

## **Part 602 – Reviews and Approvals**

### **Subpart C – Public and Interagency Review**

#### **602.20 Inviting Comments**

A. Appropriate local, State, and Federal agencies that should be considered for inclusion in interagency reviews are the—

- (1) Governor or designated State agency.
- (2) State single point of contact for Federal assistance.
- (3) Environmental Protection Agency (EPA)—regional office.
- (4) Fish and Wildlife Service—regional office.
- (5) National Marine Fisheries Service (NMFS).
- (6) National Oceanographic and Atmospheric Administration (NOAA).
- (7) Army Corps of Engineers (COE)—district engineers' office (except watershed protection plans).
- (8) Farm Service Agency (FSA)—State office.
- (9) Forest Service—regional (or area) office.
- (10) State historic preservation officer.
- (11) Tribal historic preservation officer for federally recognized Tribal governments.
- (12) Other agencies, groups, and individuals as determined by the State Conservationist (STC).

B. If the plan includes an environmental impact statement (EIS), the STC is required by the National Environmental Policy Act (NEPA) to send copies of the draft Plan-EIS to the EPA and other agencies and groups as required in Title 390, National Watershed Program Manual (NWPM), Part 502, Subpart C, Section 502.20. The draft EIS must be transmitted to other agencies and made available to the public prior to or concurrently with its filing with EPA in accordance with 40 CFR Section 1506.9. EPA will publish the notice of availability in the Federal Register. Agencies and groups receiving the drafts should be listed in the “Consultation and Public Participation” section of the Plan-EIS. Sample letters for requesting comments are in Title 390, National Watershed Program Handbook (NWPH), Part 606, Subpart C, Sections 606.31, 606.32, 606.33, and 606.34.

C. If the plan includes an EIS, the request for comments of the U.S. Department of the Interior (USDI) should be sent to the following address:

Director, Office of Environmental Policy and Compliance  
U.S. Department of the Interior  
Mail Stop 2342, Main Interior  
1849 C Street, NW.  
Washington, DC 20240-0001

D. USDI has asked for the following number of copies of each draft EIS:

- (1) Twelve copies for projects in the Eastern United States, including Minnesota, Iowa, Missouri, Arkansas, and Louisiana
- (2) Twelve copies for projects in Hawaii, American Samoa, Guam, Puerto Rico, Virgin Islands, and the Trust Territories
- (3) Eighteen copies for projects in the Western United States

(4) Sixteen copies for projects in Alaska

E. Public participation is a key component of project planning activities long before a draft project plan is developed (see 390-NWPM, Part 501, Subpart C, Section 501.24). It is Federal policy to also provide for public comment on draft project plans before a final project plan is submitted for authorization.

F. At least one public informational meeting for watershed residents and other watershed stakeholders should be conducted for each draft project plan. Public notice of the informational meeting should be mailed directly to owners and occupants of adjacent and affected properties at least 15 days before the meeting. It should specify that those individuals and groups will be given the opportunity to prepare and submit written and oral comments concerning the project (see Title 400, General Manual, Part 400).

G. Notice should also be published in appropriate statewide or local newspapers, or both, on at least 3 different days beginning at least 15 days before the meeting. Announcements should briefly describe the proposed project and include the date, time, and location of the meeting and where copies of the plan may be obtained. They should also invite comments on the plan and specify any deadlines. Other publicity methods may also be used (for example, newspaper and magazine articles and inserts, radio and television stories, Web sites, newsletters, presentations to local organizations, and displays in public locations, such as malls and fairs). Copies of the plan should be made available at the meetings and other public events to satisfy a reasonable number of requests (40 CFR Section 1506.6).

H. A summary reflecting the substance of the public meeting and an attendance list should be kept with the reviewable record. All written statements received should also be made a part of the record of the meeting.

I. Before the meeting is adjourned, it should be determined if additional meetings are warranted. Written comments should be accepted for at least 14 days after the public meeting is held.

J. NEPA requires that at least 45 days be allowed for review (see 390-NWPM, Part 502, Subpart C, Section 502.21). For a Plan-EA, this begins when the STC distributes the draft. A sample “Transmittal Letter for Interagency Review of a Draft Supplemental Plan-EA” may be found in 390-NWPH, Part 606, Subpart C, Section 606.34. For a Plan-EIS, it begins on the date that EPA publishes the notice of availability of the draft in the Federal Register. A 15-day extension must be considered whenever such a request is submitted in writing, in accordance with 7 CFR Section 650.13.

K. It is important that all concerned people receive a notice. Information copies (so indicated) should be sent to the sponsoring local organization (SLO), director of Conservation Engineering Division (CED), State director of USDA-Rural Development, State director of Farm Service Agency, Fish and Wildlife Service regional office, and other participating agencies. If national forestlands are involved, two copies should be sent to the area (or regional) office of the FS and one copy to the forest supervisor of the concerned national forest.

## **602.21 NEPA Requirements**

Categorical exclusions apply only to compliance with NEPA. Compliance requirements associated with all other laws, regulations, Executive orders, and NRCS planning policy remain.

## **602.22 Consideration of Review Comments**

- A. The STC should discuss significant comments on the draft with the SLO and consider resolution of the issues raised. If comments are not received from the Departments of the Interior or Army, EPA, or the Governor by the end of the review period (or extension period if granted), the STC should attempt to obtain these comments. Efforts to obtain these comments should be documented. If the comments are still not forthcoming, the STC may proceed without delay.
- B. The STC and the SLO should jointly consider having a public meeting to discuss comments received on the draft plan. The final plan will be prepared after appropriate consideration is given to all comments.
- C. All substantive comments will be addressed. For a Plan-EIS, comments and responses are to be included in the final EIS and copies sent to the individuals and organizations who commented. For a Plan-EA, letters from the STC to those who commented may be used instead of itemized comments and responses in the final Plan-EA. In that case, the final Plan-EA should include a summary of the comments and responses.

## **602.23 Making the Decision**

### **A. In the Case of a Watershed Project Plan-EA**

An example of a finding of no significant impact (FONSI) may be found in this handbook at 390-NWPH, Part 606, Subpart C, Section 606.35, and an example Federal Register “Notice of Availability of a FONSI” is in 390-NWPH, Part 606, Subpart C, Section 606.36. The STC is to transmit three manually signed hardcopies (signed in blue ink) and a disk with an electronic copy (CD-RW in Microsoft Word format) to the Federal Register liaison in the Management Services Division. A sample “Transmittal Letter to Federal Register for Notice of Availability of a FONSI” may be found in 390-NWPH, Part 606, Subpart C, Section 606.37. The Management Services Division will submit the notice to the Federal Register.

### **B. In the Case of a Watershed Project Plan-EIS**

- (1) The STC will transmit six copies of the final Plan-EIS to USDI for projects located in the Eastern United States, including Minnesota, Iowa, Missouri, Arkansas, and Louisiana; six copies for projects in Hawaii, American Samoa, Guam, Puerto Rico, Virgin Islands, and the Trust Territories; and nine copies for projects in the Western United States and Alaska.
- (2) Sample “Transmittal Letters for Final Plan-EIS” are in this handbook in 390-NWPH, Part 606, Subpart C, Sections 606.38 and 606.39. The EIS must not be filed with EPA before it is distributed to commenting agencies in accordance with 40 CFR Section 1506.9.
- (3) After the 30-day administrative action period initiated by EPA’s publication of the notice of availability of the final Plan-EIS in the Federal Register, a record of decision (ROD)(see 390-NWPH, Part 606, Subpart C, Section 606.40) is prepared and signed by the STC and notice of its availability sent to the Federal Register (see 390-NWPH, Part 606, Subpart C, Section 606.41). Copies of the notice and the ROD should be sent to the director of CED. The notice of availability must clearly indicate what the decision is, such as, “Notification that a Record of Decision to proceed with the installation of the David Creek Watershed Project is available.” The STC should

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send a copy of the ROD to all individuals and organizations that provided comments on the draft Plan-EIS.