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# federal register

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MONDAY, MARCH 29, 1976



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# proposed rules

This section of the FEDERAL REGISTER contains notices to the public of the proposed issuance of rules and regulations. The purpose of these notices is to give interested persons an opportunity to participate in the rule making prior to the adoption of the final rules.

**DEPARTMENT OF STATE**  
**Agency for International Development**  
**[ 22 CFR Part 216 ]**  
**[Regulation No. 16]**  
**ENVIRONMENTAL PROCEDURES**  
**Proposed Addition**

Notice is hereby given that the Agency for International Development (A.I.D.) proposes to amend 22 CFR by adding a new Part 216 entitled "Environmental Procedures" in accordance with the requirements of the National Environmental Policy Act of 1969 (NEPA). These procedures are intended to supercede A.I.D. procedures issued on October 20, 1972 (FEDERAL REGISTER, Vol. 37, No. 204, pp. 22687-22688).

Final procedures will be adopted and published 30 days after the close of a comment period of 60 days subsequent to the date of publication of this Notice. The final version will take into account all written comments received during the comment period. It will be supplemented by such internal instructions as experience may indicate to be necessary.

All parties who desire to offer comments on the proposed environmental procedures should communicate their views in writing on or before May 28, 1976 to Mr. Henry A. Arnold, Director, Office of Science and Technology, Room 2841, New State, Agency for International Development, Department of State, Washington, D.C. 20523.

It is, therefore, proposed to amend 22 CFR by adding a new Part 216 in the manner set forth below.

Dated: March 24, 1976.

DANIEL PARKER,  
 Administrator.

## ENVIRONMENTAL PROCEDURES

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A. Purpose. In accordance with the National Environmental Policy Act of 1969 (NEPA) and relevant AID policies, the following general procedures are established. These procedures have been developed to insure that environmental factors and values are integrated into the decision-making process and to assign responsibility within the Agency for assessing the environmental effects of AID's actions.

B. Environmental Policy. In the conduct of its mandate to help upgrade the quality of life of the poor in developing countries, AID conducts a broad range of activities addressing such basic problems as hunger and malnutrition, overpopulation, disease, disaster, illiteracy and lack of adequate housing and transportation. As authorized by the Foreign Assistance Act (FAA) of 1961 as amended, AID finances or directly furnishes both bilateral and multilateral development assistance through loan and grant programs of technical advisory services, research, training, construction and commodity support. These programs are carried out under the foreign policy guidance of the Secretary of State and in the context of the realities of the sovereignty of developing countries, their differing priorities and the limited data (including environmental) available.

Within this framework, it is AID policy:

To ensure that the environmental consequences of proposed AID-financed activities are identified and considered by AID and the host country<sup>1</sup> prior to a final decision to proceed, and that appropriate environmental safeguards are adopted;

To assist in strengthening the indigenous capabilities of developing countries to appreciate and evaluate the

<sup>1</sup> In every instance in these procedures the terms "host country" or "host government" or "recipient country" are meant to refer to the recipient of AID assistance wherever located.

potential environmental effects of proposed development strategies and projects, and to select, implement and manage effective environmental protection measures, and;

To identify impacts resulting from its actions upon the environment including those elements of the world biosphere which are the common natural and cultural heritage of mankind.

C. Definitions. 1. *CEQ Guideline or Guidelines*. Guidelines promulgated by the President's Council on Environmental Quality (CEQ) under NEPA and Executive Order 11514, entitled "Preparation of Environmental Impact Statements" (FR, Volume 38, Number 147, August 1, 1973), and amendments thereto.

2. *Environmental Analysis*. As used, herein, an environmental analysis is an initial study of the reasonably foreseeable effects of a proposed action on the human environment. Its function is to provide the basis for a Threshold Decision as to whether an Environmental Assessment or an Environmental Impact Statement will be required. If an Environmental Assessment or an Environmental Impact Statement is required, the analysis will also provide the basis for its preparation. The environmental analysis should identify and describe where appropriate: (a) the nature, scope and magnitude of any reasonably foreseeable effects of an action or any part of an action on the human environment; (b) the reasonably foreseeable effects of any such environmental impact on organisms in the biosphere including human life; and, where an Environmental Assessment or an Environmental Impact Statement is required, (c) reasonable alternatives to the proposed action which will be studied in detail in the Environmental Assessment or draft Environmental Impact Statement. The environmental analysis will be an integral part of the Project Review Paper or equivalent document which will be circulated to selected Federal agencies for comment, when an Environmental Assessment is to be prepared.

3. *Threshold Decision*. A formal agency decision which determines, based on an environmental analysis and in accordance with Section V of these procedures, whether a proposed agency action is or is not a major Federal action which will have a significant effect on the human environment, and, if so, whether an Environmental Assessment or an Environmental Impact Statement is required.

4. *Environmental Assessment (EA)*. The Environmental Assessment is a detailed study of the reasonably foreseeable environmental effects, both positive and negative, of a proposed action and its reasonable alternatives carried out

within or affecting specific developing countries as further described in Section VI of these procedures. It is AID policy that an Environmental Assessment have generally the same scope and substantive coverage as an Environmental Impact Statement, that it be prepared with the direct participation of recipient country institutions wherever practicable and that it be subject to recipient country review.

5. *Environmental Impact Statement (EIS)*. The EIS is a detailed study of the reasonably foreseeable environmental impacts, both positive and negative, of a proposed AID action and its reasonable alternatives on areas described in Section VII of these procedures.

It is a specific document having a definite format and content, as required by NEPA and as recommended by CEQ Guidelines, which is circulated in draft form in order to obtain the comment or review by other Federal, State, and local domestic agencies and the U.S. general public. The final Environmental Impact Statement takes into consideration the comments received on the draft. The required form and content of an Environmental Impact Statement is further defined in Sections VI and VII of these procedures.

6. *Negative Determination*. A Negative Determination is a formal written document based on a Threshold Decision that a proposed action is not a major Federal action which will have a significant effect on the human environment and is, therefore, an action for which an Environmental Impact Statement or an Environmental Assessment will not be required.

7. *Negative Declaration*. A Negative Declaration is an official written Agency decision made by an Assistant Administrator which states that the Agency will not develop an Environmental Impact Statement or an Environmental Assessment for an action which the Agency has identified as being normally covered by these procedures. The decision may be based on (a) overriding considerations such as the provision of disaster relief (b) the fact that a substantial number of Environmental Assessments or Environmental Impact Statements relating to similar activities have been prepared in the past, or (c) the fact that the Agency has previously decided to prepare a programmatic Statement or Assessment covering the activity in question.

8. *Project Identification Document (PID)*. An internal AID document which initially identifies and describes a proposed project. It is a short paper presenting enough information on the project to demonstrate its relevance to Agency priorities and its practical potential.

9. *Program Assistance Initial Proposal (PAIP)*. An internal AID document used to initiate and identify proposed non-project commodity import programs. It is analogous to the Project Identification Document.

10. *Project Review Paper (PRP)*. An internal AID document presented during the analytical stage of a project in conjunction with formulation of the Agen-

cy's Congressional Presentation. The PRP identifies major project issues and assures that necessary steps can be agreed upon to examine if the project is feasible and to determine the possible implementation plan for the project.

11. *Program Assistance Review Document (PARD)*. An internal AID document used for a more detailed review of an approved Program Assistance Initial Proposal under a non-project commodity import program. It is analogous to the Project Review Paper and contains a section which identifies categories of commodities and provides the justification for the proposed AID financing.

12. *Project Paper (PP)*. An internal AID document which provides a definitive description and appraisal of the project and particularly, the plan of implementation. Project Papers form the basis for a final decision on whether or not to offer AID funding for a project.

13. *Program Assistance Approval Document (PAAD)*. An internal AID document approving non-project commodity import program assistance. It is analogous to the Project Paper.

#### II. APPLICABILITY OF PROCEDURES

These procedures apply to all new programs or activities, including those that may arise in connection with on-going projects, for project assistance, selected research and selected commodity procurement. Not every AID activity, however, will be a major Federal action significantly affecting the human environment (see Section V of these procedures) for purposes of these procedures. For example, the following general classes of activities will not normally require the filing of an Environmental Impact Statement or the preparation of an Environmental Assessment:

- a) education or training programs not designed to result in activities directly affecting the environment;
- b) controlled experimentation exclusively for the purpose of research which is confined to small areas and carefully monitored;
- c) analyses, studies, academic or investigative research, workshops and meetings;
- d) projects where AID is a minor donor to a multidonor project and there are no potential effects upon the environment of the U.S. or areas outside any nation's jurisdiction;
- e) document and information transfers;
- f) contributions to international, regional or national organizations by the U.S. which are not for the purpose of carrying out a specifically identifiable project or projects;
- g) disaster and emergency relief activities;
- h) U.S. institution building grants, as provided for under Section 211(d) of the Foreign Assistance Act.

#### III. GENERAL PROCEDURES

A. An environmental analysis will be prepared by the originator of a project concurrently with the Project Review Paper or Program Assistance Review Docu-

ment or earlier. When Project Review Papers or Program Assistance Review Documents are not utilized, the environmental analysis will be prepared concurrently with the preparation of the Project Identification Document or Project Assistance Initial Proposal or at the earliest appropriate time.

B. Based on the environmental analysis, a Threshold Decision will be specifically recommended in the Project Review Paper, Program Assistance Review Document or Project Identification Document and acted upon at the Bureau or Office level concurrently with approval of the Project Review Paper, Program Assistance Review Document or Project Identification Document. If the Threshold Decision is negative (i.e. and Environmental Assessment or an Environmental Impact Statement is not required), the cognizant Bureau or Office will record this decision and such record will constitute a Negative Determination.

When a Threshold Decision based on an environmental analysis indicates that an Environmental Assessment is required, the approved Project Review Paper or equivalent document containing the environmental analysis will be circulated to selected U.S. Federal agencies with relevant expertise, utilizing the list provided in the CEQ Guidelines. Such agencies will be invited to make written comments within thirty days on the analysis and on matters that should be considered in preparation of the Environmental Assessment. Comments received on environmental aspects from reviewing Federal agencies will be forwarded to the originating project office for consideration in the formulation of the design and implementation of the project and the required Environmental Assessment, and will form part of the project file when the project comes forward in the Project Paper stage for final approval.

C. If the Project Review Paper, Program Assistance Review Document or Project Identification Document is approved and the Threshold Decision positive, the originator of the project will prepare, prior to or concurrently with the Project Paper or Program Assistance Approval Document, an Environmental Assessment or draft Environmental Impact Statement as required. Environmental Assessments and Environmental Impact Statements will be based on a more specific and detailed analysis. Draft Environmental Impact Statements will be circulated for review and comment as part of the review of Project Papers and as outlined further in Section VII of these procedures. Final approval of the Project Paper or Program Assistance Approval Document and the method of implementation will include consideration of the Environmental Assessment or final Environmental Impact Statement as well as other required (non-environmental) analyses.

If loans or grants for broad sector activities (e.g. river basin development, etc.) are proposed, a general or program

Environmental Assessment or Environmental Impact Statement consistent with the scope of the proposed loan or grant will be prepared in conjunction with the Project Paper and agreement will be reached with the recipient government that a detailed EA (or EIS in rare cases) will be prepared and considered on each individual project as it is developed and prior to its approval.

D. Processing and Review Within AID. Environmental analyses, Environmental Assessments and final Environmental Impact Statements will be processed within AID in accordance with the normal AID procedures for other documents. These procedures call for participation in the project review process of technical, legal and country specialists. Environmental Assessments and final Environmental Impact Statements will be reviewed as an integral part of the Project Paper or equivalent. In addition to these normal procedures, Environmental Assessments will be reviewed by the appointed Bureau environmental officer and, periodically, by the Environmental Coordinator who will monitor the Environmental Assessment process. Draft and final Environmental Impact Statements will be reviewed by the Environmental Coordinator and the Office of the General Counsel.

E. Monitoring. To the extent feasible and relevant, projects and programs should be designed to include measurement of the change in environmental quality, positive or negative, during their implementation. This will require recording of baseline data at the start. To the extent that available data permits, originating offices of AID will formulate systems in collaboration with the recipient nation(s), to monitor such impacts during the life of AID's involvement in the activity.

F. Revisions. If, after a Threshold Decision is made resulting in a Negative Determination, a project is revised or new information becomes available which indicates that a proposed action might be "major" and its effects "significant", the Negative Determination will be reviewed and revised by the cognizant Bureau and an Environmental Assessment or Environmental Impact Statement will be prepared, if appropriate.

Environmental Assessments and Environmental Impact Statements will be amended and processed appropriately if there are major changes in the project or program, or when significant new information becomes available.

When ongoing programs are revised to incorporate a change in scope or nature, a determination will be made as to whether such change may have an environmental impact not previously assessed. If so, the procedures outlined above will be followed.

#### IV. RESPONSIBILITIES

A. As a general principle, responsibilities for environmental decisions and actions will be similar to normal AID organizational responsibilities so that an environmental awareness will permeate the entire organization and environ-

mental considerations will be weighed with others in an integrated manner at each level of responsibility. Thus each AID official empowered to authorize funds will be responsible to the Administrator for implementing these procedures and obtaining and managing the required resources.

B. In view of the need for an internal and external focal point for environmental matters, the position of AID Environmental Coordinator has been established in the Office of Science and Technology, Technical Assistance Bureau (TA/OST). This person will serve as the principal environmental affairs coordinator for the entire Agency and will provide policy guidance and professional leadership within AID and will serve as chairman of the AID Committee on Environment and Development. The Environmental Coordinator will also be the principal point of contact on environmental affairs with the Council on Environmental Quality, the Department of State, all other Federal agencies and the public.

C. The head of each Bureau, Mission and major Office will designate a competent officer to act as coordinator, advisor and principal point of contact for environmental matters within his organizational unit. Those officers located in AID/Washington will also be members of the AID Committee for Environment and Development.

D. The Committee on Environment and Development will provide advice on major issues, policies or procedures having agency-wide implications.

E. Central technical offices will provide support and advice to AID Bureaus, Offices, and Missions as requested in their respective areas of expertise. The following Offices are expected to be involved most frequently:

1. Office of Engineering (SER/ENG)
2. Office of Agriculture (TA/AGR)
3. Office of Science and Technology (TA/OST)
4. Office of Commodity Management (SER/COM)
5. Office of Health (TA/H)
6. Office of Urban Development (TA/UD)
7. Office of Nutrition (TA/N)

F. When required by responsible offices, qualified outside contractors may be employed to assist in preparing environmental analyses, Environmental Assessments or Environmental Impact Statements.

#### V. IDENTIFICATION OF MAJOR FEDERAL ACTIONS SIGNIFICANTLY AFFECTING THE HUMAN ENVIRONMENT

Section 1500.6 of the CEQ Guidelines requires agencies to identify "major Federal actions significantly affecting the quality of the human environment". While it is impossible to list categorically all such actions, in making a judgment in a particular case, types of actions to be carefully considered include those:

- (a) where the impact is localized, but the human environment will be significantly affected;
- (b) where the impact is likely to be irreversible or highly controversial;

(c) which involve a complex of projects, with individually limited but cumulatively considerable effects;

(d) which involve a limited amount of money, but which set a precedent for future actions; or represent a decision in principle about future courses of action;

(e) which are taken in concert with other donors.

"Significant effects" to be considered include those which adversely affect such aspects of the human environment as air, water, land, flora and fauna, and socio-economic conditions. Special attention should be given to problems involving solid waste, noise, radiation, hazardous substances, energy sources and natural resources development, and in addition, actions which:

(a) degrade the quality of the human environment;

(b) curtail the range of beneficial uses of the human environment and its resources and serve short-term, to the disadvantage of long-term, environmental goals;

(c) may have both detrimental and beneficial effects even if on balance the Agency believes that the effect will be beneficial;

(d) have secondary effects which may be more substantial than the primary effects of the original action.

#### VI. ENVIRONMENTAL ASSESSMENTS (EA)

A. General Purpose. The purpose of the Environmental Assessment is to provide Agency and host country decision makers with a comprehensive understanding of the reasonably foreseeable environmental effects of proposed actions and their reasonable alternatives so that the expected benefits of development objectives can be weighed against any adverse short or long-term impacts upon the human environment or an irreversible or irretrievable commitment of resources. The Environmental Assessment will be considered by AID prior to final approval of any activity as outlined in Section III of these procedures.

B. Collaboration with Recipient Nation on Preparation. Collaboration in obtaining data, conducting analyses and considering alternatives will help build an awareness of development-associated environmental problems in less developed countries as well as assist in building an indigenous institutional capability to deal nationally with such problems.

Missions, Bureaus and Offices will collaborate with recipient countries to the maximum extent possible, in the development of any Environmental Assessments required and obtain agreement of the recipient country to participate in the preparation of any required assessment and to consider environmental consequences as set forth therein. In some cases, centrally funded Project Papers are prepared and approved prior to country selection. In such cases, prior agreements, collaboration and specific details of any required Assessments must be deferred until a later date.

In many recipient countries, neither baseline data for complete Environmen-

tal Assessments or monitoring may be available, nor local personnel with the knowledge required to participate substantively in the Assessments. In these cases, Missions should encourage and be responsive to host-country requests for training or technical assistance.

When AID unilaterally considers that there is a reasonable risk of significant adverse effects on the environment from an activity proposed to it for support, and where efforts to encourage the incorporation of appropriate safeguards are unsuccessful, AID reserves the prerogative of declining to participate in the activity.

**C. Content and Form.** The scope and depth of information and data gathered for Environmental Assessments should be similar to that for economic, technical and other analyses required by AID and must be relevant to the specific environmental issues involved.

1. Environmental Assessments should include or make reference within the same document to a description of the proposed action, a statement of its purposes, and a description of the environment affected, including information, summary technical data and maps and diagrams where relevant, adequate to permit an assessment of potential environmental impact. Highly technical and specialized analyses and data should be avoided in the body of the draft, but, if required, should be attached as appendices or footnoted with adequate bibliographic references and, if difficult to obtain, a notation of where they are available. In addition to a description of the proposed action and the environment affected, the Environmental Assessment should identify and describe further related activities which are intended to be undertaken in the same general area and of substantially the same nature which are promoted and financed by AID or another U.S. Government Agency, or where AID assistance is conditioned upon the recipient country's undertaking further related activities in the same general area and of substantially the same nature. The interrelationships and cumulative environmental impacts of the proposed action and other related activities, as described above, must be presented in the Environmental Assessment.

The amount of detail provided in such descriptions should be commensurate with the extent and expected impact of the action, and with the amount of information required at the particular level of decision-making (planning, feasibility, design, etc.). In order to ensure accurate descriptions of a proposed action and its alternatives, site visits should be made as appropriate. Population and growth characteristics of the affected area and any population and growth assumptions used to justify the project or program to determine secondary population and growth impacts resulting from the proposed action and its alternatives

should be identified. It is essential that the sources of data used to identify, quantify or evaluate any and all environmental consequences be expressly noted.

2. The relationship of the proposed action to plans for land and resources use, policies and controls for the affected area and sectorial or national development plans should be examined. Since AID programs and projects are undertaken only at the request of and in collaboration with the recipient country, there should be no conflict with the objective and specific terms of LDC approved or proposed land use plans, policies and controls, if any, for the area affected.

3. The reasonably foreseeable impact of the proposed action and its reasonable alternatives on the human environment must be assessed.

(a) Identification and quantification of such impacts requires an assessment of the positive and negative effects of the proposed action as it affects the environment of the recipient country or neighboring countries as appropriate. The attention given to different environmental factors will vary according to the nature, scale, and location of the proposed action. Among factors to consider should be the reasonably foreseeable effect of the action on such aspects of the environment as those listed in Section V of these procedures. Primary attention should be given in the Environmental Assessment to discussing those factors most evidently impacted by the proposed action.

(b) Secondary or indirect, as well as primary or direct, consequences for the environment should be included in the Assessment. Many major Agency actions, in particular those that involve the construction or funding of infrastructure investments (e.g., irrigation projects, rural water supply systems, rural access roads, water resource development projects, etc.) could stimulate or induce secondary effects in the form of associated investments, introduction of disease vectors, and changed patterns of social and economic activities. Such secondary effects, through their impacts on human health and existing community facilities and activities, through inducing new facilities and activities, or through changes in natural conditions, may often be even more substantial than the primary effects of the original action itself. For example, the effects of the proposed action on population movement and growth may be among the more significant secondary effects. Such population and growth impacts should be estimated if expected to be significant and an assessment made of the effect of any possible change in population patterns or growth upon the resource base, including land use, water, and public services of the area in question.

4. Reasonable alternatives to the proposed action including, where relevant, those not within the existing authority of AID should be investigated.

The sponsoring Office or Bureau should study, develop and describe appropriate alternatives to the recommended course

of action in any proposal which involves unresolved conflicts concerning alternative uses of available resources. A rigorous exploration and objective evaluation of reasonably foreseeable environmental impacts of all reasonable alternative actions, particularly those that might enhance environmental quality or avoid some or all of the adverse environmental effects, is essential. Sufficient analysis of such alternatives and their environmental benefits, costs and risks should accompany the proposed action through the review process in order not to foreclose prematurely options which might enhance environmental quality or have less detrimental effects. Examples of such alternatives include: the alternative of taking no action or of postponing action pending further study; alternatives requiring actions of a significantly different nature which would provide similar benefits with different environmental impacts (e.g., nonstructural alternatives to flood control programs); alternatives related to different designs or details of the proposed action which would present different environmental impacts (e.g., cooling ponds versus cooling towers for a power plant); alternatives that will significantly conserve energy; alternative measures to provide for compensation of fish and wildlife losses including the acquisition of land, waters, and interests therein. In each case, the analysis should be sufficiently detailed to reveal the comparative evaluation of the environmental benefits, costs and risks of the proposed action and each reasonable alternative.

5. Any reasonably foreseeable adverse environmental effects which cannot be avoided (such as water or air pollution, undesirable land use patterns, damage to life systems, urban congestion, threats to health or other adverse consequences) should be identified and quantified. This should be a brief section summarizing in one place those effects discussed in this section that are adverse and unavoidable under the proposed action. Included for purposes of contrast should be a clear statement of how other avoidable adverse effects discussed in this section will be mitigated.

6. Except for provision of some direct disaster relief and short-term balance of payments or budgetary assistance, AID's activities are normally to provide long-term benefits. However, the relationship between local short-term uses of man's environment and the maintenance and enhancement of long-term productivity should be explored. This section should contain a brief discussion of the extent to which the proposed action involves tradeoffs between short-term environmental gains at the expense of long-term losses, or vice versa, and a discussion of the extent to which the proposed action forecloses future options. In this context, short-term and long-term do not refer to any fixed time periods, but should be viewed in terms of the environmentally significant consequences of the proposed action.

7. Any irreversible and irretrievable commitments of natural or cultural re-

\* This section is substantially taken from CEQ Guidelines Section 1500.8.

sources that would be involved in the proposed action should it be implemented should be identified and quantified. This requires the sponsoring Office or Bureau to identify, from surveys of unavoidable impacts such as those listed in paragraph five of this section, the extent to which the action irreversibly curtails the range of potential uses of the environment.

8. An indication of what other interests and considerations of U.S., AID, or LDC policy are thought to offset the adverse environmental effects of the proposed action. The Environmental Assessment should also indicate the extent to which these stated countervailing benefits could be realized by following reasonable alternatives to the proposed action that would avoid some or all of the adverse environmental effects. Where cost-benefit analyses of a proposed action are prepared they should be attached and should clearly indicate the extent to which environmental costs have not been reflected in such analyses.

9. In developing the above points, every effort should be made to convey the required information succinctly, in a form easily understood, giving attention to the substance of the information conveyed rather than to the particular form, length or detail of the Assessment. Each of the above points, for example, need not always occupy a distinct section if it is otherwise adequately covered in discussing the impact of the proposed action and its alternatives—items which should normally be the focus of the statement.

10. Environmental Assessments should indicate at appropriate points in the text any underlying studies, reports, and other information obtained and considered in their preparation, including any cost-benefit analyses prepared. In the case of documents not likely to be easily accessible (such as internal studies or reports), the Environmental Assessment should indicate how such information may be obtained.

11. To the extent required to obtain a reasoned analysis, each Environmental Assessment should be prepared utilizing a systematic interdisciplinary approach which will ensure the integrated use of the natural and social sciences and the environmental design arts in planning and decision-making which may have an impact on man's environment. If required disciplines are not available within AID, appropriate use of relevant U.S. Government and local LDC agencies or the professional services of universities and outside consultants should be made. The interdisciplinary approach should not be limited to the preparation of the Environmental Assessment, but should also be used in the early planning and design stages of the proposed action and in its evaluation. Early application of such an approach should help assure a systematic evaluation of reasonable alternative courses of action and their potential social, economic, and environmental consequences as well as mitigating detrimental effects of the chosen project or activity.

12. Broad program Assessments may be required in order to assess the environmental effects of a number of individual actions and their cumulative environmental impact in a given country or geographic area, or the environmental impacts that are generic or common to a class of agency actions, or other activities which are not country-specific. In these cases, a single, programmatic Assessment will be prepared in AID/Washington and circulated to appropriate overseas Missions, host governments, and to interested parties within the United States.

Based upon consultation with the Committee on Environment and Development, the Environmental Coordinator shall recommend to the Administrator the subjects and appropriate preparing Offices for such Agency-wide programmatic Assessments. Decisions on the need for programmatic Environmental Assessments on actions relating to a specific country or region will be made by the cognizant Bureau or Office head in consultation with the Environmental Coordinator.

To the extent practicable, the form and content of the programmatic Environmental Assessment will be the same as for project Assessments. Subsequent Environmental Assessment on major individual actions will be necessary where such follow-on or subsequent activities may have significant environmental impacts on specific countries where such impacts have not been adequately evaluated in the programmatic Environmental Assessment.

13. In a situation where an analysis indicates that potential effects may extend beyond the national boundaries of a recipient country and adjacent foreign nations may be affected, AID will urge the recipient country to consult with its neighbor(s) in advance of project approval and to negotiate mutually acceptable accommodations.

14. Environmental Assessments will not normally include material classified or administratively controlled. However, there may be situations where environmental aspects cannot be adequately discussed without the inclusion of such material. The handling and disclosure of classified or administratively controlled material shall be governed by 22 CFR, Part 9. Those portions of an Environmental Assessment which are not classified or administratively controlled will be made available to persons outside the Agency as provided for in 22 CFR, Part 212.

D. Consultation and Review. When Environmental Assessments are prepared on activities carried out within or focused on specific LDCs, copies of the Assessment will be furnished to the host government and consultations will be held between the AID staff and the host government on the results and significance of the completed Assessment before the project is authorized. Missions will encourage the host government to make the Environmental Assessment available to the general public of the recipient country.

If Environmental Assessments are prepared on activities which are not country-specific, the Assessment will be circulated by the Environmental Coordinator to AID's overseas Missions and interested LDC governments for information, guidance and comment, and will be made available in the U.S. to interested parties.

#### VII. ENVIRONMENTAL IMPACT STATEMENTS (EIS)

Environmental Impact Statements (EISs) will be prepared and circulated in accordance with section 102(2)(c) of NEP, as amplified by the CEQ Guidelines, when major agency actions significantly affect:

- (1) the global environment or areas outside the jurisdiction of any nation (e.g., the oceans);
- (2) the environment of the United States; or
- (3) areas of unique natural or cultural heritage value, or other aspects of the human environment, at the discretion of the AID Administrator.

The content and form of the draft and final Environmental Impact Statement will generally follow Section 1500.8 of the Guidelines, but will take into account the special considerations and concerns of AID, such as those set forth in Section VI-C of these procedures.

Circulation of an Environmental Impact Statement in draft form will not precede approval of a Project Review Paper or equivalent but comments from such circulation will be considered before final project authorization as outlined in Section III of these procedures. The draft Environmental Impact Statement will also be circulated via the Missions to affected LDC governments for information and comment.

Draft Environmental Impact Statements will be made available for comment to U.S. agencies having jurisdiction by law and relevant substantive expertise including, but not limited to, the Department of State, Council on Environmental Quality (CEQ) and the Environmental Protection Agency (EPA), and to public and private organizations and individuals for not less than forty-five (45) days (see Section 1500.9(b), (c), (d), and (f) of CEQ Guidelines for details); and notice of the draft Environmental Impact Statement's availability will be published in the FEDERAL REGISTER. Cognizant Bureaus and Offices will submit these drafts for circulation via the AID Environmental Coordinator who will have the responsibility for coordinating all such communications with persons outside AID.

Any comments received by the Environmental Coordinator will be forwarded to the originating Bureau or Office for consideration in final policy decisions and the preparation of a final Environmental Impact Statement. All such comments will be attached to the final Statement, and those responsible comments not adequately discussed in the draft Statement will be appropriately

dealt with in the final Statement. Copies of the final Environmental Impact Statement, with comments attached, will be sent by the Environmental Coordinator to CEQ and to all other Federal, state and local agencies and private organizations that made substantive comments on the draft, including affected LDC governments. Where emergency circumstances or considerations of foreign policy make it necessary to take an action without observing the provisions of Section 1500.11 of the CEQ Guidelines,<sup>8</sup> or when there are overriding considerations of expense to the U.S. or foreign governments, the originating Office will advise the Environmental Coordinator who will consult with the Department of State and CEQ concerning appropriate modification of review procedures.

VIII. PUBLIC HEARINGS

In most instances AID will be able to gain the benefit of public participation in the impact statement process through circulation of draft statements and notice of public availability in CEQ publications. However, in some cases the Administrator may wish to hold public hearings on draft Environmental Impact Statements. In deciding whether or not a public hearing is appropriate, Bureaus in conjunction with the Environmental Coordinator should consider:

- (1) the magnitude of the proposal in terms of economic costs, the geographic area involved, and the uniqueness or size of commitment of the resources involved;
- (2) the degree of interest in the proposal as evidenced by requests from the public and from Federal, state and local authorities, and private organizations and individuals, that a hearing be held;
- (3) the complexity of the issue and likelihood that information will be presented at the hearing which will be of assistance to the Agency; and
- (4) the extent to which public involvement already has been achieved through other means, such as earlier public hearings, meetings with citizen representatives, and/or written comments on the proposed action.

If public hearings are held, draft Environmental Impact Statements to be discussed should be made available to the public at least fifteen (15) days prior to the time of the public hearings, and a notice will be placed in the Federal Register giving the subject, time and place of the proposed hearings.

IX. RECORDS AND REPORTS

Each Agency Bureau will maintain a list of activities for which Environmental Assessments and Environmental Impact Statements are being prepared and for which Negative Determinations and Declarations have been made and will revise the list quarterly and provide copies to the Environmental Coordinator for transmittal to CEQ.

<sup>8</sup> Section 1500.11 of CEQ Guidelines outlines requirements for transmittal of statements to CEQ, minimum periods for review, etc.

Final Project Papers containing the Environmental Assessment will be forwarded to CEQ as soon as they are available. Copies will also be available to interested Federal agencies upon request.

The cognizant Bureau will maintain a permanent file (which may be part of its normal project files) of Statements, Assessments, Determinations and Declarations which will be available to the public under the Freedom of Information Act except for actions covered by Section VI-D (14) of these procedures.

[FR Doc.76-8843 Filed 3-26-76; 8:45 am]

DEPARTMENT OF TRANSPORTATION

Coast Guard

[ 33 CFR Part 110 ]

[CGD 76-40]

ANCHORAGE REGULATIONS  
Boston Harbor, Massachusetts

The Coast Guard, at the request of the New England Regional Director, Federal Aviation Administration, is considering amending the Anchorage Regulations for Boston Harbor, Massachusetts.

This amendment to the Boston Harbor anchorage regulation is proposed to ensure that vessels anchored in the anchorages are not exposed to hazards from aircraft approaching and departing Logan International Airport. Federal Aviation Administration obstruction evaluations for Logan International Airport have disclosed that some vessels at anchor in specified areas of the Bird Island and President Roads anchorage grounds may, depending on the heights of their masts, be considered to present potential hazardous obstructions to the safe operation of aircraft using runways 15R, 22R, 27 and 33L. This amendment would preclude the use of portions of the two anchorage grounds by vessels with unusually high masts to avoid the possibility of a vessel/aircraft collision.

Interested persons are invited to participate in this proposed rulemaking by submitting written data, views, or arguments to the Commander, First Coast Guard District, 150 Causeway Street, Boston, Mass. 02114. Each person submitting comments should include his name and address, identify the notice (CGD76-40), and give reasons for any recommendations. Comments received will be available for examination by interested persons at the Office of the Commander, First Coast Guard District.

A public hearing on this proposal will be held by the Commander, First Coast Guard District on April 29, 1976, at 1:00 pm EDST in Room 2003-A, 20th floor, John F. Kennedy Federal Building, Government Center, Boston, Mass. 02203. All interested persons are invited to be present or to be represented at this public hearing. All persons will be given an opportunity to express their views on the proposal and to suggest any changes that may be considered desirable. Persons interested in submitting comments

at the public hearing are requested, but not required, to submit their comments in writing to the Commander, First Coast Guard District one week before the date of the hearing.

The Commander, First Coast Guard District, will forward all comments received before May 14, 1976, with his recommendations to the Chief, Office of Marine Environment and Systems, U.S. Coast Guard Headquarters, who will evaluate all comments received and take final action on this proposal. The proposed regulations may be changed in light of comments received.

In consideration of the foregoing it is proposed to amend § 110.134(b) of Title 33 of the Code of Federal Regulations, by adding new subparagraphs (b) (4) and (5) to read as follows:

§ 110.134 Boston Harbor, Mass.

(b) *The regulations*

(4) No vessel, any part of which is ninety (90) feet (27.4 meters) or greater in height above the water's surface, may anchor in the easternmost corner of Bird Island Anchorage described: A triangular area with apex bearing 100°, 2785 yards from the aerial beacon on top of the Boston Customs House Tower; 102°, 3100 yards from the aerial beacon on top of the Boston Customs House Tower; and 109°, 3050 yards from the aerial beacon on top of the Boston Customs House Tower, and marked by an orange and white special warning buoy at each of these points.

(5) No vessel, any part of which is one hundred forty five (145) feet (44.2 meters) or greater in height above the water's surface, may anchor in the northwestern corner of the President Roads Anchorage described: A triangular area with apex bearing 261°, 2290 yards from Deer Island Light; 278°, 2438 yards from Deer Island Light; and 292°, 1475 yards from Deer Island Light, and marked by a orange and white special warning buoy at each of these points.

(Sec. 7, Stat. 1053, as amended, sec. 6(g) (1), 80 Stat. 940; 33 U.S.C. 471, 49 U.S.C. 1655(g) (1); 49 CFR 1.46(c) (1)).

Dated: March 22, 1976.

D. J. RILEY,  
Captain, U.S. Coast Guard,  
Acting Chief, Office of Marine Environment and Systems.

[FR Doc.76-8801 Filed 3-26-76; 8:45 am]

Federal Aviation Administration

[ 14 CFR Part 71 ]

[Airspace Docket No. 76-SW-13]

ALTERATION OF TRANSITION AREA

Del Rio, Texas

The Federal Aviation Administration is considering amending Part 71 of the Federal Aviation Regulations to alter the Del Rio, Tex., transition area.

Interested persons may submit such written data, views or arguments as they