that their input will be given consider-
ation by the Responsible Official in se-
lecting a course of action.

(b) In incorporating consensus-based
management in the NEPA process, bu-
reaus should consider any consensus-
based alternative(s) put forth by those
participating persons, organizations or
communities who may be interested in
or affected by the proposed action.
While there is no guarantee that any
particular consensus-based alternative
will be considered to be a reasonable
alternative or be identified as the bu-
reau’s preferred alternative, bureaus
must be able to show that the reason-
able consensus-based alternative, if
any, is reflected in the evaluation of
the proposed action and discussed in
the final decision. To be selected for
implementation, a consensus-based al-
ternative must be fully consistent with
NEPA, the CEQ regulations, and all
applicable statutory and regulatory pro-
visions, as well as Departmental and
bureau written policies and guidance.

(c) The Responsible Official must,
whenever practicable, use a consensus-
based management approach to the
NEPA process.

(d) If the Responsible Official deter-
nines that the consensus-based alter-
native, if any, is not the preferred al-
ternative, he or she must state the rea-
sons for this determination in the envi-
nronmental document.

(e) When practicing consensus-based
management in the NEPA process, bu-
reaus must comply with all applicable
laws, including any applicable provi-
sions of the Federal Advisory Com-
mittee Act (FACA).

§ 46.115 Consideration of past actions
in the analysis of cumulative ef-
fects.

When considering the effects of past
actions as part of a cumulative effects
analysis, the Responsible Official must
analyze the effects in accordance with
40 CFR 1508.7 and in accordance with
relevant guidance issued by the Coun-
cil on Environmental Quality, such as
“The Council on Environmental Qual-
ity Guidance Memorandum on Consid-
eration of Past Actions in Cumulative
Effects Analysis” dated June 24, 2005,
or any superseding Council on Environ-
mental Quality guidance.

§ 46.120 Using existing environmental
analyses prepared pursuant to
NEPA and the Council on Environ-
mental Quality regulations.

(a) When available, the Responsible
Official should use existing NEPA anal-
yses for assessing the impacts of a pro-
posed action and any alternatives. Pro-
cedures for adoption or incorporation
by reference of such analyses must be
followed where applicable.

(b) If existing NEPA analyses include
data and assumptions appropriate for
the analysis at hand, the Responsible
Official should use these existing
NEPA analyses and/or their underlying
data and assumptions where feasible.

(c) An existing environmental anal-
ysis prepared pursuant to NEPA and
the Council on Environmental Quality
regulations may be used in its entirety
if the Responsible Official determines,
with appropriate supporting docu-
mentation, that it adequately assesses
the environmental effects of the pro-
posed action and reasonable alter-
natives. The supporting record must
include an evaluation of whether new
circumstances, new information or
changes in the action or its impacts
not previously analyzed may result in
significantly different environmental
effects.

(d) Responsible Officials should make
the best use of existing NEPA docu-
ments by supplementing, tiering to, In-
corporating by reference, or adopting
previous NEPA environmental analyses
to avoid redundancy and unnecessary
paperwork.

§ 46.125 Incomplete or unavailable in-
formation.

In circumstances where the provi-
sions of 40 CFR 1502.22 apply, bureaus
must consider all costs to obtain infor-
mation. These costs include monetary
costs as well as other non-monetized
costs when appropriate, such as social
costs, delays, opportunity costs, and
non-fulfillment or non-timely fulfill-
ment of statutory mandates.

§ 46.130 Mitigation measures in anal-
yses.

(a) Bureau proposed action. The anal-
ysis of the proposed action and any al-
ternatives must include an analysis of
the effects of the proposed action or alternative as well as analysis of the effects of any appropriate mitigation measures or best management practices that are considered. The mitigation measures can be analyzed either as elements of alternatives or in a separate discussion of mitigation.

(b) Applicant proposals (i.e., bureau decision-making on such proposals is the proposed action). An applicant’s proposal presented to the bureau for analysis must include any ameliorative design elements (including stipulations, conditions, or best management practices), required to make the proposal conform to applicable legal requirements, as well as any voluntary ameliorative design element(s). The effects of any mitigation measures other than the ameliorative design elements included in the applicant’s proposal must also be analyzed. The analysis of these mitigation measures can be structured as a matter of consideration of alternatives to approving the applicant’s proposal or as separate mitigation measures to be imposed on any alternative selected for implementation.

§ 46.135 Incorporation of referenced documents into NEPA analysis.

(a) The Responsible Official must determine that the analysis and assumptions used in the referenced document are appropriate for the analysis at hand.

(b) Citations of specific information or analysis from other source documents should include the pertinent page numbers or other relevant identifying information.

(c) Publications incorporated into NEPA analysis by reference must be readily available for review and, when not readily available, they must be made available for review as part of the record supporting the proposed action.

§ 46.140 Using tiered documents.

A NEPA document that tiers to another broader NEPA document in accordance with 40 CFR 1508.28 must include a finding that the conditions and environmental effects described in the broader NEPA document are still valid or address any exceptions.

(a) Where the impacts of the narrower action are identified and analyzed in the broader NEPA document, no further analysis is necessary, and the previously prepared document can be used for purposes of the pending action.

(b) To the extent that any relevant analysis in the broader NEPA document is not sufficiently comprehensive or adequate to support further decisions, the tiered NEPA document must explain this and provide any necessary analysis.

(c) An environmental assessment prepared in support of an individual proposed action can be tiered to a programmatic or other broader-scope environmental impact statement. An environmental assessment may be prepared, and a finding of no significant impact reached, for a proposed action with significant effects, whether direct, indirect, or cumulative, if the environmental assessment is tiered to a broader environmental impact statement which fully analyzed those significant effects. Tiering to the programmatic or broader-scope environmental impact statement would allow the preparation of an environmental assessment and a finding of no significant impact for the individual proposed action, so long as any previously unanalyzed effects are not significant. A finding of no significant impact other than those already disclosed and analyzed in the environmental impact statement to which the environmental assessment is tiered may also be called a “finding of no new significant impact.”

§ 46.145 Using adaptive management.

Bureaus should use adaptive management, as appropriate, particularly in circumstances where long-term impacts may be uncertain and future monitoring will be needed to make adjustments in subsequent implementation decisions. The NEPA analysis conducted in the context of an adaptive management approach should identify the range of management options that may be taken in response to the results of monitoring and should analyze the effects of such options. The environmental effects of any adaptive management strategy must be evaluated in this or subsequent NEPA analysis.