

## Forest Service, USDA

## § 220.7

activities in excess of any of the following:

- (i) One mile of new road construction;
- (ii) One mile of road reconstruction;
- (iii) Three miles of individual or collocated pipelines and/or utilities disturbance; or
- (iv) Four drill sites.

(f) *Decision memos.* The responsible official shall notify interested or affected parties of the availability of the decision memo as soon as practical after signing. While sections may be combined or rearranged in the interest of clarity and brevity, decision memos must include the following content:

- (1) A heading, which must identify:
  - (i) Title of document: Decision Memo;
  - (ii) Agency and administrative unit;
  - (iii) Title of the proposed action; and
  - (iv) Location of the proposed action, including administrative unit, county, and State.
- (2) Decision to be implemented and the reasons for categorically excluding the proposed action including:
  - (i) The category of the proposed action;
  - (ii) The rationale for using the category and, if more than one category could have been used, why the specific category was chosen;
  - (iii) A finding that no extraordinary circumstances exist;
- (3) Any interested and affected agencies, organizations, and persons contacted;
- (4) Findings required by other laws such as, but not limited to findings of consistency with the forest land and resource management plan as required by the National Forest Management Act; or a public interest determination (36 CFR 254.3(c));
- (5) The date when the responsible official intends to implement the decision and any conditions related to implementation;
- (6) Whether the decision is subject to review or appeal, the applicable regulations, and when and where to file a request for review or appeal;
- (7) Name, address, and phone number of a contact person who can supply further information about the decision; and

(8) The responsible official's signature and date when the decision is made.

### § 220.7 Environmental assessment and decision notice.

(a) *Environmental assessment.* An environmental assessment (EA) shall be prepared for proposals as described in § 220.4(a) that are not categorically excluded from documentation (§ 220.6) and for which the need of an EIS has not been determined (§ 220.5). An EA may be prepared in any format useful to facilitate planning, decisionmaking, and public disclosure as long as the requirements of paragraph (b) of this section are met. The EA may incorporate by reference information that is reasonably available to the public.

(b) *An EA must include the following:*

- (1) Need for the proposal. The EA must briefly describe the need for the project.
- (2) Proposed action and alternative(s). The EA shall briefly describe the proposed action and alternative(s) that meet the need for action. No specific number of alternatives is required or prescribed.
  - (i) When there are no unresolved conflicts concerning alternative uses of available resources (NEPA, section 102(2)(E)), the EA need only analyze the proposed action and proceed without consideration of additional alternatives.
  - (ii) The EA may document consideration of a no-action alternative through the effects analysis by contrasting the impacts of the proposed action and any alternative(s) with the current condition and expected future condition if the proposed action were not implemented.
  - (iii) The description of the proposal and alternative(s) may include a brief description of modifications and incremental design features developed through the analysis process to develop the alternatives considered. The documentation of these incremental changes to a proposed action or alternatives may be incorporated by reference in accord with 40 CFR 1502.21.

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

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

(i) Shall briefly provide sufficient evidence and analysis, including the environmental impacts of the proposed action and alternative(s), to determine whether to prepare either an EIS or a FONSI (40 CFR 1508.9);

(ii) Shall disclose the environmental effects of any adaptive management adjustments;

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

(iv) May discuss the direct, indirect, and cumulative impact(s) of the proposed action and any alternatives together in a comparative description or describe the impacts of each alternative separately; and

(v) May incorporate by reference data, inventories, other information and analyses.

(4) Agencies and Persons Consulted.

(c) *Decision notice.* If an EA and FONSI have been prepared, the responsible official must document a decision to proceed with an action in a decision notice unless law or regulation requires another form of decision documentation (40 CFR 1508.13). A decision notice must document the conclusions drawn and the decision(s) made based on the supporting record, including the EA and FONSI. A decision notice must include:

- (1) A heading, which identifies the:
  - (i) Title of document;

- (ii) Agency and administrative unit;
- (iii) Title of the project; and
- (iv) Location of the action, including county and State.

- (2) Decision and rationale;
- (3) Brief summary of public involvement;

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

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

- (6) Expected implementation date;

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

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

- (9) Responsible Official’s signature, and the date the notice is signed.

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

## PART 221—TIMBER MANAGEMENT PLANNING

AUTHORITY: 30 Stat. 34, 44 Stat. 242; 16 U.S.C. 475, 616.

### § 221.3 Disposal of national forest timber according to management plans.

(a) Management plans for national forest timber resources shall be prepared and revised, as needed, for working circles or other practicable units of national forest. Such plans shall:

- (1) Be designed to aid in providing a continuous supply of national forest timber for the use and necessities of the citizens of the United States.

- (2) Be based on the principle of sustained yield, with due consideration to the condition of the area and the timber stands covered by the plan.

- (3) Provide, so far as feasible, an even flow of national forest timber in order