§ 799.10 Criteria and identification of FSA actions as to degree of involvement under the NEPA process.

(a) FSA will for each of its legislative proposals, initial program implementations, program changes or any actions under its ongoing programs make a determination by the use of an environmental evaluation as to whether or not an environmental assessment or EIS is required.

(b) The NEPA regulations issued by CEQ at 40 CFR 1507.3(b)(2) in conjunction with the regulations at 40 CFR 1508.4 require agencies to determine those typical classes of actions for treatment under NEPA. The typical classes of FSA actions for treatment under NEPA are set forth as follows:

1. Actions normally requiring an EIS are:
   (i) Production adjustment programs to balance supply and demand of specified commodities, through cropland set-aside or other acreage diversion.
   (ii) Agricultural Conservation Program.
   (iii) Rural Clean Water Program.
   (iv) Other major actions that are determined after an environmental evaluation and/or an environmental assessment to significantly affect the quality of the human environment.

2. Actions normally not requiring an assessment or an EIS are:
   (i) Individual farm participation in FSA programs.
   (ii) Pooling agreements and special projects under FSA programs.
   (iii) Production adjustment programs for tobacco, peanuts and extra long staple cotton.
   (iv) Emergency Conservation Program.
   (v) Water Bank Program.
   (vi) Forestry Incentives Program.
   (vii) Sugar Program.
   (viii) Wool and Mohair Incentives Program.
   ( ix) Bee and Dairy Indemnity Programs.
   (x) Commodity Income and Support and Disaster Protection Programs.
   (xi) Facility Loan Program.
   (xii) Grain Reserve Program.
   (xiii) Livestock Feed Program.
(xiv) Naval Stores Program.
(xv) Indian Acute Distress Donation Program.
(xvi) Other major actions that are determined after an environmental evaluation not to significantly affect the quality of the human environment.

(c) FSA will independently determine by an environmental evaluation whether an environmental assessment or an EIS is required on actions included in paragraph (b) of this section where the presence of extraordinary circumstances or other unforeseeable factors indicate that some other level of environmental review may be appropriate.

(d) If an environmental evaluation indicates that an action will significantly affect the quality of the human environment, the preparation of an environmental assessment and/or an EIS will be necessary before the action is carried out.

§ 799.11 Expedited procedures.

Where emergency circumstances make it necessary to take action with significant environmental impact without following the provisions of the NEPA regulations issued by CEQ, USDA, and FSA, FSA will, by working through the USDA Office of Environmental Quality, consult with CEQ and/or EPA about alternative arrangements (7 CFR 3100.35).

§ 799.12 Program termination.

An environmental assessment or an EIS will not be needed when a program or part of a program is discontinued because of a mandatory legislative requirement where the enabling legislation for such program does not provide authority to ameliorate or mitigate any resulting environmental effects on the quality of the human environment.

§ 799.13 Environmental information.

Interested persons may contact the Conservation and Environmental Protection Division, FSA, for information regarding FSA compliance with NEPA.