§ 1940.326 FmHA or its successor agency under Public Law 103–354 as a lead Agency.

(a) When other Federal agencies are involved in an FmHA or its successor agency under Public Law 103–354 action or related actions that require the preparation of an EIS, the preparer will consult with these agencies to determine a lead Agency for preparing the EIS. The criteria for making this determination will be those contained in §1505.5 of the CEQ regulations. If there is a failure to reach a determination within a reasonably short time after consultation is initiated, the National Office will be contacted. The assistance of CEQ will then be requested by the Administrator in order to conclude the determination of a lead Agency.

(b) When acting as lead Agency, the FmHA or its successor agency under Public Law 103–354 preparer will request other Federal and State agencies to serve as cooperating agencies on the basis of the guidance provided in §1940.320(b) of this subpart. A memorandum of understanding or other written correspondence should be developed with a cooperating agency in order to define that agency’s role in the preparation of the EIS.

§ 1940.327 Tiering.

To the extent possible, FmHA or its successor agency under Public Law 103–354 may consider the concept of tiering in the preparation of environmental assessments and EISs. Tiering refers to the coverage of general matters in broader environmental impact statements, such as one done for a national program or regulation, with subsequent narrower statements or environmental analyses incorporating by reference the broader matters and concentrating on the issues specific to the action under consideration. Tiering can be used when the sequence of analysis