information. Soil Survey maps can be obtained from the State Conservationist or NRCS field office;
- c. State Conservationist, NRCS field office -- important farmland, prime forestland, rangeland, and erosion control. If the area in question has not been mapped as agricultural, grazing, and forestry importance, the State Conservationist (or NRCS field office) should be requested to exercise professional judgment as to the presence of such important lands and the proposed project's impact on such lands.
- d. National Park Service (NPS) -- national natural landmarks, national parks, national battlefields and monuments, national seashores and lake shores, national recreational areas, national trails, wild, scenic, and recreational rivers and those in the national inventory (www.cr.nps.gov);
- e. BLM -- administered lands and wilderness areas;

- f. U.S. Forest Service (USFS) -- administered lands, wilderness areas, and prime forestlands;
- g. U.S. Fish and Wildlife Service (USFWS) -- wildlife refuges;
- h. State and local land management and planning agencies -- wild, scenic, and recreational rivers, state and local parks, and other State owned lands;
- i. State Department of Natural Resources (DNR) or equivalent agency;
- j. BIA -- Tribal lands (contact with individual tribes is also necessary).

Sample correspondence is included in Exhibit B.

3.2 Floodplains

E.O. 11988, "Floodplain Management", requires Federal agencies to avoid actions, to the extent practicable that will result in the location of facilities in floodplains and/or affect floodplain values. Facilities located in a floodplain may be damaged or destroyed by a flood or may change the flood handling capability of the floodplain, or the pattern, or magnitude of the flood flow.

The relevant floodplain for most applicant projects is an area, which has a 1-percent chance of a flood occurrence in a given year. The flood of this interval is referred to as the 100-year flood or the base flood. The floodplain management guidelines require Federal agencies to apply the 0.2 percent or 500-year flood occurrence standard to the location of "critical facilities." Critical facilities include health care facilities, emergency service facilities, and areas used for the storage of hazardous materials.

Applicants should consider "critical facilities" to include generation plants, transmission lines, and substations, as well as other electric facilities whose loss would disrupt utility service for a considerable period of time to large areas or specific critical facilities such as hospitals.

3.2.1 Floodplain Information

- a. Determine if the proposed action or any portion thereof will be located in a 100-year floodplain;
- b. If necessary, determine if the facility needs to be evaluated under the 500-year floodplain standard;
- c. Identify and evaluate practicable alternatives to locating facilities in a 100-year floodplain (include alternative sites or routes located outside the floodplain);

- d. Identify and define the area of floodplain to be affected by the proposed action and evaluate the impacts to the floodplain;
- e. If impacts cannot be avoided, identify and develop measures to minimize the impacts as well as restore and preserve floodplain values; and
- f. Plot substations, headquarters, generation facilities, and other small buildings on appropriate maps. The source of maps is given below.

3.2.2 Potential Sources

- a. Federal Emergency Management Agency (FEMA) -- Flood Hazard Boundary Maps. UNDER E.O. 11988, THESE MAPS MUST BE USED IF THEY ARE AVAILABLE. Telephone requests for maps can be made by calling 1-800-638-6620. A six-digit community identification number is needed to get the appropriate map. The applicant should first attempt to get this number from local community or county officials. If necessary, FEMA will locate the community number.
- b. U.S. Army Corps of Engineers (COE) -- floodplain information in the absence of FEMA maps; assessment of floodplain impacts, and identification of permits required.
- c. NRCS -- same as COE; and
- d. USGS -- same as COE.

3.3 Wetlands

The purpose of E.O. 11990, "Protection of Wetlands," is to minimize the destruction, loss, or degradation of wetlands and to preserve and enhance the natural and beneficial values of wetlands. To meet these objectives, the E.O. requires Federal agencies, in planning their actions, to consider alternatives to wetland sites and limit the potential damage if any activity affecting a wetland cannot be avoided. Where wetlands cannot be avoided, measures to minimize adverse impacts to wetlands must be examined.

Section 404 of the Clean Water Act establishes a Federal permitting program that regulates activities in wetlands. Section 404 requires that anyone proposing to deposit dredged or fill material into "waters of the United States" including wetlands, must obtain a permit the COE, the agency responsible for administering the Section 404 permitting process for such activities.

Nationwide Wetland Inventory Maps published by the USFWS are normally adequate for determining whether overhead or underground electric lines are located in wetlands. However, the wetlands should be verified through a field check of the ROW. Since all wetlands have not been mapped, Soil Survey Maps should be consulted for projects in which a defined acreage will be impacted such as a generation, substation, or headquarters sites. If typical wetland (hydric soils) will be impacted, a certified professional should perform an onsite wetland determination.

3.3.1 Wetlands Information

- a. Location of wetlands in relation to the project;
- b. Amount of wetlands to be physically affected by construction and amount, which can be spanned, if appropriate;
- c. Amount and type (classification) of wetlands to be filled for construction and/or access roads;
- d. The basis for the applicant's belief that no practicable alternative exists for siting the project in a wetland;
- e. Potential indirect and cumulative impacts to the wetland; and
- f. Measures to minimize impacts to a wetland that will be taken. This information may appear in the ER monitoring and mitigation section.

3.3.2 Potential Sources

- a. Nationwide Wetlands Inventory maps (available for many areas and compatible with USGS maps). To determine if an area has been mapped and obtain copies, contact: National Cartographic Information Center; U.S. Geological Survey; 507 National Center; Reston, Virginia 22092; (703) 860-6045;
- b. COE;
- c. USFWS;
- d. NRCS--Soil Survey Maps (hydric soils); and
- e. State DNR--Wetland Inventory Maps.

Sample correspondence is included in Exhibit B.

3.4 Cultural Resources

The National Historic Preservation Act of 1966, as amended (16 U.S.C. § 470 *et seq.*) and the Advisory Council on Historic Preservation's implementing regulations, 36 CFR Part 800, require Federal agencies to take into account the effect their actions may have on historic properties prior to carrying out such actions.

3.4.1 Historic Property Information

- a. Methods used to identify historic properties within the proposed project's area of potential effects;*
- b. Efforts made to identify and solicit the views of Indian tribes and interested persons;
- c. A discussion of historic properties that may be affected by the proposed project;
- d. If a historic property may be affected, discuss alternatives considered that would avoid affecting the historic property;
- e. A copy of all correspondence to and from the State Historic Preservation Officer (SHPO) or, if appropriate, the Tribal Historic Preservation Officer (THPO);
- f. A discussion of measures the applicant will employ that would avoid adversely affecting or ameliorate impacts to historic properties;
- g. A copy of any surveys performed (indicate cost of survey and number of acres surveyed). This information will comprise part of the RUS input into the Annual Archaeological Report to Congress by the NPS.

3.4.2 Potential Sources

- a. *National Register of Historic Places* (www.nr.nps.gov);
- b. SHPO (www.achp.gov/shpo for addresses);
- c. THPO (www.achp.gov/thpo for addresses); and
- d. State or local historical or archaeological societies.

*"Area of potential effects" means the geographic area or areas within which an undertaking may cause changes in the character or use of historic properties.

Sample correspondence is included in Exhibit B.

To fully support a cultural resources review, it is necessary to identify all historic properties within the vicinity of the proposed construction project and determine the effect the proposed project will have on the historic properties. Normally, the SHPO will identify the historic properties for the applicant, even though the regulations do not require them to perform that function. If the SHPO is unable to assist the applicant, RUS suggests that the applicant retain the services of a cultural resource expert who meets the Secretary of the Interior's Professional Qualification Standards (48 FR 44738-9) to perform the historic property identification. Note that some States require a qualified contractor obtain a permit to conduct such work in those States.

When a SHPO requests that a applicant perform a field archaeological and/or architectural survey, the applicant should ask the SHPO to present the basis for the request in writing. Normally, RUS will not require such a survey as a condition for financial assistance or other approvals in the absence of adequate justification or evidence from the SHPO or other sources.

If the SHPO fails to respond within 30 days to the applicant's request for comment, the applicant should not automatically assume that the SHPO has no concerns regarding the proposed project. The applicant should again contact the SHPO and inquire about the status of the project's review.

3.5 Threatened and Endangered Species

There are many plant and animal species that are threatened with extinction or exist in greatly reduced numbers partly as a result of human activities. The Endangered Species Act (ESA) of 1973, establishes a national program for the conservation and protection of threatened and endangered species of plants and animals and the preservation of habitats upon which they depend. Under Section 7 of the ESA, Federal agencies may be required to consult with the USFWS or the National Marine Fisheries Service (NMFS), as appropriate, to ensure that the actions they authorize, fund, or carry out are not likely to jeopardize the continued existence of any federally listed threatened or endangered species or result in the destruction or adverse modification of a critical habitat. According to the ESA, mitigative measures or reasonable and prudent alternatives must be implemented which essentially reduce an impact to minimal levels when a proposed project cannot avoid critical habitat areas. Such measures and alternatives must be negotiated between RUS, the applicant, and the USFWS or NMFS. Therefore, if it appears the proposed project may affect (1) a federally listed threatened or endangered species or its

critical habitat or (2) a proposed threatened or endangered species or its proposed critical habitat, the applicant should contact RUS as soon as possible.

The appropriate State agency should be contacted for information on State-listed species and concerns. In some instances, the State has more detailed information on federally listed or proposed species and/or critical habitat than does the USFWS. This information can enable RUS to make a determination as to effect on a particular species.

The applicant or its consultant should address whether the proposed project has the potential to impact each species and its critical habitat that may occur in the area. Should the USFWS recommend that a survey be conducted, the information provided in the ER may enable RUS to reach a conclusion that a survey may not be required.

It should be noted that proposed species have no legal protection under the ESA. However, project impact to these species should be considered when preparing the ER because proposed species are most likely to become listed species. An applicant's project could be delayed if a proposed species is listed prior to the start and/or completion of construction if potential impacts to that species were not considered in the ER.

3.5.1 Threatened and Endangered Species Information

- a. A list of federally designated or proposed threatened or endangered species and critical habitat in the area (county and adjacent counties) of the proposed project;
- b. Potential impacts of the proposed project and alternatives on any federally designated threatened or endangered species and proximity to a designated critical habitat;
- c. Impacts of the proposed project and alternatives on any federally proposed threatened or endangered species and proximity to a proposed critical habitat;
- d. Correspondence with the USFWS or NMFS and, if possible, a statement from the responsible agency concerning whether or not the project is likely to affect a listed or proposed species or its listed critical habitat;
- e. Mitigation measures, if avoidance is not practicable (this may appear in the section on monitoring and mitigation); and
- f. Impacts of the proposed project and reasonable alternatives on State designated threatened and endangered species.

3.5.2 Potential Sources

- a. USFWS, Region or Field Office (www.fws.gov). This office must be contacted for each project unless the relevant State has made special arrangements to provide information on threatened or endangered species. Separate letters requesting wetlands and endangered species information from the USFWS may be necessary;
- b. NMFS (for marine species or coastal projects); and
- c. State DNR or other appropriate State agency (for equivalent state species and information on federally designated species).

Sample correspondence is included in Exhibit B.

3.6 Fish and Wildlife Resources

In addition to the concern for threatened or endangered species, the applicant should take into account impacts on all fish and wildlife resources in the planning and construction of the project. Unnecessary adverse impacts should be avoided.

Raptor electrocution is one of the major concerns of the USFWS and state wildlife agencies. Raptors include eagles, falcons, owls, kites, ospreys, and buzzards. These birds are afforded protection under the ESA, the Eagle Protection Act, and/or the Migratory Bird Treaty Act. The USFWS normally recommends that new overhead distribution lines be designed using measures to prevent the electrocution of raptors. Generally, the phase-to-phase and phase-to-ground spacing on transmission lines is adequate to prevent raptor electrocution.

The issue of raptor electrocution should be addressed in the ER. In addition to raptor electrocution, the risk to raptors and other birds from collisions with conductors and static wires may also need to be addressed.

3.6.1 Fish and Wildlife Resource Information

- a. A description of the fish and wildlife species in the project area; and
- b. A discussion of possible impacts to fish and wildlife resources. These impacts may result from sedimentation, ground clearing, stream or river flow impedance, forest fragmentation, and hunting or fishing pressure due to increased access to an area.

3.6.2 Potential Sources

- a. State DNR or equivalent;
- b. USFWS; and
- c. Administering agency on Federal, State, and local government managed lands.

3.7 Vegetation

Vegetation provides habitat for a variety of wildlife, acts to stabilize soils and prevent erosion, and provides forestry resources. In addition, information on vegetation can be used in evaluating potential impacts to threatened and endangered species.

3.7.1 Vegetation Resource Information

- a. A description of the vegetation in the project area, the relative amount of each vegetation type, and the extent to which each type of vegetation will be affected;
- b. An estimate of the amount of vegetation clearing required for each alternative;
- c. The short-term and long-term effects of the proposed vegetative clearing, including those related to the maintenance practices employed; and
- d. A description of vegetation clearing and future ROW maintenance practices. Special areas of concern such as riparian or wetland areas may require more detailed information.

3.7.2 Potential Sources

- a. State Conservationist, NRCS area or field office;
- b. State Division of Forestry or equivalent;
- c. State DNR or equivalent;
- d. USFS; and
- e. Administering agency on Federal, State, or local government managed lands.

3.8 Coastal Areas

Coastal areas often provide excellent wildlife habitat and protect inland areas from hurricanes and other storms. Many of this country's coastal areas are experiencing severe developmental pressures for residential, recreational, and industrial use. These areas are also prone to storm damage and flooding. To address this condition Congress has enacted laws to protect coastal areas.

The Coastal Zone Management Act (CZMA) of 1972, as amended applies to all American lands on the boundary of any ocean or arm thereof, and the Great Lakes. Applicants should note that the width of the "coastal zone" might vary among the states.

The Coastal Barrier Resources Act and the Coastal Barrier Improvement Act only apply to select geographic areas called "Coastal Barrier Resources System (CBRS) Units." At present such units have been designated along the coasts of the Atlantic Ocean, Gulf of Mexico, and the Great Lakes. Proposed units have been identified but not designated along the coasts of States bordering the Pacific Ocean. Either the USFWS or RUS should be contacted for updated information regarding additions or deletions from the CBRS. These laws prohibit RUS from providing financing assistance for applicant projects such as system improvements and new consumer connections in established CBRS units where such assistance would facilitate additional development in the affected units. RUS is not prohibited, however, from financing ordinary replacement of facilities within established CBRS units providing the replacement does not increase an applicant's system capacity in the affected CBRS unit.

3.8.1 Coastal Areas Resource Information

- a. Indications of each project, which will be located in the coastal zone or CBRS unit or will otherwise affect these areas;
- b. Correspondence with the State coastal zone management agency concerning whether the projects are consistent to the maximum extent practicable with the State's approved coastal zone management plan; and
- c. Mitigation necessary to achieve consistency with the State's coastal zone management plan (the plan may be placed in the mitigation and monitoring section).

3.8.2 Potential Sources

- a. State Coastal Zone Management Agency;
- b. USFWS -- coastal barrier resource information; and
- c. CBRS unit maps are available from:
 - United States Geological Survey
 - Distribution Branch,
 - Open Files Services,
 - Box 25425
 - Denver, Colorado 80225.
- d. National Atmospheric and Oceanic Administration
([//wave.nos.noaa.gov/ocrm/czm/welcome](http://wave.nos.noaa.gov/ocrm/czm/welcome))

Sample correspondence is included in Exhibit B.

3.9 Air Quality

During construction of generation and transmission projects listed in §1794.23 there will be emissions from vehicles and other construction equipment, fugitive dust from site or ROW clearing, and ash from burning debris. Although specific Federal regulations exist which address these emissions, a State Implementation Plan (SIP) provides the framework for air emission control within each State.

The applicant should contact the State or local agency responsible for enforcing the SIP and find out which of its construction activities must comply with the SIP. The ER should include that information.

Air emissions from generating facilities are regulated by a designated State agency and/or the EPA. If the project qualifies as a major source (having a significant emission rate for one or more pollutants), compliance with best available control technology (BACT) may be required.

3.9.1 Air Quality Information

- a. Sources and types of air emissions due to the project;
- b. Compliance with the SIP, either through agency exemption or project review;
- c. Anticipated effects (including duration) on air quality from construction, especially if the enforcement agency has not provided an exemption or project review;
- d. Status of project area regarding compliance with ambient air quality standards and location of Class I areas;
- e. Analysis of BACT, if required for air quality permit application; and
- f. Anticipated effects on air quality from operation of combustion turbine and diesel projects of less than 50 MW at an existing site or less than 100 MW at a new site.
- g. Anticipated effects on air quality from operation of any other type of generating facility of less than 10 MW that produces a combustible by-product.

3.9.2 Potential Sources

- a. State Division of Air Quality or equivalent; and
- b. U.S. Environmental Protection Agency (EPA) Regional Office.

3.10 Water Quality

Water quality can be affected through discharge of project generated effluents into a watercourse and by runoff or leaching into surface or groundwater. The possible effects each proposed project and its reasonable alternatives could have on water quality should be discussed in the ER.

3.10.1 Water Quality Information

- a. Identification and location of streams that will be near a facility site or that will be spanned by overhead lines;
- b. Effects of modifications to existing hydroelectric facilities or dams;
- c. Expected sedimentation impacts to a watercourse and mitigative measures which will be taken (this may appear in the mitigation and monitoring section);
- d. Identification of any herbicide or pesticide that may be used near water bodies and methods to be used to minimize the potential for discharge, runoff, or other impact on water bodies; and
- e. Identification of any aquifers that could be affected by the proposed project, especially sole source aquifers, and measures that will be taken to minimize impacts. This may appear in the section on monitoring and mitigation.

3.10.2 Potential Sources

- a. COE. A Section 404 permit may be required for certain dredge or fill operations in a waterway, or if an overhead utility line crosses a navigable waterway;
- b. NRCS;
- c. State or local conservationist;
- d. State DNR or equivalent office; and
- e. EPA Regional Office. Under the National Pollutant Discharge Elimination System (NPDES) storm water program (Phase I), a permit is required for land clearing activities that exceed 5 acres. Proposed Phase II NPDES storm water regulations would expand this national program to construction sites that disturb 1 to 5 acres. The Phase II regulations will be finalized by March 1, 1999.

3.11 Aesthetics

The visual quality of an area may be affected by the introduction of new buildings or structures. The aesthetic impact of utility lines and associated facilities, generation facilities, microwave towers, and other structures may be significant in areas of high scenic beauty, scenic overlooks, scenic highways, wilderness areas, integral vistas, parks, national forests, and along wild and scenic, recreational, or national inventory rivers. Aesthetics should be considered in all projects.

Moreover, for projects in visually sensitive areas, reasonable efforts should be taken to either avoid these areas entirely, or to design, construct, and operate the proposed project in such a way that aesthetic impacts are minimized.

3.11.1 Aesthetic Information

- a. Identify all visually sensitive areas that are in the vicinity of the proposed project;
- b. How much of this area will be visually affected by the proposed project and from how many viewing locations the proposed project may be seen; and
- c. Mitigation efforts that will be taken to minimize impacts. This may include such methods, when appropriate, as vegetative zones around the proposed project, underground cables, and avoidance of construction on the crest of hills.

3.11.2 Potential Sources

- a. Federal land management agencies;
- b. State land management agencies;
- c. State and local park authorities; and
- d. NPS.

3.12 Transportation

Information concerning this issue may be required for the construction of overhead facilities, microwave towers, substations, and generation facilities especially where these facilities are located adjacent to airports, roads, highways, railroads, and navigable waterways. Permits may be required from the jurisdictional agencies prior to construction.

3.12.1 Transportation Information

- a. Location of any airports which could be close to proposed utility lines, microwave towers, power generation stacks, or other potential obstacles;
- b. Fuel delivery requirements for generation projects; and
- c. Potential impairment of highway safety or navigable waterways.

3.12.2 Potential Sources

- a. Federal Aviation Administration;
- b. Federal Highway Administration;
- c. State Highway Department; and
- d. COE.

3.13 Noise, Radio, and Television Interference

Information concerning this issue may be required for the construction and operation of transmission lines, substations, generating stations, especially those facilities that may be located in or near residential areas or proximate to residential development.

3.13.1 Interference Information

- a. Noise levels from construction and operation of facilities at nearby residences and other locations of frequent human use;
- b. Impacts of proposed project on radio, television or communication circuits (mobile or stationary);
- c. Induced voltages in metal objects near lines; and
- d. Mitigation measures to be taken to reduce or eliminate noise, induced voltages, and other impacts (this may appear in the section on monitoring and mitigation).

3.13.2 Potential Sources

- a. EPA Regional Office; and
- b. Federal Communication Commission.

3.14 Human Health and Safety

Public, media, regulatory, and scientific concern that exposure to power-frequency electric and magnetic fields (EMF) may cause a variety of health effects has been increasing. Consequently, attempts to locate transmission lines and substations near residential areas, schools, health facilities, and other public facilities have created controversy in some areas of the United States.

In order to minimize the potential for unnecessary delays, applicants may want to consider, if appropriate and practical, avoidance of these types of facilities in the identification and selection of alternative corridors for new transmission lines and alternative sites for new substations. In addition, it may be desirable to determine background EMF levels by measuring field strengths in the vicinity of the proposed facility. The measured background levels can then be compared to the EMF strengths calculated to occur with the proposed facility in operation.

3.15 Socioeconomic and Community Resources

Normally activities associated with the construction and operation of projects listed in §1794.23 have limited socioeconomic impact on the area in the vicinity of a project. However, information on the construction schedule and the size of the temporary and permanent work force required for generation projects should be included in the ER.

E.O 12989 (Federal Actions to Address Environmental Justice in Minority Populations and Low Income Populations), dated February 11, 1994, and USDA Departmental Regulation 5600-2 (Environmental Justice), dated December 15, 1997, requires, in part, including environmental justice issues into NEPA documents such as Environmental Assessments. These issues include analyzing disproportionate environmental effects to minority and low-income populations, providing opportunities for low-income and minority populations to participate in the NEPA process when disproportionate environmental effects to these populations are anticipated, and identifying mitigation measures that would reduce significant and adverse environmental effects to low-income and minority populations.

ERs must include an analysis of the potential impact of a project, or any part thereof, that may pose disproportionate environmental effects to minority and low-income populations. The environmental justice analysis in the EA should determine if the project will be located in a minority or low-income community and, if so, analyze if the project location will have, or be perceived to have, disproportionate environmental effects to this community. If the project will have no disproportionate environmental effects to minority and low-income populations, this should be stated. If the project is to be located in a minority or low-income community and will have, or may be perceived to have, disproportionate environmental effects to the community, the analysis must include a description of the efforts made to include minority and low-income populations into the NEPA process. These efforts may include public notices aimed at minority and low-income populations and public meetings. When it is determined that there is no practicable alternative to locating a project in a minority or low-income community and there will

be disproportionate environmental effects, the analysis must include a discussion of the mitigation measures evaluated that would off-set or ameliorate the disproportionate environmental effects.

The procedure for determining whether an environmental justice issue exists for projects that require an Environmental Assessment is included in Exhibit F.

3.15.1 Potential Sources for Identifying the Location of Minority and Low-Income Populations

- a. State, Regional, and Local Planning Agencies
- b. News Media, the Internet, and other electronic media
- c. LandView Environmental Mapping Software (Bureau of Census)
- d. Libraries, Vocational and other Schools, Colleges, and Universities
- e. Religious Groups and Organizations
- f. Tribal Governments and Tribal Organizations
- g. Public Health Agencies and Clinics
- h. Federal, State, and Local Elected Officials and Agencies
- i. Legal Aid Providers
- j. Labor Unions and Organizations
- k. Rural Cooperatives
- l. Civil Rights Organizations
- m. Environmental Agencies and Organizations

3.15.2 Potential Points of Contact for Community Input from Minority and Low-Income Populations

- a. Grassroots/Community-based Social Service Organizations
- b. Minority Business, Associations, and Trade Organizations
- c. Civic Associations and Public Interest Groups
- d. Tribal Governments and Tribal Organizations
- e. Religious Groups and Organizations
- f. Civil Rights Organizations
- g. Senior Citizens Groups
- h. Homeowners' or Tenants' Associations or Groups
- i. Environmental Organizations
- j. Local Elected Officials and Agencies
- k. Labor Unions and Organizations
- l. Rural Cooperatives

4.0 AGENCY CONTACTS

Federal, State, and local agencies are often helpful in assisting applicants in obtaining information needed to prepare an ER. Such agencies have expertise concerning specific environmental issues, may have jurisdiction by law, and are often repositories of current environmental data.

Agencies should be contacted as soon as practicable in the planning process concerning the identification of environmental concerns and potential environmental impacts of a proposed project. Agency contacts should be initiated via written correspondence. In cases when the agency fails to respond to the initial written communication, telephone, or person-to-person contacts are acceptable provided the results are documented for inclusion in the ER and a copy is provided to the person or agency contacted. A WRITTEN RESPONSE FROM THE AGENCY IS PREFERRED.

To facilitate their review, the applicant needs to submit a project description to the agencies including maps of the proposed project location and site/route alternatives that are under consideration. In describing a project to an agency, it is essential that sufficient information be included to permit evaluation of a project's potential environmental impacts by persons not having expertise in the electric utility industry.

A project's location should be given as specifically as possible. This should not be difficult if the project is a headquarters, substation, or generation facility that requires a defined acreage in a specific location. The same is true for a transmission line that will utilize an existing ROW or that will parallel or be located adjacent to an existing power line, pipeline, or road ROW. However, where the transmission line can not follow established boundaries over most or its entire route it may not be possible to specifically identify the actual ROW. In this situation, a corridor approach should be used. Here, the actual ROW is not known, but it is certain that it will be within a defined area (corridor) in order to connect the established end points. The corridor width can vary up to 1 mile depending on the homogeneity of the terrain. The corridor approach offers considerable flexibility over the centerline approach, especially on projects involving Federal, State, and local agencies with permitting authority over the project. Once the environmental and engineering constraints have been identified within each corridor, the corridors are rated and a preferred corridor is selected. The corridor approach does make it more difficult to determine specific impacts. However, once a corridor is approved, an actual centerline can be determined which will avoid or minimize impacts to environmentally sensitive areas and thereby eliminate

agency and public concerns. In addition to an environmental clearance from RUS, the applicant must also obtain the necessary easements before construction can commence. Should the applicant be unable to obtain easements along a portion of the route, it is conceivable that the location of the ROW can be modified and still remain within the boundaries of the approved corridor.

With the corridor approach, certain surveys may be necessary as soon as the final centerline has been determined. In this case, RUS would either (1) withhold approval to construct a project where additional survey work is needed until the surveys have been completed and concurrence has been obtained from the appropriate agency or (2) enter into a Memorandum of Agreement (MOA) with the appropriate agency. The MOA would stipulate the conditions for RUS approval.

The centerline approach makes it easier to identify specific impacts; however, there may be no flexibility in rerouting the line without undergoing additional environmental review. The centerline approach may be preferred for short distance projects or projects located entirely on Federal or State managed lands.

There are three cases in which a more narrowly drawn site or route specification is more appropriate. They are where:

- a. The applicant already has purchased or taken an option on a specific parcel;
- b. A specific site or centerline has unique technical or economic advantages; and
- c. A narrowly defined route or site may enhance the chance for environmental approval.

For example, an agency may indicate that it has no environmental concern so long as the transmission line is adjacent to a road ROW. Alternatively, the agency may state that it has no environmental objection to a transmission line in an urbanized area so long as certain mitigation measures are carried out. Under such conditions, it may be wisest to present the location of the specific site or planned centerline.

4.1 Agency Correspondence

The applicant should make a reasonable effort to get written responses from agencies that have been contacted. Normally, agencies should be given a minimum of 30 days to respond to a written request for comments. If no written response is received within the requested time period, the applicant should re-contact the agency by telephone concerning whether it intends to comment in writing. In certain cases where time is of the essence, it may be prudent to telephone the agency a few days after sending the written request to ascertain whether the information has been received. Written documentation of follow-up telephone conversations or meetings with agencies should be included in the ER. Copies of such correspondence should be made available to the agency or person contacted.

RUS recognizes that applicants cannot force an agency to comment and that unreasonable requests for time extensions may unduly delay a project. RUS does not intend that its review of an ER be stymied under such circumstances. When an applicant has made reasonable efforts to obtain an agency response and has not received one, the applicant should document its efforts in the ER and submit it to RUS.

4.2 Reaction to Agency Comments

When an agency raises concerns about a project, recommends further studies, or suggests mitigative measures to offset environmental impacts, IT IS ESSENTIAL THAT THE APPLICANT ADDRESS SUCH COMMENTS, RECOMMENDATIONS, OR SUGGESTIONS IN ITS ER. A response in the ER to an agency's concerns lets RUS know that the applicant is aware of that agency's concerns. The applicant should address an agency's concerns in the ER even if the issue raised was not specifically requested from the agency or the agency does not have specialized expertise in the field and the expert agency on the issue has raised no objection.

If the applicant is amenable to the recommendations or suggestions made by the agency, the applicant should commit in the ER to implement them. RUS recommends that when the applicant intends to implement an agency's recommendations or suggestions, the applicant notify the agency of its intent to do so.

If the applicant is not amenable to the recommendations or suggestions made by the agency and is unable to resolve these issues with the agency, the applicant should explain why. RUS will then

evaluate the recommendations or suggestions and the applicant's position to determine any further course of action that may be necessary to ensure compliance with applicable laws, regulations, or E.O.s.

In certain instances, comments from Federal, State, or local agencies may raise environmental issues of concern to State agencies which are not afforded specific protection under Federal laws and regulations (*e.g.*, a State listed endangered species which is not on the Federal list). Such comments on State and local environmental issues should also be discussed in the ER. Taking such matters into account may be essential in securing State and local permits and approvals. Moreover, in considering the effect of a project on the quality of the human environment, NEPA and the CEQ Regulations require Federal agencies to consider overall environmental impacts, not merely those environmental resources specifically protected by Federal laws, regulations, or E.O.s.

5.0 PUBLIC NOTICES

Public notice is required on two occasions for an applicant's proposal requiring RUS to prepare an EA. The purpose of the first notice is to announce the availability of the draft EA for public review (7 CFR §1794.42). Both a legal notice and an advertisement should be published in a newspaper(s) with a general circulation in the county(s) where the project will be located as soon as possible after the RUS has determined that the ER is adequate to adopt as its EA. If the proposed project will be located in floodplains or wetlands or has the potential to impact a National Register listed or eligible site or structure, that information should be included in the notice.

A sample applicant advertisement and legal notice of EA availability is presented in Exhibit C. The applicants notice requirements of 7 CFR §1794.13 apply. The public should be afforded a minimum review period of 30 days. The legal notice should state that any comments be sent directly to RUS at the address provided.

The purpose of the second notice is to announce that RUS has reached a finding of no significant impact (FONSI) (7 CFR §1794.43). This notice can be published as soon as RUS has prepared or approved the notice announcing that decision. A copy of that notice will be provided to the applicant. Applicants will normally be able to initiate project construction within 24 hours following the publication of the final notice announcing the FONSI determination and any public review period. Where substantial comments are received on the EA, RUS may provide an additional period (15 days) for public review following the publication of its FONSI determination (refer to §1794.44). A sample applicant advertisement and legal notice of a FONSI determination by RUS is presented in Exhibit C.

In preparing and providing public notice, applicants should remember that it is RUS' responsibility to ensure that such notice is adequate prior to taking its Federal action. Consequently, when providing notice, the applicant should ensure that the notice has a reasonable likelihood of attracting the attention of individuals or organizations that may be interested in or affected by the project.

Different audiences potentially will be reached by the publication of information at two distinct points in the newspaper. The purpose of the advertisement is to attract the attention of the public. As such, it should be of reasonable size and prominence and not be placed in an obscure portion

of the newspaper. The advertisement need not provide as much detail as the legal notice so long as the advertisement indicates where the legal notice is located. Both the legal notice and advertisement must appear in the same edition of the newspaper.

The number of editions in which the advertisement and legal notice should appear will be established on a project-by-project basis. Factors that will influence that decision include:

- a. The frequency of publication (daily vs. weekly);
- b. The newspaper's circulation in the project area;
- c. Other media coverage; and
- d. Potential environmental sensitivity and controversy arising from the project.

The decision of which newspaper(s) to use when providing public notice will be left to the applicant in consultation with RUS. RUS reserves the right to require an additional or amended notice in instances where the existing notice does not appear, in RUS' judgment, to be adequate.

After a notice has been published, the applicant must submit copies and publication dates of the legal notice and advertisement in a timely manner (see 7 CFR §1794.13(b)) . No publisher's affidavit is required. Further, as required in §1794.13(b), copies of all comments received by the applicant, whether as a result of the notice or not, must also be submitted to RUS in a timely manner. The applicant should react to each of the comments in this submission to RUS.

Nothing in the foregoing discussion is meant to restrict the applicant's use of other media in providing notice. RUS' requirements for newspaper notices are merely established a minimum. Other means of communication may be particularly effective in reaching the public in appropriate situations. Examples of other methods of communication include radio and television, inserts into utility bills, and direct mailings to landowners that may be impacted by the project. In some instances it may be advantageous to post notices at a location that is frequented by a majority of the residents of a particular area or community. Examples of such locations include the post office, library, or community center. In considering whether public notification has been adequate, RUS will take all relevant circumstances into account.

6.0 RELATIONSHIP TO ENVIRONMENTAL REQUIREMENTS

Readers should note that compliance with RUS' regulations and use of its guidance material does not absolve applicants from compliance with applicable requirements imposed by the Federal, State, or local agencies that have jurisdiction by law over the proposal.

EXHIBITS

To assist the applicant in preparing the ER, RUS has included the following Exhibits:

- A. List of Proposals Normally Requiring an EA.
- B. Sample Agency Letters.
- C. Sample Public Notices for Projects Requiring the Preparation of an Environmental Assessment.
- D. Examples of Typical Mitigation and Monitoring Commitments.
- E. Procedure for Proposals Which Normally Require an Environmental Assessment Without Scoping.
- F. Environmental Justice Procedures for Environmental Assessments.
- G. Listing of Regulations, Statutes, and Executive Orders that May be Applicable to Proposed Actions by Applicants.

EXHIBIT A
LIST OF PROPOSALS NORMALLY REQUIRING AN EA

RUS will normally prepare an EA for all proposed actions which are neither categorical exclusions (§§1794.21 and 1794.22) nor normally requiring an EIS (§1794.25). The following are proposed actions that normally require an EA and shall be subject to the requirements of §§1794.40 through 1794.49.

- (1) Construction of combustion turbine or diesel generating facilities of 50 MW (nameplate rating) or less at a new site (no existing generating capacity) except for items covered by §1794.22(a)(8). All new associated facilities and related electric power lines shall be covered in the EA;
- (2) Construction of combustion turbine or diesel generating facilities of 100 MW (nameplate rating) or less at an existing generating site, except for items covered by §1794.22(a)(8). All new associated facilities and related electric power lines shall be covered in the EA;
- (3) Construction of any other type of new electric generating facilities of 10 MW (nameplate rating) or less. All new associated facilities and related electric power lines shall be covered in the EA;
- (4) Repowering or uprating of an existing unit(s) at a fossil-fueled generating station where the existing fuel combustion technology of the affected unit(s) is substituted for another (*e.g.* coal or oil-fired boiler is converted to a fluidized bed boiler or replaced with a combustion turbine unit);
- (5) Installation of new generating units at an existing hydroelectric facility or dam, or the replacement of existing generating units at a hydroelectric facility or dam which will result in a change in the normal maximum surface area or normal maximum surface elevation of the existing impoundment. All new associated facilities and related electric power lines shall be covered in the EA;
- (6) A new drilling operation or the expansion of a mining or drilling operation;
- (7) Purchase of existing facilities or a portion thereof which are presently in violation of Federal, State, or local environmental laws or regulations;
- (8) Construction of cooperative headquarters, maintenance, and equipment storage facilities involving more than 10 acres (4 hectares) of physical disturbance or fenced property;
- (9) The construction of electric power lines and related facilities designed for and capable of operation at a nominal voltage of 230 kV or more involving more than 3 miles (4.8 kilometers) but not more than 25 miles (40 kilometers) of line;

(10) The construction of electric power lines and related facilities designed for or capable of operation at a nominal voltage of 69 kV or more but less than 230 kV where more than 25 miles (40 kilometers) of power line are involved;

(11) The construction of substations or switching stations requiring greater than 5 acres (2 hectares) of new physical disturbance at a single site; and

(12) Construction of facilities designed for the transfer and storage of ash, scrubber wastes, and other byproducts from coal-fired electric generating stations that will be located beyond the existing facility site boundaries.

EXHIBIT B
SAMPLE AGENCY LETTERS

Included in this exhibit are sample letters directed to a variety of Federal and State agencies that are normally contacted during the preparation of an ER. These examples are designed to provide guidance to applicants in the preparation of information requests to agencies. Individual letters should be tailored to the nature of the specific project and the issues involved. At times a briefer format may be reasonable, while in other instances a more detailed explanation may be necessary.

The amount of project related information that the applicant includes with the agency letter is optional. Normally it is sufficient to include a project description and a USGS map showing the project location.

1. State Historic Preservation Officer Letter

(Applicant's name) is in the process of preparing an environmental report for the Rural Utilities Service in order that it may assess the environmental impacts of *(description of project)* in *(county)*, *(State)*. The project is being proposed to *(give a brief statement supporting project need)*. Enclosed are U.S. Geological Survey map(s) which depict the proposed location of the construction activity and a description of the work involved.

(Applicant's name) requests the assistance of your office in identifying historic properties that may be affected by the project. Please provide any recommendations you may have to mitigate or avoid these impacts.

We would appreciate a response within 30 days. If you need any further information or wish to discuss the project, please contact *(name)* at *(telephone number)*.

2. Fish and Wildlife Service Letter Concerning Endangered Species*

(*Applicant's name*) is in the process of preparing an environmental report for the Rural Utilities Service in order that it may assess the environmental impacts of (*description of the project*) in (*county*), (*State*). The project is being proposed to (*give a brief statement supporting project need*). Enclosed are U.S. Geological Survey maps which depict the proposed location of the construction activity and a description of the work involved.

The proposed project does not represent a "major construction activity" as defined in 50 CFR 402.02.** We request a list of any federally listed or proposed threatened or endangered species and designated or proposed critical habitat that may be present in the project area. In addition, please advise us of any present concerns you may have related to possible effects of the project listed above on such species or critical habitat, as well as any other wildlife concerns.

We would appreciate a response within 30 days. If you need any further information or wish to discuss our project, please contact (*name*) at (*telephone number*).

*Note that in some areas separate USFWS offices must be contacted to get input on endangered species and wetlands concerns. Where a single USFWS office addresses both sets of concerns, a single letter combining the contents of B.2 and B.3 should be used.

**RUS recommends that the applicant not use the terms "consultation" in correspondence requesting information from the USFWS and NMFS. Such language may trigger confusion and unnecessary detailed consultation. The proposed project should be identified as one which is normally not considered a "major construction activity" as defined in 50 CFR § 420.02, Interagency Cooperation - ESA of 1973, as amended.

3. Fish and Wildlife Service Letter Concerning Wetlands

(Applicant's name) is in the process of preparing an environmental report for the Rural Utilities Service in order that it may assess the environmental impacts of *(description of the project)* in *(county)*, *(State)*. The project is being proposed to *(give a brief statement supporting project need)*. Enclosed are U.S. Geological Survey maps which depict the proposed location of the construction activity and a description of the work involved.

(Applicant's name) requests you compare the proposed project location to your Wetland Inventory Maps in order to determine if wetlands will be impacted, and provide any recommendations you may have to minimize or avoid impacts to wetlands.

We would appreciate a response within 30 days. If you need any further information or wish to discuss our project, please contact *(name)* at *(telephone number)*.

4. Corps of Engineers Letter

(Applicant's name) is in the process of preparing an environmental report for the Rural Utilities Service in order that it may assess the environmental impacts of *(description of the project)* in *(county)*, *(State)*. The project is being proposed to *(give a brief statement supporting project need)*. Enclosed are U.S. Geological Survey maps which depict the proposed location of the construction activity and a description of the work involved.

(Applicant's name) requests your office to review the proposed project for possible impacts to 100-year floodplains, wetlands, and other important natural resources that occur in the project area. Please provide any recommendations you may have to mitigate or avoid these impacts.

We would appreciate a response within 30 days. If you need further information or wish to discuss the project please contact *(name)* at *(telephone number)*.

5. Natural Resources Conservation Service (State or field office) Letter

(*Applicant's name*) is in the process of preparing an environmental report for the Rural Utilities Service in order that it may assess the environmental impacts of (*description of the project*) in (*county*), (*State*). The project is being proposed to (*give a brief statement supporting project need*). Enclosed are U.S. Geological Survey maps which depict the proposed location of the construction activity and a description of the work involved.

We are requesting information on the possible effects of the proposed project (*generation, substation, and other building sites*) on hydric soils, important farmland, prime forestland, and prime rangeland and any recommendations you have to minimize or avoid these effects. We also seek your assessment of the compatibility of the proposals with State and local government and private programs and policies to protect farmland.

If the project area has been mapped for important or prime farmland please inform us how a copy can be obtained. Three copies of either AD-1006 (*generation, substation, or building sites*) or SCS-CPA-106 (*corridor type project*) have been enclosed for your input in compliance with the Farmland Protection Policy Act.*

We would appreciate a response within 30 days. If you need any further information or wish to discuss our project, please contact (*name*) at (*telephone number*).

*Use this sentence only if the local NRCS offices in your service area request submission of the farmland conversion impact rating form.

6. Letter to Federal Land Manager

(Applicant's name) is in the process of preparing an environmental report for the Rural Utilities Service in order that it may assess the environmental impacts of *(description of the project)* in *(county)*, *(State)*. The project is being proposed to *(give a brief statement supporting project need)*. Enclosed are U.S. Geological Survey maps which depict the proposed location of the construction activity and a description of the work involved.

As is shown on the enclosed maps, some of the construction may take place in the *(name of unit)*. Although the submittal of a special use permit application at this time would be premature, we are seeking information on environmental effects from the projects as an input to RUS' decision-making process. We request your review of this project for potential impacts to officially designated areas within the *(name of unit)*, and any recommendations you may have to mitigate or avoid these effects. We would also appreciate receiving any information regarding additional review requirements that your agency may have.

We would appreciate a response within 30 days. If you need any further information or wish to discuss the project, please contact *(name)* at *(telephone number)*.*

*Note that this request preceded the permit application. If a permit already has been granted, the U.S. Forest Service environmental review documentation related to the permit could be used in lieu of correspondence.

7. State Department of Natural Resources Letter

(Applicant's name) is in the process of preparing an environmental report for the Rural Utilities Service in order that it may assess the environmental impacts of *(description of the project)* in *(county)*, *(State)*. The project is being proposed to *(give a brief statement supporting project need)*. Enclosed are U.S. Geological Survey maps which depict the proposed location of the construction activity and a description of the work involved.

(Applicant's name) requests your office to review the proposed project for possible impacts to wetlands, threatened and endangered species, and other important State natural resources that may occur in the project area. Please provide any recommendations you may have to mitigate or avoid these impacts.

We would appreciate a response within 30 days. If you need further information or wish to discuss the project please contact *(name)* at *(telephone number)*.

8. State Agency Letter Concerning Coastal Zone Management

(Applicant's name) is in the process of preparing an environmental report for the Rural Utilities Service in order that it may assess the environmental impacts of *(description of the project)* in *(county)*, *(State)*. The project is being proposed to *(give a brief statement supporting project need)*. Enclosed are U.S. Geological Survey maps which depict the proposed location of the construction activity and a description of the work involved.

Please advise us if the proposed project will be within areas of the State's Coastal Zone Management Program. If so, we request your review of this project so that you may assist us to ensure that our construction activities will be consistent with program goals. Any other information you may wish to provide regarding environmental impacts or suggestions for mitigating impacts will be taken into consideration.

We would appreciate a response within 30 days. If you need any further information or wish to discuss our project, please contact *(name)* at *(telephone number)*.

EXHIBIT C
SAMPLE PUBLIC NOTICES FOR PROJECTS REQUIRING THE PREPARATION
OF AN ENVIRONMENTAL ASSESSMENT

Introduction

RUS has developed sample newspaper announcements to guide applicants in meeting their public notice responsibilities for projects requiring the preparation of an EA by RUS. Specific information as to the location of the project and the facilities to be constructed should be given in sufficient detail to give interested parties a clear understanding of the proposed project. Reference should also be made to any features of special environmental interest.

If a project requiring an EA will be located in and impact upon floodplains and/or wetlands, this should be stated in the announcement together with the locations of the affected floodplains and wetlands.

The applicant may include additional information in the announcement if the applicant wishes to do so.

1. **Sample Advertisement of EA Availability**

NOTICE

(Applicant name) is planning to construct a *(project description)*.
An Environmental Assessment covering the project is available for public review. For additional information, refer to our notice in the legal notice section of this newspaper.

2. **Sample Legal Notice of EA Availability**

(Applicant name) is planning to construct a *(project description)* in *(county, State)* near *(name of town, road intersection, or other commonly known landmark)*. Alternatives to the project as proposed include *(brief description of nature and location of alternatives considered as appropriate)*.

An environmental report (ER) which describes the project further and discusses anticipated environmental impacts thereof has been prepared by *(applicant name)*. The Rural Utilities Service (RUS) as its environmental assessment (EA) of the project has accepted the ER and is available for public review.

The EA can be reviewed at, or obtained from, *(applicant name)* at the address provided in this notice or from the Engineering and Environmental Staff, RUS, 1400 Independence Avenue, SW, Stop 1571, Washington, D.C. 20250. Questions and comments should be sent to RUS at the address provided. Copies of the EA are also available for review at *(other location such as a library, if RUS or the applicant deem so appropriate)*.

RUS should receive comments on the EA in writing within 30 days of the publication date of this notice to ensure that RUS prior to making its environmental impact determination considers them.

Floodplain and/or Wetland Impacts

In the event the project covered by the ER is to be located in, and will have an impact to, the 100-year floodplain or wetlands, the following paragraph should be added to the notice as the next-to-the-last paragraph.

The project, or a portion thereof, will be located in *(the 100-year floodplain and/or wetlands)*. Alternatives, including no action, were considered; however, no practicable alternative was identified that would avoid having an impact on *(the 100-year floodplain and/or wetlands)*. Comments or suggestions for mitigating impacts to *(the 100-year floodplain and/or wetlands)* are welcome.

3. **Sample Finding of No Significant Impact Advertisement**

NOTICE

The Rural Utilities Service has made a Finding of No Significant Impact with respect to the proposal by (*Applicant name*) to construction (*project description*). For additional information, refer to our notice in the legal notice section of this newspaper.

4. **Sample Finding of No Significant Impact Notice**

RUS will provide the applicant with a copy of its FONSI notice that should be used as the legal notice to be published in the newspaper. Under certain conditions the FONSI notice will include a 15-day review period.

EXHIBIT D
EXAMPLES OF TYPICAL
MITIGATION AND MONITORING COMMITMENTS

A list of typical mitigation and monitoring commitments that may be appropriate for certain types of applicant projects has been provided below. The list is by no means complete and is for illustrative purposes only.

1. Geological Resources

- a. Areas containing buried mineral resources should be avoided to the maximum extent practicable.

2. Hydrological Resources

- a. Avoid placing utility support structures within streambeds;
- b. Avoid use of herbicides near a watercourse;
- c. Avoid storing petroleum products, chemicals, toxic substances or hazardous materials within a floodplain;
- d. Avoid ground water contamination through proper handling, and storage of petroleum products, chemicals, toxic substances, and hazardous materials;
- e. Avoid crossing streambeds or waterways except at designated fords, crossing points, or bridges; and
- f. Leave a vegetative buffer zone along creeks and streams to minimize siltation and sedimentation.

3. Soils

- a. Permit agriculture activities within ROW;
- b. Minimize soil erosion by mulching, seeding, and replanting (if available, include samples of contractors' obligations which will be part of specifications or contracts); and
- c. Describe efforts to restore or replace topsoil that may be disturbed.

4. Vegetation

- a. Use an existing ROW to minimize new clearing;
- b. Use brush blades instead of dirt blades when clearing ROW;
- c. Use feathered technique for trimming ROW;

- d. Coordinate new planting with the NRCS, USFS, BLM, appropriate State agencies, individual landowners; and
- e. Schedule construction in order to minimize earth disturbance during wet seasons.

5. Wildlife

- a. Avoid open expanses of water or marshlands used as flight paths by migrating waterfowl;
- b. Avoid waterfowl nesting or rearing areas;
- c. Perform construction activities during seasons of low wildlife activity (*e.g.*, after breeding period or spawning run);
- d. Design and construct aerial electric power lines and support structures to afford raptor protection. Refer to Suggested Practices for Raptor Protection on Power Lines, the State of the Art in 1996 Raptor Research Report No. 4 by the Raptor Research Foundation; 12805 St. Croix Trail, Hastings, Minnesota 55033; and
- e. Design and construct aerial electric power lines and support structures to reduce potential for bird collisions. Refer to Mitigating Bird Collisions with Power Lines, the State of the Art in 1994 Avian Power Line Interaction Committee, Edison Electric Institute, 701 Pennsylvania Avenue, NW, Washington, DC 20004-2696.

6. Threatened and Endangered Species

- a. Avoid threatened and endangered species and critical habitat;
- b. Perform construction outside the breeding season or when the species have migrated out of the area; and
- c. If critical habitat cannot be avoided, state that stipulations resulting from consultation with the USFS or NMFS will be met.

7. Land Use

- a. Select ROW that minimizes conflicts with present and planned land use;
- b. Share an established corridor with other utilities; and
- c. Encourage multiple use of ROW (*e.g.*, Christmas tree farms and wildlife sanctuaries).

8. Aesthetics

- a. Avoid scenic areas, if possible;
- b. Avoid crossing hills at crests;
- c. Consider alternative structure support designs especially in areas of high scenic value; and
- d. Commit to thorough clean up and revegetation of the ROW after project completion.

9. Historical and Archaeological Resources

- a. Plan to route the line away from historical properties;
- b. Consider underground construction or alternative structure support designs, if avoidance is not practical;
- c. Use vegetative screens to minimize visual intrusion;
- d. In consultation with RUS and SHPO, alter project if a "no effect" determination can not be readily achieved;
- e. Halt work if archaeological resources are uncovered and immediately contact SHPO and RUS. Do not resume work in the affected area until clearance has been received from RUS; and
- f. State that stipulations or agreements developed as a result of the Section 106 process will be met.

10. Transportation

- a. Avoid airfield runways, approaches and flight paths; and
- b. Avoid aircraft guidance centers (*e.g.* VORTAC towers).

11. Floodplains

- a. Minimize the extent of floodplains to be crossed;
- b. Locate support structures and facilities to allow for adequate flow of floodwaters in the event of flooding;
- c. Design support structures to minimize accumulation of flood borne debris; and
- d. Minimize clearing of riparian vegetation.

12. Wetlands

- a. Avoid crossing wetlands where practicable, or minimize the extent of wetlands crossed;
- b. Consider the purchase of wetlands outside the project corridor to compensate for impacts to wetland resources;
- c. Avoid routing a permanent access road through wetlands;
- d. Perform certain construction activities in wetlands during dry conditions or when the ground is frozen; and
- e. Minimize clearing of riparian vegetation.

13. Formally Classified Lands

- a. Avoid crossing properties that are owned and administered by Federal, State, and local agencies or have been accorded special protection through formal designation.

14. Noise, Interference, and Human Health and Safety

- a. Schedule work to avoid evening or weekend shifts that might annoy neighboring residents;
- b. Commit to rectify any television or radio interference caused by the project;
- c. Properly ground fence posts and gates; and
- d. Design system to minimize corona discharge and ozone formation.

15. Air Pollution

- a. During construction, dampen access roads to minimize wind-blown dust; and
- b. Avoid burning of slash and debris or burn only within applicable regulations.

16. Monitoring

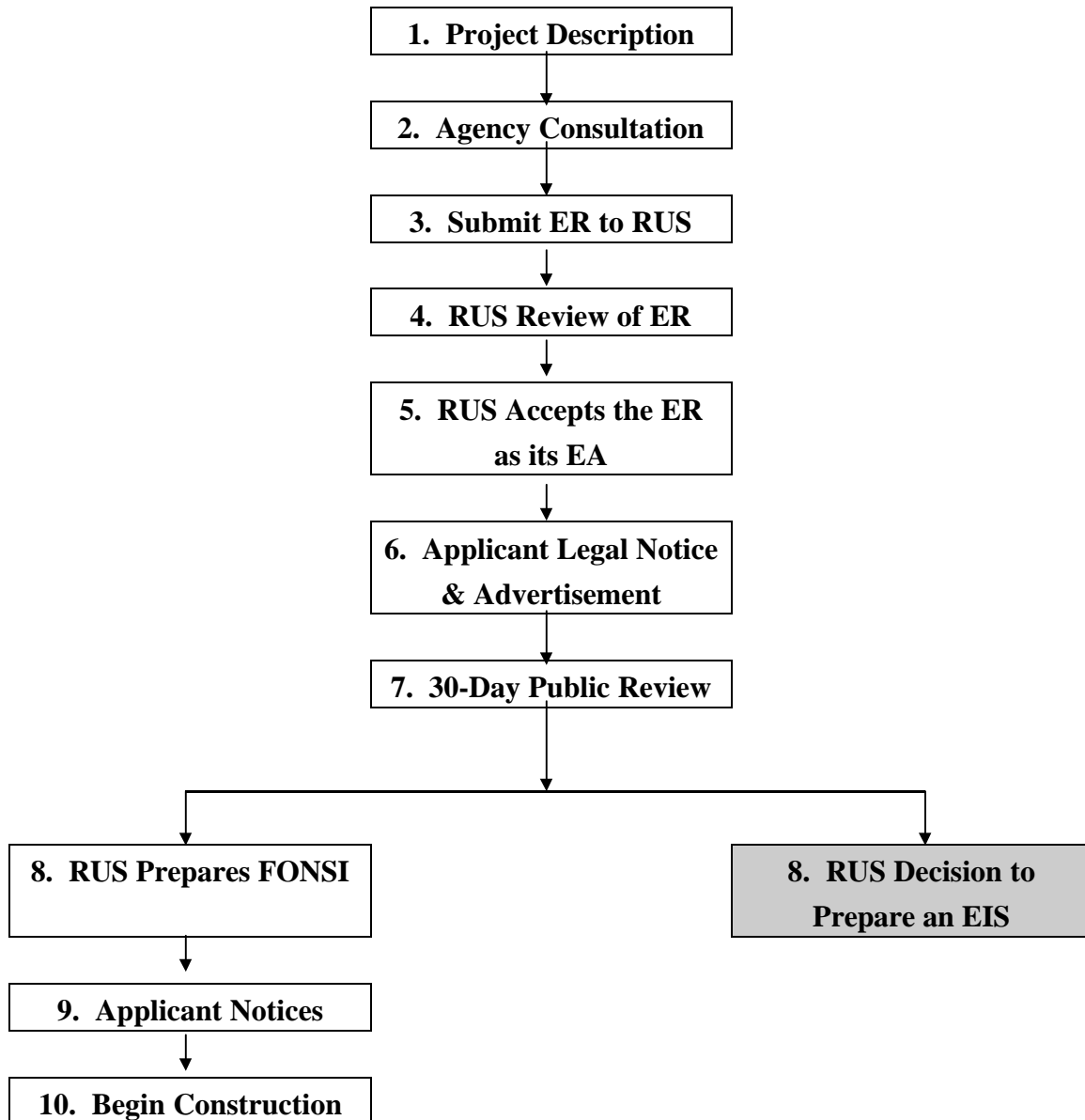
- a. Schedule periodic inspections of project area (aerial or ground surveillance of facility for damage, fatigue, failure, vandalism, etc.); and
- b. Immediately after project is completed and during regular monitoring, inspect for effectiveness of the mitigation program and ensure permit conditions have been met.

EXHIBIT E
PROCEDURE FOR PROPOSALS WHICH NORMALLY REQUIRE
AN ENVIRONMENTAL ASSESSMENT WITHOUT SCOPING

Introduction

In order to provide the applicant and/or its consultant with a better understanding of the EA without Scoping process, we have prepared a flow chart that outlines the steps in the process. An explanation is also provided for each step.

Environmental Assessment Flowchart



See following page for brief description of each step.

EXPLANATION OF FLOW CHART

1. Contact RUS and provide a description of the project sufficient for EES staff to determine its correct category in 7 CFR Part 1794, Subpart C.
2. Contact appropriate agencies as explained in Section 4. Sample letters are provided in Exhibit B.
3. Submit ER to RUS for review and approval.
4. RUS must approve the ER before process can proceed.
5. RUS accepts the ER as its draft EA or prepares its own draft EA.
6. Applicant must be formally notified by RUS before the advertisement and legal notice of EA availability can be placed in the newspaper(s).
7. Copies of all comments received or an acknowledgment that no comments were received must be sent to RUS following the 30-day comment period.

8. If RUS determined that the project would have a significant impact, the applicant will be informed that an EIS will be prepared if the project remains as planned.

8. If RUS determines that the project will not have a significant impact, it will prepare and issue a FONSI.
9. Upon receipt of our FONSI notice, the applicant should place its notices announcing the RUS determination in the same newspaper(s) in which the EA availability notices were placed.
10. Upon receipt of a copy of the applicant notices, RUS will issue an environmental clearance letter to the manager, unless RUS has required a 15-day review period. Clearance to proceed with construction may be subject to other approvals within RUS.

EXHIBIT F

ENVIRONMENTAL JUSTICE PROCEDURES FOR ENVIRONMENTAL ASSESSMENTS

This procedure has been prepared to identify where and how in the NEPA process environmental justice issues can be addressed, if appropriate. The CEQ Environmental Justice Guidance under NEPA (December 10, 1997) contains additional suggestions and should also be consulted.

- 1. Define action, purpose, need, and area of potential effect.** The action proposed by the applicant should be clearly defined so that interested parties understand what is being proposed. The applicant should identify the purpose of the action and provide justification as to why the action is needed. The area of potential concern should be defined (i.e., physical boundary of area reasonably expected to be affected by the action) so that the agency can include all of the minority and low-income populations within this area in all of its outreach efforts.
- 2. Determine potential for environmental justice issues.** Determine if the proposed project might have an adverse environmental or human health effect or related socioeconomic effect. If not, the environmental justice issue determination is complete. If the project has a potential for adverse environmental or human health effect or related socioeconomic effect on a minority or low-income population, continue to Step 3.
- 3. Identify interested and potentially affected parties.** Any minority populations and low-income populations located within the area of potential effects should be identified; and a determination made as to whether they may be disproportionately affected by the project. When identifying minority and low-income populations, the definitions in Appendix I of this document should be used.
- 4. Initiate outreach.** Once potentially affected parties have been identified, it is important to communicate with and understand the concerns of these groups. All interested and/or affected parties should be notified of the proposed action.

Notification should be accomplished by such means as publishing notices in local newspapers, including those read by potentially impacted low income and minority groups, and by sending notices out to elected officials, civic organizations, religious organizations, superintendents of schools, local PTAs, and other community organizations that can help to facilitate outreach. Announcements should also be made through such vehicles as local radio and television stations and newspapers. Broadcasts and publications made in languages other than English can be particularly helpful in communicating with non-English speakers.

Applicants should find creative and meaningful ways to facilitate access of information about the proposed action. Outreach possibilities would include organizing public meetings at a time and place that is convenient for the potentially affected communities, scheduling meetings with elected officials and/or community organizations, and publishing a newsletter to keep people informed.

The participation of interested or affected parties should be encouraged throughout the entire environmental justice issue determination process. To facilitate participation by persons who do not speak or understand English, documents, meetings, personal contacts, and written correspondence should be translated. Such translations pertain to each of the steps that follow.

5. Define range of alternatives to be evaluated. In cases where a proposed action might have a disproportionately high and adverse impact on minority or low-income populations, applicants should make a strong effort to encourage members of those communities to help develop and comment on possible alternatives. Efforts would include organizing meetings to facilitate public input on the alternatives.

6. Analyze effects of preferred and alternative actions on the quality of the human environment. Include an analysis of the extent to which minority and/or low-income populations might be disproportionately affected. The analysis should include potential impacts to subsistence consumption and human health, as well as the related economic and social effects of each alternative.

7. Develop mitigation to offset or ameliorate adverse effects. The concerns and suggestions of potentially affected minority and/or low-income populations should be carefully considered in the development of mitigation measures. Once mitigation measures have been developed there should be follow-up to ensure they are implemented and are effective.

8. Where applicable, notify interested or affected parties of the availability of the Environmental Assessment and encourage comment. The draft provides an important opportunity to demonstrate how concerns raised during the outreach process have been considered in the development of alternatives and to encourage additional input.

9. Notify interested or affected parties of agency decision. Notification should include all parties contacted during the outreach process and those who provided comment on the environmental assessment. Agencies are encouraged to meet with any affected populations to discuss and answer questions about the actions planned.

10. Assess effectiveness of outreach. Applicants are encouraged to evaluate their outreach efforts to minority and low-income communities and to determine whether the outreach should be modified for future projects.

Environmental Justice Flowchart for Environmental Assessments

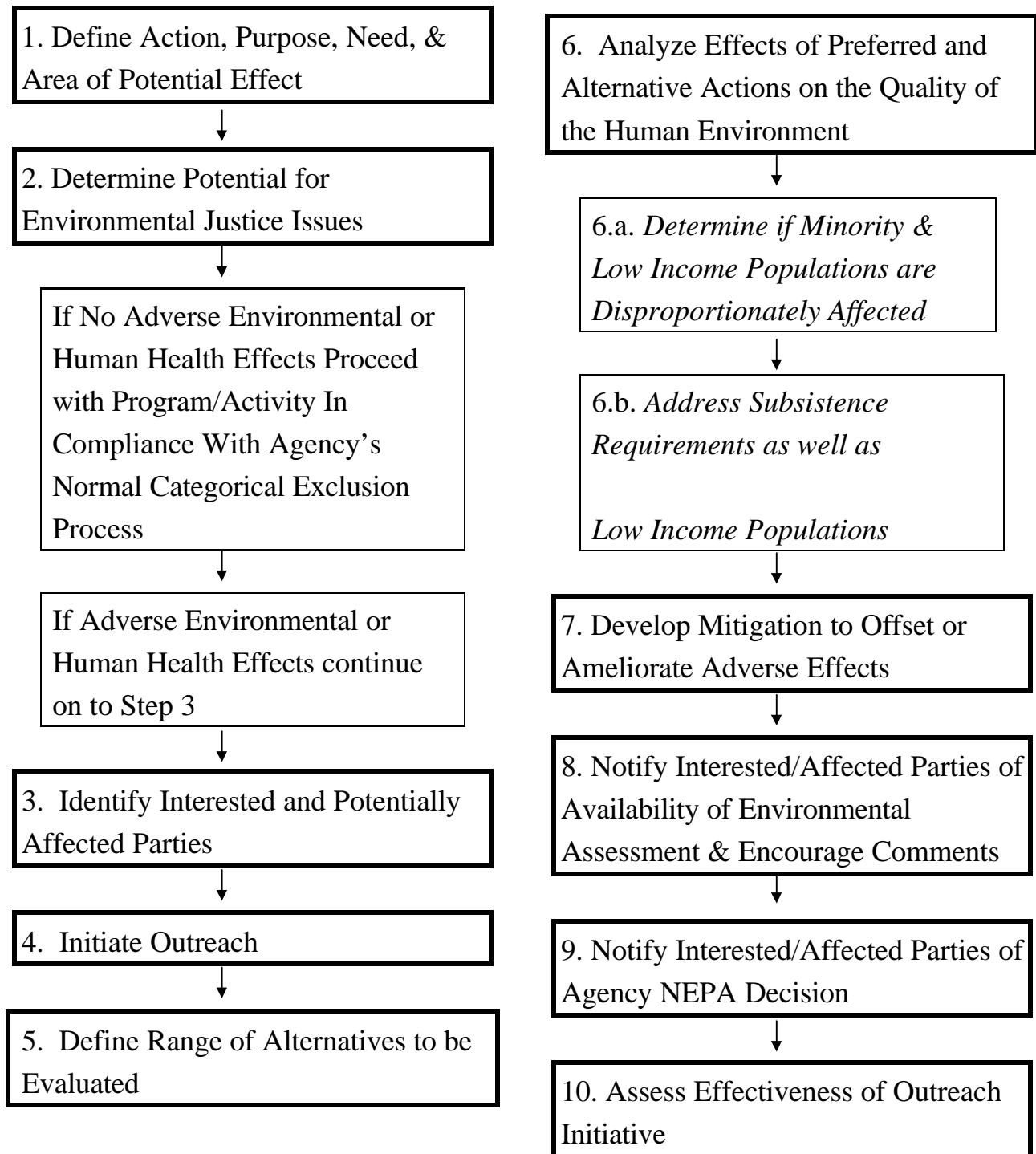


EXHIBIT G
LISTING OF REGULATIONS, STATUTES, AND EXECUTIVE ORDERS
THAT MAY BE APPLICABLE TO PROPOSED ACTIONS BY APPLICANTS

LISTING	CITATION
Archaeological & Historical Preservation Act	16 U.S.C. 461
Clean Air Act	42 U.S.C. 7401
Clean Water Act	32 U.S.C. 1251
Coastal Barrier Improvement Act	42 U.S.C. 4028
Coastal Barrier Resources Act	16 U.S.C. 3501
Coastal Zone Management Act	16 U.S.C. 1451
Comprehensive Environmental Response, Compensation, & Liability Act	42 U.S.C. 9601
Council on Environmental Quality Regulations	40 CFR parts 1500-1508
Endangered Species Act	16 U.S.C. 1531 et seq.
Farmland Protection Policy Act	7 U.S.C. 4201 et seq.
Marine Protection, Research, & Sanctuaries Act	33 U.S.C. 1401
National Environmental Policy Act	42 U.S.C. 4321-4346
National Historic Preservation Act	16 U.S.C. 470 et seq.
National Trails System Act	16 U.S.C. 1241
Native American Graves & Repatriation Act	25 U.S.C. 3001
Noise Control Act	42 U.S.C. 7901
Resource Conservation & Recovery Act	42 U.S.C. 3251
Safe Drinking Water Act	42 U.S.C. 300
Toxic Substances Control Act	15 U.S.C. 2601
Wild and Scenic Rivers Act	16 U.S.C. 1271
Wilderness Act	16 U.S.C. 1131
E.O. 11514, Protection and Enhancement of Environmental Quality	3 CFR 1970 Comp., pg. 104
E.O. 11593, Protection and Enhancement of the Cultural Environment	3 CFR 1971 Comp., pg. 154
E.O. 11988, Floodplain Management	3 CFR 1977 Comp., pg. 117
E.O. 11990, Protection of Wetlands	3 CFR 1977 Comp., pg. 121
E.O. 12898, Environmental Justice	3 CFR 1994 Comp., pg. 859

EXHIBIT G
LISTING OF REGULATIONS, STATUTES, AND EXECUTIVE ORDERS
THAT MAY BE APPLICABLE TO PROPOSED ACTIONS BY APPLICANTS
(CONTINUED)

LISTING	CITATION
Departmental Regulation, Land Use Policy	DR 9500-3
Departmental Regulation, Fish & Wildlife Policy	DR 9500-4
Departmental Regulation, Policy on Range	DR 9500-5
USDA's National Environmental Policy Act; Final Policies & Procedures	7 CFR Part 1b & 1c
Highly Erodible Land & Wetland Conservation	7CFR Part 12
USDA, NRCS, Farmland Protection Policy	7 CFR Part 658
USDA's Enhancement, Protection, & Management of the Cultural Environment	7 CFR Part 3100