

## Agricultural Research Service, USDA

## § 520.7

or a special license or a permit from a regulatory agency.

(c) *Exceptions to categorical exclusions.* An environmental assessment shall be prepared for an activity which is normally within the purview of categorical exclusion if there are extraordinary circumstances which may cause such activity to have a significant environmental effect.

### § 520.6 Preparation of an Environmental Assessment (EA).

(a) *Actions requiring EA.* The following actions would normally require an EA:

(1) Programs, supported in the majority by ARS, which may assist in the transition of a particular technology from field evaluation stage to large-scale demonstration or simulated commercial phase;

(2) Field work having an impact on the local environment such as earth excavation, explosives, weather modifications, or other such techniques; and

(3) The testing outside the laboratory, such as small isolated field plots, of control agents which require containment precautions or either a special license or a permit from a regulatory agency.

(b) *Multiple agencies actions.* If more than one Federal agency participates in a program activity, the EA shall be prepared by the lead agency as provided in 40 CFR 1501.5.

(c) *Format and conclusion.* An EA can be in any format provided it covers in a logical and succinct fashion the information necessary for determining whether a proposed Federal action may have a significant environmental impact and thus warrant preparation of an EIS. The EA will contain the information required by 40 CFR 1508.9. This information will include brief discussions of the need for the project or other proposal, alternatives, environmental impacts of the proposed action and alternatives and a listing of agencies and persons consulted.

(d) *Decision notice.* Upon completion of an EA, the responsible official will

consider the information it contains, decide whether an EIS is required or that no significant environmental impact will occur, and will document the decision and the reasons for it. The decision and the EA shall be available to the public in a manner appropriate to the situation. If there is a finding of no significant impact, the EA may be combined with the decision notice.

### § 520.7 Preparation of an Environmental Impact Statement (EIS).

(a) *Actions requiring EIS.* An EIS will normally be prepared for:

(1) Proposals for legislation which are determined to be a major Federal action significantly affecting the quality of the human environment; or,

(2) Other major Federal actions significantly affecting the quality of the human environment. In the experience of ARS, an environmental impact statement shall normally be required in situations when a research project has advanced beyond the laboratory and small plot testing to full scale field testing over a very large area and involving the introduction of control agents.

(b) *Notice of intent.* If the responsible official recommends the preparation of an EIS, then the public shall be apprised of the decision. This notice shall be prepared according to 40 CFR 1508.22.

(c) *Draft and final EIS.* The process of preparing the draft and final EIS, as well as the format, shall be according to 40 CFR parts 1502-1506.

(d) *Decisionmaking and implementation.* The responsible official may make a decision no sooner than thirty days after the notice of availability of the final EIS has been published in the FEDERAL REGISTER by the Environmental Protection Agency (40 CFR 1506.10). The decision will be documented in a Record of Decision required by 40 CFR 1502.2, and monitoring and mitigation activities will be implemented as required by 40 CFR 1505.3.