

PART 1970 - ENVIRONMENTAL

Subpart A - Environmental Policies

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PART 1970 - ENVIRONMENTAL

Subpart A - Environmental Policies

§ 1970.1 Purpose, applicability, and scope.

(a) Purpose. The purpose of this part is to ensure that the Agency complies with the National Environmental Policy Act of 1969, as amended (NEPA) (42 U.S.C. 4321, et seq.), and other applicable environmental requirements in order to make better decisions based on an understanding of the environmental consequences of proposed actions, and take actions that protect, restore, and enhance the quality of the human environment.

(b) Applicability. The environmental policies and procedures contained in this part are applicable to programs administered by the Rural Business-Cooperative Service (RBS), Rural Housing Service (RHS), and Rural Utilities Service (RUS); herein referred to as "the Agency."

(c) Scope. This part integrates NEPA with other planning, environmental review processes, and consultation procedures required by other Federal laws, regulations, and Executive Orders applicable to Agency programs. This part also supplements the Council on Environmental Quality (CEQ) regulations implementing the procedural provisions of NEPA, 40 CFR parts 1500 through 1508. To the extent appropriate, the Agency will take into account CEQ guidance and memoranda. This part also incorporates and complies with the procedures of Section 106 (36 CFR part 800) of the National Historic Preservation Act (NHPA) and Section 7 (50 CFR part 402) of the Endangered Species Act (ESA).

§ 1970.2 [Reserved]

§ 1970.3 Authority.

This part derives its authority from a number of statutes, Executive Orders, and regulations, including but not limited to those listed in this section. Both the Agency and the applicant, as appropriate, must comply with these statutes, Executive Orders, and regulations, as well as any future statutes, Executive Orders, and regulations that affect the Agency's implementation of this part.

(a) National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.);

(b) Council on Environmental Quality Regulations Implementing the Procedural Provisions of the National Environmental Policy Act (40 CFR parts 1500 through 1508);

(c) U. S. Department of Agriculture, NEPA Policies and Procedures (7 CFR part 1b).

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- (d) Department of Agriculture, Enhancement, Protection, and Management of the Cultural Environment (7 CFR parts 3100 through 3199);
- (e) Archaeological and Historic Preservation Act of 1960, as amended, (16 U.S.C. 469 et seq.);
- (f) Archaeological Resources Protection Act of 1979 (16 U.S.C. 470aa et seq.);
- (g) Bald and Golden Eagle Protection Act (16 U.S.C. 668 et seq.);
- (h) Clean Air Act (42 U.S.C. 7401 et seq.);
- (i) Clean Water Act (Federal Water Pollution Control Act, 33 U.S.C. 1251 et seq.);
- (j) Coastal Barrier Resources Act (16 U.S.C. 3501 et seq.);
- (k) Coastal Barrier Improvement Act (42 U.S.C. 4028 et seq.);
- (l) Coastal Zone Management Act (16 U.S.C. 1456);
- (m) Comprehensive Environmental Response, Compensation, and Liability Act (42 U.S.C. 103) (CERCLA);
- (n) Consolidated Farm and Rural Development Act, Sections 307(a)(6)(A) (7 U.S.C. 1927(a)(6)(A)) and 363 (7 U.S.C. 2006e);
- (o) Endangered Species Act of 1973 (16 U.S.C. 1531 et seq.);
- (p) Farmland Protection Policy Act (7 U.S.C. 4201 et seq.);
- (q) Historic Sites, Buildings and Antiquities Act (16 U.S.C. 461 et seq.);
- (r) Housing and Community Development Act of 1992 (42 U.S.C. 542(c)(9));
- (s) Migratory Bird Treaty Act (16 U.S.C. 703-711);
- (t) National Historic Preservation Act (16 U.S.C. 470 et seq.);
- (u) National Trails System Act (16 U.S.C. 1241 et seq.);
- (v) Native American Graves Protection and Repatriation Act (25 U.S.C. 3001 et seq.);

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- (w) Noise Control Act (42 U.S.C. 4901 et seq.);
- (x) Pollution Prevention Act of 1990 (42 U.S.C. 13101 et seq.);
- (y) Resource Conservation and Recovery Act (42 U.S.C. 6901);
- (z) Safe Drinking Water Act - (42 U.S.C. 300f et seq.);
- (aa) Wild and Scenic Rivers Act (16 U.S.C. 1271 et seq.);
- (bb) Wilderness Act (16 U.S.C. 1131 et seq.);
- (cc) Compact of Free Association between the United States and the Republic of the Marshall Islands and between the United States and the Federated States of Micronesia (Public Law 108-188);
- (dd) Compact of Free Association between the United States and the Republic of Palau (Public Law 99-658);
- (ee) Executive Order 11514, Protection and Enhancement of Environmental Quality;
- (ff) Executive Order 11593, Protection and Enhancement of the Cultural Environment;
- (gg) Executive Order 11988, Floodplain Management;
- (hh) Executive Order 11990, Protection of Wetlands;
- (ii) Executive Order 12898, Federal Actions to Address Environmental Justice in Minority Populations and Low Income Populations;
- (jj) Executive Order 12372, Intergovernmental Review;
- (kk) Executive Order 13112, Invasive Species;
- (ll) Executive Order 13175, Consultation and Coordination with Indian Tribal Governments;
- (mm) Executive Order 13287, Preserve America;
- (nn) Executive Order 13016, Federal Support of Community Efforts along American Heritage Rivers;

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- (oo) Executive Order 13352, Facilitation of Cooperative Conservation;
- (pp) Executive Order 13423, Strengthening Federal Environmental, Energy, and Transportation Management;
- (qq) Executive Order 13653, Preparing the United States for the Impacts of Climate Change;
- (rr) Executive Order 13690, Establishing a Federal Flood Risk Management Standard and a Process for Further Soliciting and Considering Stakeholder Input;
- (ss) Executive Order 13693, Planning for Federal Sustainability in the Next Decade;
- (tt) Agriculture Departmental Regulation (DR) 5600-2, Environmental Justice;
- (uu) Agriculture Departmental Regulation (DR) 9500-3, Land Use Policy;
- (vv) Agriculture Departmental Regulation (DR) 9500-4, Fish and Wildlife Policy;
- (ww) Agriculture Departmental Regulation (DR) 1070-001, U.S. Department of Agriculture (USDA) Policy Statement on Climate Change Adaptation; and
- (xx) Agriculture Departmental Manual (DM) 5600-001, Environmental Pollution Prevention, Control, and Abatement Manual.

§ 1970.4 Policies.

(a) Applicants' proposals must, whenever practicable, avoid or minimize adverse environmental impacts; avoid or minimize conversion of wetlands or important farmlands (as defined in the Farmland Protection Policy Act and its implementing regulations issued by the USDA Natural Resources Conservation Service) when practicable alternatives exist to meet development needs; avoid unwarranted alterations or encroachment on floodplains when practicable alternatives exist to meet developmental needs; and avoid or minimize potentially disproportionate and adverse impacts to minority or low-income populations within the proposed action's area of impact. Avoiding development in floodplains includes avoiding development in the 500-year floodplain, as shown on the Federal Emergency Management Agency's (FEMA) Flood Insurance Rate Maps, where the proposed actions and facilities are defined as critical actions in § 1970.6.

§ 1970.4(a) (Con.)

The Agency shall not fund the proposal unless there is a demonstrated, significant need for the proposal and no practicable alternative exists to the proposed conversion of the above resources.

(b) The Agency encourages the reuse of real property defined as brownfields per Section 101 of the Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA) where the reuse of such property is complicated by the presence or potential presence of a hazardous substance, pollutant, or other contaminant, provided that the level of such presence does not threaten human health and the environment for the proposed land use. The Agency will defer to the agency with regulatory authority under the appropriate law in determining the appropriate level of contaminant for a specific proposed land use. The Agency will evaluate the risk based upon the applicable regulatory agency's review and concurrence with the proposal.

(c) The Agency and applicant will involve other Federal agencies with jurisdiction by law or special expertise, state and local governments, Indian tribes and Alaska Native organizations, Native Hawaiian organizations, and the public, early in the Agency's environmental review process to the fullest extent practicable. To accomplish this objective, the Agency and applicant will:

- (1) Ensure that environmental amenities and values be given appropriate consideration in decision making along with economic and technical considerations;
- (2) At the earliest possible time, advise interested parties of the Agency's environmental policies and procedures and required environmental impact analyses during early project planning and design; and
- (3) Make environmental assessments (EA) and environmental impact statements (EIS) available to the public for review and comment in a timely manner.

(d) The Agency and applicant will ensure the completion of the environmental review process prior to the irreversible and irretrievable commitment of Agency resources in accordance with § 1970.11. The environmental review process is concluded when the Agency approves the applicability of a Categorical Exclusion (CE), issues a Finding of No Significant Impact (FONSI), or issues a Record of Decision (ROD).

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(e) If an applicant's proposal does not comply with Agency environmental policies and procedures, the Agency will defer further consideration of the application until compliance can be demonstrated, or the application may be rejected. Any applicant that is directly and adversely affected by an administrative decision made by the Agency under this part may appeal that decision, to the extent permissible under 7 CFR part 11.

(f) The Agency recognizes the worldwide and long-range character of environmental problems and, where consistent with the foreign policy of the United States, will lend appropriate support to initiatives, resolutions, and programs designed to maximize international cooperation in anticipating and preventing a decline in the quality of humankind's world environment in accordance with NEPA, 42 U.S.C. 4321 et seq.

(g) The Agency will use the NEPA process, to the maximum extent feasible, to identify and encourage opportunities to reduce greenhouse gas (GHG) emissions caused by proposed Federal actions that would otherwise result in the emission of substantial quantities of GHG.

§ 1970.5 Responsible parties.

(a) Agency. The following paragraphs identify the general responsibilities of the Agency.

(1) The Agency is responsible for all environmental decisions and findings related to its actions and will encourage applicants to design proposals to protect, restore, and enhance the environment.

(2) If the Agency requires an applicant to submit environmental information, the Agency will outline the types of information and analyses required in guidance documents. This guidance is available on the Agency's website. The Agency will independently evaluate the information submitted.

(3) The Agency will advise applicants and applicable lenders of their responsibilities to consider environmental issues during early project planning and that specific actions listed in § 1970.12, such as initiation of construction, cannot occur prior to completion of the environmental review process or it could result in a denial of financial assistance.

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(4) The Agency may act as either a lead agency or a cooperating agency in the preparation of an environmental review document. If the Agency acts as a cooperating agency, the Agency will fulfill the cooperating agency responsibilities outlined in 40 CFR 1501.6.

(5) Mitigation measures described in the environmental review and decision documents must be included as conditions in Agency financial commitment documents, such as a conditional commitment letter.

(6) The Agency, guaranteed lender, or multi-tier recipients will monitor and track the implementation, maintenance, and effectiveness of any required mitigation measures.

(b) Applicants. Applicants must comply with provisions found in paragraphs (b)(1) through (8) of this section.

(1) Consult with Agency staff to determine the appropriate level of environmental review and to obtain publicly available resources at the earliest possible time for guidance in identifying all relevant environmental issues that must be addressed and considered during early project planning and design throughout the process.

(2) Where appropriate, contact state and Federal agencies to initiate consultation on matters affected by this part. This part authorizes applicants to coordinate with state and Federal agencies on behalf of the Agency. However, applicants are not authorized to initiate consultation in accordance with Section 106 of the National Historic Preservation Act with Indian tribes on behalf of the Agency. In those cases, applicants need the express written authority of the Agency and consent of Indian tribes in order to initiate consultation.

(3) Provide information to the Agency that the Agency deems necessary to evaluate the proposal's potential environmental impacts and alternatives.

(i) Applicants must ensure that all required materials are current, sufficiently detailed and complete, and are submitted directly to the Agency office processing the application. Incomplete materials or delayed submittals may jeopardize consideration of the applicant's proposal by the Agency and may result in no award of financial assistance.

(ii) Applicants must clearly define the purpose and need for the proposal and inform the Agency promptly if any other Federal, state, or local agencies are involved in financing, permitting, or approving the proposal, so that the Agency may coordinate and consider participation in joint environmental reviews.

(iii) As necessary, applicants must develop and document reasonable alternatives that meet their purpose and need while improving environmental outcomes.

(iv) Applicants must prepare environmental review documents according to the format and standards provided by the Agency. The Agency will independently evaluate the final documents submitted. All environmental review documents must be objective, complete, and accurate in order for them to be finally accepted by the Agency. Applicants may employ a design or environmental professional or technical service provider to assist them in the preparation of their environmental review documents.

(A) Applicants are not generally required to prepare environmental documentation for proposals that involve Agency activities with no or minimal disturbance listed in § 1970.53. However, the Agency may request additional environmental documentation from the applicant at any time, specifically if the Agency determines that extraordinary circumstances may exist.

(B) For CEs listed in § 1970.54, applicants must prepare environmental documentation as required by the Agency; the environmental documentation required for CEs is referred to as an environmental report(ER).

(C) When an EA is required, the applicant must prepare an EA that meets the requirements in subpart C of this part, including, but not limited to, information and data collection and public involvement activities. When the applicant prepares the EA, the Agency will make its own independent evaluation of the environmental issues and take responsibility for the scope and content of the EA.

§ 1970.5(b)(3)(iv)(c) (Con.)

(D) Applicants must cooperate with and assist the Agency in all aspects of preparing an EIS that meets the requirements specified in subpart D of this part, including, but not limited to, information and data collection and public involvement activities. Once authorized by the Agency in writing, applicants are responsible for funding all third-party contractors used to prepare the EIS.

(4) Applicants must provide any additional studies, data, and document revisions requested by the Agency during the environmental review and decision-making process. The studies, data, and documents required will vary depending upon the specific project and its impacts. Examples of studies that the Agency may require an applicant to provide are biological assessments under the ESA, archeological surveys under the NHPA, wetland delineations, surveys to determine the floodplain elevation on a site, air quality conformity analysis, or other such information needed to adequately assess impacts.

(5) Applicants must ensure that no actions are taken (such as any demolition, land clearing, initiation of construction, or advance of interim construction funds from a guaranteed lender), including incurring any obligations with respect to their proposal, that may have an adverse impact on the quality of the human environment or that may limit the choice of reasonable alternatives during the environmental review process. Limitations on actions by an applicant prior to the completion of the Agency environmental review process are defined in CEQ regulations at 40 CFR 1506.1 and 7 CFR 1970.12.

(6) Applicants must promptly notify the Agency processing official when changes are made to their proposal so that the environmental review and documentation may be supplemented or otherwise revised as necessary.

(7) Applicants must incorporate any mitigation measures identified and any required monitoring in the environmental review process into the plans and specifications and construction contracts for the proposals.

Applicants must provide such mitigation measures to consultants responsible for preparing design and construction documents, or provide other mitigation action plans. Applicants must maintain, as applicable, mitigation measures for the life of the loans or refund term for grants.

(8) Applicants must cooperate with the Agency on achieving environmental policy goals. If an applicant is unwilling to cooperate with the Agency on environmental compliance, the Agency will deny the requested financial assistance.

§ 1970.6 Definitions and acronyms.

(a) Definitions. Terms used in this part are defined in 40 CFR part 1508, 36 CFR 800.16, and this section. If a term is defined in this section and in one or both of the other referenced regulations, such term will have the meaning as defined in this subpart.

Agency. USDA Rural Development, which includes RBS, RHS, and RUS, and any successor agencies.

Applicant. An individual or entity requesting financial assistance including but not limited to loan recipients, grantees, guaranteed lenders, or licensees.

Average megawatt. The equivalent capacity rating of a generating facility based on the gross energy output generated over a 12-month period or one year.

Construction work plan. An engineering planning study that is used in the Electric Program to determine and document a borrower's 2- to 4-year capital construction investments that are needed to provide and maintain adequate and reliable electric service to a borrower's new and existing members.

Cooperative agreement. For the purposes of this part, a cooperative agreement is a form of financial assistance in which the Agency provides funding that is authorized by public statute, not to be repaid, and for a purpose that includes substantial involvement and a mutual interest of both the Agency and the cooperator.

§ 1970.6 (Con.)

Critical action. Any activity for which even a slight chance of flooding would be hazardous as determined by the Agency. Critical actions include activities that create, maintain, or extend the useful life of structures or facilities that produce, use, or store highly volatile, flammable, explosive, toxic, or water-reactive materials; maintain irreplaceable records; or provide essential utility or emergency services (such as data storage centers, electric generating facilities, water treatment facilities, wastewater treatment facilities, large pump stations, emergency operations centers including fire and police stations, and roadways providing sole egress from flood-prone areas); or facilities that are likely to contain occupants who may not be sufficiently mobile to avoid death or serious injury in a flood.

Design professional. An engineer or architect providing professional design services to applicants during the planning, design, and construction phases of proposals submitted to the Agency for financial assistance.

Distributed resources. Sources of electrical power that are not directly connected to a bulk power transmission system, having an installed capacity of not more than 10 Mega volt-amperes (MVA), connected to an electric power system through a point of common coupling. Distributed resources include both generators (distributed generation) and energy storage technologies.

Emergency. A disaster or a situation that involves an immediate or imminent threat to public health or safety as determined by the Agency.

Environmental report. The environmental documentation that is required of applicants for proposed actions eligible for a CE under § 1970.54.

Environmental review. Any or all of the levels of environmental analysis described under this part.

Financial assistance. A loan, grant, cooperative agreement, or loan guarantee that provides financial assistance, provided by the Agency to an applicant. In accordance with 40 CFR 1505.1(b), the Agency defines the major decision point at which NEPA must be complete, as the approval of financial assistance.

Grant. A form of financial assistance for a specified purpose without scheduled repayment.

Guaranteed lender. The organization making, servicing, or collecting the loan which is guaranteed by the Agency under applicable regulations, excluding the Federal Financing Bank.

Historic property. Any prehistoric or historic district, site, building, structure, or object included in, or eligible for inclusion in, the National Register of Historic Places maintained by the Secretary of the Interior. This term includes artifacts, records, and remains that are related to and located within such properties. The term includes properties of traditional religious and cultural importance to an Indian tribe or Native Hawaiian organization and that meet the National Register criteria. (See 36 CFR 800.16(1)).

Indian tribe. An Indian tribe, band, nation, or other organized group or community, including a native village, regional corporation or village corporation, as those terms are defined in Section 3 of the Alaska Native Claims Settlement Act (43 U.S.C. 1602), which is recognized as eligible for the special programs and services provided by the United States to Indians because of their status as Indians (see 36 CFR 800.16(m)).

Lien sharing. Agreement to pro rata payment on shared secured collateral without priority preference.

Lien subordination. The circumstance in which the Agency, as a first lien holder, provides a creditor with a priority security interest in secured collateral.

Loan. The provision of funds by the Agency directly to an applicant in exchange for repayment with interest and collateral to secure repayment.

Loan guarantee. The circumstance in which the Agency guarantees all or a portion of payment of a debt obligation to a lender.

Loan/System design. An engineering study, prepared to support a loan application under this part, demonstrating that a system design provides telecommunication services most efficiently to proposed subscribers in a proposed service area, in accordance with the Telecommunications Program guidance.

§ 1970.6 (Con.)

Multi-tier action. Financial assistance provided by specific programs administered by the Agency, that provides financial assistance to eligible recipients, including but not limited to: intermediaries; community-based organizations, such as housing or community development non-profit organizations; rural electric cooperatives; or other organizations with similar financial arrangements who, in turn, provide financial assistance to eligible recipients. The entities or organizations receiving the initial Agency financial assistance are considered "primary recipients." As the direct recipient of this financial assistance, "primary recipients" provide the financial assistance to other parties, referred to as "secondary recipients" or "ultimate recipients." The multi-tier action programs include Housing Preservation Grants (42 U.S.C. 1490m), Multi-Family Housing Preservation Revolving Loan Fund (7 CFR part 3560), Intermediary Relending Program (7 U.S.C. 1932 note and 42 U.S.C. 9812), Rural Business Development Grant Program (7 U.S.C. 940c and 7 U.S.C. 1932(c)), Rural Economic Development Loan and Grant Program (7 U.S.C. 940c), Rural Microentrepreneur Assistance Program (7 U.S.C. 1989(a), 7 U.S.C. 2008s), Household Water Well System Grant Program (7 U.S.C. 1926e), Revolving Funds for Financing Water and Wastewater Projects (Revolving Fund Program) (7 U.S.C. 1926(a)(2)(B)), Energy Efficiency and Conservation Loan Program (7 U.S.C. 901), Section 313A, Guarantees for Bonds and Notes Issued for Electrification or Telephone Purposes (7 U.S.C. 940c-1), Rural Energy Savings Program (7 U.S.C. 8107a), and any other such programs or similar financial assistance actions to primary recipients as described above.

No action alternative. An alternative that describes the reasonably foreseeable future environment in the event a proposed Federal action is not taken. This forms the baseline condition against which the impacts of the proposed action and other alternatives are compared and evaluated.

Preliminary Architectural/Engineering Report. Documents prepared by the applicant's design professional in accordance with applicable Agency guidance for Preliminary Architectural Reports for housing, business, and community facilities proposals and for Preliminary Engineering Reports for water and wastewater proposals.

Previously disturbed or developed land. Land that has been changed such that its functioning ecological processes have been and remain altered by human activity. The phrase encompasses areas that have been transformed from natural cover to non-native species or a managed state, including, but not limited to, utility and electric power transmission corridors and rights-of-way, and other areas where active utilities and currently used roads are readily available.

Servicing actions. All routine, ministerial, or administrative actions for Agency-provided financial assistance that do not involve new financial assistance, including, but not limited to:

- (1) Advancing of funds, billing, processing payments, transfers, assumptions, refinancing involving only a change in an interest rate, and accepting prepayments;
- (2) Monitoring collateral; foreclosure; compromising, adjusting, reducing, or charging off debts or claims; and modifying or releasing the terms of security instruments, leases, contracts, and agreements; and
- (3) Consents or approvals provided pursuant to loan contracts, agreements, and security instruments.

Substantial improvement. Any repair, reconstruction or other improvement of a structure or facility, which has been damaged in excess of, or the cost of which equals or exceeds, 50% of the market value of the structure or replacement cost of the facility (including all "public facilities" as defined in the Disaster Relief Act of 1974) before the repair or improvement is started, or, if the structure or facility has been damaged and is proposed to be restored, before the damage occurred. If a facility is an essential link in a larger system, the percentage of damage will be based on the relative cost of repairing the damaged facility to the replacement cost of the portion of the system which is operationally dependent on the facility. The term "substantial improvement" does not include any alteration of a structure or facility listed on the National Register of Historic Places or a State Inventory of Historic Places. (See 44 CFR 59.1.)

Third-party contractor. Contractors for the preparation of EISs, under the Agency's direction, and paid by the applicant. Under the Agency's direction and in compliance with 40 CFR 1506.5(c), the applicant may undertake the necessary paperwork for the solicitation of a field of candidates. Federal procurement requirements do not apply to the Agency because it incurs no obligations or costs under the contract, nor does the Agency procure anything under the contract.

§ 1970.6 (Con.)

(b) Acronyms.

aMW - Average megawatt

CE - Categorical Exclusion

CERCLA - Comprehensive Environmental Response, Compensation, and
Liability Act

CEQ - Council on Environmental Quality

EA - Environmental Assessment

ER - Environmental Report

EIS - Environmental Impact Statement

EPA - United States Environmental Protection Agency

ESA - Endangered Species Act

FEMA - Federal Emergency Management Agency

FONSI - Finding of No Significant Impact

GHG - Greenhouse Gas

kV - kilovolt (kV)

kW - kilowatt (kW)

MW - megawatt

MVA - Mega volt-amperes

NEPA - National Environmental Policy Act

NHPA - National Historic Preservation Act

NOI - Notice of Intent

RBIC - Rural Business Investment Company

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RBS - Rural Business-Cooperative Service

RHS - Rural Housing Service

RUS - Rural Utilities Service

ROD - Record of Decision

SEPA - State Environmental Policy Act

USDA - United States Department of Agriculture

USGS - United States Geological Survey

§ 1970.7 [Reserved]

§ 1970.8 Actions requiring environmental review.

(a) The Agency must comply with the requirements of NEPA for all Federal actions within the:

(1) United States borders and any other commonwealth, territory, or possession of the United States such as Guam, American Samoa, U.S. Virgin Islands, the Commonwealth of the Northern Mariana Islands, and the Commonwealth of Puerto Rico; and

(2) Republic of the Marshall Islands, the Federated States of Micronesia and the Republic of Palau, subject to applicable Compacts of Free Association.

(b) Except as provided in paragraphs (c), (d), and (e) of this section, the provisions of this part apply to administrative actions by the Agency with regard to the following to be Federal actions:

(1) Providing financial assistance;

(2) Certain post-financial assistance actions with the potential to have an effect on the environment, including:

(i) The sale or lease of Agency-owned real property;

(ii) Lien subordination; and

§ 1970.8(b)(2) (Con.)

(iii) Approval of a substantial change in the scope of a project receiving financial assistance not previously considered.

(3) Promulgation of procedures or regulations for new or significantly revised programs; and

(4) Legislative proposals (see 40 CFR 1506.8).

(c) For environmental review purposes, the Agency has identified and established categories of proposed actions (§§ 1970.53 through 1970.55, 1970.101, and 1970.151). An applicant may propose to participate with other parties in the ownership of a project. In such a case, the Agency will determine whether the applicant participants have sufficient control and responsibility to alter the development of the proposed project prior to determining its classification. Only if there is such control and responsibility as described below will the Agency consider its action with regard to the project to be a Federal action for purposes of this part. Where the applicant proposes to participate with other parties in the ownership of a proposed project and all applicants cumulatively own:

(1) Five percent (5%) or less, the project is not considered a Federal action subject to this part;

(2) Thirty-three and one-third percent (33 1/3%) or more, the project shall be considered a Federal action subject to this part;

(3) More than five percent (5%) but less than thirty-three and one-third percent (33 1/3%), the Agency will determine whether the applicant participants have sufficient control and responsibility to alter the development of the proposal such that the Agency's action will be considered a Federal action subject to this part. In making this determination, the Agency will consider such factors as:

(i) Whether construction would be completed regardless of the Agency's financial assistance or approval;

(ii) The stage of planning and construction;

(iii) Total participation of the applicant;

(iv) Participation percentage of each participant; and

- (v) Managerial arrangements and contractual provisions.
- (d) Lien sharing is not an action for the purposes of this part.
- (e) Servicing actions are directly related to financial assistance already provided, do not require separate NEPA review, and are not actions for the purposes of this part.

§ 1970.9 Levels of environmental review.

- (a) The Agency has identified classes of actions and the level of environmental review required for applicant proposals and Agency actions in subparts B (CEs), C (EAs), and D (EISs) of this part. An applicant seeking financial assistance from the Agency must sufficiently describe its proposal so that the Agency can properly classify the proposal for the purposes of this part.
- (b) If an action is not identified in the classes of actions listed in subparts B, C, or D of this part, the Agency will determine what level of environmental review is appropriate.
- (c) A single environmental document will evaluate an applicant's proposal and any other activities that are connected, interdependent, or likely to have significant cumulative effects. When a proposal represents one segment of a larger interdependent proposal being funded jointly by various entities, the level of environmental review will normally include the entire proposal.
- (d) Upon submission of multi-year planning documents, such as Telecommunications Program Loan/System Designs or multi-year Electric Program Construction Work Plans, the Agency will identify the appropriate classification for all proposals listed in the applicable design or work plan and may request any additional environmental information prior to the time of loan approval.

§ 1970.10 Raising the level of environmental review.

Environmental conditions, scientific controversy, or other characteristics unique to a specific proposal can trigger the need for a higher level of environmental review than described in subparts B or C of this part. As appropriate, the Agency will determine whether extraordinary circumstances (see § 1970.52) or the potential for significant environmental impacts warrant a higher level of review. The Agency is solely responsible

§ 1970.10 (Con.)

for determining the level of environmental review to be conducted and the adequacy of environmental review that has been performed.

§ 1970.11 Timing of the environmental review process.

(a) Once an applicant decides to request Agency financial assistance, the applicant must initiate the environmental review process at the earliest possible time to ensure that planning, design, and other decisions reflect environmental policies and values, avoid delays, and minimize potential conflicts. This includes early coordination with the Agency, all funding partners, and regulatory agencies, in order to minimize duplication of effort.

(b) The environmental review process must be concluded before completion of the obligation of funds.

(c) The environmental review process is formally concluded when all of the following have occurred:

(1) The Agency has reviewed the appropriate environmental review document for completeness;

(2) All required public notices have been published and public comment periods have elapsed;

(3) All comments received during any established comment period have been considered and addressed, as appropriate by the Agency;

(4) The environmental review documents have been approved by the Agency; and

(5) The appropriate environmental decision document has been executed by the Agency after paragraphs (c)(1)through(4) of this section have been concluded.

(d) For proposed actions listed in § 1970.151 and to ensure Agency compliance with the conflict of interest provisions in 40 CFR 1506.5(c), the Agency is responsible for selecting any third-party EIS contractor and participating in the EIS preparation. For more information regarding acquisition of professional services and funding of a third-party contractor, refer to § 1970.152.

§ 1970.12 Limitations on actions during the NEPA process.

(a) Limitations on actions. Applicants must not take actions concerning a proposal that may potentially have an environmental impact or would otherwise limit or affect the Agency's decision until the Agency's environmental review process is concluded. If such actions are taken prior to the conclusion of the environmental review process, the Agency may deny the request for financial assistance.

(b) Anticipatory demolition. If the Agency determines that an applicant has intentionally significantly adversely affected a historic property with the intent to avoid the requirements of Section 106 of the NHPA (such as demolition or removal of all or part of the property) the Agency may deny the request for financial assistance in accordance with section 110(k) of the NHPA.

(c) Recent construction. When construction is in progress or has recently been completed by applicants who can demonstrate no prior intent to seek Agency assistance at the time of application submittal to the Agency, the following requirements apply:

(1) In cases where construction commenced within 6 months prior to the date of application, the Agency will determine and document whether the applicant initiated construction to avoid environmental compliance requirements. If any evidence to that effect exists, the Agency may deny the request for financial assistance.

(2) If there is no evidence that an applicant is attempting to avoid environmental compliance requirements, the application is subject to the following additional requirements:

(i) The Agency will promptly provide written notice to the applicant that the applicant must halt construction if it is ongoing and fulfill all environmental compliance responsibilities before the requested financing will be provided;

(ii) The applicant must take immediate steps to identify any environmental resources affected by the construction and protect the affected resources; and

§ 1970.12(c)(2) (Con.)

(iii) With assistance from the applicant and to the extent practicable, the Agency will determine whether environmental resources have been adversely affected by any construction and this information will be included in the environmental document.

(d) Minimal expenditures. In accordance with 40 CFR 1506.1(d), the Agency will not be precluded from approving minimal expenditures by the applicant not affecting the environment (e.g., long lead-time equipment, purchase options, or environmental or technical documentation needed for Agency environmental review). To be minimal, the expenditure must not exceed the amount of loss which the applicant could absorb without jeopardizing the Government's security interest in the event the proposed action is not approved by the Agency, and must not compromise the objectivity of the Agency's environmental review process.

§ 1970.13 Consideration of alternatives.

The purpose of considering alternatives to a proposed action is to explore and evaluate whether there may be reasonable alternatives to that action that may have fewer or less significant negative environmental impacts. When considering whether the alternatives are reasonable, the Agency will take into account factors such as economic and technical feasibility. The extent of the analysis on each alternative will depend on the nature and complexity of the proposal. Environmental review documents must discuss the consideration of alternatives as follows:

- (a) For proposals subject to subpart C of this part, the environmental effects of the "No Action" alternative must be evaluated. All EAs must evaluate other reasonable alternatives whenever the proposal involves potential adverse effects to environmental resources.
- (b) For proposals subject to subpart D of this part, the Agency will follow the requirements in 40 CFR part 1502.

§ 1970.14 Public involvement.

(a) Goal. The goal of public involvement is to engage affected or interested parties and share information and solicit input regarding environmental impacts of proposals. This helps the Agency to better identify potential environmental impacts and mitigation measures and allows the public to review and comment on proposals under consideration by the Agency. The nature and extent of public involvement will depend upon the public interest and the complexity, sensitivity, and potential for significant environmental impacts of the proposal.

(b) Responsibility to involve the public. The Agency will require applicant assistance throughout the environmental review process, as appropriate, to involve the public as required under 40 CFR 1506.6. These activities may include, but are not limited to:

- (1) Coordination with Federal, state, and local agencies; Federally recognized American Indian tribes; Alaska Native organizations; Native Hawaiian organizations; and the public;
- (2) Providing meaningful opportunities for involvement of affected minority or low-income populations, which may include special outreach efforts, so that potential disproportionate effects on minority or low-income populations are reduced to the maximum extent practicable;
- (3) Publication of notices;
- (4) Organizing and conducting meetings; and
- (5) Providing translators, posting information on electronic media, or any other additional means needed that will successfully inform the public.

(c) Scoping. In accordance with 40 CFR 1501.7, scoping is an early and open process to identify significant environmental issues deserving of study, de-emphasize insignificant issues, and determine the scope of the environmental review process.

- (1) Public scoping meetings allow the public to obtain information about a proposal and to express their concerns directly to the parties involved and help determine what issues are to be addressed and what kinds of expertise, analysis, and consultation are needed. For proposals classified in §§ 1970.101 and 1970.151, scoping meetings may be required at the Agency's discretion.

The Agency may require a scoping meeting whenever the proposal has substantial controversy, scale, or complexity.

- (2) If required, scoping meetings will be held at reasonable times, in accessible locations, and in the geographical area of the proposal at a location the Agency determines would best afford an opportunity for public involvement.

§ 1970.14(c) (Con.)

(3) When held, applicants must attend and participate in all scoping meetings. When requested by the Agency, the applicant must organize and arrange meeting locations, publish public notices, provide translation, provide for any equipment needs such as those needed to allow for remote participation, present information on their proposal, and fulfill any related activities.

(d) Public notices.

(1) The Agency is responsible for meeting the public notice requirements in 40 CFR 1506.6, but will require the applicant to provide public notices of the availability of environmental documents and of public meetings so as to inform those persons and agencies who may be interested in or affected by an applicant's proposal. The Agency will provide applicants with guidance as to specific notice content, publication frequencies, and distribution requirements. Public notices issued by the Agency or the applicant must describe the nature, location, and extent of the applicant's proposal and the Agency's proposed action; notices must also indicate the availability and location of pertinent information.

(2) Notices generally must be published in a newspaper(s) of general circulation (both in print and online) within the proposal's affected areas and other places as determined by the Agency. The notice must be published in the non-classified section of the newspaper. If the affected area is largely non-English speaking or bilingual, the notice must be published in both English and non-English language newspapers serving the affected area, if both are available. The Agency will determine the use of other distribution methods for communicating information to affected individuals and communities if those are more likely to be effective. The applicant must obtain an "affidavit of publication" or other such evidence from all publications (or equivalent verification if other distribution methods were used) and must submit such evidence to the Agency to be made a part of the Agency's Administrative Record.

(3) The number of times notices regarding EAs must be published is specified in § 1970.102(b)(6)(ii). Other distribution methods may be used in special circumstances when a newspaper notice is not available or is not adequate. Additional distribution methods may include, but are not limited to, direct public notices to adjacent property owners or occupants, mass mailings, radio broadcasts, internet postings, posters, or some other combination of public announcements.

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(4) Formal notices required for EIS-level proposals pursuant to 40 CFR part 1500 will be published by the Agency in the Federal Register.

(e) Public availability. Documents associated with the environmental review process will be made available to the public at convenient locations specified in public notices and, where appropriate, on the Agency's internet site. Environmental documents that are voluminous or contain hard-to-reproduce graphics or maps should be made available for viewing at one or more locations, such as an Agency field office, public library, or the applicant's place of business. Upon request, the Agency will promptly provide interested parties copies of environmental review documents without charge to the extent practicable, or at a fee not to exceed the cost of reproducing and shipping the copies.

(f) Public comments. All comments should be directed to the Agency. Comments received by applicants must be forwarded to the Agency in a timely manner. The Agency will assess and consider all comments received.

§ 1970.15 Interagency cooperation.

In order to reduce delay and paperwork, the Agency will, when practicable, eliminate duplication of Federal, state, and local procedures by participating in joint environmental document preparation, adopting appropriate environmental documents prepared for or by other Federal agencies, and incorporating by reference other environmental documents in accordance with 40 CFR 1506.2 and 1506.3.

(a) Coordination with other Federal agencies. When other Federal agencies are involved in an Agency action listed in § 1970.101 or § 1970.151, the Agency will coordinate with these agencies to determine cooperating agency relationships as appropriate in the preparation of a joint environmental review document. The criteria for making this determination can be found at 40 CFR 1501.5.

(b) Adoption of documents prepared for or by other Federal agencies. The Agency may adopt EAs or EISs prepared for or by other Federal agencies if the proposed actions and site conditions addressed in the environmental document are substantially the same as those associated with the proposal being considered by the Agency. The Agency will consider age, location, and other reasonable factors in determining the usefulness of the other Federal documents.

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The Agency will complete an independent evaluation of the environmental document to ensure it meets the requirements of this part. If any environmental document does not meet all Agency requirements, it will be supplemented prior to adoption. Where there is a conflict in the two agencies' classes of action, the Agency may adopt the document provided that it meets the Agency's requirements.

(c) Cooperation with state and local governments. In accordance with 40 CFR 1500.5 and 1506.2, the Agency will cooperate with state and local agencies to the fullest extent possible to reduce delay and duplication between NEPA and comparable state and local requirements.

(1) Joint environmental documents. To the extent practicable, the Agency will participate in the preparation of a joint document to ensure that all of the requirements of this part are met. Applicants that request Agency assistance for specific proposals must contact the Agency at the earliest possible date to determine if joint environmental documents can be effectively prepared. In order to prepare joint documents the following conditions must be met:

(i) Applicants must also be seeking financial, technical, or other assistance such as permitting or approvals from a state or local agency that has responsibility to complete an environmental review for the applicant's proposal; and

(ii) The Agency and the state or local agency may agree to be joint lead agencies where practicable. When state laws or local ordinances have environmental requirements in addition to, but not in conflict with those of the Agency, the Agency will cooperate in fulfilling these requirements.

(2) Incorporating other documents. The Agency cannot adopt a non-Federal environmental document under NEPA. However, if an environmental document is not jointly prepared as described in paragraph (c)(1) of this section (e.g., prepared in accordance with a state environmental policy act [SEPA]), the Agency will evaluate the document as reference or supporting material for the Agency's environmental document.

§ 1970.16 Mitigation.

(a) The goal of mitigation is to avoid, minimize, rectify, reduce, or compensate for the adverse environmental impacts of an action. The Agency will seek to mitigate potential adverse environmental impacts resulting from Agency actions. All mitigation measures will be included in Agency commitment or decision documents.

(b) Mitigation measures, where necessary for a FONSI or a ROD, will be discussed with the applicant and with any other relevant agency and, to the extent practicable, incorporated into Agency commitment documents, plans and specifications, and construction contracts so as to be legally binding.

(c) The Agency, applicable lenders, or any intermediaries will monitor implementation of all mitigation measures during development of design, final plans, inspections during the construction phase of projects, as well as in future servicing visits. The Agency will direct applicants to take necessary measures to bring the project into compliance. If the applicant fails to achieve compliance, all advancement of funds and the approval of cost reimbursements will be suspended. Other measures may be taken by the Agency to redress the failed mitigation as appropriate.

§ 1970.17 Programmatic analyses and tiering.

In accordance with 40 CFR 1502.20 and to foster better decision making, the Agency may consider preparing programmatic-level NEPA analyses and tiering to eliminate repetitive discussions of the same issues and to focus on the actual issues ripe for decision at each level of environmental review.

§ 1970.18 Emergencies.

When an emergency exists and the Agency determines that it is necessary to take emergency action before preparing a NEPA analysis and any required documentation, the provisions of this section apply.

(a) Urgent response. The Agency and the applicant, as appropriate, may take actions necessary to control the immediate impacts of an emergency (see § 1970.53(e)). Emergency actions include those that are urgently needed to restore services and to mitigate harm to life, property, or important natural or cultural resources. When taking such actions, the Agency and the applicant, when applicable, will take into account the probable environmental consequences of the emergency action and mitigate foreseeable adverse environmental effects to the extent practicable.

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(b) CE- and EA-level actions. If the Agency proposes longer-term emergency actions other than those actions described in paragraph (a) of this section, and such actions are not likely to have significant environmental impacts, the Agency will document that determination in a finding for a CE or in a FONSI for an EA prepared in accordance with this part. If the Agency finds that the nature and scope of proposed emergency actions are such that they must be undertaken prior to preparing any NEPA analysis and documentation associated with a CE or EA, the Agency will identify alternative arrangements for compliance with this part with the appropriate agencies.

(1) Alternative arrangements for environmental compliance are limited to actions necessary to control the immediate impacts of the emergency.

(2) Alternative arrangements will, to the extent practicable, attempt to achieve the substantive requirements of this part.

(c) EIS-level actions. If the Agency proposes emergency actions other than those actions described in paragraphs (a) or (b) of this section and such actions are likely to have significant environmental impacts, then the Agency will consult with the CEQ about alternative arrangements in accordance with CEQ regulations at 40 CFR 1506.11 as soon as possible.

§§ 1970.19 - 1970.50 [Reserved]

Exhibits - A, B, C, D, E, F, G and H

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Glossary of NEPA Terms and Acronyms

| | |
|-------------------|---|
| ACHP | Advisory Council on Historic Preservation |
| ACE | Army Corps of Engineers |
| ACEC | Areas of Critical Environmental Concern |
| AIRFA | American Indian Religious Freedom Act |
| APE | Area of Potential Effect |
| AQI | Air Quality Index |
| ARPA | Archaeological Resources Protection Act |
| ASEC | Assistant State Environmental Coordinator |
| AST | Above-Ground Storage Tank |
| ASTM | American Society for Testing and Materials |
| AWQC | Ambient Water Quality Criteria |
| | |
| BA | Biological Assessment |
| BACT | Best Available Control Technology |
| BGEPA | Bald and Golden Eagle Protection Act |
| BGL | Below Ground Level |
| BIA | Bureau of Indian Affairs |
| BLM | Bureau of Land Management |
| BMP | Best Management Practices |
| BOD | Biological or Biochemical Oxygen Demand |
| BO/BiOp | Biological Opinion |
| BoR | Bureau of Reclamation |
| | |
| CA | Corrective Action (under RCRA) |
| CAA | Clean Air Act |
| CAIR | Clean Air Interstate Rule |
| CBRA | Coastal Barrier Resources Act |
| CBRS | Coastal Barrier Resources System |
| CE | Categorical Exclusion |
| CEA | Cumulative Effects Assessment |
| CEQ | Council on Environmental Quality |
| CERCLA of 1980 | Comprehensive Environmental Response, Compensation and Liability Act |
| CERCLIS | Comprehensive Environmental Response, Compensation, and Liability Information System |
| CFR | Code of Federal Regulations |
| COC | Contaminant of Concern |
| COD | Chemical Oxygen Demand |
| CWA | Clean Water Act |
| CZMA | Coastal Zone Management Act |

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Exhibit A

Page 2

| | |
|-------|---|
| DEIS | Draft Environmental Impact Statement |
| DO | Dissolved Oxygen |
| DOD | Department of Defense |
| DOE | Department of Energy |
| DOI | Department of the Interior |
| DOJ | Departmental of Justice |
| DOT | Department of Transportation (Federal or state) |
| DR | Departmental Regulation |
| EA | Environmental Assessment |
| EIS | Environmental Impact Statement |
| EJ | Environmental Justice |
| EMF | Electromagnetic Field |
| EO | Executive Order |
| ERD | Environmental Resource Directory |
| EPA | Environmental Protection Agency |
| ESA | Endangered Species Act |
| ESA | Environmental Site Assessment per ASTM Standards |
| ESRI | Environmental Systems Research Institute (GIS software) |
| FEIS | Final Environmental Impact Statement |
| FEMA | Federal Emergency Management Agency |
| FERC | Federal Energy Regulatory Commission |
| FFRMS | Federal Flood Risk Management Standard |
| FHBM | Flood Hazard Boundary Map |
| FHWA | Federal Highway Administration |
| FIRM | Flood Insurance Rate Map |
| FOIA | Freedom of Information Act |
| FONSI | Finding of No Significant Impact |
| FPPA | Farmland Protection Policy Act |
| FR | Federal Register |
| FS | Forest Service |
| FSA | Farm Services Agency |
| FWCA | Fish and Wildlife Coordination Act |
| FWS | Fish and Wildlife Service |
| FY | Fiscal Year |
| GAO | Government Accountability Office |
| GhG | Greenhouse Gas |
| GIS | Geographic Information System |
| GPM | Gallons per Minute |

HAP Hazardous Air Pollutant
HAZWOPER Hazardous Waste Operation and Emergency Response
HCP Habitat Conservation Plan
HEL Highly Erodible Land
HIA Health Impact Assessment
HUD Department of Housing and Urban Development

IAQ Indoor Air Quality
IHS Indian Health Service
IPCC Intergovernmental Panel on Climate Change
IRIS EPA Integrated Risk Information System

JD Jurisdictional Determination

LDR Land Disposal Restrictions
LUST Leaking Underground Storage Tank

MACT Maximum Achievable Control Technology
MBTA Migratory Bird Treaty Act
MOA Memorandum of Agreement
MOU Memorandum of Understanding
MSL Mean Sea Level
MW Megawatt

NAA Nonattainment Area
NAAQS National Ambient Air Quality Standards
NAGPRA Native American Graves Protection and Repatriation Act
NAEP National Association of Environmental Professionals
NEPA National Environmental Policy Act
NESHAP National Emissions Standards for Hazardous Air Pollutants
NFIP National Flood Insurance Program
NGO Nongovernmental Organization
NHL National Historic Landmark
NHPA National Historic Preservation Act
NMFS National Marine Fisheries Service (part of NOAA)
NOAA National Oceanic and Atmospheric Administration
NOA Notice of Availability
NOI Notice of Intent
NOx Oxides of Nitrogen
NPDES National Pollutant Discharge Elimination System
NPL National Priority List

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| NPOTW | Non-Publicly Owned Treatment Works |
| NPS | National Park Service |
| NRCS | Natural Resources Conservation Service |
| NRECA | National Rural Electric Cooperative Association |
| NRHP | National Register of Historic Places |
| NRI | Nationwide Rivers Inventory |
| NSDWQ | National Standards for Drinking Water Quality |
| NSPS | New Source Performance Standards |
| NSR | New Source Review |
| NWI | National Wetlands Inventory |
| NWP | Nationwide Permit |
| | |
| O&M | Operations and Maintenance |
| OPA | Oil Pollution Act |
| ORW | Outstanding Resource Water |
| OSHA | Occupational Safety and Health Administration |
| | |
| PA | Programmatic Agreement |
| PAH | Polycyclic Aromatic Hydrocarbon |
| PCB | Polychlorinated Biphenyl |
| PE | Professional Engineer |
| PEIS | Programmatic Environmental Impact Statement |
| PG | Professional Geologist |
| PLP | Preferred Lender Program |
| PM | Particulate Matter |
| POC | Point of Contact |
| POTW | Publicly Owned Treatment Works |
| PPB | Part Per Billion |
| PPE | Personal Protective Equipment |
| PPM | Part Per Million |
| PRP | Potentially Responsible Party |
| PSD | Prevention of Significant Deterioration |
| QA/QC | Quality Assurance/Quality Control |
| QAPP | Quality Assurance Project Plan/Program |
| | |
| RA | Remedial Action or Risk Assessment for RCRA actions |
| RBS | Rural Business-Cooperative Service |
| RCRA | Resource Conservation and Recovery Act |
| RCRIS | Resource Conservation and Recovery Information System |
| RD | Rural Development |
| REC | Record of Environmental Consideration |
| RFP | Request for Proposal |
| RHS | Rural Housing Service |

RI Remedial Investigation
ROD Record of Decision
ROW Right-of-Way
RUS Rural Utilities Service

SARA Superfund Amendments and Reauthorization Act
SBA Small Business Administration
SCADA Supervisory Control and Data Acquisition
SDWA Safe Drinking Water Act
SEC State Environmental Coordinator
SEIS Supplemental Environmental Impact Statement
SEPA State Environmental Policy Act
SHPO State Historic Preservation Office/Officer
SIP State Implementation Plan
SOP Standard Operating Procedure
SOW Scope of Work
SOx Oxides of Sulfur
SPCC Spill Prevention Control and Countermeasures Plan
SWPP Stormwater Pollution Prevention Plan

T&E Species Threatened and Endangered Species
TCP Traditional Cultural Property
TDS Total Dissolved Solids
THPO Tribal Historic Preservation Officer
TMDL Total Maximum Daily Load
TRI Toxic Release Inventory
TSCA Toxic Substances Control Act
TSS Total Suspended Solids

U.S.C. United States Code
USGCRP United States Global Change Research Program
USDA Department of Agriculture
USGS Geological Survey
UST Underground Storage Tank

VA Department of Veterans Affairs
VOC Volatile Organic Compound
Western Western Area Power Administration
WNS White Nose Syndrome
WSRA Wild and Scenic Rivers Act

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Exhibit A

Page 6

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| WTP | Water Treatment Plant |
| WUS | Waters of the United States |
| WWTP | Waste Water Treatment Plant |

| GLOSSARY OF NEPA TERMS | |
|----------------------------|--|
| Affected environment | A description of the existing environment to be affected by the proposed action (40 CFR 1502.15). |
| Alternative | Other options to the proposed action by which the applicant can address the identified problem or satisfy the stated need (40 CFR 1502.14). |
| Categorical exclusion (CE) | A category of actions that do not individually or cumulatively have a significant impact on the quality of the human environment (40 CFR § 1508.4). RD's CEs are found in 7 CFR Part 1970, Subpart B. Neither an environmental assessment nor an environmental impact statement is required when there is a CE, unless extraordinary circumstances are identified in accordance with § 1970.52. |
| Connected action | Actions that are "closely related" and "should be discussed" in the same NEPA document (40 CFR 1508.25 (a)(1)) as the proposed action. Actions are connected if they automatically trigger other actions that may require an EIS; cannot or will not proceed unless other actions are taken previously or simultaneously; or if the actions are interdependent parts of a larger action and depend upon the larger action for their justification (40 CFR 1508.25 (a)(1)). Connected actions are limited to actions that are currently proposed (ripe for decision). Actions that are not yet proposed are not connected actions, but may need to be analyzed in a cumulative effects analysis if they are reasonably foreseeable. |
| Cooperating agency | Any federal agency other than a lead federal agency which has jurisdiction by law or special expertise with respect to any environmental impact involved in a major federal action significantly affecting the quality of the human environment. Any state, tribal, or local government jurisdiction with similar qualifications may become a cooperating agency by agreement with the lead agency (40 CFR 1508.5). A cooperating agency assists the lead federal agency in developing an EA or EIS. |

Table (Con.)

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| <p>Council on Environmental Quality (CEQ)</p> | <p>The agency created by NEPA to act as the environmental advisor to the President. The CEQ oversees federal agency implementation of NEPA to ensure compliance and has promulgated regulations implementing the procedural provisions of NEPA. It also resolves interagency disagreements concerning proposed major federal actions.</p> |
| <p>Cumulative impact</p> | <p>The impact on the environment which results from the incremental impact of the action when added to other past, present, and reasonably foreseeable future actions regardless of what agency (federal or non-federal) or person undertakes such other actions. Cumulative impacts can result from individually minor but collectively significant actions taking place over a period of time (40 CFR 1508.7).</p> |
| <p>Direct impact</p> | <p>See Effect</p> |
| <p>Effect</p> | <p>There are two types of effects, direct and indirect. A direct effect (also known as a direct impact) is caused by the action and occurs at the same time and place. An indirect effect (also known as an indirect impact or secondary effect) is caused by the action and occurs later in time or farther removed in distance, but is still reasonably foreseeable. Indirect effects may include growth inducing effects and other effects related to induced changes in the pattern of land use, population density or growth rate, and related effects on air and water and other natural systems, including ecosystems (40 CFR 1508.8).</p> |
| <p>Environmental assessment (EA)</p> | <p>A concise public document prepared to determine whether the impacts of a proposal would be significant and thus warrant preparation of an EIS. If the effects of the proposal are determined not to be significant, a Finding of no Significant Impact (FONSI) is prepared and published.</p> |

Table (Con.)

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| <p>Environmental consequences</p> | <p>Environmental effects of reasonable project alternatives, including the proposed action, any adverse environmental effects which cannot be avoided should the proposal be implemented, the relationship between short-term uses of the human environment and the maintenance and enhancement of long-term productivity, and any irreversible or irretrievable commitments of resources which would be involved if the proposal should be implemented (40 CFR 1502.16).</p> |
| <p>Environmental impact statement (EIS)</p> | <p>A detailed written statement prepared by a federal agency documenting that agency's analysis of the potential environmental impacts of a proposal which has been determined to be a major federal action significantly affecting the quality of the human environment.</p> |
| <p>Environmental justice</p> | <p>The fair treatment and meaningful involvement of all people regardless of race, color, national origin, or income with respect to the development, implementation, and enforcement of environmental laws, regulations, and policies. Fair treatment means that no group of people, including racial, ethnic, or socioeconomic groups, should bear a disproportionate share of the negative environmental consequences resulting from industrial, municipal, and commercial operations or the execution of federal, state, local, and tribal programs and policies. Executive Order 12898 directs federal agencies to make achieving environmental justice part of their missions by identifying and addressing disproportionately high and adverse effects of agency programs, policies, and activities on minority and low-income populations.</p> |
| <p>Environmental Protection Agency (EPA), Office of Federal Activities</p> | <p>EPA's Office of Federal Activities is responsible for administering the filing of all EISs prepared by federal agencies. Draft and final EISs must be filed with EPA before they are distributed to the public. The process of EIS filing includes receiving and recording of the EISs into EPA's EIS database, establishing the beginning and ending dates for public comment periods for draft and final EISs, and publishing these dates in a weekly Notice of Availability in the Federal Register.</p> |

Table (Con.)

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| <p>Extraordinary circumstance</p> | <p>A situation where a normally categorically excluded action has the potential for significant environmental impacts to the human environment, and requires a higher level of environmental review such as an EA or EIS.</p> |
| <p>Federal Register</p> | <p>The official federal government daily publication for publishing rules, proposed rules, and other notices of federal agencies and organizations, as well as Executive Orders and other Presidential documents. The Federal Register is published by the Office of the Federal Register, National Archives and Records Administration (NARA).</p> |
| <p>Finding of no significant impact (FONSI)</p> | <p>A document prepared by a federal agency briefly presenting the reasons why an action for which the agency has prepared an environmental assessment has no potential to have a significant effect on the human environment and thus will not require preparation of an Environmental Impact Statement (40 CFR 1508.13). It shall include the environmental assessment or a summary of it and shall note any other environmental documents related to it (40 CFR 1501.7(a)(5)).</p> |
| <p>Floodplain</p> | <p>Flat land areas adjacent to a stream or river that stretches from the banks of its channel to the base of the enclosing valley walls and is subject to periodic inundation during periods of high water discharge from any source, e.g., surface runoff, groundwater flows, coastal areas subject to wind and wave action, etc. Floodplains include floodways, which consist of the stream channel and adjacent areas that actively carry flood flows downstream. Areas that are subject to a one percent or greater chance of flooding in any given year (the 100-year floodplain) are termed the base floodplains. The critical action floodplain is defined as the 500-year flood plain (0.2 percent chance of flooding in any given year).</p> |

Table (Con.)

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| <p>FFRMS floodplain</p> | <p>The area subject to flooding as determined by one of the following approaches:</p> <ul style="list-style-type: none"> o <i>Climate-informed Science Approach (CISA)</i> - The elevation and flood hazard area that result from using a climate-informed science approach that uses the best-available, actionable hydrologic and hydraulic data and methods that integrate current and future changes in flooding based on climate science. This approach will also include an emphasis on whether the action is a critical action as one of the factors to be considered when conducting the analysis. o <i>Freeboard Value Approach (FVA)</i> - The elevation and flood hazard area that result from using the freeboard value, reached by adding an additional 2 feet to the base flood elevation for non-critical actions and from adding an additional 3 feet to the base flood elevation for critical actions. o <i>0.2-percent-annual-chance Flood Approach (0.2PFA)</i> - The area subject to flooding by the 0.2-percent-annual-chance flood. o <i>The elevation and flood hazard area that results from using any other method identified in an update to the FFRMS.</i> |
| <p>Human environment</p> | <p>Includes the natural and physical environment and the relationship of people with that environment. When economic or social effects and natural or physical environmental effects are interrelated, then the analysis must discuss all of these effects on the human environment (40 CFR 1508.14).</p> |

Table (Con.)

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| <p>Incorporation by reference</p> | <p>Citation and summarization in a NEPA document of material from another reasonably available document that covers similar actions, issues, effects, or resources. CEQ guidance recommends incorporation by reference when the effect will be to reduce the size of an environmental review document without impeding agency and public review of the action. The incorporated material shall be cited in the EA or EIS and the document shall state how the referenced document or material can be obtained. The contents of the referenced materials should be briefly described. No material may be incorporated by reference unless it is reasonably available for inspection by interested parties within the time allowed for comment in the environmental review document. Material based on proprietary data that are not available for review and comment shall not be incorporated by reference (40 CFR 1502.21). Information that could be incorporated by reference includes material that is not directly related to the proposed action; relevant EISs or EAs; detailed descriptions of the affected environment (e.g., "Affected Environment" chapters from previous EISs when the affected environment for the proposed action has not undergone noticeable changes); research papers in the general scientific literature; and, technical background papers that reviewers with technical training may find useful.</p> |
| <p>Lead agency</p> | <p>The federal agency or agencies having primary responsibility for preparing an Environmental Impact Statement (40 CFR 1508.16).</p> |
| <p>Mitigation</p> | <p>Actions taken to avoid an impact altogether or by not taking a certain action or parts of an action. Minimizing impact by limiting the degree or magnitude of the action and its implementation. Rectifying the impact, reducing the impact over time by preservation and maintenance operations during the life of the action, or compensating for the impact by replacing or providing substitute resources or environments (40 CFR 1508.20).</p> |

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| <p>National Environmental Policy Act (NEPA)</p> | <p>The National Environmental Policy Act (42 U.S.C. §§ 4321 et seq.) is the federal government's basic national charter for the protection of the environment. It establishes policies, sets goals, and provides the means to make sure that federal agencies act according to the letter and spirit of the Act. It requires federal agencies to use an interdisciplinary approach in planning and decision-making for actions that impact the environment and to ensure that environmental information is available to public officials and citizens before the federal government takes its actions. For major actions significantly affecting the human environment, NEPA requires the preparation of an EIS.</p> |
| <p>No-Action Alternative</p> | <p>The alternative that describes the future environment in the absence of the proposed federal action (40 CFR 1502.14(d)). The "no action" alternative in such cases would mean the proposed activity would not take place, and the resulting environmental effects from taking no action would be compared with the effects of permitting the proposed activity or an alternative activity to go forward. Thus this forms the baseline condition against which the impact of a proposed action and other alternatives are compared and evaluated.</p> |
| <p>Notice of availability (NOA)</p> | <p>A notice published in the Federal Register and local newspapers in the area affected by the proposal announcing the availability of an environmental impact statement (draft or final) or Record of Decision for public review and comment. Publication of a notice of filing of an EIS by the Environmental Protection Agency formally begins the public comment period. A NOA may also be published for an EA.</p> |

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| <p>Notice of Intent (NOI)</p> | <p>A notice published in the Federal Register and local newspapers in the area affected by the proposal announcing that a federal agency intends to prepare an environmental impact statement. Publication of this notice formally starts the scoping process and specifies the period for public comment. The notice shall briefly (1) describe the proposed action and possible alternatives; (2) describe the proposed scoping process, including whether, when, and where any scoping meetings will be held; and (3) state the contact to whom questions should be addressed regarding the action and the EIS.</p> <p>The purpose of the NOI is to involve other government agencies and interested persons as early as possible in the planning and evaluation of actions which may have significant impact. This notice shall encourage public input in the preparation of a Draft EIS to assure that environmental values will be identified and considered from the outset. A NOI may also be prepared for other purposes, such as when an agency intends to adopt another agency's environmental document.</p> |
| <p>Preferred alternative</p> | <p>An alternative evaluated in an environmental impact statement that a federal agency prefers, if such an alternative exists. The preferred alternative may not be the environmentally preferable alternative; overall preference may be based on business needs, agency mission requirements, legislative or executive direction, and other factors. If the agency has a preferred alternative it must be identified in a final environmental impact statement.</p> |
| <p>Programmatic Environmental Impact Statement (PEIS)</p> | <p>A broad environmental impact statement prepared and used by a federal agency to evaluate and assess the environmental impacts of proposed policies, programs, plans, or projects for which subsequent actions will be implemented based on the programmatic reviews. See also "Tiering".</p> |
| <p>Proposed action</p> | <p>A plan that contains sufficient details about the intended actions to be taken, or that will result, to allow alternatives to be developed and its environmental impacts meaningfully analyzed (40 CFR 1508.23).</p> |

Table (Con.)

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| <p>Reasonable alternatives</p> | <p>Agencies are required to "evaluate all reasonable alternatives" in determining the scope of alternatives to be considered (40 CFR 1502.14). Reasonable alternatives include those that are practical or feasible both technically and economically, rather than simply desirable from the applicant's standpoint.</p> |
| <p>Reasonably foreseeable action</p> | <p>Actions that are analyzed in the context of a good faith evaluation of the indirect and cumulative environmental impacts. These analyses must be based on information from reliable sources on, for example, existing decisions, funding, formal proposals, land use plans and which are highly probable based on known opportunities or trends. The action must be likely to occur or probable, rather than those that are merely possible. Federal agencies are not required to speculate about all conceivable impacts but must evaluate the reasonably foreseeable effects of a proposed action.</p> |
| <p>Record of decision (ROD)</p> | <p>A concise public document that records a federal agency's decision concerning a proposed action for which the agency has prepared an environmental impact statement. The ROD is prepared in accordance with the requirements of the CEQ NEPA regulations (40 CFR 1505.2). The ROD states the decision, alternatives considered, and the environmentally preferable alternative(s); factors considered in the agency's decision; whether all practicable means to avoid or minimize environmental harm have been adopted (mitigation measures), and if not, why they were not; and, a summary of monitoring and enforcement where applicable for any mitigation. An agency may discuss preferences among alternatives based on relevant factors including economic and technical considerations and agency statutory missions.</p> |

Table (Con.)

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| Scoping | An early and open process for determining the scope of issues to be addressed and identifying the significant issues related to a proposed action (40 CFR 1501.7). The responsible federal agency invites the participation of affected federal, State, local, and Tribal governments, the project proponent, and other interested parties. The agency solicits internal and external input on the issues and effects that will be addressed, as well as the degree to which those issues and effects will be analyzed in the NEPA document. Scoping generally extends through the development of alternatives (the public comment periods for EIS review are not scoping). Scoping can be both formal (scoping meetings) and informal (other discussions or consultations that may inform the analytical and decision-making processes). |
| Significance | This term, as used in NEPA, requires consideration of both context and intensity (40 CFR 1508.27), where context refers to analyzing the action in terms of its current, short-and long-term effects on society as a whole, the affected region, affected interests, and the locality where significance varies with the setting of the proposed action. Intensity refers to the severity of the effect, that is, the degree to which the action affects public health or safety or sensitive or unique environmental resources, or where effects are highly controversial or uncertain, among other factors. |
| Supplemental environmental impact statement (SEIS) | A NEPA document prepared to amend an original EIS when significant change in the action is proposed beyond the scope of the original environmental review, or when significant new circumstances or information arise that could affect the proposed action and its environmental impacts (40 CFR 1502.9(c)). SEISs may also be necessary when significant changes to an action are proposed after a FEIS has been released to the public. |

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| <p>Tiering</p> | <p>The coverage of general matters in a broader or programmatic NEPA document (such as a national program or policy statement) with subsequent narrower statements of environmental analysis (such as regional or area-wide program environmental statements or ultimately site-specific statements), that concentrate on specific issues and incorporate by reference the general discussions of the broader document (40 CFR 1508.28). Tiering is appropriate when the sequence of environmental reviews is: (a) from a program, plan, or policy EIS (or EA) to a program, plan, or policy statement or analysis of lesser scope or to a site-specific environmental review; or (b) from an EIS or EA on a specific action at an early stage to a supplement or a subsequent environmental review at a later stage. Tiering in such cases is appropriate and encouraged because it helps the lead agency focus on the issues that are ripe for decision and exclude from consideration issues already addressed or those that are premature for review.</p> |
| <p>Traditional Cultural Property (TCP)</p> | <p>A property that is associated with cultural practices or beliefs of a living community that (1) are rooted in that community's history and (2) are important in maintaining the continuing cultural identity of the community. The TCP must be a tangible property, and can be an entirely natural feature.</p> |
| <p>Unavoidable Adverse Effects</p> | <p>Effects that cannot be avoided due to constraints in alternatives. These effects do not have to be avoided by the planning agency, but they must be disclosed, discussed, and mitigated, if possible (40 CFR 1502.16).</p> |

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| Wetlands | <p>The Army Corps of Engineers and the Environmental Protection Agency define wetlands as "Those areas that are inundated or saturated by surface or ground water at a frequency or duration sufficient to support, and that under normal circumstances do support, a prevalence of vegetation typically adapted for life in saturated soil conditions. Wetlands generally include swamps, marshes, bogs and similar areas." A more general definition offered by the U.S Environmental Protection Agency includes "Generally, wetlands are lands where saturation with water is the dominant factor determining the nature of soil development and the types of plant and animal communities living in the soil and on its surface (Cowardin, December 1979). Wetlands vary widely because of regional and local differences in soils, topography, climate, hydrology, water chemistry, vegetation, and other factors, including human disturbance. Indeed, wetlands are found from the tundra to the tropics and on every continent except Antarctica."</p> |
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Glossary of Electric and Telecommunications Terms

Electrical Terms

Access Road: Roads constructed to each structure first to build the structure and line, and later to maintain and repair it.

Alternate Current (AC): A flow of electricity through a conductor that continuously reverses its direction of flow.

Ambient (Noise): Background noise generated by existing noise sources in the surrounding area.

Ampere (amp): A measure of how much electricity is moving through a conductor. Amperes equals watts divided by volts.

Anchor: Piece of equipment that is installed into the ground to transfer the unbalanced force on a pole or structure to the earth without immediate supports.

Angle Structures: Structures that support the transmission line at points where it changes direction at an angle of 15 degrees or more.

Automated Meter Reading (AMR): The retrieval of meter consumption data from a centralized location via a common communications channel (telephone lines, radio frequency, power lines, cable lines, etc.) or a combination of such.

Avoided Cost: The cost of generating power that a utility avoids by purchasing the same amount of power from another source. A commonly used form consists of a forecast of future avoided costs, known as long range avoid cost (LRAC) projections.

Base Load Unit: A generating unit operated close to its maximum output all the time it is available for service; generally, units whose energy costs are among the lowest on the system.

Baseline: A set of existing conditions against which change is to be described and measured.

Brace: A piece of equipment used solely for additional support to another piece of equipment, such as a cross-arm or transformer.

British Thermal Unit (BTU): The quantity of heat required to raise one pound of water one degree Fahrenheit. This unit can be used to measure energy input and output.

Bundled Conductor: A number of parallel conductors used to increase the amount of current that may be carried in a line.

Bus Bar: A primary power distribution point connected to the main power source.

Bus Work: Work related to a heavy conductor, often made of copper in the shape of a bar, used to collect, carry, and distribute powerful electric currents, such as those produced by generators.

Capacitor: Two electrodes or sets of electrodes in the form of plates, separated from each other by an insulating material called a dielectric.

Capacity: The potential for generating power at a power plant or the electric load of a piece of equipment. Capacity is usually measured in watts.

Capacity (Electrical): The ability to store an electric charge.

Capacity Factor: For generating facilities, the ratio of actual output for a specific time period to the maximum output possible during that period.

Circuit: A conductor, such as wire, through which electric current flows, and the path that current takes from the power source to the device using the power and then back to the source.

Circuit Breaker: An electromagnetic or thermal device that opens a circuit when the current in the circuit exceeds a predetermined amount. Circuit breakers can be reset.

Clearance: Clear space between the surface of the conductor and any other surface. Different conductors (depending on voltage) need different clearances as determined by the National Electric Safety Code.

Cogeneration: Generally, the use of a single source to provide steam or other energy for an industrial or commercial production or process and to generate electricity.

Conductor: A material that allows an electric current to pass through it. It is also the wire that carries electricity in an electric distribution or transmission system.

Conduit: A tube or trough used for protecting electric wiring.

Corona: The electrical breakdown of air molecules in the vicinity of high-voltage conductors.

Corona Rings: Devices specified at the energized end of each insulator in a line to reduce the effects of corona.

Conversion: Improvements involving the addition of electrical phases to existing line segments or voltage conversion of an existing line segment. This may require slight deviations in routing.

Cross-Arm: A high quality piece of wood mounted on a utility pole used to hold up power lines or other equipment.

Current: A flow of electricity charged particles past a specified circuit point per unit of time, measured in amperes.

Customer Charge: The charge to a customer, which is designed to compensate the utility for the costs it incurs as a result of that customer's subscription to utility service, irrespective of the customer's eventual demand or energy use. For example, metering costs, including the cost of the meter and the cost of meter reading, are components which contribute to the customer charge.

Danger Tree: A tree that presents a hazard to powerlines and other infrastructure; it may be located outside of a utility easement.

Dead-end Structures: Heavier, 3-pole structures designed for use where the transmission line loads the structure primarily in tension rather than compression, such as in turning large angles along a line or bringing a line into a substation. These structures are capable of supporting the highest tension of all attached wires.

Decibel: A unit used to express relative difference in power or intensity, usually between two acoustic or electric signals.

Demand: The electrical load averaged over a specified interval of time. Demand is expressed in kilowatts, kilovolt amperes, kilovars, amperes, or other suitable units. The interval of time is generally 15 minutes, 30 minutes, or 60 minutes.

Demand Charge: The charge to a customer based on the maximum demand (generally measured in kilowatts) its use of electricity places on the system. The demand charge is designed to compensate the utility for the fixed costs of equipment required to meet the demand.

Demand-Side Management (DSM): The deliberate planning or implementation of activities to influence consumer use of electricity provided by a distribution borrower to produce beneficial modifications to the system load profile. Beneficial modifications to the system load profile ordinarily improve load factor or otherwise help in utilizing electric system resources to best advantage consistent with acceptable standards of service and lowest system cost. Load profile modifications are characterized as peak clipping, valley filling, load shifting, strategic conservation, strategic load growth, and flexible load profile (see publications of the Electric Power Research Institute (EPRI), especially ``Demand-Side Management Glossary`` EPRI TR-101158, Project 1940-25, Final Report, October 1992). DSM includes energy conservation programs. It does not include sources of electrical energy such as renewable energy systems unless the power flow into the grid from such an interconnected resource is incidental to the operation of the source. A small scale renewable energy source with a nameplate capacity 50 percent or less than the average anticipated load of the associated end user(s) is presumed to be incidental.

Demand Savings: The quantifiable reduction in the load requirement for electric power, usually expressed in kilowatts (kW) or megawatts (MW) such that it reduces the cost to serve the load.

Direct Current: An electric current that flows in one direction only.

Distributed Generation: The generation of electricity by a sufficiently small electric generating system as to allow interconnection of the system near the point of service at distribution voltages or customer voltages. A distributed generating system may be fueled by any source, including but not limited to renewable energy sources.

Distribution Line: A circuit in a distribution system.

Distribution System: The circuits that deliver power directly to the customer. These are operated at relatively low voltages.

Double Circuit: A method of power delivery via a transmission or distribution line where two circuits run in close proximity with inductive coupling between conductors. Double circuits are more space efficient than single circuits.

Double Phase: One circuit consisting of two conductors where the current and voltage in each conductor (phase) is 90° (quarter cycle) out of phase with each other phase.

Easement: A grant of certain rights to the use of a piece of land (which becomes a right-of-way; ROW). This includes the right to enter the ROW to build, maintain, and repair the facilities. Permission for these activities is included in the negotiation process for acquiring easements over private and public land.

Electricity: Electric current or power that results from the movement of electrons in a conductor from a negatively charged point to a positively charged point.

Electric Utility System: As defined in 7 CFR 1710, an electric system refers to all of an Agency borrower's interests in all electric production, transmission, distribution, conservation, load management, general plant and other related facilities, equipment or property, and in any mine, well, pipeline, plant, structure, or other facility for the development, production, manufacture, storage, fabrication, or processing of any fuel or in any facility or rights with respect to the supply of water, in each case for use, in whole or in major part, in any of the borrower's generating plants, including any interest or participation of the borrower in any such facilities or any rights to the output or capacity thereof, together with all lands, easements, rights-of-way, other works, property, structures, contract rights, and other tangible and intangible assets of the borrower in each case used or useful in such electric system.

Electromagnetic Interference: Interference of an electrical device caused by the presence of an electromagnetic field.

Energy Audit: An inspection and analysis of energy flows in a building, process, or system with the goal of identifying opportunities to enhance energy efficiency. The audit should result in an objective standard-based technical report containing recommendations for improving the energy efficiency at the (consumer) premises. The report should also include a cost-benefit analysis reflecting the estimated benefits and costs of pursuing each recommendation.

Energy Efficiency and Conservation Measures: Equipment, materials, and practices that when installed and used at a consumer's premises result in a verifiable reduction in energy consumption, measured in BTUs relative to a base level of output. The ultimate goal is the reduction of utility energy needs at the consumer premises.

Flash Over: An unintended electrical discharge to ground or another phase. Flashovers can occur between two conductors, across insulators to ground, or equipment bushings to ground.

Fuel Switching: The short-term use of a substitute energy source in place of electricity during peak demand. In demand side management programs, an energy utility may encourage consumers to change from electricity to another for a particular end-use service. For example, an electric utility might encourage consumers to transfer from electric heating to gas heating during times of peak electricity demand.

Grid: A high-voltage transmission network. A system of interconnected transmission lines and power generating facilities that allows large quantities of electrical power to be shared on a regional basis.

Ground Rod: Rod that connects to a ground wire that is placed in the ground to route lightning strike electricity into the earth.

Ground Wire: Wires placed above the conductors to route lightning-strike electricity to the ground.

Guy Wire: a tensioned cable that anchors a structure to the ground to provide extra stability.

Guy Wire Anchors: Anchor plates buried into the ground to which guy wires are attached.

High Voltage: Voltage in a power line higher than the 120 to 240 volts typically used to deliver power to residences.

Insulator: A material such as glass or porcelain with negligible electrical or thermal conductivity.

Investor Owned Utility: A utility organized to provide a return on capital to the investment community. Unlike a cooperative, which is owned by the users of the service, power company ownership bears no relationship to use. Voting control of most power company stock is exercised by relatively few large financial institutions and insurance companies.

Kilohertz (khz): A unit of alternating current or electromagnetic wave frequency equal to one thousand hertz (Hz).

Kilovolt (kv): A unit of electromotive force equal to 1,000 volts.

Kilowatt (kw): The basic unit of electric demand, equal to 1,000 watts. A kilowatt-hour (kwh) is the basic measure of electric energy generation or use.

Load: The electricity delivered to power utilization equipment performing its normal function.

Load Factor: The ratio of the average load over a designated period of time to the peak load occurring in the same period. It is a measure of actual electricity consumed relative to total potential consumption. Used when analyzing electricity consumption, a loading factor of 0.5 means that, on average, end users are consuming 50 percent of the amount of power that would have been used if energy usage was at the highest demand level during the entire designated period.

Load Forecast: Minimizes risk by predicting future consumption of power transmitted or delivered by a system.

Load Management: Steps taken to reduce power demand at peak load times or to shift some of it to off-peak times (e.g. peak hours, peak days and/or peak seasons).

Long Range Plan: Planning with a focus on forecasting to ensure a system will meet future needs.

Megawatt (MW): Equal to 1,000 kilowatts or 1 million watts.

Meter: A device used to measure and record the amount of electricity used.

Metering Point: A number that denotes a user's unique meter and supply.

Name Plate Rating: Generator nameplate capacity (installed) that is the maximum rated output of a generator, prime mover, or other electric power production equipment under specific conditions designated by the manufacturer.

Net Utility Plant: The amount constituting the total utility plant of the borrower, less depreciation, computed in accordance with RUS accounting requirements.

Neutral Wire: Wire in a system that is connected to the circuit and is grounded.

Non-Utility Generator (NUG): Any of a variety of unregulated suppliers of capacity or energy to a regulated utility. Sometimes referred to as an Independent Power Producer (IPP) or a merchant power plant.

O&M Survey: A survey to identify equipment problems, maintenance solutions, and potential operating problems.

Off-Peak: Period of relatively low demand on a utility's generating system.

On-Peak: Period of relatively high demand on a utility's generating system, season and time-of-day specific for each utility.

Peak Demand (or Maximum Demand): The highest demand measured over a selected period of time, such as one month.

Peak Demand Reduction: A decrease in demand on an electric utility system during the system's peak period, calculated as the reduction in maximum average demand achieved over a specified interval of time.

Peaking Unit: A generating unit used to meet the portion of peak load that cannot be met by base load units. Generally, these are higher energy cost units, such as gas turbines.

Phase: In electronic signaling, phase is a definition of the position of a point in time (instant) on a waveform cycle. A complete cycle is defined as 360 degrees of phase (i.e., from beginning to end of the waveform). Phase can also be an expression of relative displacement between or among waves having the same frequency.

Pole Ground Wire: Wire (typically running down a pole) that connects an aerial ground wire directly to ground.

Power: The rate of generating, transferring, or using energy. The basic unit is the watt, where one watt is approximately 3.41213 BTU/hr.

Primary (and Secondary) Lines: The electric lines delivering power from the substation to the customer are primary and secondary lines.

Primary Wires: Wires located at the top of a power pole and carry voltage from the substation.

Public Power District/Systems: A utility owned and controlled by the taxpayers of a city, district, or other public area and operated as a function of the government. Also referred to as a municipal system.

Pulling and Tensioning: Process of installing and tightening new conductors or optic power ground wires (fiber optic cable).

Pulling Station/Site: The location where equipment is staged for pulling wires.

Rate: The cost per kilowatt-hour for electricity.

Rating: The nominal value of an energizing quantity that appears in the designation of a relay.

Right-of-Way (ROW): A servient easement over which facilities, such as power lines and access drives, are built.

Re-Conductor: Improvement involves the replacement of a new line segment in place of an existing line. It may involve replacing the conductors and insulators or rebuilding an entire line segment.

Replacement: Improvement involves the replacement of an existing facility generally aging or damaged facilities. It may include deviations in routing.

Sag: The vertical distance between the point where the line is joined to the tower and the lowest point on the line.

Seasonal Energy Efficiency Rating (SEER): A commonly used measure of efficiency of consumer central air conditioners and heat pumps. It is the ratio of cooling output divided by electric energy input.

Service Drop: A connection from a distribution line to the end use consumer. Also known as a customer connection.

Shield Wire: A wire or ground wire that routes lightning strikes to ground on a transmission line. The shield wire is the highest wire(s) attached to the top of a structure.

Single Circuit: A single circuit configuration has three conductors for the three phases.

Single Phase: The distribution of electric power using a system in which the voltage is taken from one phase of a three phase source.

Smart Grid Investments: Capital expenditures for devices or systems capable of providing real-time, two-way (utility and consumer) information and control protocols for individual consumer-owned or operated appliances and equipment, usually through a consumer interface or smart meter.

Sock Line: The line or rope connected to a steel wire that is used to pull the conductors through the structures during installation.

Splice: A location on a wire where a joint or bond must be created.

Staging Area/Yard: A temporary area used to store and assemble personnel, materials, and equipment during construction.

Statewide Cooperative: A statewide rural electric organization, voluntarily supported by the operating electric cooperatives. It provides coordinated, commonly desired services to member systems and gives a unified voice to rural electrification within the state.

Static on Ground Wire: A grounded safety wire laid to conduct excess electricity, as in the case of a lightning strike.

Substation: An electrical facility that contains equipment for controlling the flow of electricity from supplier to user.

Substation Dead-end Structures: Structures within a substation where incoming or outgoing transmission lines end. Substation dead-ends are typically the tallest structure within a substation.

Surge Arresters: A device used to protect equipment from over-voltage transients caused by external or internal events.

Suspension Structure: A structure designed to support conductors strung along a virtually straight line with only small turning or descending or ascending angles.

Switching Station: A substation without transformers that operates at a single voltage level. Used for switching current line to back-up line if needed.

Tracking: A leakage of electric current between two points separated by an insulating material, caused by dirt, carbon particles, moisture, etc.

Transformer: A device used to raise or lower voltage in electric distribution or transmission lines.

Transmission: The transportation of electric energy in bulk at high voltages, generally from a generating unit to a substation or for transfer between utility systems.

Turning Structure: Structures that support the transmission line at points where it changes direction (also see angle structure).

Utility Service Provider (Utility): An entity in the business of providing retail electric service to consumers (distribution entity), wholesale electric supply to distribution entities (generation entity), or transmission service to distribution or generation entities (transmission entity). In each case, the entities provide the applicable service using self-owned or controlled assets under a published tariff that the entity and any associated regulatory agency may adjust.

V Phase: A two-phase distribution line.

Vibration Dampers: Devices attached to insulators in order to minimize vibration of the conductors in windy conditions.

Volt (V): A unit of electric force that measures the pressure of electricity. The amount of electric force carried through a high-voltage transmission line is measured in kilovolts (kV).

Watt: Named for James Watt, a 19th-century Scottish Engineer, it is a measure of the power that can be generated by an electrical current. It is equal to 1/746 horsepower.

Electric Dictionaries

- <http://www.dps.ny.gov/glossary.html#B>
- <https://www.maximintegrated.com/en/glossary/definitions.mvp/terms/all>
- <http://www.youngco.com/young2.asp?ID=4&Type=3#I>
- <https://www.summit.com/resources/glossary-of-electrical-terms/A-Listings-of-Electrical-Terms>

Telecommunication Terms

3G and 4G: The third and fourth generations of mobile communication standards.

Access Network: The part of a telecommunications network that connects subscribers to an internet service provider.

Access Line: The circuit connecting a subscriber to a telecommunication company's central office.

Backbone Network: A telecommunications network that covers a wide or broad area.

Bandwidth: The available or consumed resources in a broadband network, expressed in bits/second or multiples of that measurement.

Broadband: The ability to transfer large amounts of information (data) over telecommunications networks very quickly.

Central Office: A telecommunications company's central office that houses its equipment including telephone switches.

Central Office Equipment: Switching and related equipment on the company's premises.

Collocation: Physical collocation is the placement of competitor's equipment in a local exchange carrier's central offices in order to provide comparably efficient interconnection. Virtual collocation refers to arrangements short of physical collocation intended to provide comparably efficient interconnection.

Centrex: Also known as central office exchange service. A service offering of local exchange carriers that provides access to the network as well as intercom functions within a subscriber's premise. Centrex competes with the capabilities and functions of customer provided private branch exchanges.

Digital Subscriber Line (DSL): A family of technologies that provide Internet access by transmitting digital data over copper wires. DSL networks may be used in conjunction with optic fiber facilities in a single network.

Drop Wire: The wire connecting the telecommunications company's external cable to the subscriber's premises. Also known as a service drop or customer connection.

End Office/Central Office: A local exchange carrier switch where subscriber loops are terminated to interconnect for toll and calling.

Federal Communications Commission (FCC): The regulatory agency for interstate communications.

Fiber Optic Cable: A cable made of many individual glass optical fibers that can transmit large amounts of information at the speed of light.

Fiber Optic Communication: A method of transmitting information from one place to another by sending pulses of light through an optic cable.

Hybrid Fiber Coax: A broadband network that uses optic fiber and coaxial cable.

Independent telephone company: A non-Bell operating company.

Integrated Services Digital Network (ISDN): A telecommunications system which employs new technologies to convert voice, data, and video transmissions into digital signals for high speed transmission over existing telephone networks.

Internet Service Provider: An entity that provides subscribers with access to the internet.

Land Line Telephone: Traditional telephone service delivered over copper wires.

Last Mile Network: The final leg of delivering internet connectivity which spans the distance from the central office to the customer's home or office.

Latency: Measure of time delay experienced in a network.

Loop: A pair of wires (or equivalent) linking a customer's premises with the central office serving the premises.

Local Area Networks: Interconnects computers in a local area such as an office or a home.

Microwave: A form of wireless communications that uses frequencies between 300 MHz and 300 GHz.

Middle Mile Networks: Connects an Internet service provider's access network with the rest of the internet or the wide area network.

Mobile Switching Center: The main connection point for the mobile network operator.

Telecommunication: The transmission of information over significant distances to facilitate communication.

Wide Area Network: See Backbone Network.

Wired Network: A computer network that connects subscribers to the internet via wires including copper, fiber optic, coaxial, and hybrid coaxial.

Wireless Network: A computer network that connects subscribers to the Internet via wireless technologies.

Telecom Dictionaries:

- <http://www.tiaonline.org//resources/telecom-glossary>
- <http://atis.org/glossary/>
- <http://www.itu.int/terminology/index.html>

Acronyms

A: Amperes

AAAC: All Aluminum Alloy Conductor

AC: Alternating Current

ACAR: Aluminum Conductor Alloy Reinforced

ACSR: Aluminum Conductor Steel Reinforced

ANSI: American National Standards Institute

APLIC: Avian Power Line Interaction Committee

ASTM: American Society of Testing and Materials

BCMPs: Best Construction Management Practices

BMP: Best Management Practices

DB: Decibels

DC: Direct Current

EHV: Electric High-Voltage

EMF: Electric and Magnetic Fields

IEEE: Institute of Electrical and Electronic Engineers

IOU: Investor Owned Utility

IPP: Independent Power Producers

IWO: Inventory Work Order

kemil: 1,000 circular mils (unit of area that describes the size of the conductor to be used)

kv: Kilovolts (unit of electrical potential)

kva: Kilovolt Amperes

kv/m: Kilovolts Per Meter

kw: Kilowatt

ma: Milliampere (unit of electric current)

mg: Milligauss (unit of field strength)

mw: Megawatt

NEC: National Electric Code

NESC: National Electric Safety Code

OHGW: Overhead Ground Wire

OV: Overhead

PPM: Parts Per million

PPD: Public Power District

REA: Rural Electrification Administration

RI: Radio interference

TVI: Television interference

URD: Underground

V/M: Volt Per meter

V AC: Volts AC (alternating current)

WSCC: Western Systems Coordinating Council

ENVIRONMENTAL DOCUMENTATION CHECKLIST

PROJECT: _____ **PROGRAM:** _____ **DATE:**

LOAN AMOUNT: _____

GRANT AMOUNT: _____

MORTGAGE SECURITY SOURCE: _____

Please fill in the blank in front of each item with either a X, a Yes (or Y), N/A (for not applicable), or N/R (for no response)

(a) **Rural Development Forms**

(1) **Categorical Exclusion/Environmental Assessment**

- _____ Categorical Exclusion Form
- _____ Letter of Acceptance of Environmental Reports/Environmental Assessments from Environmental Staff to Processing/Approval Official
- _____ Letter of Recommendation of Finding of No Significant Impact from Environmental Staff to Approval Official
- _____ Finding of No Significant Impact

(2) **Environmental Impact Statement**

- _____ Record of Decision
- _____ Memorandum of Understanding with Applicants

(b) **Public Notice Documentation**

(1) **Categorical Exclusion/Environmental Assessment**

- _____ Preliminary/Final Notices for Conversion of Important Resource(s)
- _____ Letter to Applicant to Publish a Public Notice Announcing the Availability of an Environmental Assessment
- _____ Public Notice Announcing the Availability of an Environmental Assessment (May Also Contain Language for Potential Impacts to Important Resources), with Publisher's Affidavit

_____ Letter to Applicant to Publish Public Notice Announcing the Availability of a Finding of No Significant Impact

_____ Public Notice Announcing the Availability of a Finding of No Significant Impact (May Also Contain Language for Potential Impacts to Important Resources), with Publisher's Affidavit

(2) **Environmental Impact Statement**

_____ Public Notice of Intent to Prepare an Environmental Impact Statement and Hold Public Scoping Meetings

_____ Public Notice Announcing the Availability (and Public Meeting, If Appropriate) of the Draft Environmental Impact Statement

_____ Public Notice Announcing the Availability of the Final Environmental Impact Statement (May Also Contain Language for Potential Impacts to Important Resources)

_____ Public Notice Announcing the Availability of the Record of Decision (May Also Contain Language for Potential Impacts to Important Resources)

(c) **Supporting Documentation**

(1) **Project Maps and Photos**

_____ Project Map
_____ Location Map
_____ Topographic Map
_____ Aerial Photos
_____ Ground-level Photos

(2) **Formally Classified Land**

_____ Request for Review Letter Sent to Agency(ies)
_____ National Park Service Review Letter
_____ Bureau of Land Management Review Letter
_____ National Oceanic and Atmospheric Administration Review Letter
_____ Forest Service Review Letter
_____ Fish and Wildlife Service Review Letter
_____ Other: _____

(3) **Important Farmland**

_____ Request for Review Letter Sent to NRCS
_____ NRCS Review Letter with AD-1006, "Farmland Conversion Impact Rating," or NRCS-CPA-106, "Farmland Conversion Impact Rating for Corridor Type Projects"

____ NRCS Web Soil Survey Important Farmland Map with Project Marked

____ NRCS Review Letter/Email

____ Letter/Email Returning Completed AD-1006 to NRCS

(4) **Floodplains**

____ Request for Review Letter Sent to Expert Agency(ies)

____ FEMA Maps with Project Marked

____ FEMA Form 86-0-32, "Standard Flood Hazard Determination Form"

____ Private Party Notice for Floodplains

____ FEMA Form 86-0-33, "Elevation Certificate"

____ 8-Step Alternatives Analysis

____ Other: _____

(5) **Wetlands**

____ Request for Review Letter Sent to Expert Agency(ies)

____ Soil Survey Hydric Soils Map with Project Marked

____ National Wetland Inventory Map with Project Marked

____ Army Corps of Engineers Review Letter

____ Wetlands Delineation According to Army Corps of Engineers

Standards

____ Other: _____

(6) **Historic Properties**

____ Other: _____

Section 106

(i) **Consultation with SHPO**

____ Section 110(k) of NHPA Notice to Applicant

____ Letter or Form Initiating Consultation with the SHPO

____ Letter of Response from SHPO to Consultation Request (If Not a Concurrence Letter)

____ RD's Letter to SHPO with Finding of No Historic Properties Affected or No Adverse Effect

____ SHPO Concurrence Letter

____ Historical Database Documentation

____ Archaeological Survey Report

____ Historic Properties Study

(ii) **Consultation with Tribe(s)**

____ Applicant Tribal Notification and Invitation for Tribal Engagement

____ Agency Invitation for Tribal Consultation (If Sent in Addition to the Above)

____ Agency Invitation for Initiating Government-to-Government
Tribal Consultation
____ THPO/Tribal Official Consultation Response Letter
____ RD's Letter to THPO/Tribal Official with Finding of No
Historic Properties Affected or No Adverse Effect
____ THPO/Tribal Official Concurrence Letter

(iii) **Adverse Effect**

____ Form to Submit Notice of Adverse Effect and Draft Section
106 Agreement for National Office Review
____ Memorandum of Agreement
____ Notification and Invitation to Advisory Council on
Historic Preservation

(7) **Biological Resources**

____ Request for Review Letter Sent to Expert Agency(ies)
____ State Environmental Agency(ies) Review Letter(s)
____ Letter/Email to FWS/NMFS for Designation of Non-Federal
Representative for Consultation
____ Informal Consultation Request Letter to FWS
____ FWS/NMFS Review Letter
____ FWS IPAC Report
____ RD's Section 7 Finding
____ FWS/NMFS Concurrence Letter
____ Letter to USFWS/NMFS for Formal Consultation
____ Geological Survey Review Letter
____ Forest Service Review Letter
____ Bureau of Land Management Review Letter
____ Other: _____

(8) **Water Quality, Coastal Resources, Air Quality, Transportation,
Noise, Scenic Rivers, etc.**

____ Request for Review Letter Sent to Expert Agency(ies)
____ State Environmental Agency Review Letter(s) (If More than One
State Environmental Agency Is Contacted)
____ EPA Review Letter, if in Sole Source Aquifer Area
____ Agency Letter if Coastal Barrier (FWS) or Wild & Scenic River
(FWS, NPS)
____ Consistency Determination Documentation
____ State or County Transportation Department Review Letter
____ Regional or County Planning Commission Review Letter
____ State or Local Health Department Review Letter
____ Other: _____
____ Notice of Violation

_____ Agreed Order
_____ Long-term Control Plan

(9) **Socio-Economic Issues**

_____ Form RD 2006-38, "Civil Rights Impact Analysis Certification"
_____ Environmental Justice Maps

(10) **Environmental Due Diligence**

_____ Signed and Dated Narrative of Site Visit by RD, If Required
_____ Transaction Screen Questionnaire (TSQ)
_____ Phase I Environmental Site Assessment
_____ Phase II Environmental Site Assessment
_____ Certificate of Decontamination

(11) **Intergovernmental Review**

_____ Intergovernmental Review Request to SPOC/Clearinghouse
_____ Intergovernmental Review Response from SPOC/Clearinghouse
_____ Local Government Review Letter

State Environmental Coordinator (SEC)

Recommended Amendment to Position Description

As the SEC, the incumbent works under the authority of the State Director and has the following responsibilities:

1. Acts as advisor to the state director, and provides technical assistance as needed to State and field office staffs on environmental matters and coordinates the requirements of the Agency's regulations, environmental policies and procedures.

2. Reviews all Agency actions under 7 CFR part 1970. Recommends to the approving official either project approval, disapproval, or modification and acceptability of environmental review documents after analyzing and considering the following:

- a. Anticipated adverse environmental impacts.
- b. Anticipated benefits.
- c. Action's consistency with the requirements of 7 CFR part 1970.
- d. Completeness and correctness of environmental review documentation.

Authorizes the type and content of public notices, and determines the need for any unique or enhanced review or notice requirements.

3. Represents the state director at conferences and meetings dealing with any environmental or historic preservation matters affecting implementation of State Office-administered programs.

4. Maintains communication on State Office environmental matters with interested public groups and local, state, and other federal agencies and the National Office. Coordinates with co-funding agencies to reduce duplication of effort in environmental reviews.

5. Solicits as necessary expert advice and assistance of other professional staff members within the State or National Offices in order to properly implement the Agency's environmental policies and procedures.

6. Through review and oversight, assures that adverse environmental impacts are appropriately mitigated and reviews implementation as needed.

7. Assists in resolving post-approval environmental matters and determines if additional review or public noticing is required.
8. Assures that project files contain information and documentation necessary for the administrative record for environmental reviews of Agency actions.
9. Provides direction and training to State and Field office staff, applicants, and consultants on environmental policies and procedures to meet the requirements of relevant laws and agency/departmental regulations and guidance.
10. Monitors the State Office's compliance with the Agency's regulations, environmental policies and procedures and advises the state director of the results of the monitoring process.

SEC

Incorporating Environmental Duties in Performance Work Plans

Performance Element

If the appointee is full-time or the SEC duties require at least 25 percent of the appointee's time, SEC responsibilities should be incorporated into and evaluated on the appointee's Performance Work Plan. Evaluation may be through the use of a generic performance element (e.g., program management) or through the creation of a unique element in Block 14 of Form AD-435. Use of the unique element is preferred. The unique element should be titled "State Environmental Coordinator."

The following language is recommended to describe the standards of performance for the SEC duties under a unique element. The same language should be used as further clarification for a generic element that covers the SEC duties. Suggested Standards:

- Work normally completed to meet critical deadlines.
- Environmental issues, problems, and concerns are adequately identified and resolved in a timely manner. Assures that feasible alternatives and effective mitigation measures are developed when impacts to resources are identified. Work products are understandable, clearly presented, and can typically be accepted by the State Director without modification. On rare occasions, there may be minor technical issues that require correction or resolution.

- Analyzes training needs and develops and provides environmental training for the State and Field office staff and applicants/consultants. Training materials are typically completed in time for distribution and use at training sessions, meet the training objectives, and are accurate with few technical errors.
- (Optional) Advises and represents state director on environmental matters at meetings of State Office nature and solicits expert advice from local, state, and other federal agencies concerning recommended courses of action in sufficient time for policy decisions and implementation. Serves as the point of contact for the National Office on environmental issues, and brings important concerns or issues to National Office attention as appropriate. Assures that environmental reviews are complete and correct, and sufficient to support Agency decision-making. Provides technical assistance in a timely manner as needed to State and field office staffs. Maintains sufficient administrative records.

Assistant State Environmental Coordinator (ASEC)

Recommended Amendment to Position Description

As the ASEC, the incumbent works under the general guidance of the SEC on environmental review issues and has the responsibilities listed below.

When the SEC is absent, the incumbent may be delegated full authority as ASEC, provided the ASEC has the necessary training.

1. Aids the SEC in addressing and resolving environmental matters and assists in coordinating the requirements of the Agency's regulations, environmental policies and procedures at the State Office level.
2. Assists the SEC in all other aspects of that position, as listed above. When delegated authority as ASEC, recommends to the approving official either approval, disapproval, or modification or acceptability of environmental review documents after analyzing the potential impacts and benefits of proposed actions and the adequacy and regulatory sufficiency of review documentation.

ASEC
Incorporating Environmental Duties in Performance Work Plans

Performance Element

If the ASEC duties require less than 25 percent of the appointee's time, the ASEC responsibilities should be evaluated on the Performance Work Plan through the use of a generic performance element (e.g., Execution of Duties). If the ASEC duties require 25 percent or more of the appointee's time, the ASEC responsibilities can be evaluated through a generic performance element, but creation of a unique element in Block 14 of Form AD-435 is preferred. The unique element should be titled "Assistant State Environmental Coordinator."

The following language is recommended to describe the standards of performance for the ASEC duties under a unique element. The same language should be used as further clarification for a generic element that covers the ASEC duties.

Suggested Standards:

- Work normally completed to meet critical deadlines.
- Most environmental issues, problems, and concerns are adequately identified and resolved.
- Assures that alternatives and mitigation measures are developed when impacts to resources are identified. Work products are understandable, clearly presented, and can typically be accepted by the state director without modification. On rare occasions, there are minor technical issues that require correction or resolution.
- Assists the SEC in preparing training materials for the State and Field Office staffs. Training materials are typically completed in time, meet the training objectives, and are accurate with few technical errors.

Fax to PSS at (202) 690-4335
and to EES at (202) 690-0649

TO: Director
Program Support Staff

Director
Engineering and Environmental Staff

SUBJECT: Appointment of a State Environmental Coordinator or
Assistant State Environmental Coordinator

Please be advised that the following individual has been selected to
assume the environmental responsibilities as shown:

Name:

Selected to serve as (*check one*): SEC _____ or ASEC_____

Telephone number: _____ Fax: _____

Email: _____

Present Position: _____ Job Series/Grade: _____

Individual's training, work experience, or education that is relevant
to the appointment:

Proposed training program and schedule for the appointee:
(refer to Exhibit 4, attachment 3 for recommended training):

Date: _____

State Director

Recommended Training Program for Environmental Coordinators

Most individuals serving as SEC or ASEC do so as a collateral duty, and often do not have specialized training for these responsibilities. To better enable appointees to understand Agency environmental compliance responsibilities and resolve complex environmental issues, it is critical that adequate training programs be initiated for these personnel before or immediately upon appointment. The costs of such training will be borne by the State Office. In some instances, training is available free of charge from federal agencies, and on-line courses are becoming increasingly available. The National Office PSS and EES staffs can recommend vendors and agencies.

Training recommended for:

SEC All Items
ASEC Items 1-6E.

(a) Review the following regulations and guidance documents:

- (1) 7 CFR 1970, Environmental Policies and Procedures, Including Subparts A-O.
- (2) RD Instruction 426.2, "National Flood Insurance."
- (3) RD Instructions 1970-A through O, 1970 Staff Instructions.
- (4) Related National and State ANs and/or PNs.
- (5) State Environmental Resource Directory.

(b) Review the following environmental compliance Ag Learn training courses (in the following order):

- (1) National Environmental Policy Act
- (2) Considering Project Effects Under the National Environmental Policy Act (NEPA)
- (3) Historic Preservation Issues
- (4) Coastal Use Issues

- (5) Land Use Issues
- (6) Water Issues
- (7) Environmental Justice
- (8) Lender Liability

(c) Review recently completed environmental review documents prepared under 7 CFR 1970 to become familiar with the format and content: Categorical Exclusion (CE);

Environmental Report for Categorical Exclusions under 7 CFR 1970.54; Environmental Assessment (EA).

(d) Complete an environmental assessment to become familiar with the process.

(e) Meet with program directors and loan specialists to become familiar with the interrelationship between the environmental review process and loan processing.

(f) As workload and funding permit, complete the following courses (in approximate order of priority):

- (1) "New SEC Orientation Training" by National Office Staff (PSS/EES).
- (2) Introduction to NEPA (private vendor).
- (3) "Introduction to Section 106 Review" offered by the Advisory Council on Historic Preservation (AHP).
- (4) Federal Emergency Management Agency (FEMA) training on floodplains, FEMA maps, and flood insurance (FEMA, online).
- (5) Cross-training with a SEC in another state.
- (6) "Health and Safety Training for Hazardous Waste Operations," which is a 40-hour initial Hazardous Waste Operations and Emergency Response (HAZWOPER) course provided by outside vendors and/or government agencies. Follow up annually with the 8-hour refresher courses.

(7) "Phase I Environmental Site Assessment Practices For Commercial Real Estate: Transaction Screen & Phase I Site Assessment" American Society for Testing and Materials (ASTM) course on how the ASTM Environmental Site Assessment Standard Practices for the Phase I Site Assessment and the Transaction Screen Process (E1527-00 and E1528-00) were developed, how to use the standards, and how the standards affect business practices.

(8) Basic Wetlands Regulation and Policy Course and the Federal Wetland/Waters Regulatory Policy Course (private vendors), or review Army Corps of Engineers Regulatory Program webpage and applicable Regulatory Guidance Letters.

(9) Outside classes on laws relating to hazardous substances.

(10) Advanced classes in NEPA document review by outside vendors.

(11) Any available course work relating to environmental laws or regulations as it applies to Rural Development programs including, but not limited to, the following. Also review agency websites to become familiar with online tools such as Web Soil Survey (NRCS); EJ Geographic Assessment Tool (EPA); Online ESA Section 7 compliance tools such as Information for Planning and Conservation (IPaC)(USFWS Field Offices):

(i) Clean Water Act

(ii) Farmland Protection Policy Act

(iii) Endangered Species Act

(iv) National Historic Preservation Act

(v) Clean Air Act

(vi) Wild and Scenic Rivers Act

(vii) For applicable states, Coastal Zone Management Act and Coastal Barrier Resources Act.

Guide for and Principles of Effective Public Involvement (PI)

(a) Purpose

The purpose of this exhibit is to provide a background to, and principles/practices of, PI activities that would typically be employed for Agency projects. The Exhibit summarizes the goals of PI and describes methodologies that can be employed to effectively involve the public in Agency decision-making. Specific actions and processes such as public notices, scoping, and other public meetings are described in other 1970 Instructions and will not be covered here (see the Resources section in this Exhibit for a list of specific rule-related Instructions). Similarly, tribal consultation under Section 106 of the National Historic Preservation Act, addressed in Subpart H, is not covered. The focus of this exhibit is to suggest principles and practices that can inform and improve specific actions and processes. This exhibit is not intended to provide prescriptive instructions. PI is often thought of in terms of notices, meetings, hearings, or other direct methods or forums for engaging the public. This exhibit will address these in a broad sense.

For the purposes of this document, the term "involvement" is also used broadly and somewhat inclusively. In fact the International Association for Public Participation (IAP2) developed a "Public Participation Spectrum" on which involvement, or to involve, is one level in a spectrum ranging from informing the public to empowering the public (Attachment 1). This scheme suggests that increasing levels of participation also have an increasing impact on the decision, as well as associated goals and promises to the public. While it is useful to keep such a spectrum in mind when engaging the public, this Exhibit will consider "involvement" to be inclusive of the potential engagement levels.

(b) Background

Prior to the passage of many foundational environmental laws and regulations in the late 1960s and early 1970s, particularly the National Environmental Policy Act of 1969 (NEPA), public participation in government decision-making was limited to non-existent. In addition to mandating the consideration of environmental and social values along with economic and technical considerations, these statutes recognized the need for the public engagement in decisions that in many cases directly affected their lifestyles, livelihoods, or physical surroundings. The result of this recognition was the establishment of formal mechanisms and practices for informing and involving the public and considering their viewpoints and concerns in agency actions.

One source (Calabash) has stated that "During its evolution, PI in the EIA (environmental impact assessment) process has become a key criterion that distinguishes EIA as a participatory decision support tool."

(c) Definitions

Public Involvement (PI) - From the International Association for Impact Assessment (in part): PI is a process for involving the public in decision-making. The same source has defined public participation as the involvement of individuals and groups that are positively or negatively affected by or interested in a proposed intervention (e.g., a project, program, plan or policy) subject to a decision-making process.

Public - Individuals, permanent or ad hoc groups, and officials at all levels of government who have an interest in or may be affected by (agency)-assisted activities. [from NRCS Public Participation Policy (General Manual, Part 400)]

Stakeholder - A somewhat broader term that includes not only the affected public but the decision-making organization or agency itself and all its members and customers.

Agency - USDA Rural Development

Decision-maker - Agency officials who have administrative, planning, or approval authority to affect the outcome of Agency activities.

(d) Principles

These principles cover those identified in a number of sources and are suggested to form the basis of effective PI. Several of the principles overlap.

(1) The Agency needs to be committed to the process - There is an understanding that PI is not just a procedural requirement, but adds value to the impact assessment process and fosters effective action.

(2) Be clear on what the agency can and cannot implement - The public may expect of the Agency more than it can legally, statutorily, or procedurally undertake in order to respond to public comments or concerns. It may be useful in correspondence, notices, or meeting materials to define the limits of agency authority, including any regulatory or policy constraints.

(3) Timeliness/early engagement - Inform the public early and throughout the process. Early involvement enables the public to voice concerns before Agency decisions, even preliminary or planning decisions, are made. Awareness of such concerns early in the process allows for better planning and may help to avoid or minimize issues that become larger and more difficult to address later in the process.

(4) Transparency - Within any legal or policy constraints, freely share information to inform the public, and be open about agency processes and procedures. Clarify how the participatory process and its outputs will be used in decision-making. Identify any agency policies or regulatory requirements that specify how public participation is to be conducted or used.

(5) Inclusiveness - Identify and make efforts to include all individuals and organizations that may have an interest in the proposed action, and employ appropriate techniques or methodologies to reach those that may require special or unique outreach.

(6) Informed Process - Public participation should be fully incorporated into environmental assessment and decision-making processes. Efforts to invite participation are wasted if the results are not considered in planning and decision-making.

(7) Accountability - Consider all information received and document its disposition or how it was included in decision-making. The public needs to be informed that while it is not possible to fully accommodate all of their concerns, at least their voices were heard and their input was given thoughtful consideration.

(e) Practices

The following are some suggested practices for implementing various aspects of PI.

(1) Identify and resolve issues up front to avoid conflict later - conduct informal scoping prior to application submittal; identify problems or concerns prior to the assessment (i.e., NEPA) process beginning. This is perhaps most important for large, complex, or potentially controversial projects. Early identification of issues may be best accomplished with organized stakeholder groups such as industry or cooperative associations, technical assistance providers, or citizen action groups. During this process, it is important that the Agency make it clear that no decisions have been made and that it is sincerely looking for input. The public will be more willing to participate if they sense this agency commitment.

(2) Define agency expectations and how the PI results will be used - This is where a PI plan may be useful. Plans can be developed for an individual project or a program. The plan should describe the level of involvement that will be sought, the techniques or methods that will be used, an approximate schedule if appropriate, and a description of how the input received will be summarized and incorporated into decision-making. The National Academy of Sciences noted that the failure of some PI exercises can be partially attributed to confusion over the function public input is to play in the policy making process; confusion results when public input is solicited by (agencies) without much regard for the function it is to play in developing policy.

(3) Build on the principles, but one size does not fit all - The approach to PI needs to be tailored to the nature of the project or program, the type of audience(s), and what the agency hopes to accomplish. What worked in the past may not necessarily serve the current situation. To the extent that it is feasible, it may be valuable to involve the public in designing a particular approach; in this way, the widest number of stakeholders can be reached, and the public will feel more invested in the process.

(4) Make documents available - The standard approach has been to make documents available at Agency offices (national, state, area), at a public location near to the project area, and sometimes at the proponent's office. But additional locations may be needed if these (state or area) locations are far from the actual project area. Consider adding more locations at times of the year when travel may be difficult, such as winter. Be aware that some locations may have limited hours. Though some individuals, especially in rural areas, may have difficulty accessing the internet, documents should be made available online if at all possible. Be sure that web links are current and spelled out accurately in public notices or other announcements.

(5) Holding meetings or hearings - Detailed guidance on conducting public meetings can be found in Exhibit D-7. Other than hearings required to take public comments on environmental impact statements (40 CFR §§ 1501.7, 1503.1, 1506.6), holding meetings is at the Agency's discretion, and public requests for meetings should have a legitimate and pressing basis. Work with local contacts/applicant to identify a suitable site which should be accessible to all individuals, and be sure necessary equipment or resources are on hand (audio-visual equipment, tables/dais, sufficient seating, need for court reporter). Consider the need for security if public controversy or opposition is expected. Plan how the meeting will be conducted, a schedule, time of day the meeting is conducted, and the need for any formal presentations.

(6) Ensure ability to reach all audiences - Does the information being disseminated need to be interpreted or translated into other languages? Alternative or additional means of posting notices may be necessary where newspaper coverage is limited or non-existent. These could include libraries, post offices, community centers, or other locations that may be frequented by the local population.

(7) Conflict resolution or facilitation - Projects or agency actions that either have or are expected to engender controversy or conflict may require professional assistance in the form of conflict resolution or facilitation. These approaches provide a neutral third party that may be better equipped to defuse tensions, resolve areas of disagreement or conflict, or break deadlocks that will enable forward progress or suitable outcomes for all parties involved. Professional services are widely available.

(f) Coordination with other Federal Agencies on Proposals and Federally Declared Disaster Recovery

When multiple Federal agencies are conducting, supporting (including funding), or allowing projects in the same geographic area, early coordination is essential to avoid application of conflicting standards. Accordingly, when the Agency is engaged in an action with, or in the same area as, another Federal agency, the Agency should coordinate as early in the planning process as possible to coordinate the environmental review including the application of E.O. 11988, as amended by EO 13690.

Following a Presidentially-declared disaster, the Unified Federal Review process offers additional coordination opportunities for Federal agencies to coordinate. The Agency, as a party to the memorandum of understanding establishing the UFR process, has committed to exercising flexibility in conducting environmental reviews and has agreed to an issue elevation provision that can be invoked in instances where agreement on a common approach reaches an impasse (Memorandum of Understanding Establishing the Unified Federal Environmental and Historic Preservation Review Process 2014-
http://www.achp.gov/docs/Final%20Signed%20UFR%20MOU%207_30_14.pdf).

(g) Resources

- 7 CFR 1907 Subparts B, C, D, and H:

Subpart B, Exhibit B, Categorical Exclusion Form and Instructions
Subpart C, Exhibit C, Public Notices for Environmental Assessments
Subpart D, Exhibits D, Public Notices for Environmental Impact
Statements; and, Exhibits G, Public Meeting Guidance

- International Association for Public Participation www.iap2.org
- Public Participation in Environmental Assessment and Decision Making www.nap.edu/catalog/12434
- Calabash Initiative (specific to Southern African region, but has numerous international resource references) www.saiea.com/calabash/index
- OMB/CEQ Memorandum on Environmental Collaboration and Conflict Resolution, 2012
www.udall.gov/documents/Institute/OMB_CEQ_Memorandum_2012
- U.S. Institute for Environmental Conflict Resolution
udall.gov/OurPrograms/Institute/Institute

IAP2 spectrum

developed by the international association for public participation

| | INFORM | CONSULT | INVOLVE | COLLABORATE | EMPOWER |
|---------------------------|---|--|---|---|--|
| PUBLIC PARTICIPATION GOAL | To provide the public with balanced and objective information to assist them in understanding the problem, alternatives and/or solutions. | To obtain public feedback on analysis, alternatives and/or decision. | To work directly with the public throughout the process to ensure that public concerns and aspirations are consistently understood and considered. | To partner with the public in each aspect of the decision including the development of alternatives and the identification of the preferred solution. | To place final decision-making in the hands of the public. |
| PROMISE TO THE PUBLIC | We will keep you informed. | We will keep you informed, listen to and acknowledge concerns and aspirations, and provide feedback on how public input influenced the decision. | We will work with you to ensure that your concerns and aspirations are directly reflected in the alternatives developed and provide feedback on how public input influenced the decision. | We will look to you for advice and innovation in formulating solutions and incorporate your advice and recommendations into the decisions to the maximum extent possible. | We will implement what you decide. |

Guide for Preparing an Environmental Resource Directory

1.0 INTRODUCTION

The Agency mission of assisting rural Americans must be consistent with protecting the environment of rural areas and the renewable and non-renewable resources upon which they depend. The Environmental Resource Directory (ERD) can assist Agency staff and applicants in meeting environmental protection goals through NEPA reviews.

The basic purpose of the ERD is to compile state-specific resource, policy, and agency contact information to assist the environmental review process. This document should be tailored to meet each individual State Office's important state, regional, and local environmental conditions; it may be further delineated by regions or districts within the state.

Every state and field office should have a hard copy of the ERD and hard copies should be made available to applicants as requested. The ERD should also be available electronically and added to the State Office's web page for easy access.

2.0 DEVELOPMENT AND USE

The ERD should provide pertinent and focused information that enables users to readily identify resources of concern and appropriate agency contacts. It should meet the practical needs of its users by being kept current and containing relevant information on environmental resources and agency contacts important to conducting the environmental review process. It need not duplicate readily available materials and policy/guidance, but refer to relevant web pages or other reference sources as necessary.

Direct contact or web queries should be made with state or area/field offices of federal agencies and state and local agencies to determine the availability of relevant information. This information is typically available at no cost since it is often part of agency regulatory or public service duties.

At a minimum, the ERD should contain the names and contact information of the federal area/field regulatory agencies and state environmental regulatory agencies having jurisdiction by law or special expertise over the environmental resources in each state. The directory should also list any unique state environmental or land use requirements, state-designated lands, or other unique resources that may need to be considered in Agency environmental reviews; this can be listed by resource/issue.

The ERD should also describe any state intergovernmental review process requirements (for federal intergovernmental review requirements, refer to 7 CFR Part 1970, Subpart I). To provide consistency with federal environmental statutes and Agency policy, all state ERDs (and any revisions thereto) shall be reviewed at the National Office.

ERDs should be reviewed by the state environmental coordinator at least every two years and updated as necessary to reflect newly identified environmental resources or contact information.

3.0 CONTENTS

Consistent with its role to complement existing regulations, policies, and agency guidance, the ERD should contain only state-specific information necessary to assist state staff, applicants, and report preparers in completing their analyses and documentation.

Along with providing agency contact information and web addresses, the ERD can cite applicable federal and state statutes and regulations and Departmental or Agency policies tied to specific environmental resources. But the intent of the ERD is not to duplicate information already assembled in other related guidance documents such as the Staff Instructions at 1970 Subparts A-O. The development of lengthy and complex guides that amass huge volumes of data is not the goal. It is important to remember that this is a tool for staff and applicants to assist in planning and analysis.

The ERD should have a cover sheet with a header providing the name of the document, the original issue date, any revision dates, and a table of contents. Other sections can include an introduction, a list of state-specific acronyms and definitions, resource-specific information and jurisdictional agency contacts, copies of forms that might be used, and supporting exhibits, maps, or other graphic materials.

The following section provides a suggested outline for an ERD, including annotations where appropriate to clarify the types of information to be included.

4.0 SUGGESTED ERD OUTLINE

Cover Sheet/Table of Contents

I. Introduction

State the basic purpose, content and use of the ERD.

II. List of Acronyms and Definitions

This list should complement, but not duplicate Exhibit A-1 of Subpart A. Focus on other acronyms and definitions applicable to the particular state and its resources.

III. Intergovernmental Review Requirements

Include any additional state-specific intergovernmental environmental review processes, Agency responsibilities (e.g., which projects are subject to intergovernmental review), and state clearinghouse contact information where applicable.

IV. Environmental Resource Information

This section is organized according to the resources/issues addressed in Rural Development (RD) environmental reports, as described in Subparts B, C, and D. Other resource areas or topics can be added at the state's discretion. Where applicable, the ERD should include one or more of the following types of information for a given resource area:

- Agency jurisdiction and contact information/websites (federal, regional, state, or local agencies having jurisdiction or special expertise that should be contacted for assistance);
 - Unique examples, sites, or features designated for special protection or consideration;
 - Information sources (brief description of where to obtain additional information regarding a particular resource or site).
- (a) Air Quality [repeat breakout below for each resource area, where appropriate and applicable; recommended information in parentheses]
- (1) Agency Jurisdiction (including contact information)
 - (2) Unique Resource Information or Location (include maps or figures as necessary)
- (b) Biological Resources (agency contact information, focus on websites for state-specific resource information/assessment, databases, inventories, etc.)
- (c) Coastal Resources (state agency responsible for Coastal Management Plan, where applicable)

- (d) Floodplains (state or local floodplain management agencies, permit requirements)
- (e) Formally Classified Lands (agency contact information, maps showing boundaries of designated lands)
- (f) Historic Properties (SHPO and THPO(s), locational data for historic sites or districts)
- (g) Land Use (agency that lists state important farmland and forestland)
- (h) Solid Waste and Hazardous Materials/Substances (state site listings, information on compliance processes)
- (i) Transportation (primarily roads)
- (j) Water Quality and Sole Source Aquifers (state permitting authorities)
- (k) Wetlands (state permitting requirements, states that have assumed S. 404 permitting authority)
- (l) Other Factors (placeholder if needed)
This is a placeholder for any other factors that a given state considers necessary to include. Examples might include energy, recreation (if not covered elsewhere), aesthetics/viewsheds, and geologic hazards and constraints (if not covered elsewhere).
- (m) State inventories or planning documents identifying important land uses, wildlife refuges and other important habitat, and resources with aesthetic value. This section could include links to where this information can be found, to the extent that it is not included in the sections above.

V. Exhibits

[Placeholder for additional information, such as forms that might be used, maps of specially protected resource locations (e.g., wild and scenic rivers, coastal zone), and other graphic material, as appropriate for a given state.]

Coordination with Other Federal Agencies on Federally Declared Disaster Recovery

Section 429 of Sandy Recovery Improvement Act (SRIA) directed the President, in consultation with the Council on Environmental Quality and the Advisory Council on Historic Preservation, to "establish an expedited and unified interagency review process to ensure compliance with environmental and historic requirements under Federal law relating to disaster recovery projects, in order to expedite the recovery process, consistent with applicable law." Prior to SRIA, state, tribal, territorial, and local governments who applied for assistance to recover from damage caused by a disaster were required to have their recovery projects undergo different agencies' environmental and historic preservation reviews. Often the same data was required from various agencies to comply with the legal requirements.

The Unified Federal Review (UFR) process provides an opportunity to expedite environmental and historic preservation reviews that must be completed prior to the release of Federal assistance or permits so the disaster recovery project can proceed without delays.

The goal of the process is to formalize and standardize the unification of both environmental and historic preservation regulatory requirements so that agencies can take advantage of the same project approval mechanisms and resources to expedite the environmental and historic preservation reviews necessary for more timely decisions on disaster recovery projects. Following a Presidentially-declared disaster, the UFR process offers additional coordination opportunities for the Agency and other federal agencies. The Agency, as a party to the Memorandum of Understanding (MOU) establishing the UFR process, has committed to exercising flexibility in conducting environmental and historic preservation reviews and has agreed to an issue elevation provision that can be invoked in instances where agreement on a common approach reaches an impasse.

UFR webpage: <https://www.fema.gov/unified-federal-environmental-and-historic-preservation-review-presidentially-declared-disasters>

Unified Federal Environmental and Historic Preservation Review [Guide for Federal Disaster Recovery Assistance Applicants \(Applicant Guide\)](#)

UFR process: [Unified Federal Review \(UFR\) Process](#)

MOU: [interagency Memorandum of Understanding](#)

Multi-tier Action Environmental Compliance Agreement

Overview

In accordance with § 1970.55, CEs for Multi-tier Actions, primary recipients must agree in writing to certain conditions prior to obligation of financial assistance by the Agency to the primary recipient (see 1970.55(a)(1-4)).

Once this agreement has been signed by the primary recipient, the Agency may move forward with obligation of the initial aggregated funds to the approved eligible primary recipient (primary loan). At that point, the primary recipient may then re-loan the funds (secondary loan) to the individual borrowers (ultimate recipients).

Environmental Compliance Agreement Stipulations

As a multi-tier program primary recipient I hereby agree to comply with the following provisions:

(1) **Policy and Procedures** - Maintain a copy of the 7 CFR 1970 Environmental Policies and Procedures Rule and Staff Instruction (electronic or hard copy) and a copy of this agreement in a central location which can be accessed by staff at all times. Identify one individual for each ultimate recipient that serves as point of contact for all Environmental Compliance Agreement Reviews by the primary recipient. This individual will have had training in National Environmental Policy Act Compliance in order to accomplish the goals of this agreement;

(2) **Screening Proposals** - Conduct a screening of all re-loans to ultimate recipients to ensure that they qualify as activities which fall within the descriptions as stated in § 1970.53 or § 1970.54 as a categorical exclusion (Attachment 1). Determine if extraordinary circumstances (as described in § 1970.52) are present for all proposals;

(3) **Historic Properties and Listed Species/Critical Habitat** - If unable to receive concurrence from the State Historic Preservation Officer or the FWS/National Marine Fisheries Service under Section 106 of the National Historic Preservation Act or Section 7 of the Endangered Species Act, respectively, the primary recipient will contact the Agency for further assistance;

(4) **File Documentation** - Document and maintain all environmental review documentation and the primary recipient's conclusions regarding the applicability of a categorical exclusion in accordance with 7 CFR 1970 in its official environmental file for Agency verification. Provide additional information as needed to comply with the Agency's environmental compliance and audit processes;

(5) **Agency Review Required** - Refer all proposals that do not meet listed categorical exclusions in § 1970.53 or § 1970.54, and proposals that may have extraordinary circumstances (as described in § 1970.52), including Section 7 of the ESA and Section 106 of the NHPA compliance to the Agency for further review; and,

(6) **Terms of Agreement** - Failure to meet the requirements of this agreement may result in penalties that may include written warnings, withdrawal of Agency financial assistance or authorization, suspension from participation in Agency programs, or other appropriate action.

I (primary recipient) will comply with each of the above conditions on each proposal prior to issuance of funds to borrowers, and will document the recipient file with our findings. I will fully cooperate with and assist USDA Rural Development in the preparation of any necessary environmental reviews for borrower proposals.

Signature of Primary recipient

Date