



U.S. DEPARTMENT OF TRANSPORTATION
FEDERAL HIGHWAY ADMINISTRATION
WASHINGTON, D.C. 20591

OFFICE OF THE ADMINISTRATOR

Testimony of
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Federal Highway Administrator
on
Federal-Aid Highway Program Procedures

Prepared for delivery before the
Subcommittee on Investigations and Oversight of
The House of Representatives Committee on Public Works

June 15, 1971

I am pleased to appear before this Subcommittee to discuss Federal-aid highway program procedures.

As you know, the Federal-Aid Road Act of 1916 provided for a strong Federal-State partnership. Despite drastic changes in and expansions of the program since the 1916 Act, this joint Federal-State relationship has remained in effect.

The success of the highway program has been largely due to the separation of functions between the partners. State and local authorities have always participated to an unusual degree in program decisions. They choose the systems of routes for development, select and plan the individual projects, acquire right-of-way, and award and supervise construction contracts. The Federal Highway Administration's function is that of guidance, control, and approval at each step of the

process, and, of course, reimbursement to the States for the Federal share of the cost of construction of the projects. This arrangement has resulted in construction of the Interstate System and construction or improvement of primary and secondary highways at a total Federal outlay of approximately \$55.7 billion.

A public works program of such magnitude has created tremendous workloads on State highway departments and FHWA. One of the most far-reaching provisions of the Federal-Aid Road Act of 1916 was the requirement that States must have an adequate highway department in order to participate in the Federal-aid highway program. With vast sums of Federal money involved, the Federal interest necessitates that there be coordinated planning, uniformity of design and construction standards, and accountability for Federal funds spent. Whereas in past years there has been a concern for close Federal control, the trend is now moving in the opposite direction. There is nearly total support at all levels of government for some reduction in Federal control and involvement, ranging from suggestions for specific reductions in processing requirements all the way to the revenue sharing concept.

In 1950, there were ten basic requirements that the State highway departments had to fulfill to get a Federal-aid highway project from its beginning stage to completion. Today, there are twenty-three. Since 1950, the Interstate and other programs have been added and many additional requirements have

been imposed on highway builders and administrators. I would now like to discuss some of the steps we have taken to minimize the concurrent increase in "red tape."

Delegation of Authority

In the mid-1950's, the greatly increased highway program required that decision-making authority be delegated to the field offices. In 1956, Federal Highway Administrator John A. Volpe delegated authority for all normal project-level Federal-aid decisions to the State-level (division) offices of FHWA. The experience of the succeeding 15 years has demonstrated the wisdom of this move. Annual workloads of up to 9,000 new projects, totalling as much as \$5 billion, have been processed by an FHWA staff now only 34 percent larger than in 1956, when the annual Federal-aid program amounted to \$875 million.

More important, such decisions are now being made closer to the people affected by the highway projects. FHWA made a survey to determine the number of Federal-aid highway project approvals made by the Washington office during the first half of calendar year 1970. Of a total of 5,515 project approvals, 217 were referred to Washington for a decision. Out of the 217 projects referred to Washington, only 154 required Washington office approval, the other 63 projects were sent to Washington for advice. In other words, 97 percent of highway project decisions are made in the field offices.

Joint FHWA-AASHO Red Tape Activities

In early 1969, President Nixon directed all Federal agencies to review their procedures for possible areas of improvements. The Federal Highway Administration undertook this task enthusiastically and joined with the American Association of State Highway Officials (AASHO) in furthering this objective. FHWA and AASHO have a special joint committee which is called the Committee for Directives Review, more popularly known as the "Red Tape Committee." It is made up of high level State officials and key people from FHWA. Five joint FHWA-AASHO task forces were established to identify specific areas in which unnecessary program procedures could be eliminated or simplified.

As a result of this joint effort, we have taken the following steps:

1. FHWA has established a Directives Clearinghouse to coordinate, review, and clear significant new and revised program directives. This ensures that such directives are effectively coordinated within FHWA and provides AASHO an opportunity to review and comment on them prior to issue. The Clearinghouse has also prepared a topical index of FHWA directives and distributed it to all State highway departments and FHWA offices.

2. We have eliminated the Administrative and Circular Memorandum series and have stressed to our staff offices that new or revised directives should be carefully scrutinized before issuance to ensure simple procedures.

3. With respect to TOPICS projects, a program of minor improvements aimed at facilitation of movements in cities, and our Spot Safety program, aimed at early elimination of high accident locations, we have authorized division engineers to waive certain procedures established for regular construction projects. We have also directed our division engineers to evaluate the applicability of existing directives to TOPICS projects on a project-by-project basis. Abbreviated plans, force account, and so forth may be readily justified in certain instances.

These are only a few of the major improvements we have made as a result of this cooperative effort.

FHWA Review and Approval Time

We have found that it takes approximately four years from the time when a State submits a project for programming until it is reported completed. Considering the planning involved before the project is submitted to FHWA, total project time is probably close to six years. However, our survey in early 1970 disclosed that Federal reviews consumed only about

fifty-five days of that time. Even so, we made suggestions to our division offices which have resulted in reducing Federal review time to approximately forty-five days. This time saving is significant, but the real payoff from procedural reform would result from simplifying project clearance and approval action during the pre-construction stage.

Secondary System Procedures

The procedures used for secondary highway system projects differ from those used in other programs. In its Secondary Road Plan, as authorized by the 1954 Federal-Aid Highway Act, a State highway department outlines the procedures and standards it will use to administer Federal-aid secondary system projects. When approved by the Federal Highway Administrator, the State's proposed procedures and standards are set forth in an agreement between the State and the FHWA, and the State is expected to handle all FAS projects in accordance with the agreement. FHWA actions generally are limited to approving the project at the program stage (which authorizes the State to proceed with the project to completion), executing a project agreement with the State, and inspecting and accepting the completed construction. While FHWA personnel are available for consultation on unusual features or situations, the State normally approves project plans, awards contracts,

inspects and supervises construction, and approves construction changes. This simplified procedure is modified in a limited number of cases requiring Secretarial review of the use of parklands. It is important to note, however, that secondary projects go through the same processes and reviews as any other Federal-aid project. Only the intermediate FHWA checks are removed. Extending Secondary Road Plan procedures to other programs could do no more than reduce some of the 45-day average FHWA review time. The major preconstruction processing time requirements would still remain.

Highway Project Development Process

During the 1950's, the highway project development process was primarily a planning, right-of-way acquisition and engineering effort. Today, the process is much more complex. Relocation assistance, location and design public hearings, and environmental review at various levels are examples of new considerations which are now integral parts of the Federal-aid highway program. The flow chart contained in Appendix I traces a typical Federal-aid project from inception to completion. I will generally go through this process for you in my oral presentation; however, I will cover only the twenty-three steps required for most projects.

I would now like to discuss three factors which have contributed heavily to the increased complexity of the highway project development process. These are environmental concerns, public participation, and relocation assistance, all resulting from congressional actions within the last five years.

Environmental Concerns

The first of these was the enactment in 1966 of section 4(f) of the Department of Transportation Act, which was amended in 1968. Section 4(f) provides in part that the Secretary shall not approve any project or program which requires the use of public parkland or other protected area unless there is no feasible and prudent alternative and the program includes all possible planning to minimize harm to the protected area. Section 138 of title 23, United States Code, is identical to this section.

The Secretary of Transportation has delegated authority to administer laws relating to highways generally to the Federal Highway Administrator; however, he has reserved the authority to issue final approvals under section 4(f) with respect to the above provision and has not delegated authority to the Federal Highway Administrator to administer

23 U.S.C. 138. These reservations reflect the Secretary's interest in environmental matters.

The Department of Transportation has implemented section 4(f) by the issuance of DOT Order 5610.1 (Appendix II). This order also implements section 102(2)(C) of the National Environmental Policy Act of 1969; therefore, our procedures for both sections closely follow the procedures set out in the Council of Environmental Quality's Guidelines for preparation of section 102(2)(C) statements (Appendix III). In fact, the DOT order specifically states that any matter falling under section 4(f) "significantly affects" the environment and also requires a 102(2)(C) statement. The environmental statement is the vehicle for insuring consideration of all environmental matters.

When a State is faced with a 4(f) situation, it contacts the Federal and State agencies it knows to be interested. Appropriate consultation with the Departments of Agriculture, Interior, and Housing and Urban Development are specifically required by section 4(f). Using input from its own sources and from these agencies, the State prepares a draft statement and circulates it to appropriate Federal, State, and local agencies for comments. States normally allow about 45 days for comments. The Environmental Protection Agency is also requested to comment within the same 45-day period. The

State also submits its draft environmental statement to FHWA with copies to CEQ and the Office of the Secretary.

After the State receives comments from interested agencies, it makes appropriate adjustments to the project, revises the draft to account for the comments, and submits a final statement to FHWA for approval. If no public hearings have been held where the draft and comments were discussed, the draft and comments received thereon must be made public. If FHWA approves of the final statement, it is forwarded to the Office of the Secretary for final approval.

In section 102(2)(C) of the National Environmental Policy Act of 1969 (NEPA), Congress has determined that there should be a very detailed and complex statement with respect to "major Federal actions significantly affecting the quality of the human environment." It has been initially determined administratively that a majority of Federal-aid highway projects are "major Federal actions." We are currently working with the Office of the Secretary to develop instructions for implementing this Act in a manner that will define those highway projects which require such a statement and those which do not.

As I mentioned, section 102(2)(C) was implemented by CEQ's Guidelines and DOT Order 5610.1. The DOT order defines "major"

as any Federal action significantly affecting the environment; "Federal action" as "the entire range of activity undertaken by the DOT;" "significantly affecting" as "any action that is likely to be highly controversial on environmental grounds" or "any matter falling under section 4(f) of the DOT Act or section 16(c)(3), 16(c)(4), 16(d), or 16(e) of the Airport Act." Operating administrations prepare their detailed procedures within this framework. The Federal Highway Administration, on November 24, 1970, issued as Instructional Memorandum (Appendix IV) implementing DOT Order 5610.1. The DOT order specifically reserved authority to approve agency 102(2)(C) procedures.

The steps involved in the preparation of a section 102(2)(C) statement are essentially the same as those for a section 4(f) statement, except that approval by the Secretary is not required for a 102(2)(C) statement. The State consults interested agencies, prepares a draft statement and circulates it for comments, revises the draft to account for agency comments, and submits the final statement to FHWA for approval.

We have delegated authority to approve section 102(2)(C) statements to our Regional Federal Highway Administrators in an effort to move the decisionmaking closer to the people affected. The final statement, which must be approved by the Regional Administrator, is then submitted to the Office of the Secretary for concurrence. Our approval

is subject to review by the Assistant Secretary of DOT for Environment and Urban Systems for 14 days. The final statement, including all comments received in response to the draft statement, must be submitted to CEQ for review. CEQ requires that no agency actions can be taken on the matter until after 90 days from the date the draft statement is circulated for comments and until 30 days after the final statement is made public and submitted to CEQ. A minimum processing time of about 6 months is introduced into the overall processing of a project by this procedure. This may or may not add to the total time required to progress a project to completion.

Public Participation

Section 128 of title 23, United States Code, requires States to hold public hearings on certain highway projects. We have implemented this section by issuance of our Policy and Procedure Memorandum 20-8. In fact, we have made our public hearing procedures applicable to a broader range of projects than contemplated by the statute.

The latest revision of PPM 20-8 instituted the requirement of a design public hearing in addition to the corridor location hearing previously held on major projects. First notice of public hearing must be published 30 to 40 days before the hearing and the hearing transcript must be kept open at least 10 days after the hearing for additional statements. It therefore takes a minimum of about 6 weeks

to advertise for and conduct a public hearing. In addition, PPM 20-8 requires that the State request and obtain both location and design approval from the Federal Highway Administration (the Division Engineer) before the project can be advanced. This, of course, can only be done after the respective public hearings are held. The right-of-way acquisition phase of the project cannot be undertaken until design approval is given by FHWA. It should be emphasized, however, that many projects require one or no public hearings and suffer less delay as a consequence.

The requirements of the National Environmental Policy Act mesh with the public hearing process. The draft environmental impact statement must be made available to the public prior to the hearing. Location approval and design approval by FHWA cannot be given, and therefore the project cannot be advanced, until the final environmental statement is approved. A minimum of 90 days is required between the time a public hearing is advertised and the time approval of location or design can be given by FHWA, in order to allow for processing of the environmental statement.

Reviews of proposed Federal-aid projects must be made by State, region, or metropolitan clearing houses in accordance with OMB Circular A-95. These clearing houses have 30 days to comment after receipt of a project.

I should point out that the time periods which I have been mentioning, as well as those concerned in the preparation of 4(f) and 102(2)(C) statements, are not necessarily cumulative. Some of them run concurrently.

Relocation Assistance

We are now in a period of transition in the administration of our relocation assistance program. The Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970 has required certain changes in the procedures we followed under chapter 5 of title 23. I will give you a general picture of our procedures and point out some of the changes necessitated by the new Act and the Office of Management and Budget's implementing guidelines.

A State is required to have an estimate of the number of persons to be relocated by each of the alternative highway locations, and the supporting data for such estimates, available at the location public hearing. A quite detailed relocation plan is required prior to the initiation of negotiations for the acquisition of right-of-way; however, most of the data required for the detailed plan must be available at the time of the design public hearing. Finally, a State cannot proceed with any phase of a project which will displace any persons until there is adequate replacement housing available. I should

point out that this was required by DOT order for some time before the Uniform Act was passed and OMB's guidelines issued.

A State must also maintain a comprehensive relocation advisory assistance program. Brochures must be prepared and distributed at public hearings and the State must make an effort to contact all relocatees personally. If a person cannot be contacted, the State must document its efforts.

The Uniform Act and OMB's Guidelines have added additional complexities. Computations of relocation payments are very complicated depending on the classification of the relocatee, whether tenant or owner, options, interest differential, and so forth. The OMB Guidelines require that the relocatee be reimbursed according to how much he actually pays for his new housing, rather than according to how much comparable housing should cost. This requires checking actual records, closing statements, and so forth. The guidelines also require that any payment in excess of \$500 to a tenant be paid in annual installments over a four-year period, rather than in a lump sum. This means keeping accounting records on many tenants for at least four years.

I think that you can see from my brief description that these procedures are complicated, have many time frames and levels of approval and review built into them, and affect many highway projects. This affords a fertile breeding ground for litigation. The number of suits challenging

Federal-aid for the construction of highways has doubled every year for the past five years, and by the end of the year, we can expect at least one new major Federal suit a week (see Appendix V).

The Federal courts have expanded the concept of "standing to sue" and broadened the class of persons who can sue to stop public betterments. Previously, only those who could show a direct substantial loss to themselves had standing as contrasted to other citizens or taxpayers. Now, as the result of court decisions over the past four years, anyone who claims he is more directly affected by the project than the general public can sue to halt the program.

The delay caused by the threat of litigation on all controversial projects becomes clear when you consider the necessity for check and recheck and legal review of these projects. Further, as courts review our actions within ~~ever~~-changing requirements, even on projects planned prior to the time the new requirements were thought about, and determine whether or not we acted reasonably in such a later-developed context, it is necessary to more formally maintain our records, record each paper or item considered and to consider all items that might conceivably be made relevant to a decision under not yet evolved law. All this requires, in essence, a formal administrative record to be maintained on each project and each approval.

On March 2, 1971, the Supreme Court handed down Citizens to Preserve Overton Park, Inc., et al. v. Volpe, wherein the Court outlined the judicial review test for cases involving section 4(f) and environmental matters. In that case, the Supreme Court required that Federal District Courts review agency actions on the basis of a formal administrative record rather than affidavits by the agency officials. Thus, we are now required to maintain administrative records on our projects which are suitable for use in litigation attacking a project, should it arise. This landmark decision and the manner in which it is interpreted may affect our future operations.

I do not want you to think that the Federal Highway Administration does not value environmental protection; does not believe in citizen participation; and does not see the need for relocation assistance. On the contrary, for many years we have taken environmental factors into account and have assessed these factors on a cost-benefit basis; we have instituted public hearing requirements more stringent than those required by statute; and we have actually proposed relocation legislation and administered a relocation assistance program more successfully than has any other Federal agency. What I do want to stress to this Subcommittee is that new

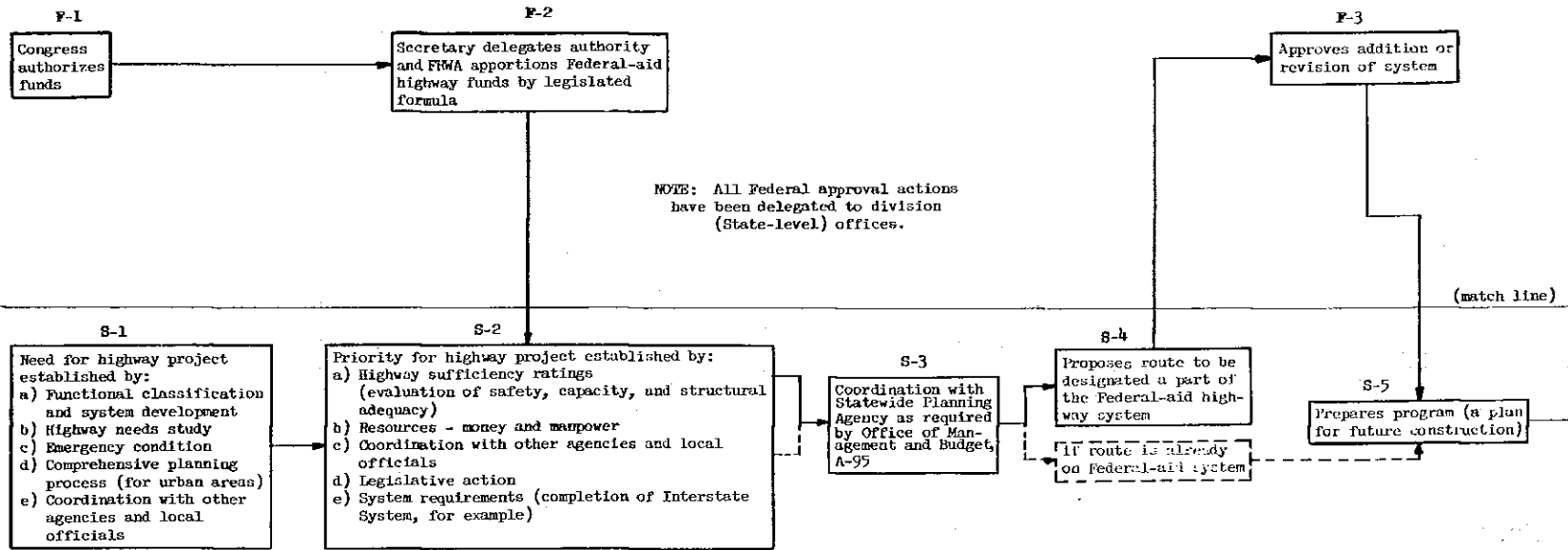
legislation necessarily introduces new complexities into highway administration and adds to the "red tape." I want to assure this Subcommittee that the Federal Highway Administration is doing, and will continue to do, its utmost to simplify existing procedures and to prevent the proliferation of additional "red tape."

FEDERAL-AID HIGHWAY PROGRAM PROCESS

CHART I-A

ACTION BY FEDERAL HIGHWAY ADMINISTRATION OR OTHER FEDERAL AGENCY

ACTION BY STATE



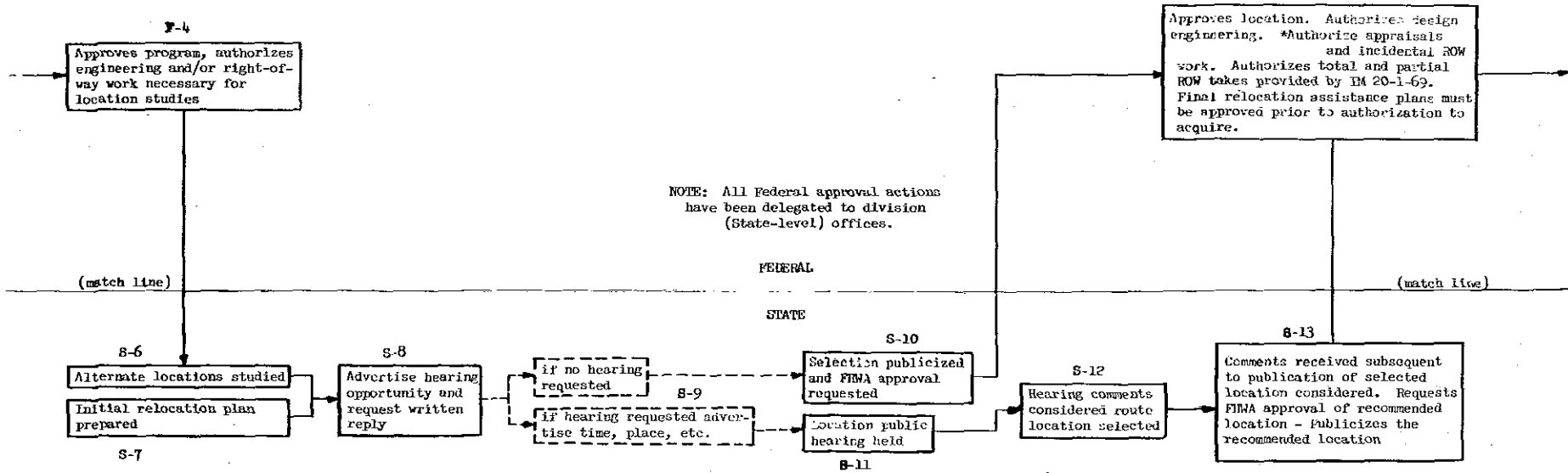
NOTE:
Approval and authorization actions by FHWA are made after a determination is made that State highway department proposals are in conformity with Federal-aid policy and procedures.

U.S. Department of Transportation
Federal Highway Administration
Chart of Federal-Aid
Highway Grant Program Process

FEDERAL-AID HIGHWAY PROGRAM PROCESS

CHART I-B

P-5



NOTE: All Federal approval actions have been delegated to division (State-level) offices.

NOTE: Following S-6, the environmental impact is evaluated and if determined significant, State conducts Environmental Impact Study. Results are disseminated to other State agencies, Federal agencies, and the public and final approval is made by the Environmental Protection Agency.

NOTE: From the inception of a project, the development is coordinated with local, State and Federal agencies concerned with:

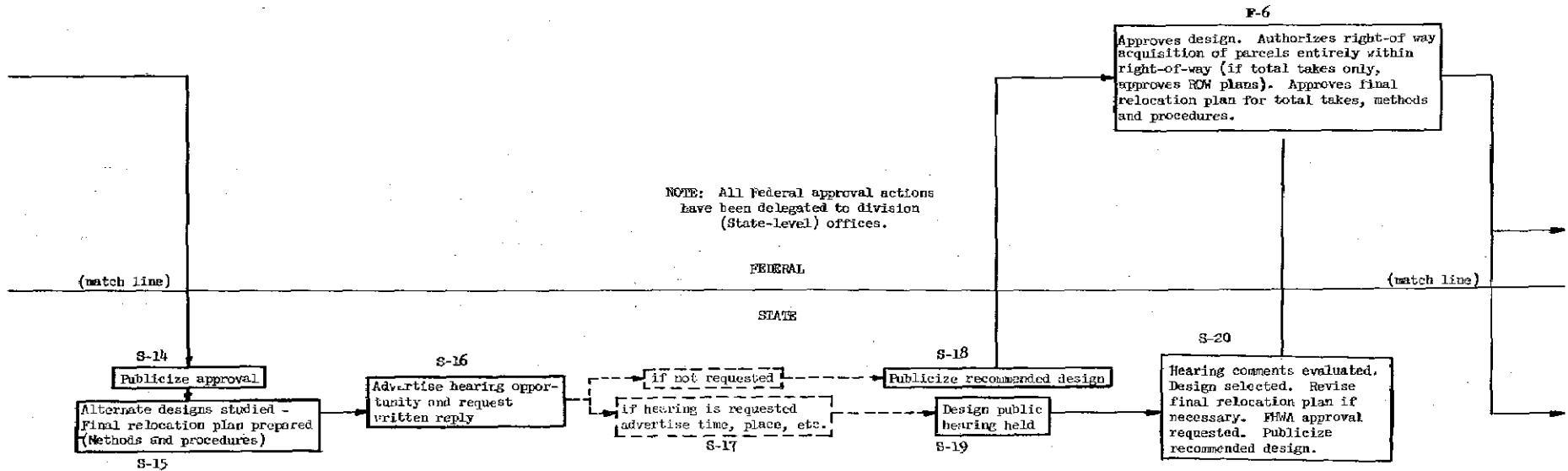
- Archeological and paleontological salvage
- Urban transportation planning
- housing and urban development
- Park and recreation lands, wildlife refuges, historic sites, natural beauty
- Civil and national defense
- Soil erosion
- Water pollution
- Flood hazards
- Water projects (dam and reservoirs)
- Agricultural and rural area development
- Bridge clearances
- Airports
- Urban Renewal
- Model Cities

*Some States do not request Federal-aid for right-of-way and preliminary engineering so there may not be any Federal Highway Administration approval at this stage.

U.S. Department of Transportation
Federal Highway Administration
Chart of Federal-Aid
Highway Grant Program Process

FEDERAL-AID HIGHWAY PROGRAM PROCESS

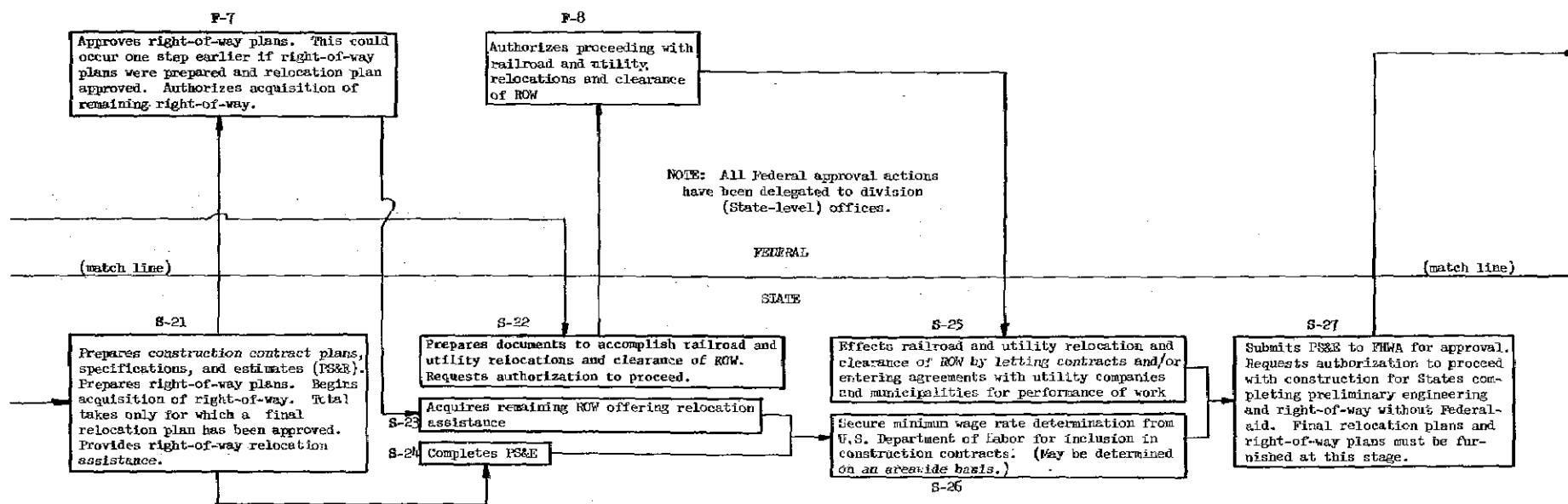
CHART I-C



U.S. Department of Transportation
Federal Highway Administration
Chart of Federal-Aid
Highway Grant Program Process

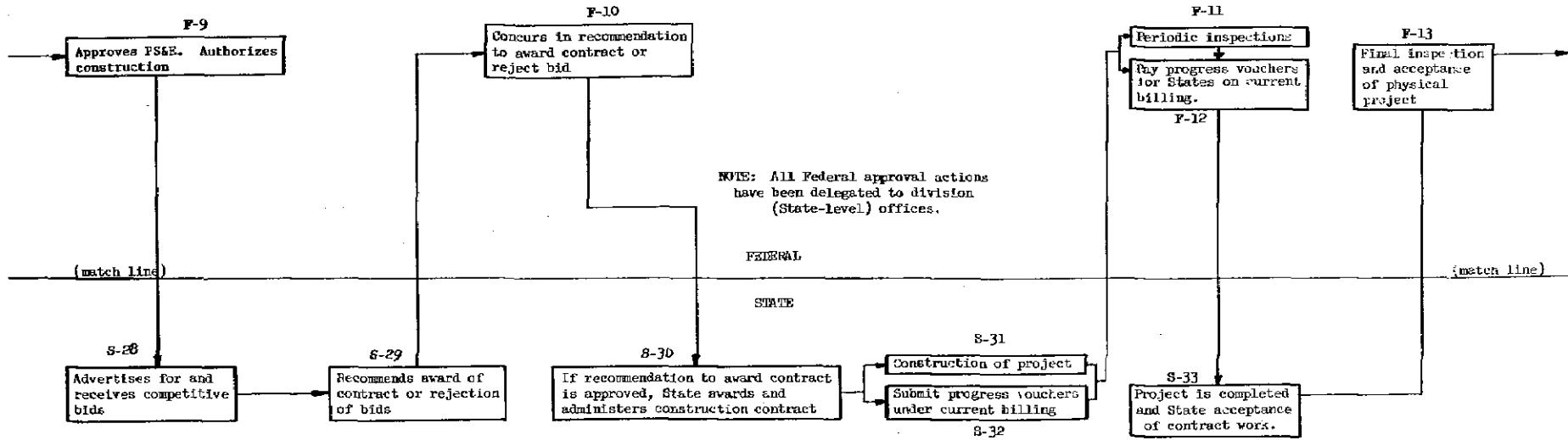
FEDERAL-AID HIGHWAY PROGRAM PROCESS

CHART I-D



FEDERAL-AID HIGHWAY PROGRAM PROCESS

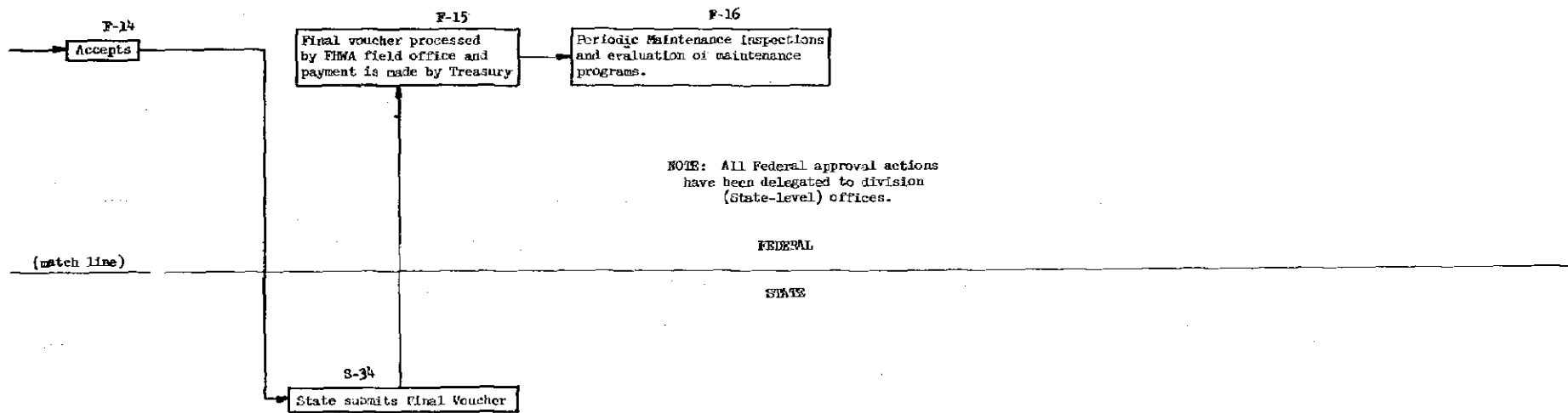
CHART I-E



U.S. Department of Transportation
 Federal Highway Administration
 Chart of Federal-Aid
 Highway Grant Program Process

FEDERAL-AID HIGHWAY PROGRAM PROCESS

CHART I-F



U.S. Department of Transportation
Federal Highway Administration
Chart of Federal-Aid
Highway Grant Program Process

Department of Transportation
Office of the Secretary
Washington, D.C.

APPENDIX II

ORDER

DOT 5610.1

10/7/70

IMPLEMENTATION OF SECTION 102(2)(C) OF THE NATIONAL ENVIRONMENTAL
SUBJECT: POLICY ACT OF 1969, SECTION 4(F) OF THE DOT ACT, AND PORTIONS OF
SECTION 16 OF THE AIRPORT AND AIRWAY DEVELOPMENT ACT OF 1970

1. PURPOSE. This order outlines procedures for the Department of Transportation regarding the preparation of detailed environmental statements on proposals for legislation and other major Federal actions significantly affecting the quality of the human environment, as required by Section 102(2)(C) of the National Environmental Policy Act of 1969 (P.L. 91-190) (hereafter "the NEP Act"). It also sets forth procedures for implementation of Section 4(f) of the Department of Transportation Act of 1966 (P.L. 89-670) (hereafter "the DOT Act") and Section 16(c)(4), 16(d) and 16(e) of the Airport and Airway Development Act of 1970 (P.L. 91-258) (hereafter "the Airport Act"). It is the intent of this order that Section 102(2)(C) statements should serve as the vehicle for all environmental findings, determinations and clearances required under any legislation applicable to the Department of Transportation.

2. BACKGROUND AND AUTHORITY.
 - a. The National Environmental Policy Act of 1969 establishes a broad national policy to promote efforts to improve the relationship between man and his environment, and provides for the creation of a Council on Environmental Quality (CEQ). The NEP Act sets out certain policies and goals concerning the environment, and requires that, to the fullest extent possible, the policies, regulations, and public laws of the U.S. shall be interpreted and administered in accordance with those policies and goals.

 - b. Section 102(2)(C) of the NEP Act is designed to ensure that environmental considerations are given careful attention and appropriate weight in all decisions of the Federal Government. This Section requires that all agencies of the Federal Government shall

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All Operating Administrations
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OPI: Office of Assistant Secretary for Environment and Urban Systems

"include in every recommendation or report on proposals for legislation and other major Federal actions significantly affecting the quality of the human environment, a detailed statement by the responsible official on --

- "(i) the environmental impact of the proposed action,
- "(ii) any adverse environmental effects which cannot be avoided should the proposal be implemented,
- "(iii) alternatives to the proposed action,
- "(iv) the relationship between local short-term uses of man's environment and the maintenance and enhancement of long-term productivity, and
- "(v) any irreversible and irretrievable commitments of resources which would be involved in the proposed action should it be implemented.

"Prior to making any detailed statement, the responsible Federal official shall consult with and obtain the comments of any Federal agency which has jurisdiction by law or special expertise with respect to any environmental impact involved. Copies of such statement and the comments and views of the appropriate Federal, State, and local agencies, which are authorized to develop and enforce environmental standards, shall be made available to the President, the Council on Environmental Quality, and the public as provided by Section 552 of Title 5, United States Code, and shall accompany the proposal through the existing agency review processes."

- c. Executive Order 11514, dated March 5, 1970, orders all Federal agencies to initiate procedures needed to direct their policies, plans, and programs so as to meet national environmental goals.
- d. A memorandum from the Secretary, dated February 26, 1970, provided general guidelines for the DOT response to the NEP Act. The memorandum also assigned the responsibility to oversee the Department's response to the NEP Act, in terms of both policies and procedures, to the Assistant Secretary for Environment and Urban Systems (TEU), in cooperation with the General Counsel.

- e. Interim Guidelines from the President's Council on Environmental Quality, dated April 30, 1970, set forth broad guidelines on implementation of the NEP Act.
 - f. Section 4(f) of the DOT Act directs that "the Secretary shall not approve any program or project which requires the use of any publicly owned land from a public park, recreation area, or wildlife and waterfowl refuge of national, State, or local significance as determined by the Federal, State, or local officials having jurisdiction thereof, or any land from an historic site of national, State, or local significance as so determined by such officials unless (1) there is no feasible and prudent alternative to the use of such land, and (2) such program includes all possible planning to minimize harm to such park, recreational area, wildlife and waterfowl refuge, or historic site resulting from such use."
 - g. Section 16(c)(3) of the Airport Act requires consideration of the interests of communities in or near which airport development projects are proposed.
 - h. Section 16(c)(4) of the Airport Act directs that no major airport development project shall be authorized for receipt of Federal financial aid unless that project provides for the protection and enhancement of the natural resources and the quality of environment of the Nation; and further, that no project found to have an adverse effect shall be authorized unless the Secretary finds in writing, after full and complete review, that no feasible and prudent alternative exists and that all possible steps have been taken to minimize such adverse effect.
 - i. Section 16(d) of the Airport Act establishes a requirement for public hearings for consideration of economic, social and environmental effects of airport projects, and for certain other purposes, and Section 16(e) of the Airport Act establishes criteria and procedures for protection of air and water quality in connection with airport development.
3. POINT OF CONTACT. All Secretarial Officers, Operating Administrations, and the Directors of the Office of SST Development, of Public Affairs and of Congressional Relations will designate a primary point of contact for environmental matters. This point of contact should be reported to TEU within one week after the effective date of this order.

4. APPLICABILITY.

a. The requirements in this order (paragraph 7 below) calling for either a negative declaration or a statement pursuant to Section 102(2)(C) of the NEP Act apply to, but are not limited to, the following, except as noted below: all grants, loans, contracts, purchases, leases, construction, research and development, rule-making and regulatory actions, certifications, licensing, plans (both internal DOT plans and external plans, such as the annual work programs submitted to NHSB), formal approvals (e.g., of non-Federal work plans), legislative proposals, program or budget proposals or actions (except for continuation of existing programs at approximately current levels, i.e., plus or minus 25 percent); and any renewals or reapprovals of the foregoing. Exceptions to the foregoing are:

- (1) administrative procurements (e.g., general supplies) and contracts for personal services;
- (2) normal personnel actions (e.g., promotions, hirings);
- (3) project amendments (e.g., increases in costs) which do not alter the environmental impact of the action;
- (4) legislative proposals not originating in DOT and relating to matters not the primary responsibility of DOT. (Note that procedures for coordinating environmental statements on legislation differ from coordination of environmental statements on other matters. See subparagraphs 7e and 7f below.)

b. In addition to the exceptions noted in sub-paragraphs 4a (1) to (4) above, the implementing instructions called for by paragraph 6 below may provide for additional exceptions.

c. A general class of actions may be covered by a single statement when the environmental impacts (and alternatives thereto) of all such actions are substantially similar. This provision does not apply to actions requiring construction or the taking of land.

5. DEFINITIONAL GUIDELINES. These are set forth in Attachment 1. Operating Administrations may wish to set forth more explicit definitions with respect to their programs in their implementing instructions.

6. IMPLEMENTING INSTRUCTIONS.

- a. Within two weeks after the effective date of this order, each Operating Administration will submit for review to TEU draft internal instructions or other appropriate regulations to implement this order.
- b. These internal instructions will incorporate the main points in this order (or include it as an attachment), and provide for further specificity and applicability to the programs of the Operating Administration, including identification of what should be considered "programs", "projects", or "actions" for purposes of 102(2)(C) statements.
- c. Following TEU concurrence in the draft internal instructions of each Operating Administration, the Operating Administrations will take any steps necessary to comply with applicable requirements of the Administrative Procedure Act (5 U.S.C., Sections 551 et seq.) and Bureau of the Budget Circular No. A-85.
- d. Pending finalization of the implementing instructions, the Operating Administrations will begin implementation of the procedures in this order to the extent possible.

7. PREPARATION AND PROCESSING OF SECTION 102(2)(C) STATEMENTS.

- a. Negative Declaration. Any proposal for an action to which this order is applicable (in accordance with paragraph 4a above) will include either a statement as required by Section 102(2)(C) of the NEP Act or a declaration that the proposed action will not have a significant impact on the environment. Negative declarations need not be coordinated outside the originating agency.
- b. Applications. Each applicant for a grant, loan, permit or other DOT approval covered by paragraph 4 above will be required to submit, together with the original application, either a draft 102(2)(C) statement or a negative declaration, as appropriate.
- c. Actions Originating within DOT. In the case of proposals originating within DOT for an action to which this order is applicable, the originator of the proposal will state in the proposal whether, in his judgment, the action will or will not require a 102(2)(C) statement.

- d. Draft of Statement. Draft statements shall be prepared at the earliest practicable point in time. They should be prepared early enough in the process so that the analysis of the environmental effects and the exploration of alternatives with respect thereto are significant inputs to the decision-making process. The implementing instructions (called for by paragraph 6 above) will specify the appropriate point at which draft statements should be prepared for each type of action in the administration to which this order is applicable.
- e. Comments of Federal Agencies. On actions requiring a 102(2)(C) statement, except for those relating to legislative proposals, the originating Operating Administration (or TEU for actions originating in the Office of the Secretary) shall circulate for comment the draft environmental statement called for by sub-paragraph 7d above to all Federal agencies which have jurisdiction by law or special expertise with respect to the environmental impact involved, and to the CEQ and TEU, as well as other elements of DOT where appropriate. At Attachment 2 to this order is a list of Federal agencies with their area of expertise, prepared by the CEQ. This list should not be presumed to be all-inclusive. Implementing instructions (called for by paragraph 6 above) will set forth the procedure for obtaining such comments. A time period for comment may be specified, but not less than 30 days. Where comments of other Federal agencies have been obtained by the applicant, comments need not be solicited again from same agencies, unless there are pertinent changes in the project proposal.

Draft environmental statements on legislative proposals will be submitted to the Office of Management and Budget (OMB) together with legislative proposals through the normal DOT legislative process, for coordination by OMB with other interested agencies.

- f. State or Local Review. Where no public hearing has been held on the proposed action at which the appropriate State and local review has been invited, and where review of the proposed action by State and local agencies authorized to develop and enforce environmental standards is relevant, such State and local review shall be provided for as follows:
- (1) Project applicant may obtain comments from appropriate State and local agencies.
 - (2) Otherwise, for direct Federal development projects and projects assisted under programs listed in Attachment D of OMB (issued

as BOB) Circular No. A-95, review by State and local governments will be through procedures set forth under Part I of Circular No. A-95.

- (3) State and local review of agency procedures, regulations, and policies for the administration of Federal programs of assistance to State and local governments will be conducted pursuant to procedures established by OMB (issued as BOB) Circular No. A-85.
- (4) Where these procedures are not appropriate and where the proposed action affects matters within their jurisdiction, review of the proposed action by State and local agencies authorized to develop and enforce environmental standards and their comments on the draft environmental statement may be obtained directly or by publication of a summary notice in the Federal Register (with a copy of the environmental statement and comments of Federal agencies thereon to be supplied on request). The notice in the Federal Register may specify that comments of the relevant State and local agencies must be submitted within a specified period of time from the date of publication of the notice, but not less than sixty days.

Environmental statements on legislative proposals are not subject to State and local review. Similarly, budget proposals or other internal agency proposals may be excluded from such review.

- g. Utilization of Comments. Comments received under sub-paragraphs 7e and 7f shall accompany the draft environmental statement through the normal internal project or program review process.
- h. Final Statements. Draft statements shall be revised, as appropriate, to reflect comments received or other considerations before being put into final form for approval of the responsible official. Final statements will then be submitted to TEU for concurrence, together with 12 copies (including 10 for forwarding to the CEQ), with the following exception: Final statements need not be submitted to TEU with respect to highway projects when such statements were required solely because the action involves Section 4(f), and the 4(f) approval authority for such action has been delegated to FHWA. The statement will be considered concurred in by TEU unless other notification is provided within two weeks, except as to statements, projects or actions as to which final approval authority is reserved to the Secretary, as discussed in paragraph 9 below.

- i. Content of Statement. The following points will be covered in the statement:
- (1) A description of the proposed action and its purpose.
 - (2) The probable impact of the proposed action on the environment.
 - (3) Any probable adverse environmental effects which cannot be avoided should the proposal be implemented.
 - (4) Alternatives to the proposed action. (Section 102(2)(D) of the NEP Act requires the responsible agency to "study, develop and describe appropriate alternatives to recommend courses of action in any proposal which involves unresolved conflicts concerning alternative uses of available resources." Alternative actions that might avoid some or all of the adverse environmental effects or increase beneficial effects should be set forth and analyzed.)
 - (5) The relationship between local short-term uses of man's environment and the maintenance and enhancement of long-term productivity. This in essence requires the agency to assess the action for cumulative and long-term effects from the perspective that each generation is trustee of the environment for succeeding generations.
 - (6) Any irreversible and irretrievable commitments of resources which would be involved in the proposed action should it be implemented. This requires the agency to identify the extent to which the action curtails the range of beneficial uses of the environment.
 - (7) Where appropriate, a discussion of problems and objections raised by other Federal agencies, State and local entities, and citizens in the review process, and the disposition of the issues involved. (This section may be added at the end of the review process in the final text of the environmental statement.)

j. Form of Statement.

- (1) Each statement will be headed as follows:

Department of Transportation

(Operating Administration)

(Draft) Environmental Impact Statement
Pursuant to Section 102(2)(C), P.L. 91-190

- (2) Each statement will, as a minimum, contain sections corresponding to sub-paragraphs (1)-(6) of paragraph 7i above, appropriately headed.

- k. Availability of Statements to the President, the CEQ, and the Public. TEU is responsible for transmitting 10 copies of each final statement to the CEQ, which transmittal shall be deemed transmittal to the President. The agency which prepared the environmental statement is responsible for making the final version of such statement and the comments received available to the public pursuant to the provisions of the Freedom of Information Act (5 U.S.C. Section 552).

8. PREPARATION AND PROCESSING OF STATEMENTS UNDER SECTION 4(f) OF THE DOT ACT AND SECTIONS 16(c)(3), 16(c)(4), 16(d) and 16(e) OF THE AIRPORT ACT.

- a. Inclusion in 102(2)(C) Statement. As indicated in paragraph 1 of this order, it is the intent of this order that the Section 102(2)(C) statement described above should serve as the vehicle for all environmental findings, determinations and clearances required under any legislation applicable to the Department. Any project, proposal or action to which Section 4(f) of the DOT Act and/or Sections 16(c)(3), 16(c)(4), 16(d), and 16(e) of the Airport Act is applicable will require a 102(2)(C) statement. Such 102(2)(C) statements should be prepared, therefore, in such a manner as to also meet the requirements of the cited sections of the DOT Act and/or the Airport Act.

- b. Applications. Each applicant for a grant, loan, permit or other DOT approval covered by paragraph 8a above will be required to submit a draft 102(2)(C) statement which also meets the requirements of Section 8 of this order.
- c. Content of Statements Under Section 4(f) of the DOT Act. In addition to the information required under paragraph 7i above, the following information must be included in statements covered by this paragraph:
- (1) Description of "any publicly owned land from a public park, recreation area or wildlife and waterfowl refuge" or "any land from an historic site" affected or taken by the project, including its size, available activities, use, patronage, relationship to other similarly used lands in the vicinity of the project, maps, plans and drawings showing in sufficient scale and detail the project and its impact on park, recreation, wildlife, or historic areas, and slides, photographs, etc., as appropriate.
 - (2) Statement of the "national, State or local significance" of the area "as determined by the Federal, State or local officials having jurisdiction thereof."
 - (3) Similar data, as appropriate, for alternative designs and locations, including cost estimates and technical feasibility, and appropriate analysis of the alternatives.
 - (4) If there is no feasible and prudent alternative, description of all planning undertaken to minimize harm to the protected area and statement of actions taken or to be taken to implement this planning.
 - (5) A specific statement that there is no feasible and prudent alternative and that the proposal includes all possible planning to minimize harm to the "4(f) area" involved.
- d. Content of Statements on Projects Subject to Section 16(c)(3), 16(c)(4), and 16(d) of the Airport Act. In addition to the information required under paragraph 7i above, the following information will be included:

- (1) Identification of communities in or near which the project is located.
- (2) Identification of steps taken by the applicant to determine the interests of those communities, including economic, environmental, and social interests, as well as transportation interests.
- (3) Statement of the specific actions taken in planning the project to recognize and to meet the communities' interests.
- (4) For identified community interests which are in conflict with the project, a statement explaining why the interests have not been met, what alternatives have been investigated to meet the community interests, estimated costs of the alternatives and the reasons for not adopting the alternatives.
- (5) For any project found to have an adverse effect on the environment, and for which no feasible and prudent alternative exists, identify all steps taken to minimize such adverse effect.
- (6) For any project found to have an adverse effect on the environment, and for which all possible steps have been taken to minimize such effects, a request that the Secretary render the appropriate findings, in writing.
- (7) Statement that the public hearings required by Section 16(d) of the Airport Act have been held.
- (8) Statement by appropriate local planning officials that the project is consistent with the goals and objectives of such urban planning as has been carried out by the community.

e. Form of Statement.

- (1) The heading specified in paragraph 7g(1) above shall be modified to indicate that the statement also covers Section 4(f) and/or Section 16(c)(3), 16(c)(4) and 16(d) requirements, as appropriate.
- (2) Appropriate paragraphs and headings will be added to 102(2)(C) statements to cover the points in paragraphs 8c and d above, as appropriate.

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- f. Comments and Processing. The instructions set forth in paragraph 7 above with respect to obtaining comments and concurrence shall also apply to statements prepared pursuant to paragraph 8.
- g. Certification of Compliance with Air and Water Quality Statements Pursuant to Section 16(e) of the Airport Act. This certification shall be required only at the time an applicant submits an application for financial assistance.
- h. Follow Through on Decisions of the Secretary in Cases Involving Section 4(f) and/or Sections 16(c)(3), 16(c)(4), 16(d) and 16(e). Following a decision with respect to the final statements as described in paragraph 7h above (which statements shall contain the necessary findings under Section 4(f) and Section 16(c)(3), 16(c)(4), 16(d) and 16(e), as appropriate), TEU will transmit the Secretary's decision to the originating administration. The administration will take the necessary steps, through its funding agreements and other contacts with the applicant, to assure that the actions to minimize adverse environmental effects, as spelled out in the statement or in the Secretary's approval (to the extent that it differs from the statement as proposed), will be carried out. Proposals to deviate from these actions as approved should be cleared with TEU.

In cases where the Secretary's approval differs from the applicant's proposal, the Administrator will advise the applicant of the details of the decision, and obtain the concurrence in writing from the applicant before permitting the project to proceed.

The operating instructions called for by paragraph 6 of this order shall include procedures for monitoring these projects so as to assure that the Secretary's decisions are executed. The administrations will provide TEU with copies of the appropriate correspondence, agreements, statements of compliance and progress reports for this purpose.

- 9. DECISIONS RESERVED TO THE SECRETARY. In the case of any action requiring personal approval of the Secretary pursuant to a specific reservation of authority (including an ad hoc reservation), the final statement submitted pursuant to paragraph 7h above shall be accompanied by a brief cover memorandum requesting the Secretary's approval. The memorandum shall include signature lines for the concurrence of the Assistant Secretary

for Environment and Urban Systems, the General Counsel, and the Under Secretary. A signature line for the Secretary's approval shall also be included.

10. ANNOUNCEMENT OF DECISIONS. The Assistant Secretary for Environment and Urban Systems will be responsible for informing the Office of Congressional Relations and the Office of Public Affairs of the Secretary's decisions so that they may inform their contacts and take other appropriate actions.



John A. Volpe
Secretary of Transportation

DEFINITIONAL GUIDELINES

1. General. When there is doubt whether or not to prepare a statement it should be prepared. Where the environmental consequences of a proposed action are unclear but potentially significant, a statement should be prepared. It should be noted that the effect of many Federal decisions can be individually limited but cumulatively considerable. It should also be noted that the NEP Act does not restrict itself to adverse effects, and any significant effect positive or negative requires a statement. Moreover, opportunities foreclosed, future implications and indirect effects should be taken into consideration.
2. "Major". Any Federal action significantly affecting the environment is deemed to be "major" and a statement shall be prepared.
3. "Federal Actions". This term includes the entire range of activity undertaken by the DOT. Actions include but are not limited to:
 - a. Direct Federal programs, projects and administrative activities, such as:
 - (1) research, development, and demonstration projects
 - (2) rulemaking and regulations
 - (3) construction of and operation of Federal facilities
 - (4) waste disposal
 - (5) transportation of dangerous or contaminated commodities
 - (6) making of treaties or agreements (international, or with other Federal or State governments)
 - (7) development of plans
 - b. Federal grants, loans, or other financial assistance.
 - c. Federal permits, licenses, certifications, approvals, leases, or any entitlements for use, such as:
 - (1) aircraft certification
 - (2) approval for use and integration into the NAS of privately financed air navigation equipment
 - (3) approval of State highway programs and plans prior to grant of money

As stated in paragraph 6b of this Order, the implementing instructions of each operating administration should specify what is to be considered an "action" for the various programs of that administration for purposes of 102(2)(C) statements.

4. "Significantly Affecting" Environment.

a. Any of the following actions should be considered significant and a statement should be prepared:

- (1) any action that is likely to be highly controversial on environmental grounds
- (2) any matter falling under Section 4(f) of the DOT Act or Section 16 (c)(3), 16(c)(4), 16(d), or 16(e) of the Airport Act

b. Actions that have the following effects are likely to be significant:

- (1) lead to a noticeable change in the ambient noise level for a substantial number of people
- (2) displace significant numbers of people
- (3) divide or disrupt an established community, divide existing uses, e.g., cutting off residential areas from recreation areas or shopping areas, or disrupt orderly, planned development
- (4) have a significant aesthetic or visual effect
- (5) have any effect on areas of unique interest or scenic beauty
- (6) destroy or derogate from important recreational areas not covered by Section 4(f) of the DOT Act
- (7) substantially alter the pattern of behavior for a species
- (8) interfere with important breeding, nesting or feeding grounds
- (9) lead to significantly increased air or water pollution in a given area
- (10) adversely affect the water table of an area
- (11) disturb the ecological balance of a land or water area
- (12) involve a reasonable possibility of contamination of a public water supply source, treatment facility, or distribution system

Federal Agencies with jurisdiction by law or special expertise
to comment on various types of environmental impact:

Air quality and air pollution control --

National Air Pollution Control Administration,
National Institute of Environmental Health Sciences, and
Health Services and Mental Health Administration, of the
Department of Health, Education and Welfare

Environmental Sciences Services Administration, and
National Bureau of Standards, of the Department of
Commerce (atmospheric pollution measurement)

Bureau of Mines (fossil fuel combustion).
Department of the Interior

Assistant Secretary for Systems Development and Technology
(auto emissions), and Federal Aviation Administration (aircraft
emissions), of the Department of Transportation

Chemical contamination and food products --

Food and Drug Administration
Department of Health, Education and Welfare

Coastal areas, wetlands, estuaries, waterfowl refuges, and beaches --

Coast Guard, Department of Transportation

Corps of Engineers, Department of Defense

Federal Water Quality Administration, Bureau of Sport
Fisheries and Wildlife, and Bureau of Commercial Fisheries,
of the Department of the Interior

Soil Conservation Service
Department of Agriculture

Department of Housing and Urban Development (urban aspects)

Congestion in urban areas, housing and building displacement --

Urban Mass Transportation Administration, and
Federal Highway Administration, of the
Department of Transportation

Health Services and Mental Health Administration, and
Environmental Health Service, of the Department of
Health, Education and Welfare

Department of Housing and Urban Development

Disease control --

Health Services and Mental Health Administration
Department of Health, Education and Welfare

Electric energy generation and supply --

Rural Electrification Administration (rural areas)
Department of Agriculture

Federal Power Commission

Department of Housing and Urban Development (urban areas)

Environmental effects with special impact in low-income neighborhoods --

Office of Economic Opportunity

Department of Housing and Urban Development (urban areas)

Flood plains and watersheds --

Agricultural Stabilization and Research Service,
Soil Conservation Service, and Forest Service, of the
Department of Agriculture

Flood plains and watersheds (cont'd)

Bureau of Reclamation, and U.S. Geological Survey,
of the Department of the Interior

Department of Housing and Urban Development (urban areas)

Corps of Engineers, Department of Defense

Food additives and food sanitation --

Food and Drug Administration
Department of Health, Education and Welfare

Consumer Marketing Service (meat and poultry products)
Department of Agriculture

Herbicides --

Agricultural Research Service, Forest Service, and
Soil Conservation Service, of the Department of Agriculture

Historic and archeological sites --

National Park Service
Department of the Interior

Department of Housing and Urban Development (urban areas)

Human ecology --

Environmental Health Service, and National Institute of
Environmental Health Sciences, of the Department of
Health, Education and Welfare

Department of Housing and Urban Development (urban areas)

Microbiological contamination --

Food and Drug Administration
Department of Health, Education and Welfare

Mineral Land Reclamation --

Bureau of Mines, Department of the Interior
Forest Service, Department of Agriculture

Natural Gas Energy Development Generation and Supply --

Federal Power Commission

Navigable airways --

Federal Aviation Administration
Department of Transportation

Navigable waterways --

Bureau of Outdoor Recreation, Bureau of Sport Fisheries
and Wildlife, and Bureau of Commercial Fisheries, of the
Department of the Interior

Corps of Engineers, Department of Defense

Coast Guard, Department of Transportation

Noise control and abatement --

Federal Aviation Administration -- Office of Noise Abatement,
Assistant Secretary for Systems Development and Technology --
Office of Noise Abatement and Office of Pipeline Safety, of the
Department of Transportation

Noise control and abatement -- (cont'd)

Environmental Control Administration, and Environmental Health Service, of the Department of Health, Education and Welfare

Department of Housing and Urban Development (urban land use aspects, building materials standards)

Parks, forests, trees and outdoor recreation areas --

Bureau of Land Management, National Park Service, Bureau of Outdoor Recreation, and Bureau of Sport Fisheries and Wildlife, of the Department of the Interior

Forest Service, Department of Agriculture

Department of Housing and Urban Development (urban areas)

Pesticides --

Food and Drug Administration
Department of Health, Education and Welfare

Pesticides Regulations Division
Department of Agriculture

Bureau of Sport Fisheries and Wildlife (effects on fish and wildlife), and Bureau of Commercial Fisheries, of the Department of the Interior

Radiation and radiological health --

Atomic Energy Commission

Environmental Health Service, and National Institute of Environmental Health Sciences, of the Department of Health, Education and Welfare

Regional comprehensive planning --

Economic Development Administration
Department of Commerce

Department of Housing and Urban Development

Rodent Control --

Health Services and Mental Health Administration, and
Environmental Health Service, of the Department of
Health, Education and Welfare

Department of Housing and Urban Development (urban areas)

Bureau of Sport Fisheries and Wildlife
Department of the Interior

Sanitation and waste systems --

Environmental Health, Service, National Institute of
Environmental Health Sciences, Health Services and
Mental Health Administration, and Consumer Protection
and Environmental Health Service (solid waste), of the
Department of Health, Education and Welfare

U.S. Coast Guard (ship sanitation)
Department of Transportation

Bureau of Mines (mineral waste), and Federal Water
Quality Administration, of the Department of the Interior

Shellfish sanitation --

Bureau of Commercial Fisheries, Department of the Interior

Food and Drug Administration, and Environmental Health
Service, of the Department of Health, Education and Welfare

Soil and plant life, sedimentation, erosion and hydrologic conditions --

Soil Conservation Service, Agricultural Research Service,
and Forest Service, of the Department of Agriculture

Corps of Engineers (dredging, aquatic plants)
Department of Defense

U.S. Geological Survey
Department of the Interior

Toxic materials --

Food and Drug Administration, and National Institutes
of Health, of the Department of Health, Education and
Welfare

Pesticides Regulation Division, Department of Agriculture

Air Force, Department of Defense

Transportation and handling of hazardous materials --

Interstate Commerce Commission

Armed Services Explosive Safety Board
Department of Defense

Federal Highway Administration -- Bureau of Motor
Carrier Safety, Federal Railroad Administration,
Federal Aviation Administration, Assistant Secretary for
Systems Development and Technology -- Office of
Hazardous Materials and Office of Pipeline Safety, of the
Department of Transportation

Environmental Health Service, Health Services and Mental
Health Administration, and Food and Drug Administration, of the
Department of Health, Education and Welfare

Federal Water Quality Administration
Department of the Interior

Atomic Energy Commission

Water quality and water pollution control --

Federal Water Quality Administration, and U. S.
Geological Survey, of the Department of the Interior

Navy (ship pollution control)
Department of Defense

Coast Guard (oil spills, ship sanitation)
Department of Transportation

Wildlife --

Bureau of Sport Fisheries and Wildlife
Department of the Interior

Activities with special impact on regional jurisdictions

Appalachian Regional Commission

Tennessee Valley Authority (Tennessee River Basin)

Economic Development Administration
Department of Commerce

National Capital Planning Commission

Activities with international implications

Department of State

APPENDIX III

FEDERAL REGISTER

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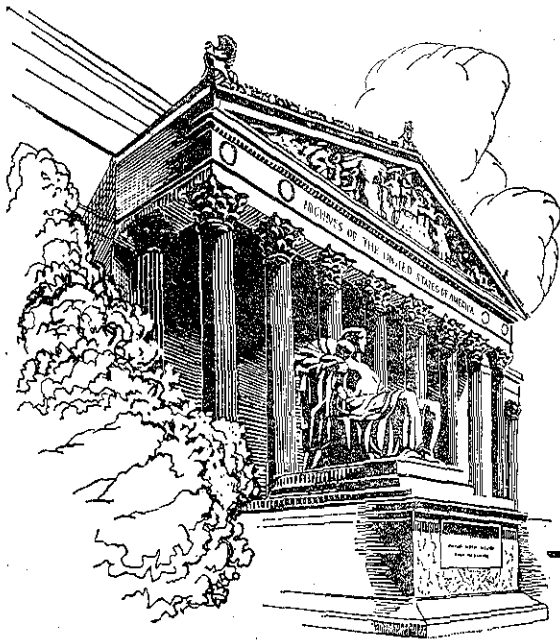
Friday, April 23, 1971 • Washington, D.C.

PART II

COUNCIL ON ENVIRONMENTAL QUALITY

•
STATEMENTS ON PROPOSED
FEDERAL ACTIONS AFFECTING
THE ENVIRONMENT

GUIDELINES



**COUNCIL ON
ENVIRONMENTAL QUALITY**
**STATEMENTS ON PROPOSED FEDERAL
ACTIONS AFFECTING THE EN-
VIRONMENT**

Guidelines

1. *Purpose.* This memorandum provides guidelines to Federal departments, agencies, and establishments for preparing detailed environmental statements on proposals for legislation and other major Federal actions significantly affecting the quality of the human environment as required by section 102(2)(C) of the National Environmental Policy Act (Public Law 91-190) (hereafter "the Act"). Underlying the preparation of such environmental statements is the mandate of both the Act and Executive Order 11514 (35 F.R. 4247) of March 4, 1970, that all Federal agencies, to the fullest extent possible, direct their policies, plans and programs so as to meet national environmental goals. The objective of section 102(2)(C) of the Act and of these guidelines is to build into the agency decision making process an appropriate and careful consideration of the environmental aspects of proposed action and to assist agencies in implementing not only the letter, but the spirit, of the Act. This memorandum also provides guidance on implementation of section 309 of the Clean Air Act, as amended (42 U.S.C. 1857 et seq.).

2. *Policy.* As early as possible and in all cases prior to agency decision concerning major action or recommendation or a favorable report on legislation that significantly affects the environment, Federal agencies will, in consultation with other appropriate Federal, State, and local agencies, assess in detail the potential environmental impact in order that adverse effects are avoided, and environmental quality is restored or enhanced, to the fullest extent practicable. In particular, alternative actions that will minimize adverse impact should be explored and both the long- and short-range implications to man, his physical and social surroundings, and to nature, should be evaluated in order to avoid to the fullest extent practicable undesirable consequences for the environment.

3. *Agency and OMB procedures.* (a) Pursuant to section 2(f) of Executive Order 11514, the heads of Federal agencies have been directed to proceed with measures required by section 102(2)(C) of the Act. Consequently, each agency will establish, in consultation with the Council on Environmental Quality, not later than June 1, 1970 (and, by July 1, 1971, with respect to requirements imposed by revisions in these guidelines, which will apply to draft environmental statements circulated after June 30, 1971), its own formal procedures for (1) identifying those agency actions requiring environmental statements, the appropriate time prior to decision for the consultations required by section 102

(2)(C), and the agency review process for which environmental statements are to be available, (2) obtaining information required in their preparation, (3) designating the officials who are to be responsible for the statements, (4) consulting with and taking account of the comments of appropriate Federal, State, and local agencies, including obtaining the comment of the Administrator of the Environmental Protection Agency, whether or not an environmental statement is prepared, when required under section 309 of the Clean Air Act, as amended, and section 8 of these guidelines, and (5) meeting the requirements of section 2(b) of Executive Order 11514 for providing timely public information on Federal plans and programs with environmental impact including procedures responsive to section 10 of these guidelines. These procedures should be consonant with the guidelines contained herein. Each agency should file seven (7) copies of all such procedures with the Council on Environmental Quality, which will provide advice to agencies in the preparation of their procedures and guidance on the application and interpretation of the Council's guidelines. The Environmental Protection Agency will assist in resolving any question relating to section 309 of the Clean Air Act, as amended.

(b) Each Federal agency should consult, with the assistance of the Council on Environmental Quality and the Office of Management and Budget if desired, with other appropriate Federal agencies in the development of the above procedures so as to achieve consistency in dealing with similar activities and to assure effective coordination among agencies in their review of proposed activities.

(c) State and local review of agency procedures, regulations, and policies for the administration of Federal programs of assistance to State and local governments will be conducted pursuant to procedures established by the Office of Management and Budget Circular No. A-85. For agency procedures subject to OMB Circular No. A-85 a 30-day extension in the July 1, 1971, deadline set in section 3(a) is granted.

(d) It is imperative that existing mechanisms for obtaining the views of Federal, State, and local agencies on proposed Federal actions be utilized to the extent practicable in dealing with environmental matters. The Office of Management and Budget will issue instructions, as necessary, to take full advantage of existing mechanisms (relating to procedures for handling legislation, preparation of budgetary materials, new procedures, water resource and other projects, etc.).

4. *Federal agencies included.* Section 102(2)(C) applies to all agencies of the Federal Government with respect to recommendations or favorable reports on proposals for (i) legislation and (ii) other major Federal actions significantly affecting the quality of the human environment. The phrase "to the fullest ex-

tent possible" in section 102(2)(C) is meant to make clear that each agency of the Federal Government shall comply with the requirement unless existing law applicable to the agency's operations expressly prohibits or makes compliance impossible. (Section 105 of the Act provides that "The policies and goals set forth in this Act are supplementary to those set forth in existing authorizations of Federal agencies.")

5. *Actions included.* The following criteria will be employed by agencies in deciding whether a proposed action requires the preparation of an environmental statement:

(a) "Actions" include but are not limited to:

(i) Recommendations or favorable reports relating to legislation including that for appropriations. The requirement for following the section 102(2)(C) procedure as elaborated in these guidelines applies to both (i) agency recommendations on their own proposals for legislation and (ii) agency reports on legislation initiated elsewhere. (In the latter case only the agency which has primary responsibility for the subject matter involved will prepare an environmental statement.) The Office of Management and Budget will supplement these general guidelines with specific instructions relating to the way in which the section 102(2)(C) procedure fits into its legislative clearance process;

(ii) Projects and continuing activities: directly undertaken by Federal agencies; supported in whole or in part through Federal contracts, grants, subsidies, loans, or other forms of funding assistance; involving a Federal lease, permit, license, certificate or other entitlement for use;

(iii) Policy, regulations, and procedure-making.

(b) The statutory clause "major Federal actions significantly affecting the quality of the human environment" is to be construed by agencies with a view to the overall, cumulative impact of the action proposed (and of further actions contemplated). Such actions may be localized in their impact, but if there is potential that the environment may be significantly affected, the statement is to be prepared. Proposed actions, the environmental impact of which is likely to be highly controversial, should be covered in all cases. In considering what constitutes major action significantly affecting the environment, agencies should bear in mind that the effect of many Federal decisions about a project or complex of projects can be individually limited but cumulatively considerable. This can occur when one or more agencies over a period of years puts into a project individually minor but collectively major resources, when one decision involving a limited amount of money is a precedent for action in much larger cases or represents a decision in principle about a future major course of action, or when several Government agencies individually make decisions about partial aspects of a major action. The lead agency

should prepare an environmental statement if it is reasonable to anticipate a cumulatively significant impact on the environment from Federal action. "Lead agency" refers to the Federal agency which has primary authority for committing the Federal Government to a course of action with significant environmental impact. As necessary, the Council on Environmental Quality will assist in resolving questions of lead agency determination.

(c) Section 101(b) of the Act indicates the broad range of aspects of the environment to be surveyed in any assessment of significant effect. The Act also indicates that adverse significant effects include those that degrade the quality of the environment, curtail the range of beneficial uses of the environment, and serve short-term, to the disadvantage of long-term, environmental goals. Significant effects can also include actions which may have both beneficial and detrimental effects, even if, on balance, the agency believes that the effect will be beneficial. Significant adverse effects on the quality of the human environment include both those that directly affect human beings and those that indirectly affect human beings through adverse effects on the environment.

(d) Because of the Act's legislative history, environmental protective regulatory activities concurred in or taken by the Environmental Protection Agency are not deemed actions which require the preparation of environmental statements under section 102(2)(C) of the Act.

6. *Content of environmental statement.* (a) The following points are to be covered:

(i) A description of the proposed action including information and technical data adequate to permit a careful assessment of environmental impact by commenting agencies. Where relevant, maps should be provided.

(ii) The probable impact of the proposed action on the environment, including impact on ecological systems such as wildlife, fish, and marine life. Both primary and secondary significant consequences for the environment should be included in the analysis. For example, the implications, if any, of the action for population distribution or concentration should be estimated and an assessment made of the effect of any possible change in population patterns upon the resource base, including land use, water, and public services, of the area in question.

(iii) Any probable adverse environmental effects which cannot be avoided (such as water or air pollution, undesirable land use patterns, damage to life systems, urban congestion, threats to health or other consequences adverse to the environmental goals set out in section 101(b) of the Act).

(iv) Alternatives to the proposed action (section 102(2)(D) of the Act requires the responsible agency to "study, develop, and describe appropriate alternatives to recommended courses of action in any proposal which involves

unresolved conflicts concerning alternative uses of available resources"). A rigorous exploration and objective evaluation of alternative actions that might avoid some or all of the adverse environmental effects is essential. Sufficient analysis of such alternatives and their costs and impact on the environment should accompany the proposed action through the agency review process in order not to foreclose prematurely options which might have less detrimental effects.

(v) The relationship between local short-term uses of man's environment and the maintenance and enhancement of long-term productivity. This in essence requires the agency to assess the action for cumulative and long-term effects from the perspective that each generation is trustee of the environment for succeeding generations.

(vi) Any irreversible and irretrievable commitments of resources which would be involved in the proposed action should it be implemented. This requires the agency to identify the extent to which the action curtails the range of beneficial uses of the environment.

(vii) Where appropriate, a discussion of problems and objections raised by other Federal, State, and local agencies and by private organizations and individuals in the review process and the disposition of the issues involved. (This section may be added at the end of the review process in the final text of the environmental statement.)

(b) With respect to water quality aspects of the proposed action which have been previously certified by the appropriate State or interstate organization as being in substantial compliance with applicable water quality standards, the comment of the Environmental Protection Agency should also be requested.

(c) Each environmental statement should be prepared in accordance with the precept in section 102(2)(A) of the Act that all agencies of the Federal Government "utilize a systematic, interdisciplinary approach which will insure the integrated use of the natural and social sciences and the environmental design arts in planning and decisionmaking which may have an impact on man's environment."

(d) Where an agency follows a practice of declining to favor an alternative until public hearings have been held on a proposed action, a draft environmental statement may be prepared and circulated indicating that two or more alternatives are under consideration.

(e) Appendix I prescribes the form of the summary sheet which should accompany each draft and final environmental statement.

7. Federal agencies to be consulted in connection with preparation of environmental statement. A Federal agency considering an action requiring an environmental statement, on the basis of (i) a draft environmental statement for which it takes responsibility or (ii) comparable information followed by a hearing subject to the provisions of the Administrative Procedure Act, should

consult with, and obtain the comment on the environmental impact of the action of, Federal agencies with jurisdiction by law or special expertise with respect to any environmental impact involved. These Federal agencies include components of (depending on the aspect or aspects of the environment):

Advisory Council on Historic Preservation,
Department of Agriculture,
Department of Commerce,
Department of Defense,
Department of Health, Education, and Welfare,
Department of Housing and Urban Development,
Department of the Interior,
Department of State,
Department of Transportation,
Atomic Energy Commission,
Federal Power Commission,
Environmental Protection Agency,
Office of Economic Opportunity.

For actions specifically affecting the environment of their geographic jurisdictions, the following Federal and Federal-State agencies are also to be consulted:

Tennessee Valley Authority,
Appalachian Regional Commission,
National Capital Planning Commission,
Delaware River Basin Commission,
Susquehanna River Basin Commission.

Agencies seeking comment should determine which one or more of the above listed agencies are appropriate to consult on the basis of the areas of expertise identified in Appendix 2 to these guidelines. It is recommended (i) that the above listed departments and agencies establish contact points, which often are most appropriately regional offices, for providing comments on the environmental statements and (ii) that departments from which comment is solicited coordinate and consolidate the comments of their component entities. The requirement in section 102(2)(C) to obtain comment from Federal agencies having jurisdiction or special expertise is in addition to any specific statutory obligation of any Federal agency to coordinate or consult with any other Federal or State agency. Agencies seeking comment may establish time limits of not less than thirty (30) days for reply, after which it may be presumed, unless the agency consulted requests a specified extension of time, that the agency consulted has no comment to make. Agencies seeking comment should endeavor to comply with requests for extensions of time of up to fifteen (15) days.

8. *Interim EPA procedures for implementation of section 309 of the Clean Air Act, as amended.* (a) Section 309 of the Clean Air Act, as amended, provides:

Sec. 309. (a) The Administrator shall review and comment in writing on the environmental impact of any matter relating to duties and responsibilities granted pursuant to this Act or other provisions of the authority of the Administrator, contained in any (1) legislation proposed by any Federal department or agency, (2) newly authorized Federal projects for construction and any major Federal agency action (other than a project for construction) to which section 102(2)(C) of Public Law 91-190 applies, and (3) proposed regulations published by any

department or agency of the Federal Government. Such written comment shall be made public at the conclusion of any such review.

(b) In the event the Administrator determines that any such legislation, action, or regulation is unsatisfactory from the standpoint of public health or welfare or environmental quality, he shall publish his determination and the matter shall be referred to the Council on Environmental Quality.

(c) Accordingly, wherever an agency action related to air or water quality, noise abatement and control, pesticide regulation, solid waste disposal, radiation criteria and standards, or other provisions of the authority of the Administrator if the Environmental Protection Agency is involved, including his enforcement authority, Federal agencies are required to submit for review and comment by the Administrator in writing: (i) proposals for new Federal construction projects and other major Federal agency actions to which section 102(2)(C) of the National Environmental Policy Act applies and (ii) proposed legislation and regulations, whether or not section 102(2)(C) of the National Environmental Policy Act applies. (Actions requiring review by the Administrator do not include litigation or enforcement proceedings.) The Administrator's comments shall constitute his comments for the purposes of both section 309 of the Clean Air Act and section 102(2)(C) of the National Environmental Policy Act. A period of 45 days shall be allowed for such review. The Administrator's written comment shall be furnished to the responsible Federal department or agency, to the Council on Environmental Quality and summarized in a notice published in the FEDERAL REGISTER. The public may obtain copies of such comment on request from the Environmental Protection Agency.

3. *State and local review.* Where no public hearing has been held on the proposed action at which the appropriate State and local review has been invited, and where review of the environmental impact of the proposed action by State and local agencies authorized to develop and enforce environmental standards is relevant, such State and local review shall be provided as follows:

(a) For direct Federal development projects and projects assisted under programs listed in Attachment D of the Office of Management and Budget Circular No. A-95, review of draft environmental statements by State and local governments will be through procedures set forth under Part 1 of Circular No. A-95.

(b) Where these procedures are not appropriate and where a proposed action affects matters within their jurisdiction, review of the draft environmental statement on a proposed action by State and local agencies authorized to develop and enforce environmental standards and their comments on the environmental impact of the proposed action may be obtained directly or by distributing the draft environmental statement to the appropriate State, regional and metropolitan clearinghouses unless the Governor of the State involved has desig-

nated some other point for obtaining this review.

10. *Use of statements in agency review processes; distribution to Council on Environmental Quality; availability to public.* (a) Agencies will need to identify at what stage or stages of a series of actions relating to a particular matter the environmental statement procedures of this directive will be applied. It will often be necessary to use the procedures both in the development of a national program and in the review of proposed projects within the national program. However, where a grant-in-aid program does not entail prior approval by Federal agencies of specific projects the view of Federal, State, and local agencies in the legislative process may have to suffice. The principle to be applied is to obtain views of other agencies at the earliest feasible time in the development of program and project proposals. Care should be exercised so as not to duplicate the clearance process, but when actions being considered differ significantly from those that have already been reviewed pursuant to section 102(2)(C) of the Act an environmental statement should be provided.

(b) Ten (10) copies of draft environmental statements (when prepared), ten (10) copies of all comments made thereon (to be forwarded to the Council by the entity making comment at the time comment is forwarded to the responsible agency), and ten (10) copies of the final text of environmental statements (together with all comments received thereon by the responsible agency from Federal, State, and local agencies and from private organizations and individuals) shall be supplied to the Council on Environmental Quality in the Executive Office of the President (this will serve as making environmental statements available to the President). It is important that draft environmental statements be prepared and circulated for comment and furnished to the Council early enough in the agency review process before an action is taken in order to permit meaningful consideration of the environmental issues involved. To the maximum extent practicable no administrative action (i.e., any proposed action to be taken by the agency other than agency proposals for legislation to Congress or agency reports on legislation) subject to section 102(2)(C) is to be taken sooner than ninety (90) days after a draft environmental statement has been circulated for comment, furnished to the Council and, except where advance public disclosure will result in significantly increased costs of procurement to the Government, made available to the public pursuant to these guidelines; neither should such administrative action be taken sooner than thirty (30) days after the final text of an environmental statement (together with comments) has been made available to the Council and the public. If the final text of an environmental statement is filed within ninety (90) days after a draft statement has been circulated for comment, furnished to the Council and

made public pursuant to this section of these guidelines, the thirty (30) day period and ninety (90) day period may run concurrently to the extent that they overlap.

(c) With respect to recommendations or reports on proposals for legislation to which section 102(2)(C) applies, the final text of the environmental statement and comments thereon should be available to the Congress and to the public in support of the proposed legislation or report. In cases where the scheduling of congressional hearings on recommendations or reports on proposals for legislation which the Federal agency has forwarded to the Congress does not allow adequate time for the completion of a final text of an environmental statement (together with comments), a draft environmental statement may be furnished to the Congress and made available to the public pending transmittal of the comments as received and the final text.

(d) Where emergency circumstances make it necessary to take an action with significant environmental impact without observing the provisions of these guidelines concerning minimum periods for agency review and advance availability of environmental statements, the Federal agency proposing to take the action should consult with the Council on Environmental Quality about alternative arrangements. Similarly, where there are overriding considerations of expense to the Government or impaired program effectiveness, the responsible agency should consult the Council concerning appropriate modifications of the minimum periods.

(e) In accord with the policy of the National Environmental Policy Act and Executive Order 11514 agencies have a responsibility to develop procedures to insure the fullest practicable provision of timely public information and understanding of Federal plans and programs with environmental impact in order to obtain the views of interested parties. These procedures shall include, whenever appropriate, provision for public hearings, and shall provide the public with relevant information, including information on alternative courses of action. Agencies which hold hearings on proposed administrative actions or legislation should make the draft environmental statement available to the public at least fifteen (15) days prior to the time of the relevant hearings except where the agency prepares the draft statement on the basis of a hearing subject to the Administrative Procedure Act and preceded by adequate public notice and information to identify the issues and obtain the comments provided for in sections 6-9 of these guidelines.

(f) The agency which prepared the environmental statement is responsible for making the statement and the comments received available to the public pursuant to the provisions of the Freedom of Information Act (5 U.S.C., sec. 552), without regard to the exclusion of interagency memoranda when such

memoranda transmit comments of Federal agencies listed in section 7 of these guidelines upon the environmental impact of proposed actions subject to section 102(2) (C).

(g) Agency procedures prepared pursuant to section 3 of these guidelines shall implement these public information requirements and shall include arrangements for availability of environmental statements and comments at the head and appropriate regional offices of the responsible agency and at appropriate State, regional, and metropolitan clearinghouses unless the Governor of the State involved designates some other point for receipt of this information.

11. *Application of section 102(2) (C) procedure to existing projects and programs.* To the maximum extent practicable the section 102(2) (C) procedure should be applied to further major Federal actions having a significant effect on the environment even though they arise from projects or programs initiated prior to enactment of the Act on January 1, 1970. Where it is not practicable to reassess the basic course of action, it is still important that further incremental major actions be shaped so as to minimize adverse environmental consequences. It is also important in further action that account be taken of environmental consequences not fully evaluated at the outset of the project or program.

12. *Supplementary guidelines, evaluation of procedures.* (a) The Council on Environmental Quality after examining environmental statements and agency procedures with respect to such statements will issue such supplements to these guidelines as are necessary.

(b) Agencies will continue to assess their experience in the implementation of the section 102(2) (C) provisions of the Act and in conforming with these guidelines and report thereon to the Council on Environmental Quality by December 1, 1971. Such reports should include an identification of the problem areas and suggestions for revision or clarification of these guidelines to achieve effective coordination of views on environmental aspects (and alternatives, where appropriate) of proposed actions without imposing unproductive administrative procedures.

RUSSELL E. TRAIN,
Chairman.

APPENDIX I

(Check one) () Draft. () Final Environmental Statement.

Name of Responsible Federal Agency (with name of operating division where appropriate).

1. Name of Action. (Check one) () Administrative Action. () Legislative Action.

2. Brief description of action indicating what States (and counties) particularly affected.

3. Summary of environmental impact and adverse environmental effects.

4. List alternatives considered.

5. a. (For draft statements) List all Federal, State, and local agencies from which comments have been requested.

b. (For final statements) List all Federal, State, and local agencies and other sources

from which written comments have been received.

6. Dates draft statement and final statement made available to Council on Environmental Quality and public.

APPENDIX II—FEDERAL AGENCIES WITH JURISDICTION BY LAW OR SPECIAL EXPERTISE TO COMMENT ON VARIOUS TYPES OF ENVIRONMENTAL IMPACTS

AIR

Air Quality and Air Pollution Control

Department of Agriculture—
Forest Service (effects on vegetation).
Department of Health, Education, and Welfare (Health aspects).
Environmental Protection Agency—
Air Pollution Control Office.
Department of the Interior—
Bureau of Mines (fossil and gaseous fuel combustion).
Bureau of Sport Fisheries and Wildlife (wildlife).
Department of Transportation—
Assistant Secretary for Systems Development and Technology (auto emissions).
Coast Guard (vessel emissions).
Federal Aviation Administration (aircraft emissions).

Weather Modification

Department of Commerce—
National Oceanic and Atmospheric Administration.
Department of Defense—
Department of the Air Force.
Department of the Interior—
Bureau of Reclamation.

ENERGY

Environmental Aspects of Electric Energy Generation and Transmission

Atomic Energy Commission (nuclear power).
Environmental Protection Agency—
Water Quality Office.
Air Pollution Control Office.
Department of Agriculture—
Rural Electrification Administration (rural areas).
Department of Defense—
Army Corps of Engineers (hydro-facilities).
Federal Power Commission (hydro-facilities and transmission lines).
Department of Housing and Urban Development (urban areas).
Department of the Interior—(facilities on Government lands).

Natural Gas Energy Development, Transmission and Generation

Federal Power Commission (natural gas production, transmission and supply).
Department of the Interior—
Geological Survey.
Bureau of Mines.

HAZARDOUS SUBSTANCES

Toxic Materials

Department of Commerce—
National Oceanic and Atmospheric Administration.
Department of Health, Education and Welfare (Health aspects).
Environmental Protection Agency.
Department of Agriculture—
Agricultural Research Service.
Consumer and Marketing Service.
Department of Defense.
Department of the Interior—
Bureau of Sport Fisheries and Wildlife.

Pesticides

Department of Agriculture—
Agricultural Research Service (biological controls, food and fiber production).
Consumer and Marketing Service.

Forest Service.

Department of Commerce—
National Marine Fisheries Service.
National Oceanic and Atmospheric Administration.

Environmental Protection Agency—
Office of Pesticides.
Department of the Interior—
Bureau of Sport Fisheries and Wildlife (effects on fish and wildlife).
Bureau of Land Management.
Department of Health, Education, and Welfare (Health aspects).

Herbicides

Department of Agriculture—
Agricultural Research Service.
Forest Service.
Environmental Protection Agency—
Office of Pesticides.
Department of Health, Education, and Welfare (Health aspects).
Department of the Interior—
Bureau of Sport Fisheries and Wildlife.
Bureau of Land Management.
Bureau of Reclamation.

Transportation and Handling of Hazardous Materials

Department of Commerce—
Maritime Administration.
National Marine Fisheries Service.
National Oceanic and Atmospheric Administration (impact on marine life).
Department of Defense—
Armed Services Explosive Safety Board.
Army Corps of Engineers (navigable waterways).
Department of Health, Education, and Welfare—
Office of the Surgeon General (Health aspects).
Department of Transportation—
Federal Highway Administration Bureau of Motor Carrier Safety.
Coast Guard.
Federal Railroad Administration.
Federal Aviation Administration.
Assistant Secretary for Systems Development and Technology.
Office of Hazardous Materials.
Office of Pipeline Safety.
Environmental Protection Agency (hazardous substances).
Atomic Energy Commission (radioactive substances).

LAND USE AND MANAGEMENT

Coastal Areas: Wetlands, Estuaries, Waterfowl Refuges, and Beaches

Department of Agriculture—
Forest Service.
Department of Commerce—
National Marine Fisheries Service (impact on marine life).
National Oceanic and Atmospheric Administration (impact on marine life).
Department of Transportation—
Coast Guard (bridges, navigation).
Department of Defense—
Army Corps of Engineers (beaches, dredge and fill permits, Refuse Act permits).
Department of the Interior—
Bureau of Sport Fisheries and Wildlife.
National Park Service.
U.S. Geological Survey (coastal geology).
Bureau of Outdoor Recreation (beaches).
Department of Agriculture—
Soil Conservation Service (soil stability, hydrology).
Environmental Protection Agency—
Water Quality Office.

Historic and Archeological Sites

Department of the Interior—
National Park Service.
Advisory Council on Historic Preservation.

Department of Housing and Urban Development (urban areas).

Flood Plains and Watersheds

Department of Agriculture—
Agricultural Stabilization and Research Service.
Soil Conservation Service.
Forest Service.

Department of the Interior—
Bureau of Outdoor Recreation.
Bureau of Reclamation.
Bureau of Sport Fisheries and Wildlife.
Bureau of Land Management.
U.S. Geological Survey.

Department of Housing and Urban Development (urban areas).

Department of Defense—
Army Corps of Engineers.

Mineral Land Reclamation

Appalachian Regional Commission.
Department of Agriculture—
Forest Service.

Department of the Interior—
Bureau of Mines.
Bureau of Outdoor Recreation.
Bureau of Sport Fisheries and Wildlife.
Bureau of Land Management.
U.S. Geological Survey.
Tennessee Valley Authority.

Parks, Forests, and Outdoor Recreation

Department of Agriculture—
Forest Service.
Soil Conservation Service.
Department of the Interior—
Bureau of Land Management.
National Park Service.
Bureau of Outdoor Recreation.
Bureau of Sport Fisheries and Wildlife.
Department of Defense—
Army Corps of Engineers.
Department of Housing and Urban Development (urban areas).

Soil and Plant Life, Sedimentation, Erosion and Hydrologic Conditions

Department of Agriculture—
Soil Conservation Service.
Agricultural Research Service.
Forest Service.
Department of Defense—
Army Corps of Engineers (dredging, aquatic plants).
Department of Commerce—
National Oceanic and Atmospheric Administration.
Department of the Interior—
Bureau of Land Management.
Bureau of Sport Fisheries and Wildlife.
Geological Survey.
Bureau of Reclamation.

NOISE

Noise Control and Abatement

Department of Health, Education, and Welfare (Health aspects).
Department of Commerce—
National Bureau of Standards.
Department of Transportation—
Assistant Secretary for Systems Development and Technology.
Federal Aviation Administration (Office of Noise Abatement).
Environmental Protection Agency (Office of Noise).
Department of Housing and Urban Development (urban land use aspects, building materials standards).

PHYSIOLOGICAL HEALTH AND HUMAN WELL BEING

Chemical Contamination of Food Products

Department of Agriculture—
Consumer and Marketing Service.

Department of Health, Education, and Welfare (Health aspects).

Environmental Protection Agency—
Office of Pesticides (economic poisons).

Food Additives and Food Sanitation

Department of Health, Education, and Welfare (Health aspects).
Environmental Protection Agency—
Office of Pesticides (economic poisons, e.g., pesticide residues).
Department of Agriculture—
Consumer Marketing Service (meat and poultry products).

Microbiological Contamination

Department of Health, Education, and Welfare (Health aspects).

Radiation and Radiological Health

Department of Commerce—
National Bureau of Standards.
Atomic Energy Commission.
Environmental Protection Agency—
Office of Radiation.
Department of the Interior—
Bureau of Mines (uranium mines).

Sanitation and Waste Systems

Department of Health, Education, and Welfare—(Health aspects).
Department of Defense—
Army Corps of Engineers.
Environmental Protection Agency—
Solid Waste Office.
Water Quality Office.
Department of Transportation—
U.S. Coast Guard (ship sanitation).
Department of the Interior—
Bureau of Mines (mineral waste and recycling, mine acid wastes, urban solid wastes).
Bureau of Land Management (solid wastes on public lands).
Office of Saline Water (deminalization of liquid wastes).

Shellfish Sanitation

Department of Commerce—
National Marine Fisheries Service.
National Oceanic and Atmospheric Administration.
Department of Health, Education, and Welfare (Health aspects).
Environmental Protection Agency—
Office of Water Quality.

TRANSPORTATION

Air Quality

Environmental Protection Agency—
Air Pollution Control Office.
Department of Transportation—
Federal Aviation Administration.
Department of the Interior—
Bureau of Outdoor Recreation.
Bureau of Sport Fisheries and Wildlife.
Department of Commerce—
National Oceanic and Atmospheric Administration (meteorological conditions).

Water Quality

Environmental Protection Agency—
Office of Water Quality.
Department of the Interior—
Bureau of Sport Fisheries and Wildlife.
Department of Commerce—
National Oceanic and Atmospheric Administration (impact on marine life and ocean monitoring).
Department of Defense—
Army Corps of Engineers.
Department of Transportation—
Coast Guard.

URBAN

Congestion in Urban Areas, Housing and Building Displacement

Department of Transportation—
Federal Highway Administration.
Federal Highway Administration.
Office of Economic Opportunity.
Department of Housing and Urban Development.
Department of the Interior—
Bureau of Outdoor Recreation.
Environmental Effects With Special Impact in Low-Income Neighborhoods

Department of the Interior—
National Park Service.
Office of Economic Opportunity.
Department of Housing and Urban Development (urban areas).
Department of Commerce (economic development areas).
Economic Development Administration.
Department of Transportation—
Urban Mass Transportation Administration.

Rodent Control

Department of Health, Education, and Welfare (Health aspects).
Department of Housing and Urban Development (urban areas).

Urban Planning

Department of Transportation—
Federal Highway Administration
Department of Housing and Urban Development.
Environmental Protection Agency.
Department of the Interior—
Geological Survey.
Bureau of Outdoor Recreation.
Department of Commerce—
Economic Development Administration.

WATER

Water Quality and Water Pollution Control

Department of Agriculture—
Soil Conservation Service.
Forest Service.
Department of the Interior—
Bureau of Reclamation.
Bureau of Land Management.
Bureau of Sport Fisheries and Wildlife.
Bureau of Outdoor Recreation.
Geological Survey.
Office of Saline Water.
Environmental Protection Agency—
Water Quality Office.
Department of Health, Education, and Welfare (Health aspects).
Department of Defense—
Army Corps of Engineers.
Department of the Navy (ship pollution control).
Department of Transportation—
Coast Guard (oil spills, ship sanitation).
Department of Commerce—
National Oceanic and Atmospheric Administration.

Marine Pollution

Department of Commerce—
National Oceanic and Atmospheric Administration.
Department of Transportation—
Coast Guard.
Department of Defense—
Army Corps of Engineers.
Office of Oceanographer of the Navy.

River and Canal Regulation and Stream Channelization

Department of Agriculture—
Soil Conservation Service.
Department of Defense—
Army Corps of Engineers.

Department of the Interior—
Bureau of Reclamation.
Geological Survey.
Bureau of Sport Fisheries and Wildlife.
Department of Transportation—
Coast Guard.

WILDLIFE

Environmental Protection Agency.
Department of Agriculture—
Forest Service.
Soil Conservation Service.
Department of the Interior—
Bureau of Sport Fisheries and Wildlife.
Bureau of Land Management.
Bureau of Outdoor Recreation.

FEDERAL AGENCY OFFICES FOR RECEIVING AND
COORDINATING COMMENTS UPON ENVIRON-
MENTAL IMPACT STATEMENTS

ADVISORY COUNCIL ON HISTORIC PRESERVATION

Robert Garvey, Executive Director, Suite 618,
801 19th Street NW., Washington, DC 20006,
343-8607.

DEPARTMENT OF AGRICULTURE

Dr. T. C. Byerly, Office of the Secretary,
Washington, D.C., 20250, 388-7803.

APPALACHIAN REGIONAL COMMISSION

Orville H. Lerch, Alternate Federal Co-Chair-
man, 1666 Connecticut Avenue NW., Wash-
ington, DC 20235, 967-4103.

DEPARTMENT OF THE ARMY (CORPS OF
ENGINEERS)

Col. J. B. Newman, Executive Director
of Civil Works, Office of the Chief of En-
gineers, Washington, D.C. 20314, 693-7168.

ATOMIC ENERGY COMMISSION

For nonregulatory matters: Joseph J. Di-
Nunno, Director, Office of Environmental
Affairs, Washington, D.C. 20545, 973-5391.

For regulatory matters: Christopher L. Hen-
derson, Assistant Director for Regulation,
Washington, D.C. 20545, 973-7531.

DEPARTMENT OF COMMERCE

Dr. Sydney R. Galler, Deputy Assistant Sec-
retary for Environmental Affairs, Washing-
ton, D.C. 20230, 967-4335.

DEPARTMENT OF DEFENSE

Dr. Louis M. Rousselot, Assistant Secretary
for Defense (Health and Environment),
Room 3E172, The Pentagon, Washington,
DC 20301, 697-2111.

DELAWARE RIVER BASIN COMMISSION

W. Brinton Whittall, Secretary, Post Office
Box 360, Trenton, NJ 08603, 609-883-9500.

ENVIRONMENTAL PROTECTION AGENCY

Charles Fabrikant, Director of Impact State-
ments Office, 1626 K Street NW., Wash-
ington, DC 20460, 632-7719.

FEDERAL POWER COMMISSION

Frederick H. Warren, Commission's Advisor
on Environmental Quality, 441 G Street
NW., Washington, DC 20426, 386-6084.

GENERAL SERVICES ADMINISTRATION

Rod Kreger, Deputy Administrator, General
Services Administration-AD, Washington,
D.C. 20405, 343-6077.

Alternate contact: Aaron Woloshin, Director,
Office of Environmental Affairs, General
Services Administration-ADF, 343-4161.

DEPARTMENT OF HEALTH, EDUCATION AND
WELFARE

Roger O. Egeberg, Assistant Secretary for
Health and Science Affairs, HEW North
Building, Washington, D.C. 20202, 963-4254.

DEPARTMENT OF HOUSING AND URBAN
DEVELOPMENT¹

Charles Orlebeke, Deputy Under Secretary,
451 Seventh Street SW., Washington, DC
20410, 755-6960.

Alternate contact: George Wright, Office of
the Deputy Under Secretary, 755-8192.

¹ Contact the Deputy Under Secretary with
regard to environmental impacts of legisla-
tion, policy statements, program regulations
and procedures, and precedent-making proj-
ect decisions. For all other HUD consultation,
contact the HUD Regional Administrator
in whose jurisdiction the project lies, as
follows:

James J. Barry, Regional Administrator I,
Attention: Environmental Clearance Of-
ficer, Room 405, John F. Kennedy Federal
Building, Boston, MA 02203, 617-223-4066.

S. William Green, Regional Administrator II,
Attention: Environmental Clearance Of-
ficer, 26 Federal Plaza, New York, NY 10007,
212-264-8068.

Warren P. Phelan, Regional Administrator
III, Attention: Environmental Clearance
Officer, Curtis Building, Sixth and Walnut
Street, Philadelphia, PA 19106, 215-597-
2560.

Edward H. Baxter, Regional Administrator
IV, Attention: Environmental Clearance
Officer, Peachtree-Seventh Building, At-
lanta, GA 30323, 404-526-5585.

George Vavoulis, Regional Administrator V,
Attention: Environmental Clearance Of-
ficer, 360 North Michigan Avenue, Chicago,
IL 60601, 312-353-5680.

DEPARTMENT OF THE INTERIOR

Jack O. Horton, Deputy Assistant Secretary
for Programs, Washington, D.C. 20240, 343-
6181.

NATIONAL CAPITAL PLANNING COMMISSION

Charles H. Conrad, Executive Director, Wash-
ington, D.C. 20576, 382-1163.

OFFICE OF ECONOMIC OPPORTUNITY

Frank Carlucci, Director, 1200 19th Street,
NW., Washington, DC 20506, 254-6000.

SUSQUEHANA RIVER BASIN COMMISSION

Alan J. Summerville, Water Resources Co-
ordinator, Department of Environmental
Resources, 105 South Office Building, Har-
rissburg, PA. 17120, 717-787-2315.

TENNESSEE VALLEY AUTHORITY

Dr. Francis Gartrell, Director of Environ-
mental Research and Development, 720
Edney Building, Chattanooga, TN 37401,
615-755-2002.

DEPARTMENT OF TRANSPORTATION

Herbert F. DeSimone, Assistant Secretary for
Environment and Urban Systems, Wash-
ington, D.C. 20590, 426-4563.

DEPARTMENT OF TREASURY

Richard E. Sliator, Assistant Director, Office
of Tax Analysis, Washington, D.C. 20220,
964-2797.

DEPARTMENT OF STATE

Christian Herter, Jr., Special Assistant to the
Secretary for Environmental Affairs, Wash-
ington, D.C. 20520, 632-7964.

[FR Doc.71-5705 Filed 4-22-71;8:50 am]

Richard L. Morgan, Regional Administrator
VI, Attention: Environmental Clearance
Officer, Federal Office Building, 819 Taylor
Street, Fort Worth, TX 76102, 817-334-
2867.

Harry T. Morley, Jr., Regional Administrator
VII, Attention: Environmental Clear-
ance Officer, 911 Walnut Street, Kansas
City, MO 64106, 816-374-2661.

Robert C. Rosenheim, Regional Administrator
VIII, Attention: Environmental Clearance
Officer, Samsonite Building, 1051 South
Broadway, Denver, CO 80209, 303-837-4061.

Robert H. Balda, Regional Administrator IX,
Attention: Environmental Clearance Of-
ficer, 450 Golden Gate Avenue, Post Office
Box 36003, San Francisco, CA 94102, 415-
556-4752.

Oscar P. Pederson, Regional Administrator
X, Attention: Environmental Clearance
Officer, Room 226, Arcade Plaza Building,
Seattle, WA 98101, 206-583-5415.

U.S. DEPARTMENT OF TRANSPORTATION

FEDERAL HIGHWAY ADMINISTRATION

SUBJECT National Environmental Policy Act Guidelines for implementation proposed by FHWA
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FHWA NOTICE

November 30, 1970

EV-10

The enclosed draft copy of the subject guidelines is being furnished to you for review and comment. Please forward comments through channels to the Associate Administrator of the Office of Right-of-way and Environment. We would appreciate receiving the comments by January 1, 1971.

In the meantime, the division engineers are to furnish a copy of the draft to State highway departments. The State highway departments should be requested to immediately begin implementation of the draft guidelines.

We plan to incorporate instructions for implementing Section 4(f) of the DOT Act in the final implementing-policy guidelines for the Environmental Policy Act to be issued after the receipt of review comments. In the meantime the State highway department (SHD) should prepare Section 4(f) determinations. The determination should be signed by a responsible official of the SHD.

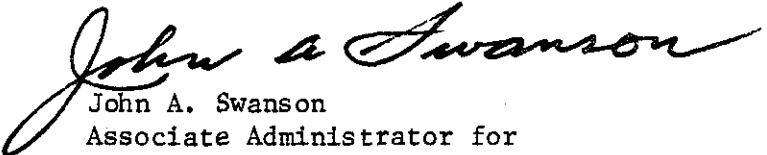
The SHD should coordinate the Section 4(f) determination with the U.S. Departments of the Interior, Agriculture (Forest Service) and Housing and Urban Development, and consider their comments in the planning for the highway in question. The point of contact should be the Regional Director of the Bureau of Outdoor Recreation of the Department of the Interior and the Regional Director of the Department of Housing and Urban Development. We suggest the SHD contact representatives of these other agencies and informally discuss procedures for reviewing Section 4(f) proposals.

The Section 4(f) determination may be included as a separate section in, or an attachment to an environmental statement, and accompany the environmental statement through its review process. If included in the environmental statement, it should be clearly identified as the Section 4(f) determination.

DISTRIBUTION:

Headquarters
Regions
Divisions

Section 4(f) statements may be forwarded and processed independently of the environmental statement. In such instances, the SHD should describe the status of the environmental statement (or negative declaration) for the project covered by the 4(f) submittal.


John A. Swanson
Associate Administrator for
Right-of-Way and Environment

Enclosure

DRAFT INSTRUCTIONAL MEMORANDUM

~~DRAFT - Subject to Revision~~

SUBJECT: Interim Guidelines for Implementation of Section 102(2)(C) of the National Environmental Policy Act of 1969

1. PURPOSE

This section outlines the procedures of the Federal Highway Administration (FHWA) regarding the preparation of detailed environmental statements for projects that significantly affect the quality of the environment as required by Section 102(2)(C) of the National Environmental Policy Act of 1969 (P.L. 91-190) (hereafter "the NEP Act").

2. DEFINITIONS

- a. Project as used herein refers to the planning and/or construction of a length of highway (route segment) between logical termini such as major crossroads, population centers, major traffic generators, or similar major highway control elements, that is normally included in a location study. The route segment may be broken into several smaller proposals for design and/or construction purposes. The term project will also refer to demonstration studies and undertakings for planning and research.
- b. Negative Declarations - a written statement indicating that the project will have no significant affect upon the quality of human environment. (Appendix G)
- c. Environmental Statements - a written statement assessing in detail the potential environmental impact which the project or alternatives thereto may have upon the quality of human environment.

3. BACKGROUND AND AUTHORITY

- a. The National Environmental Policy Act of 1969 establishes a broad national policy to promote efforts to improve the relationship between man and his environment, and provides for the creation of a Council on Environmental Quality (CEQ). The NEP Act sets out certain policies and goals concerning the environment, and requires that, to the fullest extent possible, the policies, regulations, and public laws of the United States shall be interpreted and administered in accordance with those policies and goals.

b. Section 102(2)(C) of the NEP Act is designed to ensure that environmental considerations are given careful attention and appropriate weight in decisions of the Federal Government. This section requires that agencies of the Federal Government shall "Include in every recommendation or report on proposals for legislation and other major Federal actions significantly affecting the quality of the human environment, a detailed statement by the responsible official on --

- "(i) the environmental impact of the proposed action,
- "(ii) any adverse environmental effects which cannot be avoided should the proposal be implemented,
- "(iii) alternatives to the proposed action,
- "(iv) the relationship between local short-term uses of man's environment and the maintenance and enhancement of long-term productivity, and
- "(v) any irreversible and irretrievable commitments of resources which would be involved in the proposed action should it be implemented.

"Prior to making any detailed statement, the responsible Federal officials shall consult with and obtain the comments of any Federal agency which has jurisdiction by law or special expertise with respect to any environmental impact involved. Copies of such statement and the comments and views of the appropriate Federal, State, and local agencies, which are authorized to develop and enforce environmental standards, shall be made available to the President, the Council on Environmental Quality, and the public as provided by Section 552 of Title 5, United States Code, and shall accompany the proposal through the existing agency review processes."

- c. Interim Guidelines from the President's Council on Environmental Quality, dated April 30, 1970, Vol. 35, Federal Register, 7890, set forth broad guidelines on implementation of the NEP Act. (Appendix A)
- d. The DOT Interim Order 5610.1 outlines procedures for the DOT regarding the preparation of detailed environmental statements (Appendix B)

4. APPLICATION

- a. The State highway department (SHD)1/ shall evaluate the environmental consequences of all direct Federal, Federal-aid, Public Lands, Regional Development including Appalachia, Defense Access, Forest Highway, planning, research, and demonstration projects except those

1/The term State highway department means the agency with primary responsibility for initiating and carrying forward the planning and construction of the project.

cited in paragraph 4b and make a determination in consultation with the division engineer (1) that a negative declaration is applicable because the project will have no significant affect upon the quality of human environment, or (2) that an environmental statement is necessary because the project will have or is likely to have a significant affect upon the quality of human environment.

- b. The provisions of this memorandum do not apply to projects that received or receive design approval before February 1, 1971. Design approval may be established and documented in one of the following three ways, depending on when such design approvals were or are given. (1) Prior to issuance of revised PPM 20-8 in January of 1969, procedures of the Bureau of Public Roads (BPR) did not require a SHD to receive design approval from the BPR before undertaking preparation of the plans, specifications and estimate (PS&E). Therefore, design approval was that action or series of actions by the BPR which indicated to the SHD that the essential elements of the highway (paragraph 10 of PPM 20-8) were satisfactory or acceptable for preparation of the PS&E. Such actions may have consisted of review and comments upon preliminary plans, schematic drawings, design studies, layouts, or reports. The SHD shall identify those projects (both Federal-aid and non Federal-aid) in the above catagory which it anticipates Federal-aid funds will be requested for a subsequent stage and furnish the division engineer for his concurrence a letter similar to Appendix D of this memorandum citing the document(s) which constitute the design approval. The division engineer's concurrence in the State's determination will serve as verification of previous design approval. (2) Written approval by the BPR of the design study report submitted in accordance with paragraph 10 of PPM 20-8 revised January 14, 1969. (3) For those projects which the SHD is presently preparing the construction PS&E and there is not documentary evidence that the BPR indicated its acceptance of the essential design elements prior to the SHD undertaking preparation of the PS&E, the SHD may furnish the FHWA copies of drawings, plans, or other material showing the present status of the plan preparation. The SHD shall submit such material and the FHWA division engineer shall advise the State in writing, prior to February 1, 1971, that the design for a project or for a proposal is approved if he determines that the present status of the design or plan preparation meets the requirements for design approval outlined in paragraph 10 of PPM 20-8.
- c. However, the following two types of projects must be reevaluated by the SHD even though such projects received design approval before February 1, 1971:
- (1) projects on new location, and
 - (2) major reconstruction projects which will require additional right-of-way over at least 50 percent or more of its length.

The SHD's reassessment, which shall be done in consultation with the division engineer, shall be made to determine if such projects were developed in such a manner as to minimize adverse environmental consequences. Such projects, to the extent practicable, should be modified to incorporate additional elements of features identified and considered prudent to minimize harm. No environmental statement need be submitted, however, unless requested by the division engineer.

- d. Statements may be prepared for planning and research projects on the basis of the annual work program.
- e. The provisions of this memorandum shall not apply to projects or programs of projects where the Federal Highway Administrator has made a formal determination that the project is urgently needed because of a national emergency, a natural disaster, a catastrophic failure, or for similar reasons of great urgency.
- f. In those instances where a highway is being jointly planned by two or more agencies, or is one element of a jointly planned undertaking, only a single environmental determination and/or statement shall be made. The highway proposal submitted to the FHWA for approval (location, design, etc.) shall include a copy of the statement prepared and processed by another Federal agency or reference to such a statement previously furnished to FHWA. Highway projects in this category could include forest highways (where forest service handles the Environmental Policy Act requirements), defense access roads planned in conjunction with a defense installation and similar joint efforts.

5. PROCEDURES

- a. Negative declarations generally will be appropriate for such projects as resurfacing, widening existing lanes, adding auxiliary lanes, replacing existing grade separation structures, signing and marking, spot safety improvements, TOPICS, beautification, and demonstration unless the project requires the acquisition of substantial amounts of additional right-of-way, substantially increases traffic volumes, or otherwise causes or is likely to cause a significant affect upon the quality of human environment.
- b. Negative declarations shall receive the concurrence of the division engineer and should be included in the material furnished for comment to clearinghouses and areawide agencies (BOB Circular A-95), and Federal agencies normally contacted during the planning, locations, and design of a proposed project.
- c. The negative declaration or final environmental statement and accompanying information, if required by this memorandum, shall be included with the SHD's request for location approval. If location approval was given prior to the date of this memorandum, the negative statement or final environmental statement and accompanying information for the proposed design, if required by this memorandum, shall be included with the SHD's request for design approval.

- d. Proposals providing for design, right-of-way acquisition, construction, etc., within a project environmental statement shall make reference to the previous environmental statement (or negative declaration). If a proposal within a project environmental statement processed in accordance within this memorandum is determined to introduce new effects of significance to the quality of human environment or to substantially change the effects as recognized in the previous statement, a statement for that proposal shall be prepared and processed as required by this memorandum.
- e. Where a SHD or urban transportation study group prepares an analytical report of the proposed transportation system plan together with a system planning report, the report should include an environmental analysis as a section of that report following the outline of paragraph 6e.

6. PREPARATION AND PROCESSING OF SECTION 102(2)(C) STATEMENTS

- a. The SHD shall prepare a draft statement following the format outlined in paragraph 6f and include the information required by paragraph 6e.
- b. The SHD shall furnish a copy of the draft statement clearly marked DRAFT to the appropriate clearinghouses and areawide agencies (Circular BOB A-95) and to those Federal agencies (in all cases to HUD) with jurisdiction by law or special expertise (Appendix E) on an environmental impact for comment. In addition, the SHD shall furnish the division engineer 16 copies. The division engineer shall distribute the copies as follows:

Division office 1
 Regional office 1
 Washington office 1
 [to the Associate Administrator for ROW
 and Environment]
 DOT's Office of Environment & Urban Systems ... 13
 [includes 10 copies for the President's
 Council on Environmental Policy]

The SHD may specify that comments must be received within a specified period of time but not less than 45 days from date of transmittal.

- c. The SHD shall prepare a summary of the environmental comments included in the record of the public hearing(s). This summary, together with the comments received on the draft environmental statement, shall be considered by the SHD in preparing the proposed design and in developing the final environmental statement. The final environmental statement shall be prepared in the format outlined in paragraph 6f and include as a minimum the information required by paragraph 6e.

The SHD shall furnish the division engineer 16 copies of:

- (1) the final environmental statement, clearly marked FINAL,
- (2) the summary of the public hearing environmental comments,
- (3) the comments received on the draft statements, and
- (4) The SHD's evaluation and disposition of each comment.

The division engineer shall review the environmental statement and attach with his comments and recommendations. He shall forward 15 copies through channels to the Associate Administrator of ROW and Environment.

d. The division engineer may advance the project in a normal manner when so notified by the Associate Administrator of ROW and Environment.

e. Contents of Statement

- (1) A description of the proposed project and its purpose consisting of a narrative description accompanied by a map showing the location of the project. Parks, recreational areas, wildlife, and water fowl refuges, and historic sites should be described (size, use, significance, etc.) if a Section 4(f) determination is included. If there are isolated locations where more detail is helpful, sketches and/or pictures may be included. The purposes should identify the reason for building the project.
- (2) The probable impact of the proposed project on the environment Both positive and negative impacts should be identified.
- (3) Any probable adverse environmental effects which cannot be avoided should the proposal be implemented.
- (4) Alternatives to the proposed project should be described and the probable adverse environmental effects identified. The reason for selecting the proposed project rather than the alternatives should be presented. Such reasons need not be addressed strictly to environmental issues if other factors contributed to the selection of the recommended highway location and/or design such as costs, construction problems, traffic service, etc.
- (5) The relationship between local short-term uses of man's environment and the maintenance and enhancement of long-term productivity. This in essence requires the State to assess the action for cumulative and long-term effects from the perspective that each generation is trustee of the environment for succeeding generations.
- (6) Any irreversible and irretrievable commitments of resources which would be involved in the proposed action should it be implemented. This requires the State to identify the extent

to which the action curtails the range of beneficial uses of the environment.

- (7) Where appropriate, a discussion of problems and objections raised by other Federal agencies, State, and local entities, and citizens in the review process, and the disposition of the issues involved. (This section may be added at the end of the review process in the final text of the environmental statement.)
- (8) Where unavoidable adverse environmental effects are encountered, steps taken to minimize harm should be identified.

f. Form of Statement

- (1) Each Statement will be headed as follows:

DEPARTMENT OF TRANSPORTATION
FEDERAL HIGHWAY ADMINISTRATION

DRAFT - FINAL (whichever is appropriate)

ENVIRONMENTAL IMPACT STATEMENT

PURSUANT TO SECTION 102(2)(C), P.L. 91-190

- (2) Each statement will, as a minimum, contain sections corresponding to subparagraphs (1)-(8) of paragraph 6e above, appropriately headed.

g. Availability of Statements

The SHD shall make the final version of the statement and the comments received available to the public pursuant to the provisions of the Freedom of Information Act (f, U.S.C., Section 552).

NOTICES

an opportunity to file comments or request a hearing on the Board's tentative decision.³

Accordingly, it is ordered, That:

1. The lease without crew of two DC-8-63F aircraft from Seaboard to Icelandic be and it hereby is tentatively approved;

2. Interested persons are hereby afforded a period of time until May 12, 1970 in which to file comments or request a hearing with respect to the Board's proposed action; and

3. The Attorney General of the United States be furnished a copy of this order within 1 day of publication.

This order shall be published in the FEDERAL REGISTER.

By the Civil Aeronautics Board.

[SEAL] PHYLLIS T. KAYLOR,
Acting Secretary.

[P.R. Doc. 70-5708; Filed, May 11, 1970; 8:48 a.m.]

CIVIL SERVICE COMMISSION

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Notice of Grant of Authority To Make Noncareer Executive Assignment

Under authority of § 9.20 of Civil Service Rule IX (5 CFR 9.20), the Civil Service Commission authorizes the Department of Health, Education, and Welfare to fill by noncareer executive assignment in the excepted service the position of National Chairman, White House Conference on Children and Youth, Office of the Secretary.

UNITED STATES CIVIL SERVICE COMMISSION,

[SEAL] JAMES C. SPRY,
*Executive Assistant to
the Commissioners.*

[P.R. Doc. 70-5799; Filed, May 11, 1970; 8:48 a.m.]

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

Notice of Grant of Authority To Make Noncareer Executive Assignment

Under authority of § 9.20 of Civil Service Rule IX (5 CFR 9.20), the Civil Service Commission authorizes the Department of Housing and Urban Development to fill by noncareer executive assignment in the excepted service the position of Director, Relocation and

³ In its final order, the Board will reserve jurisdiction over the transaction to take whatever action may be required in the public interest.

* Comments so filed shall conform to the requirements of the Board's rules of practice (14 CFR Part 302) for the filing of documents. Further, since an opportunity to file comments is provided for, petitions for reconsideration of this order will not be entertained.

Special Services, Renewal and Housing Management.

UNITED STATES CIVIL SERVICE COMMISSION,

[SEAL] JAMES C. SPRY,
*Executive Assistant to
the Commissioners.*

[P.R. Doc. 70-5800; Filed, May 11, 1970; 8:48 a.m.]

DEPARTMENT OF THE INTERIOR

Notice of Grant of Authority To Make Noncareer Executive Assignment

Under authority of § 9.20 of Civil Service Rule IX (5 CFR 9.20), the Civil Service Commission authorizes the Department of the Interior to fill by noncareer executive assignment in the excepted service the position of Executive Assistant to the Secretary, Office of the Secretary.

UNITED STATES CIVIL SERVICE COMMISSION,

[SEAL] JAMES C. SPRY,
*Executive Assistant to
the Commissioners.*

[P.R. Doc. 70-5801; Filed, May 11, 1970; 8:48 a.m.]

OFFICE OF ECONOMIC OPPORTUNITY

Notice of Revocation of Authority To Make Noncareer Executive Assign- ment

Under authority of § 9.20 of Civil Service Rule IX (5 CFR 9.20), the Civil Service Commission revokes the authority of the Office of Economic Opportunity to fill by noncareer executive assignment in the excepted service the position of Deputy Assistant Director, Community Action Program.

UNITED STATES CIVIL SERVICE COMMISSION,

[SEAL] JAMES C. SPRY,
*Executive Assistant to
the Commissioners.*

[P.R. Doc. 70-5802; Filed, May 11, 1970; 8:48 a.m.]

OFFICE OF ECONOMIC OPPORTUNITY

Notice of Grant of Authority To Make Noncareer Executive Assignment

Under authority of § 9.20 of Civil Service Rule IX (5 CFR 9.20), the Civil Service Commission authorizes the Office of Economic Opportunity to fill by noncareer executive assignment in the excepted service the position of Director, Office of Research and Evaluation, Office of Planning, Research and Evaluation.

UNITED STATES CIVIL SERVICE COMMISSION,

[SEAL] JAMES C. SPRY,
*Executive Assistant to
the Commissioners.*

[P.R. Doc. 70-5803; Filed, May 11, 1970; 8:48 a.m.]

OFFICE OF ECONOMIC OPPORTUNITY

Notice of Grant of Authority To Make Noncareer Executive Assignment

Under authority of § 9.20 of Civil Service Rule IX (5 CFR 9.20), the Civil Service Commission authorizes the Office of Economic Opportunity to fill by noncareer executive assignment in the excepted service the position of Deputy General Counsel, Office of General Counsel.

UNITED STATES CIVIL SERVICE COMMISSION,

[SEAL] JAMES C. SPRY,
*Executive Assistant to
the Commissioners.*

[P.R. Doc. 70-5804; Filed, May 11, 1970; 8:48 a.m.]

POST OFFICE DEPARTMENT

Notice of Grant of Authority To Make Noncareer Executive Assignment

Under authority of § 9.20 of Civil Service Rule IX (5 CFR 9.20), the Civil Service Commission authorizes the Post Office Department to fill by noncareer executive assignment in the excepted service the position of Deputy Assistant Postmaster General—Construction Engineering, Bureau of Facilities.

UNITED STATES CIVIL SERVICE COMMISSION,

[SEAL] JAMES C. SPRY,
*Executive Assistant to
the Commissioners.*

[P.R. Doc. 70-5805; Filed, May 11, 1970; 8:48 a.m.]

TAX COURT OF THE UNITED STATES

Notice of Grant of Authority To Make Noncareer Executive Assignment

Under authority of § 9.20 of Civil Service Rule IX (5 CFR 9.20), the Civil Service Commission authorizes the Tax Court of the United States to fill by noncareer executive assignment in the excepted service the position of Executive Director.

UNITED STATES CIVIL SERVICE COMMISSION,

[SEAL] JAMES C. SPRY,
*Executive Assistant to
the Commissioners.*

[P.R. Doc. 70-5806; Filed, May 11, 1970; 8:48 a.m.]

COUNCIL ON

ENVIRONMENTAL QUALITY

STATEMENTS ON PROPOSED FEDERAL ACTIONS AFFECTING THE ENVI- RONMENT

Interim Guidelines

APRIL 29, 1970.

1. Purpose. This memorandum provides interim guidelines to Federal departments, agencies and establishments.

for preparing detailed environmental statements on proposals for legislation and other major Federal actions significantly affecting the quality of the human environment, as required by section 102(2)(C) of the National Environmental Policy Act (Public Law 91-190) (hereafter "the Act"). Underlying the preparation of such environmental statements is the mandate of both the Act and Executive Order 11514 (35 F.R. 4247) of March 5, 1970, that all Federal agencies, to the fullest extent possible, direct their policies, plans and programs so as to meet national environmental goals.

2. *Policy.* Before undertaking major action or recommending or making a favorable report on legislation that significantly affects the environment, Federal agencies will, in consultation with other appropriate Federal, State, and local agencies, assess in detail the potential environmental impact in order that adverse effects are avoided, and environmental quality is restored or enhanced, to the fullest extent practicable. In particular, alternative actions that will minimize adverse impact should be explored and both the long- and short-range implications to man, his physical and social surroundings, and to nature, should be evaluated in order to avoid to the fullest extent practicable undesirable consequences for the environment.

3. *Agency and BOB procedures.* (a) Pursuant to section 2(f) of Executive Order 11514, the heads of Federal agencies have been directed to proceed with measures required by section 102(2)(C) of the Act. Consequently, each agency will establish no later than June 1, 1970, its own formal procedures for (1) identifying those agency actions requiring environmental statements, (2) obtaining information required in their preparation, (3) designating the officials who are to be responsible for the statements, (4) consulting with and taking account of the comments of appropriate Federal, State and local agencies, and (5) meeting the requirements of section 2(b) of Executive Order 11514 for providing timely public information on Federal plans and programs with environmental impact. These procedures should be consonant with the guidelines contained herein. Each agency should file seven (7) copies of all such procedures with the Council on Environmental Quality, which will provide advice to agencies in the preparation of their procedures and guidance on the application and interpretation of the Council's guidelines.

(b) Each Federal agency should consult, with the assistance of the Council on Environmental Quality if desired, with other appropriate Federal agencies in the development of the above procedures so as to achieve consistency in dealing with similar activities and to assure effective coordination among agencies in their review of proposed activities.

(c) It is imperative that existing mechanisms for obtaining the views of Federal, State, and local agencies on proposed Federal actions be utilized to the extent practicable in dealing with

environmental matters. The Bureau of the Budget will issue instructions, as necessary, to take full advantage of existing mechanisms (relating to procedures for handling legislation, preparation of budgetary material, new policies and procedures, water resource and other projects, etc.).

4. *Federal agencies included.* Section 102(2)(C) applies to all agencies of the Federal Government with respect to recommendations or reports on proposals for (i) legislation and (ii) other major Federal actions significantly affecting the quality of the human environment. The phrase "to the fullest extent possible" in section 102(2)(C) is meant to make clear that each agency of the Federal Government shall comply with the requirement unless existing law applicable to the agency's operations expressly prohibits or makes compliance impossible. (Section 105 of the Act provides that "The policies and goals set forth in this Act are supplementary to those set forth in existing authorizations of Federal agencies.")

5. *Actions included.* The following criteria will be employed by agencies in deciding whether a proposed action requires the preparation of an environmental statement:

(a) "Actions" include but are not limited to:

(i) Recommendations or reports relating to legislation and appropriations;

(ii) Projects and continuing activities;

—Directly undertaken by Federal agencies;

—Supported in whole or in part through Federal contracts, grants, subsidies, loans, or other forms of funding assistance;

—Involving a Federal lease, permit, license, certificate or other entitlement for use;

(iii) Policy—and procedure-making.

(b) The statutory clause "major Federal actions significantly affecting the quality of the human environment" is to be construed by agencies with a view to the overall, cumulative impact of the action proposed (and of further actions contemplated). Such actions may be localized in their impact, but if there is potential that the environment may be significantly affected, the statement is to be prepared. Proposed actions the environmental impact of which is likely to be highly controversial should be covered in all cases. In considering what constitutes major action significantly affecting the environment, agencies should bear in mind that the effect of many Federal decisions about a project or complex of projects can be individually limited but cumulatively considerable. This can occur when one or more agencies over a period of years puts into a project individually minor but collectively major resources, when one decision involving a limited amount of money is a precedent for action in much larger cases or represents a decision in principle about a future major course of action, or when several Government agencies individually make decisions about partial aspects of a major project. The word

agency should prepare an environmental statement if it is reasonable to anticipate a cumulatively significant impact on the environment from the Federal action.

(c) Section 101(b) of the Act indicates the broad range of aspects of the environment to be surveyed in any assessment of significant effect. The Act also indicates that adverse significant effects include those that degrade the quality of the environment, curtail the range of beneficial uses of the environment or serve short-term, to the disadvantage of long-term, environmental goals. Significant effects can also include actions which may have both beneficial and detrimental effects, even if, on balance, the agency believes that the effect will be beneficial. Significant adverse effects on the quality of the human environment include both those that directly affect human beings and those that indirectly affect human beings through adverse effects on the environment.

(d) Because of the Act's legislative history, the regulatory activities of Federal environmental protection agencies (e.g., the Federal Water Quality Administration of the Department of the Interior and the National Air Pollution Control Administration of the Department of Health, Education, and Welfare) are not deemed actions which require the preparation of an environmental statement under section 102(2)(C) of the Act.

6. *Recommendations or reports on proposals for legislation.* The requirement for following the section 102(2)(C) procedure as elaborated in these guidelines applies to both (i) agency recommendations on their own proposals for legislation and (ii) agency reports on legislation initiated elsewhere. In the latter case only the agency which has primary responsibility for the subject matter involved will prepare an environmental statement. The Bureau of the Budget will supplement these general guidelines with specific instructions relating to the way in which the section 102(2)(C) procedure fits into its legislative clearance process.

7. *Content of environmental statement.* (a) The following points are to be covered:

(i) The probable impact of the proposed action on the environment, including impact on ecological systems such as wild life, fish and marine life. Both primary and secondary significant consequences for the environment should be included in the analysis. For example, the implications, if any, of the action for population distribution or concentration should be estimated and an assessment made of the effect of any possible change in population pressure upon the resource base, including land use, water, and public services, of the area in question.

(ii) Any probable adverse environmental effects which cannot be avoided (such as water or air pollution, damage to life systems, urban congestion, threats to health or other consequences adverse to the environmental goals set forth in section 101(b) of Public Law 91-190).

(iii) Alternatives to the proposed action (section 102(2)(D) of the Act requires the responsible agency to "study, develop and describe appropriate alternatives to recommended courses of action in any proposal which involves unresolved conflicts concerning alternative uses of available resources"). A rigorous exploration and objective evaluation of alternative actions that might avoid some or all of the adverse environmental effects is essential. Sufficient analysis of such alternatives and their costs and impact on the environment should accompany the proposed action through the agency review process in order not to foreclose prematurely options which might have less detrimental effects.

(iv) The relationship between local short-term uses of man's environment and the maintenance and enhancement of long-term productivity. This in essence requires the agency to assess the action for cumulative and long-term effects from the perspective that each generation is trustee of the environment for succeeding generations.

(v) Any irreversible and irretrievable commitments of resources which would be involved in the proposed action should it be implemented. This requires the agency to identify the extent to which the action curtails the range of beneficial uses of the environment.

(vi) Where appropriate, a discussion of problems and objections raised by other Federal agencies and State and local entities in the review process and the disposition of the issues involved. (This section may be added at the end of the review process in the final text of the environmental statement.)

(b) With respect to water quality aspects of the proposed action which have been previously certified by the appropriate State or interstate organization as being in substantial compliance with applicable water quality standards, mere reference to the previous certification is sufficient.

(c) Each environmental statement should be prepared in accordance with the precept in section 102(2)(A) of the Act that all agencies of the Federal Government "utilize a systematic, interdisciplinary approach which will insure the integrated use of the natural and social sciences and the environmental design arts in planning and decision making which may have an impact on man's environment."

8. *Federal agencies to be consulted in connection with preparation of environmental statement.* The Federal agencies to be consulted in connection with preparation of environmental statements are those which have "jurisdiction by law or special expertise with respect to any environmental impact involved" or "which are authorized to develop and enforce environmental standards". These Federal agencies include components of (depending on the aspect or aspects of the environment involved):

Department of Agriculture.
Department of Commerce.
Department of Defense.

Department of Health, Education, and Welfare.
Department of Housing and Urban Development.
Department of the Interior.
Department of Transportation.
Atomic Energy Commission.

For actions specially affecting the environment of their regional jurisdictions, the following Federal agencies are also to be consulted:

Tennessee Valley Authority.
Appalachian Regional Commission.

Agencies obtaining comment should determine which one or more of the above listed agencies are appropriate to consult. It is recommended that the above listed Departments establish contact points for providing comments and that Departments from which comment is solicited coordinate and consolidate the comments of their component entities. The requirement in section 102(2)(C) to obtain comment from Federal agencies having jurisdiction or special expertise is in addition to any specific statutory obligation of any Federal agency to coordinate or consult with any other Federal or State agency. Agencies seeking comment may establish time limits of not less than thirty days for reply, after which it may be presumed the agency consulted has no comment to make.

9. *State and local review.* Where no public hearing has been held on the proposed action at which the appropriate State and local review has been invited, and where review of the proposed action by State and local agencies authorized to develop and enforce environmental standards is relevant, such State and local review shall be provided for as follows:

(a) For direct Federal development projects and projects assisted under programs listed in Attachment D of the Bureau of the Budget Circular No. A-95, review by State and local governments will be through procedures set forth under Part 1 of Circular No. A-95.

(b) State and local review of agency procedures, regulations, and policies for the administration of Federal programs of assistance to State and local governments will be conducted pursuant to procedures established by Bureau of the Budget Circular No. A-85.

(c) Where these procedures are not appropriate and where the proposed action affects matters within their jurisdiction, review of the proposed action by State and local agencies authorized to develop and enforce environmental standards and their comments on the draft environmental statement may be obtained directly or by publication of a summary notice in the *Federal Register* (with a copy of the environmental statement and comments of Federal agencies thereon to be supplied on request). The notice in the *Federal Register* may specify that comments of the relevant State and local agencies must be submitted within 60 days of publication of the notice.

10. *Use of statements in decision review processes; distribution to Council on Environmental Quality.* (a) Agencies will

need to identify at what stage or stages of a series of actions relating to a particular matter the environmental statement procedures of this directive will be applied. It will often be necessary to use the procedures both in the development of a national program and in the review of proposed projects within the national program. However, where a grant-in-aid program does not entail prior approval by Federal agencies of specific projects, the view of Federal, State, and local agencies in the legislative, and possibly appropriation, process may have to suffice. The principle to be applied is to obtain views of other agencies at the earliest feasible time in the development of program and project proposals. Care should be exercised so as not to duplicate the clearance process, but when actions being considered differ significantly from those that have already been reviewed an environmental statement should be provided.

(b) Seven (7) copies of draft environmental statements (when prepared), seven (7) copies of all comments received thereon (when received), and seven (7) copies of the final text of environmental statements should be supplied to the Council on Environmental Quality in the Executive Office of the President (this will serve as making environmental statements available to the President). It is important that draft environmental statements be prepared and circulated for comment and furnished to the Council early enough in the agency review process before an action is taken in order to permit meaningful consideration of the environmental issues involved.

11. *Application of section 102(2)(C) procedure to existing projects and programs.* To the fullest extent possible the section 102(2)(C) procedure should be applied to further major Federal actions having a significant effect on the environment even though they arise from projects or programs initiated prior to enactment of Public Law 91-190 on January 1, 1970. Where it is not practicable to reassess the basic course of action, it is still important that further incremental major actions be shaped so as to minimize adverse environmental consequences. It is also important in further action that account be taken of environmental consequences not fully evaluated at the outset of the project or program.

12. *Availability of environmental statements and comments to public.* The agency which prepared the environmental statement is responsible for making such statement and the comments received available to the public pursuant to the provisions of the Freedom of Information Act (5 U.S.C. sec. 552).

13. *Review of existing authority, policies and procedures in light of National Environmental Policy Act.* Pursuant to section 103 of the Act and section 2(d) of Executive Order 11514, all agencies, as soon as possible, shall review their present statutory authority, administrative regulations, and current policies and procedures, including those relating to loans, grants, contracts, leases, licenses, certificates and permits, for the purpose of determining whether there are any

deficiencies or inconsistencies therein which prohibit full compliance with the purposes and provisions of the Act. After such review each agency shall report to the Council on Environmental Quality not later than September 1, 1970, the results of such review and their proposals to bring their authority and policies into conformity with the intent, purposes and procedures set forth in the Act.

14. *Supplementary guidelines; evaluation of procedures.* (a) The Council on Environmental Quality after examining environmental statements and agency procedures with respect to such statements will issue such supplements to these guidelines as are necessary.

(b) Agencies will assess their experience in the implementation of the section 102(2)(C) provisions of the Act and in conforming with these guidelines and report thereon to the Council on Environmental Quality by December 1, 1970. Such reports should include an identification of problem areas and suggestions for revision or clarification of these guidelines to achieve effective coordination of views on environmental aspects (and alternatives, where appropriate) of proposed actions without imposing unproductive administrative procedures.

RUSSELL E. TRATT,
Chairman.

[F.R. Doc. 70-5769; Filed, May 11, 1970;
8:46 a.m.]

FEDERAL MARITIME COMMISSION

MATSON NAVIGATION CO. AND UNITED STATES LINES, INC.

Notice of Agreement Filed

Notice is hereby given that the following agreement has been filed with the Commission for approval pursuant to section 15 of the Shipping Act, 1916, as amended (39 Stat. 733, 75 Stat. 763, 46 U.S.C. 814).

Interested parties may inspect and obtain a copy of the agreement at the Washington office of the Federal Maritime Commission, 1405 I Street NW., Room 1202; or may inspect the agreement at the Field Offices located at New York, N.Y., New Orleans, La., and San Francisco, Calif. Comments on such agreements, including requests for hearing, may be submitted to the Secretary, Federal Maritime Commission, Washington, D.C. 20573, within 20 days after publication of this notice in the FEDERAL REGISTER. Any person desiring a hearing on the proposed agreement shall provide a clear and concise statement of the matters upon which they desire to adduce evidence. An allegation of discrimination or unfairness shall be accompanied by a statement describing the discrimination or unfairness with particularity. If a violation of the Act or detriment to the commerce of the United States is alleged, the statement shall set forth with particularity the acts and circumstances said to constitute such violation or detriment to commerce.

A copy of any such statement should also be forwarded to the party filing the agreement (as indicated hereinafter) and the statement should indicate that this has been done.

Notice of agreement filed for approval by:

Peter P. Wilson, Matson Navigation Co., 100 Mission Street, San Francisco, Calif. 94105.

Agreement No. DC-46 between Matson Navigation Co. (Matson) and United States Lines, Inc. (U.S. Lines), provides for the lease of container chassis owned by Matson, to U.S. Lines for use on the Island of Oahu.

By its terms U.S. Lines will have complete control and supervision over the equipment while in its possession. U.S. Lines will be liable for any damage or loss arising out of its use, operation, and possession of the chassis, and will release, agree to defend and hold harmless Matson in such an event.

Charges shall accrue to Matson at the rate of \$10 per diem, excluding the day of the interchange. Matson will be responsible for any repairs which are required before U.S. Lines takes possession of the chassis pursuant to the agreement. Ordinary maintenance and service adjustments caused by ordinary use will be absorbed by U.S. Lines when the cost thereof does not exceed \$20. When the estimated cost thereof exceeds \$20 it shall be billed to and borne by Matson. Such maintenance will be authorized by Matson prior to the commencement of repairs when the estimated cost would exceed \$50.

Matson does not agree to make a definite number of chassis available at any particular time under the terms of the agreement.

The agreement is for a period of 1 year from the date of approval by the Federal Maritime Commission pursuant to section 15, Shipping Act, 1916 and will continue in effect from year to year. After 1 year either party may terminate the agreement at any time by giving the other party to the agreement 10 days notice of termination.

Dated: May 7, 1970.

By order of the Federal Maritime Commission.

FRANCIS C. HURNEY,
Secretary.

[F.R. Doc. 70-5795; Filed, May 11, 1970;
8:48 a.m.]

FEDERAL POWER COMMISSION

[Docket No. G-2737, etc.]

CITIES SERVICE GAS CO.

Notice of Filing of Settlement Proposal

MAY 4, 1970.

Take notice that on April 29, 1970, Cities Service Gas Co. (Gas Company) filed a request for approval of a Settlement Proposal in Dockets Nos. G-2737, RP64-9, RP68-16, and RP69-39. The settlement proposal is a result of

discussions among Gas Company, the Commission's staff, and interested parties in the above-entitled proceedings, and is intended to represent a total settlement in the amount of \$27 million in full payment and settlement of any and all claims for refunds or alleged overcharges in Gas Company's jurisdictional rates arising from Gas Company's purchases of gas from Continental Gas Production Co. and Continental Oil Co. in the Texas-Panhandle and Oklahoma-Hugoton Fields at the latter's effective rates on file with the Federal Power Commission, at all times on and after April 23, 1964, including such volumes of purchases as are involved in Dockets Nos. RP64-9, RP68-16, and RP69-39.

Copies of the proposed settlement were served on all parties of record in these proceedings.

Comments or objections relating to the proposed stipulation and agreement may be filed with the Federal Power Commission, Washington, D.C. 20426, on or before May 22, 1970.

GORDON M. GRANT,
Secretary.

[F.R. Doc. 70-5758; Filed, May 11, 1970;
8:45 a.m.]

[Docket No. CP70-256]

COLORADO INTERSTATE GAS CO.

Notice of Application

MAY 4, 1970.

Take notice that on April 24, 1970, Colorado Interstate Gas Co., a division of Colorado Interstate Corp. (applicant), Post Office Box 1037, Colorado Springs, Colo. 80901, filed in Docket No. CP70-256 an application pursuant to section 7(e) of the Natural Gas Act for a certificate of public convenience and necessity authorizing the delivery of natural gas and the construction and operation of facilities necessary therefor, all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Applicant proposes to construct and operate a meter station and approximately 1,000 feet of 4-inch pipeline in order to deliver up to 5,000 Mcf per day to Kansas-Nebraska Natural Gas Co., Inc. (Kansas-Nebraska) in Finney County, Kans. Applicant states that this proposal is only a rearrangement of deliveries under applicant's existing gas sales contract with Kansas-Nebraska and will not increase applicant's peak day or annual delivery obligations.

The total estimated cost of the proposed facilities is \$14,502, which will be financed from current working funds on hand, funds from operations, or short-term borrowings.

Any person desiring to be heard or to make any protest with reference to said application should on or before May 15, 1970, file with the Federal Power Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.3 or 1.10).

Appendix C

Projects that have or are likely to have significant environmental effects

a. Any of the following projects should be considered significant in terms of their environmental effects:

- (1) any project that is likely to be highly controversial on environmental grounds,
- (2) any project falling under Section 4(f) of the DOT Act.

b. Projects that have the following effects are likely to be significant:

- (1) lead to a noticeable change in the surrounding noise level for a substantial number of people,
- (2) displace significant numbers of people,
- (3) divide or disrupt an established community, divide existing uses, e.g., cutting off residential areas from recreation areas or shopping areas, or disrupt orderly, planned development,

APPENDIX C

- (4) have a significant aesthetic or visual effect,
- (5) have any effect on areas of unique interest or scenic beauty,
- (6) destroy or derogate from important recreational areas not covered by Section 4(f) of the DOT Act,
- (7) substantially alter the pattern of behavior for a species,
- (8) interfere with important breeding, nesting, or feeding grounds
- (9) lead to significantly increased air or water pollution in a given area,
- (10) adversely affect the water table of an area,
- (11) disturb the ecological balance of a land or water area,
- (12) involve a reasonable possibility of contamination of a public water supply source, treatment facility, or distribution system.

Appendix D

Mr. John Doe
Division Engineer
Federal Highway Administration

Dear Mr. Doe:

The proposed improvement of State Route 35 between State Route 64 and Springfield was undertaken without Federal-aid highway funds. Preliminary drawings showing [as a minimum the elements outlined in paragraph 10b(1)(b) of PPM 20-8] were commented upon (considered satisfactory) in your letters of August 18, 1966, and September 12, 1967. We, therefore, determined that your review and comments constituted design approval of this subject.

For your convenience we have included below a space for your concurrence in our determination

Sincerely,

Endorsement to (SHD)

Concur _____

Date _____

Federal Agencies with jurisdiction by law or special expertise
to comment on various types of environmental impact

Air quality and air pollution control --

National Air Pollution Control Administration,
National Institute of Environmental Health Sciences, and
Health Services and Mental Health Administration, of the
Department of Health, Education and Welfare

Environmental Sciences Services Administration, and
National Bureau of Standards, of the Department of
Commerce (atmospheric pollution measurement)

Bureau of Mines (fossil fuel combustion)
Department of the Interior

Assistant Secretary for Systems Development and Technology
(auto emissions), and Federal Aviation Administration (aircraft
emissions), of the Department of Transportation

Chemical contamination and food products --

Food and Drug Administration
Department of Health, Education and Welfare

Coastal areas, wetlands, estuaries, waterfowl refuges, and beaches

Coast Guard, Department of Transportation

Corps of Engineers, Department of Defense

Federal Water Quality Administration, Bureau of Sport
Fisheries and Wildlife, and Bureau of Commercial Fisheries,
of the Department of the Interior

Soil Conservation Service
Department of Agriculture

Department of Housing and Urban Development (urban aspects)

APPENDIX E

Congestion in urban areas, housing and building displacement --

Urban Mass Transportation Administration, and
Federal Highway Administration, of the
Department of Transportation

Health Services and Mental Health Administration, and
Environmental Health Service, of the Department of
Health, Education and Welfare

Department of Housing and Urban Development

Disease control --

Health Services and Mental Health Administration
Department of Health, Education and Welfare

Electric energy generation and supply --

Rural Electrification Administration (rural areas)
Department of Agriculture

Federal Power Commission

Department of Housing and Urban Development (urban areas)

Environmental effects with special impact in low-income neighborhoods --

Office of Economic Opportunity

Department of Housing and Urban Development (urban areas)

Flood plains and watersheds --

Agricultural Stabilization and Research Service,
Soil Conservation Service, and Forest Service, of the
Department of Agriculture.

Flood plains and watersheds (cont'd)

Bureau of Reclamation, and U.S. Geological Survey,
of the Department of the Interior

Department of Housing and Urban Development (urban Areas)

Corps of Engineers, Department of Defense

Food additives and food sanitation --

Food and Drug Administration
Department of Health, Education and Welfare

Consumer Marketing Service (meal and poultry products)
Department of Agriculture

Herbicides --

Agricultural Research Service, Forest Service, and
Soil Conservation Service, of the Department of Agriculture

Historic and Archeological sites --

National Park Service
Department of the Interior

Department of Housing and Urban Development (urban areas)

Human ecology --

Environmental Health Service, and National Institute of
Environmental Health Sciences, of the Department of
Health, Education and Welfare

Department of Housing and Urban Development (urban areas)

Microbiological contamination --

Food and Drug Administration
Department of Health, Education and Welfare

Mineral Land Reclamation --

Bureau of Mines, Department of the Interior
Forest Service, Department of Agriculture

Natural Gas Energy Development Generation and Supply --

Federal Power Commission

Navigable airways --

Federal Aviation Administration
Department of Transportation

Navigable waterways --

Bureau of Outdoor Recreation, Bureau of Sport Fisheries
and Wildlife, and Bureau of Commercial Fisheries, of the
Department of the Interior

Corps of Engineers, Department of Defense

Coast Guard, Department of Transportation

Noise control and abatement --

Federal Aviation Administration -- Office of Noise Abatement
Assistance Secretary for Systems Development and Technology
Office of Noise Abatement and Office of Pipeline Safety, of the
Department of Transportation

Noise control and abatement -- (cont'd)

Environmental Control Administration, and Environmental Health Service, of the Department of Health, Education and Welfare

Department of Housing and Urban Development (urban land use aspects, building materials standards)

Parks, forests, trees and outdoor recreation areas --

Bureau of Land Management, National Park Service, Bureau of Outdoor Recreation, and Bureau of Sport Fisheries and Wildlife, of the Department of the Interior

Forest Service, Department of Agriculture

Department of Housing and Urban Development (urban areas)

Pesticides --

Food and Drug Administration
Department of Agriculture

Bureau of Sport Fisheries and Wildlife (effects on fish and wildlife), and Bureau of Commerical Fisheries, of the Department of the Interior

Radiation and radiological health --

Atomic Energy Commission

Environmental Health Service, and National Institute of Environmental Health Sciences, of the Department of Health, Education and Welfare

Regional comprehensive planning --

Economic Development Administration
Department of Commerce

Department of Housing and Urban Development

Rodent Control --

Health Services and Mental Health Administration, and
Environmental Health Service, of the Department of
Health, Education and Welfare

Department of Housing and Urban Development (urban areas)

Bureau of Sport Fisheries and Wildlife
Department of the Interior

Sanitation and waste systems --

Environmental Health, Service, National Institute of
Environmental Health Sciences, Health Services and
Mental Health Administration, and Consumer Protection
and Environmental Health Service (solid waste), of the
Department of Health, Education and Welfare

U.S. Coast Guard (ship sanitation)
Department of Transportation

Bureau of Mines (mineral waste), and Federal Water
Quality Administration, of the Department of the Interior

Shellfish sanitation --

Bureau of Commercial Fisheries, Department of the Interior

Food and Drug Administration, and Environmental Health
Service, of the Department of Health, Education and Welfare

Soil and plant life, sedimentation, erosion and hydrologic conditions --

Soil Conservation Service, Agricultural Research Service,
and Forest Service, of the Department of Agriculture

Corps of Engineers (dredging, aquatic plants)

U.S. Geological Survey
Department of the Interior

Toxic materials --

Food and Drug Administration, and National Institutes
of Health, of the Department of Health, Education and
Welfare

Pesticides Regulation Division, Department of Agriculture

Air Force, Department of Defense

Transportation and handling of hazardous materials --

Interstate Commerce Commission

Armed Services Explosive Safety Board
Department of Defense

Federal Highway Administration -- Bureau of Motor
Carrier Safety, Federal Railroad Administration,
Federal Aviation Administration, Assistant Secretary for
Systems Development and Technology -- Office of
Hazardous Materials and Office of Pipeline Safety, of the
Department of Transportation

Environmental Health Service, Health Services and Mental
Health Administration, and Food and Drug Administration, of the
Department of Health, Education and Welfare

Federal Water Quality Administration
Department of the Interior

Atomic Energy Commission

Water quality and water pollution control --

Federal Water Quality Administration, and U.S.
Geological Survey, of the Department of the Interior

Navy (ship pollution control)
Department of Defense

Coast Guard (oil spills, ship sanitation)
Department of Transportation

Wildlife --

Bureau of Sport Fisheries and Wildlife
Department of the Interior

Activities with special impact on regional jurisdictions

Appalachian Regional Commission

Tennessee Valley Authority (Tennessee River Basin)

Economic Development Administration
Department of Commerce

National Capital Planning Commission

Activities with international implications

Department of State

Appendix F . . ABBREVIATED LISTING OF FEDERAL REGIONAL AGENCIES
(Source: Catalog of Federal Domestic Assistance, as compiled for the
Executive Office of the President by the Office of Economic Opportunity)

DEPARTMENT OF AGRICULTURE

Atlanta

1795 Peachtree Road, N.E.
Room 302
Atlanta, Georgia 30309
(Alabama, Georgia, Mississippi,
Puerto Rico, Tennessee, Virgin
Islands, Florida, Kentucky,
North Carolina, South Carolina,
and Virginia)

Chicago

536 South Clark Street
Chicago, Illinois 60605
(Illinois, Iowa, Minnesota,
Nebraska, Ohio, Wisconsin,
Indiana, Michigan, Missouri,
North Dakota, and South Dakota)

New York

26 Federal Plaza
Room 1611
New York, New York 10007
(Connecticut, District of
Columbia, Maryland, New
Hampshire, New York,
Rhode Island, West Virginia,
Delaware, Maine, Massachusetts,
New Jersey, Pennsylvania, and
Vermont)

San Francisco

630 Sansome Street
San Francisco, California 94111
(Alaska, Arizona, Guam, Idaho,
Nevada, Utah, Wyoming, American
Samoa, California, Hawaii, Montana,
Oregon, Washington, and Trust
Territory of the Pacific Islands)

Texas

500 South Ervay Street
Room 3-127
Dallas, Texas 75201
(Arkansas, Kansas, New Mexico,
Texas, Colorado, Louisiana, and
Oklahoma)

APPENDIX F

F-1

U.S. FOREST SERVICE

Region 1

U.S. Forest Service
Federal Building
Missoula, Montana 59801
(Montana, northeastern
Washington, northern Idaho,
North Dakota, and north-
western South Dakota)

Region 2

U.S. Forest Service
Denver Federal Center
Building 85
Denver, Colorado 80225
(Colorado, Kansas, Nebraska,
South Dakota, and Wyoming)

Region 3

U.S. Forest Service
Federal Building
517 Gold Avenue, S.W.
Albuquerque, New Mexico 87101
(Arizona and New Mexico)

Region 4

U.S. Forest Service
Federal Office Building
324 25th Street
Ogden, Utah 84401
(Utah, southern Idaho, western
Wyoming, and Nevada)

Region 5

U.S. Forest Service
630 Sansome Street
San Francisco, California 94111
(California and Hawaii)

Region 6

U.S. Forest Service
319 S.W. Pine Street
Post Office Box 3623
Portland, Oregon 97208
(Oregon and Washington)

Region 8

U.S. Forest Service
1720 Peachtree Road, N.W.
Suite 800
Atlanta, Georgia 30309
(Alabama, Arkansas, Florida,
Georgia, Kentucky, Louisiana,
Mississippi, North Carolina,
Oklahoma, South Carolina,
Tennessee, Texas, and Virginia)

Region 9

U.S. Forest Service
Greyhound Building
633 West Wisconsin Avenue
Milwaukee, Wisconsin 53203
(Connecticut, Delaware, Illinois,
Iowa, Indiana, Maine, Maryland,
Massachusetts, Michigan, Minnesota,
Missouri, New Hampshire, New Jersey,
New York, Ohio, Pennsylvania,
Rhode Island, Vermont, West Virginia,
and Wisconsin)

Region 10

U.S. Forest Service
Federal Office Building
Box 1628
Juneau, Alaska 99801
(Alaska)

ECONOMIC DEVELOPMENT ADMINISTRATION

North Eastern

157 High Street
Portland, Maine 04101
(Connecticut, Maine,
Massachusetts, New Hampshire,
New York, Rhode Island, and
Vermont)

Mid Eastern

517 Ninth Street
Chafin Building
Huntington, West Virginia 25701
(Kentucky, North Carolina, Ohio,
Virginia, and West Virginia)

South Eastern

904 Bob Wallace Avenue
Acuff Building
Huntsville, Alabama 35801
(Alabama, Florida, Georgia,
Mississippi, South Carolina,
and Tennessee)

Mid Atlantic

19 North Maine Street
Wilkes-Barre, Pennsylvania 18701
(Delaware, Maryland, New Jersey,
and Pennsylvania)

North Central

505 Sellwood Building
200 West Superior Street
Duluth, Minnesota 55802
(Illinois, Indiana, Iowa, Michigan,
Minnesota, Missouri, Nebraska,
North Dakota, South Dakota, and
Wisconsin)

Western

415 First Avenue, North
Seattle, Washington 98109
(Alaska, American Samoa,
California, Guam, Hawaii,
Idaho, Montana, Oregon, and
Washington)

South Western

702 Colorado Street
Austin, Texas 78701
(Arizona, Arkansas, Colorado,
Kansas, Louisiana, Nevada,
New Mexico, Oklahoma, Texas,
Utah, and Wyoming)

Puerto Rico and the Virgin Islands

Information may be obtained by
addressing Economic Development
Specialist, 517 Ponce de Leon
Avenue, Santurce, Puerto Rico
00907

WEATHER BUREAU

Eastern

585 Stewart Avenue
Garden City, New York 11530
(Maine, Vermont, Massachusetts,
Rhode Island, Connecticut,
New Hampshire, New York,
Pennsylvania, Maryland, North Carolina,
South Carolina, Ohio, West Virginia,
Virginia, Delaware, New Jersey, and
District of Columbia)

Southern

Room 10E09
819 Taylor Street
Fort Worth, Texas 76102
(Florida, Georgia, Alabama,
Mississippi, Tennessee,
Arkansas, Louisiana, Texas,
Oklahoma, and New Mexico)

Central

Room 1836
601 East 12th Street
Kansas City, Missouri 64106
(Colorado, Minnesota, North Dakota,
South Dakota, Kansas, Nebraska,
Wisconsin, Illinois, Missouri,
Iowa, Wyoming, Indiana, Kentucky,
and Michigan)

Western

Box 11188
Federal Building
125 South State Street
Salt Lake City, Utah 84111
(California, Nevada, Arizona,
Utah, Idaho, Montana, Oregon,
and Washington)

Alaska

632 Sixth Avenue
Anchorage, Alaska 99501
(Alaska)

Pacific

Box 3650
Honolulu, Hawaii 96811
(Hawaii and Pacific Islands of
Guam, Johnston, Koror,
Kwajalein, Majiero, Pongo Pongo,
Ponape, Truk, Wake, and Yap)

OFFICE OF CIVIL DEFENSE

Region 1

Federal Regional Center
Maynard, Massachusetts 01754
(Maine, New Hampshire, Vermont,
Massachusetts, Rhode Island,
Connecticut, New York, New Jersey,
Puerto Rico, and Virgin Islands)

Region 2

Olney, Maryland 20832
(Maryland, Pennsylvania, Ohio,
Kentucky, West Virginia, Virginia,
Delaware, and District of Columbia)

Region 3

Thomasville, Georgia 31792
(Alabama, Florida, Georgia,
Mississippi, North Carolina,
South Carolina, Tennessee, and
Canal Zone)

Region 4

Federal Center
Battle Creek, Michigan 49016
(Michigan, Indiana, Illinois,
Wisconsin, Minnesota)

Region 5

Federal Regional Center
Denton, Texas 76201
(Arkansas, Louisiana, Oklahoma,
Texas, and New Mexico)

Region 6

Federal Regional Center
Building 710
Denver, Colorado 80225
(Iowa, Missouri, North Dakota,
South Dakota, Nebraska, Kansas,
Wyoming, and Colorado)

Region 7

Federal Center
Santa Rosa, California 95403
(California, Nevada, Utah,
Arizona, Hawaii, American Samoa,
and Guam)

Region 8

Federal Regional Center
Bothell, Washington 98011
(Washington, Oregon, Montana,
Idaho, and Alaska)

CORPS OF ENGINEERS

New England Division

Division Engineer
U.S. Army Engineer Division,
New England
424 Trapelo Road
Waltham, Massachusetts 02154

North Atlantic Division

Division Engineer
U.S. Army Engineer Division,
North Atlantic
90 Church Street
New York, New York 10007

South Atlantic Division

Division Engineer
U.S. Army Engineer Division,
South Atlantic
510 Title Building
30 Pryor Street, S.W.
Atlanta, Georgia 30303

Ohio River Division

Division Engineer
U.S. Army Engineer Division,
Ohio River
Post Office Box 1159
Cincinnati, Ohio 45201

North Central Division

Division Engineer
U.S. Army Engineer Division,
North Central
536 South Clark Street
Chicago, Illinois 60605

Lower Mississippi Valley Division

Division Engineer
U.S. Army Engineer Division,
Lower Mississippi Valley
Post Office Box 80
Vicksburg, Mississippi 39180

Missouri River Division

Division Engineer
U.S. Army Engineer Division,
Missouri River
Post Office Box 103
(Downtown Station)
Omaha, Nebraska 68101

Southwestern Division

Division Engineer
U.S. Army Engineer Division,
Southwestern
1114 Commerce Street
Dallas, Texas 75202

North Pacific Division

Division Engineer
U.S. Army Engineer Division,
North Pacific
210 Custom House
Portland, Oregon 97209

South Pacific Division

Division Engineer
U.S. Army Engineer Division,
South Pacific
630 Sansome Street
Room 1216
San Francisco, California 94111

Pacific Ocean Division

Division Engineer
U.S. Army Engineer Division,
Pacific Ocean
Building 96, Fort Armstrong
Honolulu, Hawaii 96813

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Region 1

John F. Kennedy Federal Building
Government Center
Boston, Massachusetts 02205
(Connecticut, Maine, Massachusetts,
New Hampshire, Rhode Island, and
Vermont)

Region 2

26 Federal Plaza
New York, New York 10007
(Delaware, New Jersey, New York,
and Pennsylvania)

Region 3

220 Seventh Street, N.E.
Charlottesville, Virginia 22901
(District of Columbia, Kentucky,
Maryland, North Carolina, Virginia,
West Virginia, Puerto Rico, and
Virgin Islands)

Region 4

50 Seventh Street, N.E.
Room 404
Atlanta, Georgia 30323
(Alabama, Florida, Georgia,
Mississippi, South Carolina, and
Tennessee)

Region 5

433 West Van Buren Street
New Post Office Building
Room 712
Chicago, Illinois 60607
(Illinois, Indiana, Michigan,
Ohio, and Wisconsin)

Region 6

601 East 12th Street
Kansas City, Missouri 64106
(Iowa, Kansas, Missouri, Minnesota,
Nebraska, North Dakota, and
South Dakota)

Region 7

1114 Commerce Street
Dallas, Texas 75202
(Arkansas, Louisiana, New Mexico,
Oklahoma, and Texas)

Region 8

9017 Federal Office Building
19th and Stout Street
Denver, Colorado 80202
(Colorado, Idaho, Montana, Utah,
and Wyoming)

Region 9

Federal Office Building
50 Fulton Street
San Francisco, California 94102
(Arizona, California, Nevada,
Hawaii, Guam, and American Samoa)

Region 10

Arcade Building
1319 Second Avenue
Seattle, Washington 98101
(Washington, Oregon, Idaho, and
Alaska)

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

Region 1

26 Federal Plaza
New York, New York 10007
(Connecticut, Maine,
Massachusetts, New Hampshire,
New York, Rhode Island, and
Vermont)

Region 2

Curtis Building
Sixth and Walnut Streets
Philadelphia, Pennsylvania 19106
(Delaware, District of Columbia,
Maryland, New Jersey, Pennsylvania,
Virginia, and West Virginia)

Region 3

Peachtree-Seventh Building
Atlanta, Georgia 30323
(Alabama, Florida, Georgia,
Kentucky, Mississippi, North Carolina,
South Carolina, and Tennessee)

Region 4

360 North Michigan Avenue
Chicago, Illinois 60601
(Illinois, Indiana, Iowa, Michigan,
Minnesota, Nebraska, North Dakota,
Ohio, South Dakota, and Wisconsin)

Region 5

Federal Office Building
819 Taylor Street
Fort Worth, Texas 76102
(Arkansas, Colorado, Kansas,
Louisiana, Missouri,
New Mexico, Oklahoma, and
Texas)

Region 6

450 Golden Gate Avenue
Post Office Box 36003
San Francisco, California 94102
(northern California, Guam,
Hawaii, northern Nevada,
southern Idaho, Utah, and
Wyoming)

Region 7

255 Ponce de Leon Avenue
Hato Rey, Puerto Rico
Mailing address:
Post Office Box 3869
GPO
San Juan, Puerto Rico 00936
(Virgin Islands and Puerto Rico)

Room 226, Arcade Plaza Building
Seattle, Washington 98101
(Alaska, Montana, northern
Idaho, Oregon, and Washington)

312 North Spring Street
Los Angeles, California 90012
(Arizona, southern California,
and southern Nevada)

INDIAN HEALTH SERVICE

Aberdeen

422½ South Main Street
Aberdeen, South Dakota 57401

Albuquerque

Room 4005
Federal Office Building and
U.S. Courthouse
500 Gold Avenue, S.W.
Albuquerque, New Mexico 87101

Anchorage

Post Office Box 7-741
Anchorage, Alaska 99501

Billings

3 Seventh Street West
(or Post Office Box 2143)
Billings, Montana 59103

Oklahoma City

388 Old Post Office and
Courthouse Building
Oklahoma City, Oklahoma 73102

Phoenix

801 East Indian School Road
Phoenix, Arizona 85014

Portland

88M Multnomah Building
319 S.W. Pine Street
Portland, Oregon 97204

Window Rock

Post Office Box 188
Window Rock, Arizona 86515

BUREAU OF COMMERCIAL FISHERIES (DOI)

Region 1

6166 Arcade Building
1319 Second Avenue
Seattle, Washington 98001
(Idaho, Montana, Oregon,
Washington, and Wyoming)

Region 2

Federal Office Building
144 First Avenue, South
St. Petersburg, Florida 33701
(Alabama, Florida, Georgia,
Louisiana, Mississippi,
North Carolina, Puerto Rico,
South Carolina, Texas, and
Virgin Islands)

Region 3

Federal Building
14 Elm Street
Gloucester, Massachusetts 01930
(Connecticut, Delaware, Maine,
Massachusetts, Maryland,
New Hampshire, New Jersey,
New York, Pennsylvania,
Rhode Island, Vermont,
Virginia, and West Virginia)

Region 4

5 Research Drive
Ann Arbor, Michigan 48103
(Arkansas, Illinois, Indiana,
Iowa, Kansas, Kentucky, Michigan,
Minnesota, Missouri, Nebraska,
North Dakota, Ohio, Oklahoma,
South Dakota, Tennessee, and
Wisconsin)

Region 5

Post Office Box 2481
Juneau, Alaska 99801
(Alaska)

Region 6

300 South Ferry Street
Room 2016
Terminal Island, California 90731
(Arizona, California, Colorado,
New Mexico, Nevada, and Utah)

Hawaii Area

2570 Deia Street
Post Office Box 3830
Honolulu, Hawaii 96812
(American Samoa, Guam, and
Hawaii)

BUREAU OF SPORT FISHERIES AND WILDLIFE (DOI)Region 1

Post Office Box 3737
730 N.E. Pacific Street
Portland, Oregon 97232
(Alaska, California, Hawaii,
Idaho, Montana, Nevada,
Oregon, Washington, and Guam)

Region 2

Post Office Box 1306
Federal Building
517 Gold Avenue, S.W.
Albuquerque, New Mexico 87101
(Arizona, Colorado, Kansas,
New Mexico, Oklahoma, Texas,
Utah, and Wyoming)

Region 3

Federal Building
Fort Snelling
Twin Cities, Minnesota 55111
(Illinois, Indiana, Iowa,
Michigan, Minnesota, Missouri,
Nebraska, North Dakota, Ohio,
South Dakota, and Wisconsin)

Region 4

809 Peachtree-Seventh Building
50 Seventh Street, N.E.
Atlanta, Georgia 30323
(Alabama, Arkansas, Florida, Georgia,
Kentucky, Louisiana, Maryland,
Mississippi, North Carolina,
South Carolina, Tennessee, Virginia,
Puerto Rico, and Virgin Islands)

Region 5

U.S. Post Office and Courthouse
Boston, Massachusetts 02109
(Connecticut, Delaware, Maine,
Massachusetts, New Hampshire,
New Jersey, New York, Pennsylvania,
Rhode Island, Vermont, and
West Virginia)

NATIONAL PARK SERVICE (DOP)

Southeast

Post Office Box 10008
Richmond, Virginia 23240
(Alabama, Arkansas, Florida,
Georgia, Kentucky, Louisiana,
Mississippi, North Carolina,
South Carolina, Tennessee,
Virginia, West Virginia,
Puerto Rico, and Virgin Islands)

Southwest

Post Office Box 728
Santa Fe, New Mexico 87501
(Arizona, New Mexico, Oklahoma,
Texas, and Utah)

Northeast

143 South Third Street
Philadelphia, Pennsylvania 19106
(Connecticut, Delaware, Illinois,
Indiana, Maine, Maryland, Massachusetts,
Michigan, New Hampshire, New Jersey,
New York, Ohio, Pennsylvania,
Rhode Island, Vermont, and Wisconsin)

Northwest

Fourth and Pike Building
Seattle, Washington 98101
(Alaska, Idaho, Oregon, and
Washington)

Midwest

1709 Jackson Street
Omaha, Nebraska 68102
(Colorado, Iowa, Kansas,
Minnesota, Missouri, Montana,
Nebraska, North Dakota,
South Dakota, and Wyoming)

Western

450 Golden Gate Avenue
Post Office Box 36063
San Francisco, California 94102
(California, Nevada, and Hawaii)

Office of National Capital and
Urban Park Affairs

1100 Ohio Drive, S.W.
Washington, D.C. 20240
(District of Columbia)

BUREAU OF OUTDOOR RECREATION (DOI)

Southeast

810 New Walton Building
Atlanta, Georgia 30303
(Alabama, Arkansas, Florida,
Georgia, Louisiana, Mississippi,
North Carolina, South Carolina,
Tennessee, Virginia, Puerto Rico,
and Virgin Islands)

Northeast

Federal Building
Seventh Floor
1421 Cherry Street
Philadelphia, Pennsylvania 19102
(Connecticut, Delaware, Maine,
Maryland, Massachusetts,
New Hampshire, New Jersey,
New York, Pennsylvania,
Rhode Island, Vermont,
West Virginia, and District
of Columbia)

Lake Central

3853 Research Park Drive
Ann Arbor, Michigan 48104
(Illinois, Indiana, Iowa,
Kentucky, Michigan, Minnesota,
Missouri, Ohio, and Wisconsin)

Mid-Continent

Building 41
Denver Federal Center
Denver, Colorado 80225
(Colorado, Kansas, Nebraska,
New Mexico, North Dakota,
Oklahoma, South Dakota, Texas,
and Wyoming)

Pacific Southwest

Box 36062
450 Golden Gate Avenue
San Francisco, California 94102
(Arizona, California, Hawaii,
Nevada, Utah, American Samoa,
and Guam)

Pacific Northwest

Room 407, U.S. Courthouse
Seattle, Washington 98104
(Alaska, Idaho, Montana, Oregon,
and Washington)

NATIONAL AIR POLLUTION CONTROL ADMINISTRATION (NEW)

Northeast

John F. Kennedy Federal Building
23rd Floor
Boston, Massachusetts 02203
(Connecticut, Delaware, Massachusetts,
Maine, New Hampshire, New Jersey,
New York, Rhode Island, Vermont,
Delaware River Basin Commission,
Interstate Sanitation Commission,
and New England Interstate Water
Pollution Control Commission)

Southeast

1421 Peachtree Street, N.E.
Suite 300
Atlanta, Georgia 30309
(Alabama, Florida, Georgia,
Mississippi, Tennessee,
Puerto Rico, and Virgin Islands)

Middle Atlantic

918 Emmet Street
Charlottesville, Virginia 22901
(District of Columbia, Maryland,
Virginia, North Carolina,
South Carolina, Pennsylvania, and
Interstate Commission on the
Potomac River Basin)

Ohio Basin

4676 Columbia Parkway
Cincinnati, Ohio 45226
(Indiana, Kentucky, Ohio,
West Virginia, and Ohio River
Valley Water Sanitation
Commission)

Great Lakes

33 East Congress Parkway
Room 410
Chicago, Illinois 60605
(Illinois, Iowa, Michigan,
Minnesota, and Wisconsin)

Missouri Basin

911 Walnut Street
Room 702
Kansas City, Missouri 64106
(Colorado, Kansas, Missouri,
Nebraska, North Dakota,
South Dakota, and Wyoming)

ATOMIC ENERGY COMMISSION

Region 1

New York Operations Office
376 Hudson Street
New York, New York 10014
(Connecticut, Delaware, District
of Columbia, Maine, Maryland,
Massachusetts, New Hampshire,
New Jersey, New York,
Pennsylvania, Rhode Island,
and Vermont)

Region 2

Oak Ridge Operations Office
Post Office Box E
Oak Ridge, Tennessee 37830
(Arkansas, Kentucky, Louisiana,
Mississippi, Missouri, Puerto Rico,
Tennessee, Virgin Islands, Virginia,
and West Virginia)

Region 3

Savannah River Operations Office
Post Office Box A
Aiken, South Carolina 29801
(Alabama, Canal Zone, Florida,
Georgia, North Carolina, and
South Carolina)

Region 4

Albuquerque Operations Office
Post Office Box 5400
Albuquerque, New Mexico 87115
(Arizona, Kansas, New Mexico,
Oklahoma, and Texas)

Region 5

Chicago Operations Office
9800 South Cass Avenue
Argonne, Illinois 60439
(Illinois, Indiana, Iowa,
Michigan, Minnesota, Nebraska,
North Dakota, Ohio, South Dakota,
and Wisconsin)

Region 6

Idaho Operations Office
Post Office Box 2108
Idaho Falls, Idaho 83401
(Colorado, Idaho, Montana,
Utah, and Wyoming)

Region 7

San Francisco Operations Office
2111 Bancroft Way
Berkeley, California 94704
(California, Hawaii, and Nevada)

Region 8

Richland Operations Office
Post Office Box 550
Richland, Washington 99352
(Alaska, Oregon, and Washington)

FEDERAL POWER COMMISSION

Atlanta

730 Peachtree Building
Room 500
Atlanta, Georgia 30308
(Alabama, Florida, Georgia,
Kentucky, North Carolina,
South Carolina, Tennessee,
and Virginia)

Chicago

610 South Canal Street
Room 1051
Chicago, Illinois 60606
(Illinois, Indiana, Iowa,
Michigan, Minnesota, Missouri,
Nebraska, North Dakota,
South Dakota, and Wisconsin)

Fort Worth

819 Taylor Street
Fort Worth, Texas 76102
(Arkansas, Colorado, Kansas
Louisiana, Mississippi,
New Mexico, Oklahoma, Texas,
and Wyoming)

New York

26 Federal Plaza
22nd Floor
New York, New York 10007
(Connecticut, Delaware, Maine,
Maryland, Massachusetts,
New Hampshire, New Jersey,
New York, Ohio, Pennsylvania,
Rhode Island, Vermont, and
West Virginia)

San Francisco

555 Battery Street
San Francisco, California 94111
(Alaska, Arizona, California,
Hawaii, Idaho, Montana, Nevada,
Oregon, Utah, and Washington)

San Francisco Staff

Office of Accounting and Finance
Room 418
555 Battery Street
San Francisco, California 94111
(Arizona, California, Colorado,
Idaho, Montana, Nevada, New Mexico,
Oregon, Utah, Washington, and
Wyoming, plus western Texas
Panhandle)

BUREAU OF LAND MANAGEMENT

Alaska

555 Cordova Street
Anchorage, Alaska 99501

Arizona

Federal Building
Room 3022
Phoenix, Arizona 85025

California

Federal Building
Room 4017
650 Capitol Mall
Sacramento, California 95814

Colorado

Federal Building
Room 14023
1961 Stout Street
Denver, Colorado 80202

Idaho

Room 334
Federal Building
550 West Fort Street
Boise, Idaho 83702

Montana

Federal Building
316 North 26th Street
Billings, Montana 59101
(North Dakota, South Dakota,
and Minnesota)

Nevada

Federal Building
Room 3008
300 Booth Street
Reno, Nevada 89502

New Mexico

U.S. Post Office and Federal
Building
South Federal Place
Post Office Box 1449
Santa Fe, New Mexico 87501
(Oklahoma)

Oregon and Washington

729 Northeast Oregon Street
Post Office Box 2965
Portland, Oregon 97208

Utah

8217 Federal Building
Post Office Box 11505
Salt Lake City, Utah 84111

Wyoming

U.S. Post Office and Court House
Building
2120 Capitol Avenue
Post Office Box 1828
Cheyenne, Wyoming 82001
(Nebraska and Kansas)

Eastern States

7981 Eastern Avenue
Silver Spring, Maryland 20910
(This office handles inquiries on
states not listed above)

GEOLOGICAL SURVEY

Alaska Survey Committee

218 E Street
Anchorage, Alaska 99501

Pacific Coast Survey Committee

345 Middlefield Road
Menlo Park, California 94025

Rocky Mountain Survey Committee

Federal Center
Denver, Colorado 80225

Topography Division

345 Middlefield Road
Menlo Park, California 94025
(Arizona, California, Hawaii, Idaho,
Nevada, Oregon, Utah, and Washington)

Federal Center
Denver, Colorado 80225
(Alaska, Colorado, Montana,
New Mexico, Texas, and Wyoming)

Ninth and Pine Streets
Post Office Box 133
Rolla, Missouri 65401
(Arkansas, Illinois, Iowa,
Kansas, Louisiana, Michigan,
Minnesota, Mississippi, Missouri,
Nebraska, North Dakota, Oklahoma,
South Dakota, and Wisconsin)

1109 North Highland Street
Arlington, Virginia 22210
(Alabama, Connecticut, Delaware,
Florida, Georgia, Indiana, Kentucky,
Maine, Maryland, Massachusetts,
New Hampshire, New Jersey, New York,
North Carolina, Ohio, Pennsylvania,
Rhode Island, South Carolina, Tennessee,
Vermont, Virginia, and West Virginia,
the District of Columbia, the
Commonwealth of Puerto Rico, and
the Virgin Islands)

Water Resources Division

345 Middlefield Road
Menlo Park, California 94025
(Alaska, California, Hawaii,
Idaho, Nevada, Oregon, and
Washington, and Guam, Samoa, and
other Pacific Islands)

Federal Center
Denver, Colorado 80225
(Arizona, Colorado, Kansas,
Montana, Nebraska, New Mexico,
North Dakota, Oklahoma,
South Dakota, Texas, Utah,
and Wyoming)

Suite 212
West Port 104 Building
2222 Schuetz Road
St. Louis, Missouri 63141
(Alabama, Arkansas, Illinois,
Indiana, Iowa, Kentucky,
Louisiana, Michigan, Minnesota,
Mississippi, Missouri, Ohio,
Tennessee, and Wisconsin)

Room 317, Washington Building
Arlington Towers
Arlington, Virginia 22209
(Connecticut, Delaware, Florida,
Georgia, Maine, Maryland,
Massachusetts, New Hampshire,
New Jersey, New York, North
Carolina, Pennsylvania,
Rhode Island, South Carolina,
Vermont, Virginia, West Virginia,
the District of Columbia, the
Commonwealth of Puerto Rico,
and the Virgin Islands)

Geologic Division

345 Middlefield Road
Menlo Park, California 94025
(Pacific Coast area)

Federal Center
Denver, Colorado 80225
(Rocky Mountain area)

F-19

APPENDIX G. "SAMPLE" NEGATIVE DECLARATION

Mr. Joe Doe
Division Engineer
Federal Highway Administration

Dear Mr. Doe:

This negative declaration is to accompany our request for approval of Federal-aid highway project I-5-2(32).

1. Location and Description of Project
2. Purpose of Project (Why needed? - Reference to transportation plan).
3. Discussion of Environmental Impacts (Include discussion of both positive and negative benefits). (Include discussion of: controversial issues; significant alteration of the existing character of the area; displacement of people; impact on recreation lands; effect on the pattern or behavior of wildlife species and wildlife breeding, nesting, or feeding grounds; air or water pollution problems; and effect on the water table of the area; benefits to local and long distance travel; transportation quality; social and economic opportunities for the area residents; and enhancement of work, school, recreational, and religious opportunities, etc.)
4. Basis for Negative Declaration

Sincerely yours,

Endorsement to State highway department

Concur _____ Date _____
Division Engineer

LOCATION LITIGATION - FEDERAL HIGHWAY ADMINISTRATION May 20, 1971

CASE	COURT	FILED	ALLEGATIONS	ROAD	PRE. INJ.	SUM. JDT	STATUS	DISPOS	APPEAL	REMARKS
D.C. FED. CIVIC ASS'NS v. AIRES	D.C.	11/30/66	138 D.C. Code		Enjoined			J. for Plt		
NASHVILLE I-40 STEERING COM. v. ELLINGTON	M.D. Tenn	10/26/67	128, Discrim	I-40				Dismissed	Affirmed	Cert. Den.
SAN ANTONIO CON. SOCIETY v. TEXAS	W.D. Tex	11/21/67	4f, 128, 134	US280	Denied			Dismissed		Cert. Den.
FAYETTEVILLE AREA C.C. v. VOLPE	N. Carol	6/7/68	128, 134, 210	I-95			Pending			
TRIANGLE IMP. COUNCIL v. VOLPE	S.D.W.Va	12/3/68	128 Relo	I-77	Denied			Dismissed	Affirmed	Cert. Dismissed
TOWNSHIP OF HOPEWELL v. VOLPE	N. Jersey	12/27/68	134	I-95	Denied			Dismissed	Pending	
LUKOWSKI v. VOLPE	Maryland	4/7/69	128, 134, 138	I-95		Pending				
D.C. FED. CIVIC ASS'NS (3SISTERS) v. VOLPE	D.C.	6/7/69	128, 134, 138	I-266	Enjoined			J. for Plt	Pending	
HANLEY v. VOLPE	E.D. Wis	6/18/69	Relocation	Sec.	Denied	J. for Def.			Pending	
CITIZENS COM. COLUMBIA RIVER v. VOLPE	Oregon	9/24/69	4(f)	I-205				Dismissed		
LAMM v. VOLPE	Colorado	11/14/69	Fed. Aid-Billboard					Dismissed	Pending	
CITIZENS PRE. OVERTON PARK v. VOLPE	Tennessee	12/2/69	4(f)PPM 20-8	I-40	Denied			Dismissed	Affirmed	
D.C. FED. CIVIC ASS'N (E. LEG) v. VOLPE	D.C.	1/14/70	134, 138	I-295			Pending			
STEWART v. RESOR	E.D. Penn	2/24/70	EPA	I-95			Pending			
PENN. ENVIRONMENTAL COUNCIL v. BARTLETT	M.D. Penn	3/26/70	4(f)EPA, PPM20-8	Sec.	Denied			Dismissed	Pending	
BUCKLEIN v. VOLPE	M.D. Cal.	4/3/70	125, 128	Sec.	Denied			Dismissed	Pending	
CON. CIT. CLARKSVILLE v. VOLPE	W.D. Tex	4/23/70	128 Discrim	Sec.	Denied			Dismissed	Pending	
LATHAN v. VOLPE	W.D. Wash	5/28/70	128, EPA, Relo	I-95	Denied					
WASILIA LAKE PROP. OWNERS v. VOLPE	Alaska	6/8/70	128, 134, 138	Prim				Dismissed		will hold Hear
ELLIOT v. VOLPE	Mass	7/6/70	EPA, 128, 134, 138	I-93	Denied			Dismissed		
SAVE OUR SHORES v. VOLPE	Idaho	8/12/70	4f, EPA	I-90	Denied		Pending			
BROOKS v. VOLPE	W.D. Wash	8/18/70	4f, EPA	I-90	Denied			Dismissed	Pending	
STRONG v. VOLPE	N. Jersey	9/1/70	138	Sec.			Pending			
TALLAFERRO v. VOLPE	E.D. Mich	9/9/70	Relocation			J. for Def			Pending	
TERRELL v. VOLPE	W.D. N.C.	9/29/70	138, 40USC 102,	Sec.		Pending				
CLARKE SCHOOL URBAN REN. PROJ. v. ROMNEY	S.C. Ala	10/12/70	101, Relo	US 80			Pending			
N.E. WELFARE RTS ORG v. VOLPE	E.D. Wash	11/5/70	134, Relo		Denied					
SIERRA CLUB v. HICKEL, HARDIN	N.D. Calif		T. 16&7	N.P.	Enjoined				Pending	
U.S. v. BRADY	Oregon	10/70	501, IM80-1-63	I-80				J. for Plt	Pending	
WILDLIFE PRESERVES INC. v. VOLPE	N.J.	1/6/70	128	I-280			J. for Def.		Pending	
RAGLAND v. MUELLER	M.D. Fla	1/21/71	128, PPM20-8					Dismissed		
DALY v. VOLPE	W.D. Wash	2/4/71	EPA	I-90	Denied					
HARRISBURG CARE v. VOLPE	M.D. Penn	4/7/71	138, EPA	LR1089	Denied			J. for Plt.		
BOOHER v. MONTGOMERY-GREEN COUNTIES ETC.	S.D. Ohio	3/12/71	EPA							
ROBINWOOD COM. CLUB v. VOLPE	W.D. Wash	4/13/71	128, PPM20-8, EPA	I-90						
SCHLAFLY v. VOLPE	S.D. Ill	3/1/71	106 Discrim	N.P.						
CITY OF MAYWOOD v. VOLPE	Oregon	4/ /71	128	I-205						
PETERSON v. RESOR	Oregon	4/ /71	138, EPA, PPM20-8	I-205						
CC SAVE CHESTER CREEK ETC. v. VOLPE	Alaska	5/3/71	138, PPM20-8	Sec.	Denied					
N. NASHVILLE CIT. COORD COM. v. ROMNEY	Tenn	4/13/71	Discrim	I-40						
ARLINGTON COALITION ON TRANS. v. VOLPE	Virginia	2/22/71	134, 138, EPA	I-66						
RAGNONE v. DEPT OF HIGH. MICHIGAN	Michigan	4/2/71	109	I-475						
THOMPSON v. FUGATE, VOLPE	E.D. Va	5/13/71	128, 138, EPA	Sec.						