

**UNITED STATES DEPARTMENT OF AGRICULTURE
RURAL UTILITIES SERVICE**

**BULLETIN 1794A-600
(REVISED)**

SUBJECT: Guide for Preparing an Environmental Report
for Categorically Excluded Projects

TO: All Electric and Telecommunication Applicants

EFFECTIVE DATE: Date of Approval

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OFFICE OF PRIMARY INTEREST: Engineering and Environmental Staff

PREVIOUS INSTRUCTIONS: This is a revised bulletin that supersedes REA Bulletin 1794A-600, November 1993.

FILING INSTRUCTIONS: This bulletin is also available on RUSNET.

PURPOSE: The purpose of this bulletin is to provide guidance and assistance in the preparation of an Environmental Report for categorically excluded projects listed in Section 1794.22(a) 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 environmental 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 RUS applicants. Where words of a "mandatory" nature are used, they are meant to reflect environmental requirements created by existing laws and regulations.

In most situations, the guidance supplied is equally applicable to proposals made by both RUS electric and telecommunication applicants. Where a distinction is necessary, reference is made to the specific type of project whether it be a construction work plan or loan design.

/S/ Wally Beyer
Administrator

December 15, 1998
Date

RUS BULLETIN 1794A-600

(REVISED)

GUIDE FOR PREPARING

THE ENVIRONMENTAL REPORT

FOR CATEGORICALLY EXCLUDED PROJECTS

ENGINEERING AND ENVIRONMENTAL STAFF

RURAL UTILITIES SERVICE

U.S. DEPARTMENT OF AGRICULTURE

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ABBREVIATIONS & ACRONYMS

BIA	Bureau of Indian Affairs
BLM	Bureau of Land Management
CBRS	Coastal Barrier Resources System
CEQ	Council on Environmental Quality
CFR	<i>Code of Federal Regulations</i>
COE	U.S. Army Corps of Engineers
CWP	Construction Work Plan (Electric Program)
CZMA	Coastal Zone Management Act of 1972, as amended
DNR	Department of Natural Resources (State)
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>	et sequential (and following)
FEMA	Federal Emergency Management Agency
FPPA	Farmland Protection Policy Act, as amended
FR	<i>Federal Register</i>
kV	kilovolt
LD	Loan Design (Telecommunication Program)
MOA	Memorandum of Agreement
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 Resource Conservation Service
ROW	right-of-way
RUS	Rural Utilities Service
§	Section
SCADA	Supervisory Control and Data Acquisition System
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)

USDI U.S. Department of the Interior
USFS U.S. Forest Service
USFWS U.S. Fish and Wildlife Service
USGS U.S. Geological Survey
WWW World Wide Web

1.0 INTRODUCTION

Projects listed in the Rural Utilities Service's (RUS) Environmental Policies and Procedures, 7 Code of Federal Regulations (CFR) Sections (§§) 1794.22(a) and 1794.23(c) require the submittal of a Environmental Report (ER) for RUS review. Projects listed in §1794.21(b) may require the development of an ER to provide for extraordinary circumstances. It is the purpose of this document to provide guidance to RUS applicants and their consultants in the preparation of an ER for categorically excluded projects specifically listed under §§1794.21(b) and 1794.22(a). A list of the projects within these two categories is contained in Exhibits A and B respectively.

An adequate ER will enable RUS to evaluate the environmental effects of a proposed categorically excluded project. It also enables RUS to fulfill its obligations under the National Environmental Policy Act of 1969 (NEPA), as amended, and other environmental mandates. RUS IS SOLELY RESPONSIBLE FOR DETERMINING THE ADEQUACY OF THE ER AND THE PROPOSED PROJECT'S ENVIRONMENTAL ACCEPTABILITY.

Section 1508.4 of the Council on Environmental Quality (CEQ) Regulations that implement NEPA define "categorical exclusion" as "a category of actions which do not individually or cumulatively have a significant effect on the human environment and which have been found to have no such effect in procedures adopted by a Federal agency ... and for which, therefore, neither an environmental assessment nor an environmental impact statement is required."

In order for RUS to approve an ER, the ER must be sufficiently detailed to allow RUS to determine the environmental effects of the proposed project and to ensure that its Federal action will satisfy all environmental requirements. Descriptions and accompanying 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. ALL CONCLUSIONS 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 can also be included in the ER. These documents may serve as the ER or a part thereof as long as the document contains information that would normally be included in an ER. The duplication of paperwork should be avoided.

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 will provide links to other web sites that can also be helpful in preparing an ER. You are

encouraged you take advantage of these excellent resources. RUS maintains a list of useful web sites on the RUS Engineering and Environmental Staff (EES) home page that is www.usda.gov/rus/water/ees.

If, during the preparation of an ER, a question arises concerning what is needed, 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 major environmental problems.

2.0 FORMAT OF ER

General format:

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

2.1 Project Description

A brief narrative statement describing the proposed project(s), including a description of the construction process should be presented. The description should include sufficient detail to understand the nature of the project(s). To the extent practical, the location(s) and/or route(s) of projects should be identified on a map(s) as discussed in Section 2.4. Photographs of the project area and drawings of the structures may also be helpful.

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

- a. U.S. Geological Survey (USGS) or similar maps or photocopies thereof, clearly showing the location of the proposed project;
- b. Line length or size of area where the facility will be located;
- c. Structure type, height, and number per mile;
- d. Description of site development (substation, headquarters, or generation facility);
- e. Location of any new access roads;
- f. Brief description of methods used for right-of way (ROW) or site clearing, project construction, and project maintenance;
- 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.

Sample project descriptions are provided in Exhibit A.

2.2 Need for the Project

The purpose of and need for the project(s) should be provided in sufficient detail for RUS environmental staff to understand the need for the project(s).

2.3 Alternatives to the Proposed Project

Alternative routes and/or sites should be considered for any project that may conflict with existing statutes, regulations, Executive Orders (E.O.), etc., established to protect, preserve, or enhance environmental quality. For example, an alternative location and/or design may need to be considered for a project that may have an adverse effect on a historic property that is listed or eligible for listing on the National Register of Historic Places.

Specific alternatives that normally are discussed may include, but are not necessarily limited to: (a) no action; (b) alternative corridors, routes, or sites; (c) other methods to provide service; (d) alternative construction methods and materials; (e) alternative designs; and (f) combinations of the above alternatives.

RUS recognizes that for many minor projects there may be few, if any, reasonable alternatives. In such situations, the ER should briefly explain the basis for such a conclusion. Where there are reasonable route or siting alternatives, they should be indicated on maps as discussed in Section 2.4.

2.4 Affected Environment

This portion of the ER should describe the environment of the area(s) to be affected by the proposed project(s) and reasonable alternatives. The description should only present relevant information. Photographs can be especially useful in documenting current land use and previous land disturbance. Land use and points of significant concern should be included if affected by the project. Maps of sufficient detail to identify important geographic features are an invaluable tool in presenting the nature of the existing environment. Use of maps especially when the proposed project(s) and reasonable site and route alternatives are superimposed on the maps, greatly facilitates agency review and comment.

Generally U.S. Geological Survey (USGS) 7 1/2 or 15 minute maps* will best convey the needed information to RUS, other Federal, State, and local agencies and the public. Since USGS maps

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

provide topographic and other data (*e.g.*, 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.

From RUS' experience, road maps, and applicant utility system maps (key maps) are generally unsuitable because insufficient geographical detail to facilitate the evaluation of potential environmental concerns. Consequently, environmental clearance often has been delayed while the applicant prepares or obtains new maps or agencies attempt to laboriously match the applicant's submission with their data base which is often keyed to USGS maps.

While USGS maps are generally preferred by RUS and other Federal and State agencies, there can be a problem in using them. In many cases, the most recent revision of a specific USGS map may have occurred several years ago. Commercial, industrial, and residential development activities or other land use changes may have substantially altered the character of the area. New roads and highways can influence the route or site of new applicant facilities. Such major modifications in land use should be depicted directly on the maps or included as a narrative keyed to the maps. 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

Both general environmental issues and those environmental factors singled out for special attention under other applicable Federal laws, regulations, and Executive Orders (E.O.) should be discussed for the proposed project(s) and reasonable alternatives. Section 3 provides more detailed discussion on many of the factors that should be included in the discussion of environmental impacts.

2.6 Mitigation and Monitoring

The applicant must describe the mitigation measures and monitoring commitments which will be implemented to avoid or minimize the impacts of the proposed project(s) (refer to 40 CFR § 1505.3). These measures and 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.

To facilitate the review process, mitigation measures and monitoring commitments to be used during site or ROW clearing and project construction should be separated from those to be

employed during operation of the facility. When possible, the applicant's mitigation and monitoring commitments should be specific (*e.g.*, herbicide use on ROW, etc.).

It is the applicant's responsibility to ensure that the personnel who are constructing and operating the project(s) are aware of the mitigative measures committed to in the ER. 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.

2.7 Correspondence and Other Project Coordination

Correspondence and conversations with Federal, State, and local agencies are especially important. The significance of such contacts arises from the agencies' specialized expertise and/or jurisdiction by law and the fact that public notice is not routinely required for categorically excluded projects. Detailed discussion of agency contacts is contained in Section 5.

The ER should include all pertinent correspondence (outgoing and incoming) concerning environmental matters related to the proposed project(s) and reasonable alternatives. Conversations on environmental matters including telephone calls and meetings pertinent to the proposed project(s) and alternatives should: (a) be documented; (b) be followed up with a confirmation letter; (c) reflect the concerns raised and recommendations made from an environmental standpoint; and (d) 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. Failure to adequately address agency concerns will, in most cases, delay the approval of the ER.

2.8 Newspaper Advertisements and Legal Notices

Applicants are required by 7 CFR Part 1794 to publish BOTH a legal notice and paid advertisement for those projects that are located in and may affect floodplains or wetlands (7 CFR §1794.32). Copies of such legal notice and advertisement, and comments received must be provided to RUS in a timely manner (7 CFR §1794.13(a)). If no comments were received, the applicant should state that fact. More detailed discussion on newspaper notices is presented in Section 6.

If the applicant is aware of any newspaper articles (whether applicant generated or not) or other media commentary on its proposed project(s), copies of the articles or other written commentary and summaries of oral commentary should be included.

2.9 Manager's Signature

The ER is one of the primary support documents for an application for financial assistance or other approval from RUS. Regardless of whether the ER is prepared by the applicant's staff or an independent contractor, it is important for the manager to carefully review the document and be aware of its contents. Before submitting the ER to RUS, the manager should:

- a. Have reasonable assurance that the information is comprehensive and accurate;
- b. Consider the environmental impacts of the proposed project(s);
- c. Carefully consider the environmental commitments made, mitigation measures, and monitoring programs agreed to in the ER and their costs (RUS expects the applicant to abide by and carry out such commitments and agreements as a condition of RUS' approval);
- d. Determine how the personnel responsible for the construction, operation, and maintenance of the proposed project(s) will be made aware of the environmental measures to be implemented; and
- e. Recognize that any additional relevant environmental data received after submission of the ER should be submitted to RUS.

To help RUS assure that the applicant fully recognizes the implications and the obligations arising from the ER, RUS strongly encourages the applicant to insert a brief statement covering the above five points at the end of the ER to be signed by the manager. An example of a manager's statement is provided in Exhibit C.

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 types of information that should be provided in the ER, and potential sources of the information. Because this list has been prepared for a general ER project, the applicant MAY NEED TO MODIFY OR ADD TO THESE ISSUES, as appropriate, for specific projects. 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 I. 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,

Normally, some of the best sources for information to be included in the ER are Federal, State, and local agencies. Documents transmitting this information or a record of conversations or meetings with such agencies should be attached to the ER. In reviewing an ER, RUS will place considerable emphasis on whether appropriate agencies have been contacted by the applicant, the nature of the agency's comments, and the applicant's response to the comments. Detailed information on agency contacts is presented in Section 5.

The above discussion is not meant to imply that the applicant must always contact appropriate 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 geographical 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. Alternatively, the applicant may have a current and accurate environmental database (see Section 4) that clearly establishes that a project will or will not have a potential impact on an environmentally sensitive resource. Thus, an applicant need not request comment and input from all of the agencies listed in the following sections 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 CONCLUSIONS REACHED. For example, a statement that "no floodplains will be crossed by the project" with no additional background normally will be considered inadequate for RUS' purposes. If the applicant developed the above floodplain

information by examining national flood hazard boundary 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 the Federal Emergency Management Agency (FEMA) maps X-23 and Y-21 which cover the project area and found that the project will not cross any 100-year floodplain."

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 that 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 type of land use information which should be provided for all new construction, especially transmission lines, tie lines, substations, and headquarters facilities (by narrative description and/or 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 use such as cropland, rangeland, forest, residential, commercial, etc.;
- d. An estimate of the number of homes, schools, and businesses in close proximity to a proposed transmission line ROW and generation or substation site. Provide similar information for alternatives evaluated; 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 U.S. Department of Agriculture (USDA) Departmental Regulation No. 9500-3, Land Use Policy provide protection for important farmland, prime forest land, and prime rangeland. The USDA regulation, 7 CFR Part 658, implements FPPA. To provide for compliance with the above requirements, the applicant should present:

- a. Area of important farmland, prime forestland, and prime rangeland the project will impact;
- b. Where adverse impact or conversion of such lands will occur as a result of the project, a discussion concerning such 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 Resource Conservation Service (NRCS) and the local site assessment agency (if any).*

The information requested for (a) and (b) above is generally not necessary for projects involving: (1) buried cable; (2) aerial utility lines involving single-pole structures either located in or immediately adjacent to a road ROW; (3) reconductoring, replacement, or upgrading of existing utility lines using the same or equivalent (from a land use perspective) support structures; or (4) any other facilities or structures applicable to the operation of a particular farm unit.

3.1.3 Formally Classified Lands

There are certain properties that are either administered by Federal, State, and local agencies or have been accorded special protection through formal designation. Such formally classified areas that may be encountered include, but are not necessarily limited to: national parks and

* When a Form AD-1006 is needed, the applicant completes Parts I and III and submits the form to the local NRCS office who in turn should complete Parts II, IV, and V. (The NRCS office has up to 30 working days to complete and return the form. In the event the NRCS fails to return the form in the required time, and if further delay would interfere with construction activities, the applicant should proceed with the project as though the site where it would be located is not farmland.) If the “yes” box is checked in Part II on the returned form, the applicant should complete Parts VI and VII of the form and total the points. Alternative sites for locating the project should be evaluated for sites totaling 160 points or more. For sites receiving a total of less than 160 points, no additional sites need to be evaluated and the site need not be given further consideration for farmland impacts. If the applicant does not have the site assessment criteria for filling out Part VI pursuant to 7 CFR 658.5(b), the applicant should request this from the NRCS when originally submitting the form. If the “no” box is checked in Part II of the form, do not complete the rest of the form. The form, either checked “yes” or “no” in Part II should be included in the BER.

monuments; national natural landmarks; 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(s) and alternatives;
- b. The direct or indirect impact to any formally classified lands if the proposed project(s) occurs in a close enough proximity to these lands;
- c. The views of the agencies or Indian tribes administering the potentially impacted properties identified in (a) and (b) above;
- 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 or NRCS field office -- important farmland, prime forest land, and rangeland and erosion control. If the area in question has not been mapped as to 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, wilderness areas;
- f. U.S. Forest Service (USFS) -- administered lands, wilderness areas, and prime forest lands;
- g. U.S. Fish and Wildlife Service (USFWS) -- wildlife refuges;
- h. State and local land management and planning agencies -- wild, scenic, and recreational rivers;
- i. State Department of Natural Resources (DNR) or equivalent agency;
- j. BIA -- Tribal lands (contact with individual tribes may be necessary).

Sample correspondence is included in Exhibit D.

3.2 Floodplains

E.O. 11988, "Floodplain Management" requires Federal agencies to avoid actions, to the extent practicable, which will result in the location of facilities in floodplains and/or affect floodplain values. Facilities located in a floodplain may be damaged seriously by floodwaters or may change the flood handling capability of the floodplain or the pattern or magnitude of the flood flow. Normally single pole structures and buried cable should be considered to have no significant impact on floodplain values.

The relevant floodplain for most applicant projects is an area that has a 1-percent chance of a flood occurrence in a given year. A flood of this interval is also 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 activities." Critical activities include health care facilities, emergency service facilities, and areas used for the storage of hazardous materials.

Electric Program applicants should consider "critical activities" to include generation and transmission facilities, 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. Telecommunication facilities are not considered "critical activities."

3.2.1 Floodplain Information

- a. Determine if the proposed action or any portion thereof will be located in a 100-year floodplain;
- b. Provide a list of facilities that were 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 or length 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 using 1-800-638-6620. A six-digit community identification number is needed to get the maps. The applicant should first attempt to get this number from local community or county officials. A state status book is available free from FEMA. If necessary, FEMA will locate the community number;
- b. U.S. Army Corps of Engineers (COE) -- floodplain information in the absence of FEMA maps; FEMA maps; assessment of floodplain impacts;
- 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 from the COE, the agency responsible for administering 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 power lines and telecommunication cable projects are located in wetlands. However, since all wetlands have not been mapped, Soil Survey Maps should be consulted for projects such as substations, headquarters, and other such projects in which a defined acreage will be impacted. If the project will be located in hydric soils, an onsite wetland delineation should be performed.

3.3.1. Wetlands Information

- a. Location of wetlands in relation to the project;
- b. Amount of wetlands to be directly affected by construction and amount that 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 or cumulative impacts to the wetland;
- f. Measures to minimize impacts in wetland that will be taken if avoidance is not practicable (this may appear in the monitoring and mitigation section); and
- g. Number of rivers, streams, creeks, etc. crossed.

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 D.

3.4 Cultural Resources

The National Historic Preservation Act (NHPA) and the Advisory Council on Historic Preservation's implementing regulations, 36 CFR Part 800 require Federal agencies take into account the effect their actions (undertakings) may have on historic properties BEFORE carrying out such actions. Undertaking as it applies to RUS actions is defined in Section 301(7) of the NHPA as: “. . . a project, activity, or program funded in whole or in part under the direct or indirect jurisdiction of a Federal agency, including those carried out with Federal financial assistance.”

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; and
- 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 Of Information

- 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);
- d. BIA; and
- e. State or local historical or archaeological societies.

Sample correspondence is included in Exhibit D.

To fully support a cultural resources review, it is necessary to identify all historic properties within the vicinity of the proposed undertaking and determine the effect it will have on those resources. In the past, the SHPO has identified these resources for the applicant, even though the regulations do not require them to perform this function. If the SHPO is unable to assist the applicant, RUS suggests that the applicant contract a professional who meets the Secretary of Interior's Professional Qualification Standards (48 FR 44738-9) to identify the historic properties. If the SHPO agrees to identify historic properties but fails to respond within 30 days,

*"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.

proposed undertaking. The applicant should again contact the SHPO and inquire about the status of the ER's review.

When a SHPO requests the applicant perform an 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 the approvals in the absence of adequate justification or evidence from the SHPO or other sources.

In addition to identifying historic properties, the 1992 Amendments to NHPA require RUS to identify and "consult with any Indian tribe or Native Hawaiian organization that attaches religious and cultural significance to properties [eligible for listing in the National Register of Historic Places]. . ." (Section 101(d)(6)(B))." It is important to note that such properties are not always located on Indian Reservations or properties owned by Indian tribes or Native Hawaiian organizations. Instead they may occur within private, State, or Federally managed lands like those of the U.S. Forest Service or the Bureau of Land Management. Therefore the applicant should not rely solely on property ownership to indicate whether Indian tribes or Native Hawaiian organizations would have historic property concerns. To identify what groups may have concerns about a proposed undertaking, the applicant should consult with the appropriate land management agencies and/or the SHPO.

If it is determined that an historic property may be impacted by a proposed undertaking and the property is eligible for listing on the National Register of Historic Places, the applicant should contact RUS immediately so that an agreement with the SHPO can be developed to ensure the protection of the historic property during construction and timely completion of the proposed undertaking. Historic properties that are not eligible for listing on the National Register are not afforded any protection under the NHPA.

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. Section 7 of the ESA requires Federal agencies to consult with the USFWS or the National Marine Fisheries Service (NMFS), as appropriate, to insure 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 critical habitat. According to the regulations, 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 (NMFS, if appropriate). 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 proposed critical habitat, the applicant should contact RUS as soon as possible. It should be noted that in situations where cooperatives are not requesting financing assistance, they are still subject to Section 9 of the ESA that prohibits the taking of a species.

Usually a clearance or no effect determination given for projects within a CWP is only effective within the time frame of the CWP. In some cases, the USFWS has given clearance with a stipulation that the new construction must take place within one year of the date of its letter. This is being done because new species are being listed and critical habitat is being defined or modified. Where a 4-year CWP, has been prepared, applicants should again contact the USFWS prior to the final two years of the CWP to ensure that no new species or critical habitat has been listed that could be impacted by project construction. Particular attention should be paid to proposed species identified during the initial USFWS contact since these species are most likely to be listed. Conversely, critical habitat for some species within the project area may be deleted and certain types of mitigation may no longer be necessary. Carryover projects from the previous CWP should also be checked with the current species listing to ensure that no new species have been added since the last contact with the USFWS.

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

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 or 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 designated critical habitat; threatened or endangered species and proximity to 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 Regional or Field Office (www.fws.gov). This office must be contacted for all projects 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. APPLICANT SHOULD NOTE THAT WHEREAS THE USFWS HAS NORMALLY IDENTIFIED THESE RESOURCES FOR THE APPLICANT, THE REGULATIONS DO NOT REQUIRE THEM TO PERFORM THIS FUNCTION. RUS also recommends that the applicant not use the term "consultation" in its requests to USFWS and NMFS. Such language may trigger confusion and unnecessary detailed consultation. Each 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.;
- 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 D.

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 projects. Unnecessary adverse impacts should be avoided.

3.6.1 Fish and Wildlife Resource Information

- a. A description of the fish and wildlife species in the project area; and include such things as sedimentation, ground clearing for the project site, access road or ROW, stream or river flow impedance, increased access, forest fragmentation, and increases in hunting or fishing.

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 provide forestry resources. In addition, this information can be used in evaluating potential impacts to threatened and endangered species.

3.7.1 Vegetation Resources 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 help protect coastal areas.

The CZMA of 1972 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" may vary among the states.

The Coastal Barrier Resources Act and the Coastal Barrier Improvement Act only apply to selected geographic areas called "Coastal Barrier Resources System Units" (CBRS). 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 along the coasts of states bordering the Pacific Ocean but are not yet part of the CBRS. 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. An indication 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 to be used to achieve consistency with the State's coastal zone management plan (this 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 Service
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 D.

3.9 Air Quality

Most projects listed in §1794.31(c) which require an ER will cause little, if any, long-term air emissions. New diesel generation of less than 5 megawatts (MW) is the only project in this category that will produce measurable air emissions during operation. However, during construction there often are emissions from construction vehicles, fugitive dust from site or ROW clearing, and ash from burning debris. Although specific Federal regulations exist which address these emissions from construction, 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 what, if any, of its construction activities must comply with the SIP. The ER should state what requirements, if any, the applicant has to comply with.

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; and
- d. Anticipated effects on air quality from operation of diesel projects (less than 5 MW).

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 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 substation or headquarters facility or that will be spanned by overhead lines;
- b. Effects of renovation, dredging, and operation of hydroelectric facilities, if applicable;
- 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 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 are anticipated to 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, 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 directly 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, and substations, especially where these facilities are located adjacent to

airports, in residential areas, or cross roads, highways, 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, or other potential obstacles; and
- b. Impairment of highway safety or navigable waterways.

3.12.2 Potential Sources

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

3.13 Noise, Radio, and Television Interference

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

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 Source

- a. EPA Regional Office.

3.14 Human Health and Safety

Public, media, regulatory, and scientific concerns that exposure to power-frequency electric and magnetic fields (EMF) may cause a variety of health effects has been increasing. Consequently, the location of transmission lines and substations near residential areas, schools, and other public facilities has become very controversial 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 construction and operational activities associated with categorical excluded projects have little or no direct socioeconomic impact on the area in the vicinity of a project.

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. 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.

The ER 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 ER 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 a categorically excluded project is included in Exhibit H.

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

- a. Federal, State, and Local Elected Officials and Agencies
- b. State, Regional, and Local Planning Agencies
- c. News Media, the Internet, and other electronic media
- d. LandView Environmental Mapping Software (Bureau of Census)
- e. Libraries, Vocational and other Schools, Colleges, and Universities
- f. Religious Groups and Organizations
- g. Tribal Governments and Tribal Organizations
- h. Public Health Agencies and Clinics
- 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 ENVIRONMENTAL DATA BASE

After an applicant goes through a few iterations of contacting agencies and preparing ERs, there is a probability that the applicant may become aware that: (a) contact with each agency takes resources and time, both for initiation and response; (b) sometimes agencies will become reluctant to respond to continued requests for comment on minor projects; (c) many areas or issues of environmental concern do not change rapidly over time; (d) the response elicited from agencies often has the nature of a form letter; and (e) some agencies such as the COE may require payment for information.

Much of the paperwork generated by the resources expended on a succession of ERs can be ameliorated by the applicant's development of a comprehensive service area environmental map and database. One of the primary purpose of the environmental review process is to encourage Federal agencies and private parties to avoid unnecessary development in areas of environmental sensitivity. An up-to-date organized catalogue of comprehensive environmental information concerning the applicant's service area will give the applicant a powerful tool to plan its system in a way that is relatively benign.

RUS suggests that the applicant's planning process, interaction with agencies concerned with environmental matters, and RUS' ultimate environmental review can be less troublesome if the applicant endeavors to develop this database. Moreover, to the extent that certain projects are dealt with in a generic fashion in an ER for a Construction Work Plan (CWP) or Loan Design (LD), such a database can streamline the process of releasing funds. Maintenance of such a database may also encourage a generic agreement with an agency concerning construction so long as environmental stipulations are carried out.

RUS does not mean to imply that an applicant must develop such a long-term database. Rather, we believe that considering relevant environmental factors through use of the data base will: (a) improve the utility service planning process; (b) expedite and reduce the cost of environmental documentation; (c) foster communications with Federal, State, and local agencies; (d) avoid unnecessary accusations of environmental insensitivity; and (e) permit the applicant to take environmental concerns into account when faced with emergency situations.

The creation of the initial database will take some effort. However, in many geographic areas of the United States, the long-term rewards should exceed by far the cost of the initial work and periodic updates to keep the information and map depiction's current. Contact RUS for further information in preparing such a database.

4.1 Natural Resource Management Guide

Each USDA Rural Development office in each State is required to maintain a Natural Resource Management Guide for that State. The guide provides an inventory of the locations within the State of those natural resources, land uses, and environmental factors that have been specified by Federal, State, and local authorities as deserving some degree of protection or special consideration. The guide summarizes the various standards or types of Federal, State, or local protection that apply to the natural resources, land uses, and environmental factors listed in the inventory. A copy of the current Guide can be obtained through the RUS General Field Representative for that state.

5.0 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 potential environmental impacts of proposed projects. Agency contacts should be initiated via written correspondence. In emergency situations or in cases when the agency fails to respond to the initial written communication, telephone, or person-to-person communications 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 the review, the applicant needs to submit a project description to the agencies including maps of the proposed project location and site/route alternatives that may be 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 and telecommunications 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 all of its 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.

5.1 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 letter has been received. Written documentation of follow-up telephone conversations or meetings with agencies should be included in the ER.

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.

5.2 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 an issue for which input was 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 courses of action that may be necessary to ensure compliance with applicable laws, regulations, or E.O.s that may apply.

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 environment impacts, not merely those environmental resources specifically protected by another Federal law, regulation, or E.O.

An agency response to an applicant request for comment may indicate that an agency perceives no environmental impact of concern in its field of expertise for a certain class of project under all or certain conditions (*e.g.*, "no effect on archaeological resources so long as wood pole construction is in or adjacent to a road ROW"). The applicant should check with RUS to find out whether RUS will accept such a letter as clearance for future projects of the same type. In certain

instances, RUS may need to go through a formal rulemaking process or enter into a formal programmatic agreement before such an "exception" or "blanket clearance" can be made.

6.0 PUBLIC NOTICE

Public notice is required for applicant proposals that involve activities that are located in and may affect floodplains or wetlands (7 CFR §1794.32). Note that this notice requirement includes categorically excluded projects which normally only require a project description under 7 CFR §1794.21(b). The legal notice and paid advertisement should be published soon after the applicant has determined that the proposed project will be located in a floodplain or wetland.

A sample applicant paid advertisement and legal notice for a project located in a floodplain or wetland is contained in Exhibit F. The general applicant notice requirements of 7 CFR §1794.13(a) apply. The public should be afforded a minimum comment period of 30 days.

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 insure 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 paid advertisement should be designed to attract the attention of a typical reader. As such, it should be of reasonable size and prominence and not be placed in an obscure portion of the newspaper.

The paid advertisement need not provide as much detail as the legal notice so long as the advertisement indicates where the legal notice is located in the same edition of the newspaper (7 CFR §1794.12(b)). However, the paid advertisement should provide sufficient information to alert the potentially interested members of the general public.

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. However, 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 notice has been published, the applicant must submit copies and publication dates of the legal notice and paid advertisement in a timely manner (see 7 CFR §1794.13(b)) . No publisher's affidavit is required. Further, as required in §1794.13(b), a copy 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 on environmental matters in this submission to RUS.

7.0 ER FOR GEOGRAPHICALLY NONSPECIFIC PROJECTS

A typical CWP/LD contains a mixture of projects falling within one of the following categories:

- a. Facilities where locations or routes can be specified or proposed;
- b. Facilities where locations or routes cannot be identified because construction will begin well after the beginning of the period covered by the CWP/LD and precise location or need cannot yet be determined; and
- c. Facilities of a very minor nature such as service drops or short relocation's which will be constructed due to individual requests, usually at dispersed locations, and are required to be available for use in a short time period.

The projects falling within (a) above can be readily addressed using the ER approach outlined in Section 2.0. However, such detailed treatment is not possible for the other two categories. The facilities in group (b) lack sufficient location specificity to identify localized impacts. The projects falling within category (c) lack sufficient location specificity, are of minuscule size, are generally constructed in large numbers, and generally need a quick applicant response to the request for service. Consequently, TO THE EXTENT NECESSARY AND PRUDENT, an applicant may address facilities falling within categories (b) and (c) in a generic manner.

7.1 Generic Presentation - General

When using a generic form of project description and environmental discussion, three thoughts should be kept in mind:

- a. A generic presentation SHOULD BE USED ONLY FOR A COMPELLING REASON. In a sense, generic treatment is a last resort where the alternative of a more detailed presentation is administratively or environmentally impractical. For example, while the precise route of a line to be built 1 1/2 years after the grant of RUS assistance may not be ascertainable at the outset, it may be possible to narrow the potential corridor or area sufficiently to permit environmental clearance. It is RUS' intent that the maximum practicable amount of site-specific environmental review be accomplished prior to the grant of financial assistance;
- b. BOTH SITE-SPECIFIC AND GENERICALLY DESCRIBED PROJECTS CAN BE DISCUSSED IN THE SAME ER. There is no need to provide separate ERs for category (a), (b), and (c) projects. However, the applicant should attempt to separate these categories within the ER to enhance the speed of RUS' and other agencies' review, as well as the preparation of financial assistance documentation;
- c. GENERIC TREATMENT CREATES DIFFERENT RESPONSIBILITIES FOR THE APPLICANT FOR CATEGORY (b) VERSUS CATEGORY (c)

PROJECTS. Because of the nature of category (c) projects, it is impractical to address each project individually. Thus, the generic environmental discussion in the initial ER concerning the CWP generally will be sufficient to permit construction with no further submission of information to RUS. For category (b) proposals, the generic treatment in the initial ER is likely to provide insufficient information to permit RUS to approve construction at that time. However, the generic discussion at the outset is both necessary and sufficient to allow approval of the overall financial assistance package. Release of funds is contingent upon submission, at a later date, of an adequate site-specific ER addressing the category (b) project.

7.2 Generic Presentation - Details

The generic presentation of category (b) and category (c) projects described in Section 7.1 should include:

- a. A project description;
- b. Project need;
- c. For category (b) projects, any preliminary location limits; and
- d. For category (b) project, a commitment not to initiate site clearing or construction until a site-specific ER has been submitted and found acceptable by RUS.

The generic presentation with respect to the CWP for category (c) projects normally will satisfy environmental review requirements. No additional information will need to be submitted. Applicants should avail themselves of category (c) treatment only when the project clearly falls within its definition. For example, in the sample project description in Exhibit A, generic category (c) discussion is reserved only for relatively short line extensions, service drops and short line relocations. It is not RUS' intent that relatively long extensions be accorded such treatment. Long extensions that cannot be predicted specifically at the time of the CWP should be addressed as category (b) projects.

RUS CANNOT EMPHASIZE TOO STRONGLY THAT APPLICANT SITE CLEARING AND CONSTRUCTION CANNOT BEGIN ON CATEGORY (b) PROJECTS UNTIL A SITE-SPECIFIC ER HAS BEEN ACCEPTED BY RUS. Failure to observe this limitation likely would violate the CEQ Regulations (*i.e.*, 40 CFR §1506.1) and other statutory requirements and would jeopardize the ability of RUS to grant financial assistance for the project. Of course, it should be understood that when other prerequisite RUS approvals are required (*e.g.*, design, plans and specifications) no construction should begin until those approvals also have been made.

8.0 SPECIAL TOPICS

There are certain issues that historically many applicants in the process of preparing ERs have raised concerning RUS' environmental requirements and policies for implementing Federal laws and regulations. The topics presented in Sections 8.1-8.3 represent those that most often have needed clarification and elaboration.

8.1 Length of ERs

The amount of information included in an ER will vary depending on the project, its location, existing land use, alternatives available, previous environmental reviews, etc. There are instances when it is clear from the description of the project and the area to be affected that certain types of environmental impacts would not be of concern. For example, a project to be located on an actively cultivated field may not warrant a lengthy discussion on threatened and endangered species or contact with the USFWS. It must be obvious, however, from the discussion provided in the ER that there is no chance that the field could contain plants or animals listed as threatened or endangered.

It is always important to have a good description of the project and the area to be affected. This information will provide support for an argument as to why certain types of environmental impacts do not need to be discussed at length.

ERs may be concise and to the point providing they contain essential information needed by RUS to make an independent review of a proposal's environmental impact. ERs should emphasize quality not quantity.

8.2 ER Equivalence

It specifies in 7 CFR §§1794.21(a) and 1794.41 that the applicant is required to submit either an ER or its equivalent. An equivalent to an ER could be a document prepared for a State or local agency or a Federal agency other than RUS that contains information on the potential environmental impacts of a project that would be similar to the information contained in an ER. The document would not have to be in the format of these guidelines. Equivalent documents that contain some of the information needed for an ER, but not all, could be appended with the necessary information to make them acceptable for RUS review.

8.3 Emergencies

In accordance with §1794.21(a)(4), the RUS environmental staff need not be contacted nor any environmental documentation prior to making repairs because of an emergency situation. An emergency situation has been defined in §1794.6 as: “A natural disaster or system failure that may involve an immediate or imminent threat to public health, safety, or the human environment.”

Following the emergency repairs, an applicant might need to develop a permanent reconstruction or upgrading program to maintain system integrity. When such a program is proposed as part of a CWP or amendment, the proposed projects will require either an ER or project description in accordance with 7 CFR §§1794.21(b) or 1794.22(a). Short-term activities undertaken to restore damaged facilities need only be addressed in the ER and in correspondence with other agencies if the system repairs required development of a new ROW segments that are now proposed to become the permanent ROW for the project.

9.0 RELATIONSHIP TO ENVIRONMENTAL REQUIREMENTS

Readers should note that compliance with RUS' regulations and the use of this bulletin and other 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 its agency contacts and notice to the public (when required) during the preparation, RUS has included appendices to this Exhibit as follows:

- A. List of proposals that normally do not require the submittal of an ER (§1794.21(b)).
- B. List of proposals that normally require the submittal of an ER (§1794.22(a)).
- C. Sample project description;
- D. Examples of letters that may be useful in initiating and conducting agency contacts;
- E. Sample applicant statements in the ER;
- F. Sample public notice; and
- G. A ER checklist, which identifies common major, issues, and areas of needed information.

The information in the following sections is designed to give applicants guidance on: (1) the type of language to use to most effectively communicate with Federal, State, and local agencies, and (2) provision of public notice.

EXHIBIT A
LIST OF PROPOSALS THAT NORMALLY DO NOT
REQUIRE THE SUBMITTAL OF AN ER

Applications for financial assistance for the types of proposed actions listed below, normally do not require the submission of an ER. These types of actions are subject to the requirements of §1794.31. Applicants shall sufficiently identify all proposed actions so their proper classification can be determined. Detailed description shall be provided for each proposal so noted in this section. RUS normally requires additional information, in addition to a description of what is being proposed, to ensure that they are in their proper classification. In order to provide for extraordinary circumstances, RUS may require development of an ER for proposals listed in this section. Proposed actions within this classification are:

- (1) Purchase of land where use shall remain unchanged, or the purchase of existing water rights where no associated construction is involved;
- (2) Additional or substitute financial assistance for proposed actions which have previously received environmental review and approval from the RUS, provided the scope of the proposal and environmental considerations have not changed;
- (3) Rehabilitation or reconstruction of transportation facilities within existing ROW or generating facility sites. A description of the rehabilitation or reconstruction shall be provided to RUS;
- (4) Changes or additions to microwave sites, substations, switching stations, telecommunications switching or multiplexing centers, buildings, or small structures requiring new physical disturbance or fencing of less than one acre (0.4 hectare). A description of the additions or changes and the area to be impacted by the expansion shall be provided to RUS;
- (5) Internal modifications or equipment additions (*e.g.*, computer facilities, relocating interior walls) to structures or buildings;
- (6) Internal or minor external changes to electric generating or fuel processing facilities and related support structures where there is negligible impact on the outside environment. A description of the changes shall be provided to RUS;
- (7) Ordinary maintenance or replacement of equipment or small structures (*e.g.*, line support structures, line transformers, microwave facilities, telecommunications remote switching, and multiplexing sites);
- (8) The construction of telecommunications facilities within the fenced area of an existing substation, switching station, or within the boundaries of an existing electric generating facility site. A description of the facilities to be constructed shall be provided to RUS;
- (9) Supervisory Control and Data Acquisition (SCADA) and energy management systems involving no new external construction;
- (10) Testing or monitoring work (*e.g.*, soil or rock core sampling, monitoring wells, air monitoring);

- (11) Studies and engineering design undertaken to define proposed actions or alternatives sufficiently so that environmental effects can be assessed;
- (12) Construction of electric power lines within the fenced area of an existing substation, switching station, or within the boundaries of an electric generating facility site;
- (13) Contracts for certain items of equipment which are part of a proposed action for which RUS is preparing an environmental assessment or environmental impact statement, and which meet the limitations on actions during the NEPA process as established in 40 CFR 1506.1(d) and contained in §1794.15(b)(2);
- (14) Rebuilding of power lines or telecommunications cables where road or highway reconstruction requires the applicant to relocate the lines either within or adjacent to the new road or highway easement or ROW. A description of the facilities to be constructed shall be provided to RUS;
- (15) Phase or voltage conversions, reconductoring or upgrading of existing electric distribution lines, or telecommunication facilities. A description of the facilities to be constructed shall be provided to RUS;
- (16) Construction of new power lines, substations, or telecommunications facilities on industrial or commercial sites, where the applicant has no control over the location of the new facilities. Related off-site facilities would be treated in their normal category. A description of the facilities to be constructed shall be provided to RUS;
- (17) Participation by an applicant(s) in any proposed action where total applicant financial participation will be 5 percent or less;
- (18) Construction of a battery energy storage system at an existing generating station or substation site. A description of the facilities to be constructed shall be provided to RUS.
- (19) Additional bulk commodity storage (e.g., coal, fuel oil, limestone) within existing generating station boundaries. A certification attesting to the current state of compliance of the existing facilities and a description of the facilities to be added shall be provided to RUS;
- (20) Proposals designed to reduce the amount of pollutants released into the environment (e.g., precipitators, baghouse or scrubber installations, and coal washing equipment) which will have no other environmental impact outside the existing facility site. A description of the facilities to be constructed shall be provided to RUS;
- (21) Construction of standby diesel electric generators (one megawatt or less total capacity) and associated facilities, for the primary purpose of providing emergency power, at an existing applicant headquarters or district office, telecommunications switching or multiplexing site, or at an industrial, commercial, or agricultural facility served by the applicant. A description of the facilities to be constructed shall be provided to RUS;
- (22) Construction of onsite facilities designed for the transfer of ash, scrubber wastes, and other byproducts from coal-fired electric generating stations for recycling or storage at an existing coal mine (surface or underground). A description of the facilities to be constructed shall be provided to RUS;

- (23) Changes or additions to an existing water well system, including new water supply wells and associated pipelines within the boundaries of an existing well field or generating station site. A description of the changes or additions shall be provided; and
- (24) Repowering or uprating of an existing unit(s) at a fossil-fueled generating station in order to improve the efficiency or the energy output of the facility. Repowering or uprating that results in increased fuel consumption or the substitution of one fuel combustion technology with another is excluded from this classification

EXHIBIT B
LIST OF PROPOSALS THAT NORMALLY
REQUIRE THE SUBMITTAL OF AN ER

Applications for financial assistance for the types of proposed actions listed herein normally require the submission of an ER and are subject to the requirements of §1794.32. Proposed actions within this classification are:

- (1) Construction of electric power lines and associated facilities designed for or capable of operation at a nominal voltage of either:
 - (i) Less than 69 kilovolts (kV);
 - (ii) Less than 230 kV provided no more than 25 miles (40.2 kilometers) of line is involved; or
 - (iii) 230 kV or greater involving no more than three miles (4.8 kilometers) of line;
- (2) Construction of buried and aerial telecommunications lines, cables, and related facilities;
- (3) Construction of microwave facilities, SCADA, and energy management systems involving no more than five acres (2 hectares) of physical disturbance at any single site;
- (4) Construction of cooperative or company headquarters, maintenance facilities, or other buildings involving no more than 10 acres (4 hectares) of physical disturbance or fenced property;
- (5) Changes to existing transmission lines that involve less than 20 percent pole replacement, or the complete rebuilding of existing distribution lines within the same (ROW). Changes to existing transmission lines that require 20 percent or greater pole replacement will be considered the same as new construction;
- (6) Changes or additions to existing substations, switching stations, telecommunications switching or multiplexing centers, or external changes to buildings or small structures requiring one acre (0.4 hectare) or more but no more than five acres (2 hectares) of new physically disturbed land or fenced property;
- (7) Construction of substations, switching stations, or telecommunications switching or multiplexing centers requiring no more than five acres (2 hectares) of new physically disturbed land or fenced property;
- (8) Construction of diesel electric generating facilities of five megawatts (MW) (nameplate rating) or less either at an existing generation or substation site. This category also applies to a diesel electric generating facility of five MW or less that is located at or adjacent to an existing landfill site and supplied with refuse derived fuel. All new associated facilities and related electric power lines shall be covered in the ER;
- (9) Additions to or the replacement of existing generating units at a hydroelectric facility or dam which will result in no 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;
- (10) Construction of new water supply wells and associated pipelines not located within the boundaries of an existing well field or generating station site; and

(11) Purchase of existing facilities or a portion thereof where use or operation will remain unchanged. The results of a facility environmental audit can be substituted for the ER.

EXHIBIT C

SAMPLE PROJECT DESCRIPTIONS

1. New Overhead Lines

- a. Construction of 5 miles of 69 kV transmission line from J Substation to G Substation (see accompanying map). Single wood pole structures approximately 60 feet in height will be used. The ROW width will be 70 feet. Poles will be approximately 130 feet to 330 feet apart depending on the terrain, and approximately 2 square feet of soil will be disturbed at the pole site. An auger hole will be drilled into the ground by a truck-mounted drill and the utility pole inserted into the hole. The conductor line is later strung between the poles. ROW clearing will be minimal to moderate (some tree removal). No new access roads will be required and line inspection will be by motor vehicle. No herbicides will be used either during construction or for maintenance of the ROW.

- b. Construction of 1.5 miles of 24.9 kV distribution line from the Substation A to Substation B which is shown on the accompanying map. Single wood pole structures approximately 45 feet in height will be used. The ROW width will be 60 feet. Poles will be approximately 130 feet to 330 feet apart depending on the terrain, and approximately 2 square feet of soil will be disturbed at the pole site. Refer to 1.a above for construction method. The 24.9 kV tie-line will parallel an existing ROW (Highway 295); therefore, no clearing will be required. No new access roads will be required and line inspection will be by motor vehicle. This construction is necessary to provide service to a proposed 5000 unit recreational development near Highway Post 12 of U.S. 1 near the village of Tsunami Dunes.

2. Underground Cable

The proposed construction will consist of approximately 200 miles of shielded and insulated telecommunication cable. Fiber optic cable will be used between the central offices and serving area interfaces. Short length copper distribution cable will be used between the serving area interfaces and the subscribers. The cable will be directly buried in the soil at an approximate depth of 36 inches below the surface. The method of installation is normally by direct insertion via cable plow, plus a small amount of trenching near pedestals and around obstacles such as culverts, concrete driveways or paved roads, and drainage structures.

The majority of the construction will parallel previously installed cables on or adjacent to public road ROW. Cable installed adjacent to road ROW will generally be within 5 feet of the public

easement. The construction will occur within the 10 exchanges located in all or parts of the following counties in North and South Dakota. The extent of the proposed construction within the 10 exchanges is shown on the accompanying USGS maps. Each map is highlighted to show the location of the proposed buried cable additions.

3. Line Conversion

- a. Conversion of approximately 10 miles of 12.5 kV single phase to 12.5 kV three phase. The locations of this conversion are given on the accompanying map. Existing pole structures will be modified to accommodate the three-phase line. No clearing of vegetation is necessary nor will the subsoil be disturbed.
- b. Conversion of approximately 9 miles of 12.5 kV line to 24.9 kV line. The conversion will be accomplished using the existing pole structures. No additional ROW clearing will be necessary nor will the subsoil be disturbed. The location of this conversion are shown on the accompanying map.
- c. Conversion of approximately 15 miles of 34.5 kV line to 69 kV line. The existing pole structures and ROW will be used. No additional ROW clearing will be necessary nor will the subsoil be disturbed. The locations of this conversion are shown on the accompanying map. The conversion is necessary to provide increased capacity for service to a planned 150-acre combination golf and yacht club and recreational community near Ecoville in an area known as Crocodile Marshes.
- d. Conversion of approximately 40 miles of 12.5 kV overhead line to underground cable. The existing ROW will be used. Unless unforeseen soil conditions (*e.g.*, hard rock) are encountered, a plow will be used for cable installation. The locations of this conversion are shown on the accompanying map.

4. Service Drops and Short Line Extensions

Approximately 300 new service drops and short line extensions are anticipated during the next 2 years. The lines will be strung between the nearest utility pole and the consumer. These lines are short segments and will average less than 1,500 feet. Where larger segments are required, the line will usually parallel and be adjacent to existing roads. Therefore, minimal clearing will be necessary. The new customers are generally small businesses and individual residences not part of large subdivisions. However, one new user will be a new high school near the intersection of State Highways 6 and 17.

5. Substation Improvements

Addition of a 69 kV circuit breaker within the existing substation near Heron Quarter, Georgia. The circuit breaker will be installed within the existing substation boundary. No clearing of vegetation is necessary nor will the subsoil be disturbed. This project normally is a categorical exclusion under 7 CFR §1794.21(a)(7) and only requires a project description.

This type of project need not be mentioned in letters to agencies requesting comments. However, it must be described in the submission to RUS.

6. Line Relocations

During the period covered by the proposed CWP/LD there may be several overhead line relocations due to realignment of roadways or request by property owners. These relocations generally will be parallel and adjacent to the new road ROW. Refer to construction method identified on page XX of this document.

7. Headquarters

The proposed district office headquarters facility will be located on a 10-acre site in Coffee County, Georgia, 2 miles north of West Green contiguous with the east side of State Road 221. (See accompanying map). The project will entail the construction of a 12,000 square foot district office building with drive through window, a 10,000 square foot warehouse, a fuel service island with a 4,000 gallon double walled underground gasoline tank equipped with leak detection and monitoring equipment, a 100 foot tall lattice type microwave tower, and paved parking lot for 30 employee vehicles and 15 visitor vehicles with entrance and exit drives.

Approximately 8 acres of land will be disturbed on the 10-acre site to accommodate the proposed headquarters facility. The remaining 2 acres of natural vegetation will be left in its pristine condition to act as a buffer to adjoining properties and for aesthetic purposes.

EXHIBIT D
SAMPLE AGENCY LETTERS

Included in this exhibit are sample letters directed to a variety of Federal and State agencies that are often or 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(s) 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 each project*) in (*counties*), (*State*). The listed project(s) are being proposed to (*give a brief statement supporting project need*). Enclosed are U.S. Geological Survey maps which depict the proposed locations of the construction activities and a description of the work involved.

(*Applicant's name*) requests your office provide comment regarding the possible impacts created by the proposed project(s) on historic properties in the project(s) area. Please provide any recommendations you may have to mitigate or avoid these impacts.

We would appreciate a response within thirty (30) days. If you need any further information or wish to discuss any of the listed projects, 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 each project*) in (*counties*), (*State*). The previously listed project(s) are being proposed to (*give a brief statement supporting project need*). Enclosed are U.S. Geological Survey maps which depict the proposed locations of the construction activities and a description of the work involved.

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

We would appreciate a response within thirty (30) days. If you need any further information or wish to discuss our projects, 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.

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 each project)* in *(counties)*, *(State)*. The previously listed project(s) are being proposed to *(give a brief statement supporting project need)*. Enclosed are U.S. Geological Survey maps which depict the proposed locations of the construction activities and a description of the work involved.

(Applicant's name) requests you compare the proposed project(s) locations 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 thirty (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 each project)* in *(counties)*, *(State)*. The previously listed project(s) are being proposed to *(give a brief statement supporting project need)*. Enclosed are U.S. Geological Survey maps which depict the proposed locations of the construction activities and a description of the work involved.

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

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

5. Natural Resource 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 each project)* in *(counties)*, *(State)*. The previously listed project(s) are being proposed to *(give a brief statement supporting project need)*. Enclosed are U.S. Geological Survey maps which depict the proposed locations of the construction activities and a description of the work involved.

We are requesting information on the possible effects of the proposed project(s) on hydric soils *(building, generation or substation sites)*, important farmland, prime forest land 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 *(building, generation, or substation sites)* or NRCS-CPA-106 *(corridor type projects)* have been enclosed for your input in compliance with the Farmland Protection Policy Act.*

We would appreciate a response within thirty (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 require 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 each project*) in (*counties*), (*State*). The previously listed project(s) are being proposed to (*give a brief statement supporting project need*). Enclosed are U.S. Geological Survey maps which depict the proposed locations of the construction activities and a description of the work involved.

As is shown on the enclosed maps, some of the construction may take place in the (*name*) National Forest. 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 these projects for potential impacts to officially designated areas within the (*name*) National Forest and any recommendations you may have to mitigate or avoid these effects.

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

*Note that this request precedes the permit application. If a permit already had been granted, the U.S. Forest Service environmental review on the permit could be used as the information on this issue. No letter would be necessary.

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 each project*) in (*counties*), (*State*). The previously listed project(s) are being proposed to (*give a brief statement supporting project need*). Enclosed are U.S. Geological Survey maps which depict the proposed locations of the construction activities and a description of the work involved.

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

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

*This sample addresses the situation where one State agency acts as a clearinghouse or coordinator for State environmental concerns.

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 each project)* in *(counties)*, *(State)*. The previously listed project(s) are being proposed to *(give a brief statement supporting project need)*. Enclosed are U.S. Geological Survey maps which depict the proposed locations of the construction activities and a description of the work involved.

Please advise us if any of the proposed projects will be within areas of the State's Coastal Zone Management Program. If so, we request your review of these projects 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 thirty (30) days. If you need any further information or wish to discuss our projects, please contact *(name)* at *(telephone number)*.

EXHIBIT E
APPLICANT STATEMENTS IN THE ER

RUS has provided sample language for inclusion in the ER when the applicant uses a source other than an agency contact to develop the required information on floodplains and coastal barriers. We have also provided sample language for the manager's statement.

1. Applicant Statement Concerning Floodplains

(Applicant's name) believes that the construction which it proposes will not take place in a 100-year floodplain.

At this point there should be either:

- a. A description of the proposal in sufficient detail so that it can be determined by RUS that the proposal will not take place in a 100-year floodplain; or
- b. Reference to a specific FEMA floodplain map used to make the certification (floodplain areas shown on the FEMA map should be roughly outlined on the map submitted to RUS. The original FEMA map should be retained by the applicant);
or
- c. If there is no FEMA map for the area, reference to a letter from an agency with floodplain expertise that the project is not in the 100-year floodplain.

2. Applicant Statement Concerning Coastal Barriers

For applicants whose system, or part thereof, is within a Coastal Barrier Resource System,^{*} one of the two following statements should be included in the ER:

- a. *(Applicant's name)* has reviewed the appropriate Coastal Barrier Resource System Map(s) and has determined that none of the proposed projects included in this ER will be located in a unit of the Coastal Barrier Resources System.

^{*}This information is only required of applicants with service areas that include a unit of the Coastal Barrier Resources System.

- b. *(Applicant's name)* has reviewed the appropriate Coastal Barrier Resource System Map(s) and has determined that the following project(s) are within a unit of the Coastal Barrier Resource System. *(Applicant's name)* understands that RUS is prohibited from financing any projects that are system improvements or consumer connections within the Coastal Barrier Resource System. Those projects will not be included in current or future loan applications to RUS.

3. Sample Manager's Statement

I have reviewed this ER and, to the best of my knowledge, it accurately describes the proposed project(s), associated environmental impacts, and reasonable alternatives. *(Applicant's name)* intends to carry out the environmental commitments, mitigation measures, and monitoring efforts presented in the ER. Our personnel and those of any involved independent contractor will be made aware of such environmental commitments before the initiation of construction. If any information relevant to the environmental effects of the proposed project(s) comes to our attention subsequent to the submission of this ER, such material will be provided promptly to RUS.

(signature)
Manager

EXHIBIT F
SAMPLE PUBLIC NOTICES FOR CATEGORICALLY EXCLUDED ACTIVITIES
LOCATED IN A FLOODPLAIN AND/OR WETLAND

1. Sample Advertisement

(Applicant's name) is planning to construct *(project description)*. The project, as proposed, will be located in *(wetland/100-year floodplain)*. For additional information, see the notice in the legal section of this newspaper.

2. Sample Legal Notice

(Applicant's name and address) is planning to construct *(project description)* in *(county, State)*, near *(name of town, intersection, or other commonly known landmark)*. It has been determined that the project, as proposed, will be located in a *(wetland/100-year floodplains)*. The project will occupy *(amount)* acres of *(wetlands/100-year floodplains)*.*

(Applicant's name) has considered a variety of alternatives, including no action, and believes that there is no practicable alternative that will avoid locating the project in *(wetlands/100-year floodplains)*.

Additional information on the project can be obtained from *(name of person to contact)* or *(applicant's name)* at the address provided in this notice or by telephoning *(number)*.

Comments on the environmental aspects of the proposed project should be submitted in writing to *(applicant's name)* within 30 days of the publication of this notice. Copies of all comments received will be forwarded to the Rural Utilities Service for consideration prior to approval of financing assistance or taking other Federal action related to the project.

*Note that single pole structures or cable located in a floodplain need not be mentioned in the notice.

EXHIBIT G
APPLICANT'S ENVIRONMENTAL REPORT CHECKLIST

The RUS environmental staff uses the following checklist when reviewing ERs for a CWP, a LD, and site specific projects. The major items listed should be a part of almost all ERs. Certain projects may require additional information or changes from the items listed in the checklist to permit adequate RUS environmental review. The RUS environmental staff should be consulted when there are any questions. The typical information sources are shown in brackets.

ER CHECKLIST

- ___ Clear description of ER projects in work plan.
- ___ Discussion on need for projects and alternatives.
- ___ Commitment to follow guidelines in USDA/U.S. Department of the Interior (USDI) "Environmental Criteria for Electric Transmission System" (for substations, switching stations, and utility line and cable projects), to the extent applicable and practicable.
- ___ Map: USGS map, key map, or detailed county map showing project locations, major geographic features, and outline of sensitive areas. Sensitive areas include:
 - ___ Important farmland, prime rangeland, or prime forest land [Natural Resource Conservation Service (NRCS), or State Conservationist];
 - ___ Wetlands [U.S. Fish and Wildlife Service (USFWS), Wetlands Office, National Wetlands Inventory maps: some data on USGS maps];
 - ___ Floodplains [Federal Emergency Management Agency maps; if no maps, the Corps of Engineers (COE) or NRCS];
 - ___ Threatened and endangered species and critical habitat, [USFWS, Endangered Species Office];
 - ___ Cultural resources, [State Historic Preservation Officer (SHPO); *National Register of Historic Places*];
 - ___ Federal and State lands, parks, Wild and Scenic River segments, wildlife management areas, refuges, and other formally classified areas; and
 - ___ If applicable, Coastal Barrier Resource System units and Coastal Zone Management areas [USFWS; state coastal zone management agency].

- _____ Amount of important farmland, prime forest land, and rangeland which will impacted (*i.e.*, taken out of production) by construction and operation of facilities.*
- _____ Erosion and sedimentation control plan.
- _____ Amount of floodplains to be impacted by construction and operation of facilities.* Single pole construction and buried cables in floodplains, and lines which span floodplains should be shown on map, but should not be included in floodplain impacts.
- _____ Amount of wetlands to be impacted by construction and operation of facilities.* Buried lines within public road ROW and upgrading or repairing of lines in existing ROW should be shown on map, but should not be included in wetlands impacts.
- _____ Applicant letter to and response letter from Endangered Species Office of USFWS on possible impacts to threatened or endangered species.
- _____ Applicant letter to and response letter from the SHPO on possible impacts listed *National Register* properties or those eligible for listing.
- _____ Applicant letter to and response letter from the NRCS or State Conservationist on possible impacts to important farmland, prime forestland, and prime rangeland and hydric soils.
- _____ Applicant letter to and response letter from the COE on possible impacts to floodplains and wetlands.
- _____ Commitment to halt construction and contact RUS and the SHPO if cultural resources are discovered during construction.
- _____ Public notices for either wetlands or floodplains (include dates and places of publication). Amount and location of impacts must be identified in legal notice; potential floodplain or wetland impacts should be mentioned in the news article or advertisement.
- _____ Statement that 30 day public notice comment period, if one is required, has elapsed and all comments submitted to RUS or statement from applicant that no comments were received.
- _____ Manager's statement and signature.

*If project will impact important farmland, prime forest land, or prime rangeland, wetlands or floodplains, alternatives which avoid or minimize impacts should be discussed in the BER.

EXHIBIT H

ENVIRONMENTAL JUSTICE FOR PROCEDURES CATEGORICALLY EXCLUDED PROJECTS

This procedure has been prepared to determine whether an environmental justice issue exists for projects that are normally categorically excluded under RUS Environmental Policies and Procedures and, if so, what action is appropriate.

- 1. Determine if program or activity is a categorical exclusion.** Determine whether the project is listed as a categorical exclusion under RUS Environmental Policies and Procedures.
- 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. Documents, meetings, personal contacts, and

written correspondence should be translated to facilitate participation by persons who do not speak or understand English. Such translations pertain to each of the steps that follow.

5. Analyze potential effects of program or activity. Evaluate information gathered from outreach initiatives along with all other information used in the decision-making process to analyze the effects of the proposed project and the effects of any identified alternative or mitigating actions. The analysis should include potential impacts to subsistence consumption and human health as well as the related economic and social effects of each alternative. If a determination is made that the proposed project has, or will have a disproportionately high and adverse effect on human health or the environment, including related socioeconomic effects, of minority or low-income populations, go to Step 6. If not go to Step 7;

6. Consider feasibility and appropriateness of alternatives or mitigative measures. The feasibility and appropriateness of alternatives or mitigating options and their effects should be considered. The concerns and suggestions of potentially affected minority and/or low-income populations should be carefully considered in the development of mitigation measures.

7. Notify interested and affected parties of agency decision. Notification should include all parties contacted during the outreach activities. The notice should demonstrate how the concerns of interested or affected parties have been addressed, and provide a rationale as to how and why the decision was reached.

8. 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 Categorically Excluded Projects

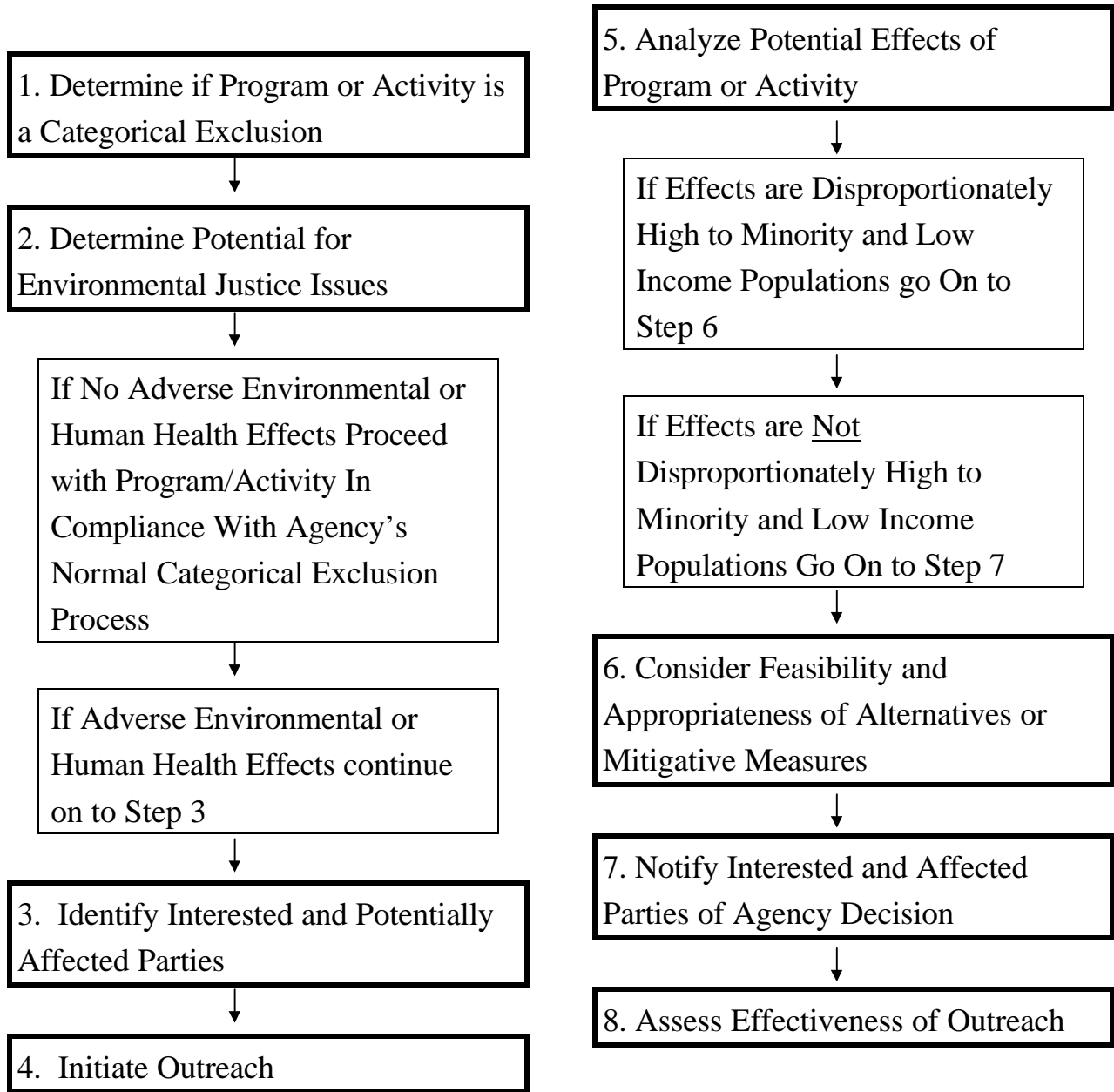


EXHIBIT I
LISTING OF STATUTES, REGULATIONS, AND EXECUTIVE ORDERS
THAT MAY BE APPLICABLE TO PROPOSED ACTIONS BY APPLICANTS

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 I
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