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# USDA Departmental Policy for the National Environmental Policy Act

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7 CFR PART 1b

Title 7 Subtitle A PART 1b

## **PART 1b - NATIONAL ENVIRONMENTAL POLICY ACT**

- Sec. 1b.1 Purpose.  
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Authority: 5 U.S.C. 301; 42 U.S.C. 4321 et seq.; E.O. 11514, 3 CFR, 1966-1970 Comp., p. 902, as amended by E.O. 11991, 3 CFR, 1978 Comp., p. 123; E.O. 12114, 3 CFR, 1980 Comp., p. 356; 40 CFR 1507.3. Source: 48 FR 11403, Mar. 18, 1983, unless otherwise noted.

### **Sec. 1b.1 Purpose.**

- (a) This part supplements the regulations for implementation of the National Environmental Policy Act (NEPA), for which regulations were published by the Council on Environmental Quality (CEQ) in 40 CFR parts 1500 through 1508. This part incorporates and adopts those regulations.
- (b) This part sets forth Departmental policy concerning NEPA, establishes categorical exclusions of actions carried out by the Department and its agencies, and sets forth those USDA agencies which are excluded from the requirement to prepare procedures implementing NEPA.

(48 FR 11403, Mar. 18, 1983, as amended at 60 FR 66481, Dec. 22, 1995)

Effective Date Note: At 60 FR 66481, Dec. 22, 1995, Sec. 1b.1 was amended in paragraph (a), by removing the words 'This subpart' and adding the words 'This part' in their place, by removing the words 'Council of' and adding the words 'Council on' in their place, and by removing the words 'The subpart' and adding the words 'This part' in their place, and in paragraph (b), by removing the word 'subpart' and adding the word 'part' in its place, effective January 22, 1996.

### **Sec. 1b.2 Policy.**

- (a) USDA agencies carry out programs for the purpose of encouraging sufficient and efficient production of food, fiber, and forest products; proper management and conservation of the Nation's natural resources; and the protection of consumers through inspection services. Programs to meet this mission are carried out through research; education; technical and financial assistance to landowners and operators, producers, and consumers; and management of the National Forest System.

- (b) All policies and programs of the various USDA agencies shall be planned, developed, and implemented so as to achieve the goals and to follow the procedures declared by NEPA in order to assure responsible stewardship of the environment for present and future generations.
- (c) Each USDA agency is responsible for compliance with this part, the regulations of CEQ, and NEPA. Compliance will include the preparation and implementation of specific procedures and processes relating to the programs and activities of the individual agency, as necessary.
- (d) The Under Secretary, Natural Resources and Environment (NR&E), is responsible for ensuring that agency implementing procedures are consistent with CEQ's NEPA regulations and for coordinating NEPA compliance for the Department (7 CFR 2.19(b)). The Under Secretary, NR&E, through the Agricultural Council on Environmental Quality, will develop the necessary processes to be used by the Office of the Secretary in reviewing, implementing, and planning its NEPA activities, determinations, and policies.
- (e) In connection with the policies and requirements set forth in this part, all USDA agencies are responsible for compliance with Executive Order 12114, 'Environmental Effects Abroad of Major Federal Actions.' Compliance will include the preparation and implementation of specific procedures and processes relative to the programs and activities of the individual agencies, as necessary. Agencies shall consult with the Department of State; the Council on Environmental Quality; and the Under Secretary, NR&E, prior to placing procedures and processes in effect.

(48 FR 11403, Mar. 18, 1983, as amended at 60 FR 66481, Dec. 22, 1995)

Effective Date Note: At 60 FR 66481, Dec. 22, 1995, Sec. 1b.2 was amended as follows: 1) by removing paragraph (a); 2) in paragraph (c), by removing the words 'the provisions of this subpart' and adding the words 'this part' in their place and by removing the words 'the provisions of NEPA' and adding the word 'NEPA' in their place; 3) in paragraph (d), the first sentence, by removing the word 'Assistant' and adding the word 'Under' in its place and by removing the reference '(7 CFR 2.19(b))', and in paragraph (d), the second sentence, by removing the words 'Assistant Secretary, through the USDA Natural Resources and Environment Committee' and adding the words 'Under Secretary, NR&E, through the Agricultural Council on Environmental Quality' in their place; 4) in paragraph (e), the first sentence, by removing the word 'subpart' and adding the word 'part' in its place, and in paragraph (e), the third sentence, by removing the word 'Assistant' and adding the word 'Under' in its place; and 5) by redesignating paragraphs (b), (c), (d), and (e) as paragraphs (a), (b), (c), and (d), respectively, effective January 22, 1996.

### **Sec. 1b.3 Categorical exclusions.**

- (a) The following are categories of activities which have been determined not to have a significant individual or cumulative effect on the human environment and are excluded from the preparation of environmental assessment (EA's) or environmental impact statement (EIS's), unless individual agency procedures prescribed otherwise.
  - (1) Policy development, planning and implementation which relate to routine activities, such as personnel, organizational changes, or similar administrative functions;
  - (2) Activities which deal solely with the funding of programs, such as program budget proposals, disbursements, and transfer or reprogramming of funds;
  - (3) Inventories, research activities, and studies, such as resource inventories and routine data collection when such actions are clearly limited in context and intensity;

- (4) Educational and informational programs and activities;
  - (5) Civil and criminal law enforcement and investigative activities;
  - (6) Activities which are advisory and consultative to other agencies and public and private entities, such as legal counseling and representation;
  - (7) Activities related to trade representation and market development activities abroad.
- (b) Agencies will identify in their own procedures the activities which normally would not require an environmental assessment or environmental impact statement.
- (c) Notwithstanding the exclusions listed in paragraphs (a) of this section and Sec. 1b.4, or identified in agency procedures, agency heads may determine that circumstances dictate the need for preparation of an EA or EIS for a particular action. Agencies shall continue to scrutinize their activities to determine continued eligibility for categorical exclusion.

(48 FR 11403, Mar. 18, 1983, as amended at 60 FR 66481, Dec. 22, 1995)

Effective Date Note: At 60 FR 66481, Dec. 22, 1995, Sec. 1b.3 was amended in paragraph (c) by removing the words 'above and in' and adding the words 'in paragraphs (a) of this section and' in their place, effective January 22, 1996.

#### **Sec. 1b.4 Exclusion of agencies.**

- (a) The USDA agencies and agency units listed in paragraph (b) of this section conduct programs and activities that have been found to have no individual or cumulative effect on the human environment. The USDA agencies and agency units listed in paragraph (b) of this section are excluded from the requirements of preparing procedures to implement NEPA. Actions of USDA agencies and agency units listed in paragraph (b) of this section are categorically excluded from the preparation of an EA or EIS unless the agency head determines that an action may have a significant environmental effect.
- (b)
- (1) Agricultural Marketing Service
  - (2) Economic Research Service
  - (3) Extension Service
  - (4) Federal Crop Insurance Corporation
  - (5) Food and Consumer Service
  - (6) Food Safety and Inspection Service
  - (7) Foreign Agricultural Service
  - (8) Grain Inspection, Packers and Stockyards Administration
  - (9) National Agricultural Library
  - (10) National Agricultural Statistics Service
  - (11) Office of the General Counsel

(12) Office of the Inspector General

(60 FR 66481, Dec. 22, 1995)

Effective Date Note: At 60 FR 66481, Dec. 22, 1995, Sec. 1b.4 was revised, effective January 22, 1996. For the convenience of the reader, the superseded text is set forth below.

**Sec. 1b.4 Exclusion of agencies.**

(a) The USDA agencies listed below carry out programs and activities which have been found to have no individual or cumulative effect on the human environment. These agencies are excluded from the requirements to prepare implementing procedures. Actions of these agencies are categorically excluded from the preparation of an EA or EIS unless the agency head determines that an action may have a significant environmental effect.

- (1) Agricultural Cooperative Service,
- (2) Agricultural Marketing Service,
- (3) Extension Service,
- (4) Economic Research Service,
- (5) Federal Crop Insurance Corporation,
- (6) Federal Grain Inspection Service,
- (7) Food and Nutrition Service,
- (8) Food Safety and Inspection Service,
- (9) Foreign Agricultural Service,
- (10) Office of Transportation,
- (11) Packers and Stockyards Administration,
- (12) Statistical Reporting Service,
- (13) Office of General Counsel,
- (14) Office of Inspector General,
- (15) National Agricultural Library.