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FSM 1900 – PLANNING

CHAPTER 1950 – ENVIRONMENTAL POLICY AND PROCEDURES

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New Document	1950	8 Pages
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Digest:

1950 - Revises entire chapter.

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This chapter sets forth Forest Service management objectives, policy, and responsibilities for meeting the requirements of the National Environmental Policy Act (NEPA).

1950.1 - Authority

1. [The National Environmental Policy Act of 1969 \(NEPA\)](#), as amended (42 U.S.C. 4321-4346). NEPA declares a national policy that encourages a "productive and enjoyable harmony between humans and their environment." NEPA requires Federal agencies to:
 - a. Use a systematic interdisciplinary approach in planning and decisionmaking;
 - b. Consider the environmental impact of proposed actions;
 - c. Identify adverse environmental effects that cannot be avoided should the proposal be implemented;
 - d. Consider alternatives to the proposed action;
 - e. Consider the relationship between local short-term uses of the human environment and the maintenance and enhancement of long-term productivity; and
 - f. Identify any irreversible and irretrievable commitments of resources that would be involved in the proposed action should it be implemented.
2. [Council on Environmental Quality \(CEQ\) Regulations](#). The regulations at Title 40, Code of Federal Regulations, parts 1500-1508 (40 CFR 1500-1508) set forth specific requirements for implementing the NEPA. The regulations establish procedures and rules governing environmental analysis and documentation; ensure that environmental information is available to public officials and the public, including identification of significant issues; and provide direction to assist public officials in making decisions based on an understanding of environmental consequences.
3. [U.S. Department of Agriculture NEPA Regulations](#). The regulations at Title 7, Code of Federal Regulations, part 1b (7 CFR 1b) supplement the CEQ regulations and direct Department of Agriculture agencies to develop and to implement procedures for compliance with NEPA. The regulations exclude seven categories of activities from documentation; such as, program funding, educational and informational activities, and civil and criminal law enforcement and investigation activities.
4. [Forest Service NEPA Regulations](#). The regulations at Title 36 CFR, Code of Federal Regulations, part 220 (36 CFR 220) supplement the CEQ regulations.

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1950.2 - Objectives

In meeting the requirements of the NEPA, the Forest Service seeks to:

1. Fully integrate NEPA requirements into agency planning and decisionmaking (36 CFR 220.4(c)(2));
2. Use a systematic, interdisciplinary approach to fully consider the impacts of Forest Service proposed actions on the physical, biological, social, and economic aspects of the human environment (40 CFR 1507.2(a), 40 CFR 1508.14);
3. Involve interested and affected agencies, State and local governments, Tribes, Alaska Native corporations, organizations, and individuals in planning and decisionmaking (40 CFR 1500.1(b), 40 CFR 1500.2(b) and (d), 40 CFR 1501.7, 40 CFR 1503.1, 40 CFR 1506.6); and
4. Conduct and document environmental analyses and subsequent decisions appropriately, efficiently, and cost effectively.

1950.3 - Policy

Compliance with NEPA is fundamental to managing all Forest Service resource, research, and cooperative forestry programs and must be integrated into the management processes of those programs.

1. Procedures of this chapter apply to the fullest extent practicable to analyses and documentation of Forest Service actions. However, work completed under previous policy and guidelines need not be revised.
2. It is Forest Service policy to:
 - a. Give early notice of upcoming proposals to interested and affected persons (40 CFR 1501.7 and 36 CFR 220.4(e));
 - b. Give timely notice to interested and affected persons, Federal agencies, State and local governments, and organizations of the availability of environmental and accompanying decision documents (36 CFR 220.5(h), 36 CFR 220.6(f), and 36 CFR 220.7(d));
 - c. Make documents available to the public free of charge to the extent practicable (40 CFR 1506.6(f));

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- d. Apply the concepts of tiering, adoption, and incorporation by reference to environmental documents (40 CFR 1502.20, 40 CFR 1506.3, 40 CFR 1502.21, 36 CFR 220.4(g), 36 CFR 220.5(e)(1), 36 CFR 220.7(a)); and
 - e. Implement mitigation measures and other conditions committed to as part of the decision (40 CFR 1505.3).
3. Line and primary staff officers are to refer to [FSH 1909.15](#), which provides guidance to comply with NEPA and regulations for environmental analysis and documentation.
 4. Matters that require consultation with the CEQ must be referred to the Washington Office (WO) director of Ecosystem Management Coordination.

1950.4 - Responsibility

1950.41 - Authority to Act as Responsible Official to Comply With NEPA

The responsible official for NEPA compliance is the Agency employee who has the delegated authority to make and implement a decision on a proposed action (36 CFR 220.3)

For each Forest Service proposal the responsible official shall coordinate and integrate NEPA review and relevant environmental documents with agency decisionmaking as follows:

1. Establish the scope of the environmental analysis, including the scope of the actions, alternatives, and effects (40 CFR 1508.25);
2. Ensure that an appropriate level of scoping occurs (36 CFR 220.4(e));
3. Identify systematic interdisciplinary approach, with a team, team leader, and formal plan of work, as needed (40 CFR 1501.2(a) and 40 CFR 1502.6);
4. Ensure that the public is kept informed of the progress of the environmental analysis commensurate with the public interest in the proposed action and through the Schedule of Proposed Actions (36 CFR 220.4(d));
5. Identify the issues to be analyzed in depth (40 CFR 1501.7);
6. Identify the preferred alternative in an environmental impact statement (EIS) (40 CFR 1502.14);
7. Ensure that the effects analyses address all legal and regulatory requirements and ensure that the levels of accuracy and precision are consistent with the methods and technology used (40 CFR 1502.16 and 40 CFR 1502.24);

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8. Complete the environmental document review before making a decision on the proposal (36 CFR 220.4(c));
9. Consider environmental documents, public and agency comments (if any) on those documents, and agency responses to those comments (36 CFR 220.4(c));
10. Include environmental documents, comments, and responses in the administrative record (36 CFR 220.4(c));
11. Consider the alternatives analyzed in environmental document(s) before rendering a decision on the proposal (36 CFR 220.4(c));
12. Make a decision encompassed within the range of alternatives analyzed in the environmental documents (36 CFR 220.4(c)); and
13. Provide for monitoring to assure that decisions are carried out in important cases, and make sure mitigation measures are implemented (40 CFR 1505.3).

1950.41a - Chief

The Chief reserves the discretion to be the responsible official for environmental analyses, documentation, and decisions relating to proposed actions of national importance. In accord with the general delegations of authority at Forest Service Manual ([FSM 1235](#)) the Associate Chief may act as responsible official on any matter reserved by the Chief, unless the Chief directs otherwise.

The Chief may grant emergency alternative arrangements for NEPA compliance for categorical exclusions, environmental assessments, and findings of no significant impact under 36 CFR 220.4(b)(2). In accord with the general delegations of authority at Forest Service Manual (FSM 1235) the Associate Chief may grant emergency alternative arrangements under 36 CFR 220.4(b)(2).

In cases of proposed legislation where the Secretary of Agriculture is the responsible official, the Chief is responsible for providing support for the analysis and documentation.

1950.41b - Deputy Chiefs and Associate Deputy Chiefs

In accord with delegations at FSM 1235, the deputy chiefs and associate deputy chiefs may serve and sign as the responsible official on any environmental matter of national importance within their areas of jurisdiction, unless the Chief specifically directs otherwise.

1950.42 - Limitations on Issuance of Directives

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1950.42a - Field Line Officers

Notwithstanding the delegation of authority in FSM 1104 to issue supplements to the FSM and the Forest Service Handbooks (FSH), regional foresters, station directors, the Area Director, and forest supervisors may issue supplements to FSM 1950 and FSH 1909.15 only as follows:

1. Supplements to FSM 1950 may be issued only to delegate authority or responsibility.
2. Supplements to FSH 1909.15 may be issued only for the purposes of issuing internal procedures for preparing and processing environmental documents and records, assigning responsibilities, or adding reference materials.

1950.43 - Director of Ecosystem Management Coordination, Washington Office

The director is the staff official responsible for developing and recommending national policy, procedures, coordination measures, technical administration, and training necessary to implement the NEPA within the Forest Service. The director is also responsible for developing policy, procedures, and training for conducting social impact analysis ([FSM 1973](#) and [FSH 1909.17, chapter 30](#)).

The director is responsible for liaison with the CEQ and consults with the Council on possible referrals (40 CFR 1504) and emergencies (40 CFR 1506.11, 36 CFR 220.4(b)). The director also provides liaison with the Environmental Protection Agency (EPA) and, as needed, requests changes in the prescribed time periods for preparation and processing of EISs (40 CFR 1506.10).

When the Chief or the Secretary is the responsible official for a proposed action, it is the responsibility of the director to:

1. Advise and assist the appropriate field unit or WO staff in preparing the necessary documents and to coordinate, review, and process the relevant documents.
2. Participate in scoping and subsequent analysis, including identification of the preferred alternative(s), with the appropriate field or other WO staffs.
3. Involve the appropriate deputy chief, the Chief, or the Assistant Secretary, as necessary.

The director's signing authority includes:

1. Correspondence with the CEQ, EPA, and other departments and agencies, interpretations or implementation of NEPA, CEQ regulations and guidance, or Forest Service NEPA compliance policy and procedures regarding the NEPA.

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2. General correspondence regarding environmental and decision documents and environmental quality matters.

3. Routine correspondence (FSM 1235.5) to members of Congress and routine referrals from the President and Secretary on environmental analysis and documentation matters.