

**§§ 1794.26–1794.29**

**7 CFR Ch. XVII (1–1–01 Edition)**

(c) *Telecommunications and water and waste programs.* No groups or sets of proposed actions normally require the preparation of an EIS. The environmental review process, as described in this part, shall be used to identify those proposed actions for which the preparation of an EIS is necessary. If an EIS is required, RUS shall proceed directly to its preparation. Prior completion of an EA is not mandatory.

preparing the ER for Electric and Telecommunication proposals is contained in RUS Bulletin 1794A–600. Guidance in preparing the ER for Water and Waste proposals is contained in RUS Bulletin 1794A–602. The applicant may be required to publish public notices and provide evidence of such if the proposed action is located in, impacts, or converts important land resources.

**§§ 1794.26–1794.29 [Reserved]**

**§ 1794.33 Agency action.**

**Subpart D—Procedure for Categorical Exclusions**

RUS may act on an application for financial assistance upon determining, based on the review of documents as set forth in §1794.32 and such additional information as RUS deems necessary, that the project is categorically excluded.

**§ 1794.30 General.**

The procedures of this subpart which apply to proposed actions classified as CEs in §§1794.21 and 1794.22 provide RUS with information necessary to determine if the proposed action meets the criteria for a CE. Where, because of extraordinary circumstances, a normally categorically excluded action may have a significant effect on the quality of the human environment, RUS may require additional environmental documentation.

**§§ 1794.34–1794.39 [Reserved]**

**Subpart E—Procedure for Environmental Assessments**

**§ 1794.31 Classification.**

**§ 1794.40 General.**

(a) *Electric and telecommunications programs.* RUS will normally determine the proper environmental classification of projects based on its evaluation of the project description set forth in the construction work plan or loan design which the applicant is required to submit with its application for financial assistance. Each project must be sufficiently described to ensure its proper classification. RUS may require the applicant to provide additional information on a project where appropriate.

This subpart applies to proposed actions described in §1794.23. Where appropriate to carry out the purposes of NEPA, RUS may impose, on a case-by-case basis, additional requirements associated with the preparation of an EA. If at any point in the preparation of an EA, RUS determines that the proposed action will have a significant effect on the quality of the human environment, the preparation of an EIS shall be required and the procedures in subpart G of this part shall be followed.

(b) *Water and waste program.* RUS will normally determine the proper environmental classification for projects based on its evaluation of the preliminary planning and design information.

**§ 1794.41 Document requirements.**

Applicants will provide an ER in accordance with the appropriate guidance documents referenced in §1794.7. After RUS has evaluated the ER and has determined the ER adequately addresses all applicable environmental issues, the ER will normally serve as RUS' EA. However, RUS reserves the right to prepare its own EA from the information provided in the ER. RUS will take responsibility for the scope and content of an EA.

**§ 1794.32 Environmental report.**

(a) For proposed actions listed in §1794.21(b) and (c), the applicant is normally not required to submit an ER.

**§ 1794.42 Notice of availability.**

(b) For proposed actions listed in §1794.22(a) and (b), the applicant shall normally submit an ER. Guidance in

Prior to RUS making a finding in accordance with §1794.43 and upon RUS authorization and guidance, the applicant shall have a notice published