

§ 10010.27 Cover sheet.

The cover sheet will indicate whether the EIS intended to serve any other environmental review or consultation requirements pursuant to 40 CFR 1502.25.

§ 10010.28 Summary.

The emphasis in the summary should be on those considerations, controversies, and issues which significantly affect the quality of the human environment.

§ 10010.29 Purpose and need.

The purpose and need section may introduce a number of factors, including economic and technical considerations and Commission statutory missions, which may be outside the scope of the EIS. Care should be taken to insure an objective presentation and not a justification.

§ 10010.30 Alternatives including the proposed action.

(a) As a general rule, the following guidance will apply:

(1) For internally initiated proposals; i.e., for those cases where the Commission conducts or controls the planning process, both the draft and final EIS shall identify the Commission's proposed action, or preferred alternative.

(2) For externally initiated proposals; i.e., for those cases where the Commission is reacting to an application or similar request, the draft and final EIS shall identify the applicant's proposed action and the Commission's preferred alternative unless another law prohibits such an expression.

(3) Proposed departures from this guidance must be approved by the Executive Director and the Office of the Solicitor.

(b) Mitigation measures to offset adverse effects of the proposed action or its alternatives are not necessarily independent of these actions and should be incorporated into and analyzed as a part of the proposal and appropriate alternatives. Where appropriate, major mitigation measures may be identified and analyzed as separate alternatives in and of themselves where the environmental consequences are distinct and significant enough to warrant separate evaluation.

§ 10010.31 Appendix.

If an EIS is intended to serve other environmental review or consultation requirements pursuant to 40 CFR 1502.25, any more detailed information needed to comply with these requirements may be included as an appendix.

§ 10010.32 Tiering.

An environmental document prepared by or for the Commission may incorporate by reference, either in part or in its entirety, an earlier environmental impact statement or environmental assessment when the subject matter of the earlier document is directly applicable. The Commission may also choose to prepare, or cause to have prepared, a broad environmental document to cover an entire program or, alternatively, a series of projects within a distinct geographic area, with the intent of later undertaking project-specific documentation and "tiering" to the more general statement or assessment.

§ 10010.33 Incorporation by reference of material into NEPA documents.

Citations of specific topics will include the pertinent page numbers. All literature references will be listed in the bibliography.

§ 10010.34 Incomplete or unavailable information.

The references to overall costs in 40 CFR 1502.22 of the CEQ regulations are not limited to market costs, but may also include other costs such as social costs due to delay.

§ 10010.35 Methodology and scientific accuracy.

Conclusions about environmental effects will be preceded by an analysis that supports that conclusion unless explicit reference by footnote is made to other supporting documentation that is readily available to the public.

§ 10010.36 Environmental review and consultation requirements.

(a) The Commission will maintain a list of applicable environmental review and consultation requirements pursuant to other federal or state laws and regulations and will make this available to interested parties.

§ 10010.37

(b) If the EIS is intended to serve as the vehicle to fully or partially comply with the requirements of other federal or state laws and regulations, the associated analyses, studies, or surveys will be identified as such and discussed in the text of the EIS and the cover sheet will so indicate. Any supporting analyses or reports to the NEPA documents will be incorporated by reference or included as an appendix and shall be sent to reviewing agencies as appropriate in accordance with applicable regulations or procedures.

§ 10010.37 Inviting comments.

(a) Comments from State agencies will be requested through procedures established by the Governor pursuant to Executive Order 12372, and may be requested from local agencies through these procedures to the extent that they include the affected local jurisdictions.

(b) When the proposed action may affect the environment of an Indian reservation, comments will be requested from the Indian tribe through the tribal governing body, unless the tribal governing body has designated an alternate review process.

§ 10010.38 Response to comments.

(a) Preparation of a final EIS need not be delayed in those cases where a Federal agency, from which comments are required to be obtained (40 CFR 1503.1(a)(1)), does not comment within the prescribed time period. Informal attempts will be made to determine the status of any such comments and every reasonable attempt should be made to include the comments and a response in the final EIS.

(b) When other commentors are late, their comments should be included in the final EIS to the extent practicable.

§ 10010.39 Elimination of duplication with state and local procedures.

The Commission will incorporate in its appropriate program regulations provisions for the preparation of an EIS by a State agency to the extent authorized in section 102(2)(D) of NEPA.

43 CFR Ch. III (10–1–03 Edition)

§ 10010.40 Combining documents.

Incorporating documentation requirements of other environmental regulations into an EIS is both acceptable and desirable. If the EIS is combined with another planning or decision making document, the section which analyzes the environmental consequences of the proposal and its alternatives will be clearly and separately identified and not interwoven into other portions of or spread throughout the document.

§ 10010.41 Commission responsibility.

A Commission sponsored environmental document may be prepared by the Commission, a joint-lead agency, a contractor selected or approved by the Commission, or, when appropriate, a cooperating agency. Regardless, the Commission has the responsibility to independently evaluate and draw appropriate conclusions. Following the Commission's preparation or independent evaluation of and assumption of responsibility for an environmental document, an applicant may print it provided the applicant is bearing the cost of the document pursuant to other laws.

§ 10010.42 Public involvement.

The Commission will adhere to CEQ requirements regarding the use of public notices, public meetings, public review of NEPA documents, and other techniques to ensure that the public has ample opportunity to provide input into the proceedings and to ensure that the Commission will give due consideration to this input.

§ 10010.43 Further guidance.

The Commission may provide further guidance concerning NEPA pursuant to its organizational responsibilities and through supplemental directives.

§ 10010.44 Proposals for legislation.

(a) When appropriate, the Commission shall identify in the annual submittal to the Office of Management and Budget of the Commission's proposed legislative program any requirements for and the status of any environmental documents.

(b) When required, the Commission shall ensure that a legislative EIS is